



## **CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

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

# **AGENDA**

## **CITY OF THE DALLES PLANNING COMMISSION**

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

CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

**THURSDAY, May 16, 2019**  
**6:00 P.M.**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF AGENDA**

**IV. APPROVAL OF MINUTES – March 21, 2019**

**VI. PUBLIC COMMENT**

**VII. DISCUSSION**

- A. Proposed FY 2019/20 Departmental Budget
- B. Downtown Visioning Exercise Status Update

**VIII. STUDY SESSION**

Proposed Amendments to The Dalles Municipal Code, Title 10 Land Use and Development, relating to housing

Scot Siegel, Siegel Planning Consultants, will present the code amendments as drafted and lead a discussion with the Planning Commission and public on suggested changes or alterations.

**XI. STAFF COMMENTS**

Next regularly scheduled meeting: June 6, 2019

**XII. COMMISSIONER COMMENTS OR QUESTIONS**

**XIII. ADJOURNMENT**

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## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125  
PLANNING DEPARTMENT

# MINUTES CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS  
313 COURT SREET  
THE DALLES, OREGON 97058  
CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

**THURSDAY, MARCH 21, 2019  
6:00 P.M.**

## CALL TO ORDER

Chair Lavier called the meeting to order at 6:00 p.m.

## ROLL CALL

Commissioners Present: Brent Bybee, Sherry DuFault, Bruce Lavier, Mark Poppoff, Steve Ross and Jeff Stiles

Commissioners Absent: John Nelson

Staff Present: Planning Director Steve Harris, City Attorney Gene Parker and Associate Planner Riley Marcus

Public in Attendance: Eleven

## APPROVAL OF AGENDA

Commissioner DuFault moved to approve the agenda as written; Commissioner Ross seconded the motion. The motion carried by a vote of 7/0; Bybee, DuFault, Lavier, Nelson, Poppoff, Ross and Stiles in favor, none opposed.

## APPROVAL OF MINUTES

Commissioner DuFault moved to approve the minutes of January 3, 2019, as written; Commissioner Ross seconded the motion. The motion carried by a vote of 7/0; Bybee, DuFault, Lavier, Nelson, Poppoff, Ross and Stiles in favor, none opposed.

## PUBLIC COMMENT

None.

## QUASI-JUDICIAL PUBLIC HEARING

Site Plan Review (SPR) 458-19 by Gurpreet Singh

This request is to gain approval to convert an existing medical office building to a 24-hour convenience market.

Chair Lavier read the rules of a public hearing. He then asked if any Commission member had ex parte contact, conflict of interest, or bias which would prevent their unbiased decision. Hearing none, Chair Lavier opened the public hearing at 6:10 p.m.

Associate Planner Riley Marcus presented the staff report.

In response to Commissioner inquiries Marcus replied that she did not know when the structure was originally permitted. Commission consensus estimated the structure was built prior to 1970. Chair Lavier stated the medical facility on the south side was originally a grocery store. Marcus stated landscaping requirements are referenced in the staff report; some requirements include a buffer area.

Chair Lavier invited comments from proponents.

*Gurpreet (Joson) Singh, 1015 Walnut Street, The Dalles*

Mr. Singh stated the property across the street had been a grocery store. He had opened a 24-hour store on the west side and stated many people had specifically requested a store on the east side of town.

Mr. Singh stated there had been no concerns with traffic or garbage at the west side location.

In response to Commission questions Singh replied:

- A 24-hour store would provide convenience; many essentials are sold in the nighttime.
- Fresh produce and frozen meat will be provided.
- Approximately 10 to 11 parking spaces are provided at the west side location. Spaces are full at peak times, between 4:00 and 8:00 p.m.
- There have been no major disruptions at the west side location. A car was left running and was taken, there had been some theft.
- The same basic layout will be used at the east side location, possibly additional shelving.
- Lighting and cameras will be installed to ensure neighborhood safety.
- The east side location is central to the neighborhood; more people will walk to the store.
- It will be possible to back out without entering 12<sup>th</sup> Street; the entrance will be widened.

*Ted Lovell, 2522 Old Dufur Road, The Dalles*

Mr. Lovell submitted an email conveying his approval of the market, Exhibit 1. Lovell said, "It is far more earth friendly to go a few blocks than several miles."

*Brian Lauterbach, 122 E. Second Street, The Dalles*

Mr. Lauterbach submitted an email in support of the application, Exhibit 2. Lauterbach said it would bring more security to the neighborhood and he would like to support Singh's model of business.

Chair Lavier invited comments from opponents.

*Lori and Kameron Sam, 1612 E. 11<sup>th</sup> Street, The Dalles*

Mr. and Mrs. Sam were opposed to the convenience market. Mrs. Sam stated the store would be "literally in her back yard." Her concerns included:

- Their family does not use this type of store
- The east side store cannot compare with the west side location; neighbors on the east side are too close
- There is a loitering problem in the area
- The neighboring church and medical facilities are shut down early

- People cut through their yard and hop the fence; they have raised and locked the gate
- This market will impact their privacy
- Additional lighting will impact their yard
- This location is between two schools; the market will create a safety hazard
- We are a Blue Zone community; passing children will purchase unhealthy products
- Unable to raise their fence high enough due to City Code

In response to Commission questions, Mr. and Mrs. Sam stated their yard is used as a shortcut due to stairs visible from West 11<sup>th</sup> Street. The stairs provide basement access to the proposed market. In the interest of neighborhood safety, they suggested patrols for loitering, cameras, lights, and restricting customers from the sides and rear of market.

*Mark Sunberg, 1531 W. 12<sup>th</sup> Street, The Dalles*

Mr. Sunberg's concerns included:

- Reduced property values
- Parking and traffic are already congested
- Located between two schools, they have litter left in their yard; additional traffic would increase the litter problem
- Multiple vacant locations downtown would provide a viable location for a convenience store

*Lisa Chambers, 1620 E. 11<sup>th</sup> Street, The Dalles*

Mrs. Chambers' concerns included:

- Property values; the market would not increase property values
- Existing markets are open late
- Lighting is biggest concern
- Loitering
- Limited hours are preferred, but nighttime deliveries would increase noise
- Increased crime
- More traffic and accidents, the parking lot is small

Mrs. Chambers would like the access to the back blocked. Poppy's Market is currently for sale, perhaps the applicant could consider an existing market. Mrs. Chambers is opposed to the market.

*Mark Smith, 1530 E. 12<sup>th</sup> Street, The Dalles*

Mr. Smith's concerns included:

- Parking; multiple cars already park in front of his house
- Very small parking lot at this location
- The store on Kelly Avenue is just a few blocks down; Dinty's Market is down Brewery Grade
- Litter is a large problem; the garbage can he tied to a pole did not discourage litter
- Mr. Smith works rotating shifts; increased noise is a problem
- Decreased property value
- Downtown businesses are vacant
- Lighting
- Increased security would not be necessary if the market was not there

*Clyde Boddington, 1311 View Court, The Dalles*

Mr. Boddington asked if the existing zoning would change to Commercial if the market was approved, and if they would be allowed to sell marijuana. Associate Planner Marcus stated that was not an allowed use in that zone, and the zoning could not be changed.

*Lisa Chambers, 1620 E. 11<sup>th</sup> Street, The Dalles*

Mrs. Chambers stated someone on Old Dufur Road submitted a letter of support. She asked how much his letter weighed in, since he was located on Old Dufur Road. Chambers asked how he would know of the application. City Attorney Parker replied the notice was published in the newspaper.

Chair Lavier invited rebuttal from the applicant.

*Joson Singh, 1015 Walnut Street, The Dalles*

Mr. Singh responded to public comments with the following:

- Lighting will be in front of market only; State Building Codes regulates lighting
- Traffic is already there, market will not increase noise inside homes
- Windows on back of building will be closed off
- Stairs can be secured
- Purpose of market is to provide convenience to the neighborhood
- Willing to work with neighbors

In response to Commission inquiries, Marcus stated deliveries would be restricted to one part of the day. Harris stated light fixtures would be shielded to prevent overflow. Singh said deliveries could be made by smaller trucks, not semi-trucks.

Chair Lavier closed the public hearing at 7:12 p.m.

Commission discussion included:

- Hours of operation; reduced hours were suggested due to close proximity of residences
- Other possible uses in the RH/NC zone; the intent is to allow for a wide range of uses
- Possible remedy for community if traffic became egregious

It was moved by Poppoff and seconded by Ross to approve SPR 458-19 as presented with the additional condition the market operates only 7:00 a.m. through 9:00 p.m. The motion passed 5/1; Bybee, Lavier, Poppoff, Ross and Stiles in favor, DuFault opposed, Nelson absent.

Commissioner Bybee moved to amend the motion; there was no second. The motion died.

Commissioner DuFault asked what options were available to the applicant to extend the hours of operation. Associate Planner Marcus replied the applicant could request a modification which would then come before the Planning Commission, or the applicant could appeal the existing decision.

## **LEGISLATIVE PUBLIC HEARING**

Comprehensive Plan Amendment (CPA) 44-19 and Zoning Ordinance Amendment (ZOA) 98-19 by Wylesha Wilcox

This request is to gain approval to change zoning of one parcel from “CG” – General Commercial to “RM” – Medium Density Residential, and Comprehensive Plan Land Use designation of “Commercial” to “Medium Density Residential.”

Gene Parker, City Attorney, clarified that because this was a legislative action the Chair would not need to ask members of the Commission if they had any ex parte contact, conflict of interest, or bias which would prevent their unbiased decision. The public hearing opened at 7:36 p.m.

Associate Planner Marcus presented the staff report.

Chair Lavier asked for clarification on one of the maps included within the packet, asking, "Would the subject property just be becoming "green"?, referencing the RM – Medium Density Residential zoning, compared to remaining "pink" or the CG – General Commercial Zone. Ms. Marcus stated this was correct. Chair Lavier responded, "Well, it sounds like this request is really not that big of a deal."

The presentation was continued and then concluded.

Chair Lavier asked if anyone had comments or questions.

A member of the audience responded to this by asking, "*What if I am against the proposal?*" to which Commissioner Lavier invited her to stand and give testimony.

Pat Combs, 733 Lee Street, The Dalles (adjacent to the subject property)

Ms. Combs stated that she has lived at her residence since 1976 and that she was attending the meeting to speak on behalf of her other neighbor Mr. Hestor, who lives at 729 Lee Street. He was unable to attend the meeting. She stated that he is, "Absolutely against having this house that was originally the same as all of the other houses in this housing development that was built in 1952. My house is located at 733 Lee Street and is 680 square feet in size and that includes the built-on garage so all of the houses that are there on this dead-end street, on Lee Street, were all built within 1952, at the same time, for all of the dam workers. As she [Associate Planner Marcus] said, all of the parking there is as full as it can get. It's a dead-end street, every house there, except for hers has two cars, one car in the driveway, and another car out front. We were told by the workmen that this house is going to be turned into a tri-plex, with an office in the back where the pool had been located for commercial use. That would mean that that 600 and odd-some square foot original house is going to have to have two more kitchens and two more bathrooms. The bathroom in my house, and her house, and her house [referencing the two other audience members in attendance], all are big enough to walk into and turn around and walk back out of. I really question where they will be able to park, how they will get that many people into that small of a space, and it just does not seem possible to me for that to be turned into a multi-housing development. And for our street to maintain the way it is now; it is a nice quiet dead end street. It has one rental house that is directly across from my house, and the one next door. But the one that is right across the street from me has been a drug house for the past ten years. The owner just doesn't care. And the owner doesn't live here, she just doesn't care. The other thing is we don't have, I am a widow, and I live on a death pension- we don't have curbs and sidewalks there. The City at one time wanted to put curbs and sidewalks in there and it was so expensive that at that point several of us would have lost our homes having to pay for them. And if there has to be new sidewalks and entryways put in for these houses, those of us on this side of Lee Street [North] that would cost more than our houses are worth, because they are not very much. These are some of my concerns and I have lived there longer than most are still surviving at this point. These other two ladies [audience members] also have houses there."

One of the other audience members in attendance asked the Planning Commission if they had any questions for them. To which Commissioner DuFault asked, "Is your only concern that someone is going to make you put in a sidewalk?"

Ms. Combs and two audience members responded with, "No."

Commissioner Jeff Stiles stated no, that it sounds like they also have concerns in regards to parking.

*Mary Jo Taylor, 740 Lee Street, The Dalles*

She stated her concerns were, "A few years ago, kinda not by choice, we were voted into the City Limits, requiring that we pay City taxes. So if we pay City taxes, what means that the City won't come in and want to put in sidewalks and so forth; will our taxes go up too? I mean, I am on a fixed income, and I am also a widow, and so it's really a struggle to be there. I do have a big lot, and we do have the big lots behind us, but I don't have to worry about the people behind me because I am connected to Chenoweth Road. But my main concern is the traffic and right now I notice the policemen have patrolled that quite a bit more and have marked cars that are parked out front that have not moved for a while. And so where are they going to put their parking, if she is going to have a business within it and a residence?"

Commissioner DuFault interrupted to say that a business is not included within the request. Associate Planner Marcus clarified that the request at this time was for a zone change only, but that the applicant had not discussed using the dwelling for any type of business.

Ms. Taylor asked, "Would you as a Planning Commission be the ones to evaluate any off-street parking? There is not much room in the front, but there is in the back".

Ms. Marcus responded that parking would be addressed at the time of a Building Permit, but that two parking spaces would be required for each dwelling unit proposed.

Commissioner DuFault asked if the road in the back was another driveway or a street. It was clarified that this was a street.

Commissioner Bybee asked, "So basically right now we are just changing the General Commercial zone to the Medium Density Residential zone? So with the General Commercial designation right now, I imagine that if that were to go away, less commercial uses would be allowed on that property?"

Ms. Marcus stated that was correct.

Ms. Taylor stated, "I do have a question, my understanding on those commercial lots, my commercial lot, is that if there was a fire and my home burns down, that my home cannot be rebuilt again because it is commercial? Because I have been there 26 years, almost 27?"

Ms. Marcus stated that she would look further into this answer. A new house in the CG – General Commercial zoning would have to comply with the new standards, which would require commercial on the ground floor. [This was not addressed at the meeting but there is language in the code that does allow existing non-conforming development to be rebuilt as-is].

Commissioner Bybee stated, *"It looks like this General Commercial area is dedicated for residential development"*.

An audience member stood and approached the map displayed on the screen from the PowerPoint. <Inaudible, multiple speakers.>

Commissioner Stiles stated that this area is probably located within the General Commercial zone because of its proximity to Sixth Street and Interstate 84.

Commissioner Poppoff stated that Lee Street does not connect through to Sixth Street.

An audience member approached the PowerPoint and pointed to the map to provide the history of all the lots in the area of the subject taxlot, showing the locations of the existing gas station, manufactured home parks, and the Home Depot location. She spoke on the existing single



family dwelling on the subject property and discussed the history of the in-ground swimming pool at this location. <Inaudible, multiple speakers.>

Director Harris stated:

“Mr. Chair, if I may, I appreciate the comments from the neighbors, as part of this discussion I wanted to start addressing the larger picture, after this initial zone change approval. We have done research in this particular area. It is an area that we feel deserves further study of the existing commercial zoning as we have a mostly residential area. And yes, your homes are all considered non-conforming uses. And not just because of the tiny, tiny bathrooms. It's an area that we think that quite frankly needs to be zoned residential. And we also are looking at a larger planning study for this area and this is one thing we really try to discourage by trying to changed one zoning lot at a time. We'd like to take a look at what these impacts might be for the entire neighborhood and we do have Commercial zoning for areas such as Home Depot and along the West 6<sup>th</sup> Street frontage. I don't really know why this little pocket was zoned commercial to begin with, maybe to try to develop commercial uses for this area. That is difficult to do when you have small lot sizes. You really need to take a look at the individual lots and patterns in the area. So again, with this request, we are looking at the rezoning of the subject property, we do not consider it to be spot zoning as there is existing residential zoning right next to it, to the west. But in this particular case that if this property were to be rezoned RM, based on the density requirements, they technically could put three units on that property, and since it does have frontage on both sides we consider it a double frontage lot, so we think that those parking impacts and traffic impacts could be mitigated. What's before us as the Planning Commission this evening is a recommendation to the City Council so there will be a separate public hearing for the City Council in a month or so, with final action. But we'd like to be able to get a recommendation from the Commission to recommend rezoning this subject property, with a little side recommendation that we would direct City Council to direct Staff to examine this area in more detail, perhaps resulting in making this entire area residential in the future.

The three audience members stated they were okay with this idea, but one of them stated that they were still against having this home be converted into a duplex, triplex, or quadplex. The audience member stated, “Everyone who lives on this street at this time is either a senior citizen, disabled and/or has PTSD. That being said, you get that kind of movement in and out, that kind of fluctuation, and what about rentals and what they bring in. The security we have, I mean we are all in a close-knit family per-se. I mean I just came out of Stage 4 Cancer two years ago and my close-knit little family took care of my yard, iced off my walkway, my dogs, I didn't have to ask, it just was done. And you don't get that when you have an influx of people and rental units.”

Kristi Peterson, an adjacent landowner at 723 Lee Street, interjected and stated that she lives at the end of the street, and opening this street up, “Scares her to death.”

Director Harris stated, “The Police Department does have a NEAT officer, and not just because he has a really neat haircut or anything, but it stands for Neighborhood Enforcement Action Team and he is a community services officer. He is someone we deal with a lot when we have complaints within neighborhoods, cars that are parked illegally, and things like that.”

One of the three audience members interrupted and stated that there were about four cars that have been parking within the road/public right-of-way in this area and that they were still there a year later. She just had contacted Code Enforcement Officer Nikki Lesich to come out and tag the vehicles.

Commissioner Stiles stated that as far as the zone request went, that as a double frontage lot, that the applicants could use Irvine and park off that side of the lot, potentially not increasing the

traffic on Lee Street. Mr. Stiles stated that he owned the largest property management company in town therefore he knew, "How frequent it is for renters to come and go, but that it isn't as frequent as most people think. The turnover is actually going to be very small."

An audience member asked if the renters were to be, "Senior citizens, or is it going to be someone with young children who ride their bikes up and down the street?" She talked about the adjacent trailer park and how they are all retired senior citizens, and she believed that any renters within this house should have to follow suit.

Commissioner Stiles stated that you can't discriminate. He also stated that their property values could potentially go up with the proposed development. Tax discussion ensued.

Chair Lavier stated that it seemed like a shame to just change the zoning of the one lot. Commissioner DuFault asked how long this process could this take to look at changing the zoning of the entire area.

Director Harris stated that we had this request before the Commission now, to change the Comprehensive Map Designation and the zoning of the subject property to be addressed first.

Chair Lavier stated that we could deny that.

Commissioner DuFault asked, "Based on what, based on that we don't feel like it?"

Chair Lavier responded, "Based on that we need a study for this entire area as a whole."

Director Harris mentioned that this was a smaller area of a much larger site that needs a study, one which we are proposing next year.

Chair Lavier stated, "Well, the study might give it a totally different zoning than what we are temporarily suggesting just for this one property?"

An audience member interrupted to state that the zoning has never been changed within this location since she has lived there since 1976 and that "a bowling alley was added into this area at one time." Discussion regarding the bowling alley followed amongst the audience attendees.

Director Harris stated that the study is a proposed work item that needs to go to City Council as part of the Budget for the fiscal year that starts July 1.

An audience member spoke on how one of the houses on the street burned down and it was because the fire department was not able to locate Lee Street.

At which point Commissioner DuFault stated she appreciates all of the concerns, but at this time the Zone Change criteria was no longer being addressed, and that the request is to, "Actually reduce the level of use and intrusion that could happen on your property from commercial to residential. It sounds like we would require parking for one unit on the other side of the street, which would not impact you. This reduces the chances of someone coming along and proposing some kind of commercial development at this property, which would have more impacts than that of any residential uses."

Chair Lavier asked what the subject property owner could do in terms of building a new residence.

Ms. Marcus stated that if the zoning changes to RM – Medium Density Residential zoning, that the following residential uses are allowed: single family dwellings, multi-family dwellings, and manufactured dwelling parks, which would include townhomes, duplexes, etc. Right now commercial uses are not listed an allowed use for the residential zone.

An audience member stated that they were, "Told something different than what she [Riley Marcus] just read." Chair Lavier stated that what the audience was telling us was not what the

request was for, to which one of the audience members responded that they did not know that until they got to the public meeting.

Chair Lavier closed the public hearing at 8:14 p.m.

Commissioner DuFault moved to accept application CPA 44-19 and ZOA 98-19 by Wylesha Wilcox. Commissioner Bybee seconded the motion. The motion passed 5/0; Bybee, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed, Nelson absent.

## **RESOLUTION**

Resolution 579-19: Approval of SPR 458-19

Commissioner Poppoff moved to approve Resolution 579-19 with the findings of fact and conditions of approval. Commissioner Ross seconded the motion. The motion passed 4/1; Bybee, Poppoff, Stiles, and Ross in favor, DuFault opposed, Nelson absent.

Resolution 580-19: Recommendation for City Council approval of CPA 44-19 and ZOA 98-19

Commissioner DuFault moved to approve Resolution 580-19 with the included Findings of Fact. Commissioner Stiles seconded this motion. The motion passed 5/0; Bybee, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed, Nelson absent.

## **STAFF COMMENTS**

Director Harris stated the status of the First Street Streetscape project was presented at the Tuesday [March 19, 2019] Urban Renewal meeting and would be presented at the City Council meeting [March 25, 2019]. Director Harris gave a brief history of the project. In 2017, ODOT contacted the City regarding future plans for the project. Last year, staff began working with ODOT and project engineer KPFF to modify the contract with ODOT. Modification allowed for an extension of the project timeframe and added additional tasks to the KPFF contract. Currently, construction cost figures have been updated. As part of the ODOT amendment, project boundaries would be extended easterly from Laughlin to Madison on First Street, and possibly link with NWPRD Mill Creek Trail on the west side.

The Urban Renewal Board forwarded the project to City Council with two recommendations: 1) do not extend boundaries on east side, and 2) ask staff to continue to work with the railroad to try to secure the use of the right-of-way through an easement.

If continuation of the project is not approved the City would be responsible for repayment of the federal funds (approximately \$400,000.00).

Director Harris referred to an email from Todd Carpenter dated March 14, 2019, which provided an update on the Recreation Building, Exhibit 3.

Director Harris stated a pre-application was submitted to the State for a Transportation Growth Management (TGM) Grant. This grant would fund a study on the west side of The Dalles to look at land use, land use patterns, and transportation/circulation system. A large capacity for development is located on the west side of town.

Director Harris stated staff is also working on an Economic Opportunities Analysis centered on commercial industrial lands.

Chair Lavier asked what portion of the port property was developable. Commissioner Stiles stated multiple portions of land were wetlands and would remain so.

Director Harris stated small focus groups were conducted for the Downtown Visioning Exercise, over 40 people attended. This effort will be followed by a larger public meeting. Focus groups will reconvene at the conclusion of the project and report back to the Board.

Commissioner DuFault stated she attended the City Academy; it was very well done. The Public Works presentation was “amazing.”

City Attorney Parker stated he received the opinion from the Court of Appeals on Mr. Blum’s property at 615 E. 19<sup>th</sup> Street. They affirmed the Land Use Board of Appeals decision without an opinion, which means they gave no credit to Mrs. Hunt’s arguments.

City Attorney Parker stated he would retire as of March 1, 2020.

Next regularly scheduled meeting: April 4, 2019

### **COMMISSIONER COMMENTS OR QUESTIONS**

Commissioner Bybee inquired about the hemp processing facility. Associate Planner stated they were working with only hemp, not marijuana.

Commissioner Bybee attended the housing meeting at the Senior Center and said he felt a lot of good information came out of that meeting. He felt it was a bit “discombobulating” for the group activity; so many conflicting values within the group made it difficult to get ideas on paper.

Chair Lavier adjourned the meeting at 8:48 p.m.

Respectfully Submitted  
Paula Webb, Planning Secretary  
Riley Marcus, Associate Planner

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Bruce Lavier, Chair

**Riley Marcus**

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**From:** tedd lovell <tandr12345@yahoo.com>  
**Sent:** Wednesday, March 20, 2019 10:13 AM  
**To:** Riley Marcus  
**Subject:** Ref: SPR 458-19

I wish to convey my approval of having a convenience market at 1615 E 12th. It is far more Earth friendly to go a few blocks than several miles.

Tedd Lovell  
 2522 Old Dufur Road  
 The Dalles, OR.  
 541-296-6546

**Riley Marcus**

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**From:** Brian Lauterbach <blauterbach@windermere.com>  
**Sent:** Thursday, March 21, 2019 4:48 PM  
**To:** Riley Marcus  
**Subject:** Eastside convenience store

Riley, this town has been begging for a convenience store on the east side of The Dalles for a long time. Joson is asking for his store to be a 24 hour store which I feel would actually bring more security to the neighborhood as it has around his store on the westside of town. Being one that lives near this site I would like to support his model of business.

Brian

Brian Lauterbach  
 Windermere Real Estate  
 503.858.5010 cell  
 541.370.2544 direct  
 541.386.3444 office  
[blauterbach@windermere.com](mailto:blauterbach@windermere.com) email  
[www.blauterbach.withwre.com](http://www.blauterbach.withwre.com)

**From:** Todd Carpenter <[tcarpenter@reboundmd.com](mailto:tcarpenter@reboundmd.com)>

**Date:** March 14, 2019 at 4:13:27 PM PDT

**To:** Steve Harris <[sharris@ci.the-dalles.or.us](mailto:sharris@ci.the-dalles.or.us)>, Gene Parker <[gparker@ci.the-dalles.or.us](mailto:gparker@ci.the-dalles.or.us)>

**Cc:** Matthew Klebes <[MKlebes@ci.the-dalles.or.us](mailto:MKlebes@ci.the-dalles.or.us)>, Dawn Hert <[dhert@ci.the-dalles.or.us](mailto:dhert@ci.the-dalles.or.us)>

**Subject:** recreation facility

Just wanted to give you all an update on the Recreation Facility in case you wanted to report on it this month ☺

1. We completed two concepts for the front façade and presented them both to the Landmark committee. This was approved.
2. We received approval from The Dalles Main Street to work on a grant package for the front street façade. It was submitted to the state Last Friday. We called it the “Merchants landing restoration project” we tied the grant application into the idea of the merchants and settlers in the late 1800’s early 1900’s who set up shop along 1<sup>st</sup> and 2<sup>nd</sup> street near the river to provide pioneers products and services.
3. We have started pulling up stinky carpet, removing garbage and cleaning the place out. we are focusing mainly on the east side building first, but have drifted into the other areas on the main street level. I’m trying to dispose of (offer for free) some of the junkier stuff through people who will re-use it or salvage.
4. I’ve re-keyed the east side front and back doors, do I need to provide the city with these keys?
5. We are holding onto things that may have some value and most likely will use them to ask the community or hold an auction for donations to help support The Dalles Main Street program as a way to give back.
6. Carla and I have spoken with a lot of folks in the community and have settled on a strategy for the main floor of the East end of the recreation (the old Empress, Columbian, and Grand theater area) to allow local crafters, makers, designers, etc who can’t afford a full retail space to set up shop in 10x10 (or maybe smaller) spaces to sell their wares to the community and to visitors. We are informally calling it the merchants market.
7. We have a meeting setup with the folks who are trying to build a community center to see if we can come up with a plan for them for part of the basement area.
8. Regarding the roof, the snow killed us. We still have a lot of standing water on the roof and some issues as a result inside. Now with the warmer weather coming we will start looking at roof repair and shoring up the areas also moving east to west.
9. I’ve reached out to the neon sign museum to begin conversations around restoring and using the Recreation sign either on the back of the building facing the hwy or the inside of the west side where we will likely provide an amusement/rec space for families. I haven’t heard back yet but I’m not in a hurry as we will be waiting to hear on the grant first.
10. I don’t think anything I’m doing requires a permit yet so if I’m wrong, please let me know ☺

That’s about it for now ☺

Let me know if you have any questions.

Thanks Todd

Todd Carpenter | *Information Technology*  
**Rebound Orthopedics & Neurosurgery**  
200 NE Mother Joseph Pl., Ste. 210  
Vancouver, WA 98664  
TEL 360-449-1109 | FAX 360-823-5655 | CELL 503-705-2889



# PLANNING COMMISSION STAFF REPORT CITY OF THE DALLES

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## COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** May 16, 2019

**TO:** Chairman and Members of the Planning Commission

**FROM:** Steven Harris, AICP  
Community Development Director

**ISSUE:** **FY2019/20 Proposed Departmental Budget**

### BACKGROUND

Attached for the Planning Commission's information are budget narratives for each of the department's divisions (Planning, Codes Enforcement and Economic Development) for the FY2019/20 proposed budget. A program narrative is prepared which summarizes goals/objectives for the coming year, as well as accomplishments/comments from the preceding budget year.

For new initiatives requiring significant expenditures or dedication of staff resources, Budget Issue Papers (BIPs) are prepared which identify the issue and funding requirements. For FY2019/20 two BIPs were prepared (Housing Strategies Report Implementation and Westside Area Study). The housing related BIP is a continuation of the housing code amendments which were identified in the housing report's Implementation Road Map. The proposed grant funded Westside Area Study would focus on land use and transportation issues and serve as a background report for a future UGB/UAB amendment request, as determined by the City Council.

In addition to the three divisions noted above, the Community Development Department also staffs the Columbia Gateway Urban Renewal Agency. Major Agency initiatives for the coming year include implementation of the downtown town visioning exercise, a downtown utilities undergrounding feasibility study, 1<sup>st</sup> Street/Riverfront Connection project and a financial analysis of the agency.

Both proposed budgets have been approved by the respective budget committee and are scheduled for public hearings before the City Council and URA Board.

### ATTACHMENTS

- FY2019/20 Department Budget Narratives & BIPs

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**City of The Dalles, Oregon**  
**Proposed Fiscal Year 2019-20 Budget**

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<b>Fund:</b>	<b>General Fund (001)</b>	
<b>Department:</b>	<b>Community Development (1100)</b>	<b>Number of Employees: 5</b>
<b>Program:</b>	<b>Planning (000)</b>	

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**Mission**

The Community Development Department has the responsibility to regulate and enforce the orderly growth and development of the City in a manner consistent with City Council goals, standards and regulations to ensure the protection of the health, safety and welfare of its citizens. The Department seeks to provide responsive, accurate and consistent service to our citizens and customers; while aggressively pursuing meaningful citizen involvement in all planning endeavors.

Additionally the Department serves as staff to the Urban Renewal Agency and receives assistance from the City Manager's Office in the area of economic development, including Main Street and Enterprise Zone activities.

The Department provides direct staff support to the Planning Commission, Historic Landmarks Commission, Urban Renewal Agency Board and Site Team Committee.

**Description**

The Department consists of three divisions, Planning, Codes Enforcement and Economic Development, with the following areas of responsibility:

The Planning Division provides the community with current and long range planning, and coordinates and monitors the community's growth and development through preparation, updating and implementation of the Comprehensive Land Use Plan, the Land Use and Development Ordinance and master plans. The Planning Division is also responsible for intergovernmental coordination with regional agencies and for the compliance with and implementation of Federal/State mandated regional planning requirements.

The Codes Enforcement Division is responsible for enforcement of the City's ordinances and land use regulations to protect the health, safety and general welfare of the community; including the investigation of complaints, issuance of notices, issuance of administrative citations and development project condition compliance review.

The Economic Development Division is responsible for coordinating the City's economic development programs and overseeing the implementation of the City's economic development strategy.

There are currently six (6) permanent, full-time positions in the Department: Director, Senior Planner, Associate Planner, Planner, Administrative Secretary and Codes Enforcement Officer.

The proposed budget includes the reclassification of the Planning Technician position to a Planner position which will continue be funded through the General Fund and Urban Renewal Agency. In addition, the Economic Development Division receives assistance from the Assistant to the City Manager.

### **2019-20 Goals, Projects and Highlights**

- The primary goal of the Department is to continue to serve the citizens in the most professional manner possible.
- Continue to implement departmental procedures and processes that will improve customer service levels.
- Develop and implement metrics to measure changes in customer service levels.
- Continue the timely processing of entitlement applications and other departmental permits.
- Maintain Certified Local Government designation by continuing historic preservation programs, special projects and other grant-funded eligible activities.
- Complete second and third phases of the 2017 Housing Strategies Report implementation program.
- Continue to engage Columbia River Gorge Commission staff and Board throughout the preparation process of the Gorge 2020 Management Plan with the goal of ensuring the City's concerns are addressed in the adopted Plan.
- Provide assistance in developing and implementing the City's economic development strategies and activities.
- Implement new permitting and code enforcement software program.
- Finalize and implement new mobile food vendor regulations and permitting processes.
- Finalize and implement new short term rental code and permitting processes.

### **2018-19 Accomplishments/Comments**

- Continuation of the Department customer satisfaction survey.
- Continued Staff support of the Planning Commission, Historic Landmarks Commission, Site Review Team, Urban Renewal Agency, Main Street and other community groups and Ad Hoc Committees.
- Continued coordination with other City departments, citizens, special interest groups, and County, State and Federal agencies for both current and long range planning efforts.
- Continued to provide planning services to the County Planning Department within the Urban Growth Area, the City Public Works Department, and the Urban Renewal Agency.
- For calendar year 2018 the Department processed 96 building permits and 159 development applications including 43 Site Team/Pre-applications, 51 Sign Permits, 11 Site Plan Reviews, 2 Conditional Use Permits, 3 Street Vacations, 1 Home Business Permit, 10 Vacation Rentals, 10 Adjustments, 13 Minor Partitions, 6 Property Line

Adjustments, 3 Subdivisions, 4 Historic Landmarks Commission applications and 2 Appeals. Additionally, the Department provided assistance to 1,571 public counter visits and 1,507 phone calls for general inquiries.

#### **Major Issues to be Resolved in the Next 5 Years**

- Complete update to 2030 Vision Action Plan through an extensive community outreach and engagement program.
- Undertake and complete an update to the 2011 Comprehensive Land Use Plan.
- Provide staff support to updates and implementation of the Sewer Master Plan, Storm Water Master Plan, Water Master Plan, and Capital Improvement Plan consistent with the UGB and NSA amendments.
- Upon adoption of the Gorge 2020 Management Plan, assess the City's options to seek expansion of the Urban Growth Boundary and the NSA Urban Area boundary.
- Assist Urban Renewal Agency with development related matters in the Urban Renewal Plan Area.

**City of The Dalles, Oregon**  
**Proposed Fiscal Year 2019-20 Budget**

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<b>Fund:</b>	<b>General (001)</b>
<b>Department:</b>	<b>Community Development (1100)</b>
<b>Program:</b>	<b>Economic Development (1150)</b>

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**Mission**

To improve the community's quality of life through sustainable economic development and job creation.

**Description**

The Economic Development Division is responsible for coordinating the City's economic development programs and overseeing implementation of the City's overall economic development strategy. The division collaborates with local and regional partners in marketing the community for the growth and development of a diversified business community. To meet these tasks, the division receives support from the City Manager's Office, Planning Division, Columbia Gateway Urban Renewal Agency, and local and regional partners. The City Manager's office is also involved in the Enterprise Zone and the Columbia Gorge Regional Airport which are considered other economic development tools for the community.

The division seeks out funding and partnership opportunities from both public and private sources to assist in furthering the economic development goals of the City Council. Such goals include the creation of a vibrant downtown serving community needs, continued reinvestment of commercial districts, expansion of visitor-serving opportunities and continued growth of the industrial sector.

**2019-20 Goals, Projects, and Highlights**

- Continue to collaborate with MCEDD, and other local and regional partners, on regional economic development issues, programs and strategies.
- Continue to partner with the Community Outreach Team, Wasco County Economic Development Commission, and the Port of The Dalles, using the Enterprise Zone to expand existing businesses or bring new industry to create jobs in the community.
- If determination made to proceed with First Street/Riverfront Connection Project, proceed with next phases which include preparation of construction documents and a funding strategy to supplement earmarked federal funds.
- Work in partnership with the Main Street Program and other local partners, to further the continuing economic vitality of downtown.
- Promote use of Vertical Housing Zone to create opportunities for downtown residential development through active engagement of property owners and residential builders.
- Identify potential funding sources to complete local bike hubs.

- Complete feasibility study, including identification of potential funding sources, for the undergrounding of utilities in the downtown area.
- Undertake next phase of economic opportunities analysis, commercial and industrial land supply.
- Continue working with Tokola Properties on the redevelopment of the Urban Renewal Agency-owned Tony's Building property.
- Continue working with Hanlon Development Company on the redevelopment of the vacant downtown Griffith Motors property.

#### **2018-19 Accomplishments/Comments**

- Completed economic impact analysis on the Tokola Properties mixed-use redevelopment proposal for Urban Renewal Agency-owned Tony's Building property, entered into Development and Disposition Agreement with developer, and participated in a BOLI hearing on the project.
- Successfully re-designated Enterprise Zone.
- Entered into an Exclusive Negotiating Agreement with GBHD, LLC for the development of a downtown hotel. Developer did not meet terms of the agreement, which led to the termination of the agreement by the Urban Renewal Agency.
- Entered into an Exclusive Negotiating Agreement with Hanlon Development and initiated an economic impact analysis for the redevelopment of the vacant downtown Griffith Motors property.
- Initiated feasibility study for the undergrounding of utilities in the downtown.
- Undertook economic opportunities analysis focusing on commercial and industrial land demand and local labor market demands.
- Completed sale of Urban Renewal Agency-owned Recreation Building and Blue Building, and entered into Development and Disposition Agreements with buyers.
- Initiated a state grant funded downtown visioning study.

#### **Major Issues to be Resolved in the Next 5 Years**

- Work with community partners to provide infrastructure and an environment that will allow for the creation of additional family wage jobs in the community.
- Assessment and resolution of a long-term downtown parking demand and implementation of parking strategy.

**City of The Dalles, Oregon  
Proposed Fiscal Year 2019-20 Budget**

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<b>Fund:</b>	<b>General (001)</b>	
<b>Department:</b>	<b>Community Development (1100)</b>	<b>Number of Employees: 1.0</b>
<b>Program:</b>	<b>Codes Enforcement (1175) Public Safety</b>	

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**Mission**

Enhance the image and livability of the community through compliance with the City's ordinances, particularly addressing nuisance and property maintenance abatement efforts; working with citizens to solve problems and addressing issues of neighborhood and community concern, while protecting property rights.

**Description**

The Codes Enforcement Division seeks compliance of the City's Municipal Code through a variety of means including public education, personal contact, and both proactive and reactive efforts. The Division may also enlist the services of other local and regional agencies to assist in the abatement of nuisance conditions and the protection of public safety. The Codes Enforcement Officer also coordinates with and assists the City Attorney's Office, Planning staff and Police Department in the enforcement of land use regulations and development project conditions of approval.

**2019-2020 Goals, Projects, and Highlights**

- Continue the use of door hangers and other means of notification/public education for puncture vine abatement, vegetation control, and property maintenance.
- With the assistance from the Police Department and City Attorney, develop a new door hanger to address parking and storage of motorhomes, trailers and boats within the public right-of-way.
- Continue to work with lending institutions and property maintenance firms to abate nuisance conditions that exist upon their foreclosed properties; ensuring that the lending institutions are the party responsible for abatement costs. Seek City Council approval to register the City with the state's property registration program that will allow a proactive approach of site inspections of vacant properties.
- With the assistance of the Mid-Columbia Fire & Rescue District review current burning barrel permit regulations with the goal of reducing enforcement timelines to minimize fire hazards in the community.
- With assistance from Planning, Finance, Police and City Attorney review current transient merchant license requirements and draft new regulations for City Council consideration.
- Assist Planning staff with drafting mobile food vendor and short term rental permitting regulations for City Council consideration.

- Continue working with Northern Wasco County Parks District as a resource for retaining certified arborists to assist with enforcement of municipal code provisions concerning hazardous trees on private property.
- Continue working with Mid-Columbia Fire & Rescue District in promoting use of Burn to Learn Program as a method of abating blighted buildings on private property.
- Assist Police Department in their development of a program to use blighted buildings for SERT training opportunities.
- Continue to work with Planning staff to enforce development regulations and project conditions of approval.
- Integrate code enforcement case files with the department's new project tracking software system.
- Undertake two targeted neighborhood clean-up efforts.
- Utilize department's updated GIS system to track and inventory codes enforcement cases to identify areas and violation types requiring focused compliance efforts.
- Continue to monitor and assist property owners in the West 2<sup>nd</sup> Street area to abate property maintenance issues and other potential code violations.

#### **2018-2019 Accomplishments/Comments**

- Abated one residential property by hiring local contractors to abate nuisance conditions.
- For calendar year 2018, 513 site inspections were conducted, representing 337 code enforcement cases. Inspections were conducted in coordination with Police Department, Planning staff and other public agencies.
- Arranged for the disposal of 32 abandoned vehicles through a no cost program with the Department of Motor Vehicles.
- Oversaw a coordinated code enforcement effort focused on West 2nd Street properties. City staff together with partner community agencies performed inspections and abated property maintenance, motor vehicular and potential life/safety violations.

#### **Major Issues to be resolved in the next 5 years**

- Continue to secure compliance with City's code regulations through voluntary and proactive efforts, and to implement measures and programs designed to ensure continued compliance.
- Continue working with community partners on the importance of abating puncture vine and other nuisance vegetation.
- Continue neighborhood clean-up efforts in partnership with residents, local service organizations, businesses, property owners, and other public and private resources.
- Assess current Codes Enforcement staffing resources and service demands to develop a strategic plan with the goals of improving customer service levels and increasing code compliance throughout the city.



**CITY of THE DALLES**  
313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481  
FAX (541) 296-6906

## **BUDGET ISSUE PAPER**

### **CITY OF THE DALLES**

<b>BUDGET YEAR AFFECTED</b>	<b>DEPARTMENT(S) AFFECTED</b>	<b>BUDGET DOCUMENT REFERENCE NUMBER</b>
FY 19-20	Community Development	19-015

**TO:** City of The Dalles Budget Committee

**FROM:** Steven Harris, Community Development Director

**THRU:** Julie Krueger, City Manager

**DATE:** February 15, 2019

**ISSUE:** **BIP 19-015 Housing Strategies Report Implementation**

**RELATED FUND AND LINE ITEM:** General Fund – CDD 001-1100-000.31.10

#### **BACKGROUND:**

- The Department continues to implement the recommendations from the Housing Strategies Report (2017). The report and accompanying housing studies (Buildable Lands Inventory and Residential and Housing Needs Assessment Report) were prepared in response to Statewide Planning Goal # 10 Housing and the state's requirements to modify the City's Urban Growth Boundary (UGB).
- The Implementation Action Plan incorporates a number of recommended development code (TDMC Title 10 Land Use & Development) amendments addressing residential development. The recommendations were prioritized based on local conditions and recent state law (SB 1501). Phase 1 work has been through public hearings at the Planning Commission and is awaiting City Council review. Phase 2 work has recently begun and is scheduled to be complete in FY19-20. Phase 1 was funded through the department's budget process (\$18,000), while Phase 2 is being funded by a state DLCD grant. Staff will apply for state grant funding for the Phase 3 work, however funding is requested if the grant application proves unsuccessful.

#### **Budget Implications**

- FY19-20 - \$25,000 requested





## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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### BUDGET ISSUE PAPER CITY OF THE DALLES

BUDGET YEAR AFFECTED	DEPARTMENT(S) AFFECTED	BUDGET DOCUMENT REFERENCE NUMBER
FY 19-20	Community Development	19-016

**TO:** City of The Dalles Budget Committee  
**FROM:** Steven Harris, Community Development Director  
**THRU:** Julie Krueger, City Manager  
**DATE:** March 19, 2019  
**ISSUE:** BIP 19-016 - Westside Area Study

**RELATED FUND AND LINE ITEM:** General Fund – CDD 001-1100-000.31.10

#### **BACKGROUND:**

- The proposed Westside Study Project area totals approximately 1,100 acres; generally bounded on the south and west by the Urban Growth Boundary (UGB), on the north by the I-84/West 2<sup>nd</sup> Street corridor and on the east by Cherry Heights Road.
- Land uses are a mix of residential (including single/multi-family and manufactured), commercial, light industrial and institutional. The 2016 Buildable Lands Inventory identified the Westside as the City's future growth area, due in part to vacant and partially vacant residentially zoned lands. Existing land uses and circulation system have resulted in inefficient development patterns impacting the City's ability to provide services in a cost efficient manner, achieve planned residential densities, address affordable housing issues, and to promote connectivity and transit use in the Project Area.
- Study objectives include the preparation/adoption of an Area Plan which applies various development, circulation and public service strategies that promote efficient use of land, mixed use development, TSP implementation, a variety of housing types, and the efficient use of public resources, services and facilities. Code amendments and other actions that implement Plan policies will be identified. A robust public involvement

strategy will be conducted. The Study will also compliment outcomes of the Economic Opportunities Analysis and Housing Strategies Report, and recommend conditions for possible annexations, UGB/UAB modifications.

### **Budget Implications**

- A pre-application for state DLCD (Department of Land Conservation and Development) Transportation and Growth Management grant funding has been submitted. If accepted, the formal grant funding application is due June 2019, with acceptance notification in August 2019. Award amounts generally range between \$75,000 and \$250,000, and require a local match of 12%. Projects generally have two years from award for completion, but must be completed by September 2022.

# A Community Vision for The Dalles Downtown



Elements of vibrant and successful downtowns

[A Community Vision for Downtown The Dalles](#)



Downtown The Dalles Project Area

[A Community Vision for Downtown The Dalles](#)



## PRE SETTLEMENT HISTORY



Archaeological evidence indicate native peoples have lived and fished in the Dalles area for 11,000 years. The American Indian people of the region were forcibly relocated by the US Military to the Warm Springs Reservation in 1855. Fishing near The Dalles has remained a cultural right of federally recognized American Indians.

A Community Vision for Downtown The Dalles



The Confederated Tribes of Warm Springs include the Warm Springs, Wasco and Paiute Native American Tribes, and the area of their nation stretches from the summit of the Cascade Mountains to the cliffs of the Deschutes River in Central Oregon.

A Community Vision for Downtown The Dalles



# THE DALLES HISTORY



Downtown The Dalles, 1865

A Community Vision for Downtown The Dalles



Paving East End of 2nd Street, 1908

A Community Vision for Downtown The Dalles







Downtown, 2008

A Community Vision for Downtown The Dalles



Downtown, 2011

AJM NWPJ

A Community Vision for Downtown The Dalles



## POPULATION AND HOUSING TRENDS

Housing and Residential Land Needs Assessment (2017)

In the next 20 years, estimates show:

- 4000 people (200 people per year)
- 1,769 new housing units (90 per year)

FIGURE 6.3: SUMMARY OF FORECASTED FUTURE UNIT NEED (2036)

TOTAL HOUSING UNITS									
	Multi-Family						Boat, RV, other temp	Total Units	% of Units
	Single Family Detached	Single Family Attached*	2-unit	3- or 4- plex	5+ Units MFR	Mobile home			
Totals:	1,112	50	101	99	228	178	0	1,769	100%
Percentage:	62.8%	2.8%	5.7%	5.6%	12.9%	10.1%	0.0%	100.0%	

Sources: PSU Population Research Center, Claritas Inc., Census, Johnson Economics



## ECONOMICS

Economic Opportunity Analysis & Action Plan (2019)

- Approximately 3,327 jobs in next 20 years

### Goal 2: Grow and Attract Talent

Objective 2.1 Provide Diverse Types of Housing

Objective 2.2 Prepare Youth for Economic Opportunity

Objective 2.3 Attract Talent

### Goal 2: Create Place

Objective 2.1 Complete and Implement the Downtown Plan

Objective 3.2 Celebrate The Dalles

Objective 3.3 Support Local Retailers and Expand the Market

Objective 3.4 Promote the Gorge and Enhance Access to Outdoors



# ELEMENTS OF VIBRANT & SUCCESSFUL DOWNTOWNS

- Active Streetscape
- Public Gathering Spaces
- Critical Mass of Businesses
- Retail & Dining Options
- Housing Options
- Community
- Arts & Entertainment
- Landmarks & Character Architecture

A Community Vision for Downtown The Dalles



## ACTIVE STREETSCAPES



Ashland, OR

A Community Vision for Downtown The Dalles







Baker City, OR

A Community Vision for Downtown The Dalles



## PUBLIC GATHERING SPACES



Redmond, OR



Sisters, OR



A Community Vision for Downtown The Dalles





Ashland, OR

A Community Vision for Downtown The Dalles



## CRITICAL MASS OF BUSINESSES



Joseph, OR

A Community Vision for Downtown The Dalles







Ashland, OR

A Community Vision for Downtown The Dalles



Redmond, OR

A Community Vision for Downtown The Dalles



## RETAIL & DINING OPTIONS



Bend, OR

A Community Vision for Downtown The Dalles



Pendleton, OR

A Community Vision for Downtown The Dalles







Bend, OR

A Community Vision for Downtown The Dalles



Baker City, OR



Springfield, OR

A Community Vision for Downtown The Dalles



## HOUSING OPTIONS



Putnam Point, Downtown Bend

A Community Vision for Downtown The Dalles



Stone Apartments, Pendleton, OR

A Community Vision for Downtown The Dalles







The Royal Building Affordable Housing - Downtown Springfield, Oregon

A Community Vision for Downtown The Dalles



New Medford Apartments, Medford OR

A Community Vision for Downtown The Dalles



## COMMUNITY



A Community Vision for Downtown The Dalles



## COMMUNITY



A Community Vision for Downtown The Dalles







A Community Vision for Downtown The Dalles



## ARTS & ENTERTAINMENT



Ashland, OR



A Community Vision for Downtown The Dalles





Ashland, OR

A Community Vision for Downtown The Dalles



Pendleton, OR



A Community Vision for Downtown The Dalles







Ashland, OR

A Community Vision for Downtown The Dalles



## LANDMARKS & CHARACTER ARCHITECTURE



Joseph, OR

A Community Vision for Downtown The Dalles





Redmond, OR

A Community Vision for Downtown The Dalles





# PLANNING COMMISSION

## CITY OF THE DALLES

---

### COMMUNITY DEVELOPMENT DEPARTMENT

**Date:** May 16, 2019

**To:** Chair and Members of the Planning Commission

**From:** Riley Marcus, Associate Planner

**Issue:** **Memo summarizing Phase I and II of Proposed Housing Code Amendments**

In 2017, the City of The Dalles completed a Housing Strategies Report to comply with Oregon Statewide Planning Goal 10 (Housing) with the intent of encouraging the availability of needed housing at price ranges and rent levels that corresponded to the financial capabilities of Oregon households and allow for better flexibility of housing location, type and density. This report summarized the local housing issues and provided recommended strategies. Following acceptance of the report by the City Council, an Implementation Road Map was prepared which identified specific follow-up actions. These actions included a number of code amendments addressing residential development such as reductions to the minimum parcel sizes, the reduction of setback requirements, and additional allowances for Accessory Dwelling Units. Phase I was completed with Angelo Planning Group; this group of amendments was taken before the Planning Commission on April 18, 2018 and May 17, 2018, as well as an Open House in July 19, 2018. The Planning Commission conducted a public hearing upon the proposed amendments and voted to adopt Resolution No. PC 576-18 for Zoning Ordinance Amendment #97-18 making a recommendation to City Council to approve of the various housing code amendments to Title 10 of The Dalles Municipal Code.

Phase II work started in November 2018, with Scot Siegel (Siegel Planning Services). The proposed draft changes in Phase II include the addition of a new chapter to the Code on Affordable Housing and creating incentives for Affordable Housing to be developed, a new chapter for Cottage Cluster Development, the removal of Neighborhood Compatibility, and some minor changes to make the existing Code more clear and objective. So far, Phase II has consisted of four meetings with Community Development Staff and the Technical Advisory Committee where the proposed amendments were discussed.

The Study Session with the Planning Commission will allow for the Planning Consultant to present these amendments and allow for public comment or draft amendments, and for the Community Development Staff and Technical Advisory Committee to further facilitate the discussion of these amendments. Next steps will be to hold a public hearing before the Planning Commission for further public participation. Following action by the Planning Commission the code amendments will be scheduled for a City Council public hearing.

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## City of The Dalles Housing Code Updates

Task 3: Revised Code

April 26, 2019

Advisory Committee #3

12 PM – 1:30 PM

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### **Attendees**

**AC:** Jonathan Blum, Builder; Sharon Thornberry, Columbia Gorge Food Banks; Nan Wimmers, Realtor; Nate Stice, Governor's Regional Solutions Coordinator; Steven Harris, Community Development Director (present for convening only); Dawn Hert, Senior Planner; Riley Marcus, Planner; Joshua Chandler, Planning Tech.

**DLCD:** Scott Edelman, Regional Field Representative (excused)

**Consultant:** Scot Siegel, Principal, Siegel Planning Services (SPS)

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Steven Harris opened the meeting and provided a recap on the process, including a possible future work session with the planning commission that would serve as the final consultant meeting under the DLCD grant.

Scot Siegel then reviewed the changes made to the code amendments addressing feedback from the second committee meeting. (He confirmed with the committee that they had received the one-page handout emailed earlier in the day.) The discussion followed the eight points of the handout, plus parking.

### **Committee Discussion/Feedback**

The AC then discussed the specific code update proposals, as follows:

1. Decided not to require inclusionary affordable housing where displacement of manufactured/mobile home parks is a concern as had been suggested at the February committee meeting.
2. Discussion of the proposed ministerial Director decision for affordable housing focused on the administrative difficulty of making decisions on complex site plans within the 21-day timeframe required of ministerial permits.
3. On reviewing the proposal to permit all housing types (building types) in all zones where a project meets Affordable Housing criteria, the committee advised against this approach, and instead asked that the code explicitly state that affordable housing is permitted subject to the building types allowed in each zone.
4. The committee discussed other clarifying edits.

SPS to prepare the Public Review Draft of Code Update as required for Task 3. The City decided to hold the public meeting that is required for Task 3 during a regularly scheduled Planning Commission meeting, either May 16 or June 6.

City staff to prepare a staff report to accompany the SPS report, to explain how the work under this DLCD grant relates to the code work in Phase 1 and other planning efforts underway (transit corridors), and how these combined efforts implement The Dalles' 2017 Strategic Plan for Housing.

#



**CITY OF THE DALLES**

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

**PUBLIC REVIEW DRAFT  
(PLANNING COMMISSION MEETING MAY 16, 2019)**

**MAY 3, 2019**



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## AMENDMENTS TO TITLE 10 FOR MULTIFAMILY/HIGH DENSITY HOUSING

### 1. INTRODUCTION AND OVERVIEW

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

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

#### **Purpose and Scope of Code Amendments**

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

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

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

- **Broaden the range of compact multifamily housing types allowed.**
- **Allow cottage housing developments subject to use-specific design standards.**
- **Reduce or provide flexibility in parking requirements for affordable housing.<sup>1</sup>**

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

- **Create incentives for affordable housing, to include density and height bonuses.<sup>2</sup>**
- **Maintain the option for adjustments to the clear and objective code standards when requested by applicants.**

This work is also to be coordinated with other Housing Strategy action items, including a separate package of code amendments that is addressing other housing needs.

### **Public Review Process**

The public process in developing these recommendations consisted of three advisory committee meetings to review the draft code amendments, and the May 16, 2019 planning commission work session.

At its first meeting, on January 29, 2019, the Advisory Committee reviewed the first draft of the proposed code update options (concepts) and provided feedback. At its second meeting on February 19, the committee provided feedback on a revised draft. At the third meeting, the committee provided additional feedback toward refinement of the code amendments, resulting in this draft.

### **Limitations**

It is important to note that the committee's primary role was to provide input and respond to drafts prepared by SPS. The participants varied over the three meetings, so there was no formal committee "recommendation" or consensus. Instead, this draft reflects the consultant's recommendation based on our review of The Dalles's code and input from the committee and staff.

Where a proposed code amendment requires a change to another code section that is outside the consultant's scope of work, SPS has flagged that for the city. The draft code amendments also include commentary (text boxes) in-line with the code to aid reviewers.

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

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

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

## Definition of Needed Housing

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

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

## 2. COMPREHENSIVE PLAN POLICIES APPLICABLE TO HIGH DENSITY HOUSING

The main purpose of the City of The Dalles Comprehensive Plan (Plan) is to establish the community's vision and guide land use and development over a 20-year horizon. The plan represents the desires of the citizens of The Dalles and provides general policy direction for land uses. Title 10 contains the specific rules and regulations that implement the Comprehensive Plan (Plan). SPS reviewed the Plan, Title 10, and The Dalles Housing Strategy Report (2017) to identify code amendments needed to facilitate multifamily and high density housing development in The Dalles. The existing relevant provisions of the Comprehensive Plan are summarized below; sections that are most applicable to the code updates have gray highlighting. Proposed new policies are indicated with **bold underlined** text.

### The Dalles Comprehensive Plan

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

#### **Housing Goals**

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

- *Promote and provide an adequate supply of safe, healthy and affordable housing for all members of the community in a variety of housing types recognizing the needs and desires of the community's residents...*
- *Promote the development of housing that is complementary with the environment and the surrounding land uses.*
- *Provide and maintain adequate public facilities in all parts of the community and promote a logical and orderly development of those facilities. Require new*

*housing developments to pay an equitable share of the cost of required capital improvements.*

- *Promote the efficient use of vacant land by encouraging infill development which is sensitive to existing neighborhoods, and by encouraging new development which achieves the density allowed by the comprehensive plan...*
- *Encourage affordable homeownership opportunities, including multiple family condominiums, row houses and small lot single family residential.*
- *Adopt standards and incentives to increase residential land use efficiency.*

### ***Housing Policies***

Plan policies implementing the above goals follow. Many of the policies provide direction for zoning. However, some policies are applicable to the City's land use regulations and therefore must be addressed when amending Title 10; provisions relating to high density housing are highlighted in gray:

#### **Goal 10 Policies**

**Comment:** Existing policies most applicable to multifamily and high density housing are highlighted.

1. *Plan for more multi-family and affordable home ownership opportunities, including small lot single family residential, townhomes and manufactured housing development consistent with the City's Housing Needs Analysis.*
2. *Plan for the more efficient use of vacant land by encouraging infill development which is sensitive to existing neighborhoods and by encouraging new development which achieves the density allowed by the comprehensive plan.*
3. *These two objectives can be met while respecting the strong land use pattern already found in the older areas of The Dalles...*
4. *Protect steeply sloped ravines, wetlands and stream corridors shown on the Buildable Lands Inventory as open space while encouraging density transfer to adjacent buildable areas.*
5. *Adopt standards to ensure that residential development occurs within planned density ranges within each residential district.*
6. *Encourage energy conservation by increasing residential densities in mixed use centers, along major linear streets that may one day serve as future transit corridors, and near commercial and employment centers.*
7. *Incentives should be used to encourage development that meets maximum allowable density for all types of residential development.*
8. *Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.*
9. *Provide for development of a wide range of housing types which may include single-family detached and attached housing, townhouses, apartments and*

condominiums, and manufactured housing. Housing types shall allow for a variety of price ranges to meet the needs of low, medium, and high income groups.

10. *Target ratios by housing type are:*

- a. *50% large-lot single-family;*
- b. *20% small-lot single-family;*
- c. *25% multi-family including condominiums; and*
- d. *5% mobile home park dwellings.*

*The City shall monitor building permit activity and present an annual report to the Planning Commission describing how target ratios are being met.*

11. *Areas for low density residential development shall be at higher elevations along the Gorge bluff, in steeply sloped areas, along protected stream corridors, and where streets and other public facilities have limited capacity.*

12. *High density residential areas shall be located near commercial and employment areas, along major streets, and where streets and other public facilities have adequate capacity.*

13. *Residential manufactured housing shall be allowed in individual lots on par with site-built single-family homes, subject to design standards authorized by state statute. Manufactured dwelling parks shall be allowed in the Medium Density Residential district, subject to specific siting requirements.*

14. *Residential development shall occur, to the greatest extent possible, on designated buildable lands free from flood hazard, severe soil limitations, or other natural or man-made hazards such as stream corridors and wetlands.*

15. *Residential development shall coincide with the provision of adequate streets, water and sanitary sewerage and storm drainage facilities. These facilities shall be:*

- a. *capable of adequately serving all potentially benefiting properties as well as the proposed development and,*
- b. *designed to meet City standards.*

16. *Development standards in all density areas shall be revised in order to permit more flexibility in site planning and development. New standards shall consider flexibility for lot sizes, setbacks, accessory residential uses on the same lot, parking, alleyways and other development features.*

17. *Development compatibility standards shall be implemented for all density areas. Compatibility standards are intended to ensure that new development is compatible with its surroundings and enhances the character it is located within. New standards shall consider landscape, building setback, building height and bulk, main entrance, parking, building design and additional standards applicable in historic districts.*

18. *Development on buildable but sub-standard sized lots existing prior to this Plan shall be permitted when setback requirements can be met commensurate with the surrounding area.*
19. *A program of incentives and standards shall be prepared to encourage residential developments which achieve at least the lower end of the density range specified in the plan designation listed in Policy #26 below. Incentives may include “targeted” public improvements, density transfer or bonuses and other methods as appropriate. Standards are found in the base zoning district.*
20. *A “Neighborhood Center” overlay district has been applied in the vicinity of existing commercial districts along the 10<sup>th</sup>/12<sup>th</sup> corridor at Garrison Street, Kelly Avenue and Dry Hollow Road and shall be applied at other locations shown on the Land Use Plan Map. A mix of residential, commercial and neighborhood-based service uses shall be encouraged within these neighborhood centers.*
21. *The City will support programs that would enable low and middle income people to obtain safe and sanitary housing through public and private for-profit or non-profit efforts.*
22. *To provide variety and flexibility in site design and densities, residential lands shall be divided into land use planning districts with the following prescribed density ranges for each district\*:*
  - a. *Low Density Residential* 3-6 units/gross acre
  - b. *Medium Density Residential* 7-17 units/gross acre
  - c. *High Density Residential* 10-25 units/gross acre

**\*Planned density respectively for each zone is 25% greater than specified above for purposes of establishing regulatory incentives for affordable housing.**

23. *All future residential development and design standards shall strive to create a "streetscape" that is aesthetic, functional, and beneficial to the neighborhood and community.*
  - a. *Streetscape refers to the aesthetic quality of the public and semi-public space. The public space includes the improved right-of-way, with street, curbs, sidewalks, street trees, street furniture, and utilities.*
  - b. *The semi-public space is the front yard of adjacent property, and is named due to its visual access, connection, and influence on the quality of the streetscape.*
24. **The City shall establish incentives for affordable housing including density bonuses and flexible development standards. A separate non-land use ordinance may be necessary to provide definitions, criteria (for rental and for-purchase housing), standards for qualifying income, a designated administrator, review procedures including assurances, and provisions for enforcement.**



- 25. Manufactured/mobile home parks provide needed market-rate housing that is typically affordable to households earning less than the median family income for Wasco County. Therefore, the City should provide incentives encouraging the retention and maintenance of manufactured/mobile home parks.**

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

### **3. DRAFT CODE AMENDMENTS (CODE CONCEPTS)**

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

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

See pages 45-57

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

See pages 34-36.

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

See pages 34-36 and 67-71.

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

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

See pages 15; 36-41; 46 and 52

#### 4. A NOTE TO REVIEWERS

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

For brevity, portions of the existing code that are not proposed to change are not shown. Where the draft skips over those portions, the “//” symbol is used. In some instances, the draft includes sections of existing code that are not proposed to change for context; we have not edited those existing code sections, and as we finalize the draft some of these passages will be removed from adoption-ready code.

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

#### 5. NEXT STEPS

Following review of this draft by the Advisory Committee, SPS will prepare a final draft for the City to use in the public hearings process.

## Title 10

### LAND USE AND DEVELOPMENT (Reviewed/Amended Chapters Only)

#### TABLE OF CONTENTS

<i>Goal 10 Policies</i>	6
<b>CHAPTER 10.2 DEFINITIONS</b>	<b>16</b>
10.2.030 Meaning of Specific Words and Terms	16
<b>CHAPTER 10.3 APPLICATION REVIEW PROCEDURES</b>	<b>21</b>
<b>Article 3.010 Application Procedures</b>	<b>22</b>
10.3.020.030 Ministerial Actions	22
10.3.020.040 Administrative Actions	22
10.3.020.050 Quasi-Judicial Actions	22
<b>Article 3.030 Site Plan Review</b>	<b>23</b>
10.3.030.040 Review Criteria	23
<b>Article 3.040 Neighborhood Compatibility Review</b>	<b>28</b>
10.3.040.010 Purpose	28
10.3.040.020 Definitions	28
10.3.040.030 Applicability	28
10.3.040.040 Review Procedure	29
10.3.040.050 Review Criteria	29
<b>Article 3.080 Adjustments</b>	<b>31</b>
10.3.080.010 Purpose	31
10.3.080.020 Applicability	31
10.3.080.030 Review Procedures	33
10.3.080.040 Review Criteria	33
10.3.080.050 Conditions of Approval	33
<b>Article 3.085 Affordable Housing Incentives [NEW CHAPTER]</b>	<b>34</b>
10.3.085.010 Purpose	34
10.3.085.020 Applicability	34
10.3.085.030 Affordable Housing Incentives	35
10.3.085.040 Review Criteria	36
<b>Article 3.086 Cottage Cluster Development [NEW CHAPTER]</b>	<b>37</b>
10.3.086.010 Purpose and intent	37
10.3.086.020 Density and lot area	38
10.3.086.030 Unit size	38
10.3.086.040 Lot coverage	39

10.3.086.050	Open area	40
10.3.086.060	Building separation	40
10.3.086.070	Setbacks	40
10.3.086.080	Building height	41
10.3.086.090	Parking and storage	41
10.3.086.100	Design standards	41
10.3.086.110	Alternative cottage cluster designs	42
10.3.086.120	Assurance for common areas maintenance	42
<b>Article 5.010 RL Low Density Residential District</b>		<b>45</b>
10.5.010.010	Purpose	45
10.5.010.020	Permitted Uses	45
<del>10.5.010.050</del>	<del>Neighborhood Compatibility</del>	45
10.5.010.060	Development Standards	46
10.5.010.070	Design Standards	46
<b>Article 5.020 RH High Density Residential District</b>		<b>47</b>
10.5.020.010	Purpose	47
10.5.020.020	Permitted Uses	47
<del>10.5.020.050</del>	<del>Neighborhood Compatibility</del>	47
10.5.020.060	Development Standards	48
10.5.020.070	Design Standards	50
10.5.020.080	Open Area	52
<b>Article 5.030 RM Medium Density Residential</b>		<b>52</b>
10.5.030.010	Purpose	52
10.5.030.020	Permitted Uses	52
<del>10.5.030.050</del>	<del>Neighborhood Compatibility</del>	53
10.5.030.060	Development Standards	54
10.5.030.070	Design Standards	56
10.5.030.080	Open Area	58
<b>Article 5.040 NC Neighborhood Center Overlay</b>		<b>59</b>
10.5.040.010	Purpose	59
10.5.040.020	Permitted Uses	59
10.5.040.050	Development Standards	60
10.5.040.060	Design Standards	62
<del>10.5.040.070</del>	<del>Neighborhood Compatibility</del>	63
<b>Article 5.050 CBC Central Business Commercial District</b>		<b>64</b>
10.5.050.010	Purpose	64
10.5.050.030	Permitted Uses	64
10.5.050.070	Design Standards—All Development	64
<b>Article 5.060 CG General Commercial District</b>		<b>65</b>
10.5.060.010	Purpose	65
10.5.060.020	Permitted Uses	65
<b>CHAPTER 10.6 GENERAL REGULATIONS</b>		<b>67</b>
<b>Article 6.010 Landscaping Standards</b>		<b>67</b>
10.6.010.070	Required Landscaping By Zone	67

<b>CHAPTER 10.7 PARKING STANDARDS</b>	<b>68</b>
<b>Article 7.020 General Provisions</b>	<b>68</b>
10.7.020.030 Location and Use of Motor Vehicle Parking	68
10.7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions	69
10.7.020.060 Shared Parking	69
10.7.020.070 Parking In Mixed Use Development	70
<b>Article 7.060 Minimum and Maximum Off-Street Parking Requirements</b>	<b>71</b>
10.7.060.010 Minimum and Maximum Off-Street Parking Requirements	71

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## Chapter 10.2 DEFINITIONS

### Sections:

//  
10.2.030           Meaning of Specific Words and Terms

//

### 10.2.030           Meaning of Specific Words and Terms

The listed specific words and terms are defined as follows:

//

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

**Comment:** It is unclear why Apartment is defined as being different than Condominium, unless to make a distinction between owner-occupied dwellings and rental dwellings, but even then an apartment may be owner-occupied or a rental unit. Apartment is a type of dwelling. Condominium is a form of ownership.

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

//

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

**Comment:** Condominium is a form of ownership. “Condos” are usually constructed as apartments or townhouses under the International Residential Code (IRC). Condominium is not a distinct land use or dwelling type, because it can take many forms, including stacked flat apartments and side-by-side attached or detached dwellings.

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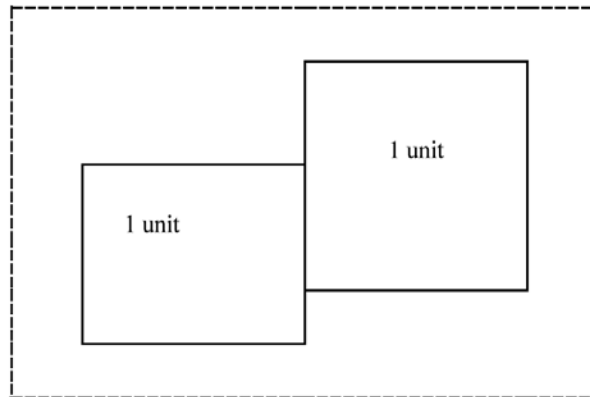
**Cottage Cluster Development.** A development with four or more detached dwelling units with common area developed under a unified site plan that is approved pursuant to Article 10.8.036 Cottage Cluster Development. See also, Dwelling, Multifamily.

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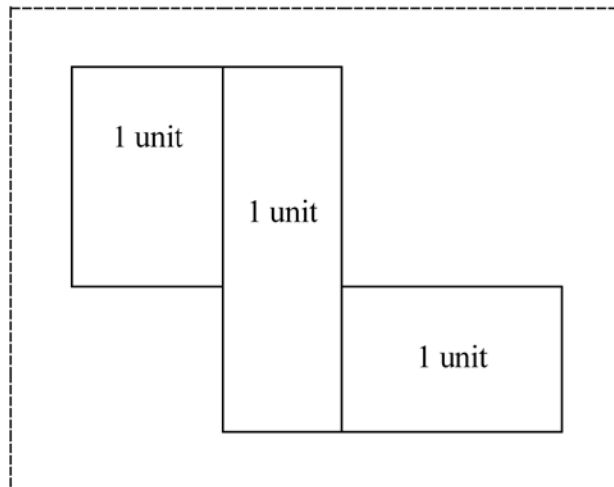
**Dwelling, Cottage Cluster.** A detached dwelling unit in a development with four or more detached dwelling units, developed under a unified site plan that is approved pursuant to Article 10.8.036 Cottage Cluster Development.

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

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



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



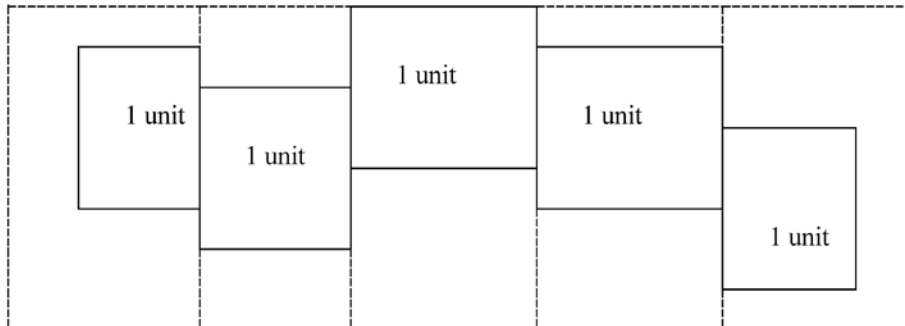
[insert graphic depicting multiple detached unit]

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

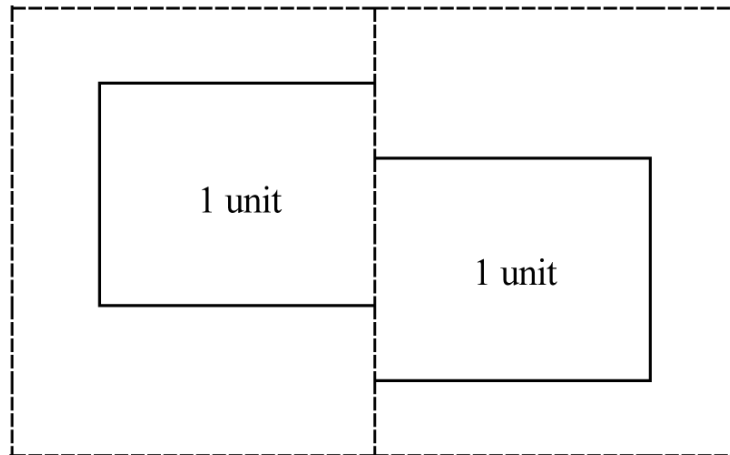
**Dwelling, Single Attached (Townhouse).** More than 2 dwelling units, each located on a separate lots, placed side by side, ~~but~~ and sharing some structural parts at a common property line.



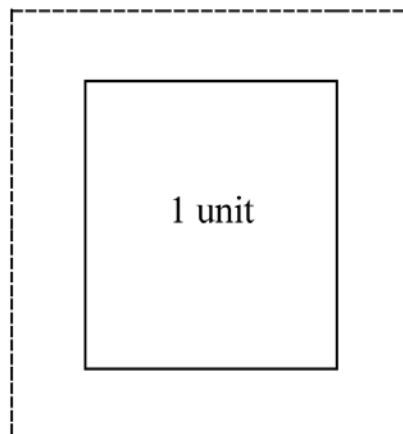
**Comment:** The definition of Townhouse is edited to specify individual lots so that it is not confused with Duplex or Multifamily Dwelling.



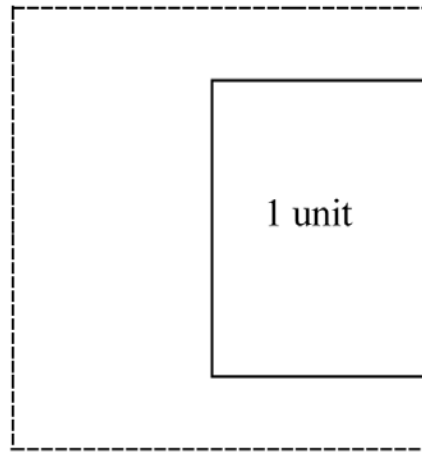
**Dwelling, Single Attached (Zero Lot Line).** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.



**Dwelling, Single Detached.** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



**Dwelling, Single Detached (Zero Lot Line).** A single detached structure with no setback from one lot line.



**Dwelling Unit.** One or more rooms, with bathroom and kitchen facilities, designed for occupancy by one family.

//

**Family.** An individual or two or more persons related by blood, adoption or marriage, or a group of not more than 5 adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Title, “family” also refers to unrelated physically or mentally handicapped, elderly, or drug or alcohol dependent persons receiving treatment, //

**Housing Unit.** A house, an apartment or a mobile home, or a group of rooms or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and that has direct access from the outside of the building or through a common hall.

//

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

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

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

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

//

**Residential Care Facility.** A residential care, treatment or training facility duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 6 to 15 individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. A facility with over 15 patients does not qualify as a residential care facility.

**Residential Care Home.** A residential treatment or training home, or an adult foster home duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 5 or fewer individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

//

## **Chapter 10.3 APPLICATION REVIEW PROCEDURES**

Sections:

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### **Article 3.020 Review Procedures**

- 10.3.020.010 Purpose
- 10.3.020.020 Procedure Types
- 10.3.020.030 Ministerial Actions
- 10.3.020.040 Administrative Actions
- 10.3.020.050 Quasi-Judicial Actions

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### **Article 3.030 Site Plan Review**

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- 10.3.030.040 Review Criteria

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### **Article 3.040 Neighborhood Compatibility Review**

- 10.3.040.010 Purpose
- 10.3.040.020 Definitions
- 10.3.040.030 Applicability
- 10.3.040.040 Review Procedure
- 10.3.040.050 Review Criteria

//

### **Article 3.080 Adjustments**

- 10.3.080.010 Purpose
- 10.3.080.020 Applicability
- 10.3.080.030 Review Procedures
- 10.3.080.040 Review Criteria
- 10.3.080.050 Conditions of Approval
- 10.3.080.060 Time Limits
- 10.3.080.070 Appeal

### **Article 3.085 Affordable Housing Incentives**

- 10.3.085.010 Purpose
- 10.3.085.020 Applicability
- 10.3.080.030 Affordable Housing Incentives
- 10.3.080.040 Review Criteria and Standards

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## Article 3.010 Application Procedures

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### 10.3.020.030 Ministerial Actions

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

//

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

The existing procedure allowing reassignment of an application from Ministerial review to Administrative review is not clear or objective, however it is outside the scope of work to update the city's review procedures. The code should be amended to allow for review of all housing development applications under the Ministerial or Administrative procedure, however this is outside SPS's scope of work.

### 10.3.020.040 Administrative Actions

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

//

### 10.3.020.050 Quasi-Judicial Actions

- A. Decision Types. Quasi-judicial actions include, but are not limited to, the following:
1. Site Plan Review (Article 3.030).
  2. ~~Neighborhood Compatibility Review (Article 3.040).~~

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

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

Where rezoning allows an increase in density, SPS recommends the city require a percentage of future housing units developed in the subject area be affordable. This type of voluntary, inclusionary housing is consistent with The Dalles 2017 Housing Strategy, and avoids creating a loophole in the proposal to allow density bonuses by right where developments meet affordable housing criteria. This provision requires adoption of a separate, complementary (non-land use) ordinance establishing rules and procedures for affordable housing.

The existing procedure allowing reassignment of an application from Ministerial review to Administrative review is not clear or objective, however it is outside the scope of work to update the city's review procedures. The code should be amended to allow for review of housing development applications under the Ministerial or Administrative procedure.

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## **Article 3.030 Site Plan Review**

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### **10.3.030.040 Review Criteria**

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

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

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



- C. Arrangement of Site Elements. Elements of the site plan are arranged to:
1. Promote pedestrian, bicycle, and vehicular safety and welfare. For housing developments this standards is met through compliance with the applicable zone standards and the requirements of Article 3.040, as applicable.
  2. Preserve and maintain public amenities and significant natural features. For housing developments this standards is met through compliance with the applicable zone standards and the requirements of Article 3.040, as applicable.
  3. Avoid traffic congestion. For housing developments this standards is met through compliance with subsection B, above.
  4. Minimize potential adverse impacts on surrounding properties. For housing developments this standards is met through compliance with the applicable zone standards and the requirements of Article 3.040, as applicable.

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

**D.** Design Standards—All Development.

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

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

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

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

4. Fences/Walls. Fences and walls in front yards and corner side yards, individually or in combination, shall be no more than 4 feet in height. A fence and wall are considered combined when located less than five feet apart at grade.

5. Parking Lot Landscaping. Where more than 4 contiguous surface parking spaces are provided, the requirements of Section 10.7.030.040(B): Landscaping and Screening Along a Public Right-of-Way shall apply.
6. Pedestrian/Bicycle Circulation. **All primary building entrances in a development shall be connected to the public right-of-way, on-site parking, and open space areas, if any, by a network of walkways or sidewalks of not less than 5 feet in width.** ~~Developments more than 2 acres in size shall include a pedestrian and bicycle circulation plan for the site.~~
7. Building Orientation. **Except where a building cannot orient to a street because it is accessed from private drive or is part of a multi-building complex and does not have street frontage,** ~~New~~ buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, walkways, and traditional storefront elements.

**Comment:** There needs to be an exception to this standard where a development contains multiple buildings and it is not practical to orient all buildings to the street. See multifamily development graphic below.

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

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

9. Front Porches. **The minimum front setback for covered front porches is 5 feet less than the standard front setback for the zone. For purposes of this standard, a covered front porch must connect to the primary building entrance and except for landings be enclosed with a rail.** ~~When there are covered front porches on more than 65% of the residential structures on the block (both sides of the street) where the development is proposed, the new residential building shall have a covered front~~

~~porch. Porch dimensions shall be a minimum of 6 feet in depth and 8 feet in length. A railing shall enclose the porch.~~

10. Trim and Details. Trim shall be used around the windows, doors, frieze, and corners of buildings. Details shall be used around the porch, fascia board, and window and door tops.

**Comment:** This is not objective, but the trim standard recommended with Phase 1 (3 ½ inches) is not going to be appropriate for some windows, such as those that are recessed, round, or certain masonry buildings. Allow adjustments this and all other dimensional standards through a discretionary review path.

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

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**Comment:** The standards in subsections 1-2 (apply to duplexes and townhomes) are being amended with Phase 1. The following amendments apply to multifamily housing only.

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

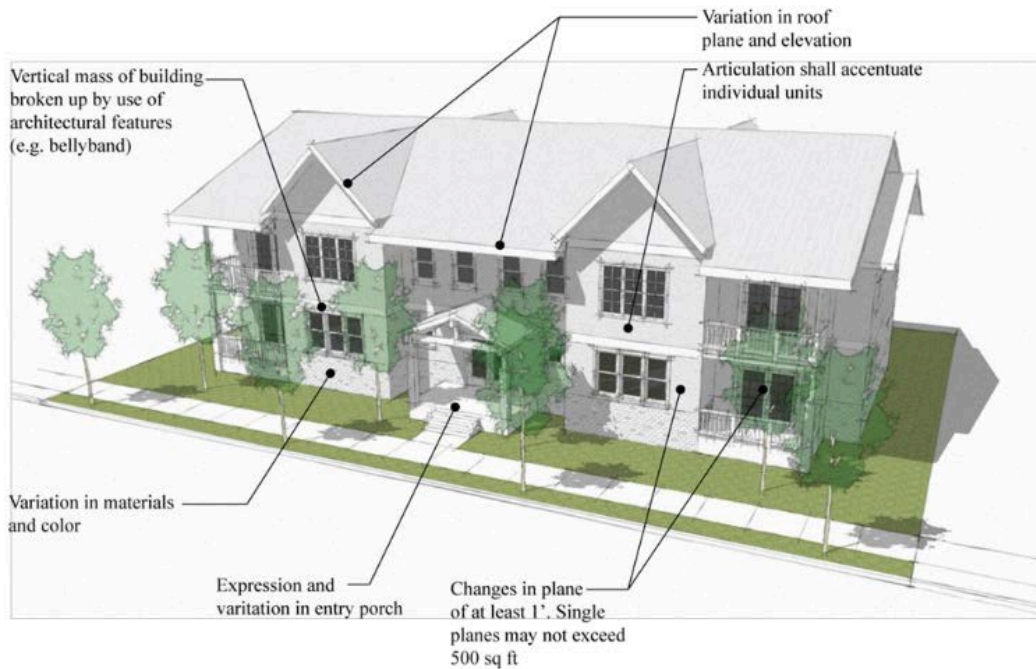
~~Have a roof pitch greater than 4 feet of rise for every 12 feet of width (4:12).~~

- b. Have stairways to upper floors which are **illuminated to a minimum of 1 foot-candle (11 lux)** adequately lighted, and protected **by a canopy or enclosure form from** wind, rain, sun, and snow, ~~and not openly visible from the street.~~
  - c. Locate any garages or carports at least 10 feet behind the front building line.
  - d. ~~Be encouraged to incorporate usable~~ Provide **individual** covered dwelling unit entrances, **such as covered front porches** ~~space into the project design.~~

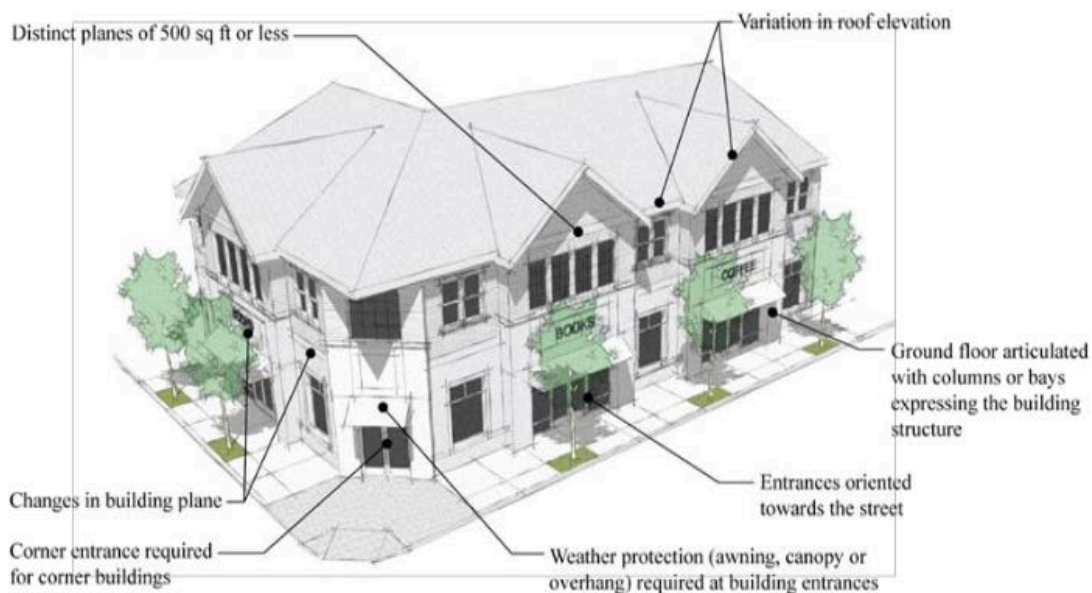
**Comment:** Amended to establish clear and objective standards. The illumination standard is borrowed from the IBC Chapter 10 Means of Egress, which contains standards for clearances, non-slip surfaces, and illumination of exit stairs.

## Multifamily Building Examples

**Comment:** The following graphics are placeholders that illustrate the types of standards that the city may want to codify. Not all of the building features called out in the graphics are regulated. Final graphics to include labels that match the code's text, based on Planning Commission input.



## Mixed-Use (Residential above Commercial) Example



## **Article 3.040 Neighborhood Compatibility Review**

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

### **10.3.040.010 — Purpose**

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

### **10.3.040.020 — Definitions**

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

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

### **10.3.040.030 — Applicability**

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

- ~~A. Planned developments and subdivisions greater than 10 lots, where the developer constructs or sites the buildings.~~
- ~~B. Designated local and national historic districts.~~

#### **~~10.3.040.040 — Review Procedure~~**

- ~~A. Applications. In addition to the requirements of Article 3.010: Application Procedures, the applicant shall submit the following where applicable:~~
- ~~1. Plans indicating building orientation, garage/carport location, front porch details, exterior building elevations and details, building finish materials, parking location, location and description of fences and walls, parking lot landscaping, and pedestrian/bicycle circulation.~~
  - ~~2. Photographs of the surrounding buildings shall also be submitted to provide context for the proposal.~~
- ~~B. Review. The Director, or where applicable the Commission, shall review development applications for compliance with the standards of this Article. This review shall be processed as either a ministerial or planning action.~~
- ~~1. Ministerial Actions. Where the normal application review for new construction, additions, or modifications is processed as a ministerial action, the neighborhood compatibility review shall also be a ministerial action, and processed per the provisions of Section 10.3.020.030: Ministerial Actions.~~
  - ~~2. Planning Actions. Neighborhood compatibility review involving proposals for new construction or additions to buildings which are conditionally permitted or would otherwise normally require site plan review shall be either administrative or quasi-judicial decisions depending on the level of application review, and processed accordingly per the appropriate provisions of Section 10.3.020.040: Administrative Actions or Section 10.3.020.050: Quasi Judicial Actions.~~

#### **~~10.3.040.050 — Review Criteria~~**

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

- ~~A. City Ordinance Requirements. The development proposal conforms with, or can be made to conform with through added conditions any related requirements of this and other City ordinances.~~
- ~~B. Design Standards — All Development.~~
- ~~1. Scale. Buildings with walls greater than 80 feet in length shall include street façades that are varied and articulated at regular 20, 30, 40 or 50 foot intervals along the façade to provide the appearance of smaller buildings. Articulation shall be achieved through the use of offsets, jogs, variation of finishes, projections, windows, bays, porches, traditional storefront elements, entries or other similar distinctive changes.~~
  - ~~2. Parking Location. With the exception of driveway parking, parking areas and parking lots shall not be located in the front yard setback.~~
  - ~~3. Yards. Front and side yards that abut the street shall be visually open to the street entrances.~~
  - ~~4. Fences/Walls. Fences and walls in front yards and corner side yards shall be no more than 4 feet in height.~~



- ~~5. — Parking Lot Landscaping. Where more than 4 contiguous surface parking spaces are provided, the requirements of Section 10.7.030.040(B): Landscaping and Screening Along a Public Right of Way shall apply.~~
  - ~~6. — Pedestrian/Bicycle Circulation. Developments more than 2 acres in size shall include a pedestrian and bicycle circulation plan for the site.~~
  - ~~7. — Building Orientation. New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, walkways, and traditional storefront elements.~~
  - ~~8. — Garage/Carport Location. New garage/carport setbacks shall be similar to the existing garage/carport setbacks on the block (both sides of the street) where the development is proposed, subject to the following standards:
    - ~~a. — When more than 50% of the existing garage/carport entrances on the subject block are either even with the front building line, or between the front building line and the street, the proposed garage/carport entrance may be even with or in front of the front building line, but no closer to the front property line than 20 feet.~~
    - ~~b. — When more than 50% of the existing garage/carport entrances on the subject block are set back behind the front façade of the house, the proposed garage/carport entrance shall be set back at least 5 feet behind the front building line.~~~~
- ~~//~~
- ~~9. — Front Porches. When there are covered front porches on more than 65% of the residential structures on the block (both sides of the street) where the development is proposed, the new residential building shall have a covered front porch. Porch dimensions shall be a minimum of 6 feet in depth and 8 feet in length. A railing shall enclose the porch.~~
  - ~~10. — Trim and Details. Trim shall be used around the windows, doors, frieze, and corners of buildings. Details shall be used around the porch, fascia board, and window and door tops.~~

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

~~//~~

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

## Article 3.080 Adjustments

### 10.3.080.010 Purpose

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

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

### 10.3.080.020 Applicability

- A. Unless listed in subsection B of this section, all regulations in the **Title 10 LUDO** may be modified using the adjustment review process.
- B. Adjustments are prohibited for the following items:
  - 1. To allow a primary or accessory use that is not allowed by the regulations.
  - 2. As an exception to any restrictions on uses or development which contain the word "prohibited";
  - 3. As an exception to a threshold for a review. An example is Section 10.3.050.110. That provision states that an increase in the gross floor area of more than 10% or in excess of 1,000 square feet requires a major modification process. An adjustment could not be granted to allow an increase of 1,100 square feet as a minor modification;
  - 4. As an exception to a definition or classification. An example is a family day care which is defined as care of 12 or fewer children. An adjustment could not be granted to change the number of children within that definition to be 13;
  - 5. As an exception to the procedural steps of a procedure or to change assigned procedure;
  - 6. To allow an increase in density **above the densities allowed by The Dalles Comprehensive Plan** in the RL zone.
- C. The administrative adjustment procedure may be used to change the following:
  - 1. Up to 33% reduction of standard setback requirements.

2. Up to 10% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
3. Up to 10% reduction in required minimum lot area.
4. Up to 10% increase in the maximum lot coverage area.
5. Up to 10% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
6. Up to 25% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.

**7. Up to 20% adjustment to other dimensional standards as contained in this code.**

**Comment:** This adjustment (increase or decrease to a dimensional standard) applies to building design standards such as roof pitch, offsets, articulation, trim and other detailing.

**D. The quasi-judicial adjustment process may be used to change the following items:**

1. Up to 50% reduction in standard setback requirements.
2. Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
3. Up to 20% reduction in required minimum lot area.
4. Up to 20% increase in the maximum lot coverage area.
5. Up to 20% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
6. Up to 50% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
7. One- and two-family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Sections 10.5.010.060, **10.5.020.060**, and **10.5.030.060**. Factors to be considered include the following: lots exceeding the minimum size; difference in elevation between building site and street; slope of lot; setback from street; difficult access from the street, and other relevant factors. If approved, the Planning Commission may require additional landscaping, among other conditions, to reduce the effect on the view from the street.

**8. Up to 50% adjustment to a dimensional standard for building design as contained in Title 10.**

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

### 10.3.080.030 Review Procedures

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

### 10.3.080.040 Review Criteria

- A. An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.
1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.
  2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
  3. City-designated scenic resources and historic resources are preserved; and
  4. Any impacts resulting from the adjustment are mitigated to the extent practical; and
  5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable, or
  6. Application of the regulation in questions would preclude all reasonable economic use of the site; and
  7. Granting the adjustment is the minimum necessary to allow the use of the site; and
  8. Any impacts resulting from the adjustment are mitigated to the extent practical.
- B. Additional Criteria. If the applicant meets the approval criteria of subsection A above, then the approving authority **shall also find that the following criteria are met:** ~~may also take into consideration, when applicable, whether the proposal will:~~
1. ~~Result in a more efficient use of the site;~~
  2. Provide adequate provisions of light, air, and privacy to adjoining property;
  3. Provide for accessibility, including emergency vehicles, per City standards;
  4. Result in a **development** ~~structure~~ that conforms to the general character of the neighborhood or zone district;
  5. If a reduced number of parking is requested, provide adequate parking based on **a parking demand analysis** ~~low demand users~~, or supplement on-site parking with joint use agreements.

<b>Comment:</b> These edits clarify and streamline the criteria.
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### 10.3.080.050 Conditions of Approval

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

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## **Article 3.085 Affordable Housing Incentives [NEW CHAPTER]**

**Comment:** This amendment implements the Housing Strategy recommendation to “Establish density and height bonuses as incentives for affordable housing” by allowing increased density, height, and lot coverage, and reductions to required parking, consistent with the City’s Housing Needs Analysis and Comprehensive Plan Goal 10, Policies 16 and 19. Amendments to the Comprehensive Plan are proposed to establish affordable housing criteria and to support an increase in density for affordable housing.

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

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

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

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

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

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

### 10.3.085.010 Purpose

### 10.3.085.020 Applicability

### 10.3.085.030 Affordable Housing Incentives

### 10.3.085.040 Review Criteria

### **10.3.085.010 Purpose**

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

### **10.3.085.020 Applicability**

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

### **10.3.085.030 Affordable Housing Incentives**

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

#### A. Density Bonus.

A density bonus of two additional dwelling units shall be granted for every one dwelling unit developed that meets the city's affordability criteria, not to exceed 135% of the maximum density of the zone. This criterion applies to individual developments, through land division review and site plan review, and applications for zone changes that increase allowed density.

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

#### B. Height Bonus.

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

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



C. Lot Coverage Bonus.

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

D. Parking Reduction.

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

**10.3.085.040 Review Criteria**

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

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

## Article 3.086 Cottage Cluster Development [NEW CHAPTER]

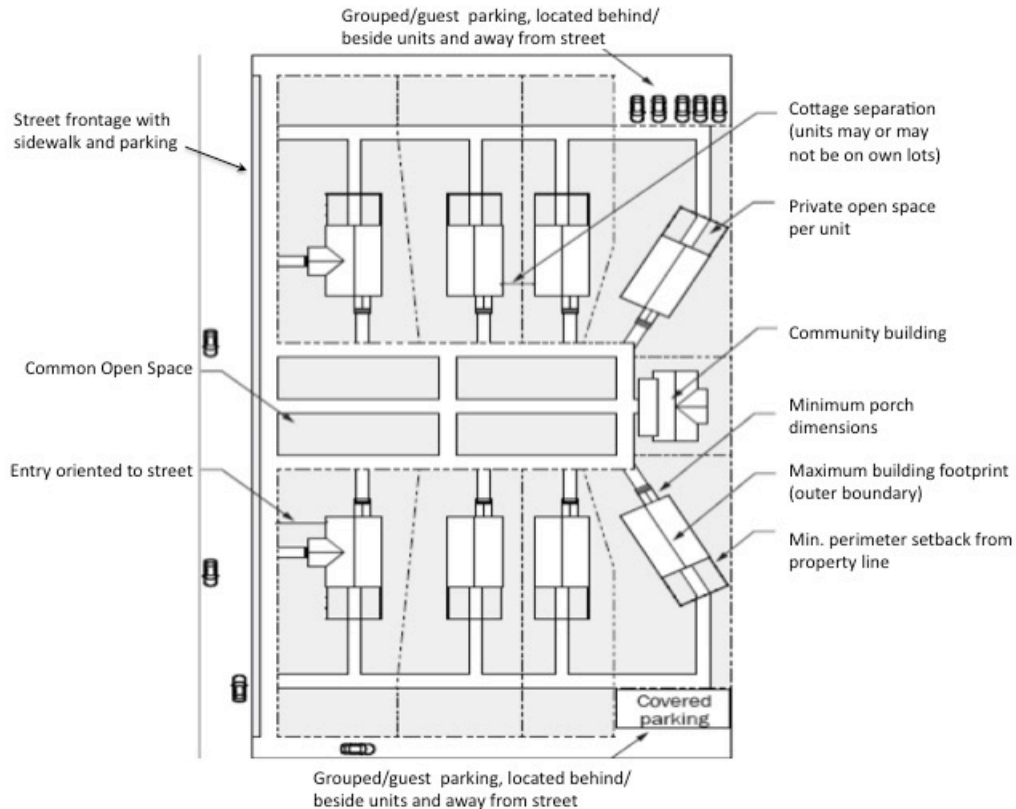
**Comment:** Cottage cluster development is an alternative type of detached housing comprised of small residences oriented around open space and suited to accommodate a typical household of one or two individuals. Cottage dwellings are part of the city's overall housing strategy to promote a variety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

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

### **10.3.086.010 Purpose and intent**

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

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



### 10.3.086.020 Density and lot area

<u>Zoning Districts</u>	<u>Residential Medium Density District RM</u>	<u>Residential High Density District RH</u>
<u>Maximum Cottage Density</u>	<u>1 cottage dwelling unit per 2,000 sq. ft.</u>	<u>1 cottage dwelling unit per 1,500 sq. ft.</u>
<u>Minimum number of cottages per development</u>	<u>4</u>	<u>4</u>
<u>Maximum number of cottages per development</u>	<u>12</u>	<u>24</u>
<u>Minimum size cottage development area</u>	<u>12,000 sq. ft.</u>	<u>12,000 sq. ft.</u>
<u>Note: Density is based on net development area after deducting any required right-of-way dedications. Every unit must comply with the maximum floor area standards.</u>		

### 10.3.086.030 Unit size

A. Floor Area. To ensure that the overall size, including bulk and mass, of cottage structures and cottage housing developments is small and in scaled with adjacent development, and

creates less visual and physical impact than standard sized single-family dwellings that are required to be located on larger lots, the following floor area limitations apply to cottage housing. Two types of cottages are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.

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

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

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

### **10.3.086.040 Lot coverage**

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

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

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

#### **10.3.086.050 Open area**

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

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

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

#### **10.3.086.060 Building separation**

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

#### **10.3.086.070 Setbacks**

The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason, with the exception of the outside perimeter of the development, side and rear yards are regulated only insofar as structures must maintain minimum

separation (Section 10.3.086.060) and comply with applicable building and fire code standards. With respect to the outside perimeter, cottage dwellings and their accessory structures must meet setbacks or yard requirements for single family detached development in the zone in which they are located.

#### **10.3.086.080 Building height**

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

#### **10.3.086.090 Parking and storage**

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

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

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

C. Detached garage and carport structures:

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

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

#### **10.3.086.100 Design standards**

A. Site Design.

1. The common open space shall be centrally located within a cottage housing development.
2. Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented toward common open space.
3. Pedestrian connections shall link all buildings to the public right-of-ways, common open space, and parking areas.



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

**B. Building Design.**

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

**C. Community Buildings.**

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

**10.3.086.110 Alternative cottage cluster designs**

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

**10.3.086.120 Assurance for common areas maintenance**

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

## **Chapter 10.5 ZONE DISTRICT REGULATIONS**

### Sections:

#### Article 5.010 RL Low Density Residential District

10.5.010.010 Purpose

10.5.010.020 Permitted Uses

//

~~10.5.010.050 Neighborhood Compatibility~~

//

#### Article 5.020 RH High Density Residential District

10.5.020.010 Purpose

10.5.020.020 Permitted Uses

//

~~10.5.020.050 Neighborhood Compatibility~~

10.5.020.060 Development Standards

10.5.020.070 Design Standards

10.5.020.080 Open Area

//

#### Article 5.030 RM Medium Density Residential

10.5.030.010 Purpose

10.5.030.020 Permitted Uses

//

~~10.5.030.050 Neighborhood Compatibility~~

10.5.030.060 Development Standards

10.5.030.070 Design Standards

10.5.030.080 Open Area

//

#### Article 5.040 NC Neighborhood Center Overlay

10.5.040.010 Purpose

10.5.040.020 Permitted Uses

//

10.5.040.050 Development Standards

10.5.040.060 Design Standards

~~10.5.040.070 Neighborhood Compatibility~~

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#### Article 5.050 CBC Central Business Commercial District

10.5.050.010 Purpose

10.5.050.020 Sub-Districts

10.5.050.030 Permitted Uses

//

10.5.050.060 Development Standards

10.5.050.070 Design Standards—All Development  
//

Article 5.060 CG General Commercial District

10.5.060.010 Purpose

10.5.060.020 Permitted Uses //

## Article 5.010 RL Low Density Residential District

### 10.5.010.010 Purpose

This district implements the RL - Low Density Residential Comprehensive Plan designation, which allows for a range of zero to 6 single-family dwelling units per gross acre. The RL district is intended to provide low density family residential areas for present and future needs, together with a full range of urban services.

### 10.5.010.020 Permitted Uses

#### A. Primary Uses Permitted Outright.

1. Residential use types: single-family.
2. Residential building types:
  - a. Single-family detached.
  - b. Single-family detached (zero lot line) when used in a cluster of zero lot line lots or when a 10-foot easement is obtained from the owner of the property adjacent to the zero-foot setback. If a zero lot line is used, the opposite side yard setback is a minimum of 8 feet unless the entire yard is used, as in a cluster of townhouses.
  - c. Duplex and 2-unit condominiums (on corner lots).
3. Civic use types: public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.010.030: Conditional Uses of this Article).
4. Other use types: wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
5. Other uses determined by the Director to be similar to the above uses.
- 6. Affordable housing, consistent with the permitted building types listed above.**

**Comment:** This amendment is largely symbolic, as housing at all price and rent levels is already allowed in the zone.

#### B. Accessory Uses Permitted Outright.

1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development.

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### ~~10.5.010.050 Neighborhood Compatibility~~

- ~~A. To insure maximum compatibility with the surrounding established neighborhood, all new buildings and structures proposed in established neighborhoods in the RL Low Density Residential District shall comply with the provisions of Article 3.040: Neighborhood Compatibility Review. Where applicable, the Neighborhood Compatibility Standards shall~~

~~take the place of the Development and Design Standards, including Exceptions, of this Article.~~

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

**Comment:** The standards in Subsection 10.5.010.070, which apply to new one- and two-family dwellings are sufficient for neighborhood compatibility.

#### **10.5.010.060 Development Standards**

**Comment:** No changes to this table.

#### **10.5.010.070 Design Standards**

- A. All Residential Development. All one- and two-family dwelling units located on a single tax lot shall utilize 6 or more of the following design features to provide visual relief along the front of the residence(s):

**Comment:** No changes to this subsection.

## Article 5.020 RH High Density Residential District

### 10.5.020.010 Purpose

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

### 10.5.020.020 Permitted Uses

#### A. Primary Uses Permitted Outright.

1. Residential use types:
  - a. Single-family.
  - b. Multifamily.
  - c. Cottage cluster development.**
  - d. Affordable housing, consistent with the permitted building types.**
2. Residential building types:
  - a. Single-family detached.
  - b. Single-family detached (zero lot line).
  - c. Duplex and single-family attached (zero lot line, 2 units).
  - d. Small lot single-family detached dwellings (3 to 8 unit clusters) and attached town houses (zero lot line, 3 to 8 unit clusters).
  - e. Multifamily dwelling.
  - f. Cottage cluster dwelling.**

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**Comment:** The amendment allowing cottage cluster dwellings expands the options for market rate and below market rate housing, consistent with the Housing Strategy recommendations, which include: "Consider defining cottage clusters as a housing type, creating specific development and design standards, and permitting [them] outright in some or all residential zones." The listing of affordable housing as a permitted use is largely symbolic, as housing at all price and rent levels is already allowed in the zone.

### ~~10.5.020.050 Neighborhood Compatibility~~

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

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

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

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

#### **10.5.020.060 Development Standards**

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

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



## RH High Density Residential District Standards

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

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

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

	<b>Standard</b>			
<b>RH High Density Residential</b>	<b>One Dwelling Unit per Lot</b>	<b>Two Dwelling Units per Lot</b>	<b>Three Dwelling Units per Lot</b>	<b>Four or More Dwelling Units per Lot</b>
Minimum Lot Area	3,500 sq. ft., 2,800 sq. ft. for small lot and townhouse clusters (3-8 units)	5,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	2,800 sq. ft. to 3,500 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	1,500 sq. ft.
Minimum Lot Width	35 ft. or 25 ft. for small lot and townhouse clusters (2-8 units)	50 ft.	75 ft.	75 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	85 ft.
Building Height*	32 ft. maximum	35 ft. maximum	40 ft. maximum	40 ft. maximum
Minimum Setbacks				
Front Yard	15 ft.			
Rear Yard	10 ft.			
Side Yard (interior)	5 ft. minimum			
Single Family	8 ft. on one side of dwelling with zero setback on the opposite side, if either similar setbacks on adjacent property, or at least 10 ft. separation of buildings.			
Detached Corner				
Duplex				
Attached Row				
House	8 ft. minimum for end units; zero setback where common walls exist.			
Garage/Carport	20 ft. minimum (corner lots and interior lots)			
Entrances (facing street)				
Lot Coverage	60% of lot area maximum			
Building Orientation	The front building line shall be parallel to the street or private accessway.			

	<b>Standard</b>			
<b>RH High-Density Residential</b>	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
	Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door. Front building orientation cannot be modified from its original design to meet this criteria.			
Pedestrian Access	All multifamily building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <del>Section 10.5.020.070(E):</del> <i>Pedestrian Walkways</i>			
Off-Street Parking (Bicycles and Vehicles)	<del>See Chapter 10.7—Parking Standards</del>			
Accessory Uses, Buildings and Structures	<del>See Article 6.030: Accessory Development</del>			
Landscaping	<del>See Article 6.010: Landscaping Standards</del>			
Access Management	<del>See Article 6.050: Access Management</del>			
Minimum Density**	Not more than 4,000 net buildable sq. ft. per dwelling unit.			

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

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

## 10.5.020.070 Design Standards

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- C. Exterior Elevations—All Development Except One- and Two-Family. Exterior elevations of buildings shall incorporate architectural design features such as ~~architectural features~~, offsets, balconies, base/wall/cornice design, projections, windows, entries, bays, seating, porches, wall articulation, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 design features shall be incorporated along the horizontal face (side to side) of the structure at a minimum of every 40 feet.
  2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom).
- ~~D. Entries. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.~~

**Comment:** Some of the terms listed in 'C' are not defined, though the common meanings of these terms are clear. "Encouraged" is not a standard. The building code regulates egress,

including required number and clearances of exits, illumination, non-slip surfaces, and connection to walkways.

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

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

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

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

**Comment:** The above edits simplify the standards.

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#### **10.5.020.080 Open Area**

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

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

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### **Article 5.030 RM Medium Density Residential**

#### **10.5.030.010 Purpose**

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

#### **10.5.030.020 Permitted Uses**

- A. Primary Uses Permitted Outright.
  - 1. Residential use types:
    - a. Single-family.\*
    - b. Multifamily.\*\*
    - c. Manufactured dwelling park.\*\*\*
    - d. Cottage cluster development.**

**e. Affordable housing, consistent with the permitted building types.**

2. Residential building types:

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

**f. Cottage cluster dwelling.**

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

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

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

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

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**10.5.030.050 — Neighborhood Compatibility**

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

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

## 10.5.030.060 Development Standards

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

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

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

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

	<b>Standard</b>
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<b>RM Medium Density Residential</b>	<b>One Dwelling Unit per Lot</b>	<b>Two Dwelling Units per Lot</b>	<b>Three Dwelling Units per Lot</b>	<b>Four or More Dwelling Units per Lot</b>
Minimum Lot Area	4,000 sq. ft., 3,500 sq. ft. for small lot and townhouse clusters (3-5 units)	6,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	4,000 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	2,000 sq. ft.
Minimum Lot Width	40 ft. or 35 ft. each for small lot and townhouse clusters (3-5 units)	50 ft.	80 ft.	80 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	100 ft.
Building Height*	32 ft. maximum	35 ft. maximum	40 ft. maximum	40 ft. maximum
Minimum Setbacks				
Front Yard	10 ft.			
Rear Yard	5 ft. minimum			
Side Yard (interior)				
Single Family	8 ft. on one side of dwelling with zero setback on the opposite side, if either similar setbacks on adjacent property, or at least 10 ft. separation of buildings.			
Corner				
Duplex				
Attached Row House	8 ft. minimum for end units; zero setback where common walls exist.			
Garage/Carport Entrances (facing street)	20 ft. minimum (corner lots and interior lots)			
Lot Coverage	60% of lot area			
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door. Front building orientation cannot be modified from its original design to meet this criteria.			
Pedestrian Access	All multifamily building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Section 10.5.030.070(D): Pedestrian Walkways</i>			
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 10.7—Parking Standards</i>			
Accessory Uses, Buildings and Structures	See <i>Article 6.030: Accessory Development</i>			

	<b>Standard</b>			
<b>RM Medium Density Residential</b>	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Landscaping	<i>See Article 6.010: Landscaping Standards</i>			
Access Management	<i>See Article 6.050: Access Management</i>			
Minimum Density**	Not more than 6,000 net buildable sq. ft. per dwelling unit.			

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

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

### 10.5.030.070 Design Standards

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B. Exterior Elevations—All Development Except One- and Two-Family. Exterior elevations of buildings shall incorporate architectural design features; **such as** offsets, balconies, projections, windows, base/wall/cornice design, entries, bays, seating, porches, wall articulation, or similar elements to preclude large expanses of uninterrupted building surfaces.

1. Horizontal. At least 2 architectural design features shall be incorporated along the horizontal face (side to side).
2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom).

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

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

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



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

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

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

**E.** Front Entry. All one- and two-family dwelling units located on a single tax lot shall have **individual entrances. Primary entries shall be a traditional on the front building elevation; or if a duplex on a corner lot, one entry may face a street side elevation.** ~~entry~~ **Entrances** on the ground level ~~included in the front building line~~ shall be connected by hard surface **of not less than 4 feet in width** to the right-of-way. In addition, all one- and two-family dwellings located on a single tax lot shall utilize 6 or more of the 10 ~~other~~ design features ~~located in Section 10.5.010.070(A) to provide visual relief along the front of the residence.~~

**Comment:** “Traditional” is ambiguous. The revision is intended to clarify the standard while removing extraneous language. The Advisory Committee discussed whether manufactured homes ought to be exempt from the front entry standard, because many manufactured home plans have front entrances on the long axis of the structure, not what

is typically the “front” elevation. On recommendation of city staff, standard is drafted so that it applies to all one- and two-family dwellings.

**10.5.030.080 Open Area**

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

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## Article 5.040 NC Neighborhood Center Overlay

### 10.5.040.010 Purpose

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

### 10.5.040.020 Permitted Uses

#### A. Primary Uses Permitted Outright.

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

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

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

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

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## 10.5.040.050 Development Standards

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

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

# **10.5.040.050 — Development Standards**

	<b>Standard</b>		
<b>NC Neighborhood Commercial</b>	<b>Commercial Only</b>	<b>Residential Only</b>	<b>Mixed Commercial/Residential</b>
Minimum Lot Area	None	4,000 sq. ft. or 2,800 sq. ft. per lot for small lot and townhouse clusters (3-8 units)	4,000 sq. ft.
Minimum Site Area per Dwelling Unit	N/A	2,500 sq. ft.	2,000 sq. ft.
Minimum Lot Width	None	40 ft. or 28 ft. per lot for small lot and townhouse clusters (3-8 units)	40 ft. or 28 ft. per lot for small lot and townhouse clusters (3-8 units)
Minimum Lot Depth	None	60 ft.	60 ft.
Front Yard Setback	No minimum. 5 ft. maximum, except 15 ft. maximum where outdoor seating for food service or a permanent open area is provided	10 ft. minimum	5 ft. minimum, 10 ft. maximum if residential on ground floor. Otherwise no minimum and 5 ft. maximum, except 15 ft. maximum where outdoor seating for food service or a permanent open area is provided.
Rear Yard Setback	None, except 15 ft. where shares lot line with property zoned residential	10 ft. minimum	10 ft. minimum, except 15 ft. where shares lot line with property zoned residential
Side Yard Setbacks	None, except 8 ft. from right of way line for exterior side yard, and 10 ft. where shares lot line with property zoned residential	5 ft. minimum, 0 ft. for zero lot lines, 8 ft. for exterior side yard	5 ft. minimum, except 0 ft. for zero lot lines, 8 ft. from right of way line for exterior side yard, and 10 ft. where shares lot line with property zoned residential
Building Height	32 ft. maximum	32 ft. max.	35 ft. maximum
Lot Coverage (area occupied by buildings, parking, and automobile circulation)	No maximum	65% of lot area maximum	No lot area maximum
Minimum Density*	n/a	4,000 net buildable sq. ft. per dwelling unit	n/a
Garage/Carport Entrance (facing street)	20 ft. minimum setback (corner lots and interior lots)		
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private access way is allowed only if there is no street		

NC Neighborhood Commercial	Standard		
	Commercial Only	Residential Only	Mixed Commercial/Residential
	frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.		
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.040.060(C): Pedestrian Walkways		
Off Street Parking (bicycles and vehicles)	See Chapter 10.7 – Parking Requirements		
Landscaping	See Article 6.010: Landscaping Standards		
Access Management	See Article 6.050: Access Management		
Accessory Uses, Buildings and Structures	See Article 6.030: Accessory Development		

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

#### 10.5.040.060 Design Standards

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

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

- C. Pedestrian Walkways. Each developed commercial, or mixed commercial/residential site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction and be the shortest practical distance between the

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

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

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

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#### **~~10.5.040.070 — Neighborhood Compatibility~~**

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

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

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## **Article 5.050 CBC Central Business Commercial District**

### **10.5.050.010 Purpose**

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

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### **10.5.050.030 Permitted Uses**

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

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19. Residential uses as follows:

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

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

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### **10.5.050.070 Design Standards—All Development**

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B. Entries.

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



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

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

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

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

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## Article 5.060 CG General Commercial District

### 10.5.060.010 Purpose

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

### 10.5.060.020 Permitted Uses

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

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22. Residential care facilities and assisted living.

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## Chapter 10.6 GENERAL REGULATIONS

Sections:

Article 6.010 Landscaping Standards

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10.6.010.070 Required Landscaping By Zone

### Article 6.010 Landscaping Standards

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#### 10.6.010.070 Required Landscaping By Zone

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

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

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## **Chapter 10.7 PARKING STANDARDS**

Sections:

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Article 7.020 General Provisions

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10.7.020.030 Location and Use of Motor Vehicle Parking

10.7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions

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10.7.020.060 Shared Parking

10.7.020.070 Parking In Mixed Use Development

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Article 7.060 Minimum and Maximum Off-Street Parking Requirements

10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

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### **Article 7.020 General Provisions**

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

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

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

#### **10.7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions**

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

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

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

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

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

**Comment:** Multifamily housing is not typically eligible for shared parking. However, a reduction in required for mixed-use developments, as existing below, is a typical way to account for a greater percentage of pedestrian trips (mode split for walking) “built in” to the site.

#### **10.7.020.070 Parking In Mixed Use Development**

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

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

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## Article 7.060 Minimum and Maximum Off-Street Parking Requirements

### 10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

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

Use Type	Auto Parking***		Bicycle Parking
	Minimum	Maximum	
RESIDENTIAL			
1, 2, and 3 dwelling units	2 spaces per dwelling unit	None	None
4 to 12 units (multifamily)	6 spaces, plus 1.5 spaces per dwelling unit in excess of 3 units	None	1 space per dwelling unit
13 or more units (multifamily)	20 spaces, plus 1 space per dwelling unit in excess of 12 units	None	1 space per dwelling unit
In multifamily units, 1 parking space will be required for every 2 bedrooms, but not less than 1 parking space per dwelling unit.			
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\* Outdoor seating area shall count as floor area in determining the parking requirements for restaurants without drive-thru.

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

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

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

#### **Options for Maximizing Parking Efficiency**

#### Parking in Front Setback on a Paved Driveway

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

#### Credit for On-Street Parking

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

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

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

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

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Response to Committee Discussion/Feedback from April 26, 2019

1. Added affordable housing mitigation/anti-displacement provisions for manufactured and mobile home parks.
2. Considered requiring provision of affordable housing where an applicant requests approval of variances, adjustment, or a PUD for a new subdivision or site plan review application (Voluntary Inclusionary Housing); this is not recommended for reasons explained in the draft.
3. Added an affordable housing requirement where zone change increases permitted density, consistent with (and to avoid creating a loophole in) the density bonus incentive.
4. Clarified that approval of affordable housing developments, including those with incentives, is a ministerial Director decision.
5. Provided a roadmap for establishing affordable housing criteria, procedures, etc. ("program") in a separate, non-land use ordinance (outside scope of DLCD grant). Noted that OHCS and DLCD staff would be following up with examples from other jurisdictions.
6. Added Affordable Housing as a permitted use in all zones where residential use is allowed. This is significant, because for projects meeting affordable housing criteria, all residential uses and building types are allowed in each zone provided they meet affordability criteria. For example, it would allow multifamily in RL where lot area and other zone standards are met AND a certain percentage of the units are deed restricted affordable.
7. Did not amend the Community Facilities Overlay, because the base zones (where CFO sits) already allow residential.