

AGENDA

PLANNING COMMISSION

November 17, 2022

5:30 p.m.

City Hall Council Chambers

313 Court Street, The Dalles, Oregon

Via Zoom

<https://us06web.zoom.us/j/82327794645?pwd=cld2UGhUb1BoVithR0tFUzZzcWtXQT09>

Meeting ID: **823 2779 4645** Passcode: **001537**

Dial: 1-669-900-6833 or 1-253-215-8782

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PUBLIC COMMENT – During this portion of the meeting, anyone may speak on any subject that does not later appear on the agenda. Five minutes per person will be allowed.
6. LEGISLATIVE PUBLIC HEARING
 - CPA 54-22 and ZOA 107-22, City of The Dalles
 - Approval of proposed changes to The Dalles Comprehensive Plan. The amendment purpose is to revise Comprehensive Plan Goal 10 Housing Policies by adjusting the existing prescribed density ranges of the Comprehensive Plan consistent with residential zoning development standards of The Dalles Municipal Code.
 - Approval of proposed changes to The Dalles Municipal Code, Title 10 Land Use and Development. The amendment is intended to create clear and objective standards concerning residential density, including defining common density terms, calculating and rounding density figures, regulating density, and requirements for redeveloping land below prescribed density ranges.
7. RESOLUTION
 - A. Resolution PC 610-22, Approval of CPA 54-22 and ZOA 107-22, City of The Dalles
8. STAFF COMMENTS / PROJECT UPDATES

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles."

9. COMMISSIONER COMMENTS / QUESTIONS

10. ADJOURNMENT

Meeting conducted in a room in compliance with ADA standards.

Prepared by/
Paula Webb, Secretary
Community Development Department



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT

Zoning Ordinance Amendment 107-22
Comprehensive Plan Amendment 54-22

HEARING DATE: November 17, 2022

HEARING BODY: Planning Commission

PROCEDURE TYPE: Legislative

REQUEST: Approval of proposed changes to The Dalles Municipal Code, Title 10 – Land Use and Development, and The Dalles Comprehensive Plan specifically pertaining to density regulations.

PROPERTIES: All properties located within the Urban Growth Boundary.

APPLICANT: City of The Dalles, Community Development Department

PREPARED BY: Joshua Chandler, Community Development Director

BACKGROUND:

The City of The Dalles Zoning Ordinance No. 80-986 (**TDZO**), adopted in May 1980 with subsequent amendments occurring until January 1993, established minimum lot sizes and maximum density for four residential zoning districts within the City, R-1, R-2, R-3, and RMH. In 1994, The Dalles Comprehensive Plan (**Comp Plan**) was adopted and established minimum/maximum “density ranges” for three reclassified residential zoning districts: RL – Low Density Residential, RH – High Density Residential, and RMH – Mobile Home Residential (later amended to RM – Medium Density Residential). Both the Zoning Ordinance and Comp Plan existed as standalone documents.

Following the adoption of the Comp Plan in 1994, the City undertook an extensive public engagement process with the goal of creating a new Land Use and Development Ordinance (**LUDO**) to implement the goals and policies laid out in the Comp Plan. The LUDO, adopted in 1998 as Title 10 of The Dalles Municipal Code (**TDMC**), replaced TDZO and incorporated Comp Plan density ranges into the Purpose statement of each residential zoning district, as well as modified the minimum lot sizes previously established within TDZO.

In 2011, the City conducted a periodic review of the LUDO in partnership with Winterbrook Planning to amend multiple sections throughout. At that time, minimum/maximum density ranges of both the RL and RH zoning districts were slightly modified; however, these modifications were not included in the Comp Plan. In addition to these modifications, an additional “minimum density” provision was added into each of the three residential zoning districts of the LUDO. This new provision was measured using “net density”, contrary to the existing “gross density” measurements of the density ranges within the Comp Plan, effectively establishing two separate conflicting density units of measure.

Since 2011, various aspects of all three residential zoning district sections of the LUDO have been amended, most recently in 2019 and 2021 for compliance with “Middle Housing” standards set forth in House Bill 2001. These amendments addressed siting and design standards, and lot dimensions for duplexes, triplexes, and quadplexes, as well as adjusted density ranges in the Comp Plan for consistency with the 2011 LUDO changes. Although these code amendments addressed compliance with state standards and inherently established the framework for increasing density, no change occurred to existing density ranges, thus failing to address consistency between lot sizes and density ranges.

In the past eleven years, Staff encountered ambiguities with density regulation, leaving discretion in the hands of the approving authority. The Planning Commission (**Commission**) became familiar with this issue in February 2022 following an appeal hearing on a previously denied land division proposal. The appellant requested approval to divide one existing parcel into three parcels of varying size; however, the application was denied as it exceeded maximum allowed density of the underlying zoning district, although each of the proposed parcels met minimum lot size allowances. Additionally, the appellant raised concerns of previous inconsistencies in enforcing density of similarly sized development proposals. At the completion of the hearing, the Commission directed Staff to review TDMC specifically pertaining to density and provide the Commission with recommendations to ensure that Title 10 of TDMC was both clear and objective to avoid similar situations moving forward. The overall goal with these amendments is to provide clarity and consistency in the application of density with all residential development proposals.

DISCUSSION:

This group of proposed amendments was discussed at two work sessions with the Commission on July 7, 2022 and October 6, 2022. At the direction of the Commission, Staff distributed an initial draft of proposed amendments to multiple local homebuilders, surveyors, and engineers for input on August 11, 2022. To date, only one comment has been received. Following the October 6, 2022 Commission meeting, Staff compiled feedback and discussions into a final draft of amendments (see *Proposed Amendments for Zoning Ordinance Amendment 107-22 and Comprehensive Plan Amendment 54-22*, attached to and made part of this Staff Report as **Exhibit B**). These amendments create a brand new TDMC Article pertaining to density, restructure multiple other Articles, as well as adjustments to the Comp Plan. Some of these amendments include: defining common density related terms, changes to current rounding provisions, adjusting density ranges, calculating density, regulating density, and modifying requirements for development of land below density ranges. Additional context was included regarding minimum lot allowances, with all residentially zoned lots allowed at least one dwelling

unit, thus having a density of at least one dwelling: *one lot = one dwelling* (see Page 4 of Exhibit B).

A brief synopsis of the major amendments is provided below.

Density Ranges / “Minimum Density”

Currently, residential density ranges and “minimum density” requirements of all three residential zoning districts have conflicting units of measure, with Comp Plan density ranges based on gross area and “minimum density” based on net area. This results in properties potentially having two separate density requirements. For example, the density range in the RL zoning district is “3 to 6 units per gross acre”, while the “minimum density” is “Not more than 10,000 net buildable SF per dwelling unit” (resulting in a minimum density of 4 units per acre). Staff is proposing to eliminate the use of “minimum density” and require all development to comply with minimum/maximum density ranges only.

Additionally, Staff is proposing to adjust maximum density ranges of each residential zoning district consistent with existing minimum lot sizes. For reference, the current density ranges and minimum lot sizes for each residential zone are listed below:

- RL: 3-6 dwellings per gross acre | 5,000 SF
- RM: 7-17 dwellings per gross acre | 2,000 SF
- RH: 10-25 dwellings per gross acre | 1,500 SF

At the time of new development, the total number of proposed dwellings/lots must be within the associated density range of the underlying zoning district and all proposed lots must be no less than the minimum lot size. One is to ensure target density ranges are met, while the other defines a specific dimensional threshold that must be met. However, these regulations are not evenly divisible into a specified area (in this case, per acre). For example, when referencing lot size alone, one may assume a 15,000 SF lot could accommodate three dwellings/lots; however, due to the underlying density range, this is not the case. See below:

- 15,000 SF / 5,000 SF (min. lot size) = **3** dwellings/lots
- $0.34 (15,000 \text{ SF}^1) \times 6 (\text{max. density}) = \mathbf{2}$ dwellings/lots (rounded down from 2.06)

The examples provided above demonstrate the discrepancy within the RL zone; however, these discrepancies also exist in the RH and RM zones.

By adjusting the maximum density range consistent with minimum lot sizes, the range itself is effectively embedded into the minimum lot size, thus allowing an individual to rely on lot size alone when dividing land. See below:

- RL: 3-8.712 units per acre ($43,560 / 5,000 = 8.712$)
- RM: 7-21.78 units per acre ($43,560 / 2,000 = 21.78$)
- RH: 10-29.04 units per acre ($43,560 / 1,500 = 29.04$)

¹ 15,000 / 43,560 = 0.34

Within land development, decimal points must be rounded for purposes of determining actual unit figures (parking spaces, lots, dwellings, etc.). However, rather than applying fractional rounding standards to the maximum density range of the RL zone (8.712), rounding and truncation will only occur on a per development basis.

Rounding

Existing rounding provisions of TDMC state that regulations (parking spaces, lots, dwellings) expressed in terms of minimum requirements are rounded up to the next consecutive whole number (e.g., 2.1 rounded to 3), while regulations expressed in terms of maximum allowances are rounded down to the next consecutive whole number (e.g., 2.9 rounded to 2). Staff is proposing a new rounding provision for all TDMC calculations, as well as establishing a truncation standard for rounding. Calculation results are truncated to the hundredths places (e.g., 3.4235 shall be truncated to 3.42). If greater than 0.50, the results are rounded up to the next whole number (e.g., 3.51 rounded to 4.00) and rounded down to the preceding whole number if less than 0.50 (e.g., 3.49 rounded to 3.00). This amendment is more consistent with typical rounding practices.

Additionally, Staff is proposing a provision specific to rounding density ranges. If a calculation results in a rounded whole number which exceeds the maximum density range, the development shall be permitted no more than one dwelling unit greater than the density range. For example, a RL-zoned development with a maximum density of 8.65 may be rounded up to nine (9), thus exceeding the 8.712 maximum allowed density (see page 4 of Exhibit B).

Calculating Density: Gross vs. Net

As part of the new Density Article, Staff is proposing multiple amendments to clarify how to calculate density. These amendments include when to use gross and net density, establishing the study area or “density denominator” for density calculations, and defining reductions for calculating net area.

“Gross density” is defined as the number of residential units per acre of land, while “net density” is the number of units per acre of land, excluding various constraints (required infrastructure, floodplains, or slopes, to name a few). In general, gross density can be helpful to understand the overall, and at times hypothetical, density of an area, while net density accounts for “buildable” land by acknowledging site-specific characteristics. Employing either gross or net into a specific development can be advantageous to different types of developers or property owners, allowing an individual to either maximize (gross) or minimize (net) the density of their proposed development. To create more flexibility for prospective developers or property owners, Staff is proposing the use of gross density when calculating maximum allowed density and net density when calculating minimum required density.

Regulating Density / Redevelopment Plans

By enforcing density ranges, the City has the ability to prevent developments from providing “too few” or “too many” residential units on a parcel, as well as enable the City and other public agencies to plan for growth. Enforcing minimum density holds property owners accountable for accommodating future development. Not enforcing minimum densities may result in lower overall densities within the City as well as discourage additional infill. The 2016 Housing and Residential Land Needs Assessment estimated the City needs to build 1,770 new housing units

by 2036 to accommodate the projected housing need for the city. This study found that the City could only accommodate the projected need by increasing density, through infill and/or with the development of multi-family units.

Staff continues to receive feedback from prospective applicants and property owners stating how minimum density requirements are too restrictive, specifically for those seeking to build at a lower density. Enforcing minimum density at the time of development creates a barrier for developments and can impact property sales. For example, a parcel with a minimum density of three (3) units, requires development of all three units from the onset. To address this issue, Staff is proposing modifications to the *Redevelopment Plans* section of TDMC to allow for development of larger parcels in phases, rather than all at once, with an approved “Redevelopment Plan.” This plan would demonstrate how to develop at a lower density without inhibiting future development from meeting minimum density of a development site. An approved plan will be recorded with Wasco County Clerk; all future development must comply with this plan or submit a new plan for review.

NOTIFICATION:

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on November 3, 2022, more than ten days prior to the November 17, 2022 Commission hearing. Notice of the public hearing was sent to all local news media, Wasco County Planning, and posted on the City’s website on November 10, 2022. Additionally a notice of the proposed amendments were submitted to the Department of Land Conversation and Development on September 29, 2022, 35 days prior to the November 17, 2022 hearing.

COMMENTS:

No comment received as of the date this report was published (November 10, 2022).

REVIEW:

See *Exhibit A*.

PROPOSED AMENDMENTS:

The proposed amendments for Comprehensive Plan Amendment 54-22 and Zoning Ordinance Amendment 107-22 are included as *Exhibit B*. All proposed amendments are subject to revision or deletion. The Commission will forward a recommendation on the amendments to the City Council. Final decision on all proposed amendments will be made by the City Council.

RECOMMENDATION:

1. ***Staff recommendation:*** Move to recommend to the City Council the approval of Zoning Ordinance Amendment 107-22 and Comprehensive Plan Amendment 54-22, adopting amendments and findings attached herein.
2. Move to recommend to the City Council the approval of a modified Zoning Ordinance Amendment 107-22 and Comprehensive Plan Amendment 54-22, after adopting any changed amendments or findings discussed at the regular November 17, 2022, Planning Commission meeting.

3. Decline adoption and provide additional direction.

ATTACHMENTS:

- Attachment #1 – **Exhibit A:** *Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 107-22 and Comprehensive Plan Amendment 54-22*
- Attachment #2 – **Exhibit B:** *Proposed Amendments for Zoning Ordinance Amendment 107-22 and Comprehensive Plan Amendment 54-22*

EXHIBIT A

Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 107-22 Comprehensive Plan Amendment 54-22

City of The Dalles Municipal Code, Title 10 Land Use and Development

Section 10.3.110.030 Review Criteria.

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules, including the State Transportation Planning Rule OAR 660-012-0060. Proposed text amendments shall be consistent with the adopted Transportation System Plan and the planned function, capacity, and performance standards of the impacted facility or facilities. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.

FINDING #1: Staff will address consistency with the Comprehensive Plan, State Laws, and Administrative Rules in subsequent findings. **Criterion met.**

City of The Dalles Comprehensive Plan

Goal #1. Citizen Involvement. *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

Policy 3. *The land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land.*

FINDING #2: The proposed amendments were discussed at two work sessions with the Planning Commission (Commission) on July 7, 2022 and October 6, 2022. At the direction of the Commission, Staff distributed an initial draft of proposed amendments to multiple local homebuilders, surveyors, and engineers for input on August 11, 2022. Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on November 3, 2022, more than ten days prior to the November 17, 2022 Commission hearing. Notice of the public hearing was sent to all local news media, Wasco County Planning, and posted on the City's website on November 10, 2022. All City Council and Commission meetings are open to the public and allow the opportunity to provide testimony on all proposed amendments. Additionally a notice of the proposed amendments were submitted to the Department of Land Conversation and Development on September 29, 2022, 35 days prior to the November 17, 2022 hearing. To date, only comment was received. **Criterion met.**

Goal #2. Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Policy 6. *Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.*

FINDING #3: The proposed amendments implementation process is consistent with the legislative application process outlined in TDMC 10.3.110.030 and follows proper noticing requirements of TDMC 10.3.020.060. These amendments aim to provide clear and objective standards with all residential development proposals, encouraging more administrative approval authority by removing ambiguity and discretionary language. **Criterion met.**

Policy 8. *Implementing ordinances shall be consistent with this plan.*

FINDING #4: See Finding #3.

Goal #10. Housing. *To provide for the housing needs of citizens of the state.*

Policy 2. *Adopt standards to ensure that residential development occurs within planned density ranges within each residential district.*

FINDING #5: The proposed amendments will modify existing density ranges, as well as ensure minimum densities can be met with all current or future development proposals with the requirements of a Redevelopment Plan. Additionally, Staff included language specifically restricting development from exceeding maximum densities. **Criterion met.**

Policy 5. *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.*

FINDING #6: The proposed amendments aim to achieve efficient use of all residentially zoned land, both vacant and developed land, by requiring all development proposals that do not meet minimum density standards to submit a Redevelopment Plan. This plan would demonstrate how to develop at a lower density without inhibiting future development from meeting minimum density of a development site. An approved plan will be recorded with Wasco County Clerk and all future development must comply with this plan, or submit a new plan for review. **Criterion met.**

Policy 8. *Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.*

FINDING #7: The proposed amendments will allow for flexibility in development scenarios and housing options by incorporating both gross and net into density calculations. Employing either gross or net into a specific development can be advantageous to different types of developers or property owners, allowing an individual to either maximize (gross) or minimize (net) the density of their proposed development. To create more flexibility for prospective developers or property owners, Staff is proposing the use of gross density when calculating maximum allowed density and net density when calculating minimum required density. **Criterion met.**

Oregon Revised Statute (ORS)**ORS 197.307(4)**

A local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

- a) May include, but are not limited to, one or more provisions regulating the density or height of a development.*
- b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

FINDING #9: In the past eleven years, Staff has uncovered numerous ambiguities with density regulation, leaving discretion in the hands of the approving authority. The Planning Commission (Commission) became familiar with this issue in February 2022, following an appeal hearing on a previously denied land division proposal, Minor Partition No. 401-21. The appellant requested approval to divide one existing parcel into three parcels of varying size; however, the application was denied as it exceeded maximum allowed density of the underlying zoning district, although each of the proposed parcels met minimum lot size allowances. Additionally, the appellant raised concerns of previous inconsistencies in enforcing density of similarly sized development proposals. At the completion of the hearing, the Commission directed Staff to review TDMC specifically pertaining to density and provide the Commission with recommendations to ensure that Title 10 of TDMC was both clear and objective to avoid similar situations moving forward. The overall goal with these amendments is to provide clarity and consistency in the application of density with all residential development proposals. **Criterion met.**

EXHIBIT B
Proposed Amendments
Comprehensive Plan Amendment 54-22
Zoning Ordinance Amendment 107-22

Language to be removed

Language proposed

The Dalles Comprehensive Plan:

Goal 10 Policies

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~~ **8.712** units/~~gross~~ acre
- b. Medium Density Residential 7-~~17~~ **21.78** units/~~gross~~ acre
- c. High Density Residential 10-~~25~~ **29.04** units/~~gross~~ acre

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Appendix B, page b

The Dalles Comprehensive Land Use Plan includes three residential plan designations:

- Low Density Residential (3-~~6~~ **8.712** units per ~~gross~~ acre)
- Medium Density Residential (7-~~17~~ **21.78** units per ~~gross~~ acre)
- High Density Residential (17-~~25~~ **29.04** units per ~~gross~~ acre)

The Dalles Municipal Code:

10.2.030 Meaning of Specific Words and Terms

- **Accessory Dwelling Unit (ADU). A smaller, independent residential dwelling unit located on the same lot as a standalone (i.e., detached) single-family home or duplex. For purposes of calculating minimum density, accessory dwelling units are counted as 1 dwelling unit; for purposes of calculating maximum density, accessory dwelling units are counted as 0 dwelling units.**
- **Dwelling, Duplex.** 2 dwelling units located on a single lot or development site, placed either so some structural parts are in common (attached), or so the units are physically separate structures (detached). **For purposes of calculating minimum density, duplexes**

are counted as 2 dwelling units; for purposes of calculating maximum density, duplexes are counted as 1 dwelling unit.

- Gross. When referring to area, the total area of land located within lot lines proposed for use or development.
 - Gross Density. The total number of dwelling units per gross acre.
 - Net. When referring to area, the total area of land proposed for use or development after excluding: public rights-of-way existing or anticipated to exist; land constrained by slopes of 25% or greater; land located within the 100-year floodplain identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps for the City of The Dalles (unless an application includes either a FEMA-approved Letter of Map Amendment or Letter of Map Revision Based on Fill); lands determined by the Oregon Department of State Lands (DSL) to be wetlands (unless an application includes a DSL-approved Removal-Fill Permit); land within stream corridors (as defined in Article 5.130); land designated open space or parkland and anticipated to be publicly owned; land designated open space owned in common by owners within a residential development; and land encumbered by public utility easements.
- d. Net Density. The total number of dwelling units per developable area of a lot, parcel, or tract (i.e., total area minus roads, easements, etc.). **The total number of dwelling units per net acre.**

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10.6.030.040 General Regulations

D. Density. See 10.6.170.040 (C) for minimum required and maximum allowed density standards for accessory dwelling units.

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10.6.070.020 Fractions Rounding

When calculations result in fractions the results will be rounded as follows:

A. ~~Minimum Requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50-foot strip, the resulting fraction of 1.67 is rounded up to 2 required trees.~~

B. ~~Maximum Limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 3,000 square feet is applied to an 8,000 square-foot site, the resulting fraction of 2.67 is rounded down to 2 allowed dwelling units.~~

When calculations required or allowed by this Title result in fractions, the results shall be rounded to a fraction truncated to the hundredths place (e.g., 3.4235 shall be truncated to 3.42, and 3.42 shall be applied). Where the resulting fractional part of a calculation is equal

to or greater than 0.50, the result shall be rounded up to the next whole number (e.g., 3.51 shall be rounded to 4.00, and 4.00 shall be applied). Where the resulting fractional part of a calculation is less than 0.50, the result shall be rounded down to the preceding whole number (e.g., 3.49 shall be rounded to 3.00, and 3.00 shall be applied).

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Article 6.170 Density

10.6.170.010 Purpose

This Article explains how density is regulated within this Title.

10.6.170.020 Calculating Density

A. Density Denominator. Density is determined on an individual development proposal basis. For developments including multiple lots or parcels, the overall density of the entire proposed development site is calculated.

B. Gross and Net Density

1. When determining minimum required density of an individual development, net density is used for calculations.
2. When determining maximum allowed density of an individual development, gross density is used for calculations.

C. Deductions to Calculate Net Area

Net area is the total area of land within an individual development, excluding the following areas (measured in sq. ft.):

1. Right-of-way dedications for new rights-of-way or expansions of existing rights-of-way;
2. Land constrained by slopes of 25% or greater;
3. 100-year floodplains, as determined by the Federal Emergency Management Agency;
4. Wetlands, as determined by the Oregon Department of State Lands;
5. Stream corridors, as defined in Article 5.130;
6. Open space or parkland and anticipated to be publicly owned;
7. Open space owned in common by owners within a residential development; and
8. Public utility easements.

D. Density Calculations

1. Minimum Density

- a. The minimum number of dwelling units required is calculated by dividing the net area (pursuant to TDMC 10.6.170.020(C)) by 43,560 sq. ft. to convert the area to acres, then by multiplying the resulting

acreage by the most restrictive minimum required dwelling unit density applicable to the project's zone district. See TDMC 10.6.070.020 for fractional rounding.

2. Maximum Density

- b. The maximum number of dwelling units permitted is calculated by dividing the gross area by 43,560 sq. ft. to convert the area to acres, then by multiplying the resulting acreage by the least restrictive maximum required dwelling unit density applicable to the project's zone district. See TDMC 10.6.070.020 for fractional rounding.**

E. Density Fractional Rounding. If after a calculation the result applied is a rounded whole number which would result in a total number of dwelling units exceeding the maximum Comprehensive Plan density range, the development shall be permitted no more than 1 dwelling unit greater than the density range (e.g., a RL-zoned development with a maximum density of 8.65 may be rounded up to 9, thus exceeding the 8.712 maximum allowed density of the RL zoning district.

F. Minimum Lot Allowances

- 1. Regardless of the density calculation described above, any residentially zoned lot of record is allowed at least 1 dwelling unit.**
- 2. Any residentially zoned lot of record has a density of at least 1 dwelling unit.**

10.6.170.030 Discrepancy between Minimum Required and Maximum Allowed Density

Where the calculation of maximum allowed density results in a number smaller than the minimum required density, the result from the minimum allowed density is both the minimum required and maximum allowed density.

10.6.170.040 Regulating Density

A. No proposed development may exceed the maximum gross density prescribed to all developments within the underlying zone.

B. RL, RH, and RM Zoning Districts (All development).

For all proposed developments not meeting minimum density requirements, an approved redevelopment plan (pursuant to TDMC 10.3.120) shall be filed with the Wasco County Clerk at the applicant's expense and all development proposed shall comply with the approved redevelopment plan, unless a new redevelopment plan is approved by the City.

C. Duplexes and Accessory Dwelling Units

1. Minimum Density

- a. Duplexes: For purposes of calculating minimum density, duplexes are counted as 2 dwelling units.**
- b. Accessory Dwelling Units: For purposes of calculating minimum density, accessory dwelling units are counted as 1 dwelling unit.**

2. Maximum Density

- a. Duplexes: For purposes of calculating maximum density, duplexes are counted as 1 dwelling unit.
- b. Accessory Dwelling Units: For purposes of calculating maximum density, accessory dwelling units are counted as 0 dwelling units.

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10.9.020.020 (D,8) Redevelopment Plans

~~Redevelopment Plans. A redevelopment plan shall be required when dividing residential land into large lots that have the potential for further subdivision or partition at some future date. The redevelopment plan shall show street extensions, utility extensions, and lot patterns to:~~

- ~~a. Indicate how the property(ies) may be further developed to 70% of maximum Comprehensive Plan density for the particular zone district.~~
- ~~b. Demonstrate that the proposal will not inhibit development of adjacent lands.~~

Article 3.120 Redevelopment Plans

A redevelopment plan shall be provided for all proposed developments as outlined in TDMC 10.6.170.040. The purpose of a redevelopment plan is to govern development patterns (including the layout of subdivisions, planned developments, and partitions) to maximize the long-term potential for residential development and achieve the density prescribed by the Comprehensive Plan. All redevelopment plans must indicate how the property(ies) may be further developed to meet minimum density without inhibiting development of adjacent lands. The redevelopment plan shall clearly indicate all of the following information applicable to the particular development proposal:

- 1. Project name.**
- 2. A separate vicinity map indicating location of the proposed development.**
- 3. Scale. The scale shall be at least 1 inch equals 50 feet (1:50), unless a different scale is authorized by the Director.**
- 4. North arrow.**
- 5. Date of plan.**
- 6. Location and names of all existing rights-of-way and location of proposed rights-of-way within or on the boundary of the proposed development.**
- 7. Lot layout with dimensions for all lot lines (if applicable).**
- 8. Location and dimensions of all existing and proposed dwellings and structures. Indicate which dwellings and/or structures are to remain and which are to be removed.**
- 9. Location and dimensions of all yards and setbacks from all property lines.**
- 10. Distances between existing and proposed dwellings and structures.**
- 11. Location and description of any slopes greater than 25%.**

- 12. Location of existing and proposed utilities and easements.**
- 13. Location of any reasonably significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, floodplains, drainage ways, and wetlands.**
- 14. Any additional information reasonably required by the Director to act on the application.**

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10.5.010.010 Purpose

This district implements the RL - Low Density Residential Comprehensive Plan designation, ~~which allows for a range of 3 to 6 single family dwelling units per gross acre. This density does not apply to duplexes.~~ 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. (Ord. 21-1384)

10.5.020.010 Purpose

This district implements the RH - High Density Residential Comprehensive Plan designation, ~~which allows for a range of 10 to 25 single family and multifamily dwelling units per gross acre. This density does not apply to duplexes.~~ The RH district is intended to provide areas where 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. (Ord. 21-1384)

10.5.030.010 Purpose

This district implements the ~~Mobile Home~~ **RM – Medium Density** Residential Comprehensive Plan designation, ~~which allows for a range of 7 to 17 single family and multifamily dwelling units per gross acre.~~ The RM 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.

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10.5.010.060 Development Standards

Minimum Density*	Not more than 10,000 net buildable sq. ft. per dwelling unit.
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~~* This standard is applicable to new subdivisions and planned developments, but does not apply to infill development approved through the minor partition process. Compliance with this standard is measured by determining the 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, public utility easements, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RL site~~

with 5 buildable acres would be required to provide at least 21 dwelling units (217,800 buildable sq. ft./10,000 sq. ft. = 21.78, rounded down to 21).

<u>Minimum Density</u>	<u>3 units per net acre*</u>
<u>Maximum Density</u>	<u>8.712 units per gross acre*</u>

***See TDMC 10.6.170.020 for more information regarding net acreage.**

10.5.020.060 Development Standards

<u>Minimum Density**</u>	<u>Not more than 4,000 net buildable sq. ft. gross area per dwelling unit.</u>
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~~** Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights of way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RH site with one net buildable acre would be required to provide at least 10 dwelling units (43,560 buildable sq. ft./4,000 sq. ft. = 10.89, rounded down to 10).~~

<u>Minimum Density</u>	<u>10 units per net acre*</u>
<u>Maximum Density</u>	<u>29.04 units per gross acre*</u>

*** See TDMC 10.6.170.020 for more information regarding net acreage.**

10.5.030.060 Development Standards

<u>Minimum Density**</u>	<u>Not more than 6,000 net buildable sq. ft. per dwelling unit.</u>
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~~** 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).~~

<u>Minimum Density</u>	<u>7 units per net acre*</u>
<u>Maximum Density</u>	<u>21.78 units per gross acre*</u>

*** See TDMC 10.6.170.020 for more information regarding net acreage.**

10.5.040.050 Development Standards

NC Neighborhood Commercial	Standard		
	Commercial Only	Residential Only	Mixed Commercial/Residential
Minimum Lot Area	None	4,000 sq. ft. OR 2,500 sq. ft. per lot for small lot and townhouse clusters (3-8 units)	4,000 sq. ft.

Minimum Lot Width	None	40 ft. OR 25 ft. per lot for small lot and townhouse clusters (3-8 units)	40 ft. OR 25 ft. per lot for small lot and townhouse clusters (3-8 units)
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Minimum Density*	N/A	4,000 net buildable sq. ft. per dwelling unit <u>Not more than 4,000 net sq. ft. per dwelling unit.</u>	N/A
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~~* 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~~

*

10.5.040.020(A)(2)(d) Permitted Uses

d. ~~Small lot single family detached dwellings and~~ Attached town houses (zero lot line, 3-8 unit clusters).

*

10.9.050.040(B)(2)(b) Conceptual Development Plan Applications - Graphics

b. General location of existing and proposed structures, including building types and heights, and gross and net density per acre. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.

10.9.050.040(C)(4)(d) Conceptual Development Plan Applications - Narrative Requirements

- d. ~~Gross~~ **Densities** per acre.

10.9.040.030(B)(2)(e) Subdivision Applications – Graphics Requirements

- e. General location of existing and proposed structures including building types and heights, **gross and net** density per acre and proposed use restrictions. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.

10.9.040.030(C)(4)(d) Subdivision Applications – Narrative Requirements

- d. ~~Gross~~ **Densities** per acre.

10.9.050.060(A)(1)(c) Detailed Development Plan Review – Application Requirements – Graphic Requirements

- c. Location and floor area of existing and proposed structures and other at-grade and above-grade improvements, easements and rights-of-way, and density per **gross and net** acre (for residential developments).

*

10.5.010.080(A)(2) Exceptions to Standards – Lot Size

2. Where open space is reserved on a separate tract of land, permitted density from that open space tract may be transferred to buildable portions of the site to allow for town house lots through the subdivision process, provided that the overall project density does not exceed ~~6~~ **8.71** dwelling units per **gross** acre. The proposed development must conform to this and other City ordinances.

*

10.5.020.080(B) Open Area

- B. A minimum of 30% of the ~~gross~~ **net** 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:

10.5.030.080 Open Area

- B. A minimum of 30% of the ~~gross~~ **net** lot area shall be developed as permanent open space. 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:



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

RESOLUTION NO. PC 610-22

A RESOLUTION OF THE PLANNING COMMISSION
RECOMMENDING CITY COUNCIL APPROVAL OF
COMPREHENSIVE PLAN AMENDMENT NO. 54-22 REVISING
PRESCRIBED RESIDENTIAL DENSITY RANGES AND ZONING
ORDINANCE AMENDMENT NO. 107-22 TO REVISE RESIDENTIAL
DENSITY RANGES AND DENSITY REGULATIONS OF THE
DALLES MUNICIPAL CODE

WHEREAS, Oregon law is trending towards the application of clear and objective standards in all facets of land use and development;

WHEREAS, Community Development Department Staff has historically encountered ambiguities in the implementation of the City's density regulations;

WHEREAS, the City understands those textual ambiguities coupled with subsequent discretion-based decision-making have led to inconsistent interpretations of the City's density regulations;

WHEREAS, in an effort to avoid future ambiguities and in an effort to maximize consistent applications of the City's regulations, Community Development Department Staff proposed CPA 54-22 and ZOA 107-22 to provide clear and objective standards for the City's density regulations;

WHEREAS, the Planning Commission conducted a noticed public hearing at its regular November 17, 2022, meeting to take public testimony on the proposed CPA 54-22 and ZOA 107-22; and

WHEREAS, the Planning Commission considered the public testimony and reviewed the proposed amendments set forth in CPA 54-22 and ZOA 107-22 and, based upon the proposed findings of fact and conclusions of law in the Staff Report and testimony presented during the hearing (incorporated herein by this reference), the Planning Commission voted to recommend the amendments be forwarded to the City Council for its review and adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission recommends the proposed Comprehensive Plan Amendment 54-22 and Zoning Ordinance Amendment 107-22, attached to and made

part of this Resolution as Exhibit “A”, be approved and forwarded to City Council for its review and adoption.

Section 2. This Resolution shall be effective upon its passage and approval.

Section 3. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and transmit a copy of the Resolution to the Applicant.

APPROVED AND ADOPTED THIS 17TH DAY OF NOVEMBER, 2022.

Cody Cornett, Chair
Planning Commission

I, Joshua Chandler, Community Development Director for the City of The Dalles, hereby certify the foregoing was duly moved and adopted at a regular meeting of the Planning Commission held on the 17th day of November, 2022.

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

ATTEST: _____
Joshua Chandler, Director
Community Development Department