

AGENDA

PLANNING COMMISSION

July 20, 2023

5:30 p.m.

City Hall Council Chambers
313 Court Street, The Dalles, Oregon

Via Zoom

<https://us06web.zoom.us/j/82327794645?pwd=c1d2UGhUb1BoVithR0tFUzczcWtXQT09>

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. APPROVAL OF MINUTES – April 20, 2023
6. 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.
7. PUBLIC HEARINGS
 - A. ZOA 108-23, City of The Dalles
Approval of proposed changes to The Dalles Municipal Code, Title 10 Land Use and Development. The amendment purpose is to maintain clear terminology, adapt to modern technology, increase flexibility in housing development, and reassign plan requirements.
 - B. ZOA 109-23, City of The Dalles
Request: Approval to change sections of The Dalles Municipal Code, Chapter 10.12 Recreational Vehicle Parks. These proposed code changes include removing RV Parks from residential zoning districts, updating RV Park application review processes, and altering RV Park design standards.
8. RESOLUTION
 - A. Resolution PC 616-23: Approval of ZOA 108-23, City of The Dalles.
 - B. Resolution PC 617-23: Approval of ZOA 109-23, City of The Dalles.

CITY OF THE DALLES

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

9. STAFF COMMENTS / PROJECT UPDATES

10. COMMISSIONER COMMENTS / QUESTIONS

11. ADJOURNMENT

Meeting conducted in a room in compliance with ADA standards.

Prepared by/
Paula Webb, Secretary
Community Development Department

MINUTES

PLANNING COMMISSION MEETING

April 20, 2023
5:30 p.m.

City Hall Council Chambers
313 Court Street, The Dalles, Oregon 97058
Via Zoom / Livestream via City Website

PRESIDING: Cody Cornett, Chair
COMMISSIONERS PRESENT: Addie Case, John Grant, Philip Mascher, Mark Poppoff
COMMISSIONERS ABSENT: Maria Pena, Nik Portela
STAFF PRESENT: Director Joshua Chandler, City Attorney Jonathan Kara,
Associate Planner Kaitlyn Cook, Secretary Paula Webb

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:30 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Poppoff and seconded by Case to approve the agenda as submitted. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

APPROVAL OF MINUTES

It was moved by Mascher and seconded by Poppoff to approve the minutes of April 6, 2023 as submitted. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

PUBLIC COMMENT

None.

QUASI-JUDICIAL PUBLIC HEARING

CUP 204-22, Maul, Foster & Alongi, Inc., 2650 River Road, 2N 13E 33 tax lot 200

Request: Applicant is requesting approval to site and construct a municipal water pump station. Once completed, these improvements will be owned and maintained by the City of The Dalles.

Approval of the Conditional Use Permit (CUP) will establish a Community Facilities Overlay (CFO) on a proposed future parcel.

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest, or bias which would prevent an impartial decision. Hearing none, he opened the public hearing at 5:37 p.m.

Associate Planner Cook provided the staff report and presentation, Attachment 1.

Planner Cook noted the property does not abut the right-of-way. Right-of-way improvements would be addressed with Parcels 2 and 3, as they abut rights-of-way. Plans for Parcels 2 and 3 have not yet been submitted.

Cem Gokcora, Senior Engineer, Maul Foster & Alongi for Design, LLC, 6074 NW Tollbridge Road, Portland, Oregon 97229

Mr. Gokcora stated his team has coordinated with Public Works and the City Engineer. The final design will follow all applicable regulations.

Heather Hafey, Portfolio Manager, Design, LLC, 5105 West Street, Oakland, California 94608

Ms. Hafey stated she was happy to provide answers to any questions.

There were no proponents or opponents.

The public hearing closed at 5:52 p.m.

It was moved by Grant and seconded by Mascher to approve Conditional Use Permit 204-22, with the proposed Conditions of Approval included with this report, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

LEGISLATIVE PUBLIC HEARING

ZOA 108-23, City of The Dalles

Request: Approval of proposed changes to The Dalles Municipal Code (Code), Title 10 Land Use and Development. The amendment purpose is to maintain clear terminology, adapt to modern technology, increase flexibility in housing development, and reassign plan requirements.

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest, or bias which would prevent an impartial decision. Hearing none, he opened the hearing at 5:55 p.m.

Associate Planner Cook provided the staff report and presentation, Attachment 2.

There were no proponents or opponents.

The public hearing closed at 6:07 p.m.

It was moved by Mascher and seconded by Poppoff to recommend to City Council the approval of Zoning Ordinance Amendment 108-23, adopting amendments and findings attached herein. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

RESOLUTION

Resolution PC 614-23: Adoption of Resolution PC 614-23 for approval to site and construct a municipal water pump station.

It was moved by Case and seconded by Poppoff to adopt Resolution PC 614-23 as stated. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

Resolution PC 615-23, Approval of ZOA 108-23, City of The Dalles

It was moved by Grant and seconded by Case to adopt Resolution PC 615-23 as written. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

DISCUSSION ITEM

Second discussion and review of Land Use and Development Ordinance (LUDO) text amendments to The Dalles Municipal Code regulating Recreational Vehicle (RV) Parks. Clarifications were requested by the Planning Commission in February, 2023.

Director Chandler stated at the February 16, 2023 Planning Commission meeting, Staff facilitated a discussion regarding proposed amendments for Recreational Vehicle (RV) Parks. This discussion was requested by the Commission at the January 5, 2023 meeting, following approval of recent RV Park proposals.

Director Chandler summarized the proposed amendments:

- Zoning – Amendments include the prohibition of RV Parks within all residential zoning districts. New RV Parks may be permitted only within the General Commercial, Commercial Light Industrial, Recreational Commercial and Industrial zones.
- Review Process – RV Parks will be processed as a Site Plan Review rather than a Conditional Use Permit. There is also a provision for quasi-judicial review through the Conditional Use Permit in the event there are stays longer than one year.
- Development Standards additions:
 - Prohibited siting – RV spaces and park buildings may not be located in the flood plain, stream corridors or wetlands.
 - Screening – Expanded to clearly define requirements for surfacing, parking, landscaping, minimum shade tree requirement, pedestrian circulation, lighting, and garbage collection.
- Park Operations – Includes requirement for an on-site park host, hours of operation, quiet hours, the prohibition of outside storage, and noise impacts.
- Length of Stay – Amendments include expanding length of stay provisions with the addition of utility calculations, transient room taxes, and annual reporting requirements.

- Revocation Process – This process is a reminder to the Operator to meet the approved conditions or face possible revocation.

Director Chandler emphasized these are suggested recommendations; this is not the final product. He encouraged the Commission to share any revisions or additions.

- Zoning – Added a provision to allow the expansion of existing parks in all zones if the expansion complies with standards. An expansion must bring the entire park up to Code.
- Screening – Rather than referring to a separate section of the Code, requirements are now included in Chapter 10.12, Recreational Vehicle Parks. This section expanded to include Operational Standards.
- Length of Stay – Individuals may request from the Planning Commission stays over one year through a Conditional Use Permit.
- Annual Reporting – Provides opportunity to check for accuracy and ensure the park adheres to the Code.
- Parking – A minimum of .5 spaces must be provided for each RV space; the maximum is 1.5 spaces for each RV space. Minimum spaces do not account for parking provided for park administration.

Discussion:

- Shade trees are included under Landscaping. One tree for every five RV spaces is required. Currently, shade trees are not defined in the Code. Staff will review the specifics and return to the Commission.
- The .5 spaces per RV space will be rounded up.
- A recent applicant spoke at length about RV tenant law. Will that be disregarded? Director Chandler replied the current Code states, “Except for a park manager, no space may be used for permanent residency.” That statement was removed. This Code may be affected by Senate Bill 2634.
- Why will expansion be allowed in residential zones? What is the difference between improvement and expansion? Should a park in a residential zone be allowed to increase the number of units?

Commission consensus was to remove the expansion language.

Director Chandler stated a definition would be created for shade trees.

Prior to proceeding with a formal land use application, Staff will ensure consistency, grammar, and legal sufficiency. Because RV Parks will be removed from residential zones, a Ballot Measure 56 notice is required. Each residentially zoned property will receive a notice prohibiting an RV Park on their property. The notice includes specific language, “This change may impact your property value.” Following that, DLCD and County Planning will be noticed for their comments and the changes will go through the Legislative Public Hearing process. A

reasonable timeline anticipates adoption in June or July, followed by City Council adoption in September. The amendments will then go into effect in October.

ACTION ITEM

Bylaws of the Planning Commission

Director Chandler provided the staff report. He stated the Planning Commission is directed by a set of bylaws providing rules and procedures for meetings. As a result of COVID-19, public meeting format and procedures have changed. These changes are not currently addressed in the PC Bylaws. To address these changes and improve efficiency, Staff conducted a comprehensive update of these Bylaws. Proposed changes include:

- Organization –
 - Powers and duties will follow ORS Chapter 227 and The Dalles Municipal Code.
 - Term lengths.
 - Removal of the anticipation that the Vice Chair will be the incoming Chair.
 - Attendance and notice requirements – It is expected Commissioners will attend in person. Video conferencing is available with the following requirements: a stable internet connection, no background noise, no visual distractions, and remaining on screen.
 - A 24-hour notice is required for absences.
 - The definition of quorum was expanded to cover Commission vacancies.
 - Public comment provisions were added. Public comment and public testimony was reduced from five minutes to three minutes.
- Commission Appointments – Enhanced the selection to change from very specific requirements to any reasonable means.
- Public Hearings – Removed the 45-day hearing expectation. The Community Development Department follows State law for land use timelines. It is CDD policy to process each land use application within 45 days, but it is not a requirement.
- Staff will analyze Planning Commission conditions of approval the night of a meeting to ensure there are no adverse impacts on any local agency or local departments, and to ensure all conditions are applicable to state law.
- Ethics – City Attorney Kara expanded on ethics at the last meeting; this section will remain in the bylaws.
- Repeal, Limitations and Conflicts of Law – Expanded language.

Chair Cornett requested Attorney Kara's memo (Attachment 3) be provided along with the Bylaws. Commissioner Case suggested the Commissioners sign an acknowledgement stating they have received and read both documents.

Attorney Kara suggested Commissioners receive a “welcome packet” providing information on the Planning Commission and Commissioner responsibilities. Attorney Kara will follow up with Staff.

Commissioner Grant referred to Section 1. B. which crossed out “...shall be composed of seven members appointed by the Mayor.” Director Chandler clarified the Bylaws refer the reader to The Dalles Municipal Code (Code). Should City Council decide to amend the Code, the amendments will be reflected in the Code, removing the necessity of updating the Bylaws.

Attorney Kara noted not all of the Bylaws are defined by the Code. Essential components of any commission are included in Chapter 11.04 of the Code. Requirements exclusive to the Planning Commission are included in the Bylaws.

It was moved by Cornett and seconded by Poppoff to adopt the proposed Bylaws. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

STAFF COMMENTS / PROJECT UPDATES

Director Chandler noted the May 4 meeting will be cancelled to avoid a scheduling conflict with City budget meetings.

The May 18 meeting will include the Housing Needs Analysis, led by consultant Matt Hastie. The Commission will be joined by the Technical Advisory Committee.

The League of Oregon Cities will provide training for Commissioners in late May. Please contact Staff if interested in attending.

Associate Planner Kaitlyn Cook and Planning Technician Brad Mead have created a story map for density requirements. The story map will lead an applicant through the process of determining density.

The Urban Renewal Agency (Agency) recently approved the new Incentive Program to incentivize development in the urban renewal area. Eligible projects within the area may qualify for property improvements. The Agency will pay up to \$10,000 for each eligible housing unit in the urban renewal boundary. Guidelines and the application will be available on the City’s website in early May.

The City is engaged in bid process for abatement and demolition of the Tony’s Building. The site visit received a fair amount of interest. The Agency’s goal is to demolish the building and research development of the site. Business Oregon awarded \$60,000 for the project.

COMMISSIONER COMMENTS / QUESTIONS

None

ADJOURNMENT

Chair Cornett adjourned the meeting at 7:22 p.m.

Submitted by/
Paula Webb, Secretary
Community Development Department

SIGNED:

Cody Cornett, Chair

ATTEST:

Paula Webb, Secretary
Community Development Department



City of The Dalles Planning Commission

THURSDAY, APRIL 20, 2023 | 5:30 PM

Conditional Use Permit No. 204-22

Applicant: Maul, Foster, & Alongi, Inc.

Address: 2650 River Road

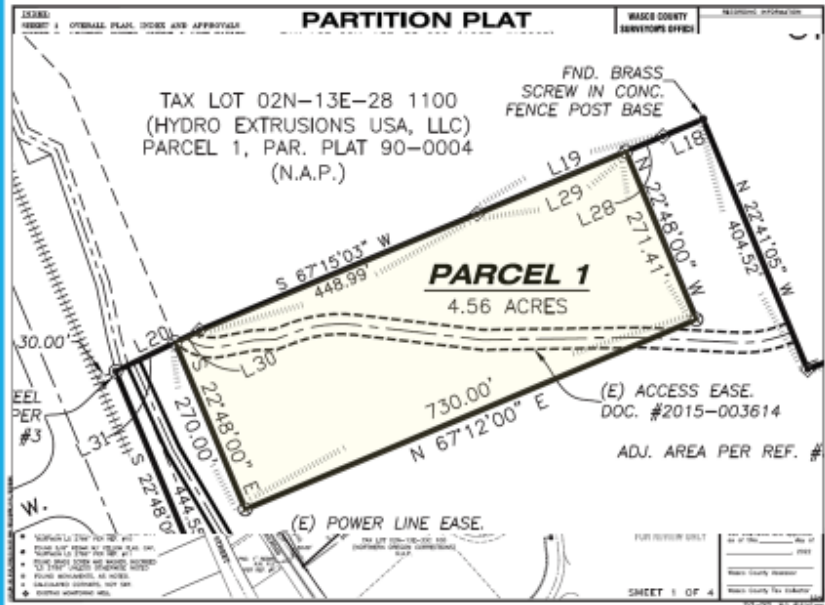
Assessor's Map and Tax Lot: 2N 13E 33 taxlot 200

Zoning District: Industrial "I"

Proposal: Approval to site and construct a municipal water pump station. Once completed, these improvements will be owned and maintained by the City of The Dalles. Approval of the Conditional Use Permit (CUP) will establish a Community Facilities Overlay (CFO) on a proposed future parcel.

Background

- Subject to approval of minor partition application.
- Community Facilities overlay will be established upon approval.



Proposal



[illegible]

- Pumps enclosed in concrete buildings.
- Sound attenuating barrier along the southern property line.

Impact (TDMC 10.3.050.040)

2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)
3. Dust and other particulate matter shall be confined to the subject property.

Impact (TDMC 10.3.050.040)

4. The following odors shall be completely confined to subject property:
 - a. *Industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;*
 - b. *Fuels; and*
 - c. *Fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.*
5. Vibrations shall not be felt across the property line.

Impact (TDMC 10.3.050.040)

6. The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are limited to:
 - a. *Street designation and capacities;*
 - b. *On-street parking impacts;*
 - c. *Bicycle safety and connectivity;*
 - d. *Pedestrian safety and connectivity*

Exceptions to Standards

Section 10.5.090.060 B. Parking

B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Title as follows:

1. *Vehicles and Bicycles.*
 - A. *Uses which the Director determines have no employees on site and are not open to the public.*
 - B. *Wireless communication facilities.*

Proposed Conditions Required Prior to Final Plan Approval:

1. Final plan submission must meet all the requirements of The Dalles Municipal Code, Title 10 Land Use and Development, and all other applicable provisions of The Dalles Municipal Code.
2. All final plans, consistent with all Conditions of Approval, shall be approved by the Community Development Director and the City Engineer prior to the issuance of a building permit.
3. The sound attenuating barrier along the southern property line must be shown on a revised site plan.
4. All construction/design plans for public infrastructure, improvements, or rights-of-way (ROW) shall be approved by the City Engineer.
5. Applicant is required to coordinate any franchise utility requirements, timing of installation, and payment for services with the appropriate utility provider.
6. MIP 410-22 shall be approved and the final plat shall be recorded.

Commission Alternatives

1. **Staff recommendation** The Planning Commission move to approve Conditional Use Permit 204-22, with the proposed Conditions of Approval included with this report, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report.
2. If the Planning Commission desires to deny Conditional Use Permit 203-22, move to direct staff to prepare a resolution of denial. The Planning Commission shall identify the specific criteria concerning this decision.



City of The Dalles Planning Commission

THURSDAY, APRIL 20, 2023 | 5:30 PM

Zoning Ordinance Amendment 108-23

The proposed zoning ordinance amendments aim to maintain clear terminology, adapt to modern technology, and restructure a portion of the code. In addition to reorganizing sections of the Title 10 land use ordinance.

Terminology Changes

10.3.020.010 Purpose

- A. This Article describes the review procedures required to make final decisions regarding applications for ministerial actions, [planning administrative](#) actions, and legislative actions, and to provide for appeals from aggrieved persons or parties.

10.6.010.050 Screening – Hedges, Fences, Walls other than Retaining Walls, Berms

1. Residential [Areas Zones](#).
2. Commercial and Industrial [Areas Zones](#). Barbed wire may be allowed above the fence or wall height requirement.

Review Procedure Changes

10.3.030.020 Review Procedures

- B. Applications. In addition to the requirements of Article 3.010: Application Procedures, site plan review applications shall be accompanied by **one electronic copy of plans consistent with Article 6.180. Paper copies may be required as a condition of approval with all applications.** ~~at least 15 copies of the site plan, and, when required, 3 copies of the detailed landscape and construction/design plans as specified below in Section 10.3.030.030: Required Plans. When plans are drawn using CAD software, 1 digital disc copy shall be submitted in addition to the required hard copies.~~

Review Procedure Changes

10.3.020.040 Administrative Actions

~~D. Time Limits. All applications processed as administrative actions shall be approved, approved with conditions, denied, or postponed with consent of the applicant within 45 days after the filing of a complete application.~~

10.3.020.050 Quasi-Judicial Actions

C. Public Hearings.

~~1. Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting within 45 days from the date the application is deemed complete.~~

Entrance Standards Changes

10.5.010.060 Development Standards

Building Orientation

The ~~front building line shall be~~ **building shall be oriented** 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.~~ **Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on the rear building face is prohibited.** ~~Front building orientation cannot be modified from its original design to meet this criteria.~~

The Dalles Comprehensive Plan Goals

Goal #1. Citizen Involvement.

- **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.*

Goal #2. Land Use Planning.

- **Policy 6.** *Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.*
- **Policy 8.** *Implementing ordinances shall be consistent with this plan.*

The Dalles Comprehensive Plan Goals

Goal #10. Housing.

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

The Dalles Comprehensive Plan Goals

Oregon Revised Statute (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.*



City of The Dalles Planning Commission

THURSDAY, APRIL 20, 2023 | 5:30 PM



CITY ATTORNEY'S OFFICE
CITY OF THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1150
FAX (541) 296-6906

MEMORANDUM OF LAW

TO: Planning Commission
FROM: Jonathan Kara, City Attorney
DATE: April 6, 2023
RE: *Legal Requirements for Land Use Decisions*

This Memorandum provides Commissioners with the fundamentals on the decision-making expectations imposed by Oregon law on the City and its Planning Commission and is intended to be shared with future Commissioners prior to their attendance at their first meeting after appointment. Any Commissioners with any questions at any time are encouraged to contact the City Attorney's Office for advice on these matters of law.

I. WHAT IS A *LAND USE DECISION*?

A. Land Use Decision

A *land use decision* is a discretionary decision by the City applicable to the City's land use regulations, unless exempt under one or more of the statutory exceptions (discussed below). The statute establishing that definition and its exceptions is codified as ORS 197.015(10)(a).

In simplified and non-exhaustive terms, a *land use decision* is:

1. a final discretionary decision or determination;
2. made by the Community Development Department (**CDD**), Planning Commission, or City Council; and
3. concerning the adoption, amendment, or application of Statewide Planning Goals, The Dalles Comprehensive Land Use Plan (**Comprehensive Plan**) provisions, or the City's Land Use and Development Ordinance (**LUDO**, Title 10 of The Dalles Municipal Code).

B. Limited Land Use Decision

Oregon law distinguishes a *land use decision* from a limited *land use decision* in ORS 197.015(12). The key distinctions are: (1) a *limited land use decision* involves land within an urban growth boundary (**UGB**) and (2) the procedural requirements are less cumbersome for a *limited land use decision*.

Specifically, a *limited land use decision* involves:

1. a final decision or determination;
2. made by CDD, Planning Commission, or City Council regarding a site within the City's UGB; and

3. concerns the approval or denial of a tentative subdivision or partition plat, or the approval or denial of an application based on discretionary standards regulating physical characteristics of an outright permitted use (e.g., site or design review).

Examples of limited land use decisions include tentative subdivision plats for land within the UGB, plan review decisions, and review of uses permitted outright based on discretionary standards (e.g., approval of residential use in a residential zone).

The review process for *limited land use decisions* is less formal and shorter than for land use decisions. ORS 197.195 requires written notice to property owners within 100 feet of the site for which the application is made, a 14-day comment period, a written list of the applicable criteria upon which the decision will be made, and notice of the final decision. The City may, but is not required, to provide a hearing before the City on appeal of the final decision. However, if a local hearing is provided, it must comply with procedural requirements in ORS 197.763. The final decision is not required to have complete or exhaustive findings and may take the form of a “brief statement” explaining the relevant standards and criteria, states the facts relied upon in reaching the decision, and explains the justification for the decision based on those criteria, standards, and facts. However, as a practical matter, the findings for a *limited land use decision* will look nearly identical to the findings for a standard land use decision.

C. Land Use Decision Does Not Include...

One reason for the relative complexity of defining a *land use decision* in Oregon is the statute provides an extensive list of what it does not include. The list below is not comprehensive but describes the actions you are most likely to encounter that are not land use decisions per ORS 197.015(10)(b). The Planning Commission’s decision is not a *land use decision* if it:

1. involves land use standards not requiring interpretation or the exercise of policy or legal judgment (i.e., ministerial decisions);
2. approves or denies a building permit under clear and objective land use standards;
3. is a limited land use decision;
4. involves a transportation facility otherwise authorized by and consistent with the Comprehensive Plan and LUDO;
5. is an expedited land division as described in ORS 197.360; or
6. approves or denies approval of a final subdivision or partition plat, or determines whether a final subdivision or partition plan substantially conforms to the tentative plan.

II. LAND USE BASICS

A. City Authority

In Oregon, several levels of government simultaneously regulate land use — the state, cities, counties, and special districts. A local government, such as a city or county, adopts its own land use plan as well as regulations to implement the plan. However, the local government’s plan and regulations must be consistent with and implement state policies set forth in the Statewide Planning Goals and Oregon Administrative Rules. Additionally, those cities and counties located within Metro must meet regional requirements established by Metro.

Oregon law requires coordination between cities and counties. Except for cities and counties within Metro, counties are responsible for coordinating all planning activities impacting land within the county, including planning activities of cities, special districts, and state agencies. Within Metro’s boundary, Metro is designated by statute to coordinate planning activities.

State law imposes substantial procedural requirements for local land use decisions, depending on the type of land use decision being made. Due to the complexity involved in determining what type of decision is being made, the CDD Staff and the City Attorney will generally evaluate the nature of the particular decision in any given case.

B. State's Role in Local Land Use

1. Land Conservation and Development Commission.

The Oregon Land Conservation and Development Commission (**LCDC**) adopts the statewide land use goals and administrative rules, assures local plan compliance with applicable land use laws, coordinates state and local planning, and manages the coastal zone program. LCDC comprises seven appointed volunteer members and meets about every six weeks to direct the work of the Department of Land Conservation and Development (**DLCD**).

DLCD is the state agency administering the state's land use planning program. DLCD works under and provides staff support for LCDC. DLCD is organized into five divisions: Community Services, Planning Services, Ocean and Coastal Services, Measure 49 Development Services, and Operations Services.

Under ORS 197.090(2), DLCD is authorized to participate in local land use decisions involving statewide planning goals or local acknowledged plans or regulations. With LCDC approval, DLCD may initiate or intervene in the appeal of a local decision when the appeal involves certain pre-established factors laid out in ORS 197.090. DLCD is also involved in reviewing and acknowledging local comprehensive plans.

When *good cause* exists, LCDC may order a local government to bring its plan, regulations, or decisions into compliance with statewide planning goals or acknowledged plans and regulations: this is known as an *enforcement order* and can be initiated by LCDC or a citizen but is infrequently used. LCDC may also become involved in a local government action if a petitioner requests an enforcement order and LCDC finds there is good cause for the petition. If LCDC determines there is good cause, LCDC will commence proceedings for a contested-case hearing under ORS 197.328. Failure to comply with an enforcement order under ORS 197.328 may result in the loss of certain public revenue, including state shared revenue. *Good cause* indicia include (a) the Comprehensive Plan or LUDO provision is not in compliance with the goals by the date set in statute, (b) the City does not make satisfactory progress toward coordination, or (c) the City engaged in a pattern or practice violating the Comprehensive Plan or LUDO.

2. Land Use Board of Appeals.

Most appeals of a local land use decision go to the Land Use Board of Appeals (**LUBA**). LUBA comprises three board members appointed by the governor and confirmed by the state senate. Anyone who participated in a local land use decision may appeal the decision to LUBA within 21 days of the date the decision becomes final. **Note:** the date the decision becomes "final" is when it is put in writing and signed by the decision-maker (e.g., CDD Director, Planning Commission Chair, Mayor).

Once notice of appeal is served, the City must compile and submit the record of the decision to LUBA within 21 days. LUBA is required to issue a decision on the appeal within 77 days after the record is transmitted, though there are some exceptions to this deadline. Finally, LUBA's decision may be appealed to the Oregon Court of Appeals.

An important aspect of an appeal is LUBA's review is limited to the contents in the record. Therefore, it is important the Planning Commission and City Council ensure all applicable criteria, goals, arguments, staff reports, studies, etc. are included in the record in the event of an appeal. Such care can impact the outcome of any appeal.

For example, the Oregon Court of Appeals found the City of Salem's interpretation of its local code provisions was not a "new" issue and prohibited the appellant from raising the issue on appeal because, even though the provision was not specifically referenced in the city's notice of hearing, the record showed a member of the city council raised the provision at the hearing and thus placed the provision in the record.

Because of the specific procedural requirements for an appeal to LUBA, CDD staff and the Planning Commission Chair work closely with the City Attorney on any appeals. It is important to notify the City Attorney immediately upon receipt of an appeal.

3. *Statewide Planning Goals.*

The purpose of the Statewide Planning Goals is to implement and consistently apply state land use policies throughout Oregon. The Statewide Planning Goals emphasize citizen involvement, a public planning process, management of growth within UGBs, housing and preservation of natural resources, and specific types of lands called *resource lands*.

Most of the goals are accompanied by "guidelines," which suggest how to apply a goal but are not mandatory. The goals have been adopted as administrative rules codified as OAR Chapter 660, Division 015. The City's Comprehensive Plan and LUDO must be consistent with the goals and are periodically reviewed by LCDC for compliance. Oregon's 19 Statewide Planning Goals comprise:

Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 3	Agricultural Lands
Goal 4	Forest Lands
Goal 5	Natural Resources, Scenic, and Historic Areas, and Open Spaces
Goal 6	Air, Water, and Land Resources Quality
Goal 7	Areas Subject to Natural Hazards
Goal 8	Recreational Needs
Goal 9	Economic Development
Goal 10	Housing
Goal 11	Public Facilities and Services
Goal 12	Transportation
Goal 13	Energy Conservation
Goal 14	Urbanization
Goal 15	Willamette River Greenway
Goal 16	Estuarine Resources
Goal 17	Coastal Shorelands
Goal 18	Beaches and Dunes
Goal 19	Ocean Resource

III. TYPES OF LAND USE DECISIONS

A. Quasi-Judicial Process and Appeals

1. Overview.

A quasi-judicial decision typically applies pre-existing criteria to an individual person or piece of land. Determining whether a proceeding is *quasi-judicial* turns on whether the decision displays the characteristics of such decisions identified by the Oregon Supreme Court in 1979:

- (a) the proceeding must be *bound to result in a decision*;
- (b) the local government must be *bound to apply preexisting criteria to concrete facts*; and
- (c) the decision must be *directed at a closely circumscribed factual situation or a relatively small number of persons*.

While the court held no single factor is determinative, the more closely a local decision comes to meeting these criteria, the more likely the decision is quasi-judicial. Typical examples of quasi-judicial decisions include design review, partition and subdivision, a zone change for a small number of lots or parcels, and development permits and variances.

In Oregon, a quasi-judicial decision must comply with general standards of due process. This requirement arises from a 1973 Oregon Supreme Court decision. Due process standards typically include providing applicants:

- (a) an opportunity to be heard;
- (b) an opportunity to present and rebut evidence;
- (c) an impartial decision-maker; and
- (d) a record and written findings adequate to permit judicial review.

2. Oregon Law Procedural Requirements.

The procedures applicable to the City's review of quasi-judicial applications are largely determined by ORS 197.763. For example, at the *initial evidentiary hearing*, the Planning Commission Chair must read a statement listing the applicable criteria in the LUDO, ask that testimony and evidence be directed at the applicable criteria (or other criteria in the Comprehensive Plan or LUDO the person believes apply to the decision), and stating the failure to raise an issue with sufficient specificity to allow the City and other parties an opportunity to respond prohibits an appeal to LUBA based on that issue. The Planning Commission Chair must also be advised of the requirement to raise any constitutional claims at the beginning of the hearing under ORS 197.796. Typically, these statements are included in a script for the Planning Commission Chair but also may be presented by CDD staff or the City Attorney.

At the close of the *initial evidentiary hearing*, any participant may request the record be held open in order to allow additional evidence regarding the application. The City can either hold the record open for a specific period to allow additional written evidence or continue the hearing to a specific date, time, and place at least seven days in the future. It is the City's choice whether to continue the hearing or leave the record open, which may depend on the nature of the evidence to be submitted and the time available in which to render a final decision.

If new written evidence is submitted at the continued hearing, a person may request the record be left open for at least seven days to submit additional written testimony/evidence. Then, after all of the written evidence has been submitted and the record is closed to all other parties, the

applicant is allowed at least seven days to submit a final written argument in support of the application.

Approval or denial of a quasi-judicial land use application must be based on standards and criteria set forth in the LUDO. The City's interpretation of its LUDO must be consistent with the express language. The courts will defer to a City's interpretation of its own code, provided the interpretation is made by the City Council. Conversely, the courts do not defer to an interpretation made by a lower body such as the Planning Commission or CDD Director.

The City's final decision must include a brief description of the criteria, a description of the evidence addressing each criterion, and the reasoning for approving or denying the application. This part of the decision is generally referred to as the *findings*. The legal requirements applicable to the City's findings may not be cursory or conclusory or arbitrary or capricious.

3. *LUDO Requirements.*

Under ORS 227.170(1), a city may establish its own hearing procedures provided they are consistent with ORS 197.763. The LUDO's review procedures are codified as TDMC Chapter 10.3 (*Application Review Procedures*) and the City's quasi-judicial process is detailed in TDMC 10.3.020.050.

B. Final decision (Quasi-Judicial)

ORS 227.173(4) requires the final decision on a *permit* application be made in writing and sent to "all parties to the proceeding." A *permit* is a discretionary approval of development, excluding limited land use decisions (which have their own statutory process). TDMC 10.3.020.020 details the City procedures for issuing a final decision for different types of decisions.

Pursuant to Oregon law, the City must make a final decision within 120 days of the date the application was *deemed complete*, including resolution of all local appeals. While the applicant may choose to extend the deadline in writing, the total of all extensions may not exceed 245 days. Accordingly, the City must reach a final decision on an application for a *permit*, *limited land use decision*, or *zone change* within one year from the date the application is deemed complete.

C. Legislative Process

The procedural requirements for a *legislative* land use decision differ from the procedural requirements for a *quasi-judicial* decision. Legislative decisions typically involve the adoption of more generally applicable policies or standards applicable to a variety of factual situations and a broad class of people and land. Common examples include amending the Comprehensive Plan, a zone change applicable broadly to large areas within the city limits, or text changes to the LUDO. TDMC 10.3.020.060 details the City's review procedures and process for legislative actions. Because a legislative decision is the expression of City policy, the City is not required to reach a decision on a legislative proposal and may table the issue or decline to review it altogether.

IV. EX PARTE CONTACTS, CONFLICTS OF INTEREST, AND BIAS

A. Right to an Impartial Decision

The purpose of declaring ex parte contacts, conflicts of interest, and bias is to ensure quasi-judicial land use applications are decided by an impartial hearing body. Your declaration of any

ex parte contacts, conflict of interest, or bias is required prior to conducting a hearing on any quasi-judicial land use decision.

Note: as a resident of the community, Commissioners frequently have personal beliefs, business associations, membership with organizations, and relatives living and working within the community who may be impacted directly or indirectly by issues presented by a land use application. Disclosing these beliefs or associations is required only where such beliefs or associations will impact your ability to render an impartial decision. The exception to this general rule is ex parte contacts: in a quasi-judicial setting, you must disclose any ex parte contacts regardless of whether the ex parte contact impacts your impartiality.

Once a Commissioner discloses an ex parte contact, conflict of interest, or bias and announces publicly their ability to render an impartial decision, the burden shifts to the public to prove the person is not capable of making an impartial decision. However, the mere possibility an improper ex parte contact occurred is not sufficient for the public to meet its burden.

With respect to bias or a conflict of interest, a Commissioner may abstain and not participate in a decision if they believe their bias or a potential conflict of interest will prevent them from being impartial. Where a Commissioner (including relatives and business associates) will financially benefit from the decision, Oregon law prohibits them from participating in the decision unless a class exception exists. Bias and conflict of interests are discussed in more detail below.

Although not required, a person who recuses themselves from the decision may step down from the dais and join the general public seating during the discussion and decision. There is no legal requirement preventing an abstaining Commissioner from participating as an interested citizen; however, when a Commissioner would realize an *actual* financial benefit, the City discourages them from so participating as a citizen in an effort to preserve the integrity of these public processes.

B. Ex Parte Contacts

An ex parte contact is commonly understood as a meeting, written communication (including email), or telephone conversation between a Commissioner and an interested party outside of the public hearing process. While this is generally true, the scope of ex parte contacts is actually much broader and encompasses *any evidence (not fully disclosed) relating to a pending application and relied on by a Commissioner in making a final decision*. The purpose of disclosure is to provide interested parties an opportunity to consider and rebut evidence.

Note: ex parte contacts are not unlawful. While contact with interested parties to broker a behind-the-scenes deal on a particular decision is often a political disaster, legally such contact is a problem only where the substance of the meeting is not disclosed during a public hearing and recorded as a part of the public record (i.e., in the minutes). In most cases, the better approach is to rely on City staff to work directly with interested parties and avoid the risk of engaging in ex parte discussions.

1. Statutory Provisions.

Consistent with ORS 227.180(3), and with respect to the City's decision-making, no Planning Commission decision or action is invalid due to a Commissioner's ex parte contact if the contacted Commissioner places on the record the substance of any written or oral ex parte communications concerning the decision or action and makes a public announcement of the content of the communication and of the parties' right to rebut its substance at the initial evidentiary hearing on the subject following the communication.

(a) Full Disclosure

Ex parte contact does not render a decision unlawful so long as there is full disclosure. Disclosure must occur at the earliest possible time in the decision-making process. There are two components to full disclosure: (1) placing the substance of the written or oral ex parte contact on the record and (2) a public announcement of the ex parte contact. Both requirements are satisfied by disclosure at the initial public hearing (public announcement included as a part of the record). In addition, the Planning Commission Chair is required to provide the general public with an opportunity to rebut the substance of the ex parte contact.

(b) Communications with Staff

Communications with City staff are not considered an ex parte contact. However, City staff may not serve as a conduit for obtaining information outside of the public process unless that information is disclosed. In practice, decision makers may freely discuss issues and evidence with staff. Where an interested party requests City staff to communicate with a decision maker or other evidence is obtained through City staff the decision maker relies on without disclosure (or is not otherwise included as a part of the public record, such as the staff report), an ex parte contact problem occurs. Because an ex parte contact is a procedural error, the party appealing a decision must show the ex parte contact was prejudicial. In general, evidence a relevant ex parte contact was not disclosed should be regarded as enough to require remand of a decision.

2. *Common Sense.*

Common sense judgment can go a long way in deciding what should be disclosed. Generally, a decision maker's instincts are correct about whether information is relevant to the decision and should be included as a part of the record through disclosure. The ex parte contact rules should not be viewed as an impediment to the Planning Commission's ability to conduct its business. The majority of information used to form general opinions existing prior to but which may impact a decision are not subject to disclosure. Specific information obtained in anticipation of or subsequent to an application being filed directly relevant to the decision and unavailable to the rest of the interested parties should always be included in the public record through disclosure.

3. *Scope of Ex Parte Contacts.*

As indicated, ex parte contacts are not limited to conversations with interested parties or other members of the community. The concept of ex parte contacts is much broader. For example, consider the following when not fully disclosed:

- (a) A site visit is not in itself an ex parte contact unless it involves communication between a decision maker and a party or other interested person. However, site visits do invoke procedural requirements of disclosure and opportunity to rebut. If a site visit is conducted and conversations take place between decision makers and applicants and/or opposition that are then used in making the final decision, or give the appearance of so being used, the content of those conversations must be disclosed or the decision will be remanded.
- (b) Communications with City staff can be ex parte contacts if the staff member acted as a conduit for the transfer of information from persons for or against the proposal or where the contact occurred after the record closes (e.g., staff submittal of evidence after the record closes could prejudice parties' substantial right to rebut evidence and requires remand).

- (c) Allegations CDD staff, who were not the final decision makers, were biased in favor of an application are insufficient (even if true) to demonstrate the final decision makers were biased.
- (d) Newspaper articles and television or radio broadcasts are ex parte contacts when they relate to a pending application and are relied on by a Commissioner in making a final decision.
- (e) All other outside discussions of a pending application are ex parte contacts when they relate to a pending application and are relied on by a Commissioner in making a final decision.

C. Conflict of Interest

The Oregon Government Ethics Commission (**OGEC**) oversees the implementation of the conflict of interest statutes under ORS Chapter 244. OGEC imposes personal liability on a Commissioner's violation of the statute or its regulations. The City Attorney's Office represents the City, including its Planning Commission, in all legal matters but does not represent any Commissioner as an individual with respect to any personal liability.

1. Actual vs. Potential Conflict of Interest.

An actual conflict of interest is defined under ORS 244.020 as any decision or act by a public official that would result in a *private pecuniary benefit or detriment*. An actual conflict extends not only to financial gain or loss to individual Commissioners but also to any relative, household member, or any business with which the Commissioner or relative is associated. A potential conflict of interest is distinguished from an actual conflict of interest in that the benefit or detriment **could** occur, while the benefit or detriment **would** occur in an actual conflict of interest situation.

In the case of an actual conflict of interest, a Commissioner must both:

- (a) announce the actual conflict of interest; and
- (b) refrain from taking official action.

In the case of a potential conflict of interest, a Commissioner must announce the conflict but may still take action on the issue. The disclosure requirements for both potential and actual conflicts do not apply to *class exceptions*.

2. Class Exceptions.

Often a land use decision has at least some indirect financial impact on an individual Commissioner and other members of the community. For example, legislative rezoning and LUDO text amendments often entail changes to the development rights of property owners throughout the City. To address this issue, Oregon law provides a class exception to such conflicts of interest. If the Commissioner is part of a class consisting of a larger group of people impacted by a decision, no conflict exists. There is no hard and fast rule on the size or type of class to which the conflict exemption applies. In general, legislative rezoning decisions impacting the community as a whole are exempt. The class exemption depends on the facts of each case. Several examples are provided below.

3. Examples.

- (a) Commissioners living within proximity of an application for the continuance of a nonconforming mining operation failed to disclose the location of their residences during the local process, so LUBA remanded and required disclosure.
- (b) If the City develops an ordinance limiting development in proximity of streams and other water bodies, a Commissioner who owns property including an intermittent stream impacted by the ordinance clearly falls within the class exception because they are one of thousands of landowners impacted by the ordinance.
- (c) If a Commissioner owns commercial property in the City and the City considered establishing an urban renewal area including 260 acres of land, but the Commissioner owns two tax lots of approximately 122 acres of commercial area within the proposed urban renewal area, Oregon law provides the class exemption applies so long as the benefits from the urban renewal area apply equally to all owners.
- (d) If a Commissioner owns property directly impacted by the development of a manufactured home park (e.g., by traffic from the proposed development), Oregon law provides the Commissioner may actively oppose the application because the number of property owners impacted by the development was of a sufficient size to trigger the class exception. (**Note:** this example does not address the issue of *bias* at all. Although the OGEC found a class exception in this case, there is a very real chance a Commissioner's participation with an opposition group is evidence of actual bias that would preclude their participation in the final decision.)

D. Bias

A biased decision maker substantially impairs a party's ability to receive a full and fair hearing. Bias can be in favor of or against the party or the application. Generalized expressions of opinions are not bias.

Local quasi-judicial decision makers are not expected to be free of bias but they are expected to (1) put whatever bias they may have aside when deciding individual permit applications and (2) engage in the necessary fact finding and attempt to interpret and apply the law to the facts as they find them so the ultimate decision is a reflection of their view of the facts and law rather than a product of any positive or negative bias the decision maker may bring to the process.

1. *Actual Bias.*

Actual bias means prejudice or prejudgment of the parties or the case to such a degree the decision maker is incapable of being persuaded by the facts to vote another way, including:

- (a) personal bias;
- (b) personal prejudice; or
- (c) an interest in the outcome.

The standard for determining actual bias is whether a Commissioner *prejudged the application and did not reach a decision by applying relevant standards based on the evidence and argument presented during quasi-judicial proceedings*. Actual bias strong enough to disqualify a decision maker must be demonstrated in a clear and unmistakable manner.

The burden of proof a party must satisfy to demonstrate a Commissioner's prejudgment is substantial. The objecting party need not demonstrate a majority of the Commission were influenced by the bias of one Commissioner to warrant a remand: the bias of one Commissioner is enough.

2. *Appearance of Bias.*

Appearance of bias will not necessarily invalidate a decision. However, the appearance of bias may call into question a Commissioner's ultimate decision. The main objective is to maintain public confidence in public processes.

3. *Examples.*

- (a) General Expressions of Opinion Do Not Invalidate Decisions. The Mayor of the City of Beaverton commented on an adult video store in the City: "While on a personal basis, I think the Council and I * * * don't want these businesses in the community, the fact is our personal [feeling] versus our obligation as elected officials to uphold the law is very different, and so we can't base any decisions tonight based on content." Statements by City officials, including Commissioners, they would prefer a privately funded convention center, rather than a publicly financed one, also do not demonstrate the City decision makers are biased and incapable of making a decision on the merits.
- (b) Mere Association with Membership Organization Not Enough. An applicant for a dog raising farm alleged a county planning commission chair was biased by association with a nonprofit Friends of the Animals. The applicant speculated the chair gave money to this organization and opponents to the application were also members of the association. LUBA found there was no evidence provided of any communications and adequate disclosure was provided by the chair. Also, where a Commissioner is a member of a church congregation and the church applied for a land use permit, and the Commissioner has expressed concern regarding the impact proposed conditions of approval would have on church operations but nevertheless declares they are able to render a decision regarding the church's application based on the facts and law before them, the Commissioner has not impermissibly prejudged the application.
- (c) City May Adopt Applicant's Findings in Support of Decision. CDD staff accepting, reviewing, and adopting findings from the applicant is not evidence of prejudgment or bias.
- (d) Prior Recusal Does Not Prohibit Participation in Subsequent Hearing. LUBA found no error where a county commissioner failed to abstain from a decision even though the commissioner voluntarily withdrew from a prior hearing involving the same matter because of their friendship with an opponent of the proposed change.
- (e) Commissioner May Not Prejudge Applications. A planning commissioner's prior actions and written statements amounted to prejudgment of an application for a business license to operate a real estate office within a residential planned unit development. In this case, the commissioner wrote a letter to the mayor stating that there was no legal basis for permitting the office. Subsequent correspondence also revealed the antagonistic relationship between the

commissioner and the applicant. LUBA found “[i]n view of his history of actively opposing the siting of a real estate sales office within the [planned unit development], it is clear that he had prejudged the application and was incapable of rendering an impartial decision based on the application, evidence and argument submitted during the [c]ity’s proceedings on the application.”

- (f) Commissioners May Not Seek Additional Evidence. Two commissioners sought and obtained additional evidence not in the record and relied on that evidence to make a decision on a permit application. LUBA noted “[t]he role of the local government decision maker is not to develop evidence to be considered in deciding a quasi-judicial application, but to impartially consider the evidence that the participants and City planning staff submit to the decision maker in the course of the public proceedings.”



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT

Zoning Ordinance Amendment 108-23

HEARING DATE: July 20, 2023

HEARING BODY: Planning Commission

PROCEDURE TYPE: Legislative

REQUEST: Approval of proposed minor changes to The Dalles Municipal Code, Title 10 – Land Use and Development.

PROPERTIES: All properties located within the Urban Growth Boundary.

APPLICANT: City of The Dalles, Community Development Department

PREPARED BY: Kaitlyn Cook, Senior Planner

BACKGROUND:

The Dalles Municipal Code (TDMC) provides the framework for land use and development within the City's Urban Growth Boundary, used to implement the goals and policies of the City's Comprehensive Plan. TDMC, adopted in 1998, may be amended over time to address the current needs and issues of the community. Over the past few years, Community Development Department staff have compiled an ongoing list of outstanding land use amendments to better improve the efficiency and functionality of TDMC. This list has been loosely ranked in order of complexity and time commitment, and provides a game plan for future meeting agendas. At any time, any one of the City's boards and commissions may request additional focus on the items included in this list, as well as the addition of various tasks of higher necessity at any given time.

DISCUSSION:

These proposed amendments have been previously compiled by CDD staff over the last few years and include a myriad of objectives, including ensuring consistent terminology, adapting to modern technology, maintaining clear and objective housing standards, updating review procedures, and consistency with state law. Many of these amendments were previously recommended for approval by the Planning Commission at the April 20, 2023 Commission

meeting. Since that time, and prior to adoption with City Council, Staff expanded on this list of minor amendments and are presenting them for consideration at the July 20, 2023 Commission meeting. A brief synopsis of the main components of these amendments is provided below.

- Review Procedures

Proposed amendments include removal of the 45-day timeline for Administrative and Quasi-Judicial actions. Instead, all actions will be processed consistent with the “120-Day” rule, per State ORS 227.178 (2).

In addition, proposed amendments include reducing the number of paper copies to encourage electronic submission, as well as establish standard requirements for site, landscaping, and construction plans included with all applications.

- Entrance Standards

Proposed amendments include provisions for promoting flexibility of building orientation and entrance standards. These revised standards will allow primary entrances to be located on the front and side building faces, while preserving the neighborhood characteristics with required pedestrian walkways to the street/sidewalk. These amendments will allow for greater housing options on small and narrow lots.

- Temporary Use of Intermodal Containers

Currently TDMC does not define the duration of “temporary” as it pertains to intermodal containers (shipping containers). Proposed amendments will establish a 30-day “temporary” duration for siting intermodal containers without an approved building (permit?) in select zoning districts.

- Childcare Centers

Proposed amendments will include removing childcare centers as conditional uses in all zoning districts, and permitting the uses outright in each zone. These changes were made in order to comply with Oregon House Bill 3109.

NOTIFICATION:

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on July 5, 2023, more than ten days prior to the July 20, 2023 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 July 5, 2023. 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 was submitted to the Department of Land Conversation and Development on March 15, 2023, more than 35 days prior to the July 20, 2023 hearing. To date, no comments were received.

COMMENTS:

No comment received as of the date this report was published (July 13, 2023).

REVIEW:

See *Exhibit A*.

PROPOSED AMENDMENTS:

The proposed amendments for Zoning Ordinance Amendment 108-23 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 108-23, adopting amendments and findings attached herein.
2. Move to recommend to the City Council the approval of a modified Zoning Ordinance Amendment 108-23, after adopting any changed amendments or findings discussed at the regular July 20, 2023, Planning Commission meeting.
3. Decline adoption and provide additional direction.

ATTACHMENTS:

- **Exhibit A:** *Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 108-23.*
- **Exhibit B:** *Proposed Zoning Ordinance Amendment 108-23.*

EXHIBIT A

Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 108-23

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: Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on July 5, 2023, more than ten days prior to the July 20, 2023 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 July 5, 2023. 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 March 15, 2023, more than 35 days prior to the July 20, 2023 hearing. To date, no 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 encourage

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

FINDING #5: The proposed amendments will modify the existing residential zoning district development standards to allow for more flexibility with building orientation and entrance standards. By allowing more flexibility with building and orientation standards, single-family residential development may be built on narrow lots to accommodate infill development and additional housing options. **Criterion met.**

***Policy 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.*

FINDING #6: Currently, the minimum lot width in the High and Medium Density Residential zoning districts are 25 feet for corner lots and 20 feet for interior lots. However, this minimum lot width can create narrow lots, posing a challenge for siting site-built and manufactured homes alike.

A typical design for manufactured homes is with the front door located on the longest building face. This design feature further exacerbates the challenge of accommodating manufactured homes on narrow lots. To address this issue, the proposed building orientation amendments remove the front door requirement from the front building line and requires a pedestrian connection to the right-of-way. By doing so, it will remove barriers to residential development on narrow lots, particularly for manufactured homes.

***Policy 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.*

FINDING #7: The development standards in all residential zones shall permit more flexibility for building orientation and entrance standards. These revised standards will allow primary entrances to be located on the front and side building faces, while requiring a pedestrian walkway. This proposed amendment will allow for greater housing options on narrow lots. **Criterion met.**

***Policy 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.*

FINDING #8: The proposed building entrance and orientation standards shall affect the primary entrance standards to provide greater flexibility in housing types for narrow lots. These proposed amendments are compatible with the residential neighborhood surroundings as they will require a pedestrian connection from the primary entrance to the street/sidewalk. **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: The proposed amendments aim to remove ambiguous and inconsistent terminology used throughout the code relating to housing. None of the proposed amendments discourage housing through unreasonable cost or delay. **Criterion met.**

Oregon Administrative Rules (OAR)

OAR 660-012-0060

FINDING #10: Staff found that the proposed changes do not affect an existing or planned transportation facility; therefore OAR 660-012-0060 is not applicable to this zoning ordinance amendment. **Criterion not applicable.**

EXHIBIT B
Proposed Amendments
Zoning Ordinance Amendment 108-23

The Dalles Municipal Code

10.3.020.010 Purpose

A. This Article describes the review procedures required to make final decisions regarding applications for ministerial actions, ~~planning administrative~~ actions, and legislative actions, and to provide for appeals from aggrieved persons or parties.

#

10.3.010.040 Applications

Application for ministerial, ~~planning administrative~~, and legislative actions shall be made on forms provided by the Director, comply with all applicable sections of this Title, and, where applicable, meet the following criteria:

#

10.3.010.035 Pre-Application Requirements

Applicants participating in the pre-application process (referred to as site team review) shall provide all information required in the code for the type of land use review sought. ~~One electronic copy~~ ~~Eighteen Copies~~ of the application and site plan are required.

#

10.3.020.030 Ministerial Actions

C. Time Limits. The Director shall approve or deny an application for a ministerial action within 21 days of ~~accepting~~ the application ~~being deemed complete~~ unless the time limit is extended with the consent of the applicant.

#

10.3.020.040 Administrative Actions

~~D. Time Limits. All applications processed as administrative actions shall be approved, approved with conditions, denied, or postponed with consent of the applicant within 45 days after the filing of a complete application.~~

#

10.3.020.050 Quasi-Judicial Actions

C. Public Hearings.

~~1. — Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting within 45 days from the date the application is deemed complete.~~

~~1.2.~~ Hearings on applications for quasi-judicial actions shall be conducted per the procedures in Section 10.3.020.070: Public Hearings.

~~2.3.~~ Unless otherwise ordered by the hearings body, the Director shall take complete applications for quasi-judicial actions in the order in which they are filed

~~3.4.~~ The hearings body shall hold at least one public hearing on a complete application.

~~4.5.~~ The burden of proof is placed on the applicant seeking a planning action.

~~5.6.~~ The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.

~~6.7.~~ Prior to the public hearing the applicant is recommended, but not required, to conduct an outreach meeting with nearby residents and others who may be affected by the development.

#

10.3.030.020 Review Procedures

B. Applications. In addition to the requirements of Article 3.010: Application Procedures, site plan review applications shall be accompanied by one electronic copy of plans consistent with Article 6.180. Paper copies may be required as a condition of approval with all applications. at least 15 copies of the site plan, and, when required, 3 copies of the detailed landscape and construction/design plans as specified below in Section 10.3.030.030: Required Plans. When plans are drawn using CAD software, 1 digital disc copy shall be submitted in addition to the required hard copies.

#

10.3.030.030 Required Plans

~~A. Site Plan. The site 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.~~

~~6. Location and names of all existing streets and location of proposed streets within or on the boundary of the proposed development.~~

~~7. Lot layout with dimensions for all lot lines.~~

~~8. Location, dimensions, and height of all existing and proposed buildings, structures, fences and gates. Indicate which buildings, structures and fences are to remain and which are to be removed~~

9. ~~Location and dimensions of all yards and setbacks from all property lines and distances between existing and proposed buildings.~~
10. ~~Location and dimensions of all driveways and bicycle and vehicle parking areas.~~
11. ~~Number of vehicle and bicycle parking spaces, parking lot layout, and internal traffic circulation pattern.~~
12. ~~Specify centerline locations and width of existing and proposed access from street to property. In addition, specify the centerline location and width of driveways near the site, using the following method: (a) based upon the street classification of the adjacent street, determine the maximum distance specified in Article 6.050, Table 1; (b) for both sides of the street fronting the property, and extending in all directions of the street, extend at least the distance determined above, until either nearest offsite accessway or nearest intersecting public street, whichever is less; (c) repeat for all streets adjacent to the site.~~
13. ~~All points of entrance and exit for pedestrians, bicycles and vehicles, including service vehicles.~~
14. ~~Location and description of any slopes greater than 20%, and any proposed cut and fill activity.~~
15. ~~General nature and location of all exterior lighting.~~
16. ~~Outdoor storage and activities where permitted, and height and type of screening.~~
17. ~~Drainage and grading plan.~~
18. ~~Location, size, height, material and method of illumination of existing and proposed signs.~~
19. ~~Location of existing utilities, easements, and rights-of-way.~~
20. ~~Location of any significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, drainage ways and wetlands.~~
21. ~~Location of existing fire hydrants.~~
22. ~~Location of existing and proposed trash storage area(s) including enclosure construction design and access for pick-up purposes.~~
23. ~~Any additional information required by the Director to act on the application.~~

~~B. Detailed Landscape Plans. Detailed landscape plans shall clearly indicate the following information:~~

1. ~~Project name.~~
2. ~~Scale. The scale shall be at least 1 inch equals 50 feet (1:50) or larger.~~
3. ~~North arrow.~~
4. ~~Date.~~
5. ~~Location and initial sizes of plants and tree species, and other proposed landscape material.~~

~~6.—Pipe location and size, point of connection, and water requirements of automatic sprinkler systems, and location and details of cross connection control device.~~

~~C.—Detailed Construction/Design Plans. The detailed construction/design plans shall clearly indicate the following information:~~

- ~~1.—All information required for the site plan.~~
- ~~2.—Location of existing rights-of-way.~~
- ~~3.—Existing streets, sidewalks, curbs and utilities.~~
- ~~4.—Existing and proposed street trees.~~
- ~~5.—Parking lot striping and pavement cross section.~~
- ~~6.—Perimeter curb location and details.~~
- ~~7.—Utility service types, sizes, locations and details (including hydrants, manholes, clean-outs, vaults, meters, inlets/catch basins, parking, drive pads, distance to drive pads on adjacent property, curb and sidewalk, retaining walls, and retaining wall drainages).~~
- ~~8.—Location and details of cross connection control devices.~~
- ~~9.—Fence and gate locations and details.~~
- ~~10.—Street and parking lot lighting locations and details.~~
- ~~11.—Site drainage and grading plan and construction details sufficient to evaluate whether runoff generated from improvements is collected on site and disposed of in a manner which eliminates sheet flow of stormwater onto sidewalks, public rights-of-way and abutting private property.~~
- ~~12.—Erosion control plan and/or traffic control plan as required by the City Engineer.~~
- ~~13.—Where City street, curb, sidewalk or utility extensions are required, provide complete plan, profile, and construction detail drawings, including signs, striping and pavement markings, and specifications when required by the City Engineer, prepared and stamped by a licensed professional engineer for the proposed improvements within public rights-of-way.~~
- ~~14.—City Engineer and all other required state and federal approvals for extensions.~~

#

10.3.030.050 Performance Guarantee

Where the applicant wishes to delay making required public improvements for a specified time period agreed to by the approving authority, the applicant shall file an agreement ~~to insure~~ ensure full and faithful performance on making those required public improvements, including a private street per the provisions of Section 10.9.040.060(I): Performance Guarantee of this Title.

#

10.3.050.030 Review Procedures

A. Applications. In addition to the requirements of Article 3.010: Application Procedures, conditional use permit applications shall be accompanied by one electronic copy of plans

~~consistent with Article 6.180. Paper copies may be required as a condition of approval with all applications, at least 15 copies of a concept site plan, and, when required, 2 copies of the detailed landscape and construction/design plans, per the provisions of Article 3.030: Site Plan Review.~~

B. Review.

1. Conditional use permits shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, and approved or denied by the Commission.
2. Site plan approval, and when required, detailed landscape plan and detailed construction design plan approval, per the provisions of ~~Article 6.180: Required Plans 3.030: Site Plan Review~~, shall always be a condition of conditional use approval. Concept site plans can be submitted for review by the Commission in lieu of the detailed site plan required for building permit approval. See subsection C of this section.
3. The Commission may require a performance guarantee, per the provisions of Section 10.9.040.060(I): Performance Guarantee to ensure compliance with any conditions of approval.

#

10.3.050.050 Zone Specific Review Criteria

C. Conditional Uses. The standards shall apply to the following conditional uses in the RL zone:

~~1. Child care centers;~~

~~1. 2.~~ Funeral and interment services (interring and cemeteries only);

~~2. 3.~~ Community facilities; and

~~3. 4.~~ Digital signs in residential zones or overlay zones.

#

10.3.070.040 Conditions of Approval

In granting the variance, the Commission may attach any reasonable conditions deemed necessary to ~~insure~~ ensure ~~that~~ the review criteria are met.

#

10.3.080.050 Conditions of Approval

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

#

10.3.086.040 Lot Coverage

Lot coverage is limited to no more than 50% 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 15% permeable then 85% of the graveled path area would be counted in the impervious surface calculation).

The purpose of this requirement is to help ~~insure~~ ensure that surface and stormwater 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 stormwater 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.

#

10.3.010.030 Pre-Application Conference

Applicants for administrative, quasi-judicial, or legislative actions shall be required to participate in a pre-application conference with the Director prior to submitting an application. The purpose of the conference is to:

A. Review for Consistency. ~~Insure~~ Ensure that the application is consistent with the substantive and procedural requirements of this Title and the applicable elements of The Comprehensive Plan.

#

10.5.010.020 Permitted Uses

4. Other use types:
 - a. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
 - b. Residential care home, as defined in Chapter 10.2 - Definitions.
 - c. Child care center, as defined in Chapter 10.2 - Definitions

#

10.5.010.030 Conditional Uses

The following conditional uses are allowed subject to review and approval per the provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits.

~~A. Child care center, as defined in Chapter 10.2 - Definitions.~~

- A. ~~B.~~ Community facilities, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- B. ~~C.~~ Funeral and interment services (interring and cemeteries only), subject to the provisions of Article 5.100: Community Facilities Overlay District.
- C. ~~D.~~ Planned development, subject to the provisions of Article 9.050: Planned Development.
- D. ~~E.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- E. ~~F.~~ Adult Business. An application for an adult business shall also comply with the following criteria:

#

10.5.010.060 Development Standards

<u>Setback</u>	
<u>Side yard (exterior)</u>	<u>8 ft., except 20 ft. for garage entrance</u>
Building Orientation	The front building line shall be <u>building shall be oriented</u> 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. <u>Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on the rear building face is prohibited. Front building orientation cannot be modified from its original design to meet this criteria.</u>

#

10.5.030.060 Development Standards

RM Medium Density Residential	Standard			
	Single-Family Attached, Row Houses, or Townhomes (3 or ore units)	One and Two Dwelling Units per Lot (Single-Family Detached and Duplex)	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	2,000 sq. ft. per dwelling unit	4,000 sq. ft.	2,000 sq. ft. per dwelling unit	2,000 sq. ft. per dwelling unit

Building Orientation	The front building line shall be <u>building shall be oriented</u> 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
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	front door. Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on the rear building face is prohibited. Front building orientation cannot be modified from its original design to meet this criteria.
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10.5.020.060 Development Standards

RH High Density Residential	Standard			
	Single-Family Attached, Row Houses, or Townhomes (3 or more units)	One and Two Dwelling Units per Lot (Single-Family Detached and Duplex)	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	1,500 sq. ft. per dwelling unit	2,500 sq. ft.	1,500 sq. ft. per dwelling unit	1,500 sq. ft. per dwelling unit

Building Orientation	The front building line shall be building shall be oriented 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. Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on the rear building face is prohibited. Front building orientation cannot be modified from its original design to meet this criteria.
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10.5.030.070 Design Standards

E. Multiple Buildings Dwelling Units and Detached Dwellings (3+) on One Lot—Separation Between Buildings Dwelling Units, Three or More Detached Dwellings Per Lot, 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 Dwelling Units~~ with windowed walls facing buildings with windowed walls: 10 feet of separation.
2. ~~Buildings Dwelling Units~~ with windowed walls facing buildings with a blank wall: 10 feet of separation.
3. ~~Buildings Dwelling Units~~ with opposing blank walls: 10 feet of separation.
4. ~~Buildings Dwelling Units~~ separation shall also apply to building projections such as balconies, bay windows, and room projections.

5. ~~Buildings Dwelling Units~~ with courtyards shall maintain separation of opposing walls as listed in paragraphs 1 through 4 above for walls in separate buildings.

#

10.5.030.060 Development Standards

Side Yard (interior)	5 ft. minimum, except where dwelling has a zero setback on opposite side, including end unit of townhome dwelling units ; ₂ and 10 ft. separation between buildings-dwelling units .
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10.5.030.070 Design Standards

E. Multiple Buildings and Detached Dwellings (3+) on One Lot—Separation Between ~~Buildings dwelling units~~, Three or More Detached Dwellings per lot, 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 Dwelling Units~~ with windowed walls facing buildings with windowed walls: 10 feet of separation.
2. ~~Buildings Dwelling Units~~ with windowed walls facing buildings with a blank wall: 10 feet of separation.
3. ~~Buildings Dwelling Units~~ with opposing blank walls: 10 feet of separation.
4. ~~Buildings Dwelling Units~~ separation shall also apply to building projections such as balconies, bay windows, and room projections.
5. ~~Buildings Dwelling Units~~ with courtyards shall maintain separation of opposing walls as listed in paragraphs 1 through 4 above for walls in separate buildings.

#

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:~~

#

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:~~

#

10.5.070.020 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:~~

#

10.5.080.020 Permitted Uses

A. Primary Uses. ~~Permitted Outright. The following primary uses shall be processed per the provisions of Article 3.030: Site Plan Review:~~

1. Retail uses, excluding shopping centers. If over 15,000 square feet must get a conditional use permit.
2. Conference, visitors, and convention centers.
3. Hotels, motels, and campgrounds.
4. Light industrial (campus setting or compatible with commercial and recreational uses).
5. Recreational facilities.
6. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
7. Restaurants.
8. Service and administrative offices.
9. Public and private parking lots and structures, in accordance with Chapter 10.7 - Parking Standards.
10. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions Section 10.5.080.030: Conditional Uses below).
11. Recreational vehicle parks, in accordance with Chapter 10.12 - Recreational Vehicle Parks.
12. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~12.~~13. Child care center, as defined in Chapter 10.2 - Definitions.
- ~~13.~~14. Other uses determined by the Director to be similar to the above uses.

10.5.080.030 Conditional Uses

The following conditional uses are allowed subject to review and approval per the provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits.

~~A. Child care center, as defined in Chapter 10.2 - Definitions.~~

- ~~B.A.~~ Community facilities, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- ~~C.B.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~D.C.~~ Other uses determined by the Director to be similar to the above uses.
- ~~E.D.~~ Adult Business. An application for an adult business shall also comply with the following criteria:
- ~~F.E.~~ Planned development, subject to the provisions of Article 9.050: Planned Development.

#

10.5.090.020 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:~~

1. Auto body shops, auto painting, and machine shops.
- ~~2.~~ Child care center, as defined in Chapter 10.2 - Definitions.
- ~~2.3.~~ Circus or like activity (limited to 4 events per year per site).
- ~~3.4.~~ Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per Section 10.5.090.030: Conditional Uses of this Article) located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.
- ~~4.5.~~ Food production and manufacturing.
- ~~5.6.~~ Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
- ~~6.7.~~ Heavy equipment sales and service, on site only.
- ~~7.8.~~ Laundry and cleaning service industries.
- ~~8.9.~~ Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution, and storage uses (except manufacture of explosives, the slaughter of animals, and the rendering of fats).
- ~~9.10.~~ Printing and publishing.
- ~~10.11.~~ Public and private parking lots.
- ~~11.12.~~ Public and private vehicle servicing and fueling stations.
- ~~12.13.~~ Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.090.030: Conditional Uses of this Article).
- ~~13.14.~~ Railroad yards and spurs, shipyards, and commercial docking facilities.
- ~~14.15.~~ Rock, sand, and gravel cleaning, crushing, processing, and assaying.

- ~~15.16.~~ Rodeo grounds.
- ~~16.17.~~ Storage and maintenance yards.
- ~~17.18.~~ Transportation facilities.
- ~~18.19.~~ Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.
- ~~19.20.~~ Veterinary services, kennels, and fish hatcheries.
- ~~20.21.~~ Warehouses.
- ~~21.22.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~22.23.~~ Other uses determined by the Director to be similar to the above uses.

10.5.090.030 Conditional Uses

The following conditional uses are allowed subject to review and approval, per the appropriate provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits:

- A. Agriculture and aqua-culture, excluding livestock and poultry operations.
- B. Bulk fuel stores (petroleum, methane, propane, and gasoline).
- ~~C. Child care center, as defined in Chapter 10.2 – Definitions.~~
- ~~D.C.~~ Collection, packaging, storage and reprocessing of recyclable materials, so long as the market area is more than 50% from the local area.
- ~~E.D.~~ Junkyards and automotive wrecking yards enclosed within a view obscuring fence or wall.
- ~~F.E.~~ Recreation facilities (commercial - outdoor), including golf courses and shooting ranges.
- ~~G.F.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~H.G.~~ Other uses determined by the Director to be similar to the above uses.
- ~~I.H.~~ Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- ~~J.I.~~ The production, processing, storage, and wholesaling of recreational or medical marijuana, including a non-personal medical marijuana grow operation. An application for a marijuana production, processing, storage, wholesaling facility, or non-personal medical marijuana grow operation shall also comply with the following criteria:

#

10.5.110.010 Purpose

This district implements the P/OS - Parks and Open Space Comprehensive Plan Designation and is intended to ~~insure~~ ensure sufficient open areas throughout the community to safeguard public need for visual and environmental resources and to provide areas for recreational activities. Allowed uses show lower level activity and potentially less offsite impact than uses allowed conditionally.

#

10.5.080.010 Purpose

This district implements the CR - Recreational Commercial Comprehensive Plan designation and is intended to provide areas for mixed business, commercial, service, recreational, and light industrial uses. Site planning for permitted uses shall ~~insure~~ ensure protection and enhancement of the significant environmental areas located along the Columbia River and related streams and creeks. Streets, sidewalks, bikeways, and water, sewer, and storm drainage systems shall be constructed or improved as needed.

#

10.6.010.020 Definition

B. ~~Single-family dwellings, including manufactured homes;~~ All residential developments shall landscape the undeveloped portions of the front yard, as defined in this Title, within the first 6 months after occupancy. For purposes of this Article, landscaping may be live plant material, dry landscaping, or a combination of live plant material and dry landscaping.

#

10.6.010.030 General Provisions

B. Landscaping Plans. Where landscaping is required by this Title, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the site plan review process. Requirements for detailed landscape plans are listed in ~~Section 10.3.030.030(B);~~ Article 6.180 Required Plans(B). Building permits shall not be issued until the approving authority has determined the landscape plans comply with both the purpose and specific requirements of this Article.

#

10.6.010.070 Required Landscaping by Zone

ZONE	SITE REQUIREMENT
RL <u>1 and 2 Dwelling units</u>	Site landscaped according to Article 6.010
RH <u>1, 2, 3, or 4 Family</u>	Site landscaped according to Article 6.010

ZONE	SITE REQUIREMENT
5+ Family	Equal to 1.5 times the first floor area of all structures minimum
RM 1,2,3, or 4 Family Dwelling units 5+ Family Dwelling units	Site landscaped according to Article 6.010 Equal to first floor area of all structures minimum
<u>RH</u> <u>1, 2, 3, or 4 Dwellings units</u> <u>5+ Dwelling units</u>	<u>Site landscaped according to Article 6.010</u> <u>Equal to 1.5 times the first floor area of all structures minimum</u>
NC	
1, 2, 3, or 4 Family Residential Only Dwelling units	Site landscaped according to Article 6.010
5+ Family Residential Only Dwelling units	Equal to the first floor area of all structures minimum
Commercial Only	Equal 10% of the first floor area of all structures minimum
Mixed Residential/Commercial	Equal to 0.5 times the first floor area of all structures minimum

#

10.6.020.010 Purpose

B. This Article seeks to ~~insure~~ ensure that home businesses do not infringe upon the right of neighboring residents to enjoy the peaceful and safe occupancy of their homes. Large-scale commercial or professional operations, which would normally be conducted in a commercial or industrial zone district, shall continue to be conducted in those districts and not in a home.

#

10.6.010.050 Screening – Hedges, Fences, Walls other than Retaining Walls, Berms

1. Residential ~~Areas~~ Zones.
2. Commercial and Industrial ~~Areas~~ Zones. Barbed wire may be allowed above the fence or wall height requirement.

#

10.6.090.010 Height Limitation Exceptions

B. Airport Protection. In order to ~~insure~~ ensure safety in the operation of public-use airports, no structure, object or natural growth shall be erected, altered, or allowed to intrude into any airway imaginary surface established under the provisions of Federal Aviation Regulations (FAR) Part 77. Variances may be granted only after approval by the Federal Aviation

Administration (FAA) and the Oregon Aeronautics Division of the Oregon Department of Transportation.

#

10.6.120.030 Residential Trailers and Mobile Homes

D. Exterior Requirements.

~~1. Where metal skirting is used, the material shall be painted and formed in a manner complimentary to the siding of the residential trailer/mobile home.~~

~~1. Bare metal siding and roofing is prohibited.~~

~~2. The color and pattern of any patios, decks, awnings, carports, and other structures shall be coordinated with the subject dwelling, and all metal and wood surfaces shall be painted.~~

#

10.6.120.040 Manufactured ~~Homes~~ Dwellings

~~E. Building Exterior. Exterior roofing and siding shall be similar in color, material and appearance to roofing and siding commonly used on new site built dwellings within the community. Bare metal siding and roofing is prohibited.~~

~~F.E.~~ Landscaping. Landscaping shall meet the requirements of Article 6.010. (Ord. 21-1384)

#

10.6.160.010 Uses Allowed

C. Temporary Use. Intermodal cargo containers are allowed for a maximum duration of 30 days temporarily in all zones ~~without having to comply with subsection B of this section.~~ Intermodal cargo containers are exempt from Section 10.6.160.010 (B).

#

10.3.030.030 Required plans

Article 6.180 Required Plans

A. Site Plan. The site 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.

6. Location and names of all existing streets and location of proposed streets within or on the boundary of the proposed development.

7. Lot layout with dimensions for all lot lines.
8. Location, dimensions, and height of all existing and proposed buildings, structures, fences and gates. Indicate which buildings, structures and fences are to remain and which are to be removed
9. Location and dimensions of all yards and setbacks from all property lines and distances between existing and proposed buildings.
10. Location and dimensions of all driveways and bicycle and vehicle parking areas.
11. Number of vehicle and bicycle parking spaces, parking lot layout, and internal traffic circulation pattern.
12. Specify centerline locations and width of existing and proposed access from street to property. In addition, specify the centerline location and width of driveways near the site, using the following method: (a) based upon the street classification of the adjacent street, determine the maximum distance specified in Article 6.050, Table 1; (b) for both sides of the street fronting the property, and extending in all directions of the street, extend at least the distance determined above, until either nearest offsite accessway or nearest intersecting public street, whichever is less; (c) repeat for all streets adjacent to the site.
13. All points of entrance and exit for pedestrians, bicycles and vehicles, including service vehicles.
14. Location and description of any slopes greater than 20%, and any proposed cut and fill activity.
15. General nature and location of all exterior lighting.
16. Outdoor storage and activities where permitted, and height and type of screening.
17. Drainage and grading plan.
18. Location, size, height, material and method of illumination of existing and proposed signs.
19. Location of existing utilities, easements, and rights-of-way.
20. Location of any significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, drainage ways and wetlands.
21. Location of existing fire hydrants.
22. Location of existing and proposed trash storage area(s) including enclosure construction design and access for pick up purposes.
23. Any additional information required by the Director to act on the application.

B. Detailed Landscape Plans. Detailed landscape plans shall clearly indicate the following information:

1. Project name.
2. Scale. The scale shall be at least 1 inch equals 50 feet (1:50) or larger.
3. North arrow.

4. Date.

5. Location and initial sizes of plants and tree species, and other proposed landscape material.

6. Pipe location and size, point of connection, and water requirements of automatic sprinkler systems, and location and details of cross connection control device.

C. Detailed Construction/Design Plans. The detailed construction/design plans shall clearly indicate the following information:

1. All information required for the site plan.

2. Location of existing rights-of-way.

3. Existing streets, sidewalks, curbs and utilities.

4. Existing and proposed street trees.

5. Parking lot striping and pavement cross section.

6. Perimeter curb location and details.

7. Utility service types, sizes, locations and details (including hydrants, manholes, clean-outs, vaults, meters, inlets/catch basins, parking, drive pads, distance to drive pads on adjacent property, curb and sidewalk, retaining walls, and retaining wall drainages).

8. Location and details of cross connection control devices.

9. Fence and gate locations and details.

10. Street and parking lot lighting locations and details.

11. Site drainage and grading plan and construction details sufficient to evaluate whether runoff generated from improvements is collected on site and disposed of in a manner which eliminates sheet flow of stormwater onto sidewalks, public rights-of-way and abutting private property.

12. Erosion control plan and/or traffic control plan as required by the City Engineer.

13. Where City street, curb, sidewalk or utility extensions are required, provide complete plan, profile, and construction detail drawings, including signs, striping and pavement markings, and specifications when required by the City Engineer, prepared and stamped by a licensed professional engineer for the proposed improvements within public rights-of-way.

14. City Engineer and all other required state and federal approvals for extensions.

#

10.9.050.040 Conceptual Development Plan Applications

B. Graphics. A conceptual development plan application shall include all of the requirements of ~~Section 10.3.030.030(A): Site Plan~~ **Article 6.180 Required Plans** as part of the site plan review requirements for a conditional use, and all of the following graphic information where applicable:

#

10.9.040.030 Subdivision Applications

D. After a subdivision application has been filed, no building permits shall be issued until construction drawings and specifications have been approved by the City Engineer. Exception provisions in ~~Section 10.3.030.030(I)~~ Article 6.180 Required Plans apply here also.

#

10.11.060 Development Standards

H. Skirting. Each mobile home or manufactured home located in a manufactured dwelling park shall have continuous skirting. ~~that, in design, color, and texture, appears to be an integral part of the exterior walls or the foundation of the dwelling~~

#

10.11.050 Park Perimeter Screening

B. Perimeter Screening Adjacent to Public Streets. ~~Applicants may chose one of the following options for screening adjacent to public streets~~ A 6-foot high sight-obscuring screen shall be provided through the use of fencing and vegetation and/or an earthen berm and vegetation as follows:

~~1. A 6-foot high sight-obscuring screen shall be provided through the use of fencing and vegetation and/or an earthen berm and vegetation as follows:~~

~~a.~~ 1. Fencing. Any fence shall have an average 15-foot setback from the public right-of-way and shall meet the requirements of Article 6.100: Vision Clearance. Fencing closer than 15 feet to the public right-of-way shall conform to the subject district's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use techniques such as offsets, landscaping, and changes in materials.

~~b.~~ 2. Berms. Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 feet in 2 years. This combination is subject to the following standards:

~~i.~~ a. The berm shall not have a slope over 40% (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.

~~ii.~~ b. At least one row of deciduous and/or evergreen shrubs spaced not more than 5 feet apart shall be planted on the berm.

~~iii.~~ c. Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

#

10.13.050.030 Freestanding and Projecting Signs

E. To ~~insure~~ ensure traffic safety, signs shall be located in accordance with the "clear vision area" provisions of this Title.

#

10.13.060.030 Clearance and Safeguard

To ~~insure~~ ensure public safety, the installation and maintenance of all signs shall be subject to the following provisions.

B. All freestanding sign installers must utilize the “call before you dig” utilities locate service (1-800-332-2344) offered by the Oregon Utilities Coordinating Council to ~~insure~~ ensure clearance from underground utilities.

#

10.6.140.060 Review Criteria

G. Federal Aviation Administration (FAA) Requirements. In order to ~~insure~~ ensure safety in the operation of public-use airports, no structure shall be erected, altered, or allowed to intrude into any airway imaginary surface established under the provisions of the Federal aviation Regulations (FAR) Part 77. An exception to this requirement may only be granted after approval by the FAA and the Oregon Aeronautics Division of the Oregon Department of Transportation.

#

10.9.040.060 Final Subdivision Plat Review

c. The applicant signs an agreement with the project surveyor, County Surveyor and City Engineer. The agreement shall state the amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat, how the surveyor is to be paid for the work of establishing the interior monuments, and that the rules for post monumentation as provided in ORS Chapter 92 shall be followed; establishes a date when monumentation will be completed; and, sets out other particulars that may be necessary to ~~insure-ensure~~ complete monumentation at a later date.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT

Zoning Ordinance Amendment 109-23

HEARING DATE: July 20, 2023

HEARING BODY: Planning Commission

PROCEDURE TYPE: Legislative

REQUEST: The City of The Dalles is proposing to change sections of The Dalles Municipal Code Chapter 10.12 Recreational Vehicle Parks. These proposed code changes include removing RV parks from residential zoning districts, updating RV park application review processes, and altering RV park design standards.

PROPERTIES: All properties located within the Urban Growth Boundary.

APPLICANT: City of The Dalles, Community Development Department

PREPARED BY: Kaitlyn Cook, Senior Planner

BACKGROUND:

With a continued housing shortage and increased housing costs, as well as work/lifestyle changes attributed to the Covid-19 pandemic, the City of The Dalles has seen a growing interest in the development of Recreational Vehicle (RV) parks. Since 2016, the Community Development Department has approved four RV parks within The Dalles City Limits, three of which were approved since 2022. Of these approvals, three were located within residential zoning districts. Pursuant to The Dalles Municipal Code, RV parks are processed as Conditional Use Permits and subject to the standards of Chapter 10.12. Other than the Low Density Residential zone, RV parks may be located in all zoning districts. On January 5, 2023, following a series of lengthy, and at times divided public hearings for the three most recent park approvals, the Commission requested Staff prepare a future discussion concerning Chapter 10.12 and an overview of park regulations.

DISCUSSION:

This group of proposed amendments was discussed at two work sessions with the Commission on February 16, 2023 and April 20, 2023. Staff has compiled feedback from the Planning Commission and have prepared a set of proposed amendments pertaining to RV park development. A brief synopsis of the major amendments is provided below.

- Zoning. Proposed amendments include prohibition of RV parks within all residential zoning districts. RV parks may be permitted only within the General Commercial (CG), Commercial Light Industrial (CLI), Recreational Commercial (CR), and Industrial (I) zones.
- Review Process. Proposed amendments include administrative review of RV parks through the Site Plan Review process, and a provision for quasi-judicial review (Conditional Use Permit) for parks proposing stays longer than one year.
- Development Standards. Proposed amendments include an expansion of RV park development standards, including:
 - Prohibited Siting. RV spaces and park buildings may be not located within known waterways, 100-year floodplain, stream corridors, or wetlands.
 - Screening. Addition and revision of existing screening standards of Section 10.11.050, currently cross referenced in Chapter 10.12.
 - Surfacing. Clearly defined surfacing requirements within each RV park.
 - Parking. Increased minimum and maximum parking requirements.
 - Landscaping. Clearly defined landscaping requirements and the addition of a minimum shade tree requirement.
 - Pedestrian Circulation. Clearly defined requirements for pedestrian circulation within RV parks and connection to the City sidewalk system.
 - Lighting. Included provisions for lighting within RV parks. Proposed language derived from Article 3.050: Conditional Use Permits.
 - Garbage. Addition of garbage collection requirements within RV parks. Proposed language derived from State code and TDMC.
- Park Operations. Amendments include provisions for an on-site park host, hours of operation and quiet hours, outside storage and noise, with proposed language derived from Article 3.050: Conditional Use Permits.
- Length of Stay. Amendments include expanding length of stay provisions, with the addition of utility, Transient Room Tax, and annual reporting requirements.
- Revocation Process. Amendments include a clearly detailed revocation process for RV parks. Proposed language derived from Article 3.050: Conditional Use Permits.

NOTIFICATION:

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on July 5, 2023, more than ten days prior to the July 20, 2023 Planning 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 July 5, 2022. Additionally, a notice of the proposed amendments was submitted to the Department of Land Conversation and Development on June 15, 2023, 35 days prior to the July 20, 2023 hearing.

A Ballot Measure (BM) 56 notice? was mailed to all affected property owners within the High Density (RH) and Medium Density (RM) Residential zoning districts. The City determined a BM 56 notice was required, pursuant to Oregon Revised Statue (ORS) 227.186, for the adoption of this ordinance as it may affect the uses and property values of the RM and RH zones. These proposed code amendments would not allow for RV Parks to develop in the zones where affected property owners own property. The BM 56 notice was available in both English and Spanish, and was mailed on June 26, 2023.

COMMENTS:

One anonymous comment was received by the Community Development Department as of the date this report was published (July 13, 2023). Staff determined this complaint did not address any legitimate criteria; therefore, no response was provided. A copy of the comment has been included as *Attachment 1*.

REVIEW:

See *Exhibit A*.

PROPOSED AMENDMENTS:

Proposed amendments for Zoning Ordinance Amendment 109-23 are included as *Exhibit B*, with draft edits to the proposed amendments included as *Exhibit C*. All proposed amendments are subject to revision or deletion. The Planning Commission will forward a recommendation for adoption of 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 City Council the approval of Zoning Ordinance Amendment 109-23, adopting amendments and findings attached herein.*
2. Move to recommend to the City Council the approval of a modified Zoning Ordinance Amendment 109-23, after adopting any changed amendments or findings discussed at the regular July 20, 2023 Planning Commission meeting.
3. Decline adoption and provide additional direction.

ATTACHMENTS:

- **Exhibit A:** *Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 109-23*
- **Exhibit B:** *Proposed Zoning Ordinance Amendment 109-23*

- **Exhibit C:** *Draft Edits of the Proposed Amendments for Zoning Ordinance Amendment 109-23*
- **Attachment 1** – Comment received, *anonymous*

EXHIBIT A

Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 109-23

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: Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on July 5, 2023, more than ten days prior to the July 20, 2023 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 July 5, 2022. Additionally, a notice of the proposed amendments was submitted to the Department of Land Conservation and Development on June 15, 2023, 35 days prior to the July 20, 2023 hearing.

A Ballot Measure (BM) 56 notice was mailed to all affected property owners within the High Density (RH) and Medium Density (RM) Residential zoning districts. The City determined a BM 56 notice was required, pursuant to Oregon Revised Statute (ORS) 227.186, for the adoption of this ordinance as it may affect the uses and property values of the RM and RH zones. The BM 56 notice was available in both English and Spanish, and mailed on June 26, 2023.

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 amendment 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 will remove RV parks as conditional

uses in all zoning districts and permit their development outright through an administrative land use process. Doing so will reduce the need for Planning Commission review of all proposals; however, RV parks looking to extend length of stay will still require Planning Commission review. These amendments will help to streamline the planning process and reduce delays in obtaining development approvals. **Criterion met.**

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

FINDING #4: See Finding #3.

***Goal #5: Open Spaces, Scenic And Historic Areas, And Natural Resources.** To conserve open space and protect natural and scenic resources.*

***Policy 6.** Protect and enhance Mill Creek, Chenoweth Creek, Fifteen Mile Creek and Three Mile Creek for their natural and recreational values.*

FINDING #5: The proposed amendments require that no RV spaces or park buildings may be located within the 100-year floodplain, stream corridor, or wetland. This criterion will help to mitigate the impact on environmentally sensitive areas and preserve the natural and recreational values of area waterways. **Criterion met.**

***Policy 7.** Protect wetlands that appear on the National Wetlands Inventory (NWI), by referring proposals to fill within such sites to the Department of State Lands (DSL) in accordance with ORS 227.350. The City shall coordinate with DSL in requiring a site-specific wetlands analysis (delineation) prior to construction.*

FINDING #6: See Finding #5. **Criterion met.**

Goal #9: Economic Development

***Policy 17.** Review and revise administrative policies and procedures to streamline the planning process and reduce delays in obtaining development approvals.*

FINDING #7: See Finding #3. **Criterion met.**

Oregon Revised Statute (ORS)

ORS 197.493 Placement and occupancy of recreational vehicle

A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a) Intentionally left blank —Ed.*
 - (A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;*
 - (B) Occupied as a residential dwelling; and*
 - (C) Lawfully connected to water and electrical supply systems and a sewage disposal system; or*
- (b) Is on a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:*

(A) The dwelling has been repaired or replaced and an occupancy permit has been issued;

(B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or

(C) Twenty-four months after the date the dwelling first became uninhabitable.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle. [2005 c.619 §12; 2021 c.235 §1]

FINDING #8: The proposed amendments establish clear RV park length of stay requirements limited to one year; however, create a provision for extended stays through a Conditional Use Permit process reviewed by the Planning Commission. Additionally, residency restrictions have been removed for consistency with State law. Staff found that the proposed amendments do not violate any of the standards as described in ORS 197.493. **Criterion met.**

Oregon Administrative Rules (OAR)

OAR 660-012-0060

FINDING #9: Staff found that the proposed changes do not affect an existing or planned transportation facility; therefore OAR 660-012-0060 is not applicable to this zoning ordinance amendment. **Criterion not applicable.**

OAR 918-650

FINDING #10: OAR 918-650 establishes the State rules and regulations for recreation parks and organizational camps. Staff referenced these rules for guidance and consistency in drafting the proposed amendments. Multiple TDMC RV park design standards are those included in the existing OAR. Staff found these proposed amendments comply with OAR 918-650. **Criterion met.**

EXHIBIT B
Proposed Amendments
Zoning Ordinance Amendment 109-23

The Dalles Municipal Code

10.2.030 Meaning of Specific Words and Terms

Recreational Vehicle (RV). A travel trailer, truck camper, van, tent trailer, motor home, or other unit that is transportable over public highways and may or may not contain facilities for sleeping, food preparation, or waste disposal. Such a vehicle is not designed for attachment to the land.

Recreational Vehicle Park (RV park). A lot or tract of land where the primary use is for temporary parking, on a fee or other basis, of occupied recreational vehicles.

Shade Trees. A tree that matures with a height of more than 40 ft. whose primary role is to provide shade in the surrounding environment with a distinct canopy.

#

Chapter 10.12 RECREATIONAL VEHICLE PARKS

10.12.010 Purpose

10.12.020 Zoning

10.12.030 Review Process

10.12.040 Review Criteria

10.12.050 Development Standards

10.12.060 Park Operations

10.12.070 Length of Stay

10.12.080 Revocation Process

10.12.010 Purpose

The provisions in this Chapter are intended to ensure a safe and healthful living environment in recreational vehicle parks, to protect the general public health, safety and welfare, and to describe the requirements for recreational vehicle park development.

10.12.020 Zoning

Recreational vehicle parks are permitted outright in the CG (General Commercial), CR (Recreational Commercial), CLI (Commercial Light Industrial) and Industrial zones.

10.12.030 Review Process

Recreational vehicle park applications shall be reviewed per the provisions of Article 3.030: Site Plan Review; however, any recreational vehicle park application requesting stays of longer than one year shall be processed per the provisions of Article 3.050: Conditional Use Permits.

10.12.040 Review Criteria

In addition to the review criteria included in Article 3.030: Site Plan Review, or Article 3.050: Conditional Use Permits, RV park development proposals shall also include:

- A. Plan Set, consistent with the requirements of Article 6.180. Plan Set must include all development standards included within 10.12.050.
- B. Operational Plan, in narrative form. Operational Plan must clearly address park operations (10.12.060), length of stay requirements (10.12.070), and any other applicable information.

10.12.050 Development Standards

- A. Laws and Regulations. All the requirements of federal, state, and local laws and regulations shall be met. Refer to Oregon Revised Statutes Section 455.680 and Oregon Administrative Rules Chapter 918, Division 650 for State of Oregon requirements for RV parks.
- B. Hazards to Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas prone to erosion or exposed to objectionable smoke, noise, odors, or other adverse influences.
- C. Prohibited Siting. No RV spaces or park building may be located within the following areas:
 - 1. 100-year floodplain (as determined by the Federal Emergency Management Agency).
 - 2. Stream corridors (as defined in Article 5.130).
 - 3. Wetlands (as determined by the Oregon Department of State Lands).
- D. Park Building Setbacks. Setbacks shall be the same as the setbacks required by the zone district.
- E. Spacing. RV spaces must be no less than 10' from one another. No RV space may be located less than 10' from neighboring property lines and 15' from the public right-of-way.
- F. Access.
 - 1. Access to an RV park shall be from an arterial or collector street.

2. In order to facilitate ease of entry and exit, the Planning Commission may authorize a wider driveway entrance than is otherwise provided for in this Title.
 3. Park access connections to public streets shall meet the requirements of Article 6.050: Access Management.
 4. For RV parks of 10 or more spaces, at least 2 vehicular access points shall be provided. Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
 5. All Plan Sets must include functional turning templates/turning radii which demonstrate entry and exit into the park and spaces specifically designed to accommodate the anticipated types of RVs within the park.
- G. Screening. Park perimeter screening shall meet the applicable requirements of Section 10.6.010.050: Screening—Hedges, Fences, Walls other than Retaining Walls, Berms and the following provisions; provided, however, the following provisions control in the event of any inconsistency with the requirements specified in Section 10.6.010.050:
1. Perimeter Screening Adjacent to Abutting Properties. A sight-obscuring fence, wall, evergreen hedge, or combination of screening/planting shall surround each RV park, except as specified in subsection 2 below for parks adjacent to public streets, and shall meet the following requirements:
 - a. Perimeter screening shall not be placed in any residential setbacks.
 - b. Landscaping consistent with Article 6.010 shall be provided in the required setbacks areas, and shall be used to reinforce perimeter screening.
 - c. Walls or fences shall be 6 feet in height. Evergreen hedge plantings shall be at least 6 feet in height at time of planting, and be maintained in a healthy, living condition.
 2. Perimeter Screening Adjacent to Public Streets. A 6-foot high sight-obscuring screen shall be provided using fencing and vegetation and/or an earthen berm and vegetation as follows:
 - a. Fencing. Any fence shall have an average 15-foot setback from the public right-of-way and shall meet the requirements of Article 6.100: Vision Clearance. Fencing closer than 15 feet to the public right-of-way shall conform to the subject zoning district's restrictions on front yard fencing. Fences and walls over 100 feet in length (of a single run) shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.
 - b. Berms. Earthen berms up to 6 feet in height may be used to comply with screening requirements. The slope of the berm may not exceed 2:1, the top of the berm shall be relatively flat, and the faces of the slope shall be planted with ground cover, shrubs, and trees.
- H. Surfacing. All RV parks must be surfaced per the following standards:
1. RV spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
 2. Non-recreational vehicle parking, internal roadways, and vehicle maneuvering areas must be paved with asphalt, concrete, or similar material.

3. All areas must be designed to provide for the control of runoff, surface water, dust, and mud.
- I. Non-Recreational Vehicle Parking Requirement. In addition to the number of parking spaces required for park administration, there shall be a minimum of 0.5 and a maximum of 1.5 parking spaces per RV space. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.
- J. Landscaping. All areas not occupied by park buildings, streets, RV spaces, non-recreational vehicle parking spaces, outdoor patios, and common areas shall be landscaped per the provisions of Article 6.010: Landscaping. A landscape plan shall be included with the Plan Set and must include internal shade trees at a rate of 1 tree per 5 RV spaces.
- K. Pedestrian Circulation. To ensure pedestrian connectivity, all RV parks must include an internal pedestrian walkway connecting to the adjacent public sidewalk. The walkway must be separated from vehicle parking and maneuvering areas by grade, different paving material, or landscaping throughout the park.
- L. Utilities. All RV parks must establish and maintain a private utility system for all park utilities. Each RV space must be provided full water, sewer, and electrical connection, or the park must provide communal restroom and shower facilities.
- M. Lighting. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way or adjacent property.
- N. Refuse Collection.
 1. Minimum Requirements. RV parks must provide and make available a minimum of one 30-gallon refuse container for each four RV spaces and each refuse container shall be located within 300 feet of each RV space.
 2. Screening. Refuse storage facilities shall be screened by a solid wall, fence, evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from public streets and adjacent properties.
 3. Placement. All refuse collection containers shall be placed on concrete pads. Pads shall have a positive surface drainage.

10.12.060 Park Operations

All RV parks must comply with the following operational standards:

- A. Each RV park shall at all times keep an orderly appearance and remain free of litter, junk, and refuse.
- B. On-site Park Host. Each RV park must provide an on-site RV park host available 24/7 for maintenance, security, and enforcement purposes. Host contact information must be conspicuously displayed throughout the park.
- C. Hours. Each RV park must establish and conspicuously display operational hours and quiet hours. All RV check-in and check-out times may not occur with designated quiet hours.

- D. Storage. There shall be no outside storage of materials or equipment belonging to the park or to any of the guests.
- E. Noise. Noise impacts shall be consistent with Section 5.08.020.
- F. External Generators. Use of external generators is prohibited.

10.12.070 Review Process

The RV park Operational Plan must state the number of short-term spaces (up to 30 days) and long-term spaces (over 30 days and up to one year), and clearly label each space in the Plan Set and on-site. Stays longer than one year may be approved by the Planning Commission and reviewed per the provisions of Article 3.050: Conditional Use Permits. Short-term spaces (up to 30 days): No occupant may stay in any short-term space for more than 30 days. All short-term spaces are required to pay Transient Room Taxes for each nightly stay per the provisions of Chapter 8.04: Transient Room Tax. For purposes of calculating sanitary sewer System Development Charges, short-term spaces are to be charged 1 unit per 2 spaces.

- A. Long-term spaces (over 30 days and up to one year): No occupant may stay in any long-term space for more than one year, unless approved per the provisions of Article 3.050. For purposes of calculating sanitary sewer System Development Charges, long-term spaces are to be charged 1 unit per 1 space.
- B. Annual Reporting. All RV park operators must submit to the Community Development Department an annual report of nightly stays no later than January 31 of each year. Report must clearly designate the total number of short-term stays, long-term stays, and stays longer than one year (if previously approved), and total amount of Transient Room Taxes. Stays longer than one year must also include the total number of occupants at each space for annual population reporting purposes. Failure to submit annual reporting may result in the revocation of the RV park's land use approval per the provisions of Section 10.12.080.

10.12.080 Revocation Process

The Director may institute a proceeding before the Planning Commission to revoke an approved RV park when the Director has reasonable grounds to believe one or more of the following events have occurred or are occurring at the RV park:

- A. Failure to Meet Conditions. Any conditions of approval have not or are not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all approved plans.
- C. Erroneous Information. The City issued the permit on the basis of erroneous or misleading information or a material misrepresentation.

The Director shall submit a report to the City Attorney and request them to send a notice of violation pursuant to Chapter 10.15 - Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within the time period specified in the notice of violation, then revocation procedures may be

stayed; otherwise, the Director may schedule a hearing before the Planning Commission using the same notice requirements and process as the original RV park application.

#

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. Conditional Use Permits (Article 3.050).
3. Variances (Article 3.070).
4. Nonconforming Uses (Article 3.090).
5. Home Business Permits (Article 6.020).
6. Subdivisions (Article 9.040).
7. Zone Changes (Article 3.100).
8. 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.

#

10.5.020.090 Exceptions to Standards

C. Setbacks.

2. Setback Averaging. (Note: Does not apply to mobile home parks). The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.

#

10.5.030.070 Design Standards

These design standards do not apply to manufactured dwelling parks, which are instead subject to the provisions of Chapter 10.11 - Manufactured Dwelling Parks. All other development shall be subject to the following:

#

10.5.030.090 Exceptions to Standards

C. Setbacks.

3. Setback Averaging. (Note: Does not apply to mobile home parks.). The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.

-

E. Building Orientation.

1. Planned Development, Subdivisions, Mobile Home Parks. Planned development, subdivisions, and mobile home parks may be exempt from the building orientation requirement.

#

10.5.070.020 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:
1. Agricultural sales and service, including feed and seed stores, nurseries, greenhouses, landscape supplies, and garden centers.
 2. Animal sales and services (pet stores, grooming, kennels, veterinary).
 3. Automobile and heavy/light equipment repair, sales and services, including rental agencies, detailing, service stations, body shops, auto painting, and machine shops, on site only except during community events.
 4. Child care center, as defined in Chapter 10.2 - Definitions.
 5. Contractor shops, offices, and storage areas.
 6. Engineering, research and development.
 7. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
 8. Hotels and motels.
 9. Laundromats and dry cleaners, including industrial operations.
 10. Light manufacture, assembly, and packaging of goods or products which can be performed with minimal adverse impact on, and poses no special hazard to, the environment and the community.
 11. Liquor stores, taverns, lounges and bars.
 12. Manufactured home sales, including demonstration units (not to be actual dwelling units).
 13. Markets and grocery stores.
 14. Medical and Dental Offices, Clinics, Laboratories, and Medical Marijuana Dispensaries.
An application for a medical marijuana dispensary shall also comply with the following criteria:
 15. Personal care services such as barber shops and salons.
 16. Printing and publishing.
 17. Professional and administrative offices and services.
 18. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.070.030: Conditional Uses of this Article).
 19. Public and private parking lots, subject to the provisions of Chapter 10.7 - Parking Standards.
 20. Public and private transportation depots and terminals, passengers and freight.

21. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters including multiplexes, and game rooms.
22. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.
23. Residential dwelling for security and maintenance personnel, limit 1 dwelling per site.
24. Retail uses, including shopping centers.
25. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
26. Warehousing, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities.
27. Wholesale uses.
28. Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:
29. Shelter housing.
30. Other uses determined by the Director to be similar to the above uses.

#

10.5.070.030 Conditional Uses

The following conditional uses are allowed subject to review and approval, per the appropriate provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits:

- A. Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- B. The production, processing, storage, and wholesaling of recreational marijuana, subject to the following additional provisions:
- C. Planned development, subject to the provisions of Article 9.050: Planned Development.
- D. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- E. Other uses determined by the Commission to be similar to the above uses.
- F. Adult Business. An application for an adult business shall also comply with the following criteria:
- G. The production, processing, storage, and wholesaling of medical marijuana, including a non-personal medical marijuana grow operation, subject to the following additional provisions:

#

10.5.080.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be processed per the provisions of Article 3.030: Site Plan Review:

1. Retail uses, excluding shopping centers. If over 15,000 square feet must get a conditional use permit.
2. Conference, visitors, and convention centers.
3. Hotels, motels, and campgrounds.
4. Light industrial (campus setting or compatible with commercial and recreational uses).
5. Recreational facilities.
6. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
7. Restaurants.
8. Service and administrative offices.
9. Public and private parking lots and structures, in accordance with Chapter 10.7 - Parking Standards.
10. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions Section 10.5.080.030: Conditional Uses below).
11. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.
12. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
13. Other uses determined by the Director to be similar to the above uses.

#

10.5.080.070 Exceptions to Standards

- B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Title as follows:
2. Bicycles Only.
 - a. Hotels and motels.
 - b. Campgrounds.

#

10.5.090.020 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:
1. Auto body shops, auto painting, and machine shops.
 2. Circus or like activity (limited to 4 events per year per site).
 3. Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per Section 10.5.090.030: Conditional Uses of this Article)

located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.

4. Food production and manufacturing.
5. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
6. Heavy equipment sales and service, on site only.
7. Laundry and cleaning service industries.
8. Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution, and storage uses (except manufacture of explosives, the slaughter of animals, and the rendering of fats).
9. Printing and publishing.
10. Public and private parking lots.
11. Public and private vehicle servicing and fueling stations.
12. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.090.030: Conditional Uses of this Article).
13. Railroad yards and spurs, shipyards, and commercial docking facilities.
14. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.
15. Rock, sand, and gravel cleaning, crushing, processing, and assaying.
16. Rodeo grounds.
17. Storage and maintenance yards.
18. Transportation facilities.
19. Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.
20. Veterinary services, kennels, and fish hatcheries.
21. Warehouses.
22. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
23. Other uses determined by the Director to be similar to the above uses.

#

10.5.090.060 Exceptions to Standards

- A. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Title as follows:

1. Vehicles and Bicycles.

- a. Uses which the Director determines have no employees on site and are not open to the public.
- b. Wireless communication facilities.

#

10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

Use Type	Auto Parking		Bicycle Parking
	Minimum	Maximum	
COMMERCIAL			
Recreational Vehicle Parks (auto vehicle parking; RV park buildings shall be calculated per use type)	0.5 space/RV space	1.5 spaces/RV space	None

EXHIBIT C
Proposed Amendments, *Draft Edits*
Zoning Ordinance Amendment 109-23

The Dalles Municipal Code

10.2.030 Meaning of Specific Words and Terms

Recreational Vehicle (RV). A travel trailer, truck camper, van, tent trailer, motor home, or other unit that is transportable over public highways and may or may not contain facilities for sleeping, food preparation, or waste disposal. Such a vehicle is not designed for attachment to the land.

Recreational Vehicle Park (RV park). A lot or tract of land where the primary use is for temporary parking, on a fee or other basis, of occupied recreational vehicles.

Shade Trees: A tree that matures with a height of more than 40 ft. whose primary role is to provide shade in the surrounding environment with a distinct canopy.

#

Chapter 10.12 RECREATIONAL VEHICLE PARKS

10.12.010 Purpose

10.12.020 Zoning

10.12.030 ~~Development Standards~~Review Process

10.12.040 ~~Landscaping~~Review Criteria

10.12.050 ~~Park Maintenance and Storage~~Development Standards

10.12.060 ~~Length of Stay~~Park Operations

10.12.070 ~~Review Process~~Length of Stay

10.12.080 ~~Review Criteria~~Revocation Process

10.12.010 Purpose

The provisions in this Chapter are intended to ensure a safe and healthful living environment in recreational vehicle parks, to protect the general public health, safety and welfare, and to describe the requirements for recreational vehicle park development.

10.12.020 Zoning

Recreational vehicle parks (~~RV parks~~) are ~~allowed-permitted~~ outright in the CG (General Commercial), CR (Recreational Commercial), ~~and~~ CLI (Commercial Light Industrial) ~~and~~ Industrial zones. ~~RV parks are allowed conditionally in the I (Industrial), NC (Neighborhood Center Overlay), RH (High Density Residential), and RM (Medium Density Residential) zones.~~

10.12.030 ~~Development Standards~~Review Process

Recreational vehicle park applications shall be reviewed per the provisions of Article 3.030: Site Plan Review; however, any recreational vehicle park application requesting stays of longer than one year shall be processed per the provisions of Article 3.050: Conditional Use Permits.

- ~~A. Laws and Regulations. All the requirements of federal, state, and local laws and regulations shall be met. Refer to Oregon Revised Statutes Section 455.680 and Oregon Administrative Rules Chapter 918, Division 650 for State of Oregon requirements for RV parks.~~
- ~~B. Hazards to Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas exposed to objectionable smoke, noise, odors, or other adverse influences. No portion of any park subject to unpredictable or sudden flooding, subsidence, or erosion shall be used for any purposes which would expose persons or property to hazards.~~
- ~~C. Setbacks. Setbacks shall be the same as the setbacks required by the zone district.~~
- ~~D. Access in Residential Zones.~~
 - ~~1. Access to an RV park shall be from an arterial or collector street, or shall be from a street with sufficient width and ease of access to allow any RV to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case-by-case basis to determine if access is adequate for the type of RV which is anticipated to enter into, and exit from, the RV park. The evaluation will include on-street parking allowances and the condition of the street.~~
 - ~~2. In order to facilitate ease of entry and exit, the Planning Commission may authorize a wider driveway entrance than is otherwise provided for in this Title.~~
 - ~~3. Park access connections to public streets shall meet the requirements of Article 6.050: Access Management.~~
 - ~~4. For RV parks of 10 or more spaces, at least 2 vehicular exits shall be provided in every park. Each exit shall be no closer than 75 feet (edge to edge) from any other exit.~~
- ~~E. Screening. Except for the access roadway into the park, the park shall be screened with vegetation on all sides abutting rights-of-way or neighboring properties per the provisions of Section 10.11.050: Park Perimeter Screening.~~
- ~~F. Surfacing. All spaces for RVs shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide for the control of runoff or surface~~

~~water. The part of the space which is not occupied by the RV, not intended as an accessway to the RV or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.~~

~~G. Non-Recreational Vehicle Parking Requirement. In addition to the number of parking spaces required for park administration, there shall be a minimum of 0.15 and a maximum of 1 parking spaces per RV space. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.~~

10.12.040 Landscaping Review Criteria

In addition to the review criteria included in Article 3.030: Site Plan Review, or Article 3.050: Conditional Use Permits, RV park development proposals shall also include:

A. Plan Set, consistent with the requirements of Article 6.180. Plan Set must include all development standards included within 10.12.050.

B. Operational Plan, in narrative form. Operational Plan must clearly address park operations (10.12.060), length of stay requirements (10.12.070), and any other applicable information.

~~All areas not occupied by buildings, streets, and RV spaces shall be landscaped per the provisions of Article 6.010: Landscaping. A landscape plan is required prior to the City signing a building permit application. The landscaping plan will include internal shade trees.~~

10.12.050 Park Maintenance and Storage Development Standards

A. Laws and Regulations. All the requirements of federal, state, and local laws and regulations shall be met. Refer to Oregon Revised Statutes Section 455.680 and Oregon Administrative Rules Chapter 918, Division 650 for State of Oregon requirements for RV parks.

B. Hazards to Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas prone to erosion or exposed to objectionable smoke, noise, odors, or other adverse influences.

C. Prohibited Siting. No RV spaces or park building may be located within the following areas:

1. 100-year floodplain (as determined by the Federal Emergency Management Agency).
2. Stream corridors (as defined in Article 5.130).
3. Wetlands (as determined by the Oregon Department of State Lands).

D. Park Building Setbacks. Setbacks shall be the same as the setbacks required by the zone district.

E. Spacing. RV spaces must be no less than 10' from one another. No RV space may be located less than 10' from neighboring property lines and 15' from the public right-of-way.

F. Access.

1. Access to an RV park shall be from an arterial or collector street.

2. In order to facilitate ease of entry and exit, the Planning Commission may authorize a wider driveway entrance than is otherwise provided for in this Title.
3. Park access connections to public streets shall meet the requirements of Article 6.050: Access Management.
4. For RV parks of 10 or more spaces, at least 2 vehicular access points-exits shall be provided. ~~in every park.~~ Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
5. All Plan Sets must include functional turning templates/turning radii which demonstrate entry and exit into the park and spaces specifically designed to accommodate the anticipated types of RVs within the park.

G. Screening. Park perimeter screening shall meet the applicable requirements of Section 10.6.010.050: Screening—Hedges, Fences, Walls other than Retaining Walls, Berms and the following provisions; provided, however, the following provisions control in the event of any inconsistency with the requirements specified in Section 10.6.010.050:

1. Perimeter Screening Adjacent to Abutting Properties. A sight-obscuring fence, wall, evergreen hedge, or combination of screening/planting shall surround each RV park, except as specified in subsection 2 below for parks adjacent to public streets, and shall meet the following requirements:
 - a. Perimeter screening shall not be place in any residential setbacks.
 - b. Landscaping consistent with Article 6.010 shall be provided in the required setbacks areas, and shall be used to reinforce perimeter screening.
 - c. Walls or fences shall be 6 feet in height. Evergreen hedge plantings shall be at least 6 feet in height at time of planting, and be maintained in a healthy, living condition.
2. Perimeter Screening Adjacent to Public Streets. A 6-foot high sight-obscuring screen shall be provided using fencing and vegetation and/or an earthen berm and vegetation as follows:
 - a. Fencing. Any fence shall have an average 15-foot setback from the public right-of-way and shall meet the requirements of Article 6.100: Vision Clearance. Fencing closer than 15 feet to the public right-of-way shall conform to the subject zoning district's restrictions on front yard fencing. Fences and walls over 100 feet in length (of a single run) shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.
 - b. Berms. Earthen berms up to 6 feet in height may be used to comply with screening requirements. The slope of the berm may not exceed 2:1, the top of the berm shall be relatively flat, and the faces of the slope shall be planted with ground cover, shrubs, and trees.

H. Surfacing. All RV parks must be surfaced per the following standards:

1. RV spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

2. Non-recreational vehicle parking, internal roadways, and vehicle maneuvering areas must be paved with asphalt, concrete, or similar material.
 3. All areas must be designed to provide for the control of runoff, surface water, dust, and mud.
- I. Non-Recreational Vehicle Parking Requirement. In addition to the number of parking spaces required for park administration, there shall be a minimum of 0.5 and a maximum of 1.5 parking spaces per RV space. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.
 - J. Landscaping. All areas not occupied by park buildings, streets, RV spaces, non-recreational vehicle parking spaces, outdoor patios, and common areas shall be landscaped per the provisions of Article 6.010: Landscaping. A landscape plan shall be included with the Plan Set and must include internal shade trees at a rate of 1 tree per 5 RV spaces.
 - K. Pedestrian Circulation. To ensure pedestrian connectivity, all RV parks must include an internal pedestrian walkway connecting to the adjacent public sidewalk. The walkway must be separated from vehicle parking and maneuvering areas by grade, different paving material, or landscaping throughout the park.
 - L. Utilities. All RV parks must establish and maintain a private utility system for all park utilities. Each RV space must be provided full water, sewer, and electrical connection, or the park must provide communal restroom and shower facilities.
 - M. Lighting. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way or adjacent property.
 - N. Refuse Collection.
 1. Minimum Requirements. RV parks must provide and make available a minimum of one 30-gallon refuse container for each four RV spaces and each refuse container shall be located within 300 feet of each RV space.
 2. Screening. Refuse storage facilities shall be screened by a solid wall, fence, evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from public streets and adjacent properties.
 3. Placement. All refuse collection containers shall be placed on concrete pads. Pads shall have a positive surface drainage.

~~Each RV park shall at all times keep a neat appearance. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any of the guests.~~

10.12.060 Length of Stay Park Operations

All RV parks must comply with the following operational standards:

- A. Each RV park shall at all times keep an orderly appearance and remain free of litter, junk, and refuse.

- B. On-site Park Host. Each RV park must provide an on-site RV park host available 24/7 for maintenance, security, and enforcement purposes. Host contact information must be conspicuously displayed throughout the park.
- C. Hours. Each RV park must establish and conspicuously display operational hours and quiet hours. All RV check-in and check-out times may not occur with designated quiet hours.
- D. Storage. There shall be no outside storage of materials or equipment belonging to the park or to any of the guests.
- E. Noise. Noise impacts shall be consistent with Section 5.08.020.
- F. External Generators. Use of external generators is prohibited.

~~The operational plan for the RV park required in LUDO Section 10.12.080: Review Criteria shall include provisions for both short-term stay (up to 30 days) and long-term stay (up to 1 year). Spaces shall be identified for each kind of stay. Stays longer than 1 year may be approved by the Planning Commission. Except for a park manager, no space may be used for permanent residency.~~

10.12.070 Review Process

The RV park Operational Plan must state the number of short-term spaces (up to 30 days) and long-term spaces (over 30 days and up to one year), and clearly label each space in the Plan Set and on-site. Stays longer than one year may be approved by the Planning Commission and reviewed per the provisions of Article 3.050: Conditional Use Permits. Short-term spaces (up to 30 days): No occupant may stay in any short-term space for more than 30 days. All short-term spaces are required to pay Transient Room Taxes for each nightly stay per the provisions of Chapter 8.04: Transient Room Tax. For purposes of calculating sanitary sewer System Development Charges, short-term spaces are to be charged 1 unit per 2 spaces.

- A. Long-term spaces (over 30 days and up to one year): No occupant may stay in any long-term space for more than one year, unless approved per the provisions of Article 3.050. For purposes of calculating sanitary sewer System Development Charges, long-term spaces are to be charged 1 unit per 1 space.
- B. Annual Reporting. All RV park operators must submit to the Community Development Department an annual report of nightly stays no later than January 31 of each year. Report must clearly designate the total number of short-term stays, long-term stays, and stays longer than one year (if previously approved), and total amount of Transient Room Taxes. Stays longer than one year must also include the total number of occupants at each space for annual population reporting purposes. Failure to submit annual reporting may result in the revocation of the RV park's land use approval per the provisions of Section 10.12.080.

~~Recreational vehicle parks shall be reviewed as conditional uses per the provisions of Article 3.050: Conditional Use Permits.~~

10.12.080 ~~Review Criteria~~Revocation Process

The Director may institute a proceeding before the Planning Commission to revoke an approved RV park when the Director has reasonable grounds to believe one or more of the following events have occurred or are occurring at the RV park:

- A. Failure to Meet Conditions. Any conditions of approval have not or are not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all approved plans.
- C. Erroneous Information. The City issued the permit on the basis of erroneous or misleading information or a material misrepresentation.

The Director shall submit a report to the City Attorney and request them to send a notice of violation pursuant to Chapter 10.15 - Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within the time period specified in the notice of violation, then revocation procedures may be stayed; otherwise, the Director may schedule a hearing before the Planning Commission using the same notice requirements and process as the original RV park application.

~~RV park development proposals shall include two parts. First, a site plan showing all aspects of the park layout including access, roadways, number of spaces, space design, buildings, and other required features. A second site plan may be required by the Planning Commission showing features required in the conditional use permit process. Second, a written operational plan in narrative form explaining such operational aspects as park hours, landscaping and irrigation, lighting, utility connections, roadways, access to public streets, emergency contact phone numbers, and other requirements as set by the Planning Commission.~~

#

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. Conditional Use Permits (Article 3.050).
3. Variances (Article 3.070).
4. Nonconforming Uses (Article 3.090).
5. Home Business Permits (Article 6.020).
6. Subdivisions (Article 9.040).
7. Zone Changes (Article 3.100).

~~8. Recreational Vehicle Parks (Chapter 10.12).~~

~~9.8.~~ 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.

#

10.5.020.090 Exceptions to Standards

C. Setbacks.

2. Setback Averaging. (Note: Does not apply to mobile home parks ~~and recreational vehicle parks~~). The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.

#

10.5.030.070 Design Standards

These design standards do not apply to manufactured dwelling parks ~~and recreational vehicle parks~~, which are instead subject to the provisions of Chapter 10.11 - Manufactured Dwelling Parks ~~and Chapter 10.12 – Recreational Vehicle Parks~~. All other development shall be subject to the following:

#

10.5.030.090 Exceptions to Standards

C. Setbacks.

3. Setback Averaging. (Note: Does not apply to mobile home parks ~~and recreational vehicle parks~~). The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.

-

E. Building Orientation.

1. Planned Development, Subdivisions, Mobile Home Parks ~~and Recreational Vehicle Parks~~. Planned development, subdivisions, and mobile home parks ~~and recreational vehicle parks~~ may be exempt from the building orientation requirement.

#

10.5.070.020 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:
 1. Agricultural sales and service, including feed and seed stores, nurseries, greenhouses, landscape supplies, and garden centers.
 2. Animal sales and services (pet stores, grooming, kennels, veterinary).
 3. Automobile and heavy/light equipment repair, sales and services, including rental agencies, detailing, service stations, body shops, auto painting, and machine shops, on site only except during community events.
 4. Child care center, as defined in Chapter 10.2 - Definitions.
 5. Contractor shops, offices, and storage areas.
 6. Engineering, research and development.
 7. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).

8. Hotels and motels.
9. Laundromats and dry cleaners, including industrial operations.
10. Light manufacture, assembly, and packaging of goods or products which can be performed with minimal adverse impact on, and poses no special hazard to, the environment and the community.
11. Liquor stores, taverns, lounges and bars.
12. Manufactured home sales, including demonstration units (not to be actual dwelling units).
13. Markets and grocery stores.
14. Medical and Dental Offices, Clinics, Laboratories, and Medical Marijuana Dispensaries. An application for a medical marijuana dispensary shall also comply with the following criteria:
15. Personal care services such as barber shops and salons.
16. Printing and publishing.
17. Professional and administrative offices and services.
18. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.070.030: Conditional Uses of this Article).
19. Public and private parking lots, subject to the provisions of Chapter 10.7 - Parking Standards.
20. Public and private transportation depots and terminals, passengers and freight.
21. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters including multiplexes, and game rooms.
22. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.
- ~~22-23.~~ Residential dwelling for security and maintenance personnel, limit 1 dwelling per site.
- ~~23-24.~~ Retail uses, including shopping centers.
- ~~24-25.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~25-26.~~ Warehousing, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities.
- ~~26-27.~~ Wholesale uses.
- ~~27-28.~~ Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:
- ~~28-29.~~ Shelter housing.

~~29.30.~~ Other uses determined by the Director to be similar to the above uses.

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10.5.070.030 Conditional Uses

The following conditional uses are allowed subject to review and approval, per the appropriate provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits:

- A. Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- B. The production, processing, storage, and wholesaling of recreational marijuana, subject to the following additional provisions:
- C. Planned development, subject to the provisions of Article 9.050: Planned Development.
- ~~D. Recreational vehicle parks, subject to the provisions of Chapter 10.12—Recreational Vehicle Parks.~~
- ~~E.D.~~ _____ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~F.E.~~ _____ Other uses determined by the Commission to be similar to the above uses.
- ~~G.F.~~ _____ Adult Business. An application for an adult business shall also comply with the following criteria:
- ~~H.G.~~ _____ The production, processing, storage, and wholesaling of medical marijuana, including a non-personal medical marijuana grow operation, subject to the following additional provisions:

#

10.5.080.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be processed per the provisions of Article 3.030: Site Plan Review:
 - 1. Retail uses, excluding shopping centers. If over 15,000 square feet must get a conditional use permit.
 - 2. Conference, visitors, and convention centers.
 - 3. Hotels, motels, and campgrounds.
 - 4. Light industrial (campus setting or compatible with commercial and recreational uses).
 - 5. Recreational facilities.
 - 6. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
 - 7. Restaurants.
 - 8. Service and administrative offices.

9. Public and private parking lots and structures, in accordance with Chapter 10.7 - Parking Standards.
10. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions Section 10.5.080.030: Conditional Uses below).
11. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.~~in accordance with Chapter 10.12 – Reereational Vehicle Parks.~~
12. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
13. Other uses determined by the Director to be similar to the above uses.

#

10.5.080.070 Exceptions to Standards

- B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Title as follows:
 2. Bicycles Only.
 - a. Hotels, and motels, ~~and campgrounds.~~
 - b. ~~Reereational vehicle parks.~~ Campgrounds.

#

10.5.090.020 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:
 1. Auto body shops, auto painting, and machine shops.
 2. Circus or like activity (limited to 4 events per year per site).
 3. Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per Section 10.5.090.030: Conditional Uses of this Article) located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.
 4. Food production and manufacturing.
 5. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
 6. Heavy equipment sales and service, on site only.
 7. Laundry and cleaning service industries.
 8. Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution, and storage uses (except manufacture of explosives, the slaughter of animals, and the rendering of fats).
 9. Printing and publishing.

10. Public and private parking lots.
11. Public and private vehicle servicing and fueling stations.
12. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.090.030: Conditional Uses of this Article).
13. Railroad yards and spurs, shipyards, and commercial docking facilities.
- 13-14. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.
- 14-15. Rock, sand, and gravel cleaning, crushing, processing, and assaying.
- 15-16. Rodeo grounds.
- 16-17. Storage and maintenance yards.
- 17-18. Transportation facilities.
- 18-19. Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.
- 19-20. Veterinary services, kennels, and fish hatcheries.
- 20-21. Warehouses.
- 21-22. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- 22-23. Other uses determined by the Director to be similar to the above uses.

#

10.5.090.060 Exceptions to Standards

- A. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Title as follows:
 1. Vehicles and Bicycles.
 - a. Uses which the Director determines have no employees on site and are not open to the public.
 - b. Wireless communication facilities.

~~2. Bicycles Only. Recreational vehicle parks.~~

#

10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

Use Type	Auto Parking		Bicycle Parking
	Minimum	Maximum	
COMMERCIAL			
<u>Recreational Vehicle Parks (auto vehicle parking; RV park buildings shall be calculated per use type)</u>			
	<u>0.5 space/RV space</u>	<u>1.5 spaces/RV space</u>	<u>None</u>

This is to notify you that the City of The Dalles has proposed a land use regulation that may affect the permissible use of your property and other properties.



Community Development Dept.
313 Court Street
The Dalles, OR 97058
(541) 296-5481 x 1125
www.thedalles.org
Hours: 8 am to 5 pm M-F

NOTICE OF PUBLIC HEARINGS

The City of The Dalles will hold public hearings regarding the adoption of amendments to The Dalles Municipal Code, Title 10 Land Use and Development. The City has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property. (The City is required to include this language in this notice, pursuant to Oregon Revised Statute (ORS) 227.186.) **FILES: ZOA #109-23**

THE DALLES PLANNING COMMISSION

Thursday, July 20, 2023 at 5:30 PM

City Hall, 313 Court Street, The Dalles
Or Via Zoom

Please find meeting link at:

www.thedalles.org/Live_Streaming

THE DALLES CITY COUNCIL

Monday, September 11, 2023 at 5:30PM

City Hall, 313 Court Street, The Dalles
Or Via Zoom

Please find meeting link at:

www.thedalles.org/Live_Streaming

What is changing? This zoning ordinance amendment (ZOA #109-23) proposes to modify multiple RV standards pertaining to zoning, review process, park operation requirements, length of stay, and development standards. RV park development standards will include revising park screening, surfacing, vehicle parking, landscaping, pedestrian circulation, lighting, and garbage collection requirements. These amendments will prohibit RV parks within residential zoning districts and add them as a permitted use in commercial and industrial zones.

Commenting on the Proposal: The hearings will be subject to the Legislative Hearing Procedure in The Dalles Municipal Code, Title 10 - Land Use and Development, Article 10.3.020.060. At the hearings, the Planning Commission and the City Council will take oral testimony concerning this proposal. Written testimony may be mailed to the above address, Attn: Kaitlyn Cook, or emailed to kcook@ci.the-dalles.or.us. Testimony must be received by 4:00 pm, Thursday, July 20, 2023, or presented at the hearing. All comments must include your name and address.

More Information: Information regarding the proposal is available by contacting the Community Development Department or by visiting:

www.thedalles.org/CommunityDevelopment

Copies of all documents pertaining to the proposal are available for inspection in the Community Development Department, or at no cost via email to Kaitlyn Cook at kcook@ci.the-dalles.or.us. Staff are also available to answer questions from 8:00 am through 5:00 pm, Monday through Friday, via phone or email. A copy of the staff report will be available at least seven days prior to the hearing. The agenda and packet items are available seven days before the hearing on the City's website at http://www.ci.the-dalles.or.us/Live_Streaming.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

RESOLUTION NO. PC 616-23

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING
CITY COUNCIL APPROVAL OF VARIOUS MINOR AMENDMENTS TO
THE DALLES MUNICIPAL CODE, TITLE 10 – LAND USE AND
DEVELOPMENT AND REPEALING THE PREVIOUS RESOLUTION NO.
PC 615-23

WHEREAS, an application was submitted for Zoning Ordinance Amendment 108-23 proposing minor changes to The Dalles Municipal Code, Title 10 Land Use and Development;

WHEREAS, on April 20, 2023, Community Development Department staff presented those various minor changes for Planning Commission consideration and the Planning Commission adopted Resolution No. PC 615-23 to recommend City Council approval them;

WHEREAS, following the Planning Commission's adoption of Resolution No. PC 615-23, the Community Development Department recommended including additional proposed amendments to Zoning Ordinance Amendment 108-23 for legal sufficiency and compliance with Oregon law;

WHEREAS, the Planning Commission conducted another noticed public hearing at its regular July 20, 2023 meeting to take public testimony on the proposed amendments to Zoning Ordinance Amendment 108-23; and

WHEREAS, the Planning Commission has considered the public testimony and reviewed the proposed amendments set forth in Zoning Ordinance Amendment 108-23 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 their review and adoption.

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

Section 1. The Planning Commission hereby repeals the previous iteration of Resolution No. PC 615-23 it adopted on April 20, 2023.

Section 2. The Planning Commission recommends the proposed Zoning Ordinance Amendment 108-23, attached to and made part of this Resolution as Exhibit "B", be approved and forwarded to City Council for its review and adoption.

Section 3. This Resolution shall be effective upon its passage and approval.

Section 4. 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 20TH DAY OF JULY, 2023.

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 20th day of July, 2023.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

ATTEST: _____
Joshua Chandler, Director
Community Development Department



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

RESOLUTION NO. PC 617-23

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING
CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT
NO. 109-23 TO CHANGE SECTIONS OF THE DALLES MUNICIPAL CODE,
CHAPTER 10.12 RECREATIONAL VEHICLE PARKS

WHEREAS, with a continued housing shortage and increased housing costs, as well as work/lifestyle changes attributed to the COVID-19 pandemic, the City of The Dalles has seen a growing interest in the development of Recreational Vehicle (**RV**) parks;

WHEREAS, since 2016, the Community Development Department has approved four RV parks within The Dalles City Limits, three of which were approved since 2022 and three of which are located within residential zoning districts;

WHEREAS, on January 5, 2023, following a series of robust and productive public hearings for the three most recent park approvals, the Planning Commission directed the Community Development Department to prepare amendments to The Dalles Municipal Code Chapter 10.12 to address RV park regulations;

WHEREAS, at its July 20, 2023, regular meeting, the Planning Commission conducted a noticed public hearing to take public testimony on the proposed Zoning Ordinance Amendment 109-23; and

WHEREAS, the Planning Commission has considered the public testimony and reviewed the proposed amendments set forth in Zoning Ordinance Amendment 109-23 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 their review and adoption.

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

Section 1. The Planning Commission recommends the proposed Zoning Ordinance Amendment 109-23, attached to and made part of this Resolution as Exhibit “B”, 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 20TH DAY OF JULY, 2023.

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 20th day of July, 2023.

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

ATTEST: _____
Joshua Chandler, Director
Community Development Department