

# Memorandum

**Date:** June 14, 2016, REVISED December 16, 2016

**To:** The Dalles Technical and Community Advisory Committees

**From:** Darci Rudzinski and Clinton “CJ” Doxsee, Angelo Planning Group

**CC:** Susan Wright and Ashleigh Griffin, Kittelson & Associates, Inc.

**Re:** Development Code Amendments

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## **Land Use Development Ordinance Amendments**

Elements of The Dalles’ Transportation System Plan (TSP) are implemented in the requirements of the Land Use Development Ordinance (LUDO). The LUDO regulates development within City limits and implements the long-range land use vision embodied in The Dalles’ Comprehensive Plan, of which the TSP is a part.

The LUDO has been audited to ensure that City requirements reflect the goals and objectives of the TSP update, as well as address transportation-related issues that have been raised over the course of the project to date. The intent of this exercise is to identify potential consistency issues between local code requirements and the TSP goals and objectives, as well as note any possible Oregon Transportation Planning Rule (TPR) compliance concerns, early in the planning process. Table 1 contains a list of recommendations resulting from this audit. Provided information includes an overview of existing requirements and how these provisions are proposed be modified in order to better implement the City’s new TSP. Specific “adoption-ready” amendments to the LUDO follow the table, under numbered headings that correspond with the recommendations in the table.

**Table 1: Land Use Development Code Recommendations**

| Recommendation  | LUDO Section  | Relevant TSP Goal/Objective  |
|---|---|--|
| <p><b>1. Permit outright transportation improvements that are consistent with the adopted TSP.</b> Specific transportation facilities, services, and improvements are commonly not subject to land use regulation due to the minimal impact on land use.<sup>1</sup> These should be listed as permitted outright in individual zones, or made exempt through a provision added to land use regulations in LUDO Chapter 3 (Application Review Procedures) or Chapter 10 (Improvements Required with Development).</p>                         | <p>Applications Review Procedures 3.020 (Review Procedures)<br/><br/>Or<br/><br/>General Regulations 10.060 (Street Requirements)</p> | <p>Goal #3: Integration<br/><br/>OAR 660-012-0045(1)</p>   |
| <p><b>2. Require ordinance amendments to be consistent with the TSP.</b> Review criteria for ordinance amendments can be strengthened by directly referencing the TSP as part of required conformance with the Comprehensive Plan. In addition, the City should consider adopting language requiring proposals that “significantly affect” an existing or planned transportation facility (pursuant to the TPR, Section -0060) demonstrate consistency with the identified function, capacity, and performance standards of the facility.</p> | <p>Ordinance Amendments 3.110.030 (Review Criteria)</p>   | <p>TSP Goal #3: Integration<br/><br/>OAR 660-012-0045(2)(g)<br/><br/>OAR 660-012-0060</p>              |
| <p><b>3. Modify site plan review and conditional use permit evaluation criteria to include multi-modal transportation and safety considerations.</b> Both conditional use review and site plan review (which is a condition of approval for a CUP) approval require consistency with the transportation system. Requirements in both Sections can be improved to include bike and pedestrian access and circulation improvements, as well as reference to TSP access management and spacing standards.</p>                                    | <p>Site Plan Review 3.030.040.B (Public Facilities Capacity)<br/><br/>Conditional Use Permits 3.050.040.C (Impact)</p>                | <p>TSP Goal #3: Integration<br/><br/>Goal #4: Economic Development<br/><br/>OAR 660-012-0045(2)(e)</p> |

<sup>1</sup> Operation, maintenance, and repair of existing transportation facilities identified in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals. Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards. Changes in in the frequency of transit, rail, and airport services.



| Recommendation   | LUDO Section  | Relevant TSP Goal/Objective                                       |
|--|---|---|
| <b>4. Develop clear and objective standards for the Airport Approach Zone.</b> Provisions are in place in LUDO 5.120 and 6.090(B) to prevent development that would negatively impact the airport. However, clear and objective standards are not currently included, and the LUDO states that regulations should be developed.  | Zone District Regulations 5.120 (Airport Approach Zones)      | TSP Goal #4: Economic Development<br>OAR 660-012-0045(2)(c)       |
| <b>5. Ensure access management requirements are consistent with the updated TSP.</b> Where new or modified access management and spacing standards are proposed in the updated TSP, the LUDO will need to be updated to be consistent with the standards   | General Regulations 6.050 (Access Management)                 | Goal #2: Accessibility and Connectivity<br>OAR 660-012-0045(2)(a) |
| <b>6. Allow for the redevelopment of existing parking areas for transit-oriented uses.</b> The City currently allows existing developments to replace up to 10% of existing parking spaces with landscaping, pedestrian amenities, or bicycle parking. This provision should be expanded to allow for transit amenities, such as bus stops and pullouts, bus shelters, and park and ride stations.   | Parking Standards 7.020.040(C) (Reductions for Existing Uses) | Goal #2: Accessibility and Connectivity<br>OAR 660-012-0045(4)(e) |
| <b>7. Review traffic study requirements and modify to be consistent with the recommendations of the updated TSP.</b> Thresholds for requiring a traffic impact study to be submitted as part of development proposal, as well as the requirements of the analysis, should be evaluated for consistency with TSP findings. Improvements to existing code language could include clarifying the thresholds and requirements of the “limited traffic study” vs. “full traffic study.” Site Plan Review Traffic System Impact requirements (Section 3.030.020 Review Procedures) may also need to be revised for consistency, or to include a cross-reference to Section 10.060. | General Regulations 10.060.A (Traffic Studies)                | Goal #1 Safety and Mobility<br>OAR 660-012-0045(2)(b)             |

| Recommendation   | LUDO Section   | Relevant TSP Goal/Objective                                 |
|--|--|---|
| <p><b>8. Update local street standards to be consistent with the updated TSP.</b> In updating the City’s street requirements, consider the following:</p> <ul style="list-style-type: none"> <li>• Removing street standards from the LUDO and referencing the (updated) table in the TSP. Adopting the TSP standards into the LUDO by reference would eliminate the need to modify standards in both documents in the future. If design standards are to be retained in both the TSP and the LUDO, the LUDO should also include local street standards (not just arterial and collector).</li> <li>• Incorporating the “network streets” from the Residential Street Public Improvement Guidelines in the TSP street classifications. If these streets are addressed in the TSP, the list can be removed from the LUDO. In addition, the City should distinguish “guidelines” from development requirements, eliminating or modifying the resolution language so that the LUDO retains only relevant applicability provisions and development requirements.</li> </ul> <p><i>The Residential Street Public Improvement Guidelines will be retained in the LUDO. The guidelines were recently adopted by City Council and city staff advised that these should be retained in Chapter 10. However, staff raised concerns that the application of these guidelines, which exempt street and sidewalk improvements for lots not abutting a network street, partition, and “serial” partitioning could result in de facto subdivisions that are underserved by city roads and sidewalks. APG has drafted alternative code language in Chapter 9, under Partition Application Review, in response to staff’s concerns.</i></p> | <p>Improvements Required with Development 10.060 (Street Requirements)</p> | <p>Goal #1: Safety and Mobility<br/>OAR 660-012-0045(7)</p> |

| Recommendation  | LUDO Section  | Relevant TSP Goal/Objective   |
|---|---|---|
| <p><b>9. Consider incorporating transit-supportive development requirements.</b> The Dalles' currently has fixed-route transit within City limits, with a new transit center planned on Chenoweth Loop near W 6<sup>th</sup> Street. Transit stops are permitted outright as accessory uses; however, there are no additional transit supportive provisions in the LUDO. Amendments to increase transit supportive language should be discussed and considered given the current transit improvements underway in the City and the enhanced emphasis on multi-modal transportation in the TSP update project.</p> | <p>Chapter 10<br/>Improvements<br/>Required with<br/>Development<br/><br/>(new Section)</p> | <p>Goal #2:<br/>Accessibility and<br/>Connectivity<br/><br/>OAR 660-012-<br/>0045(4)(a)</p> |

Recommendation 1

**10.060 Street Requirements**

[...]

K. Transportation Improvements Permitted Outright. Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects that are consistent with projects identified and planned for in the Transportation System Plan.
4. Landscaping as part of a transportation facility.
5. Emergency measure necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.
7. Construction of a street or road as part of an approved subdivision or land partition consistent with the applicable land division ordinance.

Recommendation 2

**3.110 Zone Changes**

3.100.030 Review Criteria

A Zone Change shall be granted if the following criteria are met:

[...]

- A. Conformance. The proposed Zone Change conforms to the Comprehensive Plan, including the Transportation System Plan, and all other provisions of this Ordinance.

[...]

- C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone and the planned function, capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State of the impacted transportation 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.

### **3.110 Ordinance Amendments**

#### 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.

### Recommendation 3

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

#### 3.030.040 Review Criteria

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

- A. City Ordinance Provisions. All the provisions from the applicable City ordinances have been met or will be met by the proposed development.
- B. Public Facilities Capacity. Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and where applicable, through the subject property in order to: 1) meet connectivity standards per the Transportation System Plan and other documents, and ; 2) provide for future development of surrounding property.
- C. Improvements Required of Development. The Proposal complies with all of the applicable LUDO Chapter 10 standards, including, but not limited to:
1. Section 10.040 Bicycle Requirements
  2. Section 10.050 Pedestrian Requirements
  3. Section 10.060 Street Requirements

### 3.050 Conditional Use Permits

#### 3.050.040 Review Criteria

A conditional use permit shall be granted if the Commission finds that the proposed use conforms with, or can be made to conform with through added conditions, any related requirements of this and other City Ordinances and all of the following criteria:

[...]

- B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this ordinance, and any other statutes, ordinances, or policies that may be applicable.
- C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this section. Impacts caused by the construction of the conditional use shall not be considered regarding a decision on the validation of the application.

[...]

- 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 not limited:
  - a. Street designations and capacities; ~~and~~
  - b. On-street parking impacts;
  - c. Bicycle safety and connectivity;
  - d. Pedestrian safety and connectivity; and
  - e. Transit capacity and efficiency.

## Recommendation 4

### 5.120 Airport Approach Overlay Zone

#### 5.120.010 Purpose

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



Section 5.120 is adopted to implement Oregon Revised Statutes (ORS) 836.600 through 836.630 and policies of the Comprehensive Plan as they relate to private use airports. When applied, it provides for the continued operation and vitality of the Columbia Gorge Regional Airport consistent with state law. It also provides for safety standards to reduce the potential for safety hazards for property and for persons living, working or recreating on lands near the airport. The Airport Approach Overlay Zone shall be applied to the underlying zone.

5.120.020 Protection of Approach Zones-Definitions

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

Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Direct Impact Area. The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.

Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.

Airport Imaginary Surfaces. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

Airport Secondary Impact Area. The area located between 5,000 and 10,000 feet from an airport runway.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.

Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

A. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

1. 2,000 feet for a utility runway having a non-precision instrument approach;
2. 3,500 feet for a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths statute mile;
3. 4,000 feet for a non-precision instrument runway, other than utility, having visibility minimums at or below three-fourths statute mile; and
4. 16,000 feet for precision instrument runways.

B. The approach surface extends for a horizontal distance of:

1. 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways;
2. 10,000 feet at a slope of 34 feet outward for each foot upward for all non-precision instrument runways, other than utility; and
3. 10,000 feet at a slope of 50 feet outward for each one foot upward, with an additional 40,000 feet at slope of 40 feet outward for each one foot upward, for precision instrument runways.

C. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

Department of Aviation. The Oregon Department of Aviation, the State agency chiefly responsible for matters relating to the continuing development of aviation as part of the state's transportation system, and the safety of its airways.

FAA. The Federal Aviation Administration.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- A. 5,000 feet for all runways designated as utility.
- B. 10,000 feet for all other runways.
- C. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non- precision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA- approved airport layout plan or other FAA planning document.

Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

Other than Utility Runway. A runway that is constructed for and intended to be used by turbine driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Landing



System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.

Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Significant. As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.



5.120.030 Notice of Land Use and Permit Applications within Overlay Zone Area.

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications in accordance with Section 3.020.

- A. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway:
- B. Notice of land use and limited land use applications shall be provided within the following timelines:
  - 1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.
  - 2. Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.
- C. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.
- D. Notices required under Paragraphs A-C of this section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:
  - 1. Would only allow structures of less than 35 feet in height;
  - 2. Involves property located entirely outside the approach surface;
  - 3. Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
  - 4. Does not involve wetland mitigation, enhancement, restoration or creation.

5.120.040 Height Limitations on Allowed Uses in Underlying Zones.

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

- A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.
- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

#### 5.120.050 Procedures.

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Planning Department shall provide the applicant with Departure Surface Profile maps in the Columbia Gorge Regional Airport Master Plan upon which to locate the property.
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.
- C. If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation and the FAA.

#### 5.120.060 Land Use Compatibility Requirements.

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein.

- A. Outdoor Lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- B. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.
- C. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport

operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

D. Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval.

E. Landfills. No new sanitary landfills shall be permitted within 10,000 feet of any airport runway. Expansions of existing landfill facilities within these distances shall be permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, the Department of Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

#### 5.120.070 Water Impoundments within Approach Surfaces and Airport Direct and Secondary Impact Boundaries.

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of ORS 836.623.

#### 5.120.080 Nonconforming Uses

Section 5.120 shall not be construed to require the removal, lowering, or alteration of any existing structure or vegetation not conforming to Section 5.120. Section 5.120 shall not require any change in the construction, or alteration of the intended use of any structure, the construction or alteration of which was begun or completed prior to the effective date of this safety overlay zone.

## Recommendation 5

### **6.050 Access Management**

#### 6.050.030 General Requirements

[...]

I. In addition to the spacing standards in 6.050.040, access shall be taken from lower classification streets whenever possible.

#### 6.050.040 Access Standards

(NOTE: Access to lots of record existing at time of adoption of this Ordinance shall not be denied. Table 1 identifies the City's access spacing standards as they relate to new development and redevelopment. Separation requirements between street intersections are listed in Section 9.020.020(B)(2): Size. The following regulations are for non-residential zones.

A. Separation Standards. Separation between access points shall conform to the access-is based on the City's preferred spacing standards as specified below in Table 1; however, access separation may be

reduced to accommodate characteristics specific to a proposed site and/or use. In cases where separation is reduced below the preferred spacing standard, the reduction shall not be less than the appropriate stopping sight distance standard listed below in Table 2 for arterial and collector streets, unless the approving authority finds that all of the provisions of Section 6.050.050 below have been met. In no case shall the residential spacing standards for local residential streets listed in Table 3 be reduced.

[...]

Table 1: ~~Preferred Spacing Standards, All Streets~~ Access Spacing Standards for City Roadways

**[Table 1 to be replaced with TSP Table 6-3.]**

Table 2: Stopping Sight Distance, Arterials and Collectors

[...]

Table 3: Residential Minimum Spacing Standards

[...]

6.050.050 Exceptions to Standards

A. The City may allow a reduction in the required minimum separation distance between access points on arterial and collector streets where such separation is impractical due to existing street frontage, topography, natural resources or physical barriers, provided a minimum separation based on safety is maintained and all of the following requirements are met:

~~A.~~ 1. Public Safety. A licensed professional engineer specializing in traffic submits proof that a reasonable standard of public safety applies.

~~B.~~ 2. Elimination of Replaced Access Points. The property owner enters into an agreement with the City to close and eliminate pre-existing connections on site which are being replaced by the new access point.

~~C.~~ 3. Legal Lot(s) of Record. The lot(s) is a legal lot(s) of record.

B. The City may require one or more of the following as a condition of approval of an exception to the minimum access spacing standards:

1. The non-conforming access be closed at such time that reasonable access becomes available to a local public street.
2. The proposal includes agreement(s) with adjacent land owners to provide either joint access points, front and rear cross-over easements, or a rear access upon future redevelopment.

Recommendation 6

**7.020 General Provisions**

7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions.

[...]

C. Reductions for Existing Uses. Property owners of existing nonresidential development may take advantage of incentives to reduce vehicle parking below the minimum off-street vehicular parking standards established in Section 7.060: Minimum and Maximum Off- Street Parking Requirements as provided below:

[...]

3. Even when no expansion or redevelopment of the site is proposed, the property owner may replace up to 10% of existing parking spaces with the following:
  - a) Additional landscaping equal to the square footage of the parking space reduction.
  - b) On-site, publicly accessible pedestrian plazas, seating areas, shelters and/or walkways (in addition to required walkways).
  - c) Bicycle parking in addition to the number of bicycle parking spaces required in Section 7.060: Minimum and Maximum Off-Street Parking Requirements. New bicycle parking shall conform to the design standards contained in Section 7.040: Bicycle Parking Design Standards.
  - d) Bus shelters and other pedestrian and transit amenities located adjacent to streets with existing or planned transit routes.

Recommendation 7

**Section 3.030 Site Plan Review**

3.030.020 Review Procedures

H. Traffic System Impacts. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide a traffic impact study ~~or traffic counts~~ pursuant to the requirements of Section 10.060 to demonstrate the level of impact of the proposed development on the surrounding street system. The determination of impact or effect, and the scope of the impact study, shall be coordinated with the provider of the affected transportation facility. The developer shall be required to mitigate impacts attributable to the project.

**10.060 Street Requirements**

A. Traffic Impact Studies.

1. Traffic Impact Studies (TIS) studies shall be required of all development proposals that meet one or more of the following:
  - a. Development of 16 or more dwelling units;

- ~~b.~~ Any other development proposal that is likely to generate more than 400 average daily motor trips. ~~In addition, a traffic study may be required if the~~
  - c. Any development proposal that is near within [500] feet of an intersection that is already at or below level of service “D”.
- 2. Limited Traffic Impact Studies (LTIS).
  - a. Notwithstanding 10.060.A.1 above the previous language, the City may require an initial, limited traffic study for development proposals to determine the level of service at nearby intersections within [500] feet of the proposed development.
  - b. If the limited traffic study finds the level of service to be at or below “D”, the City may require a TIS full traffic study.
- 3. The TIS traffic study shall be conducted in accordance with the following:
  - ~~1~~a. A proposal establishing the scope of the traffic study shall be submitted for review to the Director. The study requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. ~~Large-p~~ Projects should assess all nearby key intersections. b. Once the scope of the traffic study has been approved, the applicant shall present the results with an overall site development proposal. The study shall be sealed and signed by a Licensed Professional Engineer specializing in traffic.
- 4. Approval Criteria
  - a. Location of new arterial streets shall conform to the Transportation System Plan, and traffic signals should generally not be spaced closer than 1,500 feet for reasonable traffic progression.
  - b. The TIS demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City and, when state highway facilities are affected, to ODOT
  - c. For affected non-highway facilities, the TIS establishes that level-of-service standards adopted by the City have been met.
- 5. Conditions of Approval
  - a. The City may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.
  - b. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to city standards.

- c. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.
- 2. ~~If the traffic study identifies level-of-service conditions less than the minimum standard established in The Dalles Transportation Master Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.~~
- 3. ~~Location of new arterial streets shall conform to The Dalles Transportation Master Plan, and traffic signals should generally not be spaced closer than 1500 feet for reasonable traffic progression.~~

## Recommendation 8

### 9.030 Partitions, Minor Replats, and Lot Line Adjustments

#### 9.030.040 Partition Application Review

A. Review Procedure. Partition applications shall be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*. Where the Director determines that continuous partitioning of a tract of land may occur in subsequent years, potentially resulting in the need for new road(s), utilities, or stormwater drainage facilities to be constructed and unmitigated impacts to City services and surrounding property, the application shall be referred to the Planning Commission, pursuant to Section 3.020.050 Quasi-Judicial Actions for a determination as to the applicability of the LUDO subdivision requirements.

### 10.060 Street Requirements

[...]

J. Location, Grades, Alignment and Widths. [...]

[...]

- 5. ~~Except for streets designated in the Transportation System Plan as local and located in residential zones, Street right-of-way and improvement shall conform to the widths and standards in Table 6-1 of the Transportation System Plan shall be as specified in the chart below, or as modified in subsection 6. Streets designated in the Transportation System Plan as local and located in residential zones shall meet development standards as established by City Council resolution. A copy of the latest resolution can be obtained from the Community Development Department Planning Department.~~

## Recommendation 9

### Chapter 10: Improvements Required with Development

[...]

### 10.130 Transit Requirements

Improvements at transit stops. A proposed development that is adjacent to or includes an existing or planned transit stop will be required to plan for access to the transit stop and, where determined necessary in consultation with the transit agency, provide for transit improvements. Requirements apply where the subject parcel(s) or portions thereof are within 200 feet of a transit stop. Development requirements and improvements may include the following:

- A) Intersection or mid-block traffic management improvements, as needed and practicable, to allow for pedestrian crossings at transit stops.
- B) Building placement within 20 feet of the transit stop, a transit street or an intersection street, or a pedestrian plaza at the stop or a street intersection.
- C) Transit passenger landing pads accessible to disabled persons to transit agency standards.
- D) An easement or dedication for a passenger shelter and an underground utility connection to a transit stop if requested by the transit agency.