



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 3, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of The Dalles Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 18, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Dick Gassman, City of The Dalles

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

(See reverse side for submittal requirements)

JUN 28 2007

LAND CONSERVATION AND DEVELOPMENT

City of The Dalles

Local File No.: Gen Ord # 07-1281
(If no number, use none)

Date of Adoption: June 11, 2007
(Must be filled in)

Date Mailed: June 27, 2007
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1-31-07

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: _____

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write See Attached.

Variety of minor amendments. Addition of new language on annexation procedures.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same. If you did not give notice for the proposed amendment, write N/A.

Same

Plan Map Changed from: _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: _____

DLCD File No.: 001-07 (15845)

GENERAL ORDINANCE NO. 07-1281

COPY

**AN ORDINANCE APPROVING ZONING
ORDINANCE AMENDMENT NO. 07-1281**

WHEREAS, the City of The Dalles adopted a Land Use and Development Ordinance known as General Ordinance No. 98-1222 on May 11, 1998; and

WHEREAS, the City Planning Commission conducted a public hearing on April 5, 2007 to take public testimony on General Ordinance Amendment No. 07-1281, and following the close of the public hearing, the Planning Commission moved to recommend the City Council adopt the proposed amendments to the City's Land Use and Development Ordinance; and

WHEREAS, on May 14, 2007, the City Council conducted a public hearing to consider General Ordinance Amendment No. 07-1281, and

WHEREAS, on June 11, 2007, the City Council adopted a motion approving the proposed amendment, as modified,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE
DALLES ORDAINS AS FOLLOWS:**

Section 1. All references to sections in the ordinance refer to sections of General Ordinance No. 98-1222, as amended.

Section 2. Section 2.030 shall be amended as follows:

a. Change definition of Building Height to read as follows: "See Height of Buildings definition in Section 6.070.050. Also see height exceptions in Section 6.090 for non-residential structures."

b. Add new definition for Condominium to read as follows: "Condominium – Two or more attached dwellings on a single lot with individual ownership of the dwelling units and common ownership of the land."

c. Change name of Partition by adding "Minor" in front of Partition in the caption.

Section 3. Section 3.010.035 shall be amended by adding a new section to read as follows: "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. 18 copies of the application and site plan are required."

Section 4. Section 3.010.040 shall be amended by adding a new paragraph as follows: "G. Plans by Professionals Required. Unless waived by the Director, applications for non-residential structures shall include a site plan drawn by an architect, surveyor, engineer, or other person licensed by the State of Oregon to prepare plans."

Section 5. Section 3.020.010 shall be amended by adding the word “structural” after the word “exterior”.

Section 6. Section 3.020.030 shall be amended by adding a new paragraph A. as follows: “Option to Process as Administrative Action. At the discretion of the Director, a ministerial action may be processed as administrative per the provisions of Section 3.020.040: Administrative Actions of this chapter”, and renumbering existing paragraphs A, B, and C to B, C, and D.

Section 7. Section 3.020.030 A, renumbered to 3.020.030 B by Section 6 above, shall be amended by adding a new number 9 as follows: “Physical Constraints Permits (Chapter 8)”.

Section 8. Section 3.020.040 B 11 shall be amended by deleting “Physical Constraints Permits (Chapter 8)”.

Section 9. Section 3.020.050 A shall be amended by deleting subparagraph 7.

Section 10. Section 3.020.060 A shall be amended by adding “Annexations” in a new subparagraph.

Section 11. Section 3.020.080 B 3 shall be amended by adding a new sentence as follows: “No fee is required for an appeal under this section”.

Section 12. Section 3.020.080 B shall be amended by adding a new paragraph 4 as follows: “The City Manager. No fee is required for an appeal under this section.”

Section 13. Section 3.030.020 I shall be amended by deleting the existing language and adding the following: “After an application for a Planned Development, Subdivision, or Minor Partition has been submitted, no building permit will be issued for that property until all required construction drawings, including roadway improvements and utility installations, have been approved by the City; provided that the Planning Director and City Engineer may grant an exception to this requirement when issuance of a building permit will not jeopardize or significantly interfere with the City’s ability to ensure the property receives all necessary public improvements.”

Section 14. Section 3.050.050 B shall be amended by deleting the existing language and adding the following: “Uses allowed conditionally in the RL zone shall meet the landscaping requirements of Chapter 6 for the CG zone.”

Section 15. Section 3.090.050 shall be amended by adding a new paragraph D as follows: “Residential Use in the Central Business Commercial District. Residential uses in the Central Business Commercial District are allowed as follows: 1. In structures existing at the time this ordinance was originally adopted and originally designed and/or

used as a residence, regardless of current or previous use. 2. All residential uses existing as of the original date of adoption of this ordinance.”

Section 16. Section 3.100.020 B 1 a. shall be amended by deleting the words “no earlier than 30 days after the application is deemed complete by the Director.”

Section 17. Section 5.010.050 shall be amended by

a. Under building height changing the maximum from 30 to 32 feet.

b. Under building orientation, adding after the first sentence a new sentence to read as follows: “Orientation on private accessway is allowed only if there is no street frontage.”

Section 18. Section 5.020.020 A. 1. shall be amended by deleting the first sentence under footnote 2 and deleting all of footnote 3.

Section 19. Section 5.020.050 shall be amended by changing the maximum building height in the one dwelling unit per lot category from 30 to 32 feet.

Section 20. Section 5.030.040. shall be amended by changing the maximum building height in the one dwelling unit per lot category from 30 to 32 feet.

Section 21. Section 5.040.040 shall be amended by changing the maximum building height in the commercial only and residential only categories from 30 to 32 feet.

Section 22. Section 5.050.030 A 3 shall be amended by adding a new sentence as follows: “Except for replacement of minor parts, all auto repair work shall be conducted inside a building.”

Section 23. Section 5.050.030 A 19 shall be amended by deleting the following language: “(subject to all requirements of the State of Oregon Structural Specialty Code)” and deleting paragraphs a. and b.

Section 24. Section 5.060.020 A 21 shall be amended by deleting the following language: “Must be located in permitted residential dwelling areas.”

Section 25. Section 5.080.020 A shall be amended by adding a new paragraph as follows: “Residential dwellings above permitted commercial uses, including multi-family dwellings.”

Section 26. Section 5.080.030 shall be amended by adding a new paragraph as follows: “Planned Development, subject to the provisions of Section 9.050: Planned Development.”

Section 27. Section 5.090.040 shall be amended by changing the language for setbacks to read as follows: “No minimum except as follows: A. 25 ft. from Residential Zone or Community Facilities Overlay; B. 10 ft. from a public Right of Way; C. 30 ft. from the Columbia River to accommodate the Riverfront Trail and associated amenities.”

Section 28. Section 5.100.030 B shall be amended by changing 600 to 300.

Section 29. Section 6.050.040 shall be amended by adding the following language to the opening paragraph: “The following regulations are for non-residential zones.”

Section 30. Section 6.070.050 A shall be amended to read as follows: Building Height. “The height of buildings is the vertical distance above the base point described in Subsections (1) and (2) below. The base point used is the method that yields the greater height of a building. All measurements shall be to the highest point of the roof, except for a stepped or terraced roof.”

Section 31. Section 6.090 A shall be amended as follows:

- a. Renumber existing paragraphs 2, 3 and 4 to 1, 2, and 3.
- b. The following language shall be added to the beginning of the former Subsection 4, renumbered to 3 in this section: “In non-residential zones,”
- b. The following language shall be added at the end of the former Subsection 4, renumbered to 3 in this section: “In residential zones, typical roof structures such as chimneys and vents are allowed over the height limitation.”

Section 32. Section 6.100.040 A shall be amended by changing the height from 8 to 9 feet.

Section 33. Section 7.020.100 shall be amended as follows:

- a. Deleting the following language: “The separator design and maintenance schedule shall be approved by the City Engineer.”
- b. Adding the following language: “The design and maintenance agreement for the oil/water separator must be reviewed and approved by the City Engineer prior to any building permits being issued. The maintenance agreement for the oil/water separator must be on file with the Community Development Department of the City of The Dalles. The property owner is required to submit annual maintenance reports to the City.”

Section 34. Section 7.060 shall be amended as follows:

- a. Changing the minimum auto parking requirements for four to twelve units to read as follows: “6 spaces, plus 1.5 spaces per dwelling unit in excess of three units.”
- b. Changing the minimum auto parking requirements for thirteen or more units to read as follows: “20 spaces, plus 1 space per dwelling unit in excess of 12 units.”

Section 35. Section 9.030.030 A 13 shall be amended by adding the words “For non-residential development, the” to the beginning of the subsection.


Section 36. Section 9.030.050 B 1 shall be amended by adding the following sentence: “The Director may waive any of the requirements when the Director determines that the information is not necessary.”

Section 37. Section 9.030.070 A shall be amended by deleting all language after the first sentence.

Section 38. Section 9.030.070 D shall be amended by adding the words “if needed” after the words “A Certified Boundary Survey map”.

Section 39. Section 9.040.030 shall be amended by adding a new paragraph D to read as follows: “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.”

Section 40. Section 9.050.080 shall be amended by deleting the following language: “and the local Oregon State Building Codes office in writing.”

 **Section 41.** Section 10.060 J 6 b shall be amended by deleting the words in the first sentence “the sidewalk and planter” and adding the words “right of way” after “In lieu of”.

Section 42. Amend LUDO Chapter 14 by adding the following sections:

14.010 Annexation Process

14.010.010 Purpose

The purpose of this section is to set out policy and procedures for annexation of property into the City of The Dalles.

14.010.020 General

It is the policy of the City of The Dalles to promote the orderly and efficient extension of the existing City limits out to the urban growth boundary. Accordingly the City shall annex property where:

A. The proposed annexation represents an extension of the existing City boundary within the urban growth area,

B. The proposed annexation would not, when developed or as developed, unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs, as determined by the City.

14.010.030 Review Procedures

A. Applications. All applications shall meet the requirements of Section 3.010: Application Procedures. Applications will be on a form supplied by the City. An annexation may be proposed by the City of The Dalles, landowners, or residents of the City. The approving authority may require additional information where necessary to adequately review the proposal.

B. Review. All applications for Annexation shall be processed as legislative actions, per the provisions of 3.020.060 Legislative Actions. Annexation requests shall be heard by the City Council. The Council may refer the application to the Planning Commission for a recommendation.

14.010.040 Review Criteria

Annexations shall be subject to the following criteria.

A. The territory is contiguous to the City limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750.

B. The territory is within the Urban Growth Area.

C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.

D. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits.

E. The annexation conforms to the Comprehensive Plan.

14.010.050 Staff Report

A staff report shall be presented which identifies the criteria applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial. The staff report shall be available to the public at least seven days prior to the hearing.

14.010.060 Fees

Fees for filing for annexation applications shall be set by Council resolution.

14.020. Consent to Annexation

14.020.010. Annexation required for Service provided outside the City limits

A. Prior to any connection to the City water system, sanitary sewer system, or storm water system for property located outside the City limits, a consent to annexation shall be provided to the City and recorded in the deed records of Wasco County, for all premises which may be served by a connection.

B. If connection to the City water system, sanitary sewer system or storm water system was initially made without providing a legal consent to annexation for the premises served, a consent to annexation shall be required as a condition of any further development of the premises that increases the use of the City water system, sanitary sewer system, or storm water system.

C. In lieu of a consent to annexation, the City may require annexation as a condition of connection to the City water system, sanitary sewer system, or storm water system for premises contiguous to the City limits, or separated from the City only by a public right of way, stream, or other body of water. Annexation may be conditioned upon such conditions of approval as the City considers necessary.

D. If property that is outside the City limits and connected to the City water system, sanitary sewer system, or storm water system changes ownership, the new owner shall execute a consent to annexation within 30 days of acquiring ownership.

E. The consent to annexation shall be on forms provided by the City. The owner of the property shall cause the consent to annexation to be recorded in the deed records of Wasco County and a copy provided to the City. The owner shall be responsible for paying the recording fees.

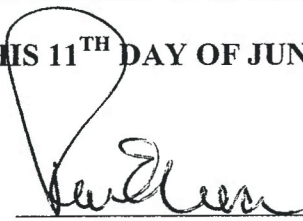
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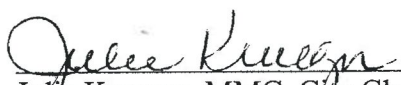
Section 43. Section 15.090 shall be amended by adding the following sentence to the opening paragraph: "Parties subject to the provisions of this code include both the property owner and the person causing the violation."

PASSED AND ADOPTED THIS 11TH DAY OF JUNE, 2007

Voting Yes, Councilors:	<u>Dick, Kovacich, Broehl, Wilcox, Wood</u>
Voting No, Councilors:	<u>None</u>
Absent, Councilors:	<u>None</u>
Abstaining, Councilors:	<u>None</u>

AND APPROVED BY THE MAYOR THIS 11TH DAY OF JUNE, 2007

SIGNED: 
 Robb E. Van Cleave, Mayor

ATTEST: 
 Julie Krueger, MMC, City Clerk