



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

08/22/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of The Dalles Plan Amendment
DLCD File Number 002-10

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: Tuesday, September 06, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Richard Gassman, City of The Dalles
Angela Lazarean, DLCD Urban Planning Specialist
Karen Swirsky, DLCD Regional Representative
Chris Shirley, FEMA Specialist

<paa> YA/email

FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

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

AUG 17 2011

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of The Dalles Local File No.: 20A 78-11
(If no number, use none)

Date of Adoption: July 25, 2011 Date Mailed: August 16, 2011
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: October 7, 2010

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.

Multiple amendments. Significant changes include
new provisions for a laydown yard, for Tourist
Oriented signs and changes to the geologic hazard
provisions.

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.

Minor wording changes only.

Plan Map Changed from: N/A to _____

Zone Map Changed from: N/A to _____

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: Goal 2

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 002-10 (18562) [16736]

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No: If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:
Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Richard Gassman Area Code + Phone Number: 541-296-5481 x1151
Address: 313 Court Street City: The Dalles
Zip Code+4: 97058 Email Address: rgassman@ci.the-dalles.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Tamara.Good@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

COPY

GENERAL ORDINANCE NO. 11-1313

**AN ORDINANCE AMENDING LAND USE DEVELOPMENT
ORDINANCE NO. 98-1222**

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 work session on September 16, 2010 and held a public hearing on December 2, 2010 to take public testimony on General Ordinance Amendment No. 11-1313, and following the close of the public hearing on December 2, 2010, the Planning Commission moved to recommend the City Council adopt proposed amendments to the City's Land Use and Development Ordinance; and

WHEREAS, the City Planning Commission held a second public hearing on April 21, 2011 to take additional testimony, and following the close of the public hearing on April 21, 2011 the Planning Commission altered the proposed LUDO amendments, and moved to recommend the City Council adopt the proposed amendments to the City's Land Use and Development Ordinance; and

WHEREAS, on July 11, 2011 the City Council conducted a public hearing to consider General Ordinance Amendment No. 11-1313, and

WHEREAS, on July 11, 2011, the City Council adopted a motion approving the proposed amendment, with the exception of Section 29 as proposed by the Planning Commission concerning regulation of signs in the public right-of-way.

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

Section 1. Amend Section 1.120 by adding the following language: The City Council, upon written request, may waive all or part of any filing fee required by this ordinance.

Section 2. Amend Section 2.030 Meaning of Specific Words and Terms by adding a new definition: Laydown Yard: A temporary off-site storage area for equipment and useable materials to be used for maintenance or construction.

Section 3. Amend Section 2.030 Meaning of Specific Words and Terms by adding a new definition: Tourist Oriented Destination: A business that is a cultural, historical, recreational, educational, or entertaining activity, or unique commercial activity whose major portion of income or visitors is derived from visitors not residing in The Dalles.

Section 4. Amend Section 3.020.030 B. Decision Types by adding the following new paragraphs: 10. Proposed Change of Use (Section 6.150.020); 11. LUDO Review of Building Permit Application.

Section 5. Amend Section 3.020.050 C by adding a new paragraph 7 as follows: 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.

Section 6. Amend Section 3.050.040 B by deleting the words "~~applicable policies of the Comprehensive Plan~~" in line 4.

Section 7. Amend Section 5.030.020 A. 2. By deleting a) ~~Mobile Home~~ and b) ~~Mobile Home (Zero Lot Line)~~ and renumbering.

Section 8. Amend Section 5.050.030 A 19 a) to read as follows: All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.

Section 9. Amend Section 5.060.020 A 20 to read as follows: All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.

Section 10. Amend Section 5.080.020 A 6 to read as follows: All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.

Section 11. Amend Section 5.090.020 by adding a new provision and renumbering: A. 1. Auto body shops, auto painting, and machine shops.

Section 12. Amend Section 6.150.020 Changes In Use to read as follows: Unless this ordinance provides for an exemption for any specific requirement, the following shall apply to all proposed changes in use of structures, land, or other development:

A. Use Determination. The owner or developer shall complete and submit a Proposed Change of Use Application. The approving authority shall determine intensity, similarity, or difference of a proposed use based on the following criteria:

1. Use type.
2. Size and/or type of products or services.
3. Parking and loading needs.
4. Off-site impacts and nuisance conditions.
5. Traffic generation

Section 13. Amend Section 6.160 by adding a new section 6.160.030 as follows: Laydown Yard.

1. Purpose. A laydown yard is intended for construction equipment and material only. It is different from a contractor storage yard in that all items are in active use on off-site projects. An off-site laydown yard, in addition to those on or adjacent to a construction site, is allowed in the I-Industrial and CLI-Commercial/Light Industrial zones without obtaining land use approval, so long as criteria 2 through 7 are continually met.

2. A proposed laydown yard shall be associated with one or more specific projects with an approved building permit issued for grading, construction, remodel or demolition, an approved land use decision, or pending application for a building permit or land use decision.

3. A laydown yard is not a substitute for a contractor storage yard. At any time the property owner may convert the laydown yard to a contractor storage yard by obtaining a Site Plan Review decision and completing the conditions of approval. If items are kept on site continuously for more than 8 months, the City may determine that a laydown yard no longer exists.

4. Laydown yards shall be supervised by the property owner who will be responsible for enforcing compliance with these standards.

5. Where curbs exist, the contractor shall be required to provide curb cuts for all egress or ingress areas onto a paved street. To prevent mud or dirt from transferring from vehicles and equipment onto the paved street the contractor shall install pavement or other surface treatment approved by the City Engineer at all egress and ingress points from the yard for a minimum of 50 feet to the street access. Dust and erosion control shall be in place to confine these materials to the subject property. Noise, vibration, dust, and odors cannot exceed local, state, or federal regulations.

6. The owner of the property shall complete and file at the Community Development Department Office in City Hall a Laydown Yard Report, on a form provided by the City, at the time of the start of the laydown yard, and on April 30, August 31, and December 31 of each year so long as the laydown yard continues.

7. Notwithstanding the provisions of the Ordinance adopting the Transportation System Development Charges (SDC), for this use only, the property owner shall pay annual Transportation SDC fees, at 5% of the full rate.

Section 14. Amend Section 7.060 by deleting the category designation of ~~Elderly Housing~~ and changing the designation to "Senior Housing", and add new language under the new category of Senior Housing as follows: Dwelling units designated as Independent Living Units shall have one parking space per dwelling.

Section 15. Amend Section 7.060 by adding under the category of Residential the following language: In multifamily units, one parking space will be required for every two bedrooms, but not less than one parking space per dwelling unit.

Section 16. Amend Section 8.040 to read as follows:

8.040.010 Purpose

This Section describes the permit requirements for lands proposed to be developed within the areas designated zones 1 to 6 on the maps and in the 2010 Geologic Hazards Study prepared by Mark Yinger, R.G., Hydrogeologist. Land within zones 1 and 4, land within zones 2, 3, or 5 that exceed a slope of 30%, or land in zone 3 which is located in areas of groundwater discharge, have been determined to be within a geographic area that has characteristics which make the ground potentially unstable. Any cut, fill, or construction on these sites may add to this potential instability. The requirements of this Section are intended to reduce as much as possible the

adverse effects of development for the owner and for other properties which may be affected by a ground movement.

8.040.020 Applicability

The requirements of this Section shall apply to all new development including, but not limited to streets, driveways, parking areas, sidewalks, retaining walls, drainage structures, buildings and other structures, and to additions and modifications to existing development which increase the footprint. Detached buildings of 200 square feet or less are exempt from the requirements of this Section.

8.040.030 Permit Requirements

A Physical Constraints Permit shall be required for new development and additions as described in Section 8.040.020 for all proposed development activities located within hazard areas in zones 1 through 6, per the requirements of Section 8.020: Review Procedures. The following shall also be required as part of the Physical Constraints Permit:

A. Geologic Impact Statement. A site-specific geologic impact statement prepared by a qualified geotechnical engineer or an engineering geologist. If the size of a proposed development is increased, or the location of a proposed development is changed, a new impact statement is required.

B. Certification of Plans. A statement prepared by a qualified geotechnical engineer or an engineering geologist certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and that the proposed construction will not adversely affect the site and adjacent properties.

8.040.040. As-Built Certification.

Within 30 days after the completion of the project, and before final acceptance of public improvements by the City Engineer, the applicant shall submit to the Director a statement prepared by a qualified geotechnical engineer or an engineering geologist certifying that the construction was completed in accordance with the plans and specifications as they relate to mitigation of the geologic impacts to the site and adjacent properties.

Section 17. Amend the second sentence of Section 9.020.030 F to read: "~~The access easement, Land required for future right of way or proposed for a future public street, or private access drive or access way shall not count toward the minimum lot area~~".

Section 18. Amend Section 9.030.040 to read as follows: C. Period of Approval. Approval of a partition application shall be valid for a period of one year from the effective approval date. Upon written request, filed with the Director prior to the expiration date, approvals may be extended annually four times provided the relevant provisions of this ordinance have not changed. If extended, any fees or charges, including the pay into the fund option, will be assessed at the rate in existence at the time they are paid, not the rate in existence at the time of the original approval. If no final partition plat is submitted within one year, or within any timely extension, the partition application shall become void and a new application required.

Section 19. Amend Section 9.030.050 C. 1. by adding after the words "agreed to install" in line one the words "for nonresidential development".

Section 20. Amend Section 10.060 I. Private Streets by adding a new paragraph 5 as follows: 5. In addition to the name of the street, all private street signs shall also contain the words "Private Street" in letters of the same size as the name of the street.

Section 21. Amend Section 13.030.020 C. to read as follows: Commercial and Promotional signs may be used only on private property and subject to the following:

1. A permit is required for all temporary signs.
2. Temporary signs may be erected for a period not to exceed 30 days.
3. Temporary signs are limited to 32 square feet in area.
4. Temporary signs are limited to one per street frontage.

Section 22. Amend Section 13.030.010 by adding a new category A and renumbering: A. ATM Sign. Unless otherwise allowed additional signage, each ATM shall be allowed one sign not to exceed four square feet.

Section 23. Amend Section 13.030.010 Exempt Signs by adding a new paragraph as follows: V. Tourist Oriented Destination (TOD) Signs. It is the purpose of this Section to allow signs for TODs not readily visible from public roads under the following set of criteria:

1. Signs generally will be allowed at intersections only.
2. Businesses must have permanent restroom facilities, a business telephone, drinking water, and adequate on-site parking.
3. If the business is not open during normal business hours, the sign must indicate the hours it is open.
4. Except as provided for in #3, only the business name, a directional arrow, and the distance to the site is allowed on the sign.
5. If the business is seasonal, the sign may be covered during the off season.
6. The number of signs is limited to the minimum necessary to adequately direct visitors.
7. An application with fee is required.
8. The business will be responsible for costs of installation, maintenance, and sign replacement, plus an annual fee.
9. If businesses need multi-jurisdictional approvals for adequate signage, City approval is contingent on all approvals being granted.
10. The sign may be up to 3 feet by 3 feet in size, and the design will be similar to that allowed by Wasco County for similar purposes.

Section 24. Amend Section 13.030.010 E by adding a new paragraph and renumbering: Construction Signs of 32 square feet for nonresidential construction, and 16 square feet for residential construction, during construction from the time a building permit is issued to completion.

Section 25. Amend Section 13.030.010 L by adding a new sentence at the end as follows: Up to one quarter of the maximum of 8 square feet may be a logo or company name.

Section 26. Amend 13.030.010 S to read as follows: Political campaign signs shall be erected only on private property. Signs shall comply with the vision clearance provisions in Section 6.100. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Signs shall be removed not later than the fifth day following the election.

Section 27. Amend Section 13.050.100 to read: "Signs in addition to principal and secondary signs for a restaurant with a drive-through window are allowed; no more than two (2) menu boards not to exceed ~~32~~ a total of 64 square feet each, with a maximum height of 8 feet".

Section 28. Amend Section 13.050 by adding a new section as follows: 13.050.170 Sandwich Boards and A Frames.

1. No more than one "sandwich board" or "A Frame" of a maximum of 5 feet above ground level shall be allowed for each premise.

2. Signs shall be located only on private property.

3. This sign allowance is for areas zoned Commercial or Industrial and outside the Central Business Commercial zone. See Section 13.050.160 for Sidewalk Signboards allowed in the Central Business Commercial zone.

4. The permit fee for sandwich boards and A Frames shall be the same as for Sidewalk Signboards.

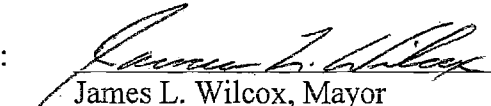
Section 29. Amend Section 14.010.030 by adding a new paragraph C as follows: Notice of Hearing. At least 10 days before a scheduled annexation hearing, notice of the hearing shall be mailed to the owner, as shown on the most recent property tax assessment roll, of each property proposed to be annexed.

PASSED AND ADOPTED THIS 25th DAY OF JULY, 2011

Voting Yes, Councilors:	<u>McGlothlin, Ahier, Dick, Wood</u>
Voting No, Councilors:	<u>None</u>
Absent, Councilors:	<u>Spatz</u>
Abstaining, Councilors:	<u>None</u>

AND APPROVED BY THE MAYOR THIS 25th DAY OF JULY, 2011

SIGNED:


James L. Wilcox, Mayor

ATTEST:


Julie Krueger, MMC City Clerk

