



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

March 31, 2008

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 006-07



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: April 15, 2008**

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  
Richard Gassman, City of The Dalles

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# 2 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



Jurisdiction: City of The Dalles Local file number: ZOA 74-07, CPA 37-07  
Date of Adoption: 3-24-08 Date Mailed: 3-25-08  
Date original Notice of Proposed Amendment was mailed to DLCD: 10-10-07

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation           | <input type="checkbox"/> Other: _____                                |

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

Rezone one parcel of approximately .15 acres from  
CBC - Central Business Commercial District to RH - High/  
Medium Density Residential District.

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: Central Business Commercial to: High/Medium Density Residential

Zone Map Changed from: Central Business Commercial to: High/Medium Density Residential

Location: 1W 13E 3 BC 10x 4300 Acres Involved: .15

Specify Density: Previous: N/A New: 27 units per acre

Applicable Statewide Planning Goals: Goal 10 - Housing

Was and Exception Adopted?  YES  NO

DLCD File No.: 006-07 (16468)



Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Richard Grossman Phone: (541) 246-5481 Extension: 1151  
Address: 313 Court Street City: The Dalles  
Zip Code + 4: 97058- Email Address: rgrossman@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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

GENERAL ORDINANCE NO. 08-1291

COPY

AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT NO. 74-07 AND COMPREHENSIVE PLAN AMENDMENT NO. 37-07, FOR A PARCEL MEASURING APPROXIMATELY .15 ACRES, LOCATED BETWEEN WEST 4<sup>TH</sup> AND WEST 6<sup>TH</sup>, AND BETWEEN LINCOLN AND PENTLAND

WHEREAS, on October 9, 2007, Paul and Sue Wolf submitted an application requesting a zone change and Comprehensive Plan amendment for a parcel measuring approximately .15 acres, located between West 4<sup>th</sup> and West 6<sup>th</sup> and between Lincoln and Pentland Streets in The Dalles, to change the Comprehensive Plan Map and Zoning Ordinance Map from "CBC" - Central Business Commercial District to "RH" - High/Medium Density Residential; and

WHEREAS, the City Planning Commission conducted a public hearing on the application on December 6, 2007, and voted to recommend the City Council approve the requested zone change and Comprehensive Plan amendment; and

WHEREAS, on January 28, 2007, the City Council conducted a public hearing on the application; and

WHEREAS, a staff report was presented to the City Council and public testimony was received at the public hearing; and

WHEREAS, following the close of the public hearing the City Council deliberated, and voted 5 to 0, to approve the requested zone change amendment and Comprehensive Plan amendment, based upon findings of fact and conclusions of law; and

WHEREAS, the City Council directed staff to prepare an ordinance setting forth proposed findings of fact and conclusions of law; and



WHEREAS, the City Council has reviewed the proposed findings of fact and conclusions of law, attached to this ordinance as Exhibit "A", and incorporated herein by this reference;  
NOW, THEREFORE,

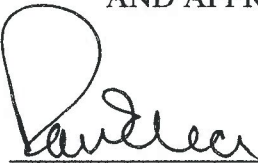
THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts and approves the findings of fact and conclusions of law set forth in Exhibit "A". Based upon these findings of fact and conclusions of law, the application of Paul and Sue Wolf for Zoning Ordinance Amendment No. 74-07 and Comprehensive Plan Amendment No. 37-07, concerning a request to change the zone designation for a parcel measuring approximately .15 acres located between West 4<sup>th</sup> and West 6<sup>th</sup> and between Lincoln and Pentland Streets, from "CBC" - Central Business Commercial District to "RH" - High/Medium Density Residential, is hereby approved.

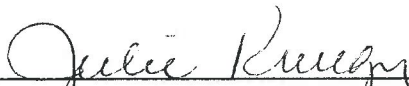
PASSED AND ADOPTED THIS 24<sup>TH</sup> DAY OF MARCH, 2008.

Voting Yes, Councilor: Kovacich, Broehl, Dick, Wilcox, Wood  
Voting No, Councilor: None  
Absent, Councilor: None  
Abstaining, Councilor: None

AND APPROVED BY THE MAYOR THIS 24<sup>TH</sup> DAY OF MARCH, 2008.

  
\_\_\_\_\_  
Robb E. Van Cleave, Mayor

Attest:

  
\_\_\_\_\_  
Julie Krueger, MMC, City Clerk

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1. The request for a Zoning Ordinance Amendment and Comprehensive Plan Amendment is to redesignate a parcel described as Township 1 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, 3BC, Tax Lot 4300 from "CBC" - Central Business Commercial District to "RH" - High/Medium Density Residential District. The subject parcel measures approximately .15 acres, and is located between West 4<sup>th</sup> and West 6<sup>th</sup> and Lincoln and Pentland Streets in The Dalles.

2. The application was found to be complete by the Planning Department on October 9, 2007. The application for a Zone Change and Comprehensive Plan Amendment were combined into a single hearing under the provisions of Section 3.100 of the City's Land Use and Development Ordinance (hereinafter "LUDO"). Staff reports were prepared for the hearings before the Planning Commission and City Council setting forth the applicable criteria and standards, and proposed findings of fact. The initial public hearing before the Planning Commission was held on December 6, 2007, which complied with LUDO requirements and Department of Land Conservation and Development Commission requirements. Notices of the hearings before the Planning Commission and the City Council were properly mailed and published, as required by the LUDO and DLCD regulations.

3. Testimony presented during the hearing established the subject parcel is landlocked, which creates significant obstacles to the commercial development of the parcel. Testimony was presented that the location of the parcel and the topography of the surrounding area made it probable that the parcel can reasonably be developed only in conjunction with the lots located on either side of the subject parcel. The applicants own Tax Lot 4400 which is located just south of the subject parcel. The staff report indicated an access easement from the corner of West 5<sup>th</sup> Place and Lincoln would be the best place to provide access for the subject parcel. The staff report also indicated the parcel was adequate in size and shape for residential purposes, and the requested zone change and comprehensive plan amendment would facilitate residential development of the subject parcel.

Based upon the foregoing Findings of Fact, the Council makes the following Conclusions of Law:

4. The procedural requirements of Section 3.010.040 for the application, and the review procedures for a zone change under Section 3.020.050, have been satisfied.

5. Section 3.100.030 sets forth the following review criteria for a zone change:

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

- A. Conformance. The proposed Zone Change conforms with the Comprehensive Plan and all other provisions of this Ordinance.
- B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone.
- 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.
- D. Adverse Effect. The proposed Zone Change shall have a minimal adverse effect on existing and future surrounding development.

Conformance with the Comprehensive Plan will be discussed in Finding No. 6 below. Concerning the suitability of the site, the City Council finds and concludes there is substantial evidence in the record to establish that the site is adequate in size and shape for uses normally allowed by the proposed zone. The subject site measures approximately .15 acres. The applicant presented testimony, which was supported by the staff report, that the property would be adequate in size and shape for residential purposes.

Regarding the review criteria concerning the adequacy of streets to meet the site's needs, and the volume of traffic generated by uses that may be permitted in the new zone, the Council finds and concludes the amount of traffic likely to be generated by the proposed residential development on the subject parcel will not significantly contribute to an increase in the volume of traffic generated by uses which are permitted in the "RH" High/Medium Residential District. The Council also finds and concludes that the streets adjacent to the subject parcel are of sufficient capacity and design to adequately serve the subject property.

Concerning the criteria that the proposed zone change will have minimal adverse effect on existing and future development, the City Council finds and concludes the proposed zone change will not have such an adverse effect. The Council finds and concludes the surrounding area is already developed with existing residential uses, and the proposed residential use on the .15 acre parcel will be compatible with the existing residential development, and will not have an adverse effect upon the existing or future residential development.

6. Goal 2, Policy 5 of the City's Comprehensive Plan provides as follows:
  5. Evaluate proposed Comprehensive Plan amendments according to the following criteria:



- a. Compliance with the statewide land use goals and related administrative rules is demonstrated.
- b. Conformance with the Comprehensive Plan goals, policies and implementation measures is demonstrated.
- c. The change will not adversely affect the health, safety and welfare of the community.
- d. Adequate public facilities, services and transportation networks are in place, or are planned to be provided with the proposed change.
- e. Plan changes will be consistent with the vision.

Concerning the compliance with the statewide land use goals and related administrative rules, the City Council finds and concludes that this criteria is not relevant to this application, as there are no specific statewide land use goals or related administrative rules that are impacted by the proposed application.

The City Council finds and concludes there is substantial evidence in the record to show the requested Comprehensive Plan amendment is in conformance with the City's Comprehensive Plan goals, policies, and implementing measures. The Council finds and concludes the landlocked nature of the site, and the existing topography on the site, make the site more suitable for residential development for the types of uses allowed in the "RH" district, compared to the uses allowed in the "CBC" commercial district. Facilitating residential development on the property will result in the property contributing to the local property tax rolls, which will help improve the local tax base needed to provide an adequate level of community services for the citizens of The Dalles, which is consistent with sub-Goal 3 of Goal 9 of the Comprehensive Plan which concerns economic development. Facilitating residential development of the subject parcel is also consistent with Goal 10 of the Comprehensive Plan which is "To provide for the housing needs of the citizens of the state".





PTNEY BOWES

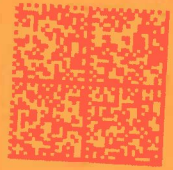
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MAR 25 2008

MAILED FROM ZIP CODE 97058



**CITY OF THE DALLES**

Community Development Department  
313 COURT STREET  
THE DALLES, OR 97058

**To:** *Attention: Plan Amendment Specialist  
Dept of Land Conservation & Dev.  
635 Capitol St. NE #150  
Salem, OR 97301-2540*