

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION / AGENDA Wednesday, February 19, 2014
LOCATION: Wasco County Courthouse, Room #302
511 Washington Street, The Dalles, OR 97058

Public Comment: Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments to five minutes, unless extended by the Chair.

Departments: Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

NOTE: With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. **Meetings are ADA accessible.** For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900.

9:00 a.m.

CALL TO ORDER

Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board.

- Corrections or Additions to the Agenda
- Administrative Officer - Tyler Stone: Comments
- [Discussion Items](#) (Items of general Commission discussion, not otherwise listed on the Agenda) [District 21 Real Property Transfer](#), [Oregon Clear Fuel Letter of Support](#), [DDA Salary Adjustment](#), [Treasurer's Report](#), [Assessor's Position](#)
- [Consent Agenda](#) (Items of a routine nature: minutes, documents, items previously discussed.) [Minutes: 2.5.2014 Regular Session](#), [Dog Hearing Order](#)

9:30 a.m. [Capacity Management Plan Update](#) – Sheriff Eiesland & DA Nisley

9:45 a.m. [Special Transportation Funding](#) – Dan Schwanz

10:00 a.m. [Attainable Housing & Cycle Oregon](#) – Mayor Lawrence

10:15 a.m. [Lot Line Vacation](#) – Joey Shearer

10:30 a.m. [LIDAR Opportunities](#) – John Roberts

11:00 a.m. [Proposed Amendments to City of The Dalles LUDO](#) – John Roberts

11:30 a.m. [Veterans Advisory Bylaws](#) – Donna Lawrence

11:45 a.m. [SWAC Rate Recommendations](#) – John Zalaznik

NOON **Break for Lunch**

1:00 p.m. [Compensation Study](#) – Judy Clark

NEW / OLD BUSINESS
COMMISSION CALL / REPORTS
ADJOURN

If necessary, Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) – Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) – Security Programs, ORS 192.660(2)(n) – Labor Negotiations



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
February 19, 2014, 2014

PRESENT: Scott Hege, Commission Chair
Rod Runyon, County Commissioner
Steve Kramer, County Commissioner
Tyler Stone, County Administrator
Kathy White, Executive Assistant

At 9:00 a.m. Chair Hege opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance and reviewed the process of Commission Meetings for those present.

Changes to the Agenda

Ms. White asked that the District #21 Property Transfer be removed from the Discussion List, explaining that some of the necessary documents are not yet prepared.

Chair Hege removed the Clean Fuel Letter of Support from the Discussion List stating that the legislation is not moving forward. The standing bill runs through 2015. Commissioner Runyon added that he spoke with State Senator Bill Hansell who communicated that he would not have voted for the bill in any case.

Open to the Public – Hunt Park/ Wasco County Fair

Fair Board Member Ken Polehn reported that he has been working with State Representative John Huffman for the passage of Resolution #203 (attached) recognizing Hunt Park as the home of the Wasco County Fair since 1914. He

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expressed his hope that the resolution will be signed by the Governor at a small ceremony. He also announced that the Fair Board had met Monday night and is recommending reappointment to the Fair Board for Mike Hunt and Colleena Tenold-Sauter.

Mr. Polehn reminded the Board that they are to be the Grand Marshalls of the 2014 Wasco County Fair; he said he would like to arrange for photos and a write up in the local newspaper.

Mr. Polehn stated that he would be presenting to the Needs and Issues committee tomorrow for Phase II of the RV park located at Hunt Park. He said that he has developed a plan for accessibility throughout the Fair Grounds. The plan includes sidewalks, gazebos and pavilions. He added that the utilities will need to be updated as well.

Local Electrical Contractor Wayne Lease volunteered that he would be happy to help with any of the underground work.

Chair Hege asked about the septic system at the park. Mr. Pohlen responded that he had not thought about the septic system when he added the project to the Agora Platform, but that it would have to be part of Phase II.

Chair Hege asked about acquiring additional property for the fair grounds. Mr. Polehn replied that there have been some snags in trying to make some property trades but the County has acquired some additional properties that might help make those trades more attractive.

Mr. Polehn reported that Cycle Oregon will be staying at the fair grounds for 2 nights during their week-long Gorge cycling event with approximately 2,000 people staying on-site for the 2 days. Cycle Oregon is offering a \$5,000 fee along with a \$5,000 open-ended grant for the use of the grounds.

Chair Hege noted that next week will be Mr. Polehn's first BOPTA hearing and thanked him for his service.

Open to the Public – MCCOG

Mr. Lease explained that this basic issue he wants to address is the Mid-Columbia Buildings Codes operated by the Mid-Columbia Council of

Governments. He stated that there have been improprieties and advised the Board to discover what Wasco County's obligation will be to fix the mess once it comes to light. He noted that Wasco County has the largest MCCOG population and would likely bear the largest cost. He stated that there has been co-mingling of funds, interdepartmental loans and unaccounted for funds. He stated that his research indicates fraud within the organization. He said that he had consulted with Rob Hamilton who does the accounting for the State of Oregon as well as a man from the Government Accounting Standards Board who participated in writing the new revised Government Accounting Standards; both had advised that what MCCOG is doing as described by Mr. Lease is against the law. Mr. Lease went on to say that the numbers in a MCCOG power point do not match the facts and he believes that there is collusion at MCCOG, warning that Wasco County has been duped.

Chair Hege said that Mr. Lease has provided members of the Board with a great deal of information. He assured Mr. Lease that they are working to review the information and work toward a resolution of the issues that have been raised.

Discussion List – DDA Salary Adjustment

Mr. Stone stated that this topic was discussed thoroughly at the last Board session with two issues being identified: the approval of the IGA and the salary issue. While the IGA was approved, the salary issue was not resolved. The IGA affords revenue to the District Attorney to provide a certain set of services. In the past, these funds have been used as a stipend to supplement the Chief Deputy District Attorney's (DDA) salary. The challenge has been to correct the practice of using the grant to directly pay salary without negatively impacting DDA Wolf's income. He suggested that the Board can increase the salary for that position, adding the amount of the stipend to the base salary and then making any further adjustments through the compensation survey process.

District Attorney Eric Nisley said that while the document is titled as an IGA it is truly a grant that is offered to District Attorneys throughout the State to do this intensive work. He explained that the reason he accepted the grant beginning in 2008 was to provide this stipend recognizing the work being done by the DDA. He stated that if his office did not accept the grant, the DDA would still be required to attend these dependency cases but not as lead attorney; the Department of Justice (DOJ) would take the lead. He indicated that the local District Attorney's office is better able to do this work since they are familiar with

the community. He pointed out that the budget has already been set and the funds allocated; a change in the middle of the year would require a budget process to reallocate the funds. He compared the stipend for the DDA to the County's Maritime Deputy as an example that this is not an isolated practice.

Chair Hege noted that the Maritime Deputy is not receiving a stipend; his hours are being increased through grant funding.

Further discussion ensued regarding the consequences of using grant funds for salaries.

Chair Hege observed that the Compensation Study indicates a substantial adjustment to the DDA's wages. He said it makes sense to pay DDA Wolf retroactively. However, he does not like the idea of working for grant and would rather see employees paid consistently through a regular salary.

{{{Commissioner Runyon said he would like to retroactively honor the DDA stipend as it was budgeted for this year and then explore this through the upcoming budget process. He said he would like to make that a motion. Commissioner Kramer seconded the motion.

Discussion: Chair Hege said he is not sure what the motion is. Commissioner Runyon stated that it would be to do what was budgeted for this year with the grant money – this is not general fund money – and then discuss how this will work for the next year through the budget process.

Mr. Stone interjected that with this change in philosophy, in the future this money would offset general fund expenditures. DA Nisley observed that how the money is currently budgeted does not determine what the County does going forward.

Chair Hege asked if the motion means that for this year it will continue to be a stipend. Commissioner Runyon replied that he believes that we are far enough into the fiscal year that this needs to continue as a salary stipend for the 2013-2014 fiscal year but the second year of the grant funding will be decided in the upcoming budget cycle.

DDA Nisley interjected that in the future the funds can be applied to general funds; there is not a restriction. If there is a salary adjustment, then there will not

be a need to apply these funds as a stipend. Mr. Stone added that the expectation would be that the County would continue to apply for this grant to offset the general fund contribution to the DDA's salary.

Commissioner Runyon added that this stipend is not fair to other departments where extra work is being done but no stipend is being paid; this increase in pay needs to be part of the salary schedule in a fair and equitable manner so everyone understands it.

Chair Hege said that if there is no further discussion, all in favor of the motion that the County continues as we have been for the remainder of this fiscal year say "Aye." The Motion passed unanimously.}}

Discussion List – Assessor's Position

Chair Hege asked Interim Tax and Assessment Director Tom Linhares if he had contributed to the development of the Assessor's job description included in the Board Packet. Mr. Linhares replied that he was given a draft to which he added his comments indicating what revisions he would make. Chair Hege thanked him for his work saying that it is important for prospective candidates to understand the expectations for the position. He noted that compensation is not included in the document. Mr. Stone stated that it had been removed awaiting the completion of the Compensation Survey but can be added back in at the current rate.

Chair Hege emphasized the importance of determining a long term plan for the Assessor's office. He pointed out that even if they do not have an elected Assessor until 2015, an Assessor can be appointed. He noted that there are skills and licensing required for the position; he believes the County should advertise so that people who are interested and qualified can apply for consideration. He stated that the Department of Revenue has pledged to help Wasco County expedite the process. The licensing requirements can act as a filter to distill the applicant list to those most qualified.

Mr. Linhares pointed out that they are assuming no one will file in March to run for the position in the fall. If only one qualified person files, they will be the Assessor in 2015; it will be difficult to find someone to accept an appointment if they will be out of a job in 2015. The filing deadline is in 3 weeks which leaves little time.

Further discussion ensued regarding the appointment process.

{{{Commissioner Kramer moved to approve the Job Description for the Assessor/Tax Collector. Commissioner Runyon seconded the motion which passed unanimously.}}}

*****The Board was in consensus to move forward with the process for appointing an Assessor.*****

Agenda Item – Capacity Management Plan Update

Sheriff Rick Eiesland reported that he has been keeping the Wasco County NORCOR population at or below 50 and the matrix seems to be working. He added that occasionally information from other offices may influence his decision beyond what is dictated by the matrix.

DA Nisley stated that there have been a couple of inmates who have been released on the same day they were to appear in court for sentencing. He added that his office will be more diligent in communicating with NORCOR regarding sentencing dates.

Sheriff Eiesland noted that another consideration is the Moral Recognition Therapy program which requires an inmate to be incarcerated for at least 30 days so they can move on to the outpatient portion of the program.

DA Nisley stated that one of the consequences of matrixing inmates out is they come back having committed more crimes. Sheriff Eiesland agreed, saying that everyone would be happier if the funds were available to keep them incarcerated. DA Nisley stated that it is a frustrating fiscal reality. He said that in terms of NORCOR, the District Attorney's office and The Sheriff, it has worked seamlessly.

Mr. Stone asked how the billing system is working with the new process of keeping the population under 50. Sheriff Eiesland replied that it has worked very well in controlling costs for Wasco County. He doesn't know how the new billing is working for the other partner counties.

Agenda Item – Special Transportation Funding

Dan Schwanz, Executive Director of the Mid-Columbia Council of Government's Transportation Center, reported that at the end of last year more money was added for the transportation system. The MCCOG Transportation System will receive \$30,000 which the STF Advisory Committee recommends putting toward adding more hours for the biennium. He explained that although the example application he provided for the packet indicates matching funds, none are required.

{{{Commissioner Runyon moved to approve the Special Transportation Fund Discretionary Grant Application. Commissioner Kramer seconded the motion which passed unanimously.}}}

Chair Hege expressed some concern for the planned transportation center and asked if a business plan is in place that shows operating revenues and expenses for the center. Mr. Schwanz replied that there is not a specific plan on paper, he is currently running a similar center in Hood River which is doing well. Chair Hege asked if he has projections for expenses. Mr. Schwanz responded that he expects they will be in line with his experience in Hood River and he is comfortable moving forward.

Chair Hege called a recess at 10:04 a.m.

The Session reconvened a 10:08 a.m.

Agenda Item – Attainable Housing

Commissioner Runyon joined Mayor Steve Lawrence in reading the following presentation:

For the last two years, a diverse group of community participants have been involved in the Regional Solutions team, a project put together through a collaborative effort of the Governor's office for different areas of the State and comprised of representatives from State agencies, and local stakeholders in the individual regions. Our Region is comprised of Sherman, Wasco and Hood River counties.

The goal was to take "...a bottom-up approach to economic development projects, working at the local level to identify priorities, solve problems and seize opportunities to complete projects..."

The North Central Regional Solutions team has identified the issue of access to stable, affordable housing for our workforce as a priority issue in each of our counties. That's a commonality. But, the problem and its potential solutions present themselves in different ways in each of the counties. With the Regional Solution Team's focus on this issue and the participation from a number of local partners such as Mid-Columbia Housing Authority and Mid-Columbia Economic Development, the region has an opportunity to move forward and we come to you today to elevate the conversation and request two actions:

- 1) Support our proposal to seek from the State a \$2 million regional Attainable Housing Revolving Loan Fund to help underwrite public and private investment to support housing development and renovation.
- 2) Commit to identify, review and accept recommendations for removing the non-financial barriers to the attainable housing issue and participate in sharing best practices of policies and decisions you make which positively impact the regional housing issue (such as The Dalles vertical housing initiative)

PURPOSE AND CALL TO ACTION:

Our purpose for being here, and the action that we will be asking of you, is that you join us in attaining our objective for both our county and our region. We ask that you do this by supporting our efforts through your own, and coordinating with each other, both in Wasco County, and across the region, to address what the Regional Solutions Team sees as being a critical threat.

Why are we interested? Housing is both a quality of life and an economic issue. If we cannot provide quality housing for our community members and workers, we cannot offer the necessary infrastructure for business success. The regional issue boils down to a shortage of quality housing stock at price ranges and rental levels which are commensurate with the financial capabilities of workers and households in the region. Housing constraints in the region are severe enough to 1) limit the ability to attract and retain businesses and 2) hamper the ability of employers to attract and maintain a professional workforce.

The shortage of quality housing is a deterrent to businesses, particularly those of any size, which seek to employ a local workforce. Mary Margaret Evans of Insitu related to us:

“Housing in the Gorge is often a challenge for our employees. The main challenges include low inventory, such as lack of multi-bedroom apartments and ‘starter homes’ for young families, and high cost. Many of our junior employees and those in lower pay brackets find themselves priced out of both the rental and purchase markets.”

This housing concern manifests itself in different ways for the counties in the region. Therefore solutions must be flexible to address a wide range of housing needs, recognizing that each of the counties in the region will require different approaches to meeting future demand. In addition, through this regional housing perspective, we have an opportunity to learn from other communities. Specific needs include:

- In Wasco County and its communities, needs include: Rehabilitation of existing housing stock as much rental housing is sub-standard, increasing opportunities for senior housing, and using existing spaces in new ways. What we can share are new initiatives, such as the vertical housing initiative which is designed to begin addressing some of the opportunities to encourage use of existing spaces in new ways. (an example: 2nd story development in downtown The Dalles)
- In Sherman County, the primary issue is a shortage of single family housing stock. What the County can share are the new opportunities they are putting in place, leveraging county investments to offer loan guarantees and encourage new developments.
- In Hood River County a primary concern centers on the opportunity for people to live where they work: a limited land supply, increasing demand and a strong vacation rental market have priced homes out of the range of workers in the County. What the County can share is their experience, market studies, and perspective on policies which look at vacation rental market impacts.

OPPORTUNITIES

As we look at these counties as a collective in their needs and contributions, we are focused on “attainable housing” as a term to indicate that we seek solutions that offer housing availability for individuals at all income levels. It encompasses all types of housing as well, including single- and multi-family housing options. The problem is multi-faceted with two general threads:

- 1) Financing issues: the ability to access capital and loans for both development of new and rehabilitation of existing housing stock
- 2) Non financing issues including issues with local ordinances, regulations and policies and the lack of available buildable property with adequate zoning, necessary infrastructure, and proximity to amenities.

WHAT CAN WE DO? REQUEST FOR ACTION

- 1) We need your help to secure the \$2 million revolving loan fund and implement programs to achieve those short-term goals and we ask for your approval for a support letter. We are seeking to establish a new, repeatable funding model to support construction of “attainable” housing that provides a stable housing base for the region’s workforce. This will help serve a transitional role until the regional market meets the demand for attainable housing.
- 2) More importantly, we need your help to tackle the causes of these conditions in the first place, leveraging this initial infusion into real results by continuing the conversation about regional housing needs and the policies and choices we make which will impact our housing options. We ask you to *commit* to the ongoing review and consideration of recommendations for removing the non-financial barriers to the attainable housing issue such as:
 - a. Remain informed and familiar with Goal 10 of the Comprehensive Plan. Identify and assess useful statistics, demographic trends, needed inventory improvements and forecasting to better assess and anticipate housing needs
 - b. Affirmatively support Fair Housing

- c. Continually track opportunities for increased density, density transfers, and in-fill housing.
- d. Work with us to determine how we can further the key objectives for achieving our goal of providing attainable housing in our Region.

We have provided and hope that you will participate by offering a letter of support. We thank you for your time and if you have any questions, we will do our best to answer them.

Mayor Lawrence explained that there is \$10 million available and we are competing with other local governments for the funds. If awarded to the Mid-Columbia Region it would be a \$2 million fund for revolving loans.

*****The Board was in consensus to send the letter of support to MCEDD for the Attainable Housing initiative in the North Central/Mid-Columbia region.*****

Chair Hege noted that the money could go to just build two \$1 million homes; he asked if there are any goals being set for the number of homes they would build. Commissioner Runyon replied that those decisions will be made as they work through the process; the overall plan is to fund developers through loans to complete projects that meet Initiative goals. Mayor Lawrence added that there will be ongoing evaluations taking in consideration the housing study's identified needs as well as the 10 year plan for emergency housing.

Agenda Item – Cycle Oregon

Mayor Lawrence said he had been invited to a presentation in Portland where he learned that The Dalles would be part of the 2014 Cycle Oregon week-long event which will include 2,200 cyclists along with the event's support staff. He reported that the Shilo Inn has already been fully booked by support staff. The bike route begins and ends in The Dalles and will take the cyclists through Dufur, Tygh Valley, Madras, Maupin and across the river to Washington. Event organizers will have employment and volunteer needs during the event; there will also be opportunities for non-profits to host booths. He said in March the event planners will communicate their needs and a local planning committee will be formed. He reported that there were a thousand people at the Portland presentation and they love riding in the Gorge.

The Board offered to help and asked the Mayor to keep them informed.

Agenda Item – Lot Line Vacation

Senior Planner Joey Shearer provided the Board with a revised copy of the proposed vacation (attached). He stated the he is presenting the petition on behalf of James Richardson who is unable to attend today's meeting. He explained that the Mr. Richardson is the owner of adjacent lots with no plans to build a house on the second lot. However, he would like to add some accessory buildings and is limited as long as the lots remain separate. Commissioner Runyon asked if Mr. Richardson understands he cannot build a second house once it is made one lot. Mr. Shearer responded affirmatively.

Commissioner Runyon asked if the Board would be seeing more of these. Mr. Shearer replied that this is only the second application for a lot line vacation in the last 3 years but now that the process is less cumbersome, there may be more people interested in applying.

{{{Commissioner Kramer moved to approve Order #14-020 with submitted revisions in the matter of accepting vacation of an interior lot line between lot 10 and lot 11, block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition, and adopting findings of fact contained in PLALLV-14-01-0001. Commissioner Runyon seconded the motion which passed unanimously.}}}

Agenda Item – LiDAR Opportunities

Planning Director John Roberts explained that Wasco County has the most antiquated flood plain maps in the State of Oregon and although we are first on FEMA's list for updating, we have been first for some time. LiDAR would be the first step to improving the available maps.

Information Systems Manager Paul Ferguson explained that LiDAR uses laser technology to create a 3-dimensional map that is far more accurate and far more expensive than aerial photography.

Mr. Roberts stated that funding issues made this inaccessible, but its use is widespread. The Wasco County Soil and Water Conservation District has an opportunity to contract for LiDAR mapping at \$560 per square mile. He reminded the Board that they had tasked him with developing a prioritized list of areas

where LiDAR mapping would be most beneficial along with their associated costs.

Mr. Roberts went on to review the maps and recommendations included in the Board Packet, stating that he thinks the County should move forward wherever it can; the benefits to the broader community will be significant. He said he does not know what the process will be to partner with the Soil and Water District, but believes it can be done fairly quickly. He advised that the decision to be made is how much of their resources can the County commit to the mapping.

Commissioner Runyon asked when they would need to know. Mr. Roberts replied that the flight will take place in mid-June. Commissioner Runyon asked if there were other interested agencies that might contribute to the project. Mr. Roberts said there were 10 entities in 2011 that had expressed an interest.

Further discussion ensued regarding what agencies or businesses might benefit from the project. Commissioner Runyon suggested that a presentation be developed to approach those agencies or businesses to contribute to the financing of the project. He offered that the Board could be part of those presentations if it were deemed useful.

Chair Hege asked if the data could integrate with the County's GIS system. Mr. Ferguson replied that it could.

Chair Hege asked City of The Dalles Planning Director Richard Gassman if the City is talking about this. Mr. Gassman replied that they had discussed it in 2011 but did not understand enough about it to move forward. He said the City has 7 or 8 square miles and this may make sense for them. He stated that he would be talking with the City Manager about the benefits; adding that it is not in the budget so money would have to be identified to fund the project.

Mr. Shearer pointed out that these specialized flights do not happen often – the opportunity should not be missed. Mr. Ferguson noted that it cannot wait until June as the LiDAR contractor will need to plan. Mr. Stone stated that there is an upcoming Supplemental Budget of which this could be a part.

Mr. Ferguson observed that it might be possible to use the LiDAR data as a revenue source; access to the mapping data could be part of the Fee Schedule.

*****The Board was in consensus to move forward with exploring how much funding could be made available for the LiDAR mapping.*****

Agenda Item – Hearing on the Adoption of City of the Dalles LUDO

Chair Hege opened the hearing at 10:59 a.m. and turned it over to Mr. Roberts for a staff presentation.

Mr. Roberts outlined the history of a joint management plan between the City of the Dalles and Wasco County adopted in 1980 recognizing the Urban Growth Area (UGA) to be under the management of the City. One tenet of the agreement provides for review and adoption of the City's LUDO by the Board of County Commissioners. The City's LUDO was amended in 1984 and again in 1997. Although the UGA is outside the city limits, the agreement shifts administration of those areas to the City of The Dalles. The County gives the City money each year to oversee these properties which amount to approximately 396 acres; some of those properties fall within the Scenic Area which reduces the UGA properties that fall solely under the City's LUDO to roughly 298 acres.

Mr. Roberts went on to explain that the entire ordinance has been included in the order because the changes occur throughout the Ordinance. Mr. Gassman stated that most of the changes are housekeeping items; the only substantial change is to untie the requirements for public improvements from the minor partition process. This will help people who are interested in that process.

Mr. Gassman stated that changes to the City's LUDO occur every 12-18 months, most being error corrections or clarifications. He asked the Board if they preferred to have the changes brought to them each time or bundle changes together over time.

Commissioner Runyon asked if the changes are communicated to the County Planning Director in real time. Mr. Gassman responded that notices are sent to the Wasco County Planning Department. Commissioner Runyon stated that he feels that the Planning Director can make the decision as to when it needs to be brought before the Board.

Mr. Stone asked if any legal issues might arise without County approval. Mr. Gassman responded that he did not see any since the significant changes have made the code less rigorous and more flexible. Chair Hege noted that this is a

more significant change which was the catalyst for them bringing to the Board at this time. Mr. Gassman agreed.

Further discussion ensued regarding the notification process and the possibility of any further expansion of the UGA.

{{{Commissioner Runyon moved to approve order #14-019 in the matter of adopting the City of The Dalles Land Use and Development Ordinance No. 98-122 as amended by the City of The Dalles. Commissioner Kramer seconded the motions which passed unanimously.}}}

Chair Hege closed the hearing at 11:19 a.m.

Chair Hege asked if there is a map showing the last proposed urban growth boundary. Mr. Gassman said that there is but there are a lot of issues being worked through with stakeholders. One issue is that the Gorge Commission has no rules on how to review applications for UGB expansion, without that any changes to the UGB would be open to challenges. The City has decided to delay until those rules are in place which means it will be at least a year until an application will be submitted.

Mr. Stone observed that this will eventually have to come before the County for approval. He said that it would be better for the County to be involved throughout the process rather than not hearing about it until it comes before the Board for approval. Mr. Gassman responded that there will be no movement on the issue until the Gorge Commission has rules in place. Mr. Roberts added that this is The Dalles' first attempt to do this; they will be seeking a wide range of stakeholders for involvement.

Chair Hege called a recess at 11:26 a.m.

The Session reconvened at 11:30 a.m.

Agenda Item – Veterans Services Advisory Committee (VSAC) Bylaws

Donna Lawrence, Chair of the VSAC, explained that the Committee had been working to clean up the bylaws and recommend approval of the final draft. Commissioner Runyon pointed out that in the revised bylaws there are now 6

members and an additional 2 non-voting members. The VSO has also been designated as a non-voting member of the Committee.

{{{Commissioner Runyon moved to approve the 2014 Revised Veterans Services Advisory Committee Bylaws. Commissioner Kramer seconded the motion which passed unanimously.}}}

Commissioner Runyon complimented Ms. Lawrence on her leadership at the VSAC; the Board thanked her for her service.

Agenda Item – Solid Waste Advisory Committee (SWAC) Rate Recommendations

Environmental Health Specialist John Zalaznik reported that the SWAC met on January 23, 2014, and approved the Waste Connections rates that the Board had approved on an interim basis in December. SWAC recommends approval for rate increase to be permanent.

Mr. Zalaznik added that he had been in touch with SWAC member Frank Kay who has not been attending SWAC meetings and learned that through an oversight Mr. Kay had not been notified of meetings since his appointment. His current appointment expires in June of this year; he would like to be reappointed at that time.

Commissioner Kramer noted that he has another citizen from Dufur who is interested in serving. He said he hopes to get an application from Richard Lyons in the near future.

{{{Commissioner Kramer moved to approve Resolution #14-003 in the matter of approving rate increases for the Wasco County Landfill. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve Resolution #14-004 in the matter of approving rate increases for the Mel's Sanitary, Inc. with a correction of the name to Mel's Sanitary Service, Inc. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve Resolution #14-005 in the matter of approving rate increases for the Waste Connections.}}}

Commissioner Runyon seconded the motion which passed unanimously.}}

Mr. Zalaznik stated that the SWAC had some good discussions regarding rates and plans to survey neighboring counties. He said that he gets a few citizen calls regarding rates each month and has been inviting callers to attend SWAC meetings to better understand the process and add their voice to the conversation.

Chair Hege asked who monitors the fiscal status of the Landfill. Mr. Zalaznik replied that the ordinance authorizes them to audit the Landfill's books but he does not believe that has ever been done. He added that it would definitely be something to look into. He said that the rates need to be competitive but not so high as to discourage people from proper disposal of their waste.

Discussion List – Treasurer's Report

There were no questions or comments regarding the Treasurer's Report. Chair Hege reported that he has contacted the Treasurer regarding the progress on the Investment Policy, but has gotten no response.

Discussion List – Museum Commission Appointments

Commissioner Runyon stated that he had attended last month's Museum Commission meeting and encouraged them to develop bylaws to outline officers' positions, terms, duties and responsibilities as well as providing a structure through which the Commission operates. He pointed out that there has been some discord between the Museum Commission and the Museum Foundation which raised funds to support the museum – bylaws can help ease those tensions by clearly defining roles. One of Commissioner Runyon's suggestions is to disqualify Foundation Board members from serving on the Museum Commission but to have a non-voting representative from the Foundation be appointed as an ex-officio member of the Commission to maintain a connection between the two organizations.

Commissioner Runyon went on to say that one of the applicants for the Commission is currently a member of the Foundation and will need to resign from the Foundation to serve on the Commission.

{{{Commissioner Kramer moved to approve Order #14-021 in the matter of the appointment of Daliea Thompson to the Wasco County/The Dalles

Museum Commission. Commissioner Runyon seconded the motion which passed unanimously.}}

{{{Commissioner Kramer moved to approve Order #14-022 in the matter of the appointment of Patricia Neal to the Wasco County/The Dalles Museum Commission. Commissioner Runyon seconded the motion this includes the requirement that she resign from the Foundation. The motion passed unanimously.}}}

Consent Agenda – 2.5.2014 Minutes & Dog Ordinance Hearing Order

{{{Commissioner Kramer moved to approve the Consent Agenda. Commissioner Runyon seconded the motion which passed unanimously.}}}

Commission Call

Commissioner Runyon announced that the AOC Veterans tour of The Dalles, cancelled due to the winter storm, has been rescheduled for April 11, 2014. The time has been moved to 9:30 a.m. in order to tour CBOC before 10 a.m. The tour will include CBOC, OVH, the new Armory, the Memorial at the Sirosis Park Overlook, NORCOR and the VSO.

Chair Hege called for a lunch recess at 11:58 a.m.

The session reconvened at 1:04 p.m.

Agenda Item – Compensation Study

Mr. Stone said the Management Team has been advocating for an updated compensation policy for the past 5 or 6 years; budgetary pressures have caused it to be postponed each time it has been proposed. The current system, created in the late 80's or early 90's, did not allow the administration to compare positions internally or externally and has become unmanageable.

The Management Team has spent over a year working on the Compensation Study in partnership with HR Answers. The goal has always been to develop an objective, easily manageable system, readily explained and quantified - a system that will reward performance and learning with a level of fairness. He explained that there has also been a focus on insuring the consistency of application policies and procedures. He introduced Judy Clark from HR to explain and answer questions regarding the Compensation Policy.

Ms. Clark stated that it is important to seek the Board's approval of the Compensation Policy – it outlines what is important to the County and what will be considered in the pay process. She reminded the Board that she has met with each Commissioner individually to explain the process and answer their questions. She added that she has also met with the Management Team to review the policy and they had some suggested changes.

1. The title of Mr. Stone's position is "CEO" in the Policy; historically that position has been titled "Administrative Officer."
2. The Policy says that the "CEO" has the authority to approve pay actions. This has been a consultative process in the past but the Policy does not specify that the "CEO" is to do this in consultation with the Management Team.
3. The Policy states that additional compensation studies will be done to keep up with the market, but does not specify the frequency of those studies. The Management Team is concerned that if a time frame is not established, the studies may get pushed aside in favor of other pressing expenditure needs.

Commissioner Runyon asked if Mr. Stone's position title is based on Statute. Mr. Nisley responded that a County Administrator has the ability to manage departments; an Administrative Officer has slightly less authority. Chair Hege asked if that is according to statute. Mr. Nisely replied that it is not; it came out of a prior Commission.

*****The consensus of the Board was to have Mr. Stone's position title remain "Administrative Officer."*****

Mr. Stone stated that the philosophy of the Policy rests with the Board while the implementation is the province of the Administrative Officer. Chair Hege asked how HR is defined. Discussion ensued regarding the consequences of attaching the HR function to the title of Finance Officer. The concern is that if the HR function moves out of the Finance Office, the policy will not support that. Chair Hege stated that it could be confusing if the Policy is not specific regarding pay action review.

*****The consensus of the Board was that the Administrative Officer would review and approve pay actions followed by a review and approval by the Finance Manager. If that process changes in the future, it will require amending the Compensation Policy.*****

Chair Hege said that it is important to be clear that the Policy has been reviewed and is supported by the Management Team. Mr. Nisley responded that the consensus of the Management Team was to support the Compensation Policy.

Ms. Clark asked the Board to address the issue of frequency for the follow-up compensation studies. She said that typical best practice is every couple of years so as not to get too far behind the market which would make it fiscally difficult to catch up.

Chair Hege observed that this Compensation Study cost over \$40,000 which is more than the County could afford to do every other year. Ms. Clark explained that this level of work would not be necessary for the follow-up studies; they could expect for it to cost in the neighborhood of \$6,500 - \$7,500. Mr. Stone suggested adding language that sets a general goal.

Commissioner Runyon expressed his surprise that there were not more questions from the Management Team. Mr. Stone responded that this was started at the Team Level and has been an open process within that Team. Ms. Clark observed that in 29 years in this field, she has never seen such a high level of transparency – this has been robust, comprehensive and employee-involved. Mr. Nisely concurred, saying that Mr. Stone has done an amazing job of pushing this out and involving management in the process.

Commissioner Runyon asked if they had reviewed similarly titled jobs that actually have different skills and responsibilities. Ms. Clark replied that they reviewed that extensively to be sure they were comparing apples to apples, including the number of hours worked and whether or not the position fell under PERS.

Commissioner Kramer asked about the dissemination of pay program. Ms. Clark stated that the question was whether or not the Administration would be asking employees to talk or not. While County pay levels are public information, the

Policy also recognizes that individuals do not have to talk about their pay if they choose not to do so.

Chair Runyon asked if the Policy being presented for approval is just the groundwork for implementation. Mr. Stone responded affirmatively saying that the Policy will guide Wasco County as they move forward; it gives him the authority to implement. He said they will now begin to look at pay. He added that this is a non-represented policy; he and Ms. Clark will present the policy to the unions today to start that process.

Ms. Clark stated that the next step will be pay ranges along with how to implement the Policy with existing employees taking into consideration the available resources.

Chair Hege stated that he wants to be clear about equity in implementation between existing employees and new-hires. Mr. Stone said they are looking at the pros and cons of the available options; there is not money to make all the changes at once. Ms. Clark interjected that she has recommended implementation begin with the most egregious differences.

Mr. Nisley stated that the reason this is a policy and not an ordinance is so that it allows for changes in response to new information. He expressed his confidence that the Policy is the best possible. Chief Legal Secretary Elizabeth Osborne added that the Policy may not be popular with everyone, but every effort was made to be thorough, fair and equitable.

Sheriff's Deputy Jeff Hall interjected that it is a big day for the unions – while it is easy for the shift workers to judge without knowledge, it is important that they understand that the managers have worked hard and thoughtfully on this. He said there will be some different questions from the unions, but he anticipates that there will be the numbers to support it.

Deputy Hall said that the problem that might arise is the language that leaves an open time period for the follow-up studies; if the unions move away from cost of living allowances (COLA), they will probably not be comfortable with that open time period.

Mr. Stone expressed his opinion that the County has invested in a five-year process to bring this Policy to life; it is important to keep it up-to-date to protect that investment. Ms. Clark added that if the County falls behind the market in any significant way, they risk losing good employees. She stated that in regards to COLA, the market generally surpasses COLA increases. As an example she observed that in 2012 the market increase for IT positions was 12% while the COLA was only 1.8%.

*****The Board was in consensus to set the time period goal for follow-up market studies at 2 to 3 years.*****

Chair Hege asked about year by year adjustments. Ms. Clark replied that there are steps; if an employee is performing competently, they will be eligible for the next step. The pay ranges are tied to the market.

Mr. Stone said that now that they are through the Policy process they can move onto implementation of the program. He observed that the beauty of the program is how it takes into account the market piece as well as the performance piece – employees can earn incremental increases based on performance and continued performance. An average employee will be mid-range; high performers will get more. Under today's system, a 30 year employee could be stuck at step 6 with only COLA increases; the new program will tie them to the market, provide steps and an incentive to perform.

Commissioner Runyon asked who would be making those decisions. Mr. Stone said that is yet to be determined. The Management Team will be working on that – they will have department specific items to consider and Administration will address organizational items. Part of that will be a review of the performance evaluation process. The team will also have to look at available resources. He predicted it will take a couple of years to fully implement.

Facilities Manager Fred Davis said that the policy will also need to be maintained with regular reviews.

Chair Hege expressed his appreciation for the Management Team's work and emphasized the need to support the Policy they have created so as to mitigate any implementation difficulties.

Deputy Hall noted that the worst case scenario is that an employee will learn they have been paid appropriately.

Mr. Stone agreed saying that no one's pay will be reduced as a result of the new policy. Those that learn they have been paid appropriately will still have an opportunity to increase their pay through the performance component.

{{{Commissioner Kramer moved to approve the Wasco County Compensation Policy. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege adjourned the session at 2:01p.m.

Summary of Actions

Motions Passed

- To retroactively honor the DDA stipend as it was budgeted for this year and then explore this through the upcoming budget process.
- To approve the Job Description for the Assessor/Tax Collector.
- To approve the Special Transportation Fund Discretionary Grant Application.
- To approve Order #14-020 with submitted revisions in the matter of accepting vacation of an interior lot line between lot 10 and lot 11, block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition, and adopting findings of fact contained in PLALLV-14-01-0001.
- to approve order #14-019 in the matter of adopting the City of The Dalles Land Use and Development Ordinance No. 98-122 as amended by the City of The Dalles.
- To approve 2014 Revised Veterans Services Advisory Committee Bylaws.

- To approve Resolution #14-003 in the matter of approving rate increases for the Wasco County Landfill.
- To approve Resolution #14-004 in the matter of approving rate increases for the Mel's Sanitary, Inc. with a correction of the name to Mel's Sanitary Service, Inc.
- To approve Resolution #14-005 in the matter of approving rate increases for the Waste Connections.
- To approve Order #14-021 in the matter of the appointment of Daliea Thompson to the Wasco County/The Dalles Museum Commission.
- To approve Order #14-022 in the matter of the appointment of Patricia Neal to the Wasco County/The Dalles Museum Commission.
- to approve the Consent Agenda:
 - 2.5.2014 Regular Session Minutes
 - Dog Ordinance Disposition Order #14-018
- To approve the Wasco County Compensation Policy.

Consensus

- To move forward with the process for appointing an Assessor.
- To send the letter of support to MCEDD for the Attainable Housing initiative in the North Central/Mid-Columbia region.
- To move forward with exploring how much funding could be made available for the LiDAR mapping.
- To have Mr. Stone's position title remain "Administrative Officer.
- That the Administrative Officer would review and approve pay actions followed by a review and approval by the Finance Manager. If

that process changes in the future, it will require amending the Compensation Policy.

- **To set the time period goal for follow-up market studies at 2 to 3 years.**

WASCO COUNTY BOARD
OF COMMISSIONERS



Scott Hege, Commission Chair

Absent

Rod Runyon, County Commissioner



Steve Kramer, County Commissioner

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
FEBRUARY 19, 2014

DISCUSSION LIST

ACTION AND DISCUSSION ITEMS:

1. [District 21 Real Property Transfer](#) – Tyler Stone
2. [Oregon Clear Fuel Letter of Support](#) – Scott Hege
3. [DDA Salary Adjustment](#)
4. [Treasurer's Report](#)
5. [Assessor's Position](#) – Scott Hege

Discussion List Item
District 21 Real Property Transfer

- [Cover Letter – Dick, Dick & Corey](#)
- [Bargain and Sale Deed](#)

DICK, DICK & COREY, LLP

WILLIAM G. DICK II
JASON R. COREY

ATTORNEYS AT LAW
601 WASHINGTON STREET
THE DALLES, OREGON 97058
(541) 296-2152

WILLIAM G. DICK (1916-1992)
EDGAR M. DICK (1924-1986)
ROGER L. DICK (1922-2010)

January 23, 2014

HAND DELIVERED

Tyler Stone
Administrative Officer
Wasco County
511 Washington Street Ste 101
The Dalles, OR 97058

Re: Wasco County - School District 21 Real Property Transfer

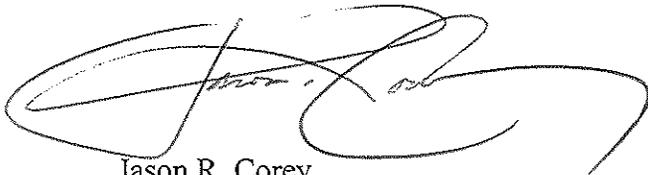
Dear Tyler:

Enclosed please find the Bargain and Sale Deed for the real property the County desires to transfer to District 21. It is my understanding that transfer of this property requires a resolution of the Wasco County Board of County Commissioners. As a result, I have drafted the Bargain and Sale Deed in such a way that affirmatively states that the transfer has been authorized by that resolution.

I spoke to Eric Nisley about the steps necessary to accomplish that resolution. He suggested that I send the deed to your office so that your staff can prepare that resolution for the Board of County Commissioners to pass authorizing Scott as chair to sign the deed. I have also included a signature line for Eric Nisley to sign approving the deed as to its form in his capacity as County Counsel. Once the Commissioners have passed the resolution and Scott has signed the deed, please return it to my office and I will arrange for its recording.

If you have any questions, please feel free to contact me.

Yours truly,



Jason R. Corey

JRC:kjn

Enclosure

Grantor's Name and Address:

Wasco County
511 Washington Street
The Dalles, OR 97058

Grantee's Name and Address:

North Wasco County School District No. 21
3632 W. 10th Street
The Dalles, OR 97058

After recording return to:

DICK, DICK & COREY, LLP
601 Washington St
The Dalles, OR 97058

True and actual consideration:

\$0.00; However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

Until a change is requested all tax statements shall be sent to:

North Wasco County School District No. 21
3632 W. 10th Street
The Dalles, OR 97058

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That **WASCO COUNTY, STATE OF OREGON**, hereinafter called the grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **NORTH WASCO COUNTY SCHOOL DISTRICT NO. 21**, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of **Wasco** and State of Oregon, described as follows, to wit:

A tract of land in the Southwest Quarter of Section 29, Township 2 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon, more particularly described as:

Beginning at a Point marked by a 1" iron pipe which is 457.36 feet South and 803.52 feet East of the West ¼ Corner of said Section 29, said iron pipe also marks the Northwest Corner of that tract of land conveyed by Fannie D. Emerson to the State of Oregon in Wasco County Deed Volume 116 Page 625 and lies on the East right-of-way line of West 13th Street;

Thence along said West right-of-way line North 0° 02' 12" West 60.73' to the South line of that tract of land conveyed by Charles A. Harth to Henry P. Fick in Wasco County Deed Volume 83 Page 540;

Thence along said South line South 89° 55' 22" East 387.12 feet to a 1" iron pipe which marks the Southeast Corner of said Fick tract, also described as being 30' West of the West line of the John Irvine Donation Land Claim;

Thence parallel with said West line of the Irvine Donation Land Claim South 0° 05' 00" East 60.73 feet to the Northeast Corner of the aforementioned tract conveyed to the State of Oregon;

Thence along the North line of said tract North 89° 55' 22" West 387.17' to the Beginning Point.

By this reference made a part hereof is the Survey filed in Wasco County Survey Book 18 Page 032 depicting the above-described tract of land.

Containing 0.54 Acres

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **\$0.00**; However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

///

///

IN WITNESS WHEREOF, the grantor has caused its name to be signed by its Chairman duly authorized thereunto by resolution of the Wasco County Board of County Commissioners this ____ day of _____, 2014.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WASCO COUNTY

By _____
Scott Hege, County Commissioner Chair

APPROVED AS TO FORM:

By _____
Eric J. Nisley, County Counsel

STATE OF OREGON)
) ss.
County of Wasco)

Personally appeared **Scott Hege**, who, being duly sworn, did say that he is the County Commissioner Chair for Wasco County Board of County Commissioners and that said instrument was signed in behalf of Wasco County by authority of its resolution as Board of County Commissioners and acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon
My commission expires _____

Discussion List Item
Oregon Clean Fuels Program

- [Hilltop Public Solutions Email Request](#)
- [AOC Support of SB #488](#)
- [CFP Fact Sheet](#)
- [DEQ Fact Sheet](#)
- [Public Opinions Compiled by Oregon
Environmental Council June 2013](#)
- [Wasco County Letter of Support – Long Version](#)
- [Wasco County Letter of Support – Short Version](#)



Kathy White <kathyw@co.wasco.or.us>

Fwd: Oregon Clean Fuels Program

Scott Hege <scotth@co.wasco.or.us>
To: Kathy White <kathyw@co.wasco.or.us>

Wed, Jan 29, 2014 at 1:59 PM

Kathy:

Can you include this item on our discussion list for next week's meeting?

Thanks,

Scott

----- Forwarded message -----

From: **Colin Cochran** <ccochran@hilltoppublicsolutions.com>
Date: Mon, Jan 13, 2014 at 12:39 PM
Subject: Oregon Clean Fuels Program
To: ScottH@co.wasco.or.us

Hello Commissioner Hege:

In a rare departure, this is not a wind energy related email! I left you a message last week about work I am doing around the Clean Fuels Program (a state program designed to encourage the development of alternative fuels) and here is the additional information I promised.

We are hoping to be able to work with you and the Board to get a letter into Senator Hansell discussing the economic benefits of the program. Given the fact that agricultural and the forest industry stand to benefit through the creation of a robust alternative fuel sector (agricultural/forest product waste is an important feedstock for biofuel), a letter from Wasco County would be very powerful. **The Association of Oregon Counties supports this program and we hope we can work with you as well.**

I lay out the general issue below. Attached, also please find:

- A general fact sheet
- Testimony from the Association of Oregon Counties in support of the bill
- A one pager outlining price/consumer protection prices within the program
- A document highlighting support for the program around the state
- A sample letter to Senator Hansell

What Is the Clean Fuels Program

Created in 2009, the Clean Fuels Program requires oil companies to reduce carbon pollution from their gasoline and diesel fuel by 10% over 10 years. By gradually adding homegrown clean fuels such as sustainable biofuels, electricity, natural gas, and propane into our transportation mix, we will support our local economy, create new jobs, cut carbon pollution, and lessen our dependence on Big Oil.

How the Clean Fuels Program Helps Oregon

- **It will increase Oregon dollars and support Oregon jobs.** Oregon doesn't produce or refine oil, which means we spend more than \$6 billion a year importing gas and diesel from multinational oil corporations. Instead, we should sustain our economic recovery by supporting jobs and keeping energy dollars here in Oregon, which the Clean Fuels Program will help us do.
- **It spurs economic investment.** The program strengthens the market for clean fuels and will continue to draw new business investments and growth to Oregon. The program supports: clean fuels companies such as Pacific Biodiesel and ZeaChem with an Oregon presence; industries that provide forestry and agricultural material and components for new fuels; and the construction companies that will build and expand existing production facilities.
- **It creates jobs.** Investment in Oregon businesses means the creation of Oregon jobs. According to an independent economic analysis by Jack Faucett Associates, the Clean Fuels Program can create as many as 29,000 jobs, which is a big win for our economy.
- **It will help lower gas prices.** In the last 10 years fuel costs for Oregonians have nearly doubled, and we're already paying higher than average prices for gasoline, a fact that hurts family and business. We pay even more when there is a problem in the production chain like a refinery fire. Creating more homegrown fuels that are less expensive will lower prices, saving Oregonians as much as \$1.6 billion in fuel costs while protecting us against price shocks.

Contact Senator Hansell Today

A "sunset" was built into the Clean Fuels Program that will end the program in 2015 unless the Legislature acts. Should the program end, Oregon families, businesses, and communities will never realize the economic opportunities and cost savings that can be achieved with clean fuels.

Please contact Senator Hansell today to share your thoughts on the economic value of CFP and the positive benefit that the program has on your community.

A sample letter is attached for your consideration. Please personalize it as you see fit.

Once you are happy with the language, please email your letter to the Senator at Sen.BillHansell@state.or.us

It is important that we have copies of your email for our records. If you can either blind copy me on your email or forward your email once it's sent to ccochran@hilltoppublicsolutions.com, we would be very appreciative.

We are trying to move quickly so if you have any questions or need help, please let me know. I have also attached some additional documents for further reference.

Thank you so much for considering sharing your opinion about the economic value of the Clean Fuels Program, and I look forward to hearing from you soon.

All the best,

Colin Cochran

503.464.6011

Fax: 503.465.3818

SB 488
Emily Ackland
Environmental Policy Manager
March 18th, 2013

I am here on behalf of the Association of Oregon Counties speaking in support of SB 488, which would remove the sunset on the Clean Fuels Program, first adopted in 2009.

Counties are continuing to look for ways to grow Oregon's economy. The list of businesses and organizations that support Oregon's efforts in this regard are plentiful. We want to continue to enable more businesses in the renewable fuels sector to expand or invest newly in Oregon. Removing the sunset on the Clean Fuels Program will send the message to the industry that Oregon wants their business into the future. The current sunset (2015) is a disincentive.

We believe that since many "clean" fuels are cheaper than oil, are becoming more plentiful, and are likely to benefit rural Oregon with new business opportunities, such as the utilization of biomass and its conversion to renewable fuel, this is an important next step in our pursuit for locally developed energy. Counties want to see healthy forests and to put people in the woods back to work. Utilizing biomass from our forests, for fuels or thermal energy, is a win for us all.

The Clean Fuels Program is an economic development tool. Counties support the continuation of the state's work on the Program to create jobs, support existing businesses, and bring new employers into Oregon. SB488 and the removal of the sunset on the Program is a crucial step.

Homegrown fuels, dependable jobs, and smarter choices for Oregonians

Why We Must Act

Doing nothing is the most expensive option

Oregon has no control over oil markets, which makes our state's economy vulnerable to price spikes from geopolitical unrest or supply disruptions like the 2012 fire that shut down a Washington State refinery and caused Oregon gas prices to jump 18 cents.

In 2012, Oregonians sent more than \$6 billion out of state importing gas and diesel. We're running out of "conventional" petroleum, and new sources—such as tar sands—are more expensive, dirtier, and more dangerous to extract. Air pollution from tailpipe emissions hurts our health and contributes to cancer and heart and lung diseases. Here in Oregon, transportation accounts for the largest share of our annual greenhouse gas emissions, and climate impacts threaten our drinking water, agriculture, coastal communities, and health.

Economic Benefits

Saving drivers money, creating jobs

- Oregonians would save up to **\$1.6 billion in fuel costs**, putting more money back in the pockets of working families and local businesses.¹
- **Between 800 and 29,000 jobs could be created**, especially benefitting the construction industry.
- **Personal income could grow up to \$2.6 billion.**²
- The Gross State Product could increase by as much as \$2.1 billion. Oregon's **trade balance will improve** if we create opportunities for investment in locally produced fuels.³

Advantages of the Clean Fuels Program

- Substantially reduces global warming and other air pollution associated with transportation fuels
- Creates a market for clean, local fuels that will create jobs throughout the state
- Includes protections to ensure consumers don't pay more at the pump
- Encourages innovation by not locking us in to specific fuel types
- Allows businesses to choose most flexible, lower cost options

The Clean Fuels Opportunity

There are better options for a stable economy and cleaner air

In 2009, the Oregon Legislature authorized the Clean Fuels Program, which requires that our transportation fuels become cleaner and 10% less carbon-intensive over time. It creates demand for sustainable biofuels, electric vehicles, natural gas, and other clean, low-carbon fuels. Many innovative fuel companies have been drawn to Oregon by this rule and are already investing in the state. The program will help Oregon diversify transportation fuel supplies, spur demand for local products (including forestry and agricultural materials and Oregon's burgeoning electric vehicle industry), create jobs, and reduce oil dependence. Many of these fuels are lower cost than oil, and the Clean Fuels Program will help scale up the infrastructure needed to make more of these fuels available.

Continued Support

Nearly 120 businesses and organizations support the Clean Fuels Program. However, multinational oil companies are trying to stamp out this innovative initiative. The Clean Fuels Program is set to expire in 2015, cutting off Oregon from the potential benefits. Please help us speak to the value of the Clean Fuels Program.

¹ Economic Impact Analysis of the Low-Carbon Fuel Standard Rule for the State of Oregon. Jack Faucett Associates, Inc. January, 2011. <http://www.deq.state.or.us/eq/committees/docs/lcfs/appendixDeconimpact.pdf>

² Ibid.

³ Ibid.



State of Oregon
Department of
Environmental
Quality

Air Quality Division
811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-5388
(800) 452-4011
Fax: (503) 229-5850
Contact: Cory Wind
www.oregon.gov/DEQ

Clean Fuels - Consumer Protection Measures

Oregon Clean Fuels Program Deferrals

The 2009 Legislature passed House Bill 2186, establishing the Clean Fuels program. In this legislation, the Legislature included a consumer protection measure to ensure that the program would protect consumers from potential fuel supply shortages or price increases.

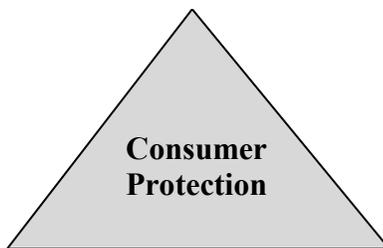
This white paper outlines how the consumer protection measures would function if the Legislature lifts the sunset to fully adopt the Clean Fuels Program.

Three Consumer Protection Measures

There are three types of deferrals that would address the potential effects of fuel supply shortages and price increases:

- **Forecasted deferral** (*prevents a fuel supply shortage in the next year*);
- **Emergency deferral** (*responds to an unanticipated short term fuel supply shortage*);
- **Fuel price deferral** (*reduces or suspends requirements that cause price increases while adjustments are made to address the underlying causes*).

Forecasted deferral
(prevent fuel shortages)



Emergency deferral
(respond to fuel outages)

Price deferral
(adjust program)

The consumer protection measures are designed to ensure that as Oregon transitions to a lower-carbon fuel infrastructure, the cost of doing so will not adversely affect consumers.

Deferral for forecasted shortages in low carbon fuels

The purpose of this deferral is to prevent fuel shortages by suspending or modifying the low carbon fuel standard as needed if DEQ finds there will be an inadequate supply of low carbon fuels. Each year, DEQ would conduct a forecast of current and expected low carbon fuel supplies,

determine the availability of credits and evaluate whether the program goals can be met. If DEQ's evaluation shows that standards cannot be met, DEQ would modify the compliance obligations of the program accordingly based on the nature of the potential fuel shortage. DEQ would implement this deferral in advance by issuing a deferral order.

Deferral for emergency shortages in low carbon fuel

The purpose of this deferral is to respond to emergency disruptions in the existing fuel supply attributed to unanticipated production or transportation problems. For example, if there was a failure at a major production facility of low carbon fuels, DEQ would analyze the impact of the disruption, the standard and the number of available credits. If fuel suppliers could not comply with the standard, then DEQ would quickly modify the compliance obligations.

Deferral for increased fuel price due to the Clean Fuels Program

The purpose of this deferral is to protect Oregon fuel consumers by ensuring that the price of fuel in Oregon remains competitive with neighboring states. Each month, DEQ will compare Oregon's fuel prices to comparable prices in neighboring states. If Oregon's fuel prices are more than 5% higher than neighboring states, DEQ will investigate price trends and other factors to see if the price changes can be explained. If the Oregon Clean Fuels program were found to be the cause of the increasing price trend, DEQ would recommend that the Environmental Quality Commission modify the compliance obligations of the program to mitigate the cost increase until the underlying cause is corrected.

Timing of deferrals

DEQ can issue deferrals addressing fuel supply problems quickly (within a few days to weeks), without Environmental Quality Commission action. A fuel price deferral would require commission approval. If necessary, the EQC could call a special meeting within a few days to issue a deferral based on fuel price.

For more information please contact:
Cory Ann Wind (503) 229 5388

Alternative Formats

Alternative formats of this document can be made available. Contact DEQ's Office of Communications & Outreach for more information at (503) 229-5696.

Oregonians Speak Up for Clean Fuels

“We spend hundreds of billions of dollars fighting wars in distant lands, our economic stability is threatened by volatile oil prices, and we suffer from pollution throughout our communities—all to ensure we have a steady supply of gas...This July, even as the fireworks fade, let us rededicate ourselves to creating a clean new fuels future, one free of foreign control.”

-Paul Evans, a former mayor of Monmouth and a veteran of the wars in Iraq and Afghanistan, as quoted in The Register Guard

“Inevitably, we will hear a long list of reasons why rewarding the producers of clean alternatives to oil is a bad idea. And equally inevitably, the opposition can be traced to an obvious source: **the oil industry, which is bound and determined to keep us dependent on its product.** Don't be fooled. Our state is already a hub for clean technology companies, and this program will keep money and jobs in our communities, rather than exporting them to other states or countries.”

-Chris Dennett, director of the Pacific Northwest chapter of Environmental Entrepreneurs (E2), as quoted in The Oregonian

“The Clean Fuels Program **does not rely on any taxpayer revenues. It does create market certainty and a platform for private sector investments.** Knowing there is a stronger demand for clean fuels on the horizon will spur development and investment in Oregon. With rising petroleum prices and continued unrest in the Middle East, it's time for Oregon to get serious about capturing the benefits of a diversified transportation fuel economy.”

-Gavin Carpenter, director of sales for SeQuantial-Pacific Biodiesel, a Salem-based firm, as quoted in The Oregonian

“**The Clean Fuels Program is also an excellent economic development tool for Oregon.** It will create opportunities for new jobs through the production of clean fuels, often using advanced fermentation processes I know a little something about. **The program is good for new enterprise as well as Oregon's existing climate-sensitive industries like wineries, agriculture, fisheries, forestry and skiing.** We simply can't afford not to support this program. Let's show that the essence of Oregon is alive and well in our legislature and make sure the Clean Fuels Program moves forward.”

-Sam Tannahill, co-founder of A to Z Wineworks in Newberg, as quoted in the Newberg Graphic

“The sunset on the clean fuels program is creating an unnecessary barrier to investment in green energy and thus stifling job creation. I believe we cannot let big oil companies dictate our environmental and economic future. By passing the clean fuels program, Oregon can help lead the way toward energy independence and environmental well-being, protecting its natural beauty while providing an economic stimulus to our state.”

-Alasdair Neilson, a resident of Portland, as quoted in the Portland Tribune

“[O]ne of the program's benefits could be to **'give a boost to Oregon's nascent biofuels industry.'** That would be especially true in rural areas. As County Commissioner Joe Laurance has pointed out, Douglas County has virtually unlimited potential for job creation, energy production, and biofuels for years to come because of its abundant supply of biomass.”

-Polly Stirling, a resident of Roseburg, as quoted in NR Today

“Since California enacted its low carbon fuel standard, Clean Energy—the largest purveyor of natural gas as a vehicle fuel in the nation—has grown from about 270 to nearly 1,000 employees in California as we've built new fueling infrastructure for California's nearly 37,000 natural gas-powered vehicles. We're not alone. **Virtually every type of alternative fuel is investing heavily in California because it has become an attractive place for investment due to the low carbon fuel standard. Clean Energy is eager to invest in Oregon, as well.** But the sunset creates regulatory uncertainty and makes us wary to invest beyond our two existing fueling stations that will soon be open to the public in Oregon in Stanfield and Central Point. Lifting the sunset will guarantee more investment in Oregon.”

-Spencer Richley, policy and regulatory associate with Clean Energy Fuels, as quoted in Sustainable Business Oregon

“I've seen the oil industry use scare tactics to make consumers wary of alternative sources of energy. It's not surprising that they're using the same approach here in Oregon, claiming that a cleaner fuel would mean sticker shock at the pump. Nothing could be further from the truth, as **several of the fuels that will be used to meet the program requirements—including natural gas, propane, ethanol, biodiesel and electricity—are actually cheaper than gasoline and diesel at today's prices.**”

-Gregg Semler, president and CEO of Lucid Energy, a Portland-based firm, as quoted in The Oregonian

“During my time as an Infantry Officer in the U.S. Army, I witnessed the national security threats posed by our dependence on oil when I was deployed to Mosul, Iraq....The success of programs like the CFP will drive innovation in the advanced biofuels, electric vehicle, biogas and other clean fuel industries and develop a movement towards clean energy. **By promoting investment in low carbon fuels, the Clean Fuels Program does more than just boost our economy—it helps keep America safe.**”

-Nate Sandvig, a spokesman for Operation Free, as quoted in the Statesman Journal

“As we expand, however, we're investing initially in California, not Oregon. Why? Because the market for cleaner, lower-carbon fuels is secure in California under its innovative low-carbon fuel standard. **The market in Oregon is far less certain because of the looming sunset on a similar low-carbon fuel standard**—the Clean Fuels Program—that has yet to get off the ground.”

-Paul Koehler, vice president of Pacific Ethanol which has a plant located in Boardman, as quoted in The Oregonian

“[The oil industry doesn't] want a true marketplace or local production that would build strong momentum for alternatives. They would rather our addiction to the Mideast oil-based economy go on forever, even as their monopoly fuel prices get higher and higher and our hard-earned dollars are shipped overseas....**Our energy security will only come from diversifying our energy supply by relying on local production, especially when it can be made from the residues from our farm fields and forests.**”

-Harrison Pettit, a resident of Hermiston, as quoted in the East Oregonian

“**[O]ffering consumers additional energy choices will actually exert downward pressure on prices by breaking the oligopoly of the handful of companies with the means to extract and refine oil.**”

-Alex Wall, a resident of Portland, as quoted in The Oregonian

“**Oregon's Clean Fuels Program is both flexible and realistic** and could go a long way toward installing Oregon in the U.S. vanguard of environmental leadership, which could be a boon to our economy.... Aren't we all supposed to be working together toward a reduced dependence on fossil fuels for our children's sake?”

-Rachel Kingsley, a resident of Roseburg, as quoted in NR Today

“**The only independent economic analysis conducted, by Jack Faucett Associates, found the program would actually lower prices. This is supported by the basic economic theory that monopolies drive up prices, while increased consumer choice lowers prices.** More options at the pump are a no-brainer win for Oregonians and their pocketbooks. It's time to break Big Oil's stranglehold on Oregon drivers by giving clean fuels the level playing field they need to succeed.”

-Jim Houser, co-owner of Hawthorne Auto Clinic in Portland and co-chair of the Main Street Alliance of Oregon, as quoted in The Oregonian

“**[I]f SB488 does not pass, the CFP will go away and so will some of these job-creating companies.** Lacking investment, start-ups will have a tough time making a go of it. And the more established, **job-creating companies will simply take their businesses elsewhere, to a state that has more clean-fuel-friendly policies.**”

-Jennifer Allen Newton, a Hillsboro resident and president of Bluehouse Consulting Group, Inc., as quoted in the Hillsboro Argus

“How high do the prices have to be before we change to a renewable and more reasonably priced energy source? By adopting the Clean Energy Program, SB 488, we can switch to biodiesel, electricity, ethanol and propane, which are all more viable alternatives that can replace our use of oil. These options have less impact on the planet and the wallet. Not only are they cheaper and better for the environment, they also create jobs in Oregon. **The Clean Fuels Program should be adopted by Oregon's legislators to maintain a happy planet and happier Oregonian consumers.**”

-Meghan Payne, a resident of Oregon City, as quoted in the Hood River News

“We cannot pretend that climate change and our collective role in causing it do not exist. **Instead, we can do the patriotic and responsible thing and support policies that both help lower our greenhouse gas emissions and help grow the Oregon economy. The Clean Fuels Program is this common sense policy.**”

-Nik Blosser, chair of the Oregon Business Association, as quoted in the Portland Business Journal

Quotations compiled by Oregon Environmental Council June 2013 from opinion pieces and letters to the editor published in Oregon newspapers over the last year. For more information, contact Angela Crowley-Koch.



WASCO COUNTY

Board of County Commissioners

511 Washington Street, Suite 302
The Dalles, Oregon 97058-2237
(541) 506-2520
Fax: (541) 506-2521

Scott Hege, *Chair of the Board*
Rod Runyon, *County Commissioner*
Steve Kramer, *County Commissioner*

The Honorable Bill Hansell
900 Court Street NE, S-423
Salem, OR 97301

February 19, 2013

Dear Senator Hansell,

We write to you today in support of the positive economic impacts of Oregon's Clean Fuel Program (CFP). This is an important program for Oregon's economy, and I do hope you will carefully consider the positive benefits of the CFP as talks continue around lifting the 2015 sunset.

Like other counties in your district, we are a natural resource based community. Agriculture and forest products continue to play an important economic role in our county and we are always looking for ways to bolster those existing businesses while identifying new opportunities to grow our regional economy. The CFP can help in those efforts.

As you are well aware, our state does not produce or refine oil, leading to higher than average gas prices and leaving our economy vulnerable to price spikes when there is disruption in the supply chain. This hurts individuals and families at the pump, as well as businesses. By supporting the development of cleaner, cheaper, locally sourced fuels, CFP will lighten the burden that Oregon consumers pay at the pump.

CFP will not only reduce how much we spend on fuel, it will help ensure that what we spend benefits our Oregon economy. We send vast sums of money, more than \$6 billion a year, out of state to import gas and diesel. I think we all can agree that if that money could be invested here in Oregon in ways that would support Oregon businesses and communities, that would be money better spent.

Spurring Oregon economic development and new business investment is exactly what CFP has done and will continue to do if the program continues. It has created a market for clean, homegrown fuels that businesses are ready to fill. The industry sectors that stand to gain from a robust clean fuel industry here in Oregon extend well beyond producers of biofuels, propane and other low carbon fuels. Demand for agriculture and forestry products for fuel feedstock will help both those sectors; the need to build and/or expand production facilities will help the construction industry; and all businesses, especially those with substantial transportation requirements, will benefit from savings resulting from lower fuel costs.

If allowed to continue, CFP will be an engine of job growth and economic development for Oregon, and we encourage you to think about the economic opportunity inherent in this program as you ponder the future of CFP.



WASCO COUNTY

Board of County Commissioners

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Scott Hege, *Chair of the Board*

Rod Runyon, *County Commissioner*

Steve Kramer, *County Commissioner*

California has an established market for clean fuels and new technology thanks to their low carbon fuel standard. And Washington is likely to move forward with approving a similar program of their own. We have a head start on Washington and an opportunity to compete with California if we act now. There are jobs and economic development dollars to be had—and continuing the CFP will help Oregon capture those opportunities.

Sincerely,

Wasco County Board of Commissioners

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steve D. Kramer, County Commissioner



WASCO COUNTY

Board of County Commissioners

511 Washington Street, Suite 302
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Scott Hege, *Chair of the Board*
Rod Runyon, *County Commissioner*
Steve Kramer, *County Commissioner*

The Honorable Bill Hansell
900 Court Street NE, S-423
Salem, OR 97301

February 19, 2013

Dear Senator Hansell,

Wasco County is in support of the positive economic impacts of Oregon's Clean Fuel Program (CFP). As a natural resource based county, we hope you will carefully consider the benefits of the CFP as talks continue around lifting the 2015 sunset.

Oregon's Clean Fuel Program:

- *Creates jobs*
- *Supports the development of cleaner, cheaper, locally sourced fuels*
- *Reduces the price Oregon consumers and businesses pay at the pump*
- *Invests in Oregon's economy*
- *Benefits other Oregon industries*
 - *Agriculture*
 - *Forestry*
 - *Construction*
 - *Businesses with transportation requirements*

California has an established market for clean fuels and new technology thanks to their low carbon fuel standard. And Washington is likely to move forward with approving a similar program. We have a head start on Washington and an opportunity to compete with California if we act now. There are jobs and economic development dollars to be had—and continuing the CFP will help Oregon capture those opportunities.

Sincerely,

Wasco County Board of Commissioners

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

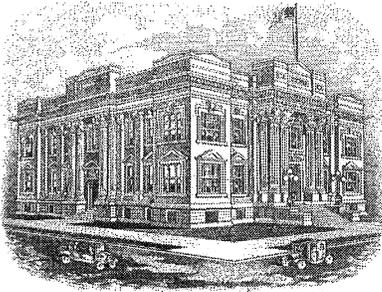
Steve D. Kramer, County Commissioner

Discussion List Item
DDA Salary Adjustment

- No documents have been submitted for this item – RETURN TO AGENDA

Discussion List Item
Treasurer's Report

- [January 2014 Report](#)
- [February 2014 Report](#)
- [February 2013 Report](#)



WASCO COUNTY

Finance Department

Treasury
Chad Krause
Treasurer

Suite 206
511 Washington Street
The Dalles, Oregon 97058-2268
(541) 506-2772
Fax (541) 506-2771

January 10, 2014

TO: Wasco County Board of Commissioners

FROM: Chad Krause, Wasco County Treasurer

RE: Monthly Financial Statement

As of January 1, 2014, Wasco County had cash on hand of **\$25,045,209.90**

Funds on deposit at US Bank (a qualified depository for public funds under ORS 295):

\$ 2,613,441.32

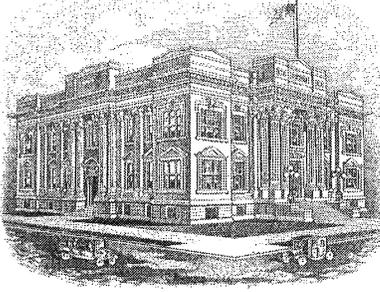
Funds available to earn interest do so at the annualized rate of 0.005%

Funds on deposit in the Local Government Investment Pool:

\$ 22,431,768.58

Funds available to earn interest do so at the annualized rate of 0.5400%

Total outstanding checks of Wasco County: \$739,062.47



WASCO COUNTY

Finance Department

Treasury
Chad Krause
Treasurer

Suite 206
511 Washington Street
The Dalles, Oregon 97058-2268
(541) 506-2772
Fax (541) 506-2771

February 10, 2014

TO: Wasco County Board of Commissioners
FROM: Chad Krause, Wasco County Treasurer
RE: Monthly Financial Statement

As of February 1, 2014, Wasco County had cash on hand of **\$22,232,977.84**

Funds on deposit at US Bank (a qualified depository for public funds under ORS 295):

\$ 2,113,640.60

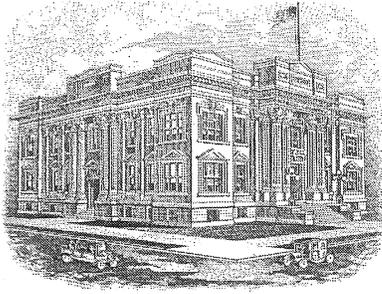
Funds available to earn interest do so at the annualized rate of 0.005%

Funds on deposit in the Local Government Investment Pool:

\$ 22,232,977.84

Funds available to earn interest do so at the annualized rate of 0.5400%

Total outstanding checks of Wasco County: \$170,840.82



WASCO COUNTY

Finance Department

Treasury
Chad Krause
Treasurer

Suite 207
511 Washington Street
The Dalles, Oregon 97058-2268
(541) 506-2772
Fax (541) 506-2771

February 8, 2013

TO: Wasco County Board of Commissioners
FROM: Chad Krause, Wasco County Treasurer
RE: Monthly Financial Statement

As of February 1, 2013, Wasco County had cash on hand of **\$22,288,869.92**

Funds on deposit at US Bank (a qualified depository for public funds under ORS 295):

\$ 1,203,529.40

Funds available to earn interest do so at the annualized rate of 0.005%

Funds on deposit in the Local Government Investment Pool:

\$ 21,085,340.52

Funds available to earn interest do so at the annualized rate of 0.600%

Total outstanding checks of Wasco County: \$192,297.87

Discussion List Item Assessor's Position

- [Assessor's Job Description](#)
- [Possible Assessor Replacement Process](#)
- [Appraiser Registration Overview](#)
- [Applicant Notification & Examination Information](#)
- [Application](#)
- [Eligibility Questionnaire](#)
- [Relevant ORS](#)

WASCO COUNTY



Job Description Template

Our Vision

Excellence in Government to best serve the citizens of Wasco County

Mission Statement

The mission of Wasco County Government is to ensure the provision of essential public services in a customer-friendly, forward-thinking and fiscally responsible manner that is open and accessible to all.

Job Title:	Assessor Tax Collector	Department:	Assessor's Office
Reports To:	Elected	Salary Grade:	
Union:	Non-Union	EEO Class:	Officials and Manager
FLSA Classification:	Exempt	Revision Date:	2/3/14

Summary:

This elected position plans, organizes, directs and evaluates the activities of the assessment, appraisal, mapping, tax collection, Personal Property and property disposition functions for the County as prescribed by Oregon Revised Statute and County Policy. This position is responsible for the maintenance of the property tax roll: preparation, mailing, collection, balancing of collections and distribution sheets to the different taxing districts within the county and the maintenance and archiving of the tax roll along with any corrections to the tax roll. The duties also include the collection of delinquent property taxes, the foreclosure of real property taxes and the county manager/agent of the LOIS system for the State of Oregon Building Codes (names changes & relocation of manufactured structures in Wasco County). The duties of the position are mandated by Oregon Statutes Chapter 311, 312, 307, 308, 308A, 309 and 310) along with general supervision by the Oregon Department of Revenue under ORS Chapter 306 and the County Auditor.

Essential Functions (greater than or equal to 10% of time):

- Direct activities of the appraisal, assessment, mapping, tax collection, property management and clerical units of the department.
- Ensure compliance with Oregon Revised Statutes, Department of Revenue and various County policies and procedures.
- Direct the county's cadastral mapping program including tracking ownership changes of property and updating tax lot maps in response to segregation of property via partition plats, subdivision and other divisions of property.
- Direct the appraisal of all real and personal property and process the Oregon Department of Revenue's centrally assessed (public utility) roll for inclusion in the annual assessment and tax roll.
- Preparation of annual assessment and tax roll including calculation of tax liability for every piece of taxable real, personal and centrally assessed (public utility) property in the county and including the printing and mailing of property tax statements to each owner.
- This position is responsible for the collection of property taxes (real, personal and utility) -
Collection times: November 15, February 15, May 15, June 15 (delinquent tax notices), December

15 (delinquent personal property notices), July 15 (foreclosure notices) and day to day collections. This includes the balancing of daily tax collections, monthly, distribution sheets, balancing of the tax roll both collected and uncollected, year-end balancing, any reports the Department of Revenue requests and fees from the LOIS system.

- This position is responsible for foreclosures on delinquent real property taxes and takes deeds to the foreclosed property.
- Ensures that foreclosed properties are sold according to proper procedure.
- This position oversees personal property activities and ensures that personal property tax warrants are generated, mailed and filed with the clerk.
- This position figures the tax roll corrections and/or refunds brought on by the Assessor, or as ordered by the Department of Revenue, Board of Property Tax Appeals, Oregon Tax Court or Oregon Supreme Court.
- Represent the Assessor's Office at meetings and conferences; promotes programs of the department and interpret State statutes and County policies to employees and the public.
- Monitors and directs work performance of departmental employees.
- Maintain standards of efficiency and morale among department employees.
- Confer with the public regarding complaints, problems and requests for information.
- Holds hearings and public meetings.
- Explain or defend assessments and procedures before the Board of Property Tax Appeals, Magistrate and Regular division of Tax Court and Oregon Supreme Court.
- Perform duties of Property Appraiser as workload and staffing needs dictate, or uniqueness of appraisal requires particular expertise.
- Responsible for the upkeep, development, population, and accuracy of the tax and assessment database system.
- Responsible for all departmental administration including:
 - Office procedures, priorities, goals and objectives
 - Management of expenditures
 - Maintenance of records
 - Preparation of reports
 - Preparation of budgets
 - Enforcement of the Administrative & Personnel Code
 - Risk management
 - Training in Bureau of Labor and Industries (BOLI) for the supervisory staff

Secondary Functions (less than 10% of time):

- Prepare news releases as appropriate.
- Meets with legislators and provides County input on the effect of legislation at the County level.
- Long term planning and succession plans including applicable cross training.
- Develop, implement and evaluate short-term departmental goals and programs for departmental operation;
- Establish and maintain department policies and procedures.
- Prepare and submit reports regarding operations and activities as requested or scheduled. Ensure that all new hires, transfers, promotions, layoffs and termination are done in compliance with county personnel policies and civil service rules.
- Attend conferences, schools and seminars to keep informed of property assessment and taxation laws in order to maintain mandated educational requirements.
- Follow all safety rules and procedures established for work areas.
- Ensure employees are provided necessary training.
- Maintain assigned County property and equipment.
- Formulate and present departmental budget for submission to County Manager.
- Monitor and manage fiscal operations of the department to remain within budgetary constraints.
- Perform research for and provide assistance on property and tax matters for County Manager and Legal Counsel.

Scope and Accountability:

- This position is elected and responsible to the public for the accurate and transparent operation of the Assessment and Taxation functions of the County.
- This position is responsible to the County Commission and County Administrator for the general operation and function of the Assessment and Tax Department including county policy and Oregon law.

Supervisory Responsibility:

- Responsible for up to 10 staff.

Knowledge, Skills, and Abilities:

- Thorough knowledge of state and local laws and regulations governing activities of the Assessor's and Tax Office;
- Broad knowledge of principles of taxation and tax structure of the county;
- Some knowledge of the theories, principles and practices of property appraisal;
- General management skills, including public relations, personnel management and fiscal management.
- Equivalent to a four year college education in business administration, economics, finance, or closely related field.
- A graduate degree is preferred.
- At least (6) years' experience in performing residential, commercial, industrial, farm and/or forest property appraisals, at least two of which must include supervisory responsibilities.
- This person should have exceptional computers skills including an advanced understanding of Microsoft Excel and the ability to build and interpret complex spreadsheets.
- Ability to write advanced Sequel queries.
- Possession of a valid Oregon driver's license.
- Must be bondable.

Minimum Qualifications:

ORS 204.016(1)

- Must be a citizen of the United States.
- Must be an elector under the Oregon Constitution. Must be an elector of the County (Or. Constitution Article 6 Section 8)

ORS 204.016(2)

- Is a resident of Wasco County for a minimum of one year preceding the next election.

ORS 204.016(4a)

- The person has qualified as a registered appraiser or is an appraiser trainee. If the person is an appraiser trainee they must become a registered appraiser within two years after taking office.

ORS 204.016(4b)

- The person must have two years of office and accounting experience, including experience in office management activities, or has two years of full-time employment in the office of a county assessor
- Subsection 4a&b above will be certified by the Department of Revenue through an application process. Applicants will need to complete the Oregon Department of Revenue Assessor Eligibility Questionnaire form # 150-800-065 to receive certification of compliance. Form Attached.

Work Environment:

Physical demands on position are minimal involving moving materials, such as books, files, records, equipment, etc., weighing up to 15 pounds.

Specific Tasks Involved:

- Subsection 4a&b above will be certified by the Department of Revenue through an application

APPROVED:

Department Manager

Date

ESSENTIAL FUNCTIONS, PHYSICAL DEMANDS AND WORK ENVIRONMENT CHECKLIST

POSITION:
DEPARTMENT:

BODY MOVEMENTS	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Bend/Stoop			X		
Crouch/Squat		X			
Kneel		X			
Twist			X		
Crawl	X				
Balancing					X
Walk-Level Surfaces				X	
Walk-Uneven Surfaces			X		
Working at Heights	X				
Climb-Ladder	X				
Climb-Stairs/Inclines				X	

Additional Comments: Conducted in typical office environment.

MATERIALS HANDLING	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Lift					
Up to 10 lbs.			X		
11-25 lbs.			X		
26-50 lbs.		X			
51-75 lbs.	X				
Over 75 lbs.	X				

Additional Comments: i.e. Typically lifting files or case of paper and carries short distance.

Carry	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Up to 10 lbs.			X		
11-25 lbs.		X			
26-50 lbs.	X				
51-75 lbs.	X				
Over 75 lbs.	X				

Additional Comments: i.e. Typically carries files or case of paper for short distance.

Push	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Up to 10 lbs.		X			
11-25 lbs.		X			
26-50 lbs.	X				
51-75 lbs.	X				
Over 75 lbs.	X				

Additional Comments: Pushing/Pulling file drawers.

Pull	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Up to 10 lbs.		X			
11-25 lbs.		X			
26-50 lbs.	X				
51-75 lbs.	X				
Over 75 lbs.	X				

Additional Comments: Pushing/Pulling file drawers.

Upper Extremities	Never 0%	Rare 1-5%	Occas. 6-33%	Freq. 34-66%	Cont. 67-100%
Use of Hands					X
Grasp/Grip					X
Pinch/Squeeze				X	
Reach – Overhead			X		
Reach – Shoulder Level				X	
Use of Office Tools					X
Computer Usage					X

Additional Comments: Conducted in typical office environment.

PHYSICAL ENDURANCE	Hours /Day	Comments
Sit	6-8	Able to change pos. freq.
Stand	2-4	
Walk	2-4	On level surfaces
Stand / Walk	2-6	On level surfaces
Overall Job Strength:	Sedentary	

COMMUNICATION	(Mark "X" if critical for job).	
Hearing	X	In person and phone
Vision	X	
Talking	X	In person and phone
Writing	X	Reading. Write legibly.

Additional Comments:

ENVIRONMENT AND EXPOSURES	(Mark "X" if critical for job).	
General Office	X	
Noise Level	X	Ambient
Weather Conditions	X	Outside enviro. occasionally
Airborne Exposures		
Bloodborne Pathogens		
1st Aid/CPR Certificate		

OTHER JOB DEMANDS	Yes/ No	Comments
Independent Judgment	Yes	Reactive and Proactive
Analytical Ability	Yes	
Active Listening	Yes	Attentive
Problem Solving	Yes	
Self Accountability	Yes	
Conflict Resolution	Yes	
Positive Regard for Others	Yes	Team player, Congenial & respectful
Flexibility/Adaptability	Yes	
Public Relations	Yes	
Attention to Detail	Yes	Accuracy required
Time Management	Yes	Organizational skills
Objectivity	Yes	
Leadership Skills	Yes	
Frequent Interruptions	Yes	
Study/Apply New Skills	Yes	
Computer Usage	Yes	Proficiency & competency
Driving	Yes	Travel - multiple worksites
CDL Licensure	No	

<i>Additional Comments:</i>	
Conflict Resolution: May encounter frustrated and/or potentially angry employees; facilitate positive outcome.	
Analyzed By:	Supervisor's Name, Title
Date Reviewed:	

As part of the recruitment/selection or reclassification process, I have been provided with the above list of essential functions and class specification. I certify that I have read and understand the essential functions of this position, and that I am capable of performing each one with or without accommodation. If I need an accommodation to assist in performing any function(s), I have made that known to Human Resources. I understand that if I were to need an accommodation to the essential functions in the future, I will contact Human Resources. I understand that falsification of this certification may constitute grounds for immediate discharge.

Employee's Name (Please print)

Employee's Signature

Date

* * * * *

This entire document with original signatures is to be placed in the employee's personnel file.

Possible Assessor Replacement Process

Wasco County

Develop Informational packet (includes):

- Job description
- Required qualifications (appraiser or required business skills per DOR)
- Information on Dept. of Revenue (DOR) licensing
- Forms for DOR appraiser testing (PD 100H)

Advertise the opening:

- Need to have qualifications to be considered
- Ideally taken and passed the DOR test
- Meet residency requirements

Interview Candidates:

- Must apply for eligibility through DOR
- Public process
- May or may not choose to appoint
- Appointment would be immediate
- Appointed person would need to run for office in May

Election for Assessor:

- Primary election will be in May
- General election in November
- Take office in January 2015

APPRAISER REGISTRATION OVERVIEW

To become a Registered Appraiser, one who appraises for an Oregon county or the Oregon Department of Revenue under ORS308.010, you must meet certain training and/or educational qualifications, submit an application (PD100H) and pass an examination. The qualification for each level of County Property Appraiser is listed below. NOTE: Qualifications are determined by the Department of Administrative Services (DAS):

TO QUALIFY YOU MUST HAVE. . .

COUNTY PROPERTY APPRAISER 1

- (1) An Associate in Science degree (or higher) in property appraisal, real estate technology, building construction/inspection technology, engineering or forestry technology, business administration or a related field; OR
- (2) Any combination of experience or education equivalent to two years in a field that would demonstrate the capacity to work as a property appraiser. Examples include; property appraisal, public or business administration, real estate, finance, civil engineering, urban planning; OR
- (3) Completion of an Oregon Department of Revenue approved appraisal training program, or County approved appraisal training program.

NOTE: Transcripts must be submitted for all college coursework except for a Bachelor's degree in business administration, forestry, agriculture or engineering. Credit is also given for specialized appraisal courses. Be sure to list these courses on your application.

COUNTY PROPERTY APPRAISER 2

Must have current Registration as a County Property Appraiser 1 plus one year of experience in real property or timber appraisal for market value.

COUNTY PROPERTY APPRAISER 3

Must have current Registration as a County Property Appraiser 1 plus three years of progressively responsible experience in real property or timber appraisal for market value.

GENERAL INFORMATION

Complete the PD100H application form. Type or print clearly in dark ink. Legible photocopies are acceptable.

SEND completed application materials to: Oregon Department of Revenue
Attention: Human Resources
955 Center St NE
Salem, OR 97301

You may FAX your application materials to (503) 947-2047.

There is no charge for processing this application.

For questions regarding completion of the application, please call (503) 945-8272 or e-mail DOR.Applications@state.or.us.

APPLICANT NOTIFICATION

Oregon Department of Revenue (DOR), Human Resources section, will notify all applicants by mail the results of PD100H qualification review. If you meet the qualification for a County Property Appraiser 2 or 3 you will be sent the appropriate Registered Appraiser certificate.

If you meet the qualifications for the County Property Appraiser 1 you must take an appraiser exam, and pass, before you will be certified as a Registered Appraiser. You will be sent an acceptance letter notifying you that you have met the minimum qualifications for a County Property Appraiser 1 which will also list the five testing sites within the state. There is no charge to take the exam, and you must complete the examination within 60 days of the date on your acceptance letter. Please contact the testing site of your choice to discuss the scheduling and taking of the examination. Your examination will be graded at DOR, Human Resources. Grade notification letters will be sent to all applicants who have completed the written exam for County Property Appraiser 1. If you pass the examination you will receive a Registered Appraiser 1 certificate. If you do not pass the examination you may retake the County Property Appraiser examination.

THE EXAMINATION

COUNTY PROPERTY APPRAISER 1

The appraiser examination is comprised of 100 multiple-choice questions. The written test consists of general appraisal concepts, principles, processes and definitions, surveying and mapping, vocabulary, appraisal processes and valuation. You may bring a standard calculator (no financial calculators are allowed) to the examination to assist with calculations. The maximum time allowed for this test is three hours and the minimum passing score is 70.

NOTE: County Property Appraiser applications must be sent to the Salem office address on the application form.

If you have a disability and need an alternate format, special testing arrangements will be made upon request.

THE APPLICATION (FORM PD100H) IS ATTACHED

STATE OF OREGON – DEPARTMENT OF ADMINISTRATIVE SERVICES

HUMAN RESOURCE SERVICES DIVISION

An Equal Opportunity Employer

*Oregon Employee Identification Number (EIN)/Applicant ID:		APPLICATION FOR: Check appropriate box(es): COUNTY PROPERTY APPRAISER 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>			
NAME AND ADDRESS	NAME (LAST, FIRST, M.I.):				
	MAILING ADDRESS:				
CITY, STATE, ZIP CODE					
WORK PHONE	HOME PHONE	MESSAGE (IF DIFFERENT)	EMAIL ADDRESS	COUNTY Of Residence	

EDUCATION AND FORMAL TRAINING

List enough education to meet the requirements specified in the County Property Appraiser minimum qualifications.

Be sure to include transcripts if necessary.

COLLEGES OR OTHER SCHOOLS WITH RELEVANT COURSEWORK

NAME AND LOCATION	COURSE OF STUDY	DATES ATTENDED	CREDITS EARNED			GRADUATED Yes / No	DEGREE/ YEAR
			Qtr Hours	Sem Hours	Other		

SPECIALIZED APPRAISAL COURSES

NUMBER and/or NAME OF COURSE	DATES ATTENDED	COMPLETED (Yes/No)

OFFICE USE ONLY

			<input type="checkbox"/> ACCEPTED	
			<input type="checkbox"/> NOT ACCEPTED	
Review Date	Data Entry	Notification Date	Reviewer	Notes
Examination Date	Review Date	Raw Score	Data Entry	Notification Date

*If you are current state employee please provide your Employee Identification Number (EIN). The state will use it for recruitment identification and tracking as authorized by OAR 105-040-0001.

COMPLETE BOTH SIDES OF APPLICATION

WORK EXPERIENCE

Describe enough work experience to meet the requirements for this position as specified in the recruiting announcement. Include unpaid and volunteer work. If you need to list more than three employers, attach additional sheets.

EMPLOYER	ADDRESS	TOTAL TIME _____
YOUR TITLE	SUPERVISOR'S NAME and TELEPHONE	(Years) (Months)
DUTIES (Be specific)		FROM _____
		(Month) (Year)
		TO _____
		(Month) (Year)
		Hours worked each week:
EMPLOYER	ADDRESS	TOTAL TIME _____
YOUR TITLE	SUPERVISOR'S NAME and TELEPHONE	(Years) (Months)
DUTIES (Be specific)		FROM _____
		(Month) (Year)
		TO _____
		(Month) (Year)
		Hours worked each week:
EMPLOYER	ADDRESS	TOTAL TIME _____
YOUR TITLE	SUPERVISOR'S NAME and TELEPHONE	(Years) (Months)
DUTIES (Be specific)		FROM _____
		(Month) (Year)
		TO _____
		(Month) (Year)
		Hours worked each week:
EMPLOYER	ADDRESS	TOTAL TIME _____
YOUR TITLE	SUPERVISOR'S NAME and TELEPHONE	(Years) (Months)
DUTIES (Be specific)		FROM _____
		(Month) (Year)
		TO _____
		(Month) (Year)
		Hours worked each week:

SEND APPLICATIONS TO:

Oregon Department of Revenue
 Attention: Human Resources
 955 Center St NE
 Salem, OR 97301

SIGNATURE X _____ **DATE** _____

By my signature above, I certify that all answers and statements on this application are true and complete to the best of my knowledge.



ASSESSOR ELIGIBILITY QUESTIONNAIRE

Department of Revenue Use Only	
Date Received _____	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
X _____	
Signature/Title	

This questionnaire is used to establish your eligibility as a candidate for election, re-election, or appointment to the office of county assessor (see ORS 204.016 on page 4). You must submit this questionnaire in time for the Department of Revenue to determine your eligibility and to notify the appropriate county clerk's office prior to the filing deadline. Please complete this questionnaire and return it to the address shown below.

Name _____			
Street Address _____	City _____	State _____	ZIP Code _____

	YES (✓)	NO (✓)
1. Are you a qualified elector under the Oregon Constitution? (See qualifications of electors below) (Not applicable for appointed assessors)		
2. Have you been a resident of the county in which you are seeking election to the office of county assessor for a period of one year preceding the election? (Not applicable for appointed assessors)		
3. Are you a registered appraiser under ORS 308.010?		
4. Are you an appraiser trainee under ORS 308.015?		
5. Have you been previously certified by the Department of Revenue as eligible to run for the office of county assessor? (Not applicable for appointed assessors)		
6. In what county will you be appointed to or be a candidate for the office of county assessor? _____		
7. Calendar year in which either election or appointment is sought. _____		

*If you answered "Yes" to question 5, **you do not need to complete** the rest of this questionnaire.
Sign and date this questionnaire on page 3 and return it to the Department of Revenue at the address below.

If you have **not previously been certified** by the Department of Revenue, complete pages 2 and 3 of this questionnaire.
Sign, date, and return it to the Department of Revenue at the address shown below.

Qualifications of Electors—from the Oregon Constitution, Article II, Section 2

- (1) Every citizen of the United States is entitled to vote in all elections not otherwise provided for by this constitution if such citizen:
- (a) Is 18 years of age or older;
 - (b) Has resided in this state during the six months immediately preceding the elections, except that provision may be made by law to permit a person who had resided in this state less than 30 days immediately preceding the election, but who is otherwise qualified under this subsection, to vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President or Vice President of the United States; and
 - (c) Is registered prior to the election in the manner provided by law.

Return your completed questionnaire to:

**Appraisal Taxation Standards Training Unit
Property Tax Division
Oregon Department of Revenue
PO Box 14380
Salem OR 97309-5075**

Have you had two years of full-time employment in the office of a county assessor?

Yes **If “Yes,” complete Part I;** then sign, date, and return this questionnaire to the Department of Revenue.

No **If “No,” complete Part II;** then sign, date, and return this questionnaire to the Department of Revenue.

PART I (complete only if you answered “yes” above)

Location of County Assessor’s Office	Dates of Employment	Your Title	Name of Supervisor

PART II (complete only if you answered “no” above)

Candidates for county assessor who have **not** had two years of full-time experience in a county assessor’s office must have at least two years of office and accounting experience, including experience in office management. Please complete the following sections **in detail**.

Employer’s Name and Address _____ _____	Dates of Employment
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Your Title	Supervisor’s Name
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Description of Accounting Duties

Description of Management Duties

PART II (continued)

Employer's Name and Address _____ _____	Dates of Employment
---	---------------------

Your Title	Supervisor's Name
------------	-------------------

Description of Accounting Duties

Description of Management Duties

Employer's Name and Address _____ _____	Dates of Employment
---	---------------------

Your Title	Supervisor's Name
------------	-------------------

Description of Accounting Duties

Description of Management Duties

Signature X	Date
--------------------	------

OREGON REVISED STATUTES

Election of County Officer; County Judge Pro Tem

204.005 Election of county officers. The following county officers shall be elected at the primary election or general election, as provided in ORS 249.088:

- (1) A sheriff.
- (2) A county clerk.
- (3) A county assessor.
- (4) A county treasurer.
- (5) A county surveyor.

(6) A county commissioner to succeed any commissioner whose term of office expires the following January.

(7) In any county where there is a vacancy from any cause in the office of county commissioner, an additional commissioner to fill the vacancy. [Subsection (2) enacted as 1953 c.477 §2; subsection (3) enacted as 1959 c.174 §3; 1959 c.628 §1; 1961 c.571 §3; subsection (4) enacted as 1963 c.386 §2; 1965 c.221 §21; 1969 c.532 §3; 1971 c.88 §4; 1983 c.327 §4; 2005 c.797 §29]

204.010 Terms of office of county officers. (1) Except as provided in subsection (2) of this section, the term of office of each officer mentioned in ORS 204.005 is four years.

(2) When two or more county commissioners are elected for one county at a general election and one of them is elected to fill a vacancy, as provided in ORS 204.005 (7), one of them shall hold office for two years and the others four years. [Amended by 1983 c.327 §13; 1983 c.350 §16; 2005 c.797 §59]

204.016 Qualifications for county offices generally; additional qualifications for surveyor and assessor. (1) A person is not eligible to any office listed in ORS 204.005 unless the person is a citizen

of the United States, an elector under the Oregon Constitution and a resident of the county wherein the person is elected for the period of one year next preceding election, except that in counties of less than 25,000 population the requirement of residency in the county wherein the person is elected does not apply to the county surveyor.

(2) A person is not eligible to be a candidate for election or appointment to the office of county surveyor unless registered under the laws of this state as a registered professional land surveyor.

(3) A person is not eligible to be a candidate for election or appointment to the office of county assessor unless:

(a) The person has qualified as a registered appraiser or is an appraiser trainee under ORS 308.015 and if an appraiser trainee, notwithstanding ORS 308.015, becomes a registered appraiser within two years after taking office; and

(b) The person either has two years of office and accounting experience, including experience in office management activities, or has two years of full-time employment in the office of a county assessor.

(4) The Department of Revenue shall prepare applications and questionnaires, and obtain information it may deem necessary to determine that a candidate for the office of county assessor has met the requirements of this section, and shall furnish to applicants suitable certificates evidencing satisfactory compliance with the required qualifications. [1957 c.555 §2 (enacted in lieu of 204.015); 1973 c.538 §1; 1975 c.780 §18; 1981 c.113 §1; 1983 c.327 §14; 1983 c.659 §1; 1993 c.270 §2; 2003 c.345 §1; 2005 c.22 §154]

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
FEBRUARY 19, 2014**

CONSENT AGENDA

1. [2.5.2014 Regular Session Minutes](#)
2. [Dog Ordinance Hearing Order](#)

Consent Agenda Minutes

- [2.5.2014 Regular Session Minutes](#)



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
February 6, 2014, 2014

PRESENT: Rod Runyon, Acting Commission Chair
Steve Kramer, County Commissioner
Tyler Stone, County Administrator
Kathy White, Executive Assistant

ABSENT: Scott Hege, Commission Chair

At 9:00 a.m. Acting Chair Runyon opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance. He announced that Chair Hege had been injured in a skiing accident and would not be attending today's session; therefore, Commissioner Runyon will be serving as Acting Chair for the session.

Noting the number of people in attendance, Chair Runyon reviewed the meeting process for first-time attendees.

Department Heads – County Clerk

County Clerk Linda Brown introduced her new Recording Clerk Paul Bowers. Mr. Bowers stated that he was glad to be with the County and said he had done similar work for other organizations. The Board welcomed him to the County

Department Heads – Tax and Assessment

Tom Linhares introduced himself explaining that with the recent passing of County Assessor Tim Lynn he has been engaged to serve as Director for the Tax and Assessment Department to keep the office moving forward until such time as his services are no longer needed. He praised the staff as hard-working but

pointed out that half of the staff is eligible to retire; he would like to bring someone in to begin training but there is literally no room in the office for another person. He went on to say that he is retired and limited in the number of hours he can work; he is working Monday through Friday.

Discussion List – Enterprise Zone IGAs

City of The Dalles Manager Nolan Young stated that the City is in support of and has signed all three IGAs as have the entities receiving Enterprise Zone funding – Northern Wasco County Parks and Recreation and Mid-Columbia Fire & Rescue. Mr. Stone added that none of the numbers have changed and follow the Resolution already passed by the Board.

{{{Commissioner Kramer moved to approve the IGA between City of The Dalles and Wasco County concerning distribution and use of fees paid pursuant to Enterprise Zone Tax Abatement Agreement Executed 9.24.2014. Acting Chair Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve the IGA between City of The Dalles, Wasco County and Northern Wasco County Parks & Recreation District concerning distribution and use of initial project fee paid pursuant to Enterprise Zone Tax Abatement Agreement Executed 9.24.2014. Acting Chair Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve the IGA between City of The Dalles, Wasco County and Mid-Columbia Fire & Rescue District concerning distribution and use of initial project fee paid pursuant to Enterprise Zone Tax Abatement Agreement Executed 9.24.2014. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Discussion List – Old Armory

Mr. Stone explained that in the packet are two proposals to do some initial work on the lot that the “old” Armory occupies. He stated that the goal is to do some overlay adjustments since the lot is currently covered by different zoning with some of it being residential; the County would benefit from it being zoned commercial. He added that the County would also like to move the lot line back to increase the size. The proposals in the packet address that work. Additionally, the County may consider splitting the lot; if that turns out to be the case that work would be done separately. He noted that transportation planning is being done by

the City of The Dalles. Mr. Young interjected that the City is on-track to secure grant money to do that work.

Mr. Stone stated that bids had been requested from three contractors with responses from only two; both submitted proposals have been evaluated and staff recommends Angelo Planning who came in at a lower price for the same work.

Acting Chair Runyon noted that Angelo's proposal was significantly lower than their competitor; he asked what might be the reason for the difference. Mr. Stone responded that the work they are bidding on is the same and the difference in the price may be due to the difference in the sizes of the firms.

Commissioner Kramer asked if Commissioner Hege has been consulted regarding the project. Mr. Stone said that he has and Commissioner Hege is aware that this will not get bring the County all the way to a splitting of the lot. City of The Dalles Planning Director Dick Gassman recommends the two phase approach with a split to come at a later time.

{{{Acting Chair Runyon moved to accept the proposal from Angelo Planning for a Plan Amendment to Commercial, Zone Change from Parks and Open Space to General Commercial, Modification of the Neighborhood Center Overlay Boundary and possible Property Line Adjustment. Commissioner Kramer seconded the motion which passed unanimously.}}}

Discussion List – Board of Property Tax Appeals (BOPTA) Appointment

Acting Chair Runyon noted that there has been a push to expand the BOPTA membership ensuring adequate numbers to virtually guarantee that the required three are available for hearings. Recent appointments have doubled the number of BOPTA members. He went on to say that Ms. Ellett is the second applicant from the real estate community and he believes it is good to have that knowledge base added to BOPTA.

{{{Commissioner Kramer moved to approve Order #14-011 in the matter of the appointment of Vickie Ellett to the Wasco County Board of Property Tax Appeals. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Discussion List – DHS Grant

District Attorney Eric Nisley stated that the DHS Grant included in the Board Packet was approved as part of the District Attorney's budget. He went on to say that recurring, renewing grants that are part of the budget are typically exempted from the approval process.

Mr. Stone countered that the Board of Commissioners is the contracting authority for Wasco County and as such should review all contracts, grants, IGAs, etc. He pointed out that this particular IGA circumvented that process and is now before the Board for formal approval. He went on to say that the purpose of this IGA is to provide additional salary for the Deputy District Attorney to complete the task set forth in the IGA agreement. Mr. Stone stated that he does not believe it to be good practice to approve grants for salary; it creates unemployment liability; if the program is discontinued the DDA could ask the County to make up for that loss; and it is inequitable for only some employees to be able to write grants for salary. He suggested that a better practice would be to use the grant funds to offset general funds liability for salary. He observed that this has been going on for a number of years and it would not be fair to suddenly remove these funds from the DDA's salary. He offered the compromise of increasing the DDA's base salary by the same amount as is provided by the grant funding which will provide security for that position and remove the process of writing grants to enhance salaries.

DA Nisley responded that he has never had a grant that is part of the budget process require Board approval. He added that he does not see this as an equity issue; it is a vested benefit that cannot be removed. He stated that this is an issue that should be addressed in the budget process for next year. This IGA is already in place; the DDA is entitled to the money and the funds are already available specifically for this purpose. He reminded the Board that the IGA has already been signed by the Chair. He observed that the only reason this has come to light is because of a delay at the State level in approving the grant.

Acting Chair Runyon stated that there are occasionally items that are brought directly to the Chair due to the pressure of time but the items come back around through the Board for approval.

Mr. Stone said that DDA Wolf has been doing this work for the past 6 months and the County will look at her salary adjustment retroactively. That

notwithstanding, there are rules for contracts and document approval that should be uniformly followed.

DA Nisley reiterated that he does not believe those rules apply in the instance of a recurring, renewing grant that is approved through the budget process.

Acting Chair Runyon interjected that the budget is a road map, not a guarantee.

Commissioner Kramer suggested that this item be deferred until Commissioner Hege is available to be part of the conversation.

Acting Chair Runyon noted there may be a time element. DA Nisley reminded the Board that DDA Wolf has not been paid for this work since July. Mr. Stone said that the IGA can be approved now and he feels the salary issue needs to be addressed; a discussion of the merits of whether or not the DA can approve a grant/IGA without the Board can be placed on a future agenda.

Acting Chair Runyon noted that he has read a number of messages in which staff requested face to face meetings but the District Attorney has ignored those requests. He said he would appreciate responses to those requests when made. He said that he thinks the Board can take care of the IGA, but he would like the full Board present for any other discussions.

{{{Acting Chair Runyon moved to approve Agreement #143684 State of Oregon Intergovernmental Agreement Child Welfare, CWSS Operations Administration. Commissioner Kramer seconded the motion which passed unanimously.}}}

Agenda Item – Seven-Mile Rezoning Hearing

At 9:33 a.m. Acting Chair Runyon opened the Seven-Mile Rezoning Hearing reading the process (attached) for the hearing to the gallery. Richard Murray, 2175 Ridge Road, asked if the Board members were familiar with the County LUDO rules; the Board responded that they had read their materials and were familiar with the applicable rules. Mr. Murray asked if either Commissioner had ever done a subdivision before; Acting Chair Runyon replied that he had not. Mr. Murray stated that he feels that they are not qualified to decide this issue. Sandee Burbank noted that the Transition Land Study is referred to often, pointing out that at the last Planning Commission the Planning Director was not

familiar with it; she asked if the Board is familiar with it. Acting Chair Runyon replied that he has read it.

Acting Chair Runyon asked Planning Department Staff to provide their report. Associate Planner Dawn Baird read her presentation (attached) In addition, Ms. Baird supplied copies of comments submitted by Peter Livingston, Attorney for Ken Thomas, and Dan Hammel, Division Chief for Mid-Columbia Fire & Rescue (attached). Ms. Baird turned the presentation over to Planning Director John Roberts.

Mr. Roberts said that a settlement was signed in 2000, since then there have been five attempts to move it forward to resolution. He stated that there are two major issues at play: the Tulsa Study identified this area as low-resource value and high development value and the fire issue. He noted that when this began in 2000, the County did not have many fire safety standards in place; in 2007 the County instituted standards that are among the most rigorous in the State – with that in place, the Planning Department believes the fire overlay can be removed.

With the staff presentation concluded, Acting Chair Runyon opened the floor for public testimony. He called on Peter Livingston. Mr. Livingston outlined the differences between a quasi-judicial proceeding and a legislative proceeding. He explained that this is a legislative decision and as such is less restrictive and does not involve an applicant but rather has a group in favor of the legislation and group opposed to the legislation; his client, Mr. Thomas, is not an applicant but is a driving force behind the legislation and has prepared and submitted materials for consideration. He said that the 2000 settlement agreement would have County staff evaluate materials, present to the Planning Commission and then to the Board of County Commissioners. He said the expected concerns have arisen – ground water, fire and wildlife. Regarding the proposed Bonneville Power line as a fire break, he stated smaller breaks have proven to be effective and the easement allows for good access although the DLCD disagrees.

Jacob Burbank expressed his opposition to rezoning 7-Mile stating that it is foolish to think the BPA line would provide an adequate fire break. He also said that rezoning would have significant impact on wildlife as well as causing a substantial increase in traffic.

Sandee Burbank said that she served on the land study; further development of 7-Mile was never considered. She observed that no agencies attended the Planning Commission Hearing; she does not understand how they a determination could be made without their input. She asked why the appropriate agencies were not there. Ms. Baird responded that a change in process combined caused an oversight; those agencies we not notified. Ms. Burbank stated that the Planning Commission decision was very close and might have been different with agency input.

Ms. Burbank went on to say that Mr. Wilson irrigates all year long even though there are wells all over the area that have gone dry. She asked that the Board seriously consider the resources that are available at 7-Mile; most of the residents understand the need to conserve their water resources. She added that although the roads are good the layout is dangerous and more traffic would increase that risk.

Jennifer Roch observed that a wide variety of wildlife inhabits 7-Mile; just recently deer, cougar, bobcat and bear have been seen. She stated that the wildlife population has increased on 7-Mile as a result of development in other areas; further reducing habitat would not be wise. She added that she believes the idea of putting in more houses to protect old growth from fire is ridiculous.

Peter Vorde stated that he is a professional firefighter and has seen embers cross a mile-wide river. He said that fire and water are issues on 7-Mile; he said a fire would move very quickly through that area and the numbers of fires are increasing in the region each year.

Richard Murray said that he has been a well driller for 40 years. He noted that although Mr. Thomas has said his property is worth more due to old growth, his property has been logged without replanting, illustrating that Mr. Thomas fudges the rules. He stated that development has a cumulative effect that is not always apparent at the outset – this is not in the public interest. He noted that others are inconvenienced by the current zoning, but the zoning is not being changed for them. He cited a man who owns property and wants to put a camp trailer with electricity so he can use it during hunting season – he cannot do so because it would then be considered a permanent residence and he is not zoned for that. Mr. Murray stated that if the Board is going to allow this rezoning for Mr. Thomas, they should allow it for others and not apply it selectively.

David Wilson spoke in favor of the rezoning saying that he understands the concerns about water; he noted that there are wells in the area that pump 300 gallons per minute while others can only produce 7 gallons. He pointed out that zoning in the area is patchy and inconsistent. He said that there is a house on his property that he cannot do anything with due to zoning. He stated that everything to the east is divided except for his land and Ken Thomas' land; he would like to sell a 10 acres parcel with the existing home, but cannot do so.

Mr. Wilson went on to say that he understands the fire concerns, but noted that the fire line for last summer's fire was a power line clearing and that is where the fire was stopped. He said homeowners will clean up undergrowth and reduce fire risk, not increase it.

Lissa Biehn spoke against the rezoning saying that she wants to have open spaces around her home. She added that no one has spoken about the bike traffic; the risk of collision increases with more homeowners. She also noted that there is a resident elk herd that will be diminished if resources are further depleted. She also pointed out that the threatened Western Pond turtle can be found on 7-Mile Hill.

Dennis Davis spoke in support of the rezoning, saying that David Wilson is his neighbor; he believes Mr. Wilson has a legitimate problem that should be addressed. He said that his own property has been in the family for at least 80 years and although he has no plans to build on it, his children may want to one day. He pointed out that no subdivision has been proposed and there will not be a bunch of houses built.

Jill Barker spoke in opposition to the proposed rezoning pointing out that it does not comply with Planning Goal 4. She stated that the pockets of water in the area are in decline; people in the zone have had to drill up to 90 feet deeper to reach water. She said that the water issue cannot be taken lightly and directly affects the fire issue. She said that the fire break where last year's fire stopped is 10 times wider than the BPA line on 7-Mile. She pointed out that ODF and the State Fire Marshall are opposed to the rezoning. She added that Mr. Thomas has not demonstrated a need for housing in The Dalles area; there are already areas zoned for residential that remain undeveloped. She concluded by saying that the Board is obligated to deny the rezoning to protect the residents of the area.

Ken McBain came forward and identified himself as a member of the Planning Commission. He said he feels compelled to make a request that the Board disregard the Planning Commission recommendations as he believes there is significant information that was not presented to the Planning Commission, i.e., letters from the Department of Conservation and the ODF. He said he was not here speaking for the Commission but just as one member of the Commission; he feels that the information might have turned the tide for the Planning Commission's recommendation.

Gary Casedy said that many of the residents of 7-Mile have followed the regulations at a sacrifice; everyone should be following the same rules. The passing of this rezoning would override some things that are already planned. He said that he has fought wildfires and knows how unpredictable they are. In addition, he believes wildlife deserves to be protected from further development.

Chuck Barker stated that he has lived on 7-Mile for 40 years; he has seen fires start at campgrounds. Mr. Thomas would get 15 parcels from the rezoning. Mr. Barker said that he would also have 10 acre parcels but understands that the rules apply to him as well as everyone else. He said that Mr. Thomas does not even live here and should not dictate for the rest of the residents. He added that the only other supporters are those with unusual circumstances; the County should find another way to help them.

David Nykirk said that he gets only 1.5 gallons a minute from his well; there is just not the water to support more residents. He suggested that if the Board does not see the fire danger, they should continue this hearing until August and visit the area to see for themselves.

Steve Biehn stated that he is a professional firefighter and reported that last summer's fire was not stopped by the power line break but by rain. He said the firefighters knew it was over as soon as they saw the weather forecast.

Tom Holmes advised that he works for Mr. Thomas along with Mr. Livingston. He pointed to a map of the area (see packet) that showed the houses in the area stating that there is already development there. He said that Mr. Thomas' point is that any development will require compliance with stringent fire suppression regulations, regulations he has seen work to protect from fire. He said that the

rezoning will beef up the protection from the human dwellings – more development will actually reduce the risk from fire.

Phil Swaim stated that if Mr. Thomas is really concerned about fire it would be evidenced by what he has done to protect his own property. He stated that he does not believe Mr. Thomas has taken appropriate steps for fire suppression. He also stated he believes passing this will set a precedent for others to make similar requests. He suggested that the Board look at sending this back to the Planning Commission for further review. He said he also thinks a decision should not be made without a full Board.

Mark Womble said that he has already submitted written comments. He stated that more residences mean more fire, less water, less forest, and less wildlife habitat. He said that all forest land is bordered by something making Mr. Holmes' observation that there is already development moot; using that logic could eliminate all forestland. He said that everyone understood the zoning when they purchased their land including Mr. Thomas.

Mr. Wilson said that he did know the circumstances when he bought his property but that does not mean that it is fair. He noted that he believes that the County has been lenient with some and not others. He stated that there is a subdivision in Dry Hollow that should never have been built; rules that you bend for some should be bent for all and if denied for some should be denied for all. He added that he has fought fires and pointed out that the fires in this area have been caused by lightening, not residents; residential fires usually only burn the residence before they are brought under control. He said that a new distinct line will settle this; everyone else is in the Scenic Area and have other rules to follow.

Mr. Barker reported that Mr. Thomas' first proposal was to put a wind farm at the top of the mountain. He said that if this is a property rights issue, maybe we should let Mr. Thomas locate a nuclear waste dump on his property. He reiterated that Mr. Thomas does not even live here and has been looking to tip the scale ever since he purchased the land. He urged the Board protect the people who live on 7-Mile and not give Mr. Thomas this foot in the door.

Stephanie Hargrave interjected that there was a rezone request was not necessary for the Dry Hollow development.

Ms. Burbank stated that she is relying on 30 years of experience on how local fires start – it is mostly residents.

Mr. Livingston said the question to be resolved is whether or not forest use is practical for the land in question. He said the letter submitted by Mr. Thomas outlines why it is not. He stated that the Board would not be extending an exception area and no development has been proposed. To propose a development a land use application would have to be submitted and processed. He observed that the original intent for the area was probably not to create forest land that is surrounded by development – rezoning would correct that mistake. Mr. Livingston went on to address the idea that this would set a precedence pointing out that state law does not allow precedence to be used as justification for zoning.

Ms. Beihn said that they like to ride their horses in the area and hope to continue to do so but it would be very difficult if there were yards rather than open spaces.

Ms. Burbank thanked the Board for their professional handling of the proceeding.

After asking if there were any further comments, Acting Chair Runyon closed the public hearing for comment.

Commissioner Kramer stated that although he thinks they have heard all points, he would have preferred to have a full Board for the decision. Acting Chair Runyon asked if the Board had any further questions of staff.

Acting Chair Runyon asked that under current rules if someone wants to build a home that is properly zoned for that purpose would they still have to go through testing. Mr. Roberts responded that they would have to follow a specific process that would include testing; being zoned residential is not a guarantee for a building permit.

Acting Chair Runyon asked for further details regarding the noticing of agencies for the Planning Commission hearing. Ms. Baird explained that usually Administrative Assistant Brenda Jenkins sends out the notices however they had decided to have a mailing service take care of that. Ms. Jenkins was out sick, the process had changed and it just did not get done. Ms. Baird added that the

agencies were all aware of the ongoing process. She said it is unfortunate and that she contacted them afterwards and accepted comments from all of them; those comments are included in the Board Packet.

Mr. Roberts said that the Department of Land Conservation and Development was the first agency contacted; that agency has been involved in this issue since 1999. In addition, the local Water Master has been involved and kept informed.

Acting Chair Runyon asked if anything could be done for those caught in the middle with unusual circumstances; he wondered if there are any exceptions that can be made for them. Ms. Baird replied that the zoning laws changed 20 years ago; in 1994 HB 3661 made it very restrictive to get approval of a residence in a forest zone. The requirements are mandated by State law. She explained that in the Wasco County there are two ways to have a dwelling in a forest zone – you have to have a minimum of 240 acres or you have owned the dwelling prior to January 1, 1985. Mr. Roberts added that anyone can ask for a rezoning, but there are criteria to be met; if only one property were being considered it would be a quasi-judicial rather than a legislative process. Ms. Baird added that if one were to look at the map, the lots displayed there are from subdivisions as old as 1910.

Acting Chair Runyon asked what staff anticipates would happen were this rezoning to be approved. Ms. Baird responded that there would be a 21-day window of opportunity for those in opposition to file an appeal with LUBA; if the rezoning is denied there is not an appeals process. She added that if the rezoning is passed and appealed, LUBA has the option of remanding it back to the County.

Commissioner Kramer stated that in light of the new information and the fact that Chair Hege could not attend today's hearing, consideration should be given to continuing the hearing to a future date.

Acting Chair Runyon said that since there is new information and the Planning Commission vote was so close it might be useful to send it back to them. Mr. Roberts replied that it is possible to remand the issue back to the Planning Commission but reminded the Board that the Planning Commission is not the decision-maker for this but merely a recommending body; the decision still lies with the Board of County Commissioners.

Acting Chair Runyon asked what the process would be for testimony should this be continued to a future date. Mr. Livingston stated that they could continue to hear from all kinds of people; it is not over until a vote is taken. Acting Chair Runyon asked if only new testimony would be accepted. Mr. Roberts replied yes, but it could still be discussed with anyone or the board could direct Staff to do further work.

Commissioner Kramer said that although he would like to have Chair Hege present, he has heard from the people.

{{{Commissioner Kramer moved to deny the legislative application for the Sevenmile Hill Rezone. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Acting Chair Runyon called for a 5 minute break at 11:39 a.m.

The session reconvened at 11:46 a.m.

Agenda Item – Lot Line Vacation

Senior Planner Joey Shearer presented a petition for a lot line vacation on behalf of Pine Hollow resident Sheryl Casselman-Bird. He reviewed the staff report included in the Board Packet. He explained that there is only one subjective criteria to be considered – determine if this vacation facilitates development of the property. Ms. Cassleman-Bird wants to build an accessory structure but cannot do so with the existing property line. Mr. Shearer stated that staff is in support of the proposed vacation.

Acting Chair Runyon asked what the accessory building would be. Mr. Shearer replied that that is not part of this process but that it cannot be another home and must be less than 75% of the size of the existing structure.

Commissioner Kramer noted that he had not found the conditions in the report. Mr. Shearer replied that they are limited and provided by statute. He added that he had confirmed with the County Surveyor and the State.

Acting Chair Runyon noted that no utilities are being added and it does not affect access. Mr. Shearer concurred.

{{Acting Chair Runyon moved to approve Order #14-013 in the matter of accepting vacation of interior lot line between Lot 4 and Lot 5, Block Q, Pine Hollow Recreation Development, South Shore Lots, Fifth Addition, and adopting findings of fact contained in PLALLV-13-10-0001. Commissioner Kramer seconded the motion which passed unanimously.}}

Mr. Roberts reported that the Planning Department has a budgetary cushion in personnel as a result of a planner's position remaining vacant for part of the year. His staff has been exploring the possibility of hiring temporary administrative help to finish up projects that have been in limbo for 23 years. The work would involve scanning location files as well as scanning Rajneesh burn files. This will help link properties and dwellings electronically.

Agenda Item – Wildland Urban Interface Classification Committee Appointments

Assistant Unit Forester Adam Barnes introduced ODF Interface Specialist Tom Andrade who will be coordinating the Committee in Wasco County. Mr. Andrade explained that the County is responsible for appointing 3 members to the Committee. Darren Kennedy will be a land owner representative, MCF&R Chief Bob Palmer has also applied to serve and Chair Hege has already been appointed. Two additional members are appointed by the State – Gene Malder has been appointed as the State Fire Marshall representative and Adam Barnes will serve as the ODF representative.

Mr. Andrade went on to outline the program saying that ODF works with each county in which there exists a high risk of wildfire. Five years ago the appointed committee went through the classification process designating at-risk lands as high, extreme or high density extreme which designates the level of protection needed. Committees are formed every five years; this committee will review the existing maps to determine if any changes are needed. Meetings with homeowners are held to help them understand the process. Finally, a hearing will be conducted with findings of fact to be filed with the County Clerk. Written notice is sent to those being reclassified with a 2-year grace to bring their property into compliance. The program is voluntary but has been successful in reducing the risk of wildfire. He noted that while compliance is good in Wasco County, the rate of return for reporting compliance is the lowest in the State. He assured the

Board that minutes from the meetings will be recorded and forwarded to all Wasco County Commissioners.

{{{Acting Chair Runyon moved to approve Order #14-012 appointing Robert Palmer to the Wasco County Wildland Urban Interface Classification Committee. Commissioner Kramer seconded the motion which passed unanimously.}}}

{{{Acting Chair Runyon moved to approve Order #14-014 appointing Darren Kennedy to the Wasco County Wildland Urban Interface Classification Committee. Commissioner Kramer seconded the motion which passed unanimously.}}}

Mr. Andrade stated that they will arrange the first meeting at which the election of officers will take place. He reported that it generally requires 3 or 4 meetings each lasting approximately 3 hours.

Acting Chair Runyon inquired as to whether he and Commissioner Kramer would be able to sit in on those meetings. Mr. Andrade responded that the meetings are public and they would be welcome to attend.

Discussion List – DHS Funding Grant, Cont.

DDA Leslie Wolf returned to further discuss her salary concerns. She stated that she believes there is a difference of opinion on policy but it appears that everyone agrees that it affects her directly and the work she has been doing without pay since July. She said she appreciates the Board's acknowledgement of the IGA but she believes everyone agrees she should be compensated for the work. She stated that the plan to change her base salary should be implemented now, but that the environment of the last 5 minutes of the morning discussion caused focus to be lost. She asked that they approve her base salary today.

Commissioner Kramer asked if this work is above and beyond her normal duties. DDA Wolf responded that if the grant goes away, she would still be doing juvenile work but would not have to do the administrative work required by the IGA.

Mr. Stone interjected that as part of the compensation survey process there will be some salary increases for certain positions; the DDA position is one of the positions that is being paid at under market value. He said that this increase

would be part of that process. This move will help clean up the county's policy and procedure for this grant.

Acting Chair Runyon explained that one foundational tenet of the Board is clarity and transparency with an end goal of running the County more as a business. He observed that there have been many County processes they have discovered operating with a lack of oversight; the process of paying salary directly from grant funding has the appearance of being a bonus rather than a salary. In addition, he noted that open communication would have facilitated a more expedient resolution to this issue. He said that the Board is trying to do the right thing, making changes to processes where needed.

DDA Wolf asked if they would approve the salary increase today. Acting Chair Runyon replied that he is not prepared to make that decision today. DDA Wolf asked if the Board had any additional concerns. Acting Chair Runyon answered that he would follow up with Mr. Stone; he told DDA Wolf that he appreciates her willingness to come in to talk with the Board. He concluded by saying the Board will revisit the issue at the February 19th Board Session.

Acting Chair Runyon recessed the meeting at 12:11 p.m. for lunch.

The session reconvened at 1:33 p.m.

Agenda Item – Dog Ordinance Violation Hearing

Deputy District Attorney Sarah Carpenter stated that she is here to present the case alleging that Cristina Pereira is maintaining dogs that chased and injured livestock. She further stated that she would be calling Oregon State Patrolman Craig Gunderson, Wasco County Deputy Sheriff Courtney Floyd and Elaine Gaither as witnesses. She introduced Defense Attorney Anthony Myers representing Ms. Pereira and asked if he wished to make an opening statement.

Mr. Myers stated that there are not a lot of facts in dispute; Ms. Pereira does own the dogs, Roscoe and Gunner. She keeps the dogs on 7 acres she rents on Sandlin Road; the property has two fenced areas for animals – one near the house is about waist height, the other further away from the house is approximately 6 feet high. He said that Ms. Pereira has lived there with the dogs since August of 2013. He went on to say that the dogs had been maintained in the area with the taller fence until December when she moved them to the pen

closer to the house for convenience of feeding during the colder weather months. She did not think there would be a problem as the dogs had not escaped before.

Mr. Myers said that unfortunately, the dogs did escape and were found next to an injured sheep. He explained that the Board is here to decide the proper disposition of the case. He said that the Board has wide discretion; he believes Ms. Pereira should pay a \$250 fine and relocate the dogs to the area with the taller fence. He declared that he would be calling Ms. Pereira, Heather Fitz-Gustafson and employees of Home at Last (HAL) to attest to the dogs' behavior and temperament during their confinement at the animal shelter.

DDA Carpenter called Elaine Gaither to testify. Under questioning, Ms. Gaither stated that she manages a herd of sheep for Nancy and Ray Vagorie. She has lived on her property for 19 years during which time she has always helped watch over the sheep. Mr. Vagorie has recently become seriously ill and Ms. Gaither has taken on a management role with the herd. She reported being alerted to a disturbance by her own dog's persistent barking. Upon investigation, Ms. Gaither found two dogs attacking a sheep who was on the ground with a horn caught in the fence. She described the dogs as a chocolate lab and a husky and identified them in pictures taken at the scene.

As questioning continued, Ms. Gaither declared that the dogs had not been invited onto the property. She stated that the husky clearly had blood on its muzzle but she could not confirm blood on the lab as his color might have masked the blood. She said when she arrived the husky was still attacking the sheep's leg and identified a photo of the injured leg and blood on the grass near the sheep, saying that her husband had taken the photos. She reported that she tried to stop the attack but the lab became aggressive so she retreated to her house to call the police. When asked, Ms. Gaither said the sheep had not been previously injured.

Ms. Gaither said that the police arrived to help followed by Ms. Pereira who came to collect the dogs. She said she had not previously met Ms. Pereira. Ms. Carpenter asked how the injury to the sheep has progressed. Ms. Gaither answered that the ewe had been pregnant and now is not; she is still limping. She stated that in her opinion the ewe lost the lamb as a result of the trauma – among sheep, miscarriage is a common response to trauma. She valued the

lamb at about \$50; had it matured to market value it would have been worth between \$100 and \$200.

Under questioning from Mr. Myers, Ms. Gaither said she could not verify the abortion as the sheep had not been taken to the veterinarian, explaining that it is a wild herd and it is difficult to catch and trailer for transport to a vet – none of the area large animal vets make house calls. In addition, the owners are facing serious health issues and could not have taken the sheep in. She said that Nancy and Ray Vagorie have expressed concern that the dogs will kill the lambs – there are currently five lambs on the property with more expected.

Ms. Carpenter called Oregon State Police Trooper Craig Gunderson. Under questioning, Trooper Gunderson reported that he had assisted with a call for the dog attack which had occurred on December 23, 2013. He was the first officer on the scene and had arrived within five minutes of the dispatcher's call. On the way to the call, he passed a young woman who appeared to be looking for something. He later realized that it had been Ms. Pereira searching for her dogs. He said that he witnessed the two dogs; the husky was still chewing on the ewe's leg while the lab was bouncing around excitedly. He pushed the husky off the ewe, but it immediately returned – at that point, he tased the husky who then laid down making it possible for him to access the dogs' tags and ascertain ownership. He called Ms. Pereira who arrived at the scene within 5 minutes. Wasco County Sheriff's Deputy Floyd arrived shortly before Ms. Pereira. They got the dogs on leashes and removed them from the fenced area.

Trooper Gunderson he advised Ms. Pereira that it has been his experience that once dogs attack livestock for the first time, they will look for opportunities to do it again. He testified that he had grown up on a ranch; they would not keep dogs once they had attacked any livestock. He went on to identify the dogs in the photos saying that the husky's muzzle was red with blood and the ewe's leg was blood soaked. He stated that they helped Ms. Pereira load up the dogs and then contacted the sheep owners to allay their fears, telling them that the ewe was still alive and the dogs had been contained. Mr. Myers had no questions for Trooper Gunderson.

Mr. Myers called Ms. Pereira to testify. She stated that she lives on 7 acres with two fenced areas for animals – one close to the house with a waist-high fence and one further from the house with a 6-foot fence. She stated that she owns the

two dogs, Roscoe and Gunner, that were found attacking the sheep. She said that she had originally kept the dogs in the pen with the taller fence but had moved them to the pen closer to the house for the convenience of caring for them during the colder months – the dogs live outside year round. The pen closer to the house has a shorter fence and the dogs were able to escape the area. She identified photos submitted by Mr. Myers depicting the areas of confinement available to her on the property. She testified that the dogs had never escaped the area with the taller fence. She said that if the dogs were returned to her care she would take every precaution, keeping them only in the pen with the taller fence and installing an electric fence to ensure containment of the animals.

Through questioning by DDA Carpenter, Ms. Pereira said that she had not built the fences and did not know the age of the enclosures nor the depth of the posts in the ground or whether or not those posts were set in concrete. She declared that she has two other dogs, some cats and chickens. She stated that she lives less than a mile away on the same road as where the sheep herd is kept. She lives with her fiancé and her one-year-old son.

Through further questioning by Mr. Myers, Ms. Pereira revealed that she has owned the husky since 2010 and the 18-month-old lab since he was a 6-week-old puppy. She reported that Gunner has never attacked livestock or shown any aggression.

DDA Carpenter called Deputy Floyd to testify. Deputy Floyd confirmed that Trooper Gunderson was on-scene when he arrived – the dogs had already been subdued and the sheep was laying on the ground bleeding, not running away as would be the expected response. He said it appeared that the dogs had gotten into the sheep pasture through a gate about 50 feet down the driveway. He identified the dogs in the photographs as the same dogs at the scene. He said he did not notice anything unusual about the lab but reported that the husky had blood on its muzzle. He related that he had spoken to both Ms. Gaither and Ms. Pereira. He had asked Ms. Pereira why the dogs were out and on someone else's property; she had told him that she had recently moved the dogs to a new pen and that the lab had learned to jump the fence and the husky had pushed through the gate. Mr. Myers asked if the dogs had been aggressive or attacked the sheep in his presence. Deputy Floyd answered that they had not, but that it had been described to him.

Mr. Meyers called Jeanette Milberger, a full-time kennel technician at the Home at Last animal shelter. Ms. Milberger testified that her duties at the shelter include feeding, playing with and cleaning up after the dogs along with some basic training of the animals. She stated that she had daily interaction with Ms. Pereira's dogs saying that she had not seen any signs of aggression toward any humans; due to the reason for their confinement, they have not been allowed to interact with other dogs at the shelter. She reported that Ms. Pereira has made frequent visits to the dogs since they have been at the shelter and is good with the dogs who are always happy to see her. She said it is her opinion that steps can be taken to contain the dogs.

Through questioning by DDA Carpenter Ms. Milberger stated that she had not contact with the dogs prior to them being housed at Home at Last nor has she ever seen them with livestock.

Mr. Myers asked Ms. Milberger where the dogs are kept. Ms. Milberger replied that they are in a covered kennel at the back of the shelter where they are segregated. She stated that when other dogs walk by, Roscoe and Gunner get excited but never bite at the cage or behave aggressively.

Mr. Myers called Jose Barragan, a kennel technician Home at Last animal shelter who testified that he has had hands-on experience with Ms. Pereira's dogs. He reported that Roscoe is aloof to other dogs while Gunner wants to play. He said the most contact they have with the other dogs is through the fence in adjoining play areas. He stated that when people come to visit the shelter they often ask if Roscoe and Gunner are available for adoption.

Through questioning by DDA Carpenter Mr. Barragan stated that he did not have contact with the dogs prior to them being housed at Home at Last nor has he ever seen them with livestock.

Mr. Myers called Heather Fitz-Gustafson who identified herself as the owner of the property where Ms. Pereira resides as well as a longtime friend. She reported that the pen near the house was not there when she lived there but that she had built the pen with the taller fence. She stated that the pen had been built for horses and they had never had any trouble with it. She testified that the posts were 1 foot into the ground and were set in quick-crete. She further stated that she and Ms. Pereira had been roommates for a period of time; Roscoe, the

husky, had lived with them along with many other animals including goats – there had never been any issues with Roscoe and the other animals.

Through questioning by DDA Carpenter, Ms. Fitz-Gustafson testified that she had never seen Roscoe with sheep; she had seen him out with goats but he was always under supervision. She said she has not maintained the fence she built adding that it was only 5 years old and should not need any maintenance yet.

Making a statement to the Board, Ms. Pereira said she wanted them to know that these are good dogs that don't deserve to be put down. She said she would do whatever it takes to contain them so this cannot happen again.

Acting Chair Runyon asked for clarification as to the fine parameters. It was agreed that the minimum fine is \$250 with a maximum of \$1,000. DDA Carpenter noted that while all Commissioners are not present, there is a quorum.

Commissioner Kramer asked Ms. Pereira what she would do to make sure the dogs are securely confined. Ms. Pereira answered that she had purchased an electric fence the day before the event.

DDA Carpenter interjected that the concern is the potential for future human error, one of the residents of the home is very young and will soon be able to open gates and let the dogs out. She stated that the dogs cannot go back to Ms. Pereira but must be adopted out or euthanized.

Mr. Myers stated that his position is that if the dogs are found guilty the County must take steps – surrendered for adoption or removed to a location where they are no longer a threat. He characterized euthanasia as a last resort option. He said that his client is asking that she be allowed to remove the dogs to a place where they are securely confined and not a threat.

There was some discussion between DDA Carpenter and Mr. Myers regarding the correct interpretation of the statutes as to whether or not the dogs could be returned to the owner under any circumstances. They did not reach an agreement.

Acting Chair Runyon asked if the dogs could see the sheep from their pen. Ms. Pereira replied that they cannot.

Commissioner Kramer asked how the dogs got in with the sheep. Mr. Myers responded that it is unknown. Ms. Pereira added that they had driven the road and could not find any obvious breaches in the fence line.

Acting Chair Runyon stated that the testimony of the Home at Last technicians weigh heavily with him. He went on to say that he is satisfied with the taller fenced enclosure. He said his concern is with how to monitor compliance.

Mr. Myers said that Ms. Pereira could provide photographs of the work she does. He suggested that the Board could require a written pledge.

Acting Chair Runyon stated that he is not in favor of euthanasia. He said while he is not sure of the proper interpretation of the statute's relocation language, he would be willing to consider requiring Ms. Pereira to take the necessary steps to ensure that the dogs are securely confined.

Commissioner Kramer asked if the dogs are chipped. Ms. Pereira said that they are not, but she would be willing to do that. HAL Director Kris Boler said that HAL can provide that service.

Acting Chair Runyon pointed out that Ms. Pereira had been helpful to law enforcement and quick to respond. He said that he is looking at the cost of housing the dogs at HAL, a non-profit establishment. DDA Carpenter explained that the Board has the discretion to order Ms. Pereira to pay for the confinement of the dogs at HAL.

Acting Chair Runyon said he would like to see a \$250 fine in addition to properly documented precautions. Mr. Myers stated that his client is open to any requirements to document precautions.

Commissioner Kramer said as an additional safeguard he would like the dogs to be chipped and restitution to be made to HAL – they are a non-profit that is a benefit to the community; HAL supporters should not bear the cost of this.

Ms. Boler stated that she would not want the inability to pay to be the reason the dogs are not returned to their owner, but that HAL is a non-profit and needs the funding.

Acting Chair Runyon suggested that the Board require payment and allow Ms. Pereira to negotiate with HAL as to how that payment is to be made. Ms. Boler agreed that payment could be negotiated.

Acting Chair Runyon said he is not sure he can put a value on the lost lamb as sheep lose lambs all the time. DDA Carpenter reminded the Board that Ms. Gaither was firm that the ewe was pregnant; she feels a base amount should be paid to the owners for the loss of the lamb. She explained that the \$250 fine is to be paid to the County; the \$50 would be separate and go to the Vagories.

Mr. Myers disputed the legitimacy of levying a judgment to the Vagories at this hearing, but stipulated that Ms. Pereira would agree to pay for the lamb.

{{{Acting Chair Runyon moved to approve a civil penalty of \$250, another \$50 to the owner of the ewe for the aborted lamb and payment made to HAL with that payment to be negotiated between Ms. Pereira and HAL. The dogs are to be allowed to return to Ms. Pereira who is to have them chipped and keep them in the pen with the taller fence. Ms. Pereira must document compliance with all these requirements to the Board. Commissioner Kramer seconded the motion which passed unanimously.}}}

*****Further discussion ensued about when the dogs could be returned to Ms. Pereira. The consensus was that the dogs could not return to Ms. Pereira's home until the necessary work had been done and therefore must either remain at HAL or moved to another location until such time as the work has been completed.*****

Agenda Item – Communications Grant Vendor Selection

Emergency Manager Kristy Beachamp called in to answer questions regarding the proposed vendor for the Communications Grant. She reviewed the memo included in the Board packet. She explained that they had received 3 bids and formed a review committee that is recommending Cascade Mobile which came in at \$80,000, leaving \$15,000 for additional equipment purchases.

{{{Commissioner Kramer moved to accept the review committee's recommendation to select Cascade Mobile as the vendor with the dollar amount for the project not to exceed \$96,120. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Discussion Item – Oregon Clean Fuels Letter of Support

Acting Chair Runyon observed that this item began with some communications with Chair Hege; he suggested that this discussion be tabled until Chair Hege could be present.

*****The consensus is to move the discussion of the Oregon Clean Fuels Letter of Support to the February 19th Board Session.*****

Discussion Item – Letter of Support for Emergency Housing Assistance

Acting Chair Runyon observed that there is a shortage of low-income and emergency housing in The Dalles area. He said he would like to send the letters of support. Commissioner Kramer agreed.

*****The consensus was to send the letters of support for emergency housing assistance.*****

Consent Agenda – 1.15.2014 & 1.23.2014 Minutes, Amended Planning Commission Appointments

{{{Acting Chair Runyon moved to approve the 1.15.2014 Regular Session minutes. Commissioner Kramer seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve the 1.23.2014 Emergency Session minutes. Acting Chair Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve amended Planning Commission appointment Orders #13-131 and #13-132. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Commission Call

Acting Chair Runyon announced that the Commissioners and Mr. Stone are invited for a tour of Wasco County locations that have some connection to

veterans' services including Oregon Veterans Home, the new Armory, NORCOR and the Veterans Service Office where Volunteer Coordinator Jean Maxwell will host lunch. He added that Ms. Maxwell and Mr. Stone had accompanied him to the AOC Veterans Committee meeting where Ms. Maxwell had made a presentation regarding the volunteer program in The Dalles.

Commissioner Kramer announced an economic meeting in Maupin this Friday at Legion Hall in Maupin where Maupin officials will present their vision to the Communities of Southern Wasco County.

Acting Chair Runyon adjourned the session at 3:23 p.m.

Summary of Actions

Motions Passed

- **To approve the IGA between City of The Dalles and Wasco County concerning distribution and use of fees paid pursuant to Enterprise Zone Tax Abatement Agreement Executed 9.24.2014.**
- **To approve the IGA between City of The Dalles, Wasco County and Northern Wasco County Parks & Recreation District concerning distribution and use of initial project fee paid pursuant to Enterprise Zone Tax Abatement Agreement Executed 9.24.2014.**
- **To approve the IGA between City of The Dalles, Wasco County and Mid-Columbia Fire & Rescue District concerning distribution and use of initial project fee paid pursuant to Enterprise Zone Tax Abatement Agreement Executed 9.24.2014.**
- **To accept the proposal from Angelo Planning for a Plan Amendment to Commercial, Zone Change from Parks and Open Space to General Commercial, Modification of the Neighborhood Center Overlay Boundary and possible Property Line Adjustment.**

- **To approve Order #14-011 in the matter of the appointment of Vickie Ellett to the Wasco County Board of Property Tax Appeals.**
- **To approve Agreement #143684 State of Oregon Intergovernmental Agreement Child Welfare, CWSS Operations Administration.**
- **To deny the legislative application for the Sevenmile Hill Rezone.**
- **To approve Order #14-013 in the matter of accepting vacation of interior lot line between Lot 4 and Lot 5, Block Q, Pine Hollow Recreation Development, South Shore Lots, Fifth Addition, and adopting findings of fact contained in PLALLV-13-10-0001.**
- **To approve Order #14-012 appointing Robert Palmer to the Wasco County Wildland Urban Interface Classification Committee.**
- **To approve Order #14-014 appointing Darren Kennedy to the Wasco County Wildland Urban Interface Classification Committee.**
- **To approve a civil penalty of \$250, another \$50 to the owner of the ewe for the aborted lamb and payment made to HAL with that payment to be negotiated between Ms. Pereira and HAL. The dogs are to be allowed to return to Ms. Pereira who is to have them chipped and keep them in the pen with the taller fence. Ms. Pereira must document compliance with all these requirements to the Board.**
- **To approve the 1.15.2014 Regular Session minutes.**
- **To approve the 1.23.2014 Emergency Session minutes.**
- **To approve amended Planning Commission appointment Orders #13-131 and #13-132.**

Consensus

- **Dogs could not return to Ms. Pereira's home until the necessary work had been done and therefore must either remain at HAL or moved to another location until such time as the work has been completed.**

- **To move the discussion of the Oregon Clean Fuels Letter of Support to the February 19th Board Session.**
- **To send the letters of support for emergency housing assistance.**

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner

Consent Agenda

Dog Hearing Order

- [Order #14-018 In the matter of the disposition of the black and white husky and brown Labrador dogs owned by Cristina Pereira](#)

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR WASCO COUNTY

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THIS MATTER, came before the Board of Commissioners on the 5th day of February 2014, Wasco County appearing through Sally E. Carpenter of the Wasco County District Attorney’s Office, and Cristina Pereira appearing through her attorney, Andrew J. Myers. The Board of Commissioners, after hearing the testimony of witnesses and evaluating the exhibits submitted by the parties, does find as follows:

- 1. Cristina Pereira owns the two dogs in question, a black and white Husky and a brown Labrador.
- 2. On December 23, 2013, those two dogs engaged in the wounding of livestock, a sheep owned by Ray Vergori.
- 3. The incident occurred in Wasco County, Oregon.

The following penalties are imposed:

- 1. Cristina Pereira is to pay a civil penalty of \$250, payable to Wasco County. ORS 609.162(1)(b) and ORS 609.167(1).
- 2. Cristina Pereira is to pay restitution for the miscarried lamb in the amount of \$50.00. The restitution shall be made payable to Wasco County, to then be forwarded to the livestock owner Ray Vergori. ORS 609.180 and ORS 609.190.
- 3. Cristina Pereira is to pay restitution to Home at Last Humane Society in the amount of \$1,320. Ms. Pereira and Home at Last Humane Society are free to

1 negotiate this amount and the terms of payment thereof. Ms. Pereira may satisfy
2 the restitution through volunteer work if approved by Home at Last Humane
3 Society. Ms. Pereira is to provide the Board of Commissioners with proof that
4 restitution to Home at Last Humane Society has been satisfied. ORS
5 609.155(3)(a).

- 4 4. Cristina Pereira is to required to remove the dogs to a location where they do not
5 present a threat to livestock. The dogs may be removed to a different location on
6 Ms. Pereira's same property so long as she provides the Board of Commissioners
7 with proof that the fenced in area where they will be contained has been throughly
8 examined and any necessary improvements have been made to ensure the dogs
9 cannot escape.

8 IT IS SO ORDERED:

10 DATED this ____ day of February, 2014.

DATED this ____ day of February, 2014.

12 _____
13 Steve Kramer, County Commissioner

12 _____
13 Rod Runyon, County Commissioner

24 Submitted by:
25 Andrew J. Myers, OSB No. 094554
26 Attorney for Cristina Pereira

1
2 CERTIFICATE OF SERVICE

3 I hereby certify that I served the foregoing *Findings and Order* upon Sarah E. Carpenter,
4 deputy district attorney, on the 10 day of February, 2014, by mailing a true copy
5 thereof, certified by me as such, to:

6 Sarah E. Carpenter
7 Wasco County DA's Office
8 511 Washington St., Ste. 304
The Dalles, OR 97058

9 DATED this 10 day of February, 2014.

10
11 
12 _____
13 Andrew J. Myers, OSB No. 094554
14 Attorney for Defendant
15 401 East 3rd Street, Suite 105/P.O. Box 2190
16 The Dalles, Oregon 97058
17 Telephone: (541) 296-6375
18 Facsimile: (877) 625-4324
19 E-mail: info@thedalles-law.com
20
21
22
23
24
25
26

Agenda Item
Capacity Management Plan Update

- No documents have been submitted for this item – RETURN TO AGENDA

Agenda Item
Special Transportation Funding

- [Introductory Email](#)
- [MCCOG STF Grant Application Instructions](#)
- [MCCOG Enhanced Application 2013-2015](#)



Kathy White <kathyw@co.wasco.or.us>

STF Committee Recommendation

1 message

Dan Schwanz <mccogtransnet@gorge.net>
To: Kathy White <kathyw@co.wasco.or.us>

Wed, Jan 29, 2014 at 9:56 AM

Attached is the application that the STF Committee is recommending that the Board of Commissioners approve on February 19th. Please note a couple things – the full amount of the state grant is \$30,000, there is no match requirement. The state application form I used automatically calculates match. So if you want to cross out the \$15,000 noted in box 6 on page 4 and write in \$30,000 that will make the application correct. It is also an Special Transportation Fund application, not an 5310 application.

Dan Schwanz

Transportation Director

Mid-Columbia Council of Governments

1113 Kelly Avenue

The Dalles, OR 97058

541-296-7595 (voice)

541-296-5674 (fax)

1-877-875-4657 (toll free)

<http://www.gorgetranslink.org>

<http://www.mccog.com/transportation.htm>

2 attachments

 **MCCOG Enhanced -Application-FY2013-15.pdf**
1145K

 **MCCOG STF GRANT APPLICATION 2013-2015.docx**
17K

INFORMATION FOR STF DISCRETIONARY GRANT APPLICATIONS FOR WASCO COUNTY

Process:

1. Go to: <http://www.oregon.gov/ODOT/PT/docs/applications/5310-Application-FY2013-15.pdf> and download the state application. Application instructions are available at: <http://www.oregon.gov/ODOT/PT/docs/applications/2013-15-Fed-5310-Instructions.pdf>
2. Fill out Applicant Information (Section 1) and the appropriate section(s) for the types of project(s) for which you are applying.
3. Also fill out the Supplementary Questions are on the second page of this document.
4. Return one hard copy and one digital (e-mail) copy of the application and supplementary questions to Mid-Columbia Council of Governments, 1113 Kelly Avenue, The Dalles, OR 97058 by 5:00 pm Friday, January 10, 2014. Both the hard copies and the digital copies must be in by this deadline. Late applications will not be considered.
5. Applicants will also give a 15-20 minute presentation to the STF Advisory Committee on a date to be determined. You will receive information on the location, date and time of this presentation later. The advisory committee will forward their recommendations to the Wasco County Board of Commissioners.
6. Funding recommendations will be made by the Wasco County Board of Commissioners on February 19, 2014. These recommendations will be forwarded to the Oregon Department of Transportation, Public Transit Division for final funding decisions.

Information on Grants:

1. These grants must benefit seniors and people with disabilities but do not have to be exclusively for these groups. Services can be provided anywhere in Wasco County. Services cannot be limited to an agency's clients and there must be meaningful opportunities for any senior or person with disabilities to use it.
2. These grants are for the operations, purchase of vehicles, equipment or facilities, and also for preventative maintenance and purchased services.
3. Each project must meet a priority of the Local Coordinated Plan. These priorities are listed in the plan.

For information on our local coordinated plan please see:

http://www.gorgetranslink.com/documents/Wasco_Transport_Plan_2009_Final_sigs.pdf

Agency: Mid-Columbia Council of Governments

Project Name: Dial-a-Ride

Total Amount of Funds Requested: \$30,000

Supplementary Questions:

Note: Use only this one page for questions and answers. Don't change font or font size. This will help ensure your answers are concise. Thanks!

1. Is the project new service, an increase in service or to maintain current service?

This project will provide an increase in the amount of hours available for our dial-a-ride services available in The Dalles area.

2. Which priority(s) of the Local Coordinated Plan does this project meet and how does it help meet that need(s)?

This project helps maintain existing levels of services for seniors and persons with disabilities. It provides for a slight increase in service levels.

3. Describe your project and why it's needed: what is the purpose, how many hours of operation per week, service area, partners, connections to other service, anything else you think we should know about it.

The primary purpose of our dial-a-ride service is to provide access to anyone who needs public transit in The Dalles area of Wasco County. In fiscal year 2012-2013 we provided 23,043 one way trips. We provided over 5,888 revenue hours of service and traveled 83,047 miles while passengers were on board of our vehicles. We also provide service to the Medicaid Brokerage and the state of Oregon non-medical Medicaid program. We connect with Hood River County Transportation District and their service to Portland, OR twice a week.

4. Describe the recipients of the service.

Last fiscal year, 48% were senior or disabled and the remaining 52% were general public.

5. Does this service coordinate with any other transportation programs? If so, How?

Yes, we jointly operate a service from The Dalles to Hood River and Portland with the Hood River County Transportation District in Hood River County. We share transportation information through the Gorge Translink program of Mid-Columbia Economic Development District.



Oregon Department of Transportation
Public Transit Division

FTA Section 5310 Application for Funding – Fiscal Year 2013-2015
Services to Seniors and Persons With Disabilities

Introduction

This document is an inter-active form that can be completed online or saved to a location on your computer.

1. You may print a paper copy and complete the form manually off-line, attaching supplemental pages if necessary.
2. The Public Transit Division *Regional Transit Coordinator* (RTC) for your geographic region in Oregon can assist you with completing this application - please see Application Instructions for a contact list.
3. Contact ODOT Public Transit Division if you need a version of this form in an alternative format.

This document is available from ODOT Public Transit Division in PDF format upon request from:

Public Transit Division, Oregon Department of Transportation
555 13th Street NE STE 3, Salem OR 97301-4179
PTD Office: (503) 986-3300, PTD Fax: (503) 986-4189

Please read instructions before completing this form.

Applicant Information

I am the STF Agency: Yes No

Agency Name

Mid-Columbia Council of Governments

Federal EIN

930740974

Agency Name (DBA)

The Link

Urbanized Zone

Mailing Address (Street or PO Box)

1113 Kelly Avenue

City

The Dalles

State

OR

Zip Code

97058

Contact Person: First Name

Dan

Last Name

Schwanz

Contact Person Phone No.

541-296-7595

Title

Transportation Director

Fax No.

541-296-5674

E-mail Address

mccogtransnet@gorge.net

Web Address

Section 5310 Application for Funding – Fiscal Year 2013-2015

1. Recipient agency status:

2. Transportation provider's service type (select all that apply to your agency):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Open to the general public at all times | <input type="checkbox"/> Fixed Route Service |
| <input type="checkbox"/> Open to the general public on a space-available basis | <input type="checkbox"/> Deviated Route Service |
| <input type="checkbox"/> Open to seniors and persons with disabilities only | <input type="checkbox"/> Demand Response |
| <input type="checkbox"/> Limited to defined clientele (e.g. residential home) | <input type="checkbox"/> TDM Services |
| <input type="checkbox"/> Other | |

3. Provide the following service data:

Annual One-Way Trips	Actual FY 2011-12	Projected FY 2012-13	Estimated FY 2013-14	Estimated FY 2014-15
All Trips	24,459	23,043	24,500	24,500
Seniors and Persons with Disabilities	11,920	10,954	12,000	12,000

Project Selection

Please check the project types below for which you wish to complete an application, then click the "Create My Application" button below.

Transit Operations

- A1. Operations – Preserve Existing New Freedom Project
- A2. Operations – Regular Elderly & Disabled Program Services
- B. Purchase Service

Mobility Management

- C. Mobility Management Project

Capital Projects

- D1. Replacement Vehicles
- D2. Service Expansion & Right-sizing vehicles
- E. Capitalized vehicle Preventive Maintenance
- F. Equipment
- G. Signs & Other Amenities
- H. Passenger Shelters
- J. Facilities (bus barns & other buildings)

Section 5310 Application for Funding – Fiscal Year 2013-2015

A2. Operations Project – Regular Elderly & Disabled Program Services

1. Project Title and Services Description

Enter a short title of your transit project in the first box, and in the second box, explain how your project is planned, designed, and carried out to meet the special needs of seniors and persons with disabilities, when general public transit is either insufficient, inappropriate or not available.

Project Title:

STF Operations

Project Service Description:

This funding will support the provision of dial-a-ride public transit service in The Dalles area of Wasco County. 48% of our riders are elderly and/or disabled. Service is provided on a first come, first serve basis. We have a custom shopping service that is designed to make grocery shopping easier for persons with disabilities and seniors. The service is used by people in the community to get to essential appointments.

2. Estimated number of unduplicated individuals (older adults and persons with disabilities) this project proposes to support in the 2013-15 biennium grant period:

3. Estimated number of one-way rides this project proposes to provide in the 2013-15 biennium grant period:

4. Project is included in the adopted Coordinated Plan:

Page: Date plan adopted:

5. Complete Budget for Part A: Operations

Provide the proposed budget for your project in the table below.

Description	Estimate for this Project 2013-2014	Estimate for this Project 2014-2015
Project administration expense (Guideline: should not exceed 10% of total project cost)		
a. Administration wages and benefits	1,420	1,420
b. Administrative Portion of Facility (rent, janitorial, utilities, building insurance)		
c. Professional Services		
d. Administrative services and supplies (IT, travel, office expense, telecommunications, etc.)		
e. Other (describe): <input style="width: 200px;" type="text" value="All of the above"/>	1,001	1,001
Operations expense		
f. Cost of Purchased Service agreement		

Section 5310 Application for Funding – Fiscal Year 2013-2015

Description	Estimate for this Project 2013-2014	Estimate for this Project 2014-2015
g. Operations wages and benefits	9,644	9,644
h. Vehicle maintenance & expense (tires, parts, bulk fuel & oil, vehicle insurance, painting & washing) ^(a)		
i. Operations Portion of Facility (rent, janitorial, utilities, building insurance)		
j. Operating services and supplies (IT, travel, office expense, telecommunications, etc.)		
k. Training		
l. Other (describe): <input type="text" value="All of the above"/>	2,935	2,935
Durable equipment less than \$5,000		
m. Describe Item(s): <input type="text"/>		
Subtotals	\$15,000	\$15,000
	Grand Total:	\$30,000

^(a)May apply for a preventive maintenance project in Section E.

6. Project Cost and Match

a. Total Cost (<i>Grand Total</i> from budget sheet)	\$30,000
b. Match Amount (line 6a x 50.00%))
c. Total Project Cost less Match Amount (line 6a – line 6b)	\$30,000

Table information will fill and calculate automatically from budget table.

7. Source of Match funds:

8. Is this project part of a group of activities or projects that are dependent on each other (for example, a new transit service that requires capital and operating funds)?

Yes No

Agenda Item
Attainable Housing

- [Letter of Support](#)



WASCO COUNTY

Board of County Commissioners

511 Washington Street, Suite 302
The Dalles, Oregon 97058-2237
(541) 506-2520
Fax: (541) 506-2521

Scott Hege, *Chair of the Board*
Rod Runyon, *County Commissioner*
Steve Kramer, *County Commissioner*

Amanda Hoey
Mid-Columbia Economic Development District
515 East Second Street
The Dalles, OR 97058

Dear Ms. Hoey,

Wasco County wishes to express its support for the Attainable Housing initiative in the North Central/Mid-Columbia region (Hood River, Wasco and Sherman counties). As part of that initiative, we particularly want to express our commitment to the efforts of the Regional Solutions Team to obtain \$2 million in state funding to seed an Attainable Housing Revolving Loan Fund for the region.

The Attainable Housing initiative seeks to address one of the region's primary economic development barriers: a shortage of quality housing stock at price ranges and rental levels which are commensurate with the financial capabilities of workers and households in the region. The housing concerns affect both quality of life and economic development in the County. Acute housing constraints in Wasco County are an impediment to future economic growth in the region and act as a deterrent to businesses, particularly those of any size, which seek to employ a local workforce. To continue promoting economic prosperity, the County supports both the immediate term opportunity presented through the creation of a housing loan fund and the ongoing long term efforts to build local capacity and review policies to address housing barriers.

This funding and project builds upon existing investments made by the region and the state including technical assistance, funding for housing studies and providing resources for individual housing development projects. It builds upon the established regional partnerships and expands the leveraging of public and private resources to private investors and employers. We look forward to active and ongoing participation in the Attainable Housing initiative.

Sincerely,
Wasco County Board of Commissioners

Scott C. Hege
Commission Chair

Rod L. Runyon
County Commissioner

Steve D. Kramer
County Commissioner

Agenda Item Cycle Oregon

- [About Cycle Oregon](#)
- [Columbia Gorge Ride](#)
- [Ride Brochure](#)



The best bike ride in America.

[The Week Ride](#)

[The Weekend Ride](#)

[The CO3 Ride](#)

[About Cycle Oregon](#)

[Cycle Oregon Fund](#)

[Volunteer](#)

[Newsletter](#)

[Blog](#)

[Forum](#)

[Sponsors](#)

[Training](#)

[Registration](#)

Search...



Overview

[History](#)

[Mission](#)

About Cycle Oregon

The Best Bike Ride in America

The best way to sum up Cycle Oregon might be through the honorary title riders have bestowed upon it: The Best Bike Ride in America.

That's because Cycle Oregon delivers the best combination of scenery, challenge, amenities, camaraderie and philanthropy of any ride out there. A fun-loving mix of back-road riding and two-wheeled tent revival, our event moves from town to town with 2,000 or more riders enjoying generous hospitality and providing direct financial benefits to our host towns as well as cycling-related causes throughout Oregon.

And it's a new route, and a new experience, every year!





The best bike ride in America.

The Week Ride

The Weekend Ride

The CO3 Ride

About Cycle Oregon

Cycle Oregon Fund

Volunteer

Newsletter

Blog

Forum

Sponsors

Training

Registration

Search...



Intro

- Registration
- Route
- Ride Details
- Rider Guests
- FAQ
- Past Rides
- Photo Tour
- Sustainability

2014 Week Ride

The Week Ride is the original Cycle Oregon – a seven-day excursion through a different part of Oregon each year. Your registration includes beautiful campsites, plentiful food, hot showers, live entertainment and a fully supported route. Plus you can enjoy massage, cold microbrews and Oregon wine and cheese, gourmet coffee and many other amenities.

Register

Click [here](#) to register. Be sure to select the week route!

Details

Dates: September 6-13

Cost: \$925

Rider Limit: 2,200

Route

Miles

402 – 489 depending on route

Climbing

30,149 – 34,893 ft

Host Communities

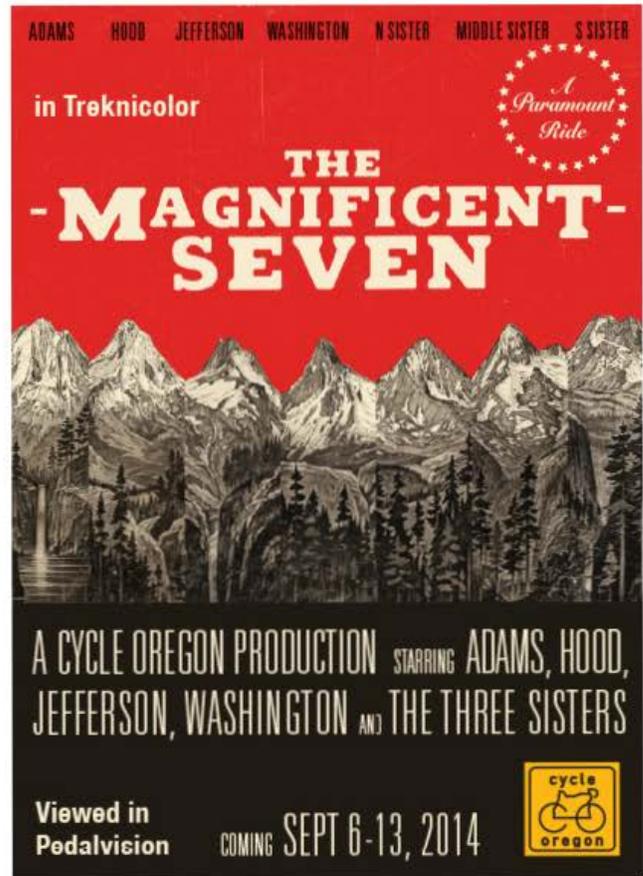
The Dalles, Glenwood, Dufur, Tygh Valley, Madras

Description:

The 2014 route shows off the true beauty of the Columbia Gorge and the majestic peaks surrounding it. Steep switchbacks, dense forest, panoramic views for miles. Winding rural routes, boulder strewn rivers, lush blankets of moss. This year's ride will be one of the more scenic rides in recent memory, and one of the most challenging ever!

Brochure

Click [here](#) for the full Week Ride Brochure



THE CYCLE OREGON **WEEK RIDE** IS BEING OFFERED TO

APPRECIATIVE AUDIENCES

BY THE GOOD PEOPLE AT CYCLE OREGON

CYCLE OREGON XXVII HAS BEEN RATED

G	GORGEIOUS
	EPIC SCENERY ENJOYABLE FOR ALL AUDIENCES
GRAPHIC PANORAMIC VIEWS AND CHANGING SCENERY	

Produced by
CYCLE OREGON



Viewed in
PEDALVISION

ADAMS

HOOD

JEFFERSON

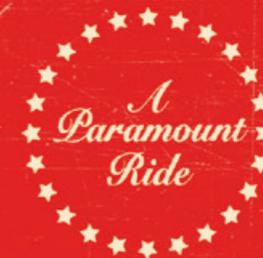
WASHINGTON

N SISTER

MIDDLE SISTER

S SISTER

in Treknicolor



THE - MAGNIFICENT - SEVEN



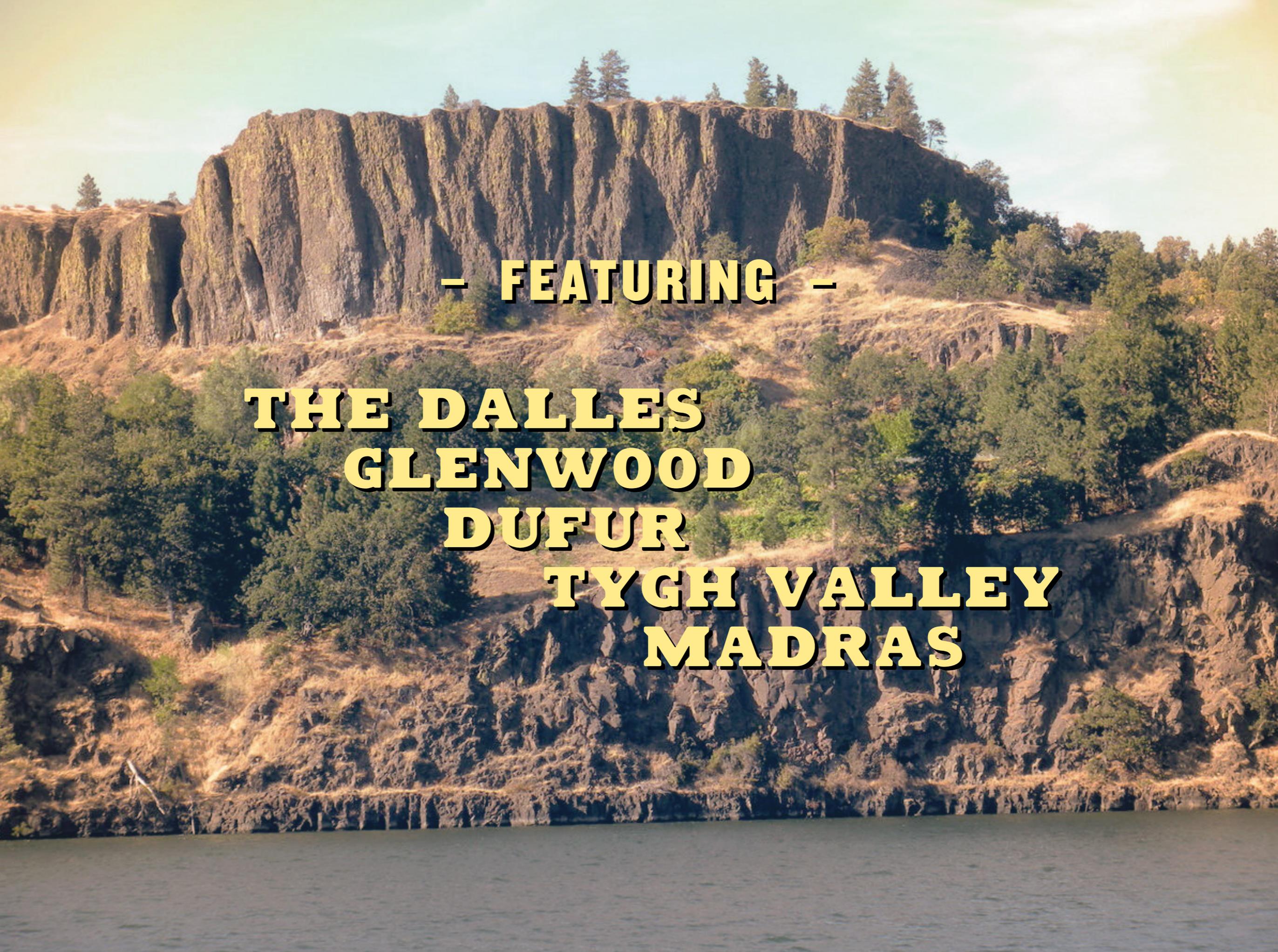
In the shadows of the seven... rode two thousand.

A CYCLE OREGON PRODUCTION STARRING ADAMS, HOOD, JEFFERSON, WASHINGTON AND THE THREE SISTERS
AND FEATURING THE DALLES, GLENWOOD, DUFUR, TYGH VALLEY AND MADRAS WITH SHANIKO, ANTELOPE, MAUPIN AND LYLE
SEPTEMBER 6-13, 2014, WARNING: THIS EVENT IS NOT SUITABLE FOR THE FAINT OF HEART



Viewed in PEDALVISION





- FEATURING -

THE DALLES

GLENWOOD

DUFUR

TYGH VALLEY

MADRAS

“SIMPLY GORGE-OUS”

DAY ONE The Dalles to Glenwood (63 miles)

One day, two different gorges. Start your day pedaling through the Columbia River Gorge, watching windsurfers flit on the river. Then turn up, climbing steadily past the sparkling whitewater of the Klickitat River before leaving it behind for a Tour-de-France-style back-road climb. You’ll come out far above the river, then drop into your second gorge — an instant CO classic descent down to the river. From there, listen to the wind rustle through the pines as you cruise into Glenwood, at the foot of Mt. Adams.

“TAKE ME TO THE RIVER”

DAY TWO Glenwood to Dufur (61 or 86 miles)

Roll out of camp enjoying lingering views of Mt. Adams. A short stretch of gravel pays off a few miles later as you dive off the edge of a rim for 10 miles of exhilarating downhill with postcard views of Mt. Hood and the Gorge. Hope for a tailwind back to the The Dalles, then decide whether you want to take on the long option to Rowena Crest. Climb south through fertile orchards and then take on some very large rollers before dropping into Dufur.

“EVERYTHING IN ONE DAY”

DAY THREE Dufur to Tygh Valley (73 miles)

Today everything is big — the climbs, the mountains, even the descents. Head out of Dufur through gentle farmland contours before the roller-coaster starts up. Three unrelenting ascents — each shorter than the last — take you through Mt. Hood’s forests redolent of pine needles and duff, and they’re punctuated by paybacks of long, gliding downhills. The drops into Wamic and then Tygh Valley are slices of pure speed and enjoyment. Cool down on the country lane to our camp at the fairgrounds.

“COWBOYS AND INDIANS”

DAY FOUR Tygh Valley to Madras (77 miles)

Today’s counterpoint to yesterday’s forest includes plenty of the windy wide-open. After a “good morning, legs” climb leaving the fairgrounds and Tygh Valley, head to the Warm Springs Reservation for a taste of the high desert. Big rollers will make you appreciate gravity’s power, and you just might see wild horses. Kah-nee-tah resort provides a lunchtime oasis; in the afternoon enjoy splendid views of Pelton Dam and Lake Simtustus before taking on one of the toughest climbs in CO history(!) before hitting camp in Madras.

“HIGH DESERT HIGHLIGHTS”

DAY FIVE Smith Rock Loop Option (62 miles)

Time to play bike-tourist today — bring your camera. Start the morning taking in a series of breathtaking views of Lake Billy Chinook. Cruise past rich agricultural tracts through Culver, and then test your vertigo looking over the steeply carved sides of Crooked River Canyon. From there it’s off to world-renowned Smith Rock State Park, where craggy spires rise from the riverbank and climbers look like tiny specks on the walls. Enjoy a little-used stretch of the old Culver Highway on the way back to Madras.

“ECHOES OF THE PAST”

DAY SIX Madras to Tygh Valley (85 miles)

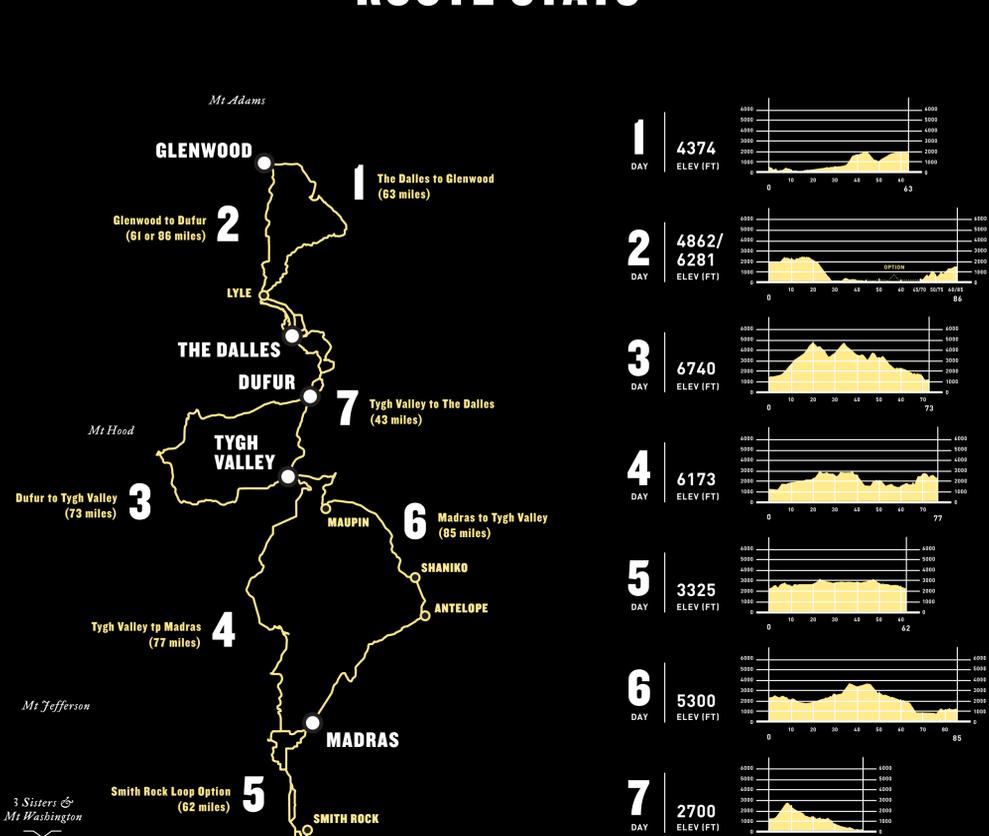
Today provides perspectives on time and history. Pedal past lush fields of today’s crops back-dropped by Cascade peaks, pass the eons-old agate beds of Richardson’s Ranch, and enjoy the sublime road into Antelope, near the infamous temporary community of Rajneeshpuram. Next up is Shaniko, a ghost town whose heyday was around 1900, followed by Bakeoven Road, one of Oregon’s loneliest spots. Drop into the ancient Deschutes River Canyon at Maupin and then follow the river for miles before climbing up and out to Tygh Valley.

“ROLLING HOME”

DAY SEVEN Tygh Valley to The Dalles (43 miles)

One last day of stellar scenery. Ease through some flatlands, then get the work done early with a long, steady climb (the top is NOT just around the next bend). Summit to spectacular vistas on Dufur Gap Road, then head down to a rollicking ride through rolling fields extending in every direction. Other than a few whoop-de-doo, it’s downhill to the finish, through a leafy canyon and then a view you’ll remember: Mt. Hood, the Gorge and The Dalles below.

– ROUTE STATS –



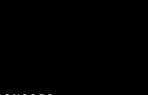
THE CYCLE OREGON FUND

is the cornerstone of our organization — a way to support communities, projects and bicycle advocacy throughout Oregon. With more than \$2 million currently in the fund, Cycle Oregon awards approximately \$100,000 per year in grants to a wide variety of recipients. The projects we fund may not get widespread attention, but they mean everything to the people and the towns they’re in. Cycle Oregon also provides approximately \$160,000 per year directly to the communities that host our events, for the services their local volunteers provide.

Viewed in PEDALVISION



SPONSORS



Agenda Item
Lot Line Vacation

- [Land Use Application](#)
- [Petition for Interior Lot Line Vacation](#)
- [Staff Report & Recommendations](#)
- [Order #14-020 Accepting Vacation of Interior
Lot Line](#)



Wasco County Planning Department
 "Service, Sustainability & Solutions"
 2705 East Second St. • The Dalles, OR 97058
 (541) 506-2560 • wcplanning@co.wasco.or.us
 www.co.wasco.or.us/planning

LAND USE APPLICATION

FILE NUMBER: PLALLV-14-01-0001

FEE: \$911

Date Received: 1/21/14 Planner Initials: DB Date Complete: 2/12/14 Planner Initials: JS

APPLICANT INFORMATION

Name: JAMES D. RICHARDSON
 Address: [REDACTED]
 City/State/Zip: [REDACTED]
 Phone: [REDACTED]
 Email: [REDACTED]

OWNER INFORMATION

Name: SAME
 Address: _____
 City/State/Zip: _____
 Phone: _____
 Email: _____

PROPERTY INFORMATION

Lot 10
Lot 11

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
<u>45 12E 3DC 400</u>	<u>11033</u>	<u>0.48</u>	<u>A-R</u>
<u>500 / 700</u>	<u>11032</u>	<u>0.52</u>	<u>A-R</u>

Property address (or location): [REDACTED] (PINE HOLLOW) TYPH VALLEY DR. 97063

Water source: BARLOW WATER DIST. Sewage disposal method: SEPTIC TANK

Name of road providing access: FRONTAGE RD.

Current use of property: _____ Use of surrounding properties: _____

Do you own neighboring property? NO YES (description) _____

DETAILED PROJECT DESCRIPTION (proposed use, structures, dimensions, etc.): _____

I OWN TWO LOTS THAT AJAIN EACH OTHER. I WANT TO REMOVE CENTER LOT LINE AND MAKE THE TWO ONE LARGE LOT.
ONE LOT HAS HOME ON IT AND THE OTHER HAS MY SHOP ON IT.
WOOD SHED AND STORAGE ON LOT WITH GARAGE.

Additional description/maps/pictures attached

LEGAL PARCEL STATUS

Partition, Subdivision, OR *See Lot Line Vacation*

Most Recent Pre-9/4/1974 Deed #: *Appl.* Date Filed: _____

Current Deed #: *95-1480* Date Filed: _____

The deed and a map showing the property described in the deed(s) must accompany this application.

SIGNATURES

X Applicant(s): *James D. Richardson* Date: _____
Date: _____

Property Owner(s): _____ Date: _____

PLEASE NOTE: Before this application will be processed, you **must** supply all requested information and forms, and address **all listed or referenced criteria**. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

ALL LAND USE APPLICATIONS MUST INCLUDE:

- Application Fee – Cash or Check (credit cards now accepted with additional fee)
- Site Plan
- Elevation Drawing
- Fire Safety Self-Certification
- Other applicable information/application(s):

N/A
N/A

APPLICATIONS FOR PROPERTIES IN THE NATIONAL SCENIC AREA MUST ALSO INCLUDE:

- Scenic Area Application/Expedited Review
- Color and Material Samples
- Landscaping Plan
- Grading Plan
- Other applicable information/application(s):

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel NO YES

Deed/Land Use Action: Plot 8/17/77

Previous Map and Tax Lot: _____

Past Land Use Actions: If yes, list file #(s) NO YES

Subject to previous conditions? NO YES

Assessor Property Class: _____

Zoning: _____

Environmental Protection Districts – List applicable EPDs:

EPD # _____

EPD # _____

EPD # _____

EPD # _____

Water Resources

Are there bodies of water on property or adjacent properties? NO YES

Describe: _____

Fish bearing (100/50 ft buffer) Non fish bearing (50 ft buffer) Not identified (25 ft buffer)

Irrigation ditch (50 ft buffer)

Access:

County or ODOT approach permit on file? NO YES, # _____

Address:

Address exists and has been verified to be correct? NO YES

Address needs to be assigned after approval? NO YES

Fire District: _____

Fees (List Review Type and Cost): _____

PETITION FOR INTERIOR LOT LINE VACATION

TO THE COUNTY COURT FOR WASCO COUNTY, OREGON, IN THE MATTER OF THE VACATION OF:

Subdivision Name: Pine Hollow Rec. E. Shore Lots 3RD ADDN.

Blocks & Lots to be Vacated/Consolidated: 10 + 11

I/We, James Richardson

petition the Wasco County Court to vacate the subdivision lots described in the attached application on property more particularly described as follows:

Township	Range	Section	Tax Lot:
<u>4S</u>	<u>12E</u>	<u>3DC</u>	<u>400</u>
<u>4S</u>	<u>12E</u>	<u>3DC</u>	<u>500</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of our knowledge.

SIGNATURES:

If 100% of the landowners sign the petition, the interior subdivision lot lines may be vacated without Public Hearing.

Signature: James A. Richardson

State of Oregon)

County of Wasco)

Signed and affirmed to me on the 21st day of January 2014, by Kathryn E. Foster



Oregon State Notary Public

**WASCO COUNTY
INTERIOR LOT LINE VACATION APPLICATION
Per ORS 368.351**

1. Subdivision Name: Pine Hollow Rec. Dev E Shore Lots 3rd Addn.

2. Subdivision Blocks & Lots to be vacated/consolidated:

	Lot #1	Lot #2	Lot #3	Lot #4	Lot #5
Subdivision Lot & Block #	10	11			
Existing Acres	0.48	0.52			
Proposed Acres	1.00	—			
Existing Width	130'	125'			
Proposed Width	255'	—			
Existing Depth	AV. 160'	AV. 182'			
Proposed Depth	Same	Same			

A Map showing the subdivision lots to be consolidated has been submitted.

NO YES

Please be aware, this process is reserved for vacating whole not partial subdivision lots and interior lots only. Exterior subdivision lot lines can only be altered through a Replat process.

3. Explain the reason for the proposed interior lot line vacation.

TO FORM ONE LARGE LOT

4. Explain how the proposal will facilitate development of the property and not render it unusable, or reduce its usefulness, utility or viability from the designated purpose statement of the zoning district in which the property is located.

ONE LOT HAS MY HOME ON IT AND THE
OTHER HAS MY SHOP & STORAGE ON IT.
I WANT TO KEEP IT ONE LARGE LOT, HOME AND
GARAGE ARE ALREADY ON SEPRATE LOTS,

5. All of the persons holding any recorded interest in the properties proposed to be consolidated have signed the petition or have given written permission for the applicant to act on their behalf on this matter? NO YES

6. Will the property be redivided in any manner? NO YES

If yes a plan has been included that shows the proposed redivision? N/A NO YES

7. Access Requirements: Each new property shall be required to have access by way of a street, either private or public. Indicate how all of the consolidated subdivision lots will have legal access.

a. Direct Access: The unit of land has frontage along a public street or road. Will all or some of the consolidated subdivision lots have direct physical access from a publicly dedicated street or road? NO YES

If yes indicate the publicly dedicated street or road and which consolidated subdivision lots will have direct physical access from it.

Frontage RD,

b. Private Easement Road: In resource and non-resource zones, a unit of land may have access by way of a private easement road only if the road provides access for not more than three (3) units of land, serves not more than three (3) units of land, and that the easement is a minimum 30 feet in width.

Will all or some of the consolidated subdivision lots have access by way of a private easement road? NO YES

If yes indicate the private easement road and which consolidated subdivision lots will have direct physical access from it.

c. Private Road: **In resource zones only**, a unit of land may have access by way of a private road only if:

- (1) Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land. The unit of land abutting the publicly dedicated street or road shall be counted among the (10) units of land only if it uses the same road for access.
- (2) The primary use of the road is to provide access for resource activities. If the primary use of the private road is residential a publicly dedicated road will be required upon the fourth (4th) unit of land using the road for access.
- (3) If the existing or proposed private road will provide access to more than ten (10) units of land it will be required to a publicly dedicated road.

Will all or some of the consolidated subdivision lots have access by way of an existing private road that will not provide access to more than ten (10) units of land used primarily for resource purposes? NO YES

If yes indicate the private road and which consolidated subdivision lot will have direct physical access from it.

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

AUTHORITY AND CRITERIA

Review Authority & Criteria: ORS 368.351(2) _____

Map – A map describing the proposed lot line vacation has been submitted NO YES

Zoning Overlays – Development Site is within the following Divisions:

- 1. Flood Hazard: Specify Zone _____ NO YES
- 2. Geological Hazards: _____ NO YES
- 4. Cultural, Historic and Archeological _____ NO YES
- 5. Mineral & Aggregate _____ NO YES
- 7. Natural Areas _____ NO YES
- 8. Sensitive Wildlife Habitat _____ NO YES
- 12. Sensitive Bird Sites: _____ NO YES
- 13. Pond Turtle Sensitive Area: _____ NO YES

Natural Resources

Are there natural water sources on property or adjacent properties? NO YES
If yes indicate resource type, location and required buffer.

Previous Map and Tax Lot #'s: _____

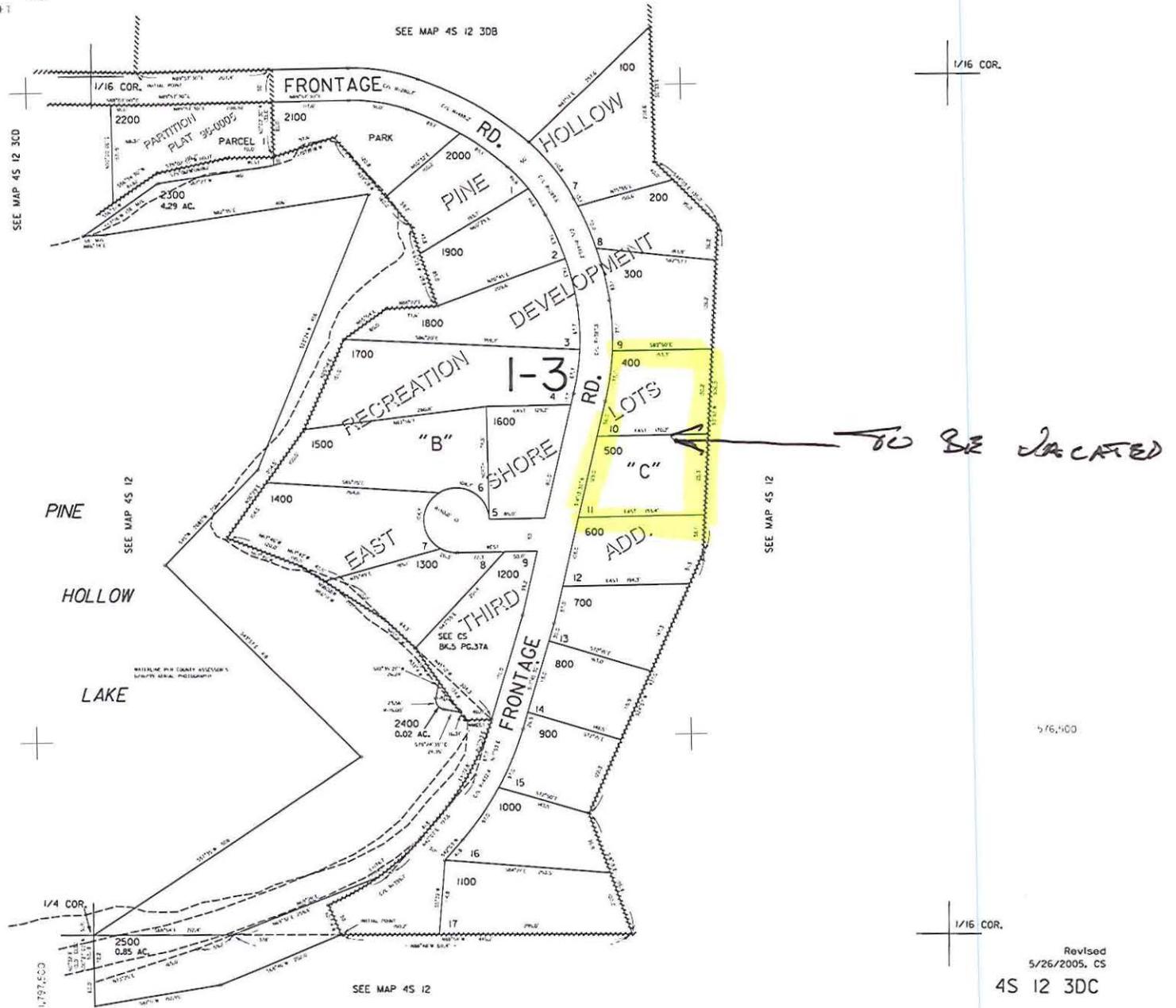
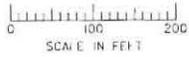
Past Actions: If yes, list _____ NO YES
Is property still subject to conditions from previous review? NO YES
If yes, list review # and condition _____

Additional Comments:

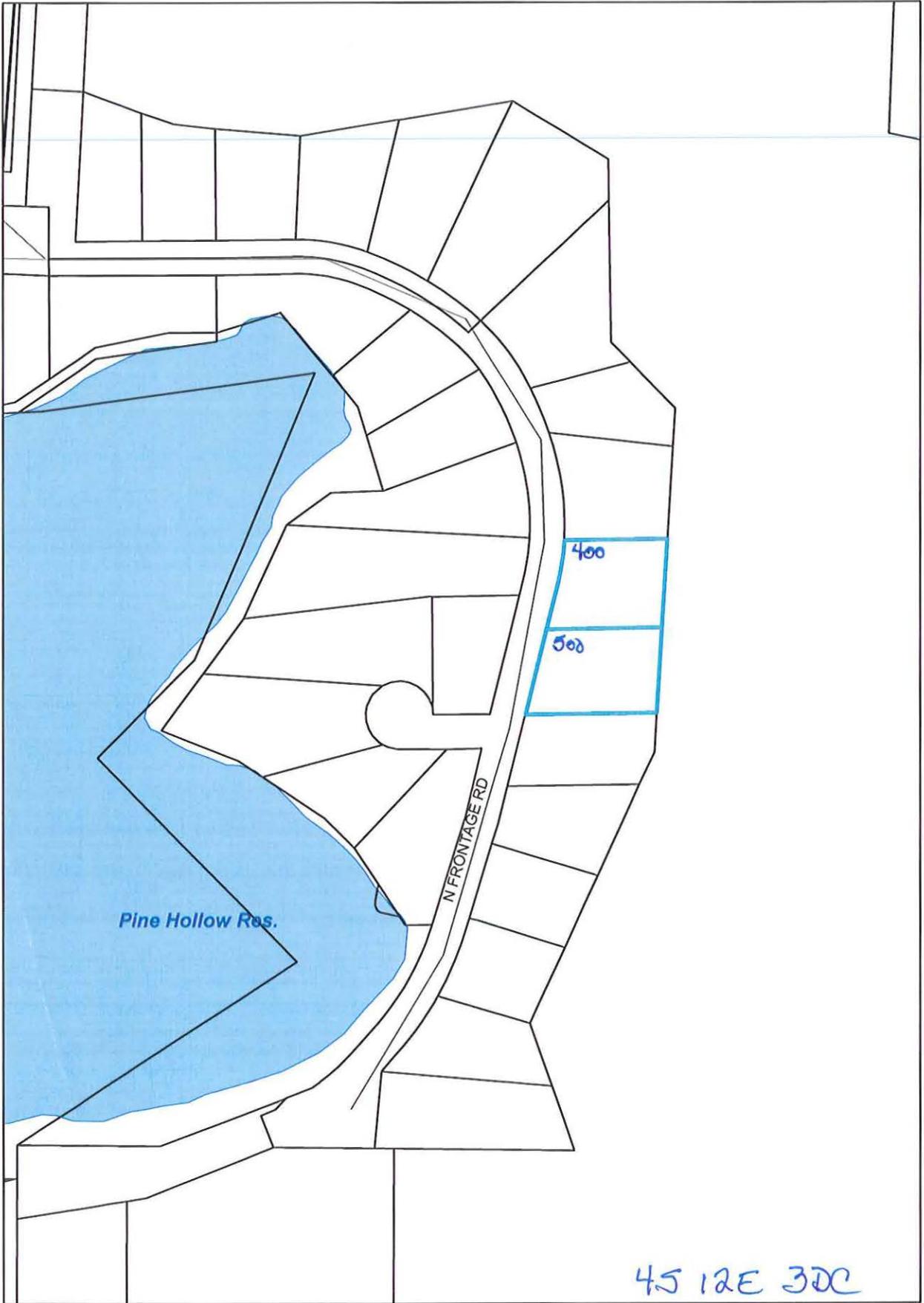
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SW1/4 SE1/4 SEC. 3 T.4S. R.12E. W.M.
WASCO COUNTY
1" = 100'

4S 12 3DC



Revised
5/26/2005, CS
4S 12 3DC



Pine Hollow Res.

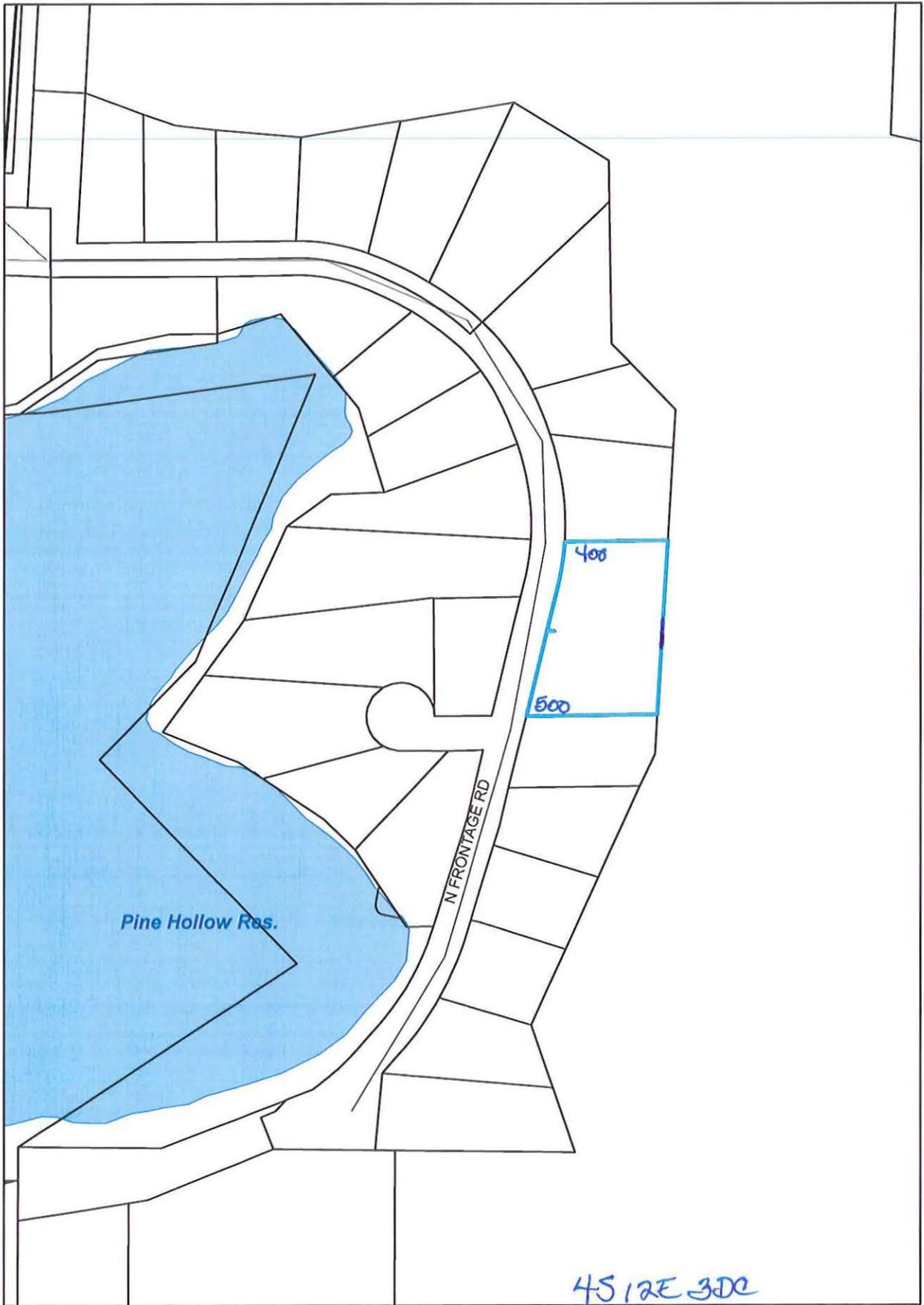
400

500

N FRONTAGE RD

45 12E 3DC
EXISTING





4512E 300
PROPOSED



1174

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That IRL DAVIS, JR. and ORLENA M. DAVIS, husband and wife hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by JAMES D. RICHARDSON hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Wasco and State of Oregon, described as follows, to-wit:

Lots 10 and 11, Block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition, in the County of Wasco and State of Oregon;

SUBJECT TO the premises herein described are within and subject to the statutory powers, including the power of assessment, of the Badger Improvement District Irrigation District; protective and restrictive covenants and all the terms and provisions thereof, as set out on the recorded plat; and all conditions, restrictions, limitations and covenants contained in plat of Pine Hollow Recreation Development, East Shore Lots Third Addition; electric line right of way easement, Pine Hollow Recreation - Irl Davis, Jr. to Wasco Electric Cooperative, Inc. dated April 22, 1977 recorded April 22, 1977, Micro-film Image No. 77-1019. (continued on reverse)

(IF SPACE INSUFFICIENT, GIVE FULL DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$400.00. (If the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration indicate which.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 17th day of January, 1978. If a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Irl Davis, Jr.
Orlena M. Davis

(If executed by a corporation, this space is blank)

STATE OF OREGON, County of Wasco, January 17, 1978

STATE OF OREGON, County of _____, Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Irl Davis, Jr. and Orlena M. Davis, husband and wife, and the foregoing instrument is their voluntary act and deed.

Notary Public for Oregon, My commission expires 9-10-78

Grantor's Name and Address: Irl Davis, Jr., et ux, Route 1 Box 41 J.R., Wasco, Oregon 97063
James D. Richardson, Route 1 Box 41 J.R., Wasco, OR 97063
Dick & Dick, 604 Washington Street, The Dalles, OR 97058
James D. Richardson, Route 1 Box 41 J.R., Wasco, OR 97063

951480
FILED IN WASCO COUNTY
THE DALLES OR
APR 24 2 34 PM '78
CLERK OF COUNTY CLERK
STATE OF OREGON

951480

Wasco County
Permit Receipt
RECEIPT NUMBER 00001608

Account name: 0010510

Date: 1/24/2014

Applicant: RICHARDSON JAMES D

Type: check # 309

<u>Permit Number</u>	<u>Fee Description</u>	<u>Amount</u>
PLALLV-14-01-0001	LOT LINE VACATION	300.00
PLALLV-14-01-0001	ASSESSOR	540.00
PLALLV-14-01-0001	CLERKS RECORDING FEE - nod	71.00
	<u>Total:</u>	<u>911.00</u>



Wasco County Planning Department

"Service, Sustainability & Solutions"

2705 East Second St. • The Dalles, OR 97058
(541) 506-2560 • wcplanning@co.wasco.or.us
www.co.wasco.or.us/planning

STAFF REPORT & RECOMMENDATION Prepared for the Board of County Commissioners

FILE # PLALLV-14-01-0001

HEARING DATE: February 19, 2014

PREPARED: February 12, 2014

REQUEST: Subdivision lot line vacation

RECOMMENDATION: Approval, with conditions

APPLICANT/OWNER INFORMATION:

Applicant: James D. Richardson, 15 North Frontage Road, Tygh Valley, OR 97063

Owner: James D. Richardson, 15 North Frontage Road, Tygh Valley, OR 97063

PROPERTY INFORMATION:

Zoning: A-R Agricultural-Recreational Zone

Location: Lot 10 and Lot 11 of Block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition. More specifically described as:

	<u>Map & Taxlot</u>	<u>Old TL</u>	<u>Acct#</u>	<u>Acres</u>
Lot 10	4S 12E 3 DC 400	800	11033	0.48
Lot 11	4S 12E 3 DC 500	700	11032	0.52

ATTACHMENTS:

Options & Staff Recommendation
Staff Report

PREPARED BY: Joey Shearer, Senior Planner

OPTIONS & STAFF RECOMMENDATION

Oregon Revised Statutes (ORS) 368.326 to 368.366 allows a county governing body to vacate interior subdivision lot lines through a defined process and, when certain conditions are met, without a public hearing. This process is an alternative to the more frequently utilized pathways found in ORS Chapter 92 – Subdivisions and Partitions.

ORS Chapter 368, which primarily provides authority and requirements involving county roads, presents a pathway for lot line vacation that some applicants may find easier, faster, and less expensive because it generally does not require the hiring of a private engineer or surveyor. Additionally, a decision described in ORS 368.326 to 368.366 does not result in a “land use decision” as defined in ORS 197.015(11). This means that the traditional land use requirements related to procedure, public involvement, and notification do not apply to lot line vacations reviewed under Chapter 368.

The following Staff Report provides important background information and addresses the applicable standards. After reviewing the applicable regulations, Staff has identified the following four options for the Board of County Commissioners.

Board of County Commissioner Options:

1. Approve the petition for the subdivision lot line vacation, and accept the proposed conditions and findings contained in the Staff Report.
2. Approve the petition for the subdivision lot line vacation with amended conditions and findings.
3. Deny the petition with amended findings that the request does not comply with the Wasco County Land Use & Development Ordinance, Oregon Revised Statutes, or any other applicable standards.
4. If additional information is needed, continue the hearing to a date and time certain to allow the submittal of additional information.

Staff Recommendation:

Staff recommends **Option 1** – Approve the petition for the subdivision lot line vacation, and accept the proposed conditions and findings contained in the following Staff Report.

STAFF REPORT

I. APPLICABLE STANDARDS

Oregon Revised Statutes (ORS)

- 368.326 Purpose of vacation proceedings; limitation
- 368.331 Limitation on use of vacation proceedings to eliminate access
- 368.341 Initiation of vacation proceedings; requirements for resolution or petition; fees
- 368.351 Vacation without hearing
- 368.356 Order and costs in vacation proceedings

II. BACKGROUND

- A. Legal Parcel:** The two subject subdivision lots are legally described as Lot 10 and Lot 11 of Block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition. Lot 10 and Lot 11 were lawfully established by a subdivision plat recorded with the Wasco County Clerk on August 17, 1977.
- B. Site Description:** The subject lots are located on the east side of Pine Hollow Reservoir. Lot 10 contains a manufactured dwelling and a few small accessory structures. Lot 11 currently contains a garage.
- C. Surrounding Land Use:** The subject lots are on the eastern boundary of the Pine Hollow subdivision. Properties on the north and east sides of N Frontage Road are partially surrounded by a large farm property to the east. Recent aerial photographs show that the majority of the adjacent farm property consists of planted fields.
- D. Land Use History:** Planning department records show two building permits for the subject lots:

LOC-98-BP for a replacement dwelling on Lot 10 (TL 400)
LOC-82-BP for a 890 SF garage on Lot 11 (TL 500, previously 4S 12E 3 DC 700)
- E. Statutory Authority:** Oregon Revised Statutes 368.326 to 368.366 allows a county governing body to vacate interior subdivision lot lines through a defined process and without a public hearing if certain conditions are met. This process does not constitute a land use regulation or land use decision. This means that the traditional land use requirements related to procedure, public involvement, and notification do not apply to lot line vacations processed under these referenced statutes.

Map 2 – Shows the approximate location of the subject lots overlaid on an aerial photo of the vicinity



III. FINDINGS OF FACT

Oregon Revised Statute (ORS) 368.326 to 368.366

368.326 Purpose of vacation proceedings; limitation.

ORS 368.326 to 368.366 establish vacation procedures by which a county governing body may vacate a subdivision, part of a subdivision, a public road, a trail, a public easement, public square or any other public property or public interest in property under the jurisdiction of the county governing body. The vacation procedures under ORS 368.326 to 368.366:

- (1) Shall not be used by the county governing body to vacate property or an interest in property that is within a city.*
- (2) Are an alternative method to the method established under ORS chapter 92 for the vacation of a subdivision.*

FINDING: Applicant is requesting the vacation of a subdivision lot line. The subject lot line is located between Lot 10 and Lot 11 of Block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition. The subdivisions lots are not within an incorporated city.

368.331 Limitation on use of vacation proceedings to eliminate access.

A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner.

FINDING: Deed 95-1480 show the subject subdivision lots are both owned by James D. Richardson. The subject lots abut, and have direct access to, N Frontage Road. Staff finds that the property line vacation will not deprive any owner of a recorded property right of access.

368.341 Initiation of vacation proceedings; requirements for resolution or petition; fees.

- (1) A county governing body may initiate proceedings to vacate property under ORS 368.326 to 368.366 if:*
 - (a) The county governing body adopts a resolution meeting the requirements of this section;*
 - (b) The person who holds title to property files with the county governing body a petition meeting the requirements of this section and requesting that the property be vacated; or*
 - (c) The owner of property abutting public property files with the county governing body a petition meeting the requirements of this section and requesting vacation of the public property that abuts the property owned by the person.*

FINDING: Applicant James D. Richardson holds title to the subject lots, as provided by the deed 95-1480. Applicant has filed an application meeting the requirements of this section and requesting that the property line be vacated. Subsection (c) is not applicable to this request.

- (2) A county governing body adopting a resolution under this section shall include the following in the resolution:
- (a) A declaration of intent to vacate property;
 - (b) A description of the property proposed to be vacated; and
 - (c) A statement of the reasons for the proposed vacation.

FINDING: Any resolution adopted by the Wasco County Board of Commissioners must include the information listed above.

- (3) Any person filing a petition under this section shall include the following in the petition:
- (a) A description of the property proposed to be vacated;
 - (b) A statement of the reasons for requesting the vacation;
 - (c) The names and addresses of all persons holding any recorded interest in the property proposed to be vacated;
 - (***)
 - (f) Signatures, acknowledged by a person authorized to take acknowledgments of deeds, of either owners of 60 percent of the land abutting the property proposed to be vacated or 60 percent of the owners of land abutting the property proposed to be vacated; and
 - (g) If the petition is for vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision.

FINDING: Applicant submitted an application describing the property as Lot 10 and Lot 11 of Block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition. More specifically described as:

	<u>Map & Taxlot</u>	<u>Old TL</u>	<u>Acct#</u>	<u>Acres</u>
Lot 10	4S 12E 3 DC 400	800	11033	0.48
Lot 11	4S 12E 3 DC 500	700	11032	0.52

Applicant has stated that the reason for the vacation is to create a larger lot. A consolidation of the two lots will allow Applicant to more easily comply with zoning regulations, including use and setback standards. Per Wasco County deed records, James D. Richardson is the sole owner of land abutting the proposed lot line vacation, and he submitted a signed and notarized petition for the lot line vacation along with the application which includes his address. No further division of the property will be allowed because the consolidated lot will not meet the minimum property size standard for the zone provided in the Wasco County LUDO and state statute.

- (4) The county governing body may require a fee for the filing of a petition under this section.

FINDING: Per the Wasco County Planning Department fee schedule, a fee of \$911 was collected along with the application for the lot line vacation.

368.351 Vacation without hearing.

A county governing body may make a determination about a vacation of property under ORS 368.326 to 368.366 without complying with ORS 368.346 if the proceedings for vacation were initiated by a petition under ORS 368.341 that indicates the owners' approval of the proposed vacation and that contains the acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated and either:

- (1) *The county road official files with the county governing body a written report that contains the county road official's assessment that any vacation of public property is in the public interest; or*
- (2) *The planning director of the county files a written report with the county governing body in which the planning director, upon review, finds that an interior lot line vacation affecting private property complies with applicable land use regulations and facilitates development of the property subject to interior lot line vacation.*

FINDING: Applicant has submitted a petition with acknowledged signatures of 100% of private property proposed to be vacated. This Staff Report serves as the Planning Director's written report to the county governing body.

Staff finds that the proposed lot line vacation will facilitate development of the property by allowing additional accessory structures to be built on the same lot as the existing dwelling. Under the current lot configuration, this scenario was not practicable due to the existing development, lot coverage, and setback standards. The proposed lot line vacation will also increase conformity with the minimum lot size for the A-R Zone.

Therefore, Staff finds that consideration and determination of the proposed lot line vacation can proceed without a hearing.

368.356 Order and costs in vacation proceedings.

- (1) *After considering matters presented under ORS 368.346 or 368.351, a county governing body shall determine whether vacation of the property is in the public interest and shall enter an order or resolution granting or denying the vacation of the property under ORS 368.326 to 368.366.*
- (2) *An order or resolution entered under this section shall:*
 - (a) *State whether the property is vacated;*
 - (b) *Describe the exact location of any property vacated;*
 - (c) *Establish the amounts of any costs resulting from an approved vacation and determine persons liable for payment of the costs;*
 - (d) *Direct any persons liable for payment of costs to pay the amounts of costs established; and*
 - (e) *If a plat is vacated, direct the county surveyor to mark the plat as provided under ORS 271.230.*
- (3) *When an order or resolution under this section becomes final, the county governing body shall cause the order to be recorded with the county clerk and cause copies of the order to be filed with the county surveyor and the county assessor. The order or resolution is effective when the order or resolution is filed under this subsection.*
- (4) *Any person who does not pay costs as directed by an order under this section is liable for those costs.*

FINDING: With a **condition**, the request complies with ORS 368.356. The order granting or denying the proposed lot line vacation shall be recorded with the Wasco County Clerk and filed with the Wasco County Assessor. Staff has notified the Wasco County Surveyor of the petition, and the Surveyor confirmed in a January 23, 2014 email that he is aware of requirements associated with processing and documenting an approved lot line vacation. Staff also recommends a **condition** that the Wasco County Surveyor mark the plat as provided under ORS 271.230.

IN THE BOARD OF COUNTY COMMISSIONERS
OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF ACCEPTING VACATION OF)
AN INTERIOR LOT LINE BETWEEN LOT 10 AND) ORDER
LOT 11, BLOCK C, PINE HOLLOW RECREATION) #14-020
DEVELOPMENT, EAST SHORE LOTS, THIRD)
ADDITION, AND ADOPTING FINDINGS OF FACT)
CONTAINED IN PLALLV-14-01-0001)

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present; and

IT APPEARING TO THE BOARD: On January 21, 2014, a petition was received from James D. Richardson to vacate an interior subdivision lot line between Lot 10 and Lot 11 of Block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition; and

IT FURTHER APPEARING TO THE BOARD: The petition complies with the applicable provisions of ORS 368.326 to 368.356. Furthermore, the petition complies with ORS 368.351, which provides for the vacation of property without a public hearing, because 100 percent of the owners of private property to be vacated

submitted acknowledged signatures on the subject petition and the Planning Director has filed a written report that the request complies with applicable land use regulations and facilitates development of the subject property; and

IT FURTHER APPEARING TO THE BOARD: The lot line vacation will facilitate the construction of additional accessory structures; and

IT FURTHER APPEARING TO THE BOARD: There are no known utilities within the proposed vacation and no property will be denied legal access by this vacation; and

IT FURTHER APPEARING TO THE BOARD: That the Wasco County Board of County Commissioners met at the hour of 9:30 a.m. on Wednesday, February 13, 2014, in the Wasco County Courthouse, Room 302, in The Dalles, Oregon, for a review of the Applicant's petition to vacate an interior subdivision lot line. The Commissioners reviewed the record, heard the Staff recommendation, and then voted ___ to ___ to approve the petition.

NOW, THEREFORE, IT IS HEREBY ORDERED: That the petition to vacate the interior subdivision lot line is hereby approved, and the Wasco County Surveyor shall mark the plat as provided under ORS 271.230; and

IT IS HEREBY ORDERED: That in support of this action, the Board hereby adopts the Conditions and Findings of Fact contained in Staff Report PLALLV-14-01-0001; and

IT IS HEREBY ORDERED: This order shall be recorded with the Wasco County Clerk and filed with the Wasco County Assessor.

SIGNED this 19th day of February, 2014.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott C. Hege, Commission Chair

APPROVED AS TO FORM:

Rod L. Runyon, County Commissioner

Eric J. Nisley
Wasco County District Attorney

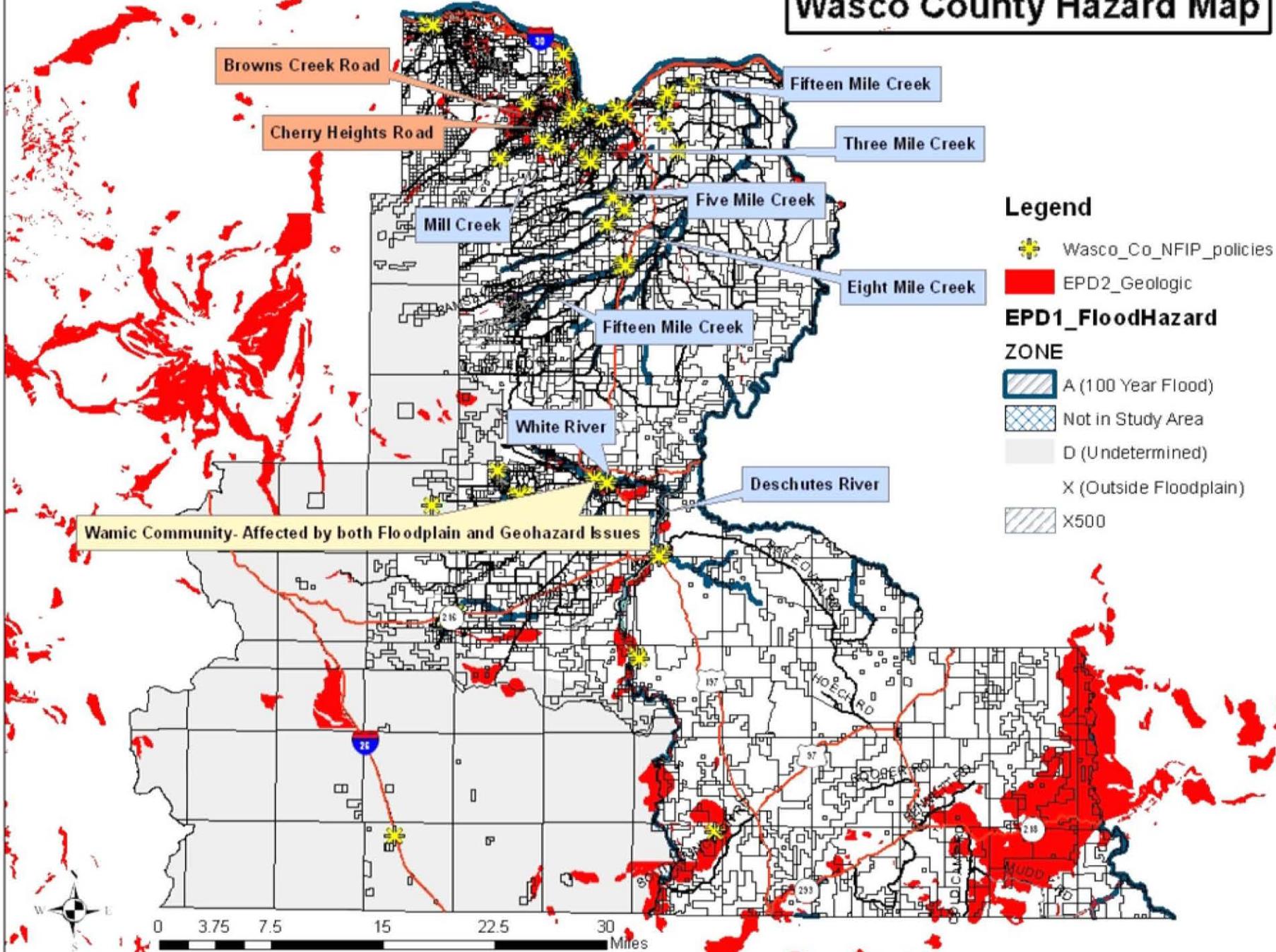
Steve D. Kramer, County Commissioner

Agenda Item

LiDAR Opportunities

- Maps
 - Wasco County Hazard Map
 - Wasco County HUC 8 Watersheds
 - Grid Map
 - Proposed LiDAR Projects DOGAMI
 - Wasco County Lidar Projects
 - Proposed LiDAR Flight – All Areas
 - Threemile Creek
 - Part of Murdock – Columbia River (1)
 - Part of Murdock – Columbia River (2)
 - Mill Creek
 - Part of Murdock – Columbia River (3)
 - Part of Chenoweth Creek
 - All of Chenoweth Creek
- Supplemental Information

Wasco County Hazard Map



Browns Creek Road

Cherry Heights Road

Mill Creek

White River

Wamic Community- Affected by both Floodplain and Geohazard Issues

Fifteen Mile Creek

Three Mile Creek

Five Mile Creek

Eight Mile Creek

Fifteen Mile Creek

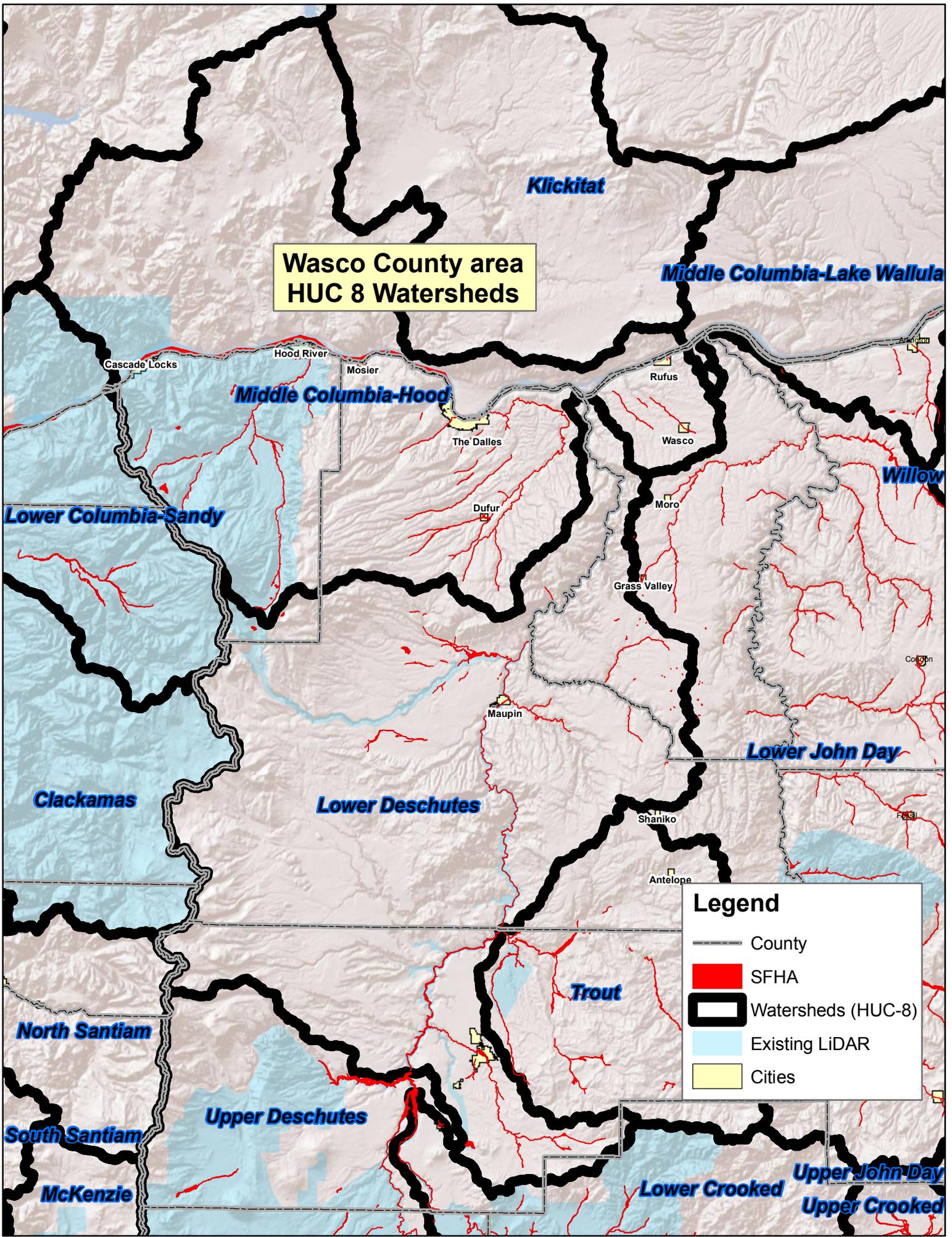
Deschutes River

Legend

- Wasco_Co_NFIP_policies
- EPD2_Geologic
- EPD1_FloodHazard**
- ZONE**
- A (100 Year Flood)
- Not in Study Area
- D (Undetermined)
- X (Outside Floodplain)
- X500

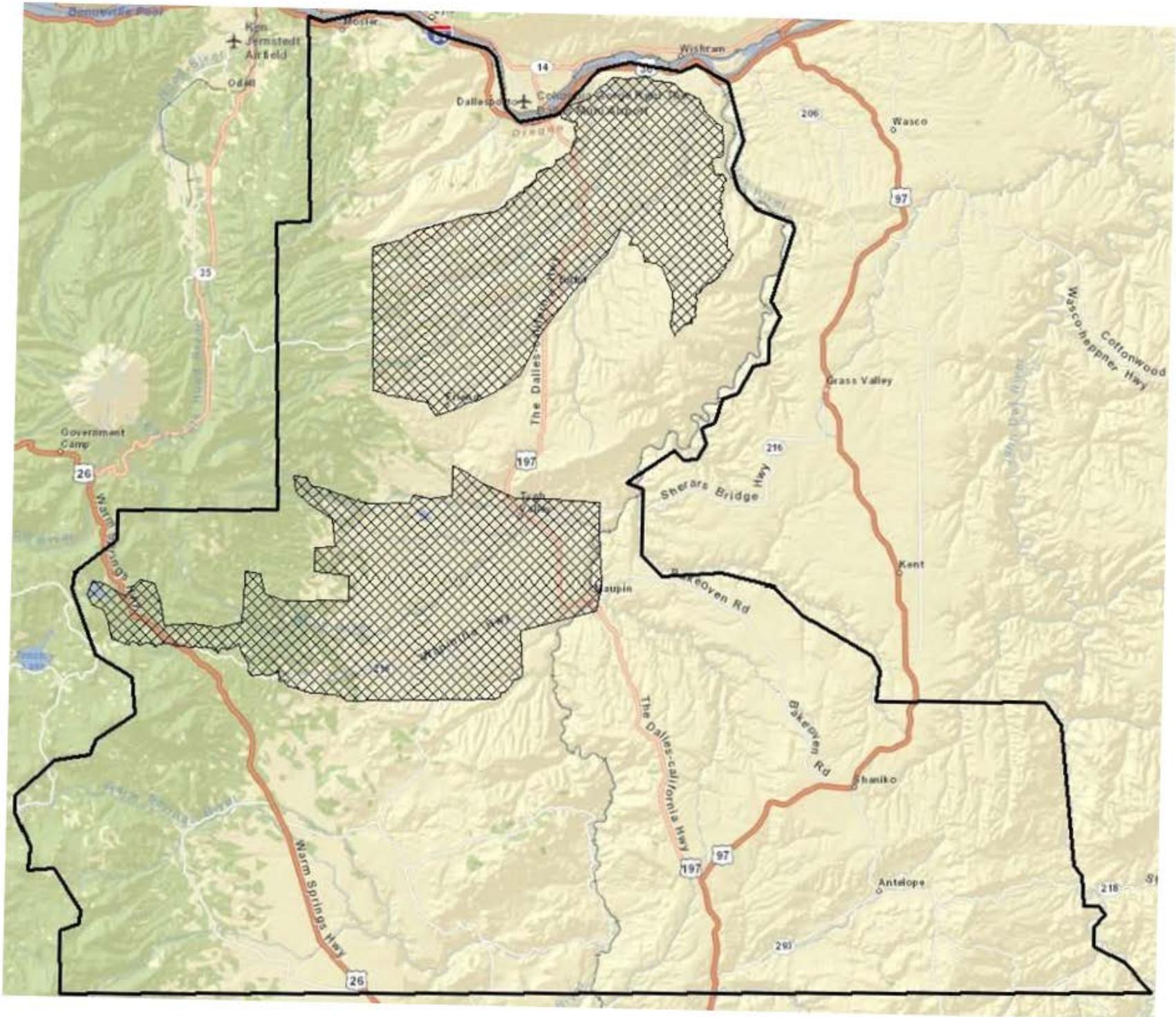
0 3.75 7.5 15 22.5 30 Miles

**Wasco County area
HUC 8 Watersheds**

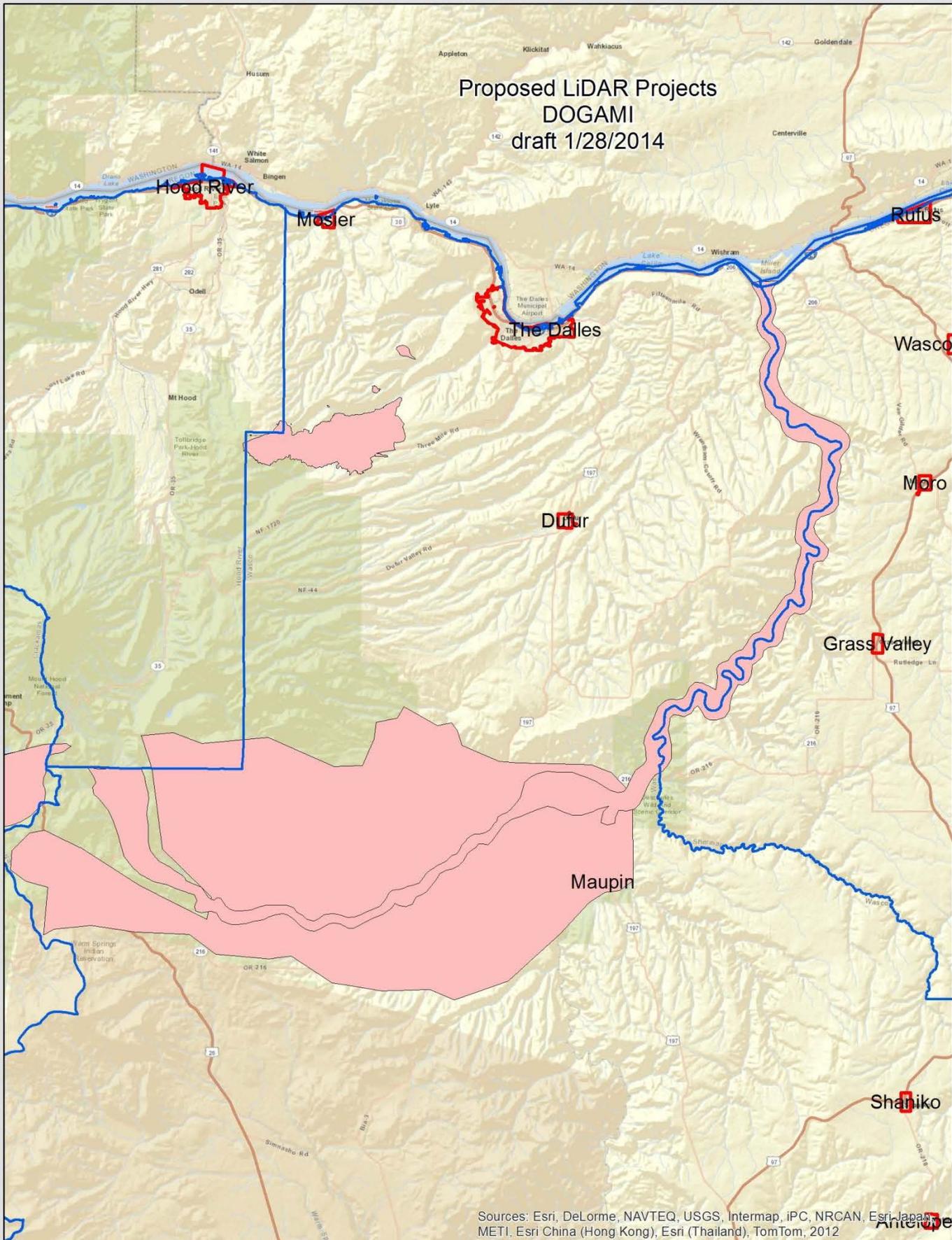


Legend

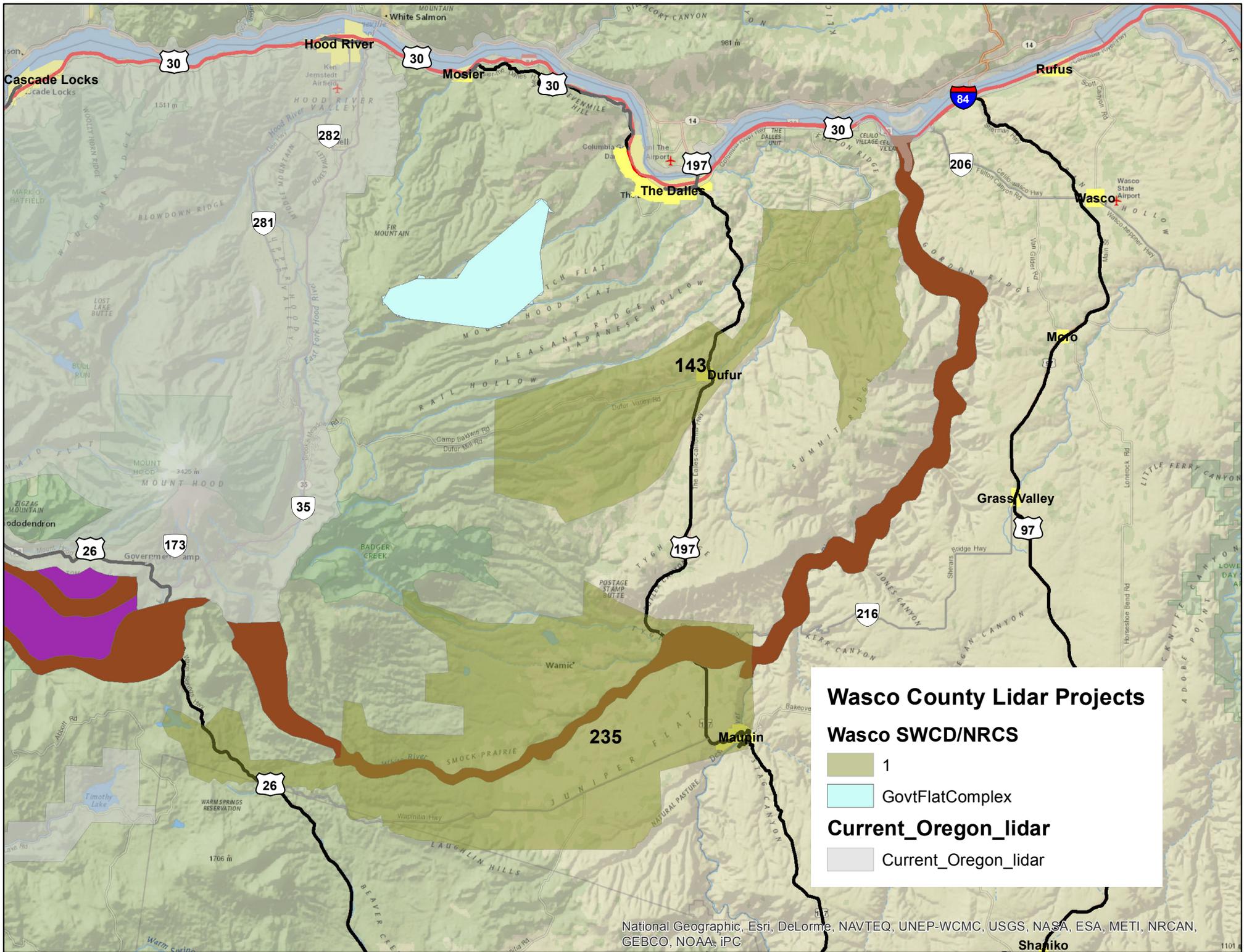
- County
- SFHA
- Watersheds (HUC-8)
- Existing LiDAR
- Cities



Proposed LiDAR Projects DOGAMI draft 1/28/2014



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, IPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012



Wasco County Lidar Projects

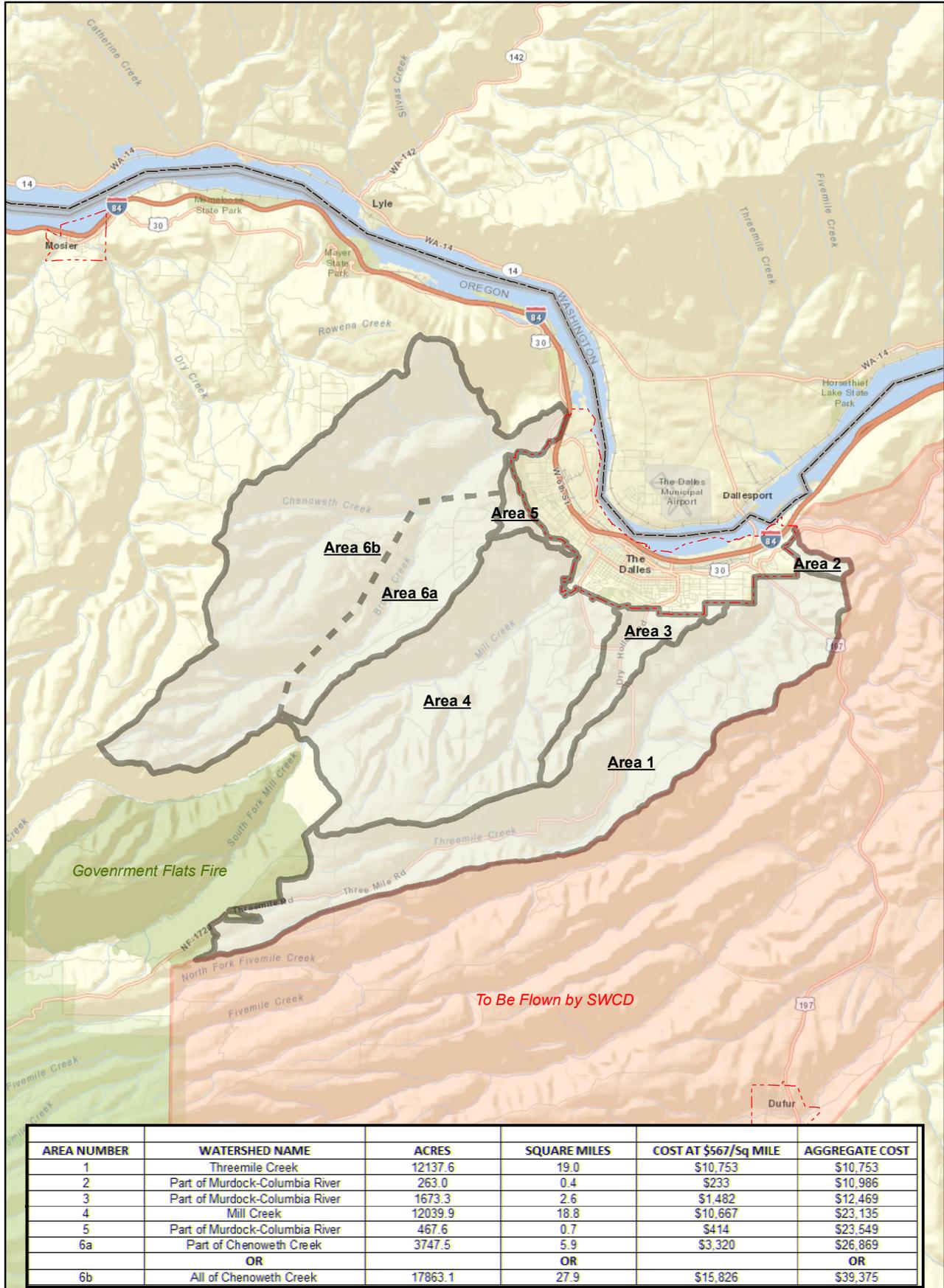
Wasco SWCD/NRCS

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- GovtFlatComplex

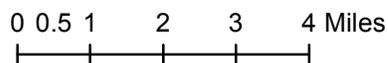
Current_Oregon_lidar

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Proposed LiDAR Flight - All Areas



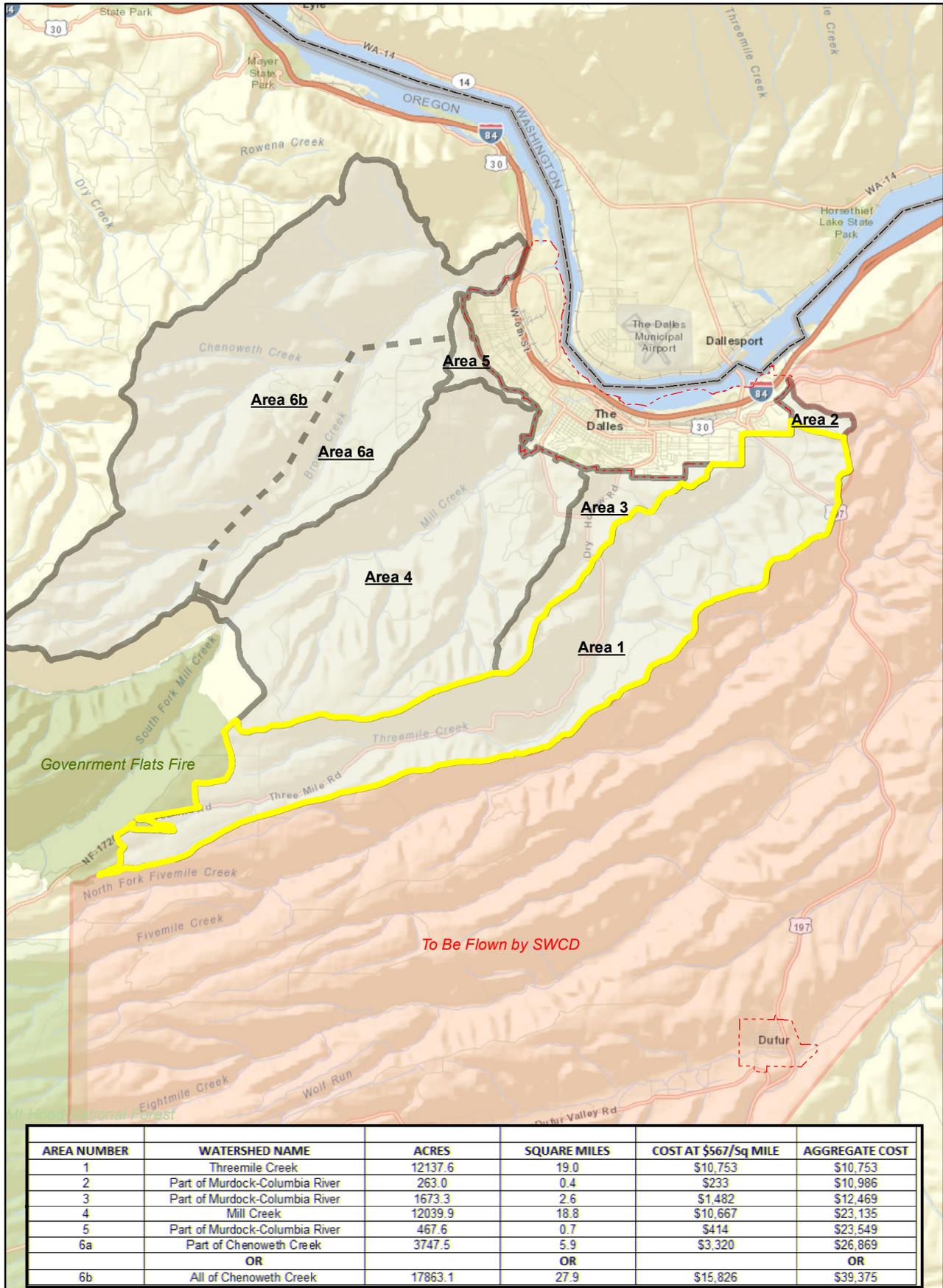
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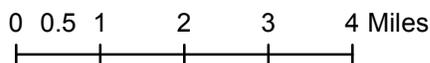
Covered Watersheds



Threemile Creek



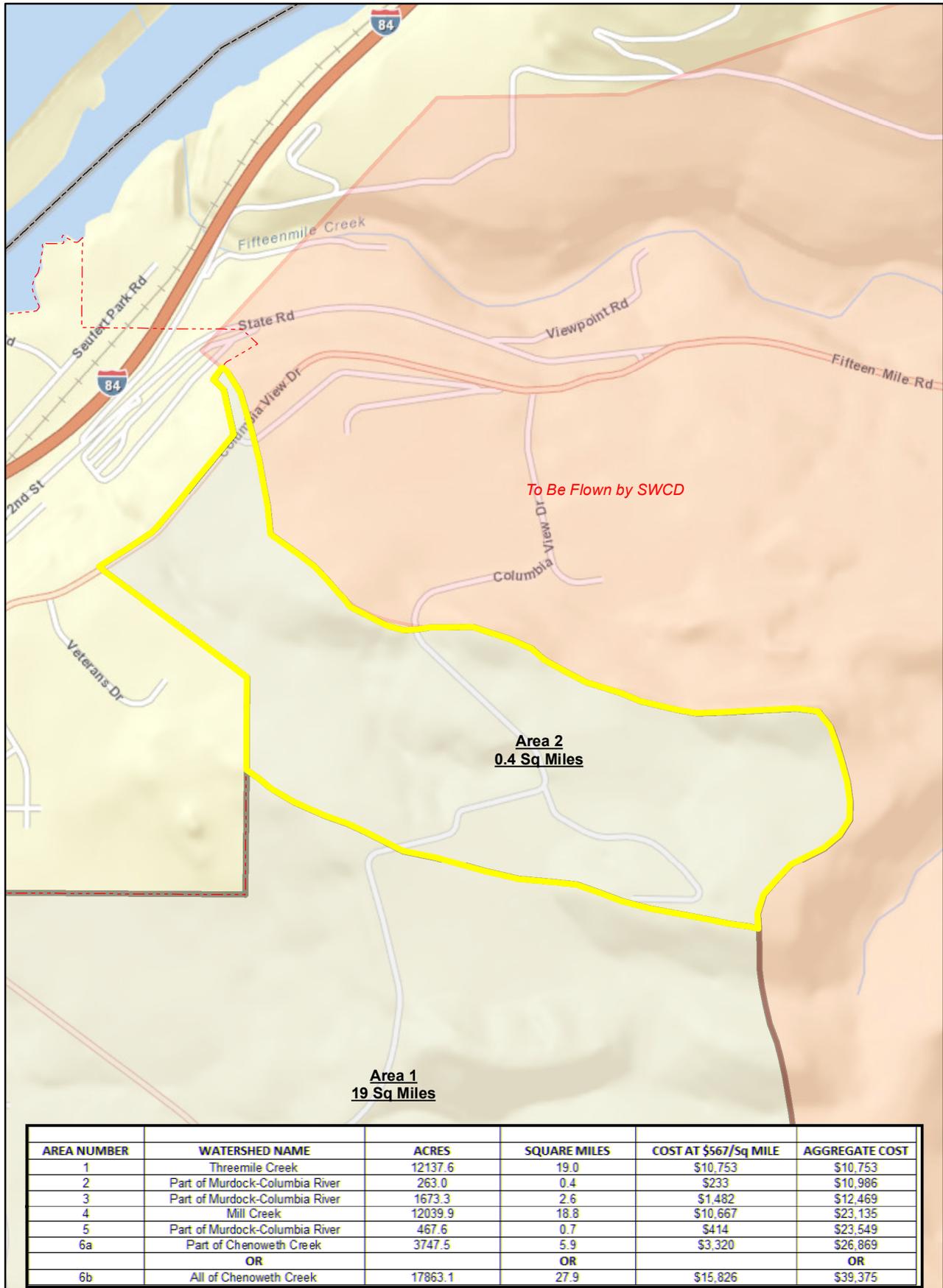
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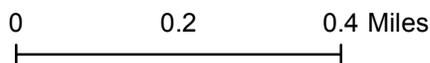
Covered Watersheds



Part of Murdock-Columbia River



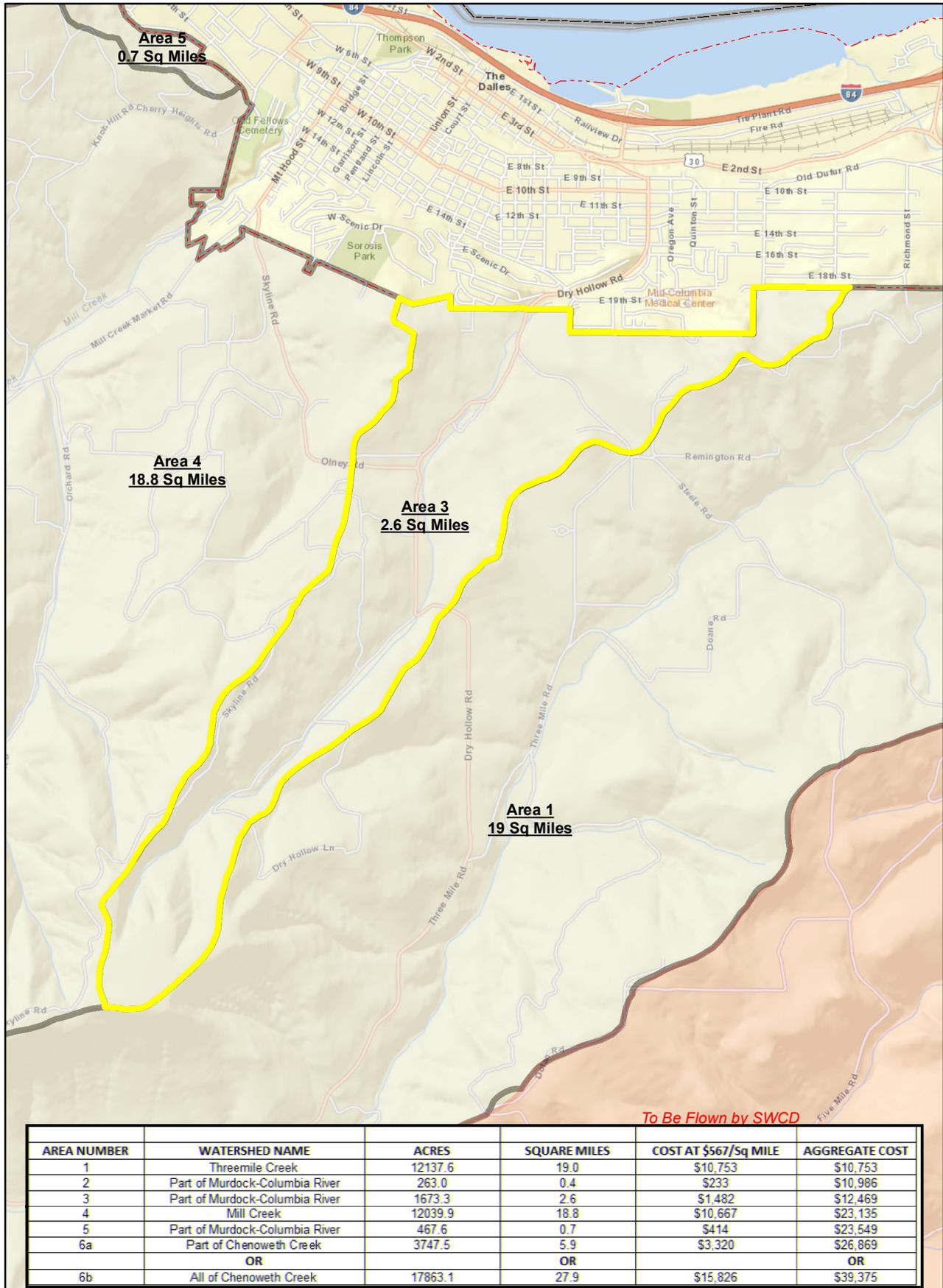
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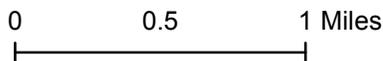
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Part of Murdock-Columbia River



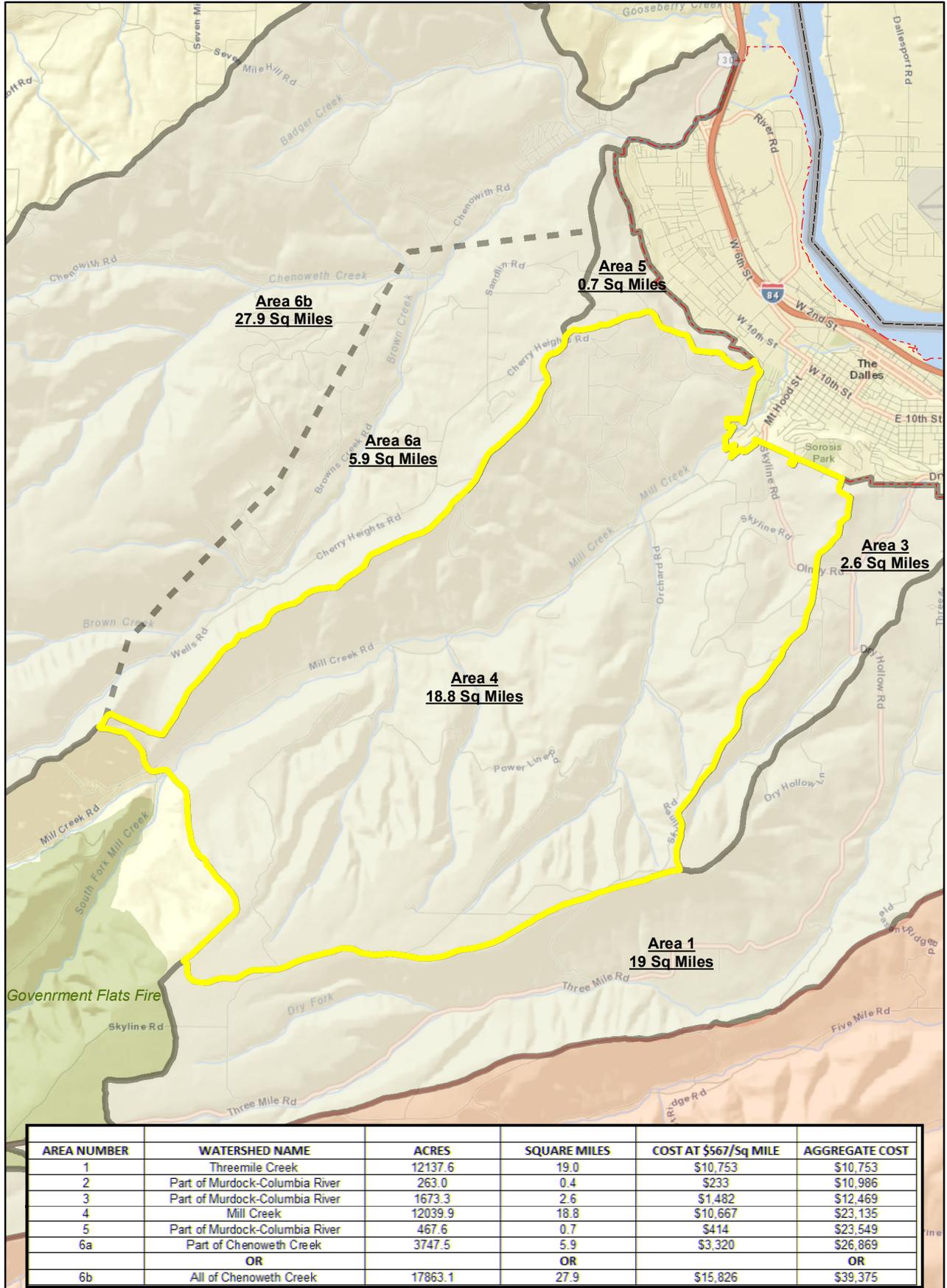
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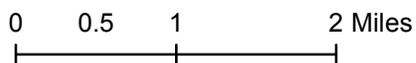
Covered Watersheds



Mill Creek



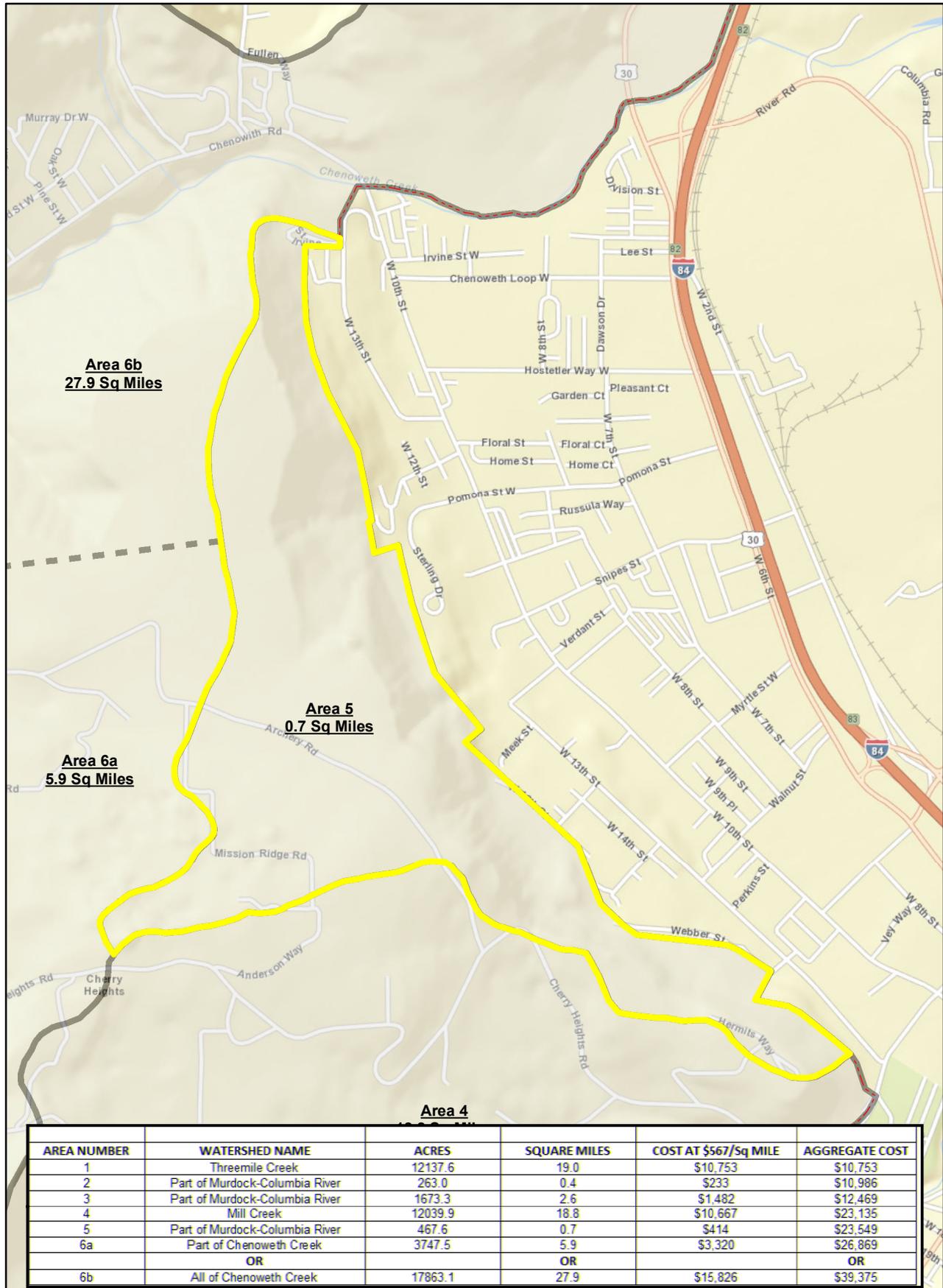
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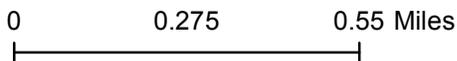
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Part of Murdock-Columbia River



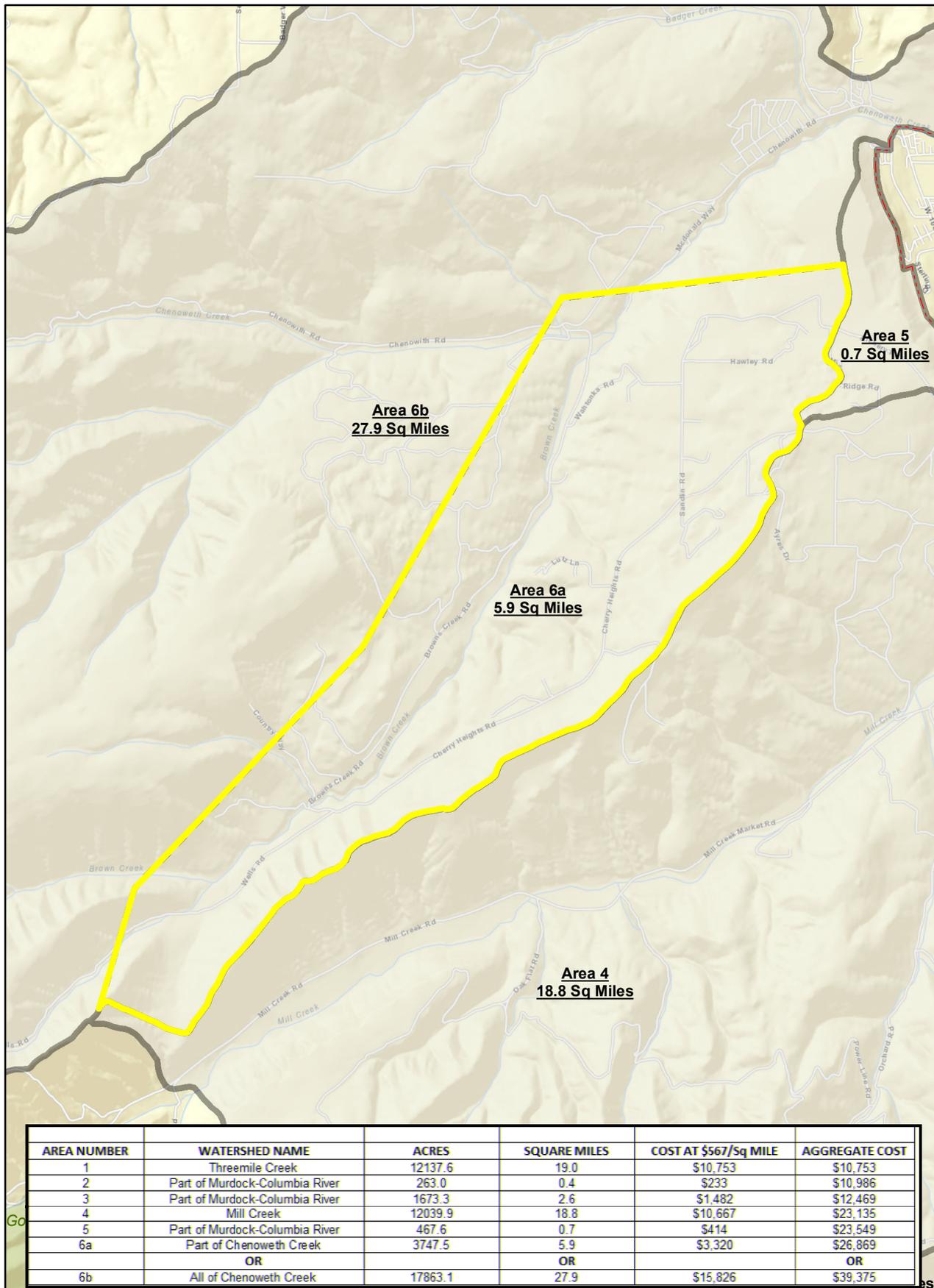
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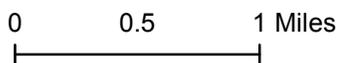
Covered Watersheds



Part of Chenoweth Creek



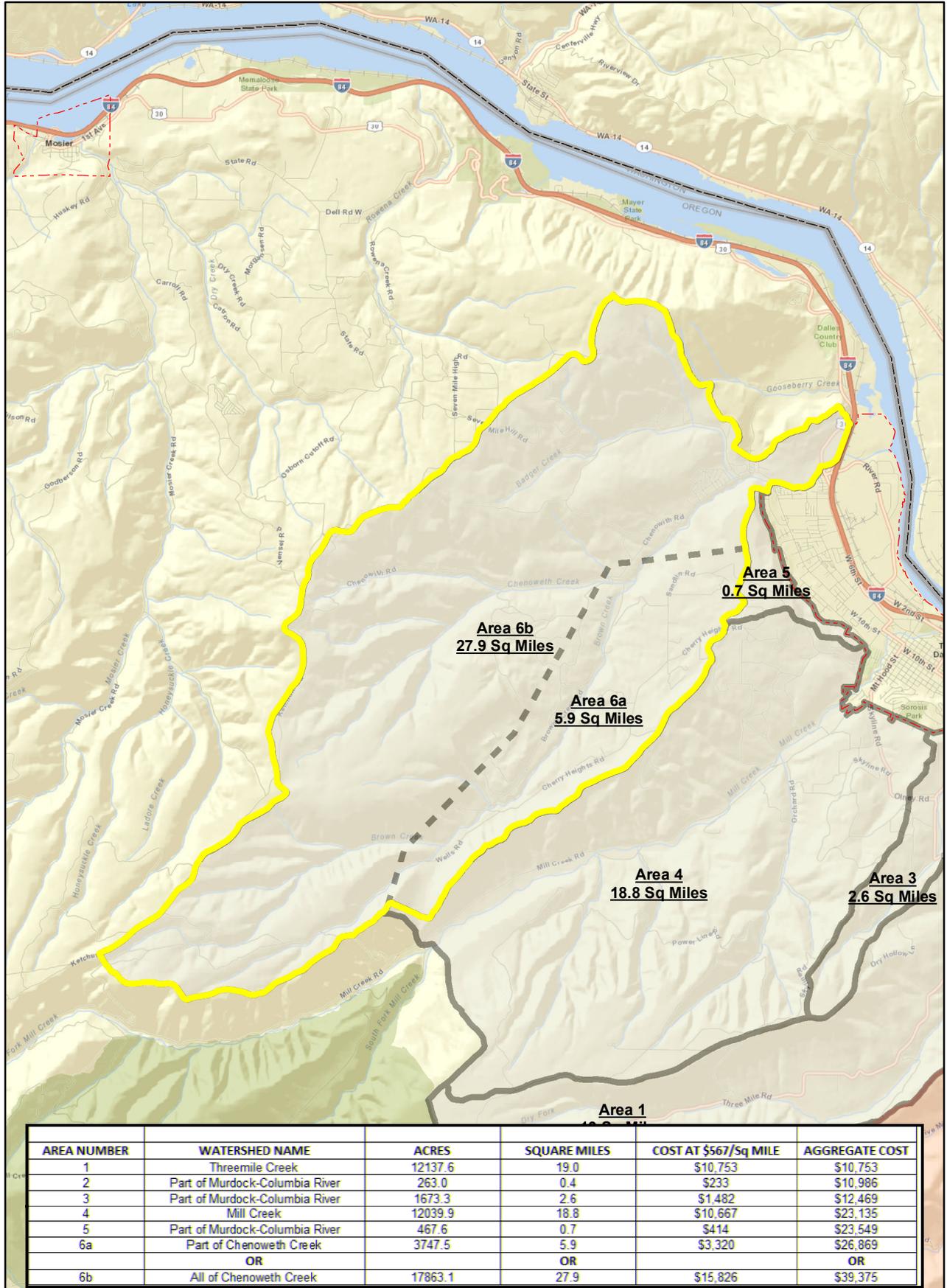
Date: 2/4/2014



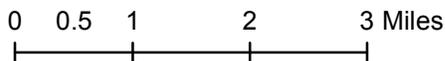
Covered Watersheds



All of Chenoweth Creek



Date: 2/4/2014



Covered Watersheds



Supplement to February 19, 2014 Board Meeting & Maps:

Core Lidar Functions:

- Support mapping and analysis efforts (decrease cost and time; increase accuracy)
- Evaluate floodplains, watersheds, geohazards, wetlands, slopes, runoff, roads, access, emergency services, facilities and site plans
- Ability to create more accurate maps, and perform better analysis and visual interpretations
- Natural Hazard Mitigation: Study areas of repetitive loss

Examples of Specific Uses:

1. Floodplain studies, model floods
2. Map/delineate wetlands and impervious surfaces
3. Engineering: enhanced surveying, easier better topography – elevation points; acquire spot elevation, create cross-section profiles; highly accurate horizontal and vertical locations, volume calculations, hill-shade viewing
4. Groundwater studies (e.g., peak run-off)
5. Watershed assessments and restoration prioritizations
6. Irrigation analysis and efficiencies
7. Find landslides events, old cuts and grades
8. Measure and estimate fills and cuts
9. Find stream channels, measure gradients
10. Measure the size and height of buildings, bridges
11. Characterize land cover
12. Fire behavior, fuels modeling and rehabilitation
13. Locate power lines and power poles
14. Support archeological investigations
15. Define viewsheds
16. Model isolation and shading
17. Map road center and sidelines
18. Map landforms and soils
19. Monitor quarries, find abandoned mines
20. Enhance any project that requires a detailed and accurate 2-D or 3-D map
21. Geo hazard data
22. Public facilities
23. Road design or decommissioning
24. Wildlife habitat modeling
25. Design and monitoring of transmission lines
26. Locate and measure every tree in the forest
27. Earthquakes
28. Inventory carbon
29. Find law enforcement targets

Other Potential Users:

City of The Dalles: The City could utilize LIDAR mapping for floodplain mapping, geohazard analyses, wetland delineation, and possibly some slope and runoff analyses. Understanding is that LIDAR mapping could be more detailed and more accurate than our current DTM mapping for the City which is based on 2-foot contours.

NWPUD: This data is necessary for Reliability Standards set forth by Federal Energy Regulatory Commission (FERC) and enforced by North American Electric Reliability Corporation (NERC) and Western Electricity Coordinating Council (WECC).

ODF: ODF would use Lidar in many areas, forestland classification, fire mapping, forest practices slope stability, stream channel, watershed calculations, road designs. Lidar would be very useful in most areas of what we do on a daily basis.

Oregon Department of State Lands: We use LiDAR data in Wasco County (and all other Oregon Counties) to support enforcement cases and wetland related projects (i.e. wetland determinations, etc.). We utilize ESRI ArcGIS and its extensions to create contours, acquire spot elevations, produce cross-section (elevation) profiles and more in order to support our mapping and analysis efforts.

Columbia River Gorge Commission: Watershed assessments and restoration prioritizations – stream longitudinal classification, cross section analyses, sediment contribution analyses, riparian vegetation structure classification, etc. The Gorge Commission planning regulations include consideration if a proposed development can be seen from a key viewing area. Our current “Seen Areas” model is based on the same 30 meter resolution elevation model mentioned above. This is extraordinarily coarse and requires thorough field verification. Though some field verification would still be necessary with LiDAR derived elevation models, the LiDAR data would greatly increase the accuracy of watershed analyses.

Agenda Item
Proposed Amendments to City of The Dalles
LUDO

- [Planning Department Memo](#)
- [1997 Agreement Between City of The Dalles and Wasco County](#)
- [Notification from City of The Dalles](#)
- [City of The Dalles LUDO](#)
- [Order #14-19 Adopting the City of The Dalles Land Use and Development Ordinance No. 98-122 as Amended by the City of The Dalles](#)



Wasco County Planning Department

"Service, Sustainability & Solutions"

2705 East Second St. • The Dalles, OR 97058
(541) 506-2560 • wcplanning@co.wasco.or.us
www.co.wasco.or.us/planning

To: Wasco County Board of Commissioners ("Board")

From: John Roberts, Planning Director

Date: For February 19, 2014 Public Hearing

Re: Updates to Joint Management Agreement Between City of The Dalles and Wasco County

Purpose: Per the Joint Management Agreement Between the City of The Dalles and Wasco County adopt amendments to the City's Land Use and Development Ordinance.

Background: As early as the 1960s and 1970s the City of The Dalles and Wasco County recognized a common concern regarding the accommodation of population growth and utilization of lands adjacent to the city. As such, in 1980 an Urban Growth Area Joint Management Agreement was developed. It is an inter-government agreement between the city and county that identifies land use jurisdiction for the urban growth area between the city limits and Urban Growth Boundary ("UGB") in order to best implement city and county urbanization policies. Simply—it is a jurisdictional agreement which reflects urbanization and administration polices for urban growth area lands inside The Dalles UGB.

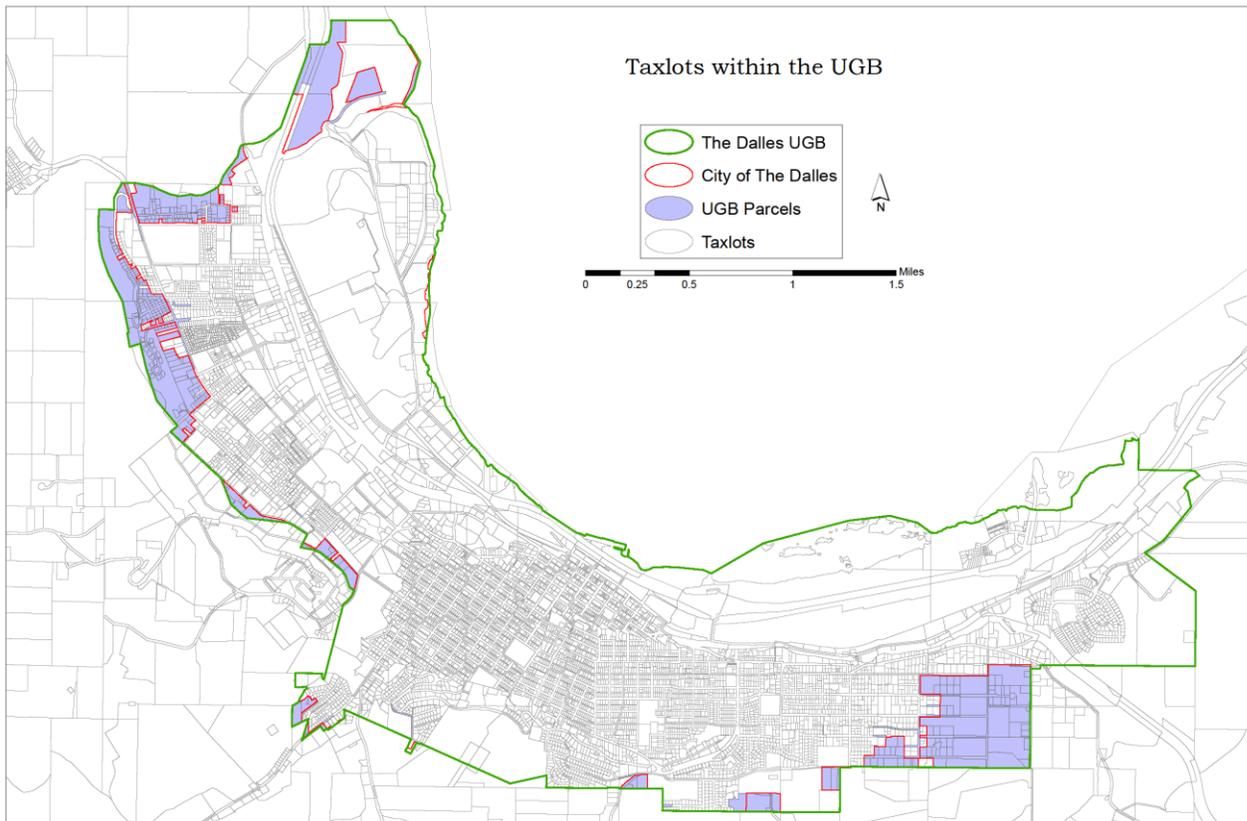
The Urban Growth Area Joint Management Agreement ("JMA") has been employed for almost 34 years. A chronology of significant dates and substantive amendments are as follows:

- October 1980 the JMA between the city and county was adopted.
 - The county was responsible for land use decisions and actions affecting the city's urban growth area.
 - The county incorporated that portion of the city's comprehensive plan which addressed urban growth area in the county's comprehensive plan.
- April 1983 the JMA was amended to:
 - Recognize the county shall adopt and administer substantive provisions of the city's implementing ordinances or other ordinances which were applicable to the urban growth area.
 - Recognize all land use action requests shall be initially processed by the county. However, the county would refer all requests for land use actions to the city of a concurrent review.
- 1994 new goals and policies were established in an update to the city's comprehensive

plan and resulted in a new set of city land use regulations.

- October 1997 the JMA (the now current version) was amended to:
 - Require both the city and county to adopt amendments to the city's implementing ordinances which are applicable to the UGB.
 - Recognize the county shall transfer all land use administrative responsibilities to the city and the city shall accept these responsibilities for all lands within the UGA.
- June 1998 adopted updates to JMA.
- April 2009 adopted updates to JMA.

The map below, prepared by the County's GIS Analyst (Jaime Rathmell), shows Taxlots within the city's UGB:



Staff Recommendation: Per the Section 4.a.1.b of the JMA the county is required to adopt an amendment to the text or map of any of the City of The Dalles implementing ordinances which are applicable in the Urban Growth Area or Boundary. The city has adopted a number of amendments that impact the urban growth area that need to be recognized by the county. Without getting the county's authorization and approval these ordinances are not effective in the urban growth area.

There are five separate ordinances adopted by the City of the Dalles being sent to Wasco County:

- General Ordinance No. 13-1332 – changes residential minor partition rules
- General Ordinance No. 13-1331 – changes setback requirements for certain structures
- General Ordinance No. 12-1325 – flexibility to height of structures in downtown
- General Ordinance No. 11-1315 – housekeeping amendments
- General Ordinance No. 11-1313 – housekeeping amendments

Instead of adopting each ordinance individually it is recommended to adopt the city's current code as amended in its entirety.

Attachments:

- Draft Order
- 1997 Joint Management Agreement
- December 27, 2013 Memo – City of The Dalles
- The Dalles Land Use and Development Ordinance

FILED WASCO CTY
THE DALLES OR.

AN AGREEMENT BETWEEN THE CITY OF THE DALLES,
OREGON, AND WASCO COUNTY, OREGON, FOR THE
JOINT MANAGEMENT OF THE URBAN GROWTH AREA AND
BOUNDARY, THE NATIONAL SCENIC AREA-URBAN AREA AND
BOUNDARY, THE PLANS WITHIN BOTH BOUNDARIES
AND AREAS OF MUTUAL INTEREST

OCT 23 3 30 PM '97

DAVID R. LEBRETON
COUNTY CLERK

WHEREAS, The City of The Dalles, Oregon, and Wasco County, Oregon, are authorized under the provisions of Oregon Revised Statutes (ORS) 190.003 to 190.110 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform; and

WHEREAS, ORS Chapters 195, 196, and 197 and Oregon Administrative Rule (OAR) 660 Division 3, requires counties and cities to prepare and adopt comprehensive plans consistent with statewide planning goals, and to enact ordinances or regulations to implement the comprehensive plans; and

WHEREAS, the City and County have adopted plans and implementing ordinances according to ORS Chapter 195, 196, and 197 and OAR 660 Division 3; and

WHEREAS, Wasco County has adopted the Columbia River Gorge National Scenic Area Management Plan and implementing ordinances pursuant to P.L. 99-663; and

WHEREAS, the City of The Dalles and Wasco County have adopted coordinated and consistent comprehensive plans which establish an Oregon Urban Growth Boundary (UGB), a National Scenic Area-Urban Area Boundary (UAB), plans for the urban growth areas, and policies related to urban development and the provision of urban services within the urban growth areas; and

WHEREAS, Statewide Planning Goal Number 14 requires that establishment and change of the Urban Growth Boundary shall be a cooperative process between the city and the county that surrounds it; and

WHEREAS, P.L. 99-663, Section 4-F and ORS 196.109 provide a process for revisions to the National Scenic Area-Urban Area Boundary; and

WHEREAS, the City of The Dalles and Wasco County recognize a common concern and responsibility regarding the accommodation of population growth and utilization of lands adjacent to the city in the areas of mutual interest; and

WHEREAS, the City of The Dalles and Wasco County recognize that as their comprehensive plans and implementing ordinances are amended from time to time, that they shall remain consistent and coordinated with each other; and

1970394 (11)

WHEREAS, the City and County have a common interest in, or share jurisdiction over, lands within the Urban Growth Boundary, Urban Area Boundary, and areas of mutual interest; and

WHEREAS, the City and County acknowledge the value of administering ordinances and providing public assistance at a single central location for all lands within the Urban Growth Boundary; and

WHEREAS, the City of The Dalles and Wasco County recognize that it is necessary to cooperate with each other to implement the urbanization policies of their comprehensive plans.

NOW, THEREFORE, THE PARTIES DO MUTUALLY AGREE AS FOLLOWS:

1. Definitions

A. Urban Growth Boundary (UGB) - The limits of urban and urbanizable lands as depicted by a line on The Dalles Comprehensive Plan map, established through the Oregon Land Use Planning Goals, Statutes, and Rules and acknowledged by the Land Conservation and Development Commission.

B. Urban Growth Area (UGA) - The land area within the UGB and outside the city limits of The City of The Dalles.

C. Urban Area Boundary (UAB) - The limits of urban land exempted from the land use requirements of P.L. 99-663 and the management plan for the Columbia River Gorge National Scenic Area, as depicted by a line on the map of the National Scenic Area and the planning maps of the City and County.

D. Urban Area (UA) - The land area outside the UAB and inside the UGB.

E. Areas of Mutual Interest (AMI) (See Map Attachment 1)

1. The land area outside the UGB and inside the UAB.
2. Future growth areas as follows:
 - a. The area of, and generally surrounding, Murray's Addition.
 - b. Cherry Heights area.
3. Discovery Center/Wasco County Museum property and Taylor Lakes area.
4. The area directly south of and adjacent to the Columbia Gorge Community College.
5. The Columbia River to the state boundary adjacent to the UGB.
6. Foley Lakes and Hidden Valley.

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F. Planning Services - Quasi-judicial processing of land use actions and all other current planning activities; and legislative activities involving long range land use planning.

G. Urban Development Standards - The level to which facilities and services are required to be provided to insure efficient use of urban and urbanizable land.

2. Intent and Purpose of Agreement

- A. Establish procedures for the review of land use actions and activities in the UGB, UAB, and AMI.
- B. Improve coordination and communication between City and County staffs.
- C. Improve planning, building, and urban development services to customers and citizens within The Dalles UGB, UAB, and AMI.
- D. Develop consistent policies and procedures for managing urban growth and development within the UGB.
- E. Provide for the transition of planning services in the UGA from the County to the City and minimize the financial impacts of this transition to both parties.

3. Areas of Mutual Interest

- A. The City and County agree to establish Areas of Mutual Interest(AMI) outside of The Dalles UGB as described in the Definitions, Section 1. A map of The Dalles AMI is attached to this agreement and marked "Attachment 1".
- B. The City and County recognize the AMI as lands characterized by urban densities or important for urban uses. These lands are served by or could benefit from an urban level of services or directly affect lands dedicated to urban uses.

4. Comprehensive Plan and Implementing Ordinance Amendments

A. City Amendments

- 1. An amendment to the following City Comprehensive Plan and implementing ordinance provisions shall be enacted only after agreement by both parties in accordance with plan and ordinance amendment procedures as established by this section.

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- a) An amendment to the City of The Dalles Comprehensive Plan text or map as it pertains to the Urban Growth Area and Boundary, or Areas of Mutual Interest.
 - b) An amendment to the text or map of any of the City of The Dalles implementing ordinances which are applicable to the Urban Growth Area or Boundary and have been adopted by the County.
2. All amendment requests shall be initially processed by the City. The City will refer to the County, upon receipt thereof, all requests for amendment in order to allow for a concurrent review. The City shall give the County Planning Office (15) days to complete its review and recommendation. Additional time for review may be provided upon request by the County, and with concurrence of the City. A recommendation should be submitted to the City at least ten(10) days prior to the date of the City Planning Commission hearing. The City, in making its decision, shall consider the recommendation of the County regarding the amendment request.
 3. The decision of the City Planning Commission and City Council shall be forwarded to the County Court.
 4. If the positions of the two jurisdictions differ, a joint meeting of the City Council and County Court, or their designees, may be held to attempt to resolve the differences.
 5. Appeals of an amendment request shall be made pursuant to the ORS and the OAR.

B. County Amendments

1. An amendment to the following County plan and implementing ordinance provisions shall be enacted only after the City has been given an opportunity to provide information and comment in accordance with plan and ordinance amendment procedures as established by this section.
 - a) An amendment to the County Comprehensive Plan text or map as it pertains to the Urban Area or Boundary, or Areas of Mutual Interest.
 - b) An amendment to the text or map of any of the County implementing ordinances which are applicable to the Urban Area or Boundary or Areas of Mutual Interest.
2. All Urban Area or Boundary changes initiated by the City shall be processed

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through the County in accordance to the provisions of the P.L. 99-663, ORS 196 and the Scenic Area Management Plan. The City shall be responsible for all costs, documents, paper work and hearing procedures necessary to accomplish the amendments.

3. All other amendment requests shall be processed by the County. The County will refer to the City, upon receipt thereof, all requests for amendment in order to allow for a concurrent review. The County shall give the City Planning Office (15) days to complete its review and recommendation. Additional time for review may be provided upon request by the City, and with concurrence of the County. A recommendation should be submitted to the County at least ten(10) days prior to the date of the County Planning Commission hearing. The County, in making its decision, shall consider the recommendation of the City regarding the amendment request.
4. The decision of the County Planning Commission and County Court shall be forwarded to the City.
5. If the positions of the two jurisdictions differ, a joint meeting of the City Council and County Court, or their designees, may be held to attempt to resolve the differences.
6. Appeals of an amendment request shall be made pursuant to the ORS and the OAR.

C. Third Party Initiated Amendments

1. Third party initiated amendments shall be processed appropriately as legislative or quasi-judicial hearings by the City or County according to the defined area of responsibility as outlined in Section 5 below.
2. The City and County shall afford notice to each other according to Sections 4.A.2. and 4.B.3 above as appropriate.
3. Appeals of third party amendment requests shall be made pursuant to state statutes and administrative rules.

5. Administrative Responsibilities, Compensation For Service, and Process For Land Use Actions Within and Including the UGB, UAB, and AMI.

A. Intent -

1. The City and County agree to divide administrative responsibilities for land

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use actions within the UGB, UAB and AMI and provide compensation for services. The agreement to divide administration responsibilities for compensation for service shall be renewed on an annual basis beginning at the start of each new fiscal year.

B. City Limits -

1. The City shall accept all administration land use responsibilities and associated costs within the City limits as they now exist or may be expanded in the future.

C. Areas of Mutual interest and Urban Areas (excepting city limits) -

1. The County shall accept all administrative land use responsibilities and associated costs within the AMI and UA as they now exist or may be modified in the future.

D. Urban Growth Area (excluding the UA) -

1. The County shall transfer all land use administrative responsibilities to the City and the City shall accept these responsibilities for all lands within the UGA (excepting the UA) on an annual basis as provided in 3.A. below.
2. The City shall provide adequate staffing to administer all identified planning service within the UGA.
3. The County shall compensate the City for planning services within the UGA according to the following provisions:
 - a. Annual Amount - \$20,000.00 the first fiscal year payable quarterly in advance. This amount shall be prorated during the first year. Each January the City shall submit a budget request to the County for an adjusted amount of compensation. Annual adjustments may include cost of living increases, step increases, or salary range adjustments to ensure the amount remains roughly equivalent to a half-time planning position.
 - b. The annual amount will also be prorated based upon the total number of acres within the UGA. As land is annexed, or the UGA expanded, the annual amount will be adjusted. The base acreage figure for all future calculations is 1,254 acres (1,460.3 in UGA minus 206.3 in UA). This is equivalent to \$15.95 per acre in the first year.
 - c. The City retains all land use fees and assumes all costs associated with providing the planning services. All fees shall be established by the City.

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4. This agreement for planning services within the UGA is subject to the appropriation of sufficient funds by the County in its budget, and to the City maintaining sufficient staffing capabilities to allow the City to provide necessary services.
5. This agreement may be terminated prior to the end of a fiscal year, by either party providing sixty (60) days written notice to the other party, in the event the County does not appropriate funds in its budget to be able to continue this agreement, or if the City determines that reductions in staffing levels will not allow the City to continue this agreement.
6. The City Planning Commission and City Council shall act as the hearings bodies for all land use actions within the UGA under the provisions of this section.
7. The City will coordinate with appropriate County departments on all land use actions within the UGA under the provisions of this section.

6. City Services

- A. Extension of City services within the UGA shall be solely at the discretion of the City.
- B. For the purposes of this Agreement, City services shall be limited to water, sanitary sewer, storm sewer, streets, and police.
- C. Service rates, SDC's, and service connection fees as well as urban development standards shall be established by Ordinance adopted by the City Council.

7. County Services

- A. All building permits or subdivisions which require access to or from a local access road (under county jurisdiction) by curb cuts or approach roads shall be required to gain approval from the County Public Works Department.
- B. All building permits or subdivisions which require access to or from a County road by curb cuts or approach roads shall be required to obtain a County Road approach permit from the County Public Works Department.
- C. All building permits or subdivisions requiring storm water systems shall be required to have the system reviewed and approved by the County Public Works Department prior to receiving final land use approval.

8. Annexation

- A. Annexation of areas within the Urban Growth Boundary shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes, City Ordinances, or approved annexation plan.
- B. Annexation by the City will occur only after development is completed.

9. Comprehensive Plan and Implementation Measure Review and Amendment

- A. The City Comprehensive Plan, including this Joint Management Agreement, and other implementing ordinances shall be reviewed periodically pursuant to the policies and procedures of the City of The Dalles Comprehensive Plan and Wasco County Comprehensive Plan.

10. Agreement Review and Amendment

- A. This agreement may be reviewed and amended at any time by mutual consent of both parties, after public hearing by the City Council and the County Court.
- B. This agreement shall be reviewed, and may be amended, at the time established for review of the City or County Comprehensive Plan.
- C. Any modifications in this agreement shall be consistent with the City and County Comprehensive Plans.

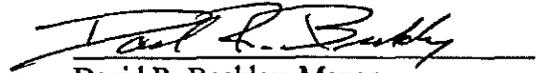
11. Severability

- A. The provisions of this Joint Management Agreement are severable. If an article, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Agreement.

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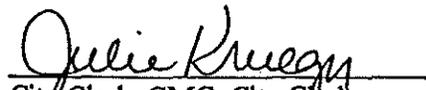
IN WITNESS WHEREOF, this Joint Management Agreement is adopted this 8th day of September 1997, by the following vote:

Voting "Yes", Councilors: McFadden, Gosiak, Barrett
Voting "No", Councilors: Davis
Absent, Councilors: Van Cleave
Abstain, Councilors: _____



David R. Beckley, Mayor

ATTEST:



City Clerk, CMC, City Clerk

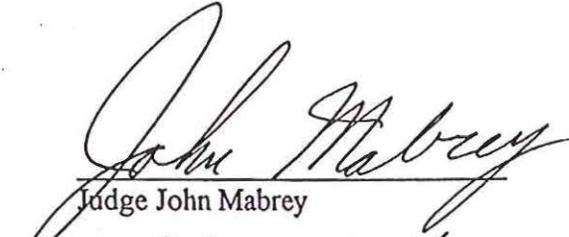
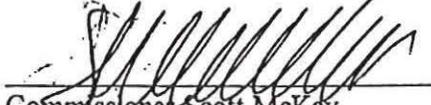
P970394(11)

IN WITNESS WHEREOF, this Joint Management Agreement is adopted this 22nd day of October, 1997, by the following vote:

Voting "Yes", Commissioners: John Mabrey, Scott McKay, Dan Ericksen
Voting "No", Commissioners: _____
Absent, Commissioners: _____
Approved by the County Court this 22nd day of October, 1997.

APPROVED AS TO FORM:

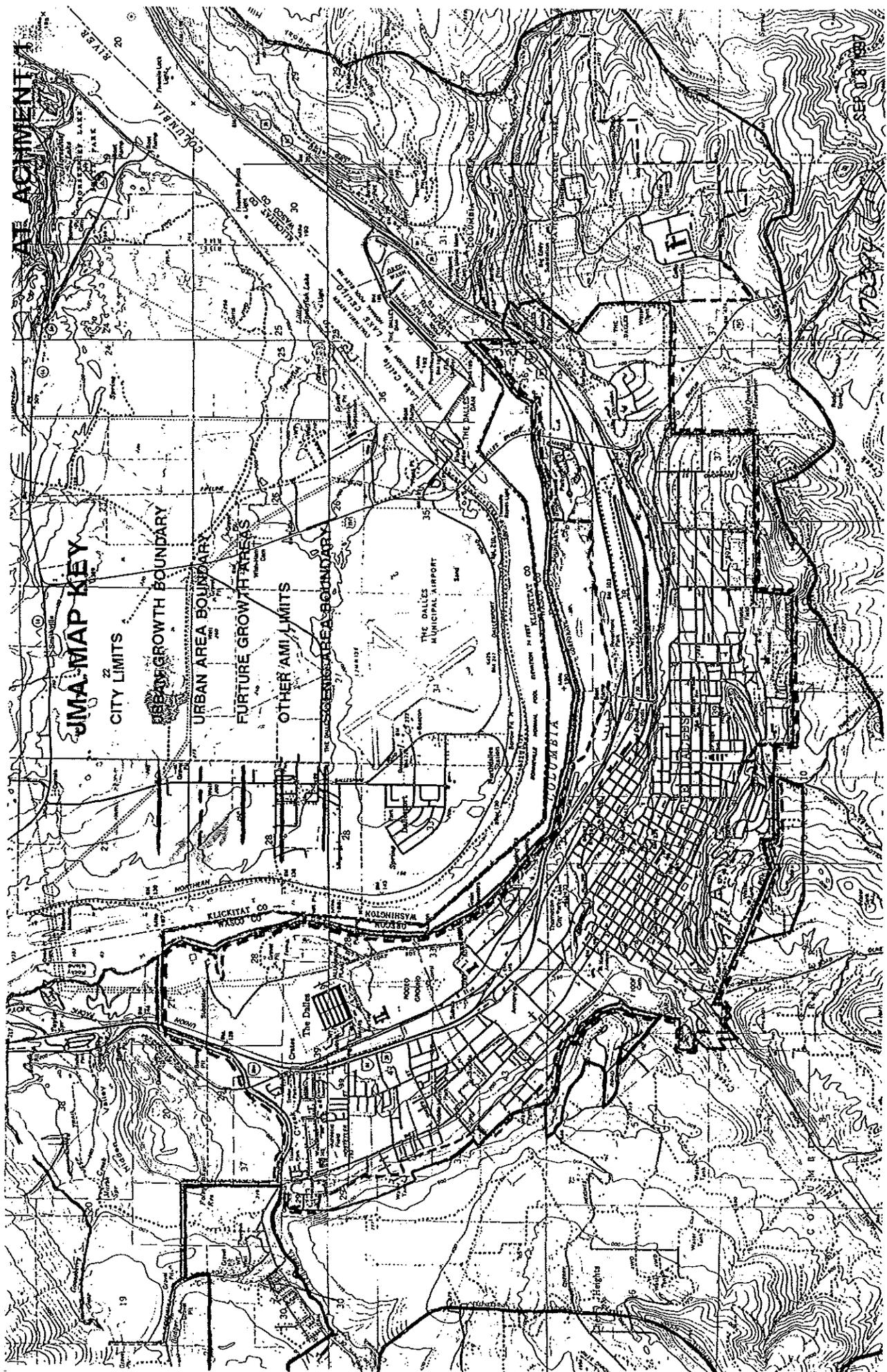

Bernard L. Smith
Wasco County District Attorney


Judge John Mabrey

Commissioner Scott McKay

Commissioner Dan Ericksen

ATTEST:


Karen Lebreton, County Clerk



JMA MAP KEY

CITY LIMITS

FUTURE GROWTH AREAS

URBAN AREA BOUNDARY

OTHER AMI LIMITS

THE DALLAS MUNICIPAL AIRPORT

CITY OF DALLAS

ACQUINENT

ST. LOUIS

KLICKITAT CO

WASCO CO

KOLONIHRSVA

WASCO CO

VOLUMBIA



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
Planning Department

December 27, 2013

John Roberts, Director
Wasco County Planning
2705 East 2nd Street
The Dalles, OR 97058



Dear John,

The City of The Dalles has recently adopted amendments to its Land Use and Development Ordinance (LUDO) as required by the recent passage by the State of Oregon of HB 3479. Those amendments became effective inside the city limits on December 25, 2013.

Those amendments, and other amendments adopted by the City, need to be reviewed by the County per the Joint Management Agreement. I have included copies of five ordinances adopted since the last review by the County in 2009. Although some of these amendments do not affect land outside the City limits, I have included them all.

Rather than make copies of these ordinances, some of which have multiple provisions, we have submitted full copies of the existing city LUDO for ease of adoption. Please present these to the County Commissioners for their review.

It is my understanding that a hearing has been tentatively set for January 15, 2014 at 10:00 a.m.

If you have any questions, please let me know. I will be out of the office until January 6, but either Dawn or Carole can assist you in my absence.

Sincerely,

Richard Gassman
Director

Ec: Dawn Hert, Carole Trautman

Ordinance No. 98-1222

CITY OF THE DALLES, OREGON
LAND USE AND DEVELOPMENT
ORDINANCE

Originally adopted May 11, 1998 – Effective June 11, 1998

Last amended November 25, 2013 by Ordinance No. 13-1332

Effective December 25, 2013

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Chapter 1**GENERAL PROVISIONS**

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1.010 Title

This Ordinance shall be known as “The City of The Dalles Land Use and Development Ordinance”.

1.020 Purpose

The purpose of this Ordinance is to encourage the most appropriate and efficient use of land; to accommodate orderly growth; to provide adequate public parks and open space; to protect and improve the aesthetic and visual qualities of the living environment; to aid in securing safety from fire, natural disaster, and other dangers; to facilitate the adequate provision of public improvements and sanitary conditions; to provide adequate access to and through property; to assist the public in identifying and understanding regulations affecting the development and use of specific parcels of land; to promote the public health, safety and general welfare; and, to implement the City of The Dalles Comprehensive Plan and to guide and manage the future growth in the City in accordance with that Plan.

1.030 Authority

This Ordinance is adopted pursuant to the authority contained in Oregon Revised Statutes Chapters 92, 197, 222, 223, 224, and 227.

1.040 Jurisdiction

This Ordinance shall be effective throughout the City’s planning jurisdiction. The City’s planning jurisdiction is the area within the city limits, as well as the future urbanizable area between the city limits and the urban growth boundary established by the City’s Comprehensive Plan and as specified in The City of The Dalles/Wasco County Urban Growth Area Joint Management Agreement.

1.050 Effective Date

This Ordinance shall become effective on June 11, 1998. Amendments to this Ordinance, unless otherwise specified, shall become effective 30 days after legal adoption by majority vote of The Dalles City Council.

1.060 Severability

The provisions of this Ordinance are severable. If any section, paragraph, sentence, clause, or phrase is found to be invalid by any Court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance.

1.070 Repeal

The following Ordinances, together with all amendments thereto are hereby repealed:

- A. “The City of The Dalles Zoning Ordinance No. 80-986”, adopted May 13, 1980.
- B. “The City of The Dalles Subdivision Ordinance No. 937”, adopted August 4, 1975.
- C. “The City of The Dalles Mobile Home Parks and Recreational Vehicle Parks Ordinance No. 943”, adopted May 17, 1976.

1.080 Correction

This Ordinance may be corrected to cure editorial errors by Resolution of the City Council.

1.090 Interpretation

The provisions of this Ordinance shall be liberally construed to effect its purpose. These provisions are declared to be the minimum requirements to fulfill the stated objectives in the Purpose Statement in *Section 1.020* above. When the requirements herein imposed are less restrictive than any other comparable requirements imposed by this Ordinance, State or Federal Laws, or State or Federal Administrative Regulations, then the more restrictive shall govern.

Where the code language is ambiguous or unclear the Director is authorized to interpret the code. Requests for interpretation shall be submitted in writing on a form provided by the City. The Director shall make a written determination and mail or deliver a copy to the party requesting the interpretation. Appeals shall be heard by the Commission according to the provisions of *Section 3.020.080*.

1.100 Compliance

No structure, building, land, or use within the City of The Dalles planning jurisdiction, as described above in *Section 1.040: Jurisdiction*, shall be erected, moved, reconstructed, used, extended, enlarged or in any way altered contrary to the provisions of this Ordinance. All officials, and employees (including contractor-officials) of the City vested with authority to issue permits or grant approvals shall adhere to, and require conformance with, this Ordinance. The aforementioned persons shall issue no permit or grant approval for any development or use which fails to comply with conditions or standards imposed to carry out this ordinance. No person shall erect, construct, alter, maintain or use any building or structure in violation of this Ordinance or any amendment thereto. No person shall use, divide, or transfer any land in violation of this Ordinance or any amendment thereto.

1.110 Computation of Time

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday observed by the City, that day shall be excluded. When the time period is less than seven days, then Saturdays, Sundays and legal holidays observed by the City shall be excluded.

1.120 Fees

Current fees shall remain in effect. Any new fees required by this Ordinance and any fee changes shall be adopted by resolution of the City Council. The City Council, upon written request, may waive all or part of any filing fee required by this ordinance.

Chapter 2

DEFINITIONS

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2.010 Meaning of Words Generally

All words and terms used in this Ordinance have their commonly accepted, dictionary meaning unless they are specifically defined in this Ordinance, or the context in which they are used clearly indicates to the contrary.

2.020 Meaning of Common Words

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. The word "shall" is mandatory and the word "may" is permissive.
- D. The word "building" includes the word "structure."
- E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for".
- F. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

2.030 Meaning of Specific Words and Terms

The listed specific words and terms are defined as follows:

Abutting Lots - Two or more lots joined by a common boundary line or point.

Access, Accessway, Access Drive – The means and right to cross between public and/or private property so that persons and/or vehicles may enter and leave private property.

Accessory Structure - A structure incidental and subordinate to the main use of property and located on the same lot as the main use; freestanding and structurally separated from the main use.

Accessory Use - A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

Adult Business – Any person group, firm, business, or organization (except non-profit corporations which are not open to the general public) which prohibits admission to the entire portion of the premises to any persons younger than 18 years of age, and which is restricted by state law from furnishing to, sending, exhibiting an obscene performance to, or displaying obscene material to a minor, which is defined as an unmarried person under the age of 18 years.

Adult use – A use of whatever character, conducted on the premises of an adult business, which use is conducted in the area in which any persons under 18 years of age are prohibited.

Agriculture - Nursery activity, horticulture and similar activities for the cultivation of commercial crops in addition to pasturing, breeding, dairying, and similar uses of animals, poultry for commercial use; does not include processing, slaughtering, and similar uses, or forestation.

Airport – The Columbia Regional airport, located in Klickitat County, Washington.

Alley - Public or private right-of-way designed and intended to serve as secondary access to the side or rear of those properties whose principal access is from a street.

Alteration - A change, addition, or modification in construction or occupancy of a building or structure.

Apartment - A dwelling unit which is located within a multi-family dwelling but excluding condominiums. ("Multi-Family Dwelling" is defined under "Building Types.")

Applicant - The property owner(s) or legal agent or representative of the property owner(s).

Application - For purposes of this Ordinance, application is defined as materials submitted or to be submitted.

Approving Authority - The Director in the case of Ministerial and Administrative decisions, the Commission in the case of Commission quasi-judicial hearings and decisions, and the Council in the case of Council quasi-judicial and legislative hearings and decisions.

Base Flood - Inundation during periods of higher than normal stream flow that has a 1 % chance of being equaled or exceeded in any given year. This area is commonly referred to as the 100-year flood plain.

BCA – Building Codes Agency or other agency charged with administering the State Building Codes in The Dalles.

Block - A tract of land bounded by a street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainage ways, water courses or unsubdivided land.

Bond - Any form of security (including a cash deposit surety bond, collateral, property, or instrument of credit) in an amount and form satisfactory to the City.

Buffer - An area designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce impacts of adjacent development.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Buildable Lot Area - That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces; and which is available for siting and constructing a building or buildings.

Building Height - See "Height of Buildings" definition in Section 6.070.050. Also see height exceptions in Section 6.090 for non-residential structures.

Building Line - A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by this Ordinance between the property line abutting a street and the closest point of the foundation of any building or structure related thereto.

Building Official - The person or persons so designated by the Community Development Director.

Calendar Year - The yearly period beginning on January 1st and ending on December 31st.

Carport - A stationary, roofed structure or a portion of a building open on two or more sides primarily used for the parking of motor vehicles.

Cemetery - Land used or intended to be used for the burial of the dead and related cemetery activities, including: columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Child Care Center - An institution, establishment, or place that commonly receives at one time more than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of board, care, or training apart from their parents or guardians for compensation or reward in accordance with ORS 657A. (Note: For in-home family day care see definition for “ Family Day Care”.)

Church - A permanently located, fully enclosed building primarily used for religious worship.

City - The City of The Dalles, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context, or where the context does not clearly indicate a specific officer, department, or agency, then the City Manager of the City.

Commission - The duly appointed City of The Dalles Planning Commission.

Community Event - Periodic or annual special events involving community wide interest, usually sponsored by a nonprofit entity, such as but not limited to events like the Cherry Festival, Rodeo, Neon Nights, Jamming July Street Fest, sanctioned bike races, Historic The Dalles Days, parades, and circuses. Activities directly associated with Community Events are considered part of the event and not as a separate use of the property and as such are exempt from the provisions of the LUDO during the days of the event.

Conceptual Plan – A general plan of development which is final for such issues as uses and densities. A conceptual plan requires one or more detailed applications prior to construction. Review of detailed applications is based on regulations in effect at time of submittal of conceptual plan application. A conceptual plan may also be a master plan.

Condominium - Two or more dwellings on a single lot with individual ownership of the dwelling units and common ownership of the land.

Contiguous - Shall mean the same as abutting.

Council - The duly elected City Council of the City of The Dalles.

Day Care Facility - See definition for “Child Care Facility”.

Day Care, Family - See definition for “Family Day Care”.

Density - The number of dwelling units per acre.

Department - The Community Development Department of the City of The Dalles.

Developer - Any person, firm, corporation or government agency undertaking any development, either as owner, builder, or through the services of employees, agents, or independent contractors.

Development - Making a material change in the use or appearance of a structure (internal and external) or land, creation of three or more units of land on a single parcel or adjoining pieces of property in a calendar year, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development. Development includes, but is not limited to, constructing, filling, grading, paving, excavating, and drilling.

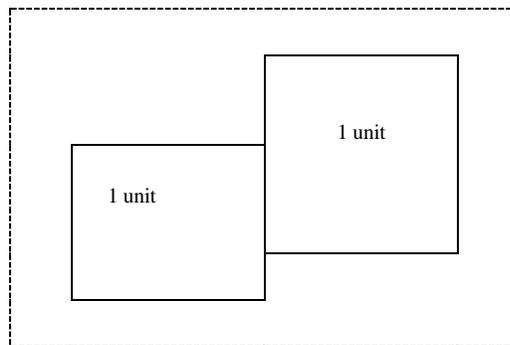
Development Site - A legally established lot(s) or parcel(s) of land occupied or capable of being occupied by a building or group of buildings and/or other development, including accessory structure(s) and accessory use(s), together with the yards, open spaces, and setback areas required by this Ordinance, and having frontage or access to a public right-of-way as required by this Ordinance.

Director - The Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this Ordinance.

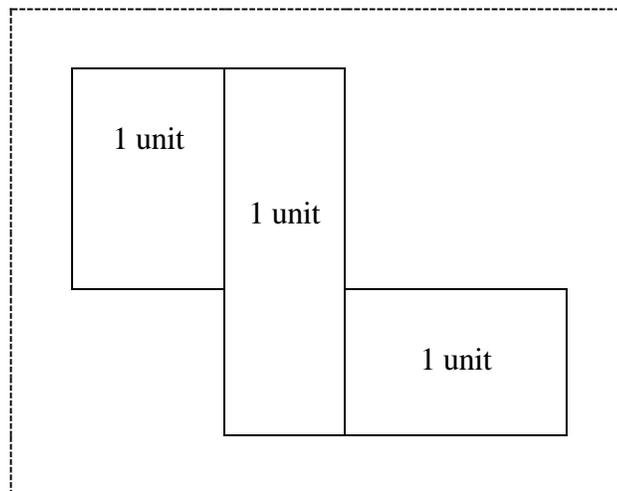
Discontinued Use - Unless otherwise clearly specified in this Ordinance, discontinued use shall mean non-use and shall not require a determination of the voluntary or involuntary non-use or intent to resume use.

Drainage Way - A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

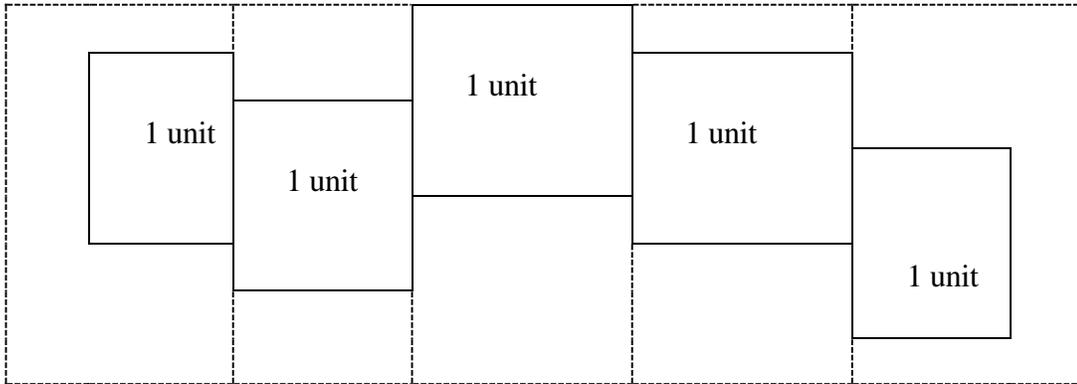
Dwelling, Duplex - Two dwelling units located on a single lot or development site placed so that some structural parts are in common.



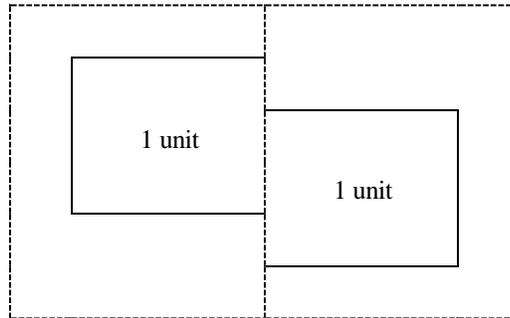
Dwelling, Multi-Family - A structure containing at least 3 dwelling units in any vertical or horizontal arrangement, located on a single lot or development site.



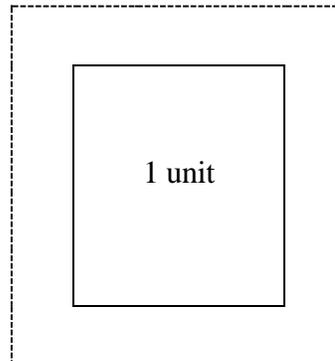
Dwelling, Single Attached (Townhouse) - More than 2 dwelling units located on separate lots placed side by side but sharing some structural parts at a common property line.



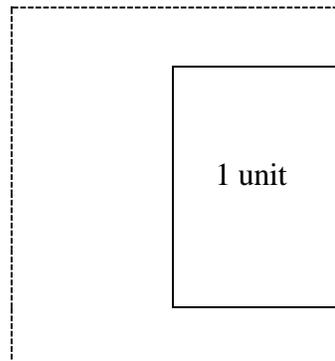
Dwelling, Single Attached (Zero Lot Line) - Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.



Dwelling, Single Detached - One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



Dwelling, Single Detached (Zero Lot Line) - A single detached structure with no setback from one lot line.



Dwelling Unit - One or more rooms, with bathroom and kitchen facilities, designed for occupancy by one family.

Easement - The grant of a right to use someone's property for a specific purpose, such as for access or for utilities.

Excavation - the process of mechanically altering or changing the natural grade (elevation) by cutting and or filling the earth.

Family - An individual or two or more persons related by blood, adoption or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Ordinance, "family" also refers to unrelated physically or mentally handicapped, elderly, or drug or alcohol dependent persons receiving treatment, and resident staff persons engaged in their care.

Family Day Care - "Babysitting", care of 12 or fewer children either full or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the normal requirements of the residential zone. Family day care is not subject to the definition of "home business".

Final Decision - The decision made by the Approving Authority approving, approving with conditions, or denying an application for a ministerial, administrative, quasi-judicial, or legislative action as specified in this Ordinance.

Flag Lot - A lot that has access by means of a narrow strip of land. Also referred to as "Rear Lot".

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Emergency Management Agency (FEMA) has delineated areas of special flood hazards and the risk premium zones applicable to portions of the community.

Flood Plain - The area adjoining a stream that is subject to inundation by a base flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 ft.

Front Building Line - The building line which fronts on the street.

Frontage - That portion of a development site that abuts a public or private street.

Grade - Given in reference to the slope of land, or in reference to construction, grade is the lowest point of elevation of the finished or existing surface of the ground, paving, construction, or sidewalk.

Habitable Floor - Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

Home Business - A lawful commercial activity commonly carried on within a dwelling and/or accessory dwelling(s), provided the residential character of the property is maintained and the activity does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. *See Section 6.020: Home Businesses.*

Homeowners Association - An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Household - A domestic establishment including a member or members of a family and/or others living under the same roof.

Intermodal Cargo Container – Large, reusable containers without wheels used for shipping in intermodal transportation.

Kennel - Any lot or premise on which 5 or more dogs or cats at least 5 months of age are kept, boarded, or trained.

Kennels, Breeding - Any premises where 4 or more dogs, cats, or other animals or fowl are maintained for breeding purposes.

Laydown Yard – A temporary off-site storage area for equipment and useable materials to be used for maintenance or construction.

Landscaping - Landscaping is defined in *Section 6.010: Landscaping, (p. 6-3).*

Lot - A unit of land owned or under lawful control and in the lawful possession of one distinct ownership and intended as a unit for the purpose, whether immediate or future, of transfer of ownership and/or for development.

Lot Area - The total horizontal area within the lot lines of a lot.

Lot, Corner - A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Interior - A lot other than a corner or reversed corner lot.

Lot, Reversed Corner - A corner lot whose rear line borders the side yard of another lot, whether or not separated by an alley.

Lot, Tax - One parcel of real property shown on the County Assessor's map, and identified by a tax lot number. A tax lot may not necessarily be a lot of record. A tax lot may contain more than one platted legal lot of record

Lot, Through - A lot of record whose front and rear lot lines both abut streets.

Lot Coverage - Unless otherwise specified in this Ordinance, percent of a development site covered by paved surface areas and buildings.

Lot Depth - The distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Frontage - See 'frontage'.

Lot Line - The property line bounding a lot.

Lot Line, Exterior - The side lot line abutting a street.

Lot Line, Front - In the case of an interior lot, a property line that abuts the street. In the case of a corner lot, the front line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address.

Lot Line, Interior - The side lot line abutting another lot line.

Lot Line, Rear - The record lot line or lines most distant from and generally opposite the front lot line.

Lot Line, Side - Any lot boundary not a front or rear lot line.

Lot Line Adjustment - The relocation of a common property boundary wherein an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable development district regulation.

Lot of Record - A lot or parcel created through the applicable land division regulations at the time the lot was created.

Lot Width - The distance between the midpoints of the side lot lines.

Lowest Floor - The lowest floor of the lowest enclosed area in a building, including a basement. An unfinished, non-habitable enclosed floor area useable solely for parking of vehicles, building access or storage in an area other than a basement area shall not be considered the buildings lowest floor.

LUBA - The State of Oregon Land Use Board of Appeals.

Manufactured Dwelling - A residential trailer, mobile home, or manufactured home as defined in this Chapter.

Manufactured Dwelling Park - A place where four or more manufactured or mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or keep space for rent or to offer space free in connection with securing the trade or patronage of such person.

Manufactured Home - A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standards.

Manufactured Home Space - Any portion of a manufactured dwelling park (see definition for "Manufactured Dwelling Park") which is designated or used for occupancy of one manufactured home, mobile home, or residential trailer, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.

Manufactured Home Stand - That portion of the manufactured home space reserved for the location of the manufactured home or mobile home structure.

Master Plan – An overall plan for a development site which may be built in phases. A master plan may be conceptual or detailed which is final for such issues as uses and densities. If conceptual, separate and more detailed applications will be required for each phase. Review of detailed application is based on regulations in effect at time of submittal of original plan application.

Material Storage Yard - Any lot or parcel of property, or portion thereof, where any of the following takes place, except when the following occur in a walled and roofed building:

1. The storage or dismantling of used or discarded manufacturing apparatus, lumber, building materials, equipment, scrap metals and any other item associated with the building trades, whether or not for purposes of sale.
2. The salvaging, dismantling, wrecking, reassembling or burning of any of the items in Subsection (1) above.

Medical Care Facility - An institution providing in-patient and/or out-patient health services for the medical, psychiatric, or surgical care of the sick or injured. Includes related facilities such as laboratories, training facilities, services and staff offices related to the institution.

Minor Partition - Dividing a legal lot of record into three or fewer conforming lots within a calendar year.

Mobile Home - A residential structure intended for permanent human occupancy and constructed for movement on the public highways, constructed prior to adoption of June 15, 1976 U.S. Housing and Urban Development (HUD) standards, but meeting the requirements of Oregon's mobile home laws in effect between January 1, 1962 and June 15, 1976.

Mobile Home Park - See “Manufactured Dwelling Park”.

Modular Structure - A structure not built on-site, but which is placed on a permanent foundation and meets the State Building Code standards.

Motor Home - See “Recreational Vehicle”.

National Geodetic Vertical Datum - An elevation reference mark used in determining a flood boundary and floodway maps, formerly referred to as Mean Sea Level.

Nonconforming Development - A lawful existing structure, use, or legal parcel of land that does not conform to requirements of the zone district where it is located, but which was already in existence at the time this Ordinance or any amendment to it became effective.

Office - A place where the following civic and commercial use types, as described in this Ordinance, are conducted: administrative services; business support services; financial, insurance and real estate services; medical services; professional and research services.

Open Space - Areas intended for common use either privately owned and maintained or dedicated to the City, designed for outdoor living and recreation or the retention of an area in its natural state, and normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails. Does not include off-street parking or loading areas or driveways.

ORS - Oregon Revised Statutes.

Person - An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more people having a joint or common interest, or any other legal entity.

Planned Development - A land development project comprehensively planned as an entity via a unified site plan that permits flexibility in building siting, mixtures of building types and land uses, usable open spaces, and the preservation of significant natural features.

Plat - Refers to a final subdivision plat, replat or partition plat.

Plat, Partition - A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Plat, Subdivision - A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Public House – A facility open to the public licensed to serve alcohol.

Public Improvements - Those improvements necessary to serve a development and/or required by the approving authority in conjunction with development. Such public improvements may include, but are not limited to: streets, curb, gutter, sidewalk, drive approaches, storm system, trails, paths, bridges, sanitary system, water system, fire protection system, structures, street lights, traffic signals, traffic signs, etc. To qualify as public improvements, such work must be:

1. Designed and constructed in accordance with applicable standards.
2. Located inside the City's Urban Growth Boundary, OR on property which has been or will be dedicated or deeded to the public or a public agency, OR in an appropriate and properly recorded easement to the public or a public agency.
3. Owned, operated or maintained by a public agency.

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

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

Recycling Center - A place of business engaged in the receiving of waste materials, such as, but not limited to glass, cans, paper, and plastics, and the temporary storage of such waste materials until they are removed to another site for processing.

Replat, Major - The reconfiguring of lots in a recorded subdivision plat that results in either the creation of 4 or more additional lots or deletion of 4 or more lots.

Replat, Minor - The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 or fewer lots being created or deleted within a 12 month period.

Reserve Strip - A narrow strip of land overlaying a dedicated street reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

Residential Care Facility - A residential care, treatment or training facility duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 6 to 15 individuals who need not be related. Staff persons required to meet State Licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

Residential Care Home - A residential treatment or training home, or an adult foster home duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 5 or fewer individuals who need not be related. Staff persons required to meet State Licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

Residential Trailer - A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is used for residential purposes, and that was constructed prior to January 1, 1962.

Right-of-Way - A public way dedicated for vehicular, bicycle or pedestrian use.

Setback - The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this Ordinance shall be the property line unless otherwise excepted, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Ordinance.

Sign - Any device or medium affixed to property (including its structure, lighting, materials, and component parts) which by reason of its form, color, wording, symbol, design, and illumination visually communicates, identifies, advertises, informs, announces, or attracts attention to the subject thereof.

Special District - A development district created by ordinance in recognition of an area's unique characteristics such as environmental or historic resources, natural hazards, or an identified need for certain development or redevelopment.

Staff - The administrative officers responsible for the operation and management of the various City departments and divisions.

Street - A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, or to which a right of public use has otherwise been attached, which affords the principal means of access to abutting property. Street does not include "alley", but does include avenue, place, way, drive, land, boulevard, highway, road, and any other thoroughfare unless otherwise specifically excluded by this Ordinance.

Street, Private - A right-of-way or easement used for vehicular, bicycle or pedestrian traffic which is privately owned and maintained.

Structure - Anything constructed or portable, the use of which requires a location on a parcel of land, including a movable structure, while it is located on the land and used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently.

Structure Height - The height of structures is determined per the appropriate provisions in *Section 6.070: Measurements*.

Substantial Improvement - Unless otherwise specified, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed valuation of the structure. The term exempts the following:

1. Any project to improve a structure to comply with existing state or local health, sanitary, or safety regulations that is necessary solely to assure safe living conditions.
2. Any alteration of a structure listed on the National Register of Historic Places.

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.

Townhouse - See “Dwelling, Single Attached”.

Yard - An open space unobstructed from the ground upward except as otherwise provided in this Ordinance.

Yard, Exterior Side - A yard extending from the front yard to the rear lot line on the street side of a corner lot.

Yard, Front - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.

Yard, Rear - A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.

Yard, Side - A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

Chapter 3**APPLICATION REVIEW PROCEDURES**

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Section 3.010**APPLICATION PROCEDURES**

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3.010.010 Purpose

This Section establishes the application requirements and procedures for applications for ministerial actions, planning actions, and legislative actions as described in *Section 3.020.020: Procedure Types* of this Chapter. The City of The Dalles requires building/use permits for all new construction, exterior modifications to existing structures, demolitions, and changes of use.

3.010.020 Coordination of Applications and Procedures

- A. Staff Coordination. The Director shall be responsible for coordinating applications and the decision-making procedures required by this Ordinance.
- B. Consolidation. The Applicant shall be provided with the opportunity to apply for all permits necessary for a development project at one time, in accordance with ORS 227.175 (2), “consolidated procedure”. The consolidated application shall be processed under the most stringent procedure required for any part of the development proposal. The consolidated application will be subject to the time limitations specified in this Section.
- C. Permits. No permit for a proposed use shall be issued until a final decision has been made approving or conditionally approving a completed application. The issuance of a permit shall conform with the regulations of this Ordinance and any conditions of approval.

3.010.030 Pre-Application Conference

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

- A. Review for Consistency. Insure that the application is consistent with the substantive and procedural requirements of this Ordinance and the applicable elements of The Comprehensive Plan.
- B. Exchange Information. Provide for an exchange of information regarding all procedural matters relevant to the processing of the respective application and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

- C. Describe Applicant's Responsibilities. Provide a description of applicant's responsibilities and the type and level of information which will be required from the applicant to enable the reviewing authority to act on the request.

3.010.035 Pre-Application Requirements

Applicants participating in the pre-application process (referred to as site team review) shall provide all information required in the code for the type of land use review sought. 18 copies of the application and site plan are required.

3.010.040 Applications

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

- A. Acceptance. All applications shall be accepted by the Department during normal working hours, and date stamped on the day received in the Department office.
- B. Completeness. An application shall be considered complete when it contains the information required by this Ordinance, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per *Section 1.120: Fees* of this Ordinance. Complete applications shall be signed and dated by the Director.
- C. Commission or Council Initiated Actions. The Council or Commission may initiate a ministerial, planning, or legislative action by a duly adopted motion which designates the appropriate City department to complete and file the application. The City Manager may waive application fees for City projects on City-owned property or in the public right of way without resolution or other approval of the City Council.
- D. Resubmittal of Applications. Applications which are denied, or denied on appeal, shall not be eligible for Resubmittal for one year of date of denial, unless evidence is submitted which, in the opinion of the Director, demonstrates that conditions, the application, or the project design have changed to the extent that further consideration is warranted.
- E. Applications for Planning Actions. A planning action may be initiated by the Director, the Commission, the Council, or at the request of the applicant. Two copies of a complete application shall be submitted to the Department in order to initiate a planning action.

1. Complete applications shall include:

- a) The name and address of the applicant(s) and recorded land owner(s).
 - b) The County Assessor's property description--township, range, section, and tax lot(s).
 - c) All of the information required by this Ordinance for the specific action requested.
 - d) An application form completely filled out and signed by one or more of the property owners for which the action is being requested.
2. The Director shall review each application for completeness, notify the applicant of exactly what information is missing within 30 days of receipt of application, and allow the applicant to submit the missing information. The application shall be considered complete for processing when the Director receives the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the 31st day after the application was first received, in accordance with ORS 227.178 (2), "Final action on certain applications required within 120 days".
 3. Once an application has been accepted as complete, any revisions to the application proposed by the applicant shall be regarded as a new application, restarting the procedure in *Subsection (2)* above. New applications which result from revisions or modifications to applications previously considered complete may require additional filing fees per the provisions of *Section 1.120: Fees*.
- F. Applications for Legislative Actions. A legislative action may be initiated by the Director, the Historic Landmarks Commission, the Planning Commission, the Council, or at the request of an applicant or resident of the City.
1. Complete applications shall include:
 - a. The name and address of the applicant(s), and, if applicable, the name and address of recorded land owner(s).
 - b. Where applicable, the County Tax Assessors property description--township, range, section, tax lot(s).

- c. A brief description of any applicable Comprehensive Plan policies, Statewide Planning Goals, Oregon Administrative Rules and Oregon Revised Statutes.
- d. Other information as specifically required by this Ordinance.
- e. Signature of applicant(s), and where applicable, signature of recorded land owner(s) or their authorized agent.

2. The provisions concerning application completeness in *Subsections (E)(2) and (E)(3)* above shall apply.

- 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 professional person licensed by the State of Oregon to prepare plans.

Section 3.020**REVIEW PROCEDURES**

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3.020.010 Purpose

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

The City of The Dalles does not have a State building code review function. This aspect of permitting is performed by the State of Oregon. However, the City of The Dalles requires City building/use permits for all new construction, exterior structural modifications to existing structures, demolitions, and changes of use.

A City supplemental building permit is valid for a period of six months, or so long as there is a valid and active State (BCA) building permit issued for the same work. If the State (BCA) building permit expires, so does the City supplemental permit. Once expired the City supplemental permit cannot be renewed. A new permit must be obtained, under the development rules at the time of the submittal of the new application.

3.020.020 Procedure Types

- A. Ministerial Actions. The Director shall have the authority to review and approve or deny ministerial actions. Ministerial actions are not land use decisions or limited land use decisions as defined by ORS 197.015 (10), (12), “Definitions for ORS chapters 195, 196 and 197”. Ministerial actions do not require public notice, public hearing, or decision notice. Ministerial actions are final decisions at the local level.

- B. Planning Actions. Administrative actions and quasi-judicial actions are both planning actions. Planning actions may be appealed per the provisions of *Section 3.020.080: Appeal Procedures* of this Chapter.
 1. **Administrative Actions.** The Director shall have the authority to review and approve, approve with conditions, or deny applications subject to processing as administrative actions. Decisions on administrative actions shall be based on the applicable clear and objective standards contained in this Ordinance. The Director shall provide notice of application to adjacent and nearby landowners, provide for the opportunity for written comment prior to final decision, and provide decision notice to applicant and all parties of record per the provisions of *Section 3.020.040: Administrative Actions* of this Chapter, and in accordance with ORS 197.195, “Limited land use decisions; procedures”.

2. **Quasi-Judicial Actions.** The Commission and Council shall each have the authority to review and approve, approve with conditions, or deny applications subject to processing as quasi-judicial planning actions. All quasi-judicial actions shall be reviewed through the public hearing process described in *Section 3.020.070: Public Hearings* of this Chapter, and in accordance with ORS 197.763, “Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures”.
- C. Legislative Actions. Legislative actions are typically those which involve the implementation of land use policy, and include, but are not limited to the decision types specified in *Section 3.020.060: Legislative Actions*. The Planning Commission, and where appropriate, the Historic Landmarks Commission, shall review all requests processed as legislative actions and make a recommendation to Council to approve, approve with conditions, or deny the request. The Council shall make a final decision per the provisions of *Section 3.020.060: Legislative Actions*. Legislative actions may be appealed to the State Land Use Board of Appeals, subject to ORS 197.830, “Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation”.
- D. Expiration and Extension.
1. Expiration. Except for City building permits, which are discussed in Section 3.020.010, development must begin within one year of the Notice of Decision for the land use permit to remain valid, unless specific provisions for a different time period are provided for in other code sections. If development has not begun within the time period, expiration is automatic and no notice is required.
 2. Extension. The Director may grant an extension for up to one year upon receipt of a request in writing. The request must be received in the Community Development Department one (1) week prior to the expiration date. The provisions of LUDO Section 3.030.070 B. shall apply to all requests for extensions.

3.020.030 Ministerial Actions

- A. Option to Process as Administrative Action. At the discretion of the Director, a ministerial action may be processed as an administrative, per

the provisions of Section 3.020.040: Administrative Actions of this Chapter.

- B. Decision Types. Ministerial actions include, but are not limited to, the following:
1. Land uses permitted outright in any zone district, except those land uses which require in depth review, including, but not limited to Site Plan Review.
 2. Neighborhood Compatibility Review (*Section 3.040*) of land uses permitted outright in the appropriate zone districts, except those land uses which require in depth review, including, but not limited to Site Plan Review.
 3. Sign permits (*Chapter 13*).
 4. Review of environmental and hazard maps.
 5. Lot Line Adjustments (*Section 9.030.070*).
 6. Minor amendments to subdivisions and partitions.
 7. Final subdivision approval (*Section 9.040.060*).
 8. Final partition approval (*Section 9.030.050*).
 9. Physical Constraints Permit (Chapter 8).
 10. Proposed Change of Use (*Section 6.150.020*).
 11. LUDO Review of Building Permit Application.
- C. Time Limits. The Director shall approve or deny an application for a ministerial action within 21 days of accepting the application unless the time limit is extended with the consent of the applicant.
- D. Final Decision. The approval or denial of a ministerial action shall be the City's final decision.

3.020.040 Administrative Actions

- A. Option to Process as Quasi-judicial Action. At the discretion of the Director, or at the request the Commission, the applicant, or party(ies) of record who address legitimate criteria, an administrative action may

be processed as a quasi-judicial action, per the provisions of *Section 3.020.050: Quasi-Judicial Actions* of this Chapter.

B. Decision Types. Administrative actions include, but are not limited to, the following:

1. Site Plan Review (*Section 3.030*).
2. Neighborhood Compatibility Review (*Section 3.040*).
3. Administrative Conditional Use Permit (*Section 3.060*).
4. Adjustments (*Section 3.080*).
5. Partition (*Section 9.030*).
6. Subdivisions (*Section 9.040*).
7. Manufactured Dwelling Parks (*Chapter 11*).
8. Extensions of time limits for approved planning actions.
9. Home Business Permits (*Section 6.020*).

C. Notice of Application.

1. Within 10 days after receipt of a complete application for administrative action, notice of the request shall be mailed to:

- a) The applicant and owners of property within 100 feet of the subject property. The list shall be compiled from the most recent property tax assessment roll.
- b) Any affected governmental agency, department, or public district within whose boundaries the subject property lies.

2. The notice provided by the Department shall:

- a) Explain the nature of the application and the proposed use or uses which could be authorized.

- b) Set forth the street address or other easily understood geographical reference to the subject property.
- c) Provide a 14 day comment period, from the day notice mailed, for submission of written comments prior to the decision.
- d) State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Commission on that issue.
- e) List by commonly used citation the applicable criteria for the decision.
- f) State the place, date, and time that comments are due.
- g) State that a copy of the application, all documents and evidence submitted by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
- h) Include the name and telephone number of the Director to contact for additional information.

3. The failure of a property owner to receive notice as provided in this Section shall not invalidate such proceedings if the Department can show that such notice was given.

- D. Time Limits. All applications processed as administrative actions shall be approved, approved with conditions, denied, or postponed with consent of the applicant within 45 days after the filing of a complete application.
- E. Staff Report. Administrative decisions shall be signed by the Director, and based upon and accompanied by a staff report that includes:
 - 1. An explanation of the criteria and standards considered relevant to the decision.
 - 2. A statement of basic facts relied upon in rendering the decision.
 - 3. Findings which explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.
- F. Final Decision. The approval, approval with conditions, or denial of an administrative action shall be the City's final decision.
- G. Notice of Decision. Decision notice shall be provided to the applicant, the Commission, and any party of record. The decision notice shall include:

1. A brief summary of the decision and the decision making process.
 2. An explanation of appeal rights and requirements.
- H. Effective Date of Decision. A final decision on administrative actions is effective on the date notice of the decision is mailed to the applicant and parties of record.
- I. Appeal. Administrative actions may be appealed to the Commission, per the provisions of *Section 3.020.080: Appeal Procedures*, within 10 days of the effective date of decision. A Commission decision on appeal may be further appealed to the Council per the provisions of *Section 3.020.080: Appeal Procedures*, within 10 days of the effective date of the Commission's appeal decision.

3.020.050 Quasi-Judicial Actions

- A. Decision Types. Quasi-judicial actions include, but are not limited to, the following:
1. Site Plan Review (*Section 3.030*).
 2. Neighborhood Compatibility Review (*Section 3.040*).
 3. Conditional Use Permits (*Section 3.050*).
 4. Variances (*Section 3.070*).
 5. Non-Conforming Uses (*Section 3.090*).
 6. Home Business Permits (*Section 6.020*).
 7. Subdivisions (*Section 9.040*).
 8. Zone Changes (*Section 3.100*).
 9. Recreational Vehicle Parks (*Chapter 12*).
 10. Any public hearing of an administrative action at the request of the Commission, the Director, or the applicant, or parties of record raising legitimate criteria.
- B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action which identifies the criteria and standards 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.

C. Public Hearings.

1. Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting within 45 days from the date the application is deemed complete.
2. Hearings on applications for quasi-judicial actions shall be conducted per the procedures in *Section 3.020.070: Public Hearings*.
3. Unless otherwise ordered by the hearings body, the Director shall take complete applications for quasi-judicial actions in the order in which they are filed.
4. The hearings body shall hold at least one public hearing on a complete application.
5. The burden of proof is placed on the applicant seeking a planning action.
6. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.
7. Prior to the public hearing the applicant is recommended, but not required, to conduct an outreach meeting with nearby residents and others who may be affected by the development.

D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to:

1. The applicant and owners of property within 300 feet of the subject property. The list shall be compiled from the most recent property tax assessment roll.
2. Any affected governmental agency, department, or public district whose boundaries include the subject property.
3. Any neighborhood or community organization recognized by the Department and whose boundaries include the subject property.
4. The notice provided by the Department shall:

- a) Explain the nature of the application and the proposed use or uses which could be authorized.
 - b) Set forth the street address or other easily understood geographical reference to the subject property.
 - c) State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to LUBA on that issue.
 - d) List by commonly used citation the applicable criteria for the decision.
 - e) State the place, date, and time of the hearing.
 - f) State that a copy of the application, all documents and evidence submitted by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
 - g) State that a copy of the staff report will be available for inspection at no cost and will be provided at a reasonable cost at least seven days prior to the hearing.
 - h) Include the name and telephone number of the Director to contact for additional information.
 - i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
5. The failure of a property owner to receive notice as provided in this Section shall not invalidate such proceedings if the Department can show that such notice was given.
- E. Decision on Quasi-Judicial Actions. The decision of the hearings body shall be adopted by resolution, signed by the presiding officer, and based upon and accompanied by a brief statement that includes:
- 1. An explanation of the criteria and standards considered relevant to the decision.
 - 2. A statement of basic facts relied upon in rendering the decision.
 - 3. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards and basic facts set forth.
- F. Final Decision. The approval, approval with conditions, or denial of a quasi-judicial action shall be the City's final decision.

- G. Notice of Decision. Decision notice shall be mailed to the applicant and all participating parties within five working days of the date of the signed resolution. The decision notice shall include the following:
1. The date of decision.
 2. A brief description of the action taken.
 3. The place where, and time when decision may be reviewed.
 4. An explanation of appeal rights and requirements.
- H. Effective Date of Decision. A final decision on quasi-judicial actions is effective on the date notice of the decision is mailed to the applicant and parties of record.
- I. Appeal.
1. Commission decisions on quasi-judicial actions may be appealed to the Council, per the provisions of *Section 3.020.080: Appeal Procedures*, within 10 days of the date notice of decision is mailed to the applicant and all participating parties.
 2. Council decisions on quasi-judicial actions may be appealed to LUBA subject to ORS 197.830, “Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation”, within 21 days of the date notice of decision is mailed to the applicant and all participating parties.

3.020.060 Legislative Actions

- A. Decision Types. Legislative actions include, but are not limited to, the following:
1. Zone Changes (*Section 3.100*).
 2. Ordinance Amendments (*Section 3.110*).
 3. Comprehensive Plan Map Amendments.
 4. Amendments to The Comprehensive Plan.
 5. Urban Growth Boundary Amendments.

6. Annexations.

B. Public Hearings.

1. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.
2. The Council shall hold a legislative hearing on applications for legislative actions within 30 days of the date of the Planning Commission or, where appropriate, the Historic Landmarks Commission resolution recommending approval, conditional approval, or denial of the request.
3. Legislative hearings shall be conducted per the procedures of *Section 3.020.070: Public Hearings.*
4. Unless otherwise ordered by the Commission or Council, the Director shall take completed applications for legislative actions in the order in which they are filed.
5. The burden of proof is placed on the applicant seeking a legislative action.
6. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.

C. Notice of Hearing. At least 10 days before the legislative hearings of the Historic Landmarks Commission, the Planning Commission, or the Council, notice of the hearing shall be published in a newspaper of general circulation. Such notice shall:

1. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized.
2. List the applicable Ordinance standards and/or criteria, Comprehensive Plan Policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, and Oregon Revised Statutes that apply to the particular application.
3. Set forth the geographical reference to the subject area.

4. State that in order to preserve any potential appeal rights to LUBA, persons must participate either orally or in writing in the legislative action proceeding in question.
 5. Include the name and telephone number of the Director to contact for additional information.
- D. Decision on Legislative Actions. The Council's decision shall be an ordinance adopted by majority vote, signed by the Mayor, and based upon and accompanied by a brief statement that includes:
1. An explanation of the criteria, standards, policies, and laws considered relevant to the decision.
 2. A statement of basic facts relied upon in rendering the decision.
 3. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards, policies, laws, and basic facts set forth.
- E. Final Decision. The Council's decision on legislative actions shall be the City's final decision.
- F. Notice of Decision. Decision notice shall be mailed to all participating parties within five working days of the date of the ordinance is adopted by the Council and signed by the Mayor. The decision notice shall include the following:
1. The date of decision.
 2. A brief description of the action taken.
 3. The place where, and time when the decision may be reviewed.
 4. An explanation of appeal rights and requirements.
- G. Effective Date of Decision. A final decision on legislative actions shall be effective 30 days after the day the ordinance is adopted by the Council and signed by the Mayor, unless the decision is adopted as an emergency ordinance, in which case the decision may take effect as soon as adopted.
- H. Appeal. Decisions on legislative actions may be appealed to the Land Use Board of Appeals, subject to ORS 197.830, "Review procedures; standing; deadlines; issues subject to review; attorney fees and costs;

publication of orders; mediation”, within 21 days of the date notice of decision is mailed to participating parties.

3.020.070 Public Hearings.

- A. Quasi-Judicial Hearing Procedure. All quasi-judicial hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, “Public Meetings”.
1. Opening Statement. At the commencement of a quasi-judicial hearing a statement shall be made to those in attendance that:
 - a) Lists the applicable substantive criteria.
 - b) States that evidence and testimony must be directed toward the listed applicable substantive criteria, or other criteria in the Comprehensive Plan or this Ordinance which the person believes to apply to the decision.
 - c) States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to LUBA based on that issue.
 - d) States that failure to participate in the public hearing, either orally or in writing, precludes appeal to LUBA.
 - e) Includes other general rules of conduct for the public hearing as deemed necessary by the hearings body.
 2. Ex-parte, Conflict of Interest, and Bias.
 - a) After the Opening Statement required by *Subsection (A)(1)* above has been read, members of the hearings body shall declare any actual or potential conflicts of interest, any ex parte contacts, including the substance of those contacts and any conclusions the member reached because of those contacts, and any bias.
 - b) No member shall serve on any proceeding in which such member has an actual conflict of interest; in which the member, or those persons or businesses described in ORS 244.135, “Method of handling conflicts by planning commission members”, has a direct or substantial financial interest; or in which the member has a bias.
 - c) If the member refuses to disqualify him or herself for conflict of interest, ex parte contact, or bias, the hearings body shall have the power to remove such member, by majority vote of those present, for that proceeding.

- d) The public may challenge any member of the hearings body on conflict of interest, ex parte contact, or bias for any public hearing. The challenge must be supported by evidence and made before the hearing begins. All parties shall be advised that they have the right to rebut such challenges.
3. Staff Report. A staff report shall be presented which identifies the criteria and standards 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.
4. Testimony and Evidence.
- a) All testimony and evidence must be based on the criteria contained in this Ordinance or The Comprehensive Plan which the person believes applies to the final decision.
 - b) The failure to raise an issue precludes appeal to LUBA on that issue.
 - c) Oral and written testimony shall be taken first from the applicant, then from proponents of the action, followed by testimony from opponents, and finally from other interested parties. Proponents will then have an opportunity for rebuttal.
 - d) Members of the hearings body may ask questions of staff, proponents, opponents, and other interested parties at any time.
 - e) Each person's testimony may be limited to five minutes or less.
 - f) Signed written comments may be submitted prior to the hearing by mail or personal delivery. Faxes and emails will only be accepted if sent to the location specified by the Community Development Department. All comments must include the name and address of the person making the comment. Comments will not be accepted if either the name or the address is missing. Comments for a quasi-judicial hearing which are longer than one side of one page shall be accepted only by mail or in person and only if 12 copies are presented for a Planning Commission hearing and 10 copies for a hearing before the City Council. Comments must be at least equal in size to ten point type. Comments received at least five working days prior to the hearing shall be distributed to the hearing body prior to the hearing. Comments received by 5 p.m. on the day of the hearing shall be presented to the hearing body at the time of the hearing. Written and verbal comments may also be presented in person at the hearing.

5. Continuance. Prior to the conclusion of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Commission shall grant such request by continuing the public hearing or leaving the record open for additional evidence or testimony in accordance with the provisions of ORS 197.763 “Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures”.
 6. Final Decision. The hearing body’s final decision shall be based on adequate findings of fact presented during the hearing. A majority of those members present must vote affirmatively on a motion for a decision in order to adopt findings. If a finding is challenged by a Commissioner, a vote may be taken on the finding singly, apart from the motion.
- B. Legislative Hearing Procedure. The Historic Landmarks Commission, Planning Commission, and Council each have the authority to hold legislative hearings. All legislative hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, “Public Meetings”.
1. Conflict of Interest. At the start of each public hearing on legislative actions, the presiding officer shall ask if any member of the hearings body wishes to make any disclosure, or abstain from participating or voting on the matter being heard because of possible financial gain resulting from the legislative action.

3.020.080 Appeal Procedures.

The following procedures apply to the appeals of final decisions on administrative planning actions made by the Director, and final decisions on quasi-judicial planning actions made by either the Historic Landmarks Commission or the Planning Commission. Final decisions on legislative actions, final decisions on quasi-judicial planning actions made by the Council, and appeal decisions made by the Council may all be appealed to the State Land Use Board of Appeals (LUBA), subject to ORS 197.830, “Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation”.

- A. De Novo. Appeals shall be a de novo evidentiary hearing. A De Novo hearing allows for the introduction of additional evidence on issues raised at a lower level and included in the notice of appeal, and for arguments or testimony based on those issues. It does not allow for new issues to be raised, nor does it allow for

evidence, arguments or testimony to be presented on issues not raised in the appeal notice.

B. Right to Appeal Decisions. The following may file an appeal to decisions resulting from planning actions described in this Section:

1. Any party of record to the particular action.
2. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if notice is not received.
3. The Historic Landmarks Commission, the Planning Commission, or the Council by majority vote. No fee is required for an appeal under this section.
4. The City Manager. No fee is required for an appeal under this section.

C. Filing Appeals.

1. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Department. The standard appeal fee shall be required as part of the notice of appeal.
2. The notice of appeal and appeal fee must be received at the Community Development Department office no later than 5:00 PM on the tenth day following the date of the mailing of the notice of decision. (See *Section 1.110: Computation of Time* for an explanation of how days are counted).
3. Notices of Appeal shall not be received by facsimile machines.

D. Notice of Appeal. Every notice of appeal shall include:

1. Appellants name and address, and a statement describing how the appellant qualifies as a party.
2. The date and a brief description of the decision being appealed.
3. The specific grounds why the decision should be reversed or modified, based on the applicable criteria or procedural error.
4. The standard appeal fee.

E. Jurisdictional Defects.

1. Any notice of appeal which is filed after the deadline set forth in *Subsection (C)(2)* above, or which is not accompanied by the required fee set forth in *Subsection (D)(4)* above, shall not be accepted for filing.
2. The failure to comply with any other provision of *Subsections (C)* or *(D)* shall constitute a jurisdictional defect. A jurisdictional defect means the appeal is invalid and no appeal hearing will be held. Determination of a jurisdictional defect shall be made by the Director, with the advice of the City Attorney, after the expiration of the 10 day appeal period described in *Subsection (C)(2)* above. The Director's determination may be subject to appeal to the State Land Use Board of Appeals (LUBA).

F. Consolidation of Appeals.

1. If more than one party files a notice of appeal on a planning action decision, the appeals shall be consolidated, and noticed and heard as one proceeding.
2. To the extent the Department's anticipated costs are more than covered by multiple appeals fees received when multiple appeals are filed, the Director may authorize a refund of a portion of the appeal fees to the appellants in an equitable manner.

G. Notification of Appeal Hearing. The notice of appeal, together with notice of the date, time, and place of the appeal hearing shall be mailed to all parties at least 14 days prior to the hearing.

H. Decision of Appeal.

1. The Commission or Council may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.
2. The Commission or Council shall make findings and conclusions, and make a decision based on the hearing record.
3. A Notice of Appeal Decision shall be sent to all parties participating in the appeal.

I. Refund of Appeal Fee. An applicant can request a refund of an appeal fee by letter submitted to the Community Development Department within 10 days after the appeal is determined. The letter shall state in detail the reason for the requested refund. Staff shall prepare a report and send the letter and report to the City Manager. The City Manager may consider the letter, the staff report, and any other factors in making a recommendation. The City Manager's recommendation shall be submitted for action on the City Council's consent agenda. No public hearing is required. Final action on the request shall be taken by the City Council.

Section 3.030

SITE PLAN REVIEW

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3.030.010 Purpose

The purpose of the Site Plan Review is to enable the Approving Authority to review development proposals for compliance with City Ordinances, local standards, conformance with the Comprehensive Plan and compatibility with surrounding development, and to add any conditions of approval necessary to ensure such compliance, conformance and compatibility.

3.030.020 Review Procedures

- A. Process. Detailed site plan, construction/design and landscape plans, where required, are a necessary condition of approval and must be received and approved by the Director and the City Engineer before a building permit will be signed.
- B. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, Site Plan Review applications shall be accompanied by at least 15 copies of the site plan, and, when required, 3 copies of the detailed landscape and construction/design plans as specified below in *Section 3.030.030: Required Plans*. When plans are drawn using CAD software, 1 digital disc copy shall be submitted in addition to the required hard-copies.
- C. Review. Site Plan Review shall be processed as an administrative action per the provisions of *Section 3.020.040: Administrative Actions*, and approved, approved with conditions, or denied by the approving authority.
- D. Public Works Requirements. City Engineer approval of construction/design plans shall always be a condition of site plan approval when public infrastructure, improvements, or rights of way are located either within or on the border of a proposed development site. A requirement of approval shall include a completed Wastewater Survey Questionnaire.
- E. Detailed Landscape Plans. Approval by the approving authority of detailed landscape plans will always be a condition of plan approval when landscaping is required by this Ordinance for a development proposal.
- F. Site Plan and Detailed Landscape Plan Amendments. Approved site plans and detailed landscape plans shall be amended through the same procedures as in the initial approval. However, minor alterations or modifications to a previously approved site plan may be approved by the approving authority if, in the approving authority's opinion, the proposed modifications or alterations do not represent deviations of a

substantial nature.

- G. Detailed Construction/Design Plan Amendments. Approved detailed construction/design plans shall be amended through the same procedures as in the initial approval. However, minor alterations or modifications to previously approved detailed construction/design plans may be approved by the City Engineer if, in the Engineer's opinion, the proposed modifications or alterations do not represent deviations of a substantial nature.
- 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 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.
- I. Building Permit Applications. After an application for a Planned Development, Subdivision, or 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.
- J. Final Inspection Procedure. *See Section 10.090: Final Inspection Procedure.*

3.030.030 Required Plans

- A. Site Plan. The site plan shall clearly indicate all of the following information applicable to the particular development proposal:
 1. Project name.
 2. A separate vicinity map indicating location of the proposed development.
 3. Scale. The scale shall be at least one inch equals 50 feet (1:50), unless a different scale is authorized by the Director.
 4. North arrow.
 5. Date.

6. Location and names of all existing streets and location of proposed streets within or on the boundary of the proposed development.
7. Lot layout with dimensions for all lot lines.
8. Location, dimensions, and height of all existing and proposed buildings, structures, fences and gates. Indicate which buildings, structures and fences are to remain and which are to be removed
9. Location and dimensions of all yards and setbacks from all property lines and distances between existing and proposed buildings.
10. Location and dimensions of all driveways and bicycle and vehicle parking areas.
11. Number of vehicle and bicycle parking spaces, parking lot layout, and internal traffic circulation pattern.
12. Specify centerline locations and width of existing and proposed access from street to property. In addition, specify the centerline location and width of driveways near the site, using the following method: a) based upon the street classification of the adjacent street, determine the maximum distance specified in Section 6.050, Table 1; b) for both sides of the street fronting the property, and extending in all directions of the street, extend at least the distance determined above, until either nearest offsite accessway or nearest intersecting public street, whichever is less; c) repeat for all streets adjacent to the site.
13. All points of entrance and exit for pedestrians, bicycles and vehicles, including service vehicles.
14. Location and description of any slopes greater than 20%, and any proposed cut and fill activity.
15. General nature and location of all exterior lighting.
16. Outdoor storage and activities where permitted, and height and type of screening.
17. Drainage and grading plan.
18. Location, size, height, material and method of illumination of existing and proposed signs.

19. Location of existing utilities, easements, and rights of way.
20. Location of any significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, drainage ways and wetlands.
21. Location of existing fire hydrants.
22. Location of existing and proposed trash storage area(s) including enclosure construction design and access for pick up purposes.
23. Any additional information required by the Director to act on the application.

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

1. Project name.
2. Scale. The scale shall be at least one inch equals 50 feet (1:50) or larger.
3. North arrow.
4. Date.
5. Location and initial sizes of plants and tree species, and other proposed landscape material.
6. Pipe location and size, point of connection, and water requirements of automatic sprinkler systems, and location and details of cross connection control device.

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

1. All information required for the site plan.
2. Location of existing rights-of-way.
3. Existing streets, sidewalks, curbs and utilities.
4. Existing and proposed street trees.

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

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. Arrangement of Site Elements. Elements of the site plan are arranged to:
1. Promote pedestrian, bicycle, and vehicular safety and welfare.
 2. Preserve and maintain public amenities and significant natural features.
 3. Avoid traffic congestion.
 4. Minimize potential adverse impacts on surrounding properties.
- D. Lighting. Proposed lighting shall not directly illuminate adjoining properties.
- E. City Engineer Approval. Detailed construction/design plans for public infrastructure, improvements, or rights of way affected by or located within a proposed development site shall be approved by the City Engineer prior to granting a building permit as a condition of Site Plan Review approval.
- F. Waiver of Remonstrance. Where applicable, the applicant shall agree to waive any future rights to remonstrate against future public improvements, per the provision of *Section 6.110: Waiver of Right to Remonstrate* of this Ordinance.
- G. Deferring Approval. For all land use actions, when another public entity has primary subject matter jurisdiction, the City may defer development approval for those subjects to the entity with the jurisdiction.

3.030.050 Performance Guarantee

Where the applicant wishes to delay making required public improvements for a specified time period agreed to by the approving authority, the applicant shall file an agreement to insure full and faithful performance on making those required public improvements, including a private street per the provisions of *Section 9.040.060(I): Performance Guarantee* of this Ordinance.

3.030.060 Approval

The approved site plan, with any conditions, shall be dated and signed by the Director. One copy of the site plan, including any conditions, shall be mailed to the applicant.

3.030.070 Time Limits and Extensions

- A. Time Limits. The duration of the Site Plan Review approval shall be one year from the date of final approval. Construction must be commenced and diligently pursued toward completion within the one year period or the site plan approval shall expire, and a new application required.
- B. Extensions.
1. Applicants may request an extension of up to twelve months on the time limit of an approved site plan. Requests for extensions shall be processed as ministerial actions, per the provisions of *Section 3.010.030: Ministerial Actions* of this Chapter, and shall be submitted to the Director in writing not less than one month prior to the expiration of site plan approval. The request shall state the reason(s) why the extension should be granted.
 2. The Director may grant the requested extension if it is determined that conditions for which the applicant is not responsible have prevented the applicant from commencing construction within the original time frame.
- C. Long Term and Ongoing Projects. In cases where a proposed project is expected to be completed over a period of years, a specific schedule for completion of project phases may be a condition of approval.

3.030.080 Appeals

Final decisions on Site Plan Review applications may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

3.030.090 Invalidation of Site Plan Approval

Site plan approval shall become invalid, and a new Site Plan Review shall become necessary, if either of the following occur:

- A. Use Changes. There is a substantial change in the type of use which requires additional parking, landscaping, screening, or public improvements.
- B. Project Size. There is a substantial change in the size of the project, including additions or demolitions, which affects the requirements for parking, landscaping, or public improvements.

3.030.100 Revocation

The Director may institute a proceeding to revoke an approved Site Plan Review application, per the provisions of *Chapter 15: Enforcement* of this Ordinance, when reasonable grounds exist that one of the following events have occurred:

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

If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within a reasonable time period, then revocation procedures may be stayed.

Section 3.040**NEIGHBORHOOD COMPATIBILITY REVIEW**

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3.040.010 Purpose

Neighborhood Compatibility Review addresses the issues of compatibility with overall neighborhood character in terms of the design of buildings, their size, massing, and architectural features. The purpose of Neighborhood Compatibility Review is to minimize the impacts of new development, and the impacts of additions or modifications to existing development, on the surrounding established neighborhood(s) by insuring, to the greatest extent possible, that the design and placement of new development, additions, or modifications are compatible with the surrounding established neighborhood(s).

New construction, additions, or modifications to buildings and structures in designated local or national historic districts are subject to the review of The Dalles Historic Landmarks Commission, and exempt from the provisions of this Section.

3.040.020 Definitions

The following definitions shall apply for the purposes of this Section:

- A. Neighborhood Area. The Neighborhood Area shall include all lots of record within a 300 foot wide buffer surrounding the subject property on all sides. Where a zone district boundary is closer to the subject property than 300 feet, the zone district boundary shall be the edge of the Neighborhood Area buffer. A lot of record is considered within the Neighborhood Area if any part of the lot falls within the buffer boundary line.
- B. Established Neighborhood. A neighborhood area shall be considered established when at least 65% of the platted lots are developed with existing buildings, structures, or parking facilities.

3.040.030 Applicability

Neighborhood Compatibility Review is required for all applications for new infill construction, or additions and modifications to existing buildings, in established neighborhoods (as defined in *Subsection (B)* above) in the RL - Low Density Residential, RH - High Density Residential, and NC - Neighborhood Center Overlay zone districts, with the following exceptions:

- A. Planned Developments and Subdivisions greater than 10 lots, where the developer constructs or sites the buildings.
- B. Designated local and national historic districts.

3.040.040 Review Procedure

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, the applicant shall submit the following where applicable:
1. Plans indicating building orientation, garage/carport location, front porch details, exterior building elevations and details, building finish materials, parking location, location and description of fences and walls, parking lot landscaping, and pedestrian/bicycle circulation.
 2. Photographs of the surrounding buildings shall also be submitted to provide context for the proposal.
- B. Review. The Director, or where applicable the Commission, shall review development applications for compliance with the standards of this Section. This review shall be processed as either a ministerial or planning action.
1. Ministerial Actions. Where the normal application review for new construction, additions, or modifications is processed as a ministerial action, the Neighborhood Compatibility Review shall also be a ministerial action, and processed per the provisions of *Section 3.020.030: Ministerial Actions*.
 2. Planning Actions. Neighborhood Compatibility Review involving proposals for new construction or additions to buildings which are conditionally permitted or would otherwise normally require Site Plan Review shall be either administrative or quasi-judicial decisions depending on the level of application review, and processed accordingly per the appropriate provisions of *Section 3.020.040: Administrative Actions* or *Section 3.020.050: Quasi-Judicial Actions*.

3.040.050 Review Criteria

The following criteria shall be used to approve, approve with conditions, or deny the Neighborhood Compatibility Review:

- A. City Ordinance Requirements. The development proposal conforms with, or can be made to conform with through added conditions, any related requirements of this and other City Ordinances.
- B. Design Standards - All Development.

1. **Scale.** Buildings with walls greater than 80 feet in length shall include street facades that are varied and articulated at regular 20, 30, 40 or 50 foot intervals along the facade to provide the appearance of smaller buildings. Articulation shall be achieved through the use of offsets, jogs, variation of finishes, projections, windows, bays, porches, traditional storefront elements, entries or other similar distinctive changes.
2. **Parking Location.** With the exception of driveway parking, parking areas and parking lots shall not be located in the front yard setback.
3. **Yards.** Front and side yards that abut the street shall be visually open to the street.
4. **Fences/Walls.** Fences and walls in front yards and corner side yards shall be no more than 4 feet in height.
5. **Parking Lot Landscaping.** Where more than four contiguous surface parking spaces are provided, the requirements of *Subsection 7.030.040(B): Landscaping and Screening Along a Public Right-of-Way* shall apply.
6. **Pedestrian/Bicycle Circulation.** Developments more than two acres in size shall include a pedestrian and bicycle circulation plan for the site.
7. **Building Orientation.** New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, walkways, and traditional storefront elements.
8. **Garage/Carport Location.** New garage/carport setbacks shall be similar to the existing garage/carport setbacks on the block (both sides of the street) where the development is proposed, subject to the following standards:
 - a. When more than 50% of the existing garage/carport entrances on the subject block are either even with the front building line, or between the front building line and the street, the proposed garage/carport entrance may be even with or in front of the front building line, but no closer to the front property line than 20 feet.

- b. When more than 50% of the existing garage/carport entrances on the subject block are set back behind the front facade of the house, the proposed garage/carport entrance shall be set back at least 5 feet behind the front building line.
 - c. For single family and duplex uses, three car garages/carports or combinations of garage and carport are permitted only when the third garage door or carport entrance is setback from the wall plane of the main garage or carport entrance by at least 2 feet.
 - d. A Conditional Use Permit shall be required for garages/carports larger than a three 3 car size in the R-L Low Density Residential zone district.

- 9. Front Porches. When there are covered front porches on more than 65% of the residential structures on the block (both sides of the street) where the development is proposed, the new residential building shall have a covered front porch. Porch dimensions shall be a minimum of 6 feet in depth and 8 feet in length. A railing shall enclose the porch.

- 10. Trim and Details. Trim shall be used around the windows, doors, frieze, and corners of buildings. Details shall be used around the porch, fascia board, and window and door tops.

- C. Design Standards - Residential. In addition to the design standards for all development, the following standards shall apply to the different types of residential development:
 - 1. Two Family and Three Family Structures, and Attached Single Family Structures (2 units) shall be designed and constructed to have the appearance of a single house.

 - 2. Town Houses (3-5 or 3-8 attached units) may be required to combine roof lines and front porches, rather than having separate roof pitches and front porches for each unit, in order to be more in character with the surrounding existing neighborhood.

 - 3. Multi-Family Dwellings (greater than 3 units) shall:
 - a. Have a roof pitch greater than 4 feet of rise for every twelve feet of width (4:12).
 - b. Have stairways to upper floors which are adequately lighted, and protected from wind, rain, sun, and snow, and not openly visible from the street.

- c. Locate any garages or carports at least 10 feet behind the front building line.
- d. Be encouraged to incorporate usable covered front porch space into the project design.

3.040.060 Approval

The approved Neighborhood Compatibility Review, with any conditions, shall be dated and signed by the Director. One copy of the approved Review, including any conditions, shall be mailed to the applicant.

3.040.070 Time Limits and Extensions

Time limits and extensions shall be the same as those for Site Plan Review in *Section 3.030.070: Time Limits and Extensions*, except that they shall apply to Neighborhood Compatibility Review.

3.040.080 Appeals

1. Final decisions on Neighborhood Compatibility Reviews processed as ministerial actions shall not be appealable.
2. Final decisions on Neighborhood Compatibility Reviews processed as planning actions may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

3.040.090 Invalidation of Approval

Invalidation of approval shall be the same as that for Site Plan Review in *Section 3.030.070: Time Limits and Extensions*, except that it shall apply to Neighborhood Compatibility Review.

3.040.100 Revocation

Revocation shall be the same as that for Site Plan Review in *Section 3.030.100: Revocation*, except that it shall apply to Neighborhood Compatibility Review.

Section 3.050**CONDITIONAL USE PERMITS**

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3.050.010 Purpose

Certain uses are allowed in certain zones only conditionally. As a conditional use they are subject to specific regulations because they may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow conditional uses when they serve a public good or meet a need, and to ensure that negative impacts from the use are mitigated. A conditional use permit except as allowed in Section 5.100.040, does not by itself cause a change in any zoning or development standards; changes to development standards for a conditional use must go through the appropriate processes, such as a variance or adjustment, as outlined elsewhere in this document.

Applicants for conditional uses may choose a two stage process. First submit an application based on concept approval through the quasi-judicial conditional use process in this section and then detailed site plans.

3.050.020 Pre-Existing Uses

Pre-existing uses which after the enactment of this Ordinance would be allowed only as conditional uses shall be required to obtain an approved Conditional Use Permit when an increase of 10 % or greater is proposed for parking areas, combined square footage of structures, or total building foot print(s) of the pre-existing conditional use. Any change to a pre-existing use which would require new conditional use review shall be processed as a new Conditional Use Permit application in accordance with the provisions of this Section. A pre-existing use that applies for a Conditional Use Permit and is denied retains its status as a pre-existing use. Expansions of City facilities which have been approved by the City Council after any public hearing are exempt from the requirements of this *Section*.

3.050.030 Review Procedures

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, Conditional Use Permit applications shall be accompanied by at least 15 copies of a concept site plan, and, when required, two copies of the detailed landscape and construction/design plans, per the provisions of *Section 3.030: Site Plan Review*.
- B. Review.

1. Conditional Use Permits shall be processed as quasi-judicial actions, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*, and approved or denied by the Commission.
2. Site plan approval, and when required, detailed landscape plan and detailed construction design plan approval, per the provisions of *Section 3.030: Site Plan Review*, shall always be a condition of conditional use approval. Concept site plans can be submitted for review by the Commission in lieu of the detailed site plan required for building permit approval. See Section C. below.
3. The Commission may require a performance guarantee, per the provisions of *Subsection 9.040.060(I): Performance Guarantee*, to ensure compliance with any conditions of approval.

C. Concept Review.

1. The City offers a two stage concept approval process for conditional uses. The applicant may request initial concept approval using the quasi-judicial process. If approval of the concept is granted, the applicant must then submit a detailed site plan and get final approval through the site plan review process.
2. Applicants choosing the concept option must provide sufficient information in the form of site plans, narratives, or other documents to allow the Commission to make an initial decision.
3. The Commission may impose conditions or require performance guarantees on concept approval in the same manner as for regular conditional use applications.

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:

- A. Permitted Conditional Use. The proposed use is conditionally permitted in the zone district where it is proposed to be located.
- 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.
1. Noise impacts across the property line shall not exceed 60 decibels. Noise related to traffic impacts shall not be included in this determination. Nothing in this section shall modify other noise ordinance standards as adopted by the City.
 2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)
 3. Dust and other particulate matter shall be confined to the subject property.
 4. The following odors shall be completely confined to subject property:
 - a. industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;
 - b. fuels, and
 - c. fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.
 5. Vibrations shall not be felt across the property line.
 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 to:
 - a. Street designations and capacities; and
 - b. On-street parking impacts.
 7. In areas designated as Historic Districts, proposed development and redevelopment shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of the Historic Resources Ordinance (General Ordinance No. 94-1194.)

3.050.050 Zone Specific Review Criteria

Certain conditional uses in certain zones require specific conditions to guard against impacts that, in addition to those in the previous section, may adversely affect the health, welfare, safety, privacy, and/or neighborhood character of the surrounding persons and property.

Uses in RL-Low Density Residential District zone: The RL zone is the most restrictive of the residential zones, focusing primarily on single-family residences on the majority of lots. To preserve the residential character of this zone, the size, location, and other characteristics of certain conditional uses in this zone shall be regulated.

The majority of existing conforming structures in the RL zone is substantially below the maximum allowable limits for building height, lot coverage, and front and/or rear yard setbacks. It would therefore be possible for the structure of a conditional use to adhere to the zoning standards for the RL zone, but still appear out-of-character with the existing residential uses, resulting in negative impacts on the visual continuity and aesthetics of the neighborhood.

- A. Floor Area Ratio. Certain uses may not have a Floor-Area Ratio (FAR) greater than ten percent (10%) over the greatest FAR for any structure within the Neighborhood Area, as defined in *Section 3.040.020.A – Neighborhood Area*.

Floor area for subterranean basements shall not be included in the FAR calculation. Floor area for daylight/walkout basements shall be included in the FAR calculation. For the purposes of this section, “daylight/walkout basement” shall be defined as a partially-subterranean living area that : is built into a sloping site; has at least one full-height (6’8”) exterior passage door, that leads out to the ground level without more than one step; and has a minimum interior ceiling height of 7’0”.

- B. Uses. Uses allowed conditionally in the RL zone shall meet the landscaping requirement of chapter 6 for the CG zone.
- C. Conditional Uses. The standards shall apply to the following Conditional Uses in the RL zone:
1. Child Care Centers;
 2. Funeral and Interment Services (interring and cemeteries only); and
 3. Community Facilities.

- D. Operations. Business hours for commercial and industrial uses in residentially zoned neighborhoods shall be limited to 7:00 a.m to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.

3.050.060 Conditions

The Commission may approve a conditional use permit subject to any and all conditions the Commission deems necessary to satisfy the review criteria and mitigate identified impacts, provided such conditions are related to the proposed development or to the operational characteristics of the proposed use.

3.050.070 Time Limits and Extensions

Conditional Use Permits shall be valid for one year from the date granted by the Commission. If construction is commenced within this one-year period and is being pursued diligently toward completion, the Conditional Use Permit shall stay in full force for an additional year. In the case of unavoidable delay or an extensive construction schedule, the Commission may extend the time limit for completion of the project. At such time an extension is granted, the Commission may require a performance guarantee, per the provisions of *Subsection 9.050.060(I): Performance Guarantee*, which may require that any and all security be forfeited to the City in the event that substantial progress on the proposed development has not been made by the end of the extension period.

3.050.080 Appeals

Final decisions on Conditional Use Permits may be appealed in accordance with the provisions of *Section 3.020.080: Appeal Procedures* of this Ordinance.

3.050.090 Revocation

The Director may institute a proceeding before the Commission to revoke an approved Conditional Use Permit, when reasonable grounds exist that one or more of the following events have occurred:

- A. Failure to Meet Conditions. Any conditions of approval are not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all of the approved plans.

- C. Erroneous Information. The permit was issued on the basis of erroneous or misleading information or a material misrepresentation.

The Director shall submit a report to the City Attorney and request that a Notice of Violation be sent pursuant to Chapter 15: Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within a reasonable time period after the Notice of Violation, then revocation procedures may be stayed. If not, then the Director may schedule a hearing before the Commission using the same notice requirements and process as for an original Conditional Use Application.

3.050.100 Minor Modifications to Approved Conditional Uses

- A. Threshold. An application for a Minor Modification of a Conditional Use shall be required when the following thresholds apply:
An increase in the gross floor area of conditional use up to and including 10% and less than 1,000 square feet of floor area for all properties that are not located in a residential zoning district and are located at a distance of more than 50 feet from a residential zoning district.
- B. Approval. Approval for a Minor Modification is made by the Director.
- C. Approval Criteria. In order to approve a Minor Modification, the Director shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Minor Modification.
 2. All City application fees have been submitted.
 3. The proposal complies with conditions of an applicable conditional use approval.
- D. Conditions of Approval. The Director may approve a Minor Modification subject to any and all conditions the Director deems necessary to satisfy the review criteria and mitigate identified impacts.

3.050.110 Major Modifications to Approved Conditional Uses

- A. Threshold. An application for a Major Modification of a Conditional Use shall be required when one or more of the following thresholds apply:
1. Any increase in the gross floor area on properties located in a residential zoning district or within 50 feet of a residential zoning district.
 2. An increase in the gross floor area by more than 10% or in excess of 1,000 square feet for properties not located in a residential zoning district and which are located more than 50 feet from a residential zoning district.
 3. A change in use.
- B. Approval. Approval of a Major Modification is by the Commission.
- C. Approval Criteria. To approve a Major Modification, the Commission shall consider the application the same as a new conditional use permit request.
- D. Conditions of Approval. The Commission may approve a Major Modification subject to any and all conditions the Commission deems necessary to satisfy the review criteria and mitigate identified impacts.

Section 3.060

ADMINISTRATIVE CONDITIONAL USE PERMITS

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3.060.010 Purpose

The purpose of an Administrative Conditional Use Permit is to conditionally allow the alteration, modification, or expansion of the exterior of a structure or parking area of a previously approved conditional use. Conditions of approval may be imposed to ensure that any such exterior changes to a site previously approved for a conditional use are reasonably compatible with the types of uses permitted outright in surrounding areas.

3.060.020 Review Procedures

- A. Applications. Application requirements shall be the same as those specified for Conditional Use Permits, Subsection *3.050.030(A): Applications*.
- B. Review.
 1. Administrative Conditional Use Permits shall be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*, and approved or denied by the Director.
 2. Concept site plan approval, and when required, detailed landscape plan and detailed construction design plan approval, per the provisions of *Section 3.030: Site Plan Review*, shall always be a condition of administrative conditional use approval.
 3. The Director may require a performance guarantee, per the provisions of *Subsection 9.050.060(I): Performance Guarantee*, to ensure that conditions of approval are, or will be complied with.

3.060.030 Review Criteria

An administrative conditional use permit shall be granted if the Director finds that the proposed changes to the previously approved conditional use conform with, or can reasonably be made to conform with through added conditions, any related requirements of this and other City Ordinances and all of the following criteria:

- A. Approved Conditional Use. The previously approved conditional use shall remain the same.

- B. Standards. The proposed changes to the approved conditional use shall meet all standards of the zone district where the use is proposed to be located.
- C. Expansion.
 - 1. Structures: The proposed alteration, modification, or expansion shall not exceed the lesser of 2500 square feet or 10 per cent of the existing structure.
 - 2. Parking: The proposed alteration, modification, or expansion shall not exceed 10 percent of the existing parking area.
- D. Impact. Any proposed changes to the existing structure or parking area of the previously approved conditional use shall not adversely affect the use's compatibility with, or impact on, the legal development of abutting properties and the surrounding neighborhood.
- E. Nuisance. The proposed changes to the use shall not generate nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

3.060.040 Conditions

The Director may approve an administrative conditional use permit subject to any reasonable conditions deemed necessary to satisfy the review criteria.

3.060.050 Time Limits and Extensions

The Time Limit and Extension provisions shall be the same as those specified for Conditional Use Permits, *Subsection 3.050.060: Time Limits and Extensions*.

3.060.060 Appeals

Final decisions on Administrative Conditional Use Permits may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

3.060.070 Revocation

The revocation provisions shall be the same as those specified for Conditional Use Permits, *Subsection 3.050.080: Revocation*.

Section 3.070

VARIANCES

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3.070.010 Purpose

A variance may be granted whenever the strict application of a requirement of this Ordinance would impose unusual practical difficulties on one or more property owners, or unnecessary hardships on one or more properties. The authority provided by this Section to grant variances does not extend to the use regulations in any zone district or overlay.

3.070.020 Review Procedures

- A. Applications. In addition to the requirements of *Section 3.010: Application*, variance applications shall be accompanied by at least 15 copies of a concept site plan, per the provisions of *Section 3.030: Site Plan Review*, and a written statement which specifically addresses the review criteria as described below in *Subsection 3.070.030: Review Criteria*.
- B. Review. Variance applications shall be processed as quasi-judicial actions, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*.

3.070.030 Review Criteria

A variance to the requirements of this Ordinance shall be granted only in the event that each of the following circumstances is found to exist:

- A. The proposed variance will not be contrary to the purposes of this Ordinance, policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City.
- B. Exceptional or extraordinary circumstances apply to the subject property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or circumstances over which the applicant has no control.
- C. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as owners of other property in the same zone or vicinity.
- D. The conditions or circumstances justifying the variance have not been willfully or purposely self-imposed, and do not result from a violation of this Ordinance since its effective date.

- E. The proposed variance will not substantially reduce the amount of privacy enjoyed by users of neighboring land uses if the variance were not allowed.
- F. The proposed variance is the minimum variance which would alleviate the difficulty.

3.070.040 Conditions of Approval

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

3.070.050 Time Limits

An approved variance shall be void 12 months from the date approved by the Commission and signed by the Chair, or less than 12 months from the issue date if such time limit is specified as a condition of approval, unless a building permit has been issued and substantial construction has taken place.

3.070.060 Appeals

Final decisions on variances may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

Section 3.080**ADJUSTMENTS**

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3.080.010 Purpose

The regulations of the LUDO are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the LUDO may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the LUDO regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the LUDO to continue to provide certainty and rapid processing for land use applications.

3.080.020 Applicability

- A. Unless listed in subsection B., below, all regulations in the LUDO may be modified using the adjustment review process.
- B. Adjustments are prohibited for the following items:
 1. To allow a primary or accessory use that is not allowed by the regulations.
 2. As an exception to any restrictions on uses or development which contain the word "prohibited";
 3. As an exception to a threshold for a review. An example is 3.050.110. That provision states that an increase in the gross floor area of more than 10% or in excess of 1,000 square feet requires a major modification process. An adjustment could not be granted to allow an increase of 1,100 square feet as a minor modification;
 4. As an exception to a definition or classification. An example is a family day care which is defined as care of 12 or fewer children. An adjustment could not be granted to change the number of children within that definition to be 13;
 5. As an exception to the procedural steps of a procedure or to change assigned procedure;
 6. To allow an increase in density in the RL zone.
- C. The Administrative Adjustment procedure may be used to change the following:
 1. Up to 33% reduction of standard setback requirements.
 2. Up to 10% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.

3. Up to 10% reduction in required minimum lot area.
4. Up to 10% increase in the maximum lot coverage area.
5. Up to 10% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
6. Up to 25% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.

D. The Quasi-Judicial Adjustment process may be used to change the following items:

1. Up to 50% reduction in standard setback requirements.
2. Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
3. Up to 20% reduction in required minimum lot area.
4. Up to 20% increase in the maximum lot coverage area.
5. Up to 20% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
6. Up to 50% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
7. 1 and 2 family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Section 5.010.050 Building Orientation. Factors to be considered include the following: lots exceeding the minimum size; difference in elevation between building site and street; slope of lot; setback from street; difficult access from the street, and other relevant factors. If approved, the Planning Commission may require additional landscaping, among other conditions, to reduce the effect on the view from the street.

3.080.030 Review Procedures

Administrative Adjustment review procedures shall be the same as those specified for Administrative Actions in *Subsection 3.020.020B1*. Quasi-Judicial Adjustment review procedures shall be the same as those for Quasi-Judicial Actions in *Subsection 3.020.020B2*.

3.080.040 Review Criteria

- A. An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.
1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.
 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
 3. City designated scenic resources and historic resources are preserved; and
 4. Any impacts resulting from the adjustment are mitigated to the extent practical; and
 5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable,
- Or
6. application of the regulation in questions would preclude all reasonable economic use of the site; and
 7. Granting the adjustment is the minimum necessary to allow the use of the site; and
 8. Any impacts resulting from the adjustment are mitigated to the extend practical.
- B. Additional Criteria. If the applicant meets the approval criteria above, then the Approving Authority may also take into consideration, when applicable, whether the proposal will:
1. Result in a more efficient use of the site;
 2. Provide adequate provisions of light, air, and privacy to adjoining property;
 3. Provide for accessibility, including emergency vehicles, per City standards;
 4. Result in a structure that conforms to the general character of the neighborhood or zone district;
 5. If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements.

3.080.050 Conditions of Approval

In granting the adjustment, the Approving Authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

3.080.060 Time Limits

An adjustment shall be void 12 months from the date signed by the Approving Authority, or less than 12 months from the issue date if such time limit is specified as a condition of approval, unless a building permit has been issued and substantial construction has taken place.

3.080.070 Appeal

Final decisions on adjustments may be appealed, per the provisions of *Section 3.020.080: Appeal Procedures*.

Section 3.090**NONCONFORMING DEVELOPMENT**

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3.090.010 Purpose

The purpose of the non-conforming development regulations is to control, improve, or terminate uses, buildings, and structures which were lawful prior to the enactment of this Ordinance, but which do not conform to its provisions. The goal is to permit nonconformities to continue, but not to encourage their perpetuation, and to ultimately bring all development (excepting certain existing residential uses) into conformance with this Ordinance and the Comprehensive Plan.

3.090.020 Unlawful Use

No unlawful use of property at the time this Ordinance is enacted shall be deemed a nonconforming development. Property owners may be required to provide evidence used to identify a use as lawful prior to any planning action on a nonconforming development.

3.090.030 Conveyance

This Section shall not be construed to limit the sale, transfer, or conveyance of property containing a nonconforming use, building, or structure so long as the sale, transfer, or conveyance does not otherwise violate the provisions of this Ordinance.

3.090.040 Nonconforming Lots of Record

Lots and parcels legally created but which do not conform to the zoning standards in this Ordinance may be occupied by allowed uses after the date of this Ordinance, if those uses comply with all of the provisions of this Ordinance.

3.090.050 Nonconforming Uses

A use that was legally allowed when established, but which is no longer permitted in the zone district in which it is located, may continue after becoming nonconforming so long as it complies with all of the following requirements:

- A. Expansion. A nonconforming use shall not be expanded or moved to occupy a different or greater area of land, buildings, or structures than the use occupied at the time it became nonconforming.

- B. Discontinuance. If a nonconforming use is discontinued for any reason for more than 12 consecutive months, any subsequent use shall conform to all of the regulations of the subject zone district. For the purposes of this Ordinance, rental payments, lease payments, or the payment of taxes shall not be considered as a continued use. “Discontinued” shall mean non-use and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.
- C. Change of Use. A non-conforming use change may be approved as an administrative action or as a quasi-judicial action, per the appropriate provisions of *Section 3.020.040: Administrative Actions* or *Section 3.020.050: Quasi-Judicial Actions*. A nonconforming use may change to another similar or less non-conforming use when the degree of non-conformity is not increased, no alterations are made to the structures, buildings or parking areas which would increase the non-conformity, and the approving authority approves the following:
1. Traffic impacts generated by the use change are not increased.
 2. Noise, dust, and any other nuisance conditions are not increased.
- D. 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 adopted and originally designed and/or used as a residence, regardless of current or previous use.
 2. All residential uses existing as of the date of adoption of this ordinance.

3.090.060 Nonconforming Structures

- A. Continuation. A nonconforming structure that was allowed when established, but is no longer permitted in the subject zone district because it does not conform to the existing height, setback, coverage, area, or other requirements, may continue so long as it complies with all of the following requirements:
1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease its nonconformity.
 2. If a nonconforming structure is damaged by any means, the structure may only be reconstructed or replaced to conform with its pre-damage

nonconforming state. Otherwise, the structure shall be reconstructed in accordance with the provisions of this Ordinance.

3. If a nonconforming structure is moved, it must conform to the standards of the zone district to which it is moved.
4. The nonconformity is not specifically prohibited from continuation on the deed.

B. Maintenance and Repair. Ordinary maintenance and repair is permitted on any structure or portion of any structure when:

1. The maintenance or repair conforms to the existing nonconforming structure.
2. The proposed maintenance or repair does not enlarge, move, or alter the structure in a way that increases its nonconformity.
3. The proposed maintenance or repair is not prohibited on the deed.

3.090.070 Exceptions

A. Residential Uses. Any structure used as any residential building type before the enactment of this Ordinance may be:

1. Rebuilt if damaged or destroyed for any reason, provided the reconstructed building has the same or fewer number of units, and serves the same use as the original structure.
2. Continued as a nonconforming residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.
3. Modified and or enlarged provided that:
 - a) The structure maintains the same or fewer number of units.
 - b) The typical setback requirements for residential dwellings as specified in *Section 5.030: RM –Medium Density Residential District* are met. In cases where the existing non-conforming residential structure does not meet the RMH setback standards, the modification or enlargement to the structure is allowed provided that any

- expansion does not further encroach upon RM setback requirements.
- c) The residential off-street parking requirement listed in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* is met.
 - d) The nonconforming structure is not located in an existing City right-of-way.

3.090.080 Modification of an Adult Use in a Nonconforming Adult Business

An adult business which at the time of adoption of General Ordinance No. 05-1262 does not conform to the criteria in that ordinance, shall be governed by the provisions of Section 3.090 of General Ordinance No. 98-1222, except that the current adult use may not be expanded to include other types of uses by law which are not accessible by persons of any age group under 18 years of age. Any such modification of the adult use shall result in automatic loss of the rights under Section 3.090 and shall cause the adult business to be in violation of this ordinance.

Section 3.100**ZONE CHANGES**

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3.100.010 Purpose

The purpose of a Zone Change is to provide for a zoning revision, and the accompanying zoning map revision, in response to the needs of one or more landowners, in order to maintain conformance with the Comprehensive Plan, and to correct any zoning map errors.

3.100.020 Review Procedures

- A. Applications. Applications for Zone Changes shall be made in accordance with the provisions of *Section 3.010: Application Procedures*.
- B. Review. Requests for Zone Changes shall be processed as either quasi-judicial or legislative actions, and approved or denied by the Council.
 - 1. Quasi-Judicial Zone Changes. The Council shall approve or deny quasi-judicial Zone Change applications, per the provisions of *Subsection 3.020.050: Quasi-Judicial Actions*, with the following addition:
 - a) Applications for quasi-judicial Zone Changes shall be reviewed by the Commission, per the Legislative Hearing Procedure of *Subsection 3.020.070(B): Legislative Hearing Procedure*. The Commission shall make a recommendation to approve or deny the Zone Change, and this recommendation will be made a part of the staff report prepared for the Council's quasi-judicial hearing of the application.
 - 2. Legislative Zone Changes. The Council shall approve or deny legislative Zone Change applications, per the provisions of *Section 3.020.060: Legislative Actions* of this Chapter.
- C. Adoption by Ordinance. Approved Zone Changes shall be adopted by ordinance per the provisions of Chapter VIII, "ORDINANCES" of the City Charter.
- D. Zoning Map Amendment. Approved Zone Changes shall automatically amend the official zoning map in order to reflect the change(s).

- E. Comprehensive Plan Map Amendments. Approved Comprehensive Plan map amendments shall automatically effect Zone Changes and zoning map amendments.

3.100.030 Review Criteria

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 minimal adverse effect on existing and future surrounding development.

3.100.040 Appeals

Final decisions on Zone Changes may be appealed, per the provisions of *Section 3020.080: Appeal Procedures*.

Section 3.110**ORDINANCE AMENDMENTS**

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3.110.010 Purpose

This Section describes the procedures and review criteria necessary to amend the land use and development regulations in this Ordinance. For the purposes of this Section an amendment to this Ordinance shall be referred to as a “text amendment”.

3.110.020 Review Procedure

- A. Applications. Applications for Ordinance Amendments shall be made in accordance with the provisions of *Section 3.010: Application Procedures*.
- B. Review. Text amendments shall be processed as legislative actions in accordance with *Subsection 3.020.060: Legislative Actions*, with the following addition:
 - 1. The Historical Landmarks Commission shall review requests for text amendments concerning historic resources, and make a recommendation to the Planning Commission either supporting or opposing the request. This recommendation shall be made a part of the Planning Commission’s review of the proposed text amendment.

3.110.030 Review Criteria

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.

3.110.040 Appeals

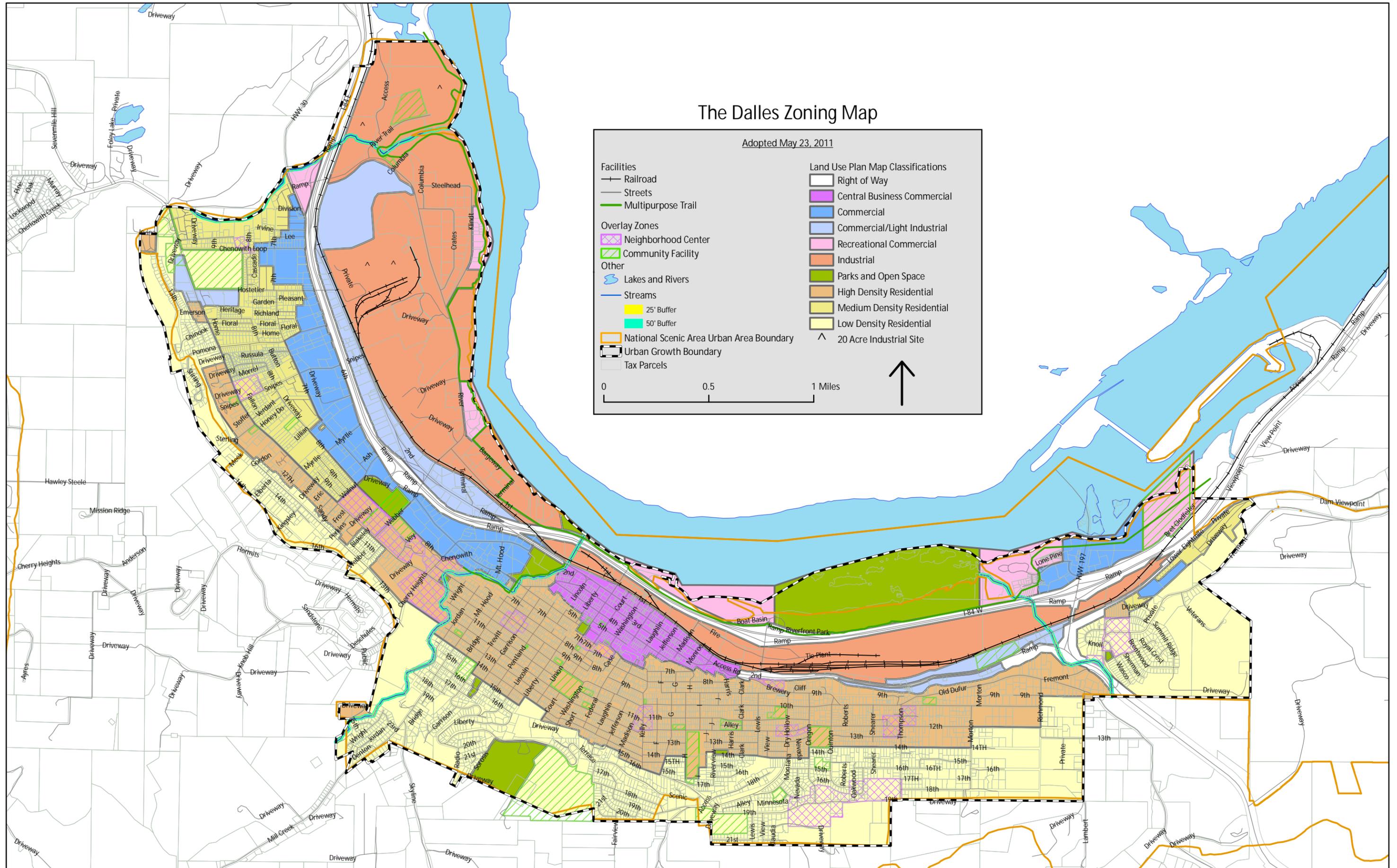
Text amendments may be appealed to LUBA subject to ORS 197.830, “Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation”.

The Dalles Zoning Map

Adopted May 23, 2011

<p>Facilities</p> <ul style="list-style-type: none"> — Railroad — Streets — Multipurpose Trail <p>Overlay Zones</p> <ul style="list-style-type: none"> Neighborhood Center Community Facility <p>Other</p> <ul style="list-style-type: none"> Lakes and Rivers Streams 25' Buffer 50' Buffer National Scenic Area Urban Area Boundary Urban Growth Boundary Tax Parcels 	<p>Land Use Plan Map Classifications</p> <ul style="list-style-type: none"> Right of Way Central Business Commercial Commercial Commercial/Light Industrial Recreational Commercial Industrial Parks and Open Space High Density Residential Medium Density Residential Low Density Residential 20 Acre Industrial Site
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0 0.5 1 Miles

Chapter 5

ZONE DISTRICT REGULATIONS

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Section 5.010**RL - LOW DENSITY RESIDENTIAL DISTRICT**

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5.010.010 Purpose

This district implements the RL - Low Density Residential Comprehensive Plan designation, which allows for a range of 0 - 6 single family dwelling units per gross acre. The RL district is intended to provide low density family residential areas for present and future needs, together with a full range of urban services.

5.010.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential Use Types:
 - a) Single Family.
2. Residential Building Types:
 - a) Single Family Detached.
 - b) Single Family Detached (Zero Lot Line) when used in a cluster of zero lot line lots or when a 10 foot easement is obtained from the owner of the property adjacent to the zero foot setback. If a zero lot line is used, the opposite side yard setback is a minimum of 8 feet unless the entire yard is used, as in a cluster of townhouses.
 - c) Duplex and 2-unit condominiums (On Corner Lots).
3. Civic Use Types:
 - a) Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.010.030: Conditional Uses* below).
4. Other Use Types:
 - a) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
5. Other uses determined by the Director to be similar to the above uses.

- B. Accessory Uses Permitted Outright.
1. Accessory Dwelling Units, subject to the provisions of *Section 6.030: Accessory Development.*
 2. Accessory Structures customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development.*
 3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals.*
 4. Family Day Care, as defined in *Chapter 2 - Definitions.*
 5. Home Business, subject to the provisions of *Section 6.020: Home Businesses.*
 6. Residential Care Home, as defined in *Chapter 2 - Definitions.*

5.010.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval per the provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits.*

- A. Child Care Center, as defined in *Chapter 2 - Definitions.*
- B. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District.*
- C. Funeral and Internment Services (interring and cemeteries only), subject to the provisions of *Section 5.100: Community Facilities Overlay District.*
- D. Planned Development, subject to the provisions of *Section 9.050: Planned Development.*
- E. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*
- F. Adult Business. An application for an adult business shall also comply with the following criteria:

1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the RL Low Density Residential zone.
2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.010.040 Neighborhood Compatibility

To insure maximum compatibility with the surrounding established neighborhood, all new buildings and structures proposed in established neighborhoods in the RL - Low Density Residential District shall comply with the provisions of *Section 3.040: Neighborhood Compatibility Review*. Where applicable, the Neighborhood Compatibility Standards shall take the place of the Development and Design Standards, including Exceptions, of this Section.

To determine if Neighborhood Compatibility Review is required, see the definitions of “Neighborhood Area” and “Established Neighborhood” in *Section 3.040: Neighborhood Compatibility Review*.

5.010.050 Development Standards

RL Low Density Residential	Standard
Lot Size Single Family Detached Corner Duplex Small Lot Single Family Attached Row House Lot Width Lot Width – Corner Duplex Lot Depth	5,000 sq. ft. minimum 4,500 sq. ft. per dwelling unit 4,000 sq. ft. minimum with density transfer 3,200 sq. ft. minimum with density transfer 50 ft. minimum 35 ft. minimum per dwelling, each unit shall front on a separate sheet 65 ft. minimum average
Setback Front Yard Rear Yard Side Yard (interior) Single Family Detached Corner Duplex Small Lot Single Family Attached Row House Side Yard (corner lot) Garage/Carport Entrances (facing streets)	15 ft. 10 ft. 5 ft. minimum 8 ft. minimum on one side of a dwelling unit with a zero setback on the opposite side Setback (0 ft.) on the opposite side 5 ft. minimum 8 ft. minimum for end units; zero setback (0 ft.) where common walls exist 10 ft. minimum on street side 20 ft. minimum (corner lots and interior lots)
Building Height	32 ft. maximum
Lot Coverage	60% of Lot Area maximum
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.
Off Street Parking	<i>See Chapter 7 - Parking Standards</i>
Accessory Uses, Buildings and Structures	<i>See Section 6.030: Accessory Development</i>
Driveway Locations	<i>See Section 6.050: Access Management</i>

Landscaping	<i>See Section 6.010: Landscaping Standards</i>
Minimum Density*	Not more than 10,000 net buildable sq. ft. per dwelling unit.

*This standard is applicable to new subdivisions and planned developments, but does not apply to infill development approved through the minor partition process. Compliance with this standard is measured by determining the buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RL site with five buildable acres would be required to provide at least 21 dwelling units (217,800 buildable sq. ft./10,000 sq. ft. = 21.78, rounded down to 21).

5.010.060 Design Standards

- A. All Residential Development. All 1 and 2 family dwelling units located on a single tax lot shall utilize 6 or more of the following design features to provide visual relief along the front of the residence(s):
1. Attached garage or carport (1 per dwelling).
 2. Roof pitch greater than 3/12 (a nominal slope of 3 feet in height for every 12 feet in width).
 3. Commercially available siding.
 4. Covered porch entries.
 5. Recessed entries.
 6. Eaves, minimum 12” projection.
 7. Bay or bow windows.
 8. Exterior window sills.
 9. Gables in addition to the primary roof pitch.
 10. Other features subject to the approval of the Director.

- B. Manufactured Dwellings. In addition to the above requirements for all residential development, manufactured dwellings located on individual lots are subject to all of the provisions of *Section 6.120: Manufactured Dwellings*. Where a design feature from Subsection (A) above is the same as a requirement from *Section 6.120: Manufactured Dwellings*, the overlapping requirements may count as one, and satisfy the requirements of both Sections.
- C. Duplexes, small lot single family and attached row houses shall have front porches with a depth of at least 6 feet and a width of at least 12 feet, or the garage shall occupy no more than 50% of the width of the front (street-facing) dwelling façade.

5.010.070 Exceptions to Standards

(See *Section 6.070: Measurements* for information on how to measure average slope, average grade, and calculate height limits).

- A. Lot Size.
 - 1. In Planned Developments, the lot size, width, and depth may vary from the standards listed in this section, provided that the overall project density does not exceed 6 units per gross acre, and the proposed development conforms with this and other City ordinances.
 - 2. Where open space is reserved on a separate tract of land, permitted density from that open space tract may be transferred to buildable portions of the site to allow for small lot single family and town house lots through the subdivision process, provided that the overall project density does not exceed 6 dwelling units per gross acre. The proposed development must conform to this and other City ordinances.
- B. Density Calculations. Permitted accessory dwellings shall not be counted in density calculations for proposed development.
- C. Setbacks.
 - 1. Planned Development and Subdivision Development. In Planned Development and Subdivision development where the

entire block frontage is developed as a unit, the front yard setbacks may be reduced to 10 feet.

2. **Setback Averaging.** The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.
3. **Setbacks for Steeply Sloping Lots.** The following exceptions apply to lots which slope up or down from the street with an average slope of 20 % or greater:
 - a) The front yard setback for the dwelling may be reduced to 10 feet; however, the height limitations of subsection (D)(3) below shall apply.
 - b) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.
4. **Garage and Carport Setbacks on Alleys.** Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.

D. Height Limits for Steeply Sloping Lots.

1. **Downhill Slope from Street.** On lots that slope downhill from the street with an average slope of 20 % or greater, the height limit is the higher of 23 feet above the average grade of the street or the allowed height limit. In addition, the alternative height and setback standards of subsection (3) below may be applied.
2. **Uphill Slope from Street.** On lots that slope uphill from the street with an average slope of 20 % or greater, the alternative height and setback standards of subsection (3) below may be applied.

3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

E. Building Orientation.

1. Planned Development and Subdivisions. Planned Development and Subdivision development greater than 10 lots, and where the developer builds or sites the dwellings, shall be exempt from the building orientation requirement.
2. Steeply Sloping Lots. Buildings built uphill or downhill from garages/carports on lots with a slope of 20% or greater may be exempt from the building orientation requirements, provided that the garage/carport entrance meets the orientation requirement of the development standards.

- F. Except where buildings abut or share a common wall, when the owner of a lot or parcel proposes to locate a building with an interior yard of less than the required setback from the adjacent property line, the owner must secure and record in the office of Wasco County Clerk , a maintenance access easement from the neighboring property owner adjacent to that side of the building. The easement shall provide access on the entire length of the proposed building and 5 feet beyond both ends. The easement requires a minimum of 10 foot separation between two houses on separate lots, a minimum of 8 foot separation between a house and a detached accessory building on separate lots, or a minimum of 6 foot separation between two detached accessory buildings on separate lots. The easement shall be on a form approved by the City, and be subject to payment of a fee established by City Council resolution. Applicant is responsible for recording and fees associated with recording. Applicant shall supply the City with a copy of the recorded easement.

Section 5.020**RH – HIGH DENSITY RESIDENTIAL DISTRICT**

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5.020.010 Purpose

This district implements the RH - High Density Residential Comprehensive Plan designation, which allows for a range of 7 - 25 single family and multi-family dwelling units per gross acre. The RH district is intended to provide areas where small lot single family detached dwellings, single family attached dwellings, duplexes, town houses, condominiums, and multi-family developments may be constructed under various ownership patterns. Adequate urban services shall be available to all development without exception.

5.020.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential Use Types:
 - a) Single Family.
 - b) Multi-Family.
2. Residential Building Types:
 - a) Single Family Detached.
 - b) Single Family Detached (Zero Lot Line).
 - c) Duplex and Single Family Attached (Zero Lot Line, 2 Units).
 - d) Small Lot Single Family Detached Dwellings (3-8 Unit Clusters) and Attached Town Houses (Zero Lot Line, 3 to 8 Unit Clusters).
 - e) Multi-Family Dwelling.
3. Civic Use Types:
 - a) Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per *Subsection 5.020.030: Conditional Use* below).
4. Care Facility Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Child Care Center, as defined in *Chapter 2 - Definitions*.
 - b) Residential Care Facility, as defined in *Chapter 2 - Definitions*.

5. Other Use Types:
 - a) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
6. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory Dwelling Units, subject to the provisions of *Section 6.030: Accessory Development*.
2. Accessory Structures customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*.
4. Family Day Care, as defined in *Chapter 2 - Definitions*.
5. Home Business, subject to the provisions of *Section 6.020: Home Businesses*.
6. Residential Care Home, as defined in *Chapter 2 - Definitions*.

5.020.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*.

- A. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- B. Mortuaries, Funeral Homes, Interring and Cemeteries, excluding crematoria.

- C. Parking Areas, subject to the provisions of *Chapter 7 - Parking Standards*.
- D. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- E. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- F. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the RH High Density Residential zone.
 - 2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.020.040 Neighborhood Compatibility

To ensure maximum compatibility with the surrounding established neighborhood, all new buildings and structures proposed in established neighborhoods in the RH - High Density Residential District shall comply with the provisions of *Section 3.040: Neighborhood Compatibility Review*. Where applicable, the Neighborhood Compatibility Standards shall take the place of the Development and Design Standards, including Exceptions, of this Section.

To determine if Neighborhood Compatibility Review is required, see the definitions of “Neighborhood Area” and “Established Neighborhood” in *Section 3.040: Neighborhood Compatibility Review*.

5.020.050 Development Standards

RH High Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	3,500 sq. ft., 2,800 sq. ft. for small lot and townhouse clusters (3-8 Units)	5,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	2,800 sq. ft. to 3,500 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	1,500 sq. ft.
Minimum Lot Width	35 ft. OR 25 ft. for small lot and townhouse clusters (2-8 Units)	50 ft.	75 ft.	75 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	85 ft.
Building Height ¹	32 ft. maximum	35 ft. maximum	40 ft. maximum	40 ft. maximum
Minimum Setbacks Front Yard Rear Yard Side Yards	15 ft. 10 ft. The following shall apply: 1. Interior Lots: 5 ft. 2. Exterior Lots: 10 ft. 3. 0 ft. where zero lot lines allowed			
Garage/Carport Entrances (Facing Street)	20 ft. minimum (corner lots and interior lots)			
Lot Coverage	60% of Lot Area maximum			

(Continued next page)

¹ Buildings greater than 35 feet in height are allowed only on lots that are located at least 100 feet from land zoned RL - Low Density Residential.

5.020.050 Development Standards (Continued)

RH High Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.			
Pedestrian Access	All multi-family building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Sub-section 5.020.060(C): Pedestrian Walkways</i>			
Off Street Parking (Bicycles and Vehicles)	<i>See Chapter 7 - Parking Standards</i>			
Accessory Uses, Buildings and Structures	<i>See Section 6.030: Accessory Development</i>			
Landscaping	<i>See Section 6.010: Landscaping Standards</i>			
Access Management	<i>See Section 6.050: Access Management</i>			
Minimum Density*	Not more than 4,000 net buildable sq. ft. per dwelling unit.			

*Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RH site with one buildable acre would be required to provide at least 10 dwelling units (43,560 buildable sq. ft./4,000 sq. ft. = 10.89, rounded down to 10).

5.020.060 Design Standards

- A. Single Family and Two-Family Development. All 1 and 2 family dwelling units located on a single tax lot shall utilize 6 or more of the following design features to provide visual relief along the front of the residence(s):

1. Attached garage or carport (1 per dwelling).
 2. Roof pitch greater than 3/12 (a nominal slope of 3 feet in height for every 12 feet in width).
 3. Commercially available siding.
 4. Covered porch entries.
 5. Recessed entries.
 6. Eaves, minimum 12" projection.
 7. Bay or bow windows.
 8. Exterior window sills.
 9. Gables in addition to the primary roof pitch.
 10. Other features subject to the approval of the Director.
- B. Manufactured Dwellings. In addition to the above requirements for 1 and 2 family development, manufactured dwellings located on individual lots are subject to all of the provisions of *Section 6.120: Manufactured Dwellings*. Where a design feature from *Subsection (A)* above is the same as a requirement from *Section 6.120: Manufactured Dwellings*, the overlapping requirements may count as one, and satisfy the requirements of both Sections.
- C. Exterior Elevations, All Development Except 1 and 2 Family. Exterior elevations of buildings shall incorporate architectural design features such as architectural features, offsets, balconies, base/wall/cornice design, projections, windows, entries, bays, seating, porches, wall articulation, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 design features shall be incorporated along the horizontal face (side to side) of the structure at a minimum of every 40 feet.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom).
- D. Entries. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall

be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.

- E. Pedestrian Walkways. Each multi-family development shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-ways. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.
- F. Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:
1. Buildings with windowed walls facing buildings with windowed walls: 20 feet separation.
 2. Buildings with windowed walls facing buildings with a blank wall: 15 feet separation.
 3. Buildings with opposing blank walls: 10 feet separation.
 4. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
 5. Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (1) through (4) above for walls in separate buildings.
 6. Where buildings exceed a horizontal dimension of 30 feet or a vertical dimension of 25 feet, the minimum wall separation shall be increased. Wall separation shall be increased at a rate of 1 foot for each 15 feet of building length over 60 feet, and 2 feet for each 5 feet of building height over 30 feet.

7. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:
 - a) Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the buildings shall be separated by at least 5 feet.
 - b) Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.
- G. All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all 1 and 2 family dwellings located on a single tax lot shall utilize 6 or more of the 10 design features located in section 5.010.060 A. to provide visual relief along the front of the residence.

5.020.070 Open Area

Open Area requirements shall apply to all development with 3 or more dwelling units per lot.

A minimum of 30% of the gross lot area shall be developed as permanent open area. The minimum open area shall be landscaped and permanently maintained per the provisions of *Section 6.010: Landscaping Standards*. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the open area. These provisions shall apply to all new projects and to additions or remodels of existing structures that create new dwelling units. The following apply to the required open area:

- A. Balconies and Patios. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 48 square feet with a minimum dimension of 6 feet may be given an open space credit of 2 square feet for each 1 square foot provided, not to exceed a total of 150 square feet of total open space credit for any one dwelling.
- B. Entrances. Balconies required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
- C. Driveways and Parking Areas. Driveways and parking areas shall not be included as open space.

5.020.080 Exceptions To Standards

(See *Section 6.070: Measurements* for information on how to measure average slope, average grade, and calculate height limits and setback averaging).

- A. Lot Size. In Planned Development and Subdivision development, the lot size, width, and depth requirements may vary from the Development Standards listed in this Section, provided that the overall project density does not exceed 25 units per gross acre and the proposed development conforms with this and other City ordinances.
- B. Density Calculations. Permitted accessory dwellings shall not be counted in density calculations for proposed development.
- C. Setbacks.
 - 1. Planned Development and Subdivision Development. In Planned Development and Subdivision development where the entire block frontage is developed as a unit, the front yard setbacks may be reduced to 10 feet.
 - 2. Setback Averaging. (Note: Does not apply to Mobile Home Parks and Recreational Vehicle Parks). The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.
 - 3. Garage and Carport Setbacks on Alleys. Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.
 - 4. Setbacks for Steeply Sloping Lots. The following exceptions apply to lots which slope up or down from the street with an average slope of 20% or greater:
 - a) The front yard setback for the dwelling may be reduced to 10 feet; however, the height limitations of subsection (D)(3) below shall apply.

- b) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.

D. Height Limits for Steeply Sloping Lots.

1. Downhill Slope from Street. On lots that slope downhill from the street with an average slope of 20% or greater, the height limit is the higher of 23 feet above the average grade of the street or the allowed limit. In addition, the alternative height and setback standards of subsection (3) below may be applied.
2. Uphill Slope from Street. On lots that slope uphill from the street with an average slope of 20% or greater, the alternative height and setback standards of subsection (3) below may be applied.
3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

E. Building Orientation.

1. Planned Development and Subdivisions. Planned Development and Subdivision development greater than 10 lots, and where the developer builds or sites the dwellings, may be exempt from the building orientation requirement.
2. Steeply Sloping Lots. Buildings built uphill or downhill from garages/carports on lots with a slope of 20% or greater may be exempt from the building orientation requirements, provided that the garage/carport entrance meets the orientation requirement of the development standards.

- F. Except where buildings abut or share a common wall, when the owner of a lot or parcel proposes to locate a building with an interior yard of less than the required setback from the adjacent property line, the owner must secure and record in the office of Wasco County Clerk a maintenance access easement from the neighboring property owner adjacent to that side of the building. The easement shall provide access on the entire length of the proposed building and 5 feet beyond both ends. The easement requires a minimum of 10 foot separation between two houses on separate lots, a minimum of 8 foot separation between a house and

a detached accessory building on separate lots, or a minimum of 6 foot separation between two detached accessory buildings on separate lots. The easement shall be on a form approved by the City, and be subject to payment of a fee established by City Council resolution. Applicant is responsible for recording and fees associated with recording. Applicant shall supply the City with a copy of the recorded easement.

Section 5.030**RM – Medium Density Residential**

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5.030.010 Purpose

This district implements the Mobile Home Residential Comprehensive Plan designation, which allows for a range of 7 - 17 single family and multi-family dwelling units per gross acre. The district is intended to provide medium density areas for the full range of residential dwelling types listed in this Section. Adequate urban services shall be available to all development without exception.

5.030.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential Use Types:

- a) Single Family.²
- b) Multi-Family.³
- c) Manufactured Dwelling Park.⁴

2. Residential Building Types:

- a) Single Family Detached.
- b) Single Family Detached (Zero Lot Line).
- c) Duplex and Single Family Attached (Zero Lot Line, 2 Units).
- d) Small Lot Single Family Detached Dwellings, and Attached Town Houses (Zero Lot Line, 3-5 Unit Clusters).
- e) Multi-Family Dwelling.

² All forms of **attached single family** housing subject to the provisions of *Section 3.030: Site Plan Review*.

³ Subject to the provisions of *Section 3.030: Site Plan Review*.

⁴ Subject to the provisions of *Chapter 11 - Manufactured Dwelling Parks*.

3. Civic Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Public Parks and Open Space (excluding spectator and participant sports facilities, which shall always be processed as Community Facilities Sites per *Subsection 5.030.030: Conditional Uses* below).
4. Care Facility Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Child Care Center, as defined in *Chapter 2 - Definitions*.
 - b) Residential Care Facility, as defined in *Chapter 2 - Definitions*.
5. Other Use Types:
 - a) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
6. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory Dwelling Units, subject to the provisions of *Section 6.030: Accessory Development*.
2. Accessory Structures customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*.
4. Family Day Care, as defined in *Chapter 2 - Definitions*.
5. Home Business, subject to the provisions of *Section 6.020: Home Businesses*.
6. Residential Care Home, as defined in *Chapter 2 - Definitions*.

5.030.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060:*

Administrative Conditional Use Permits:

- A. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- B. Mortuaries, Funeral Homes, Interring, and Cemeteries, excluding crematoria.
- C. Parking Areas, subject to the provisions of *Chapter 7 - Parking Standards*.
- D. Planned Development (may mix residential and commercial uses) subject to the provisions of *Section 9.050: Planned Development*.
- E. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- F. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the RM – Medium Density Residential zone.
 - 2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.030.040 Development Standards

RM Medium Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	4,000 sq. ft., 3,500 sq. ft. for small lot and townhouse clusters (3-5 units)	6,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	4,000 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	2,000 sq. ft.
Minimum Lot Width	40 ft., or 35 ft. each for small lot and townhouse clusters (3-5 units)	50 ft.	80 ft.	80 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	100 ft.
Building Height ⁵	32 ft. maximum	35 ft. maximum	40 ft. maximum	40 ft. maximum
Minimum Setbacks Front Yard Rear Yard Side Yards Garage/Carport Entrances (Facing Street)	10 ft. 10 ft. The following shall apply: 1. Interior Lots: 5 ft. 2. Exterior Lots: 10 ft. 3. 0 ft. where zero lot lines allowed 20 ft. minimum (corner lots and interior lots)			
Lot Coverage	60% of Lot Area			

(Continued next page)

⁵ Buildings greater than 35 feet in height are allowed only on lots that are located at least 100 feet from land zoned RL - Low Density Residential.

5.030.040 Development Standards (Continued)

RM Medium Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.			
Pedestrian Access	All multi-family building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.030.050(D): Pedestrian Walkways</i>			
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Requirements</i>			
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>			
Landscaping	See <i>Section 6.010: Landscaping Standards</i>			
Access Management	See <i>Section 6.050: Access Management</i>			
Minimum Density*	Not more than 6,000 net buildable sq. ft. per dwelling unit.			

*Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RM site with two buildable acres would be required to provide at least 14 dwelling units (87,120 buildable sq. ft./6,000 sq. ft. = 14.52, rounded down to 14).

5.030.050 Design Standards

These design standards do not apply to Manufactured Dwelling Parks and Recreational Vehicle Parks, which are instead subject to the provisions of *Chapter 11 - Manufactured Dwelling Parks* and *Chapter 12 - Recreational Vehicle Parks*. All other development shall be subject to the following:

- A. Manufactured Dwellings. Manufactured dwellings located on individual lots are subject to all of the provisions of *Section 6.120: Manufactured Dwellings*.
- B. Exterior Elevations, All Development Except 1 and 2 Family. Exterior elevations of buildings shall incorporate architectural design features, offsets, balconies, projections, windows, base/wall/cornice design, entries, bays, seating, porches, wall articulation, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 2 architectural design features shall be incorporated along the horizontal face (side to side).
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom).
- C. Entries. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.
- D. Pedestrian Walkways. Each multi-family development shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-ways. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.
- E. Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:
1. Buildings with windowed walls facing buildings with windowed walls: 20 feet separation.

2. Buildings with windowed walls facing buildings with a blank wall: 15 feet separation.
 3. Buildings with opposing blank walls: 10 feet separation.
 4. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
 5. Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (1) through (4) above for walls in separate buildings.
 6. Where buildings exceed a horizontal dimension of 60 feet or a vertical dimension of 30 feet, the minimum wall separation shall be increased. Wall separation shall be increased at a rate of 1 foot for each 15 feet of building length over 60 feet, and 2 feet for each 10 feet of building height over 30 feet.
 7. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:
 - a) Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the buildings shall be separated by at least 5 feet.
 - b) Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the buildings shall be separated by at least 7 feet.
 - c) Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.
- F. Front Entry. All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line shall be connected by hard surface to the right of way. In addition, all one and two family dwellings located on a single tax lot shall utilize 6 or more of the 10 other design features located in Section 5.010.060 A. to provide visual relief along the front of the residence.

5.030.060 Open Area

Open Area requirements shall apply to all development with 3 or more dwelling units per lot.

A minimum of 30% of the gross lot area shall be developed as permanent open space. The minimum open area shall be landscaped and permanently maintained per the provisions of *Section 6.010: Landscaping Standards*. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the open area. These provisions shall apply to all new projects and to additions or remodels of existing structures that create new dwelling units. The following apply to the required open area:

- A. Balconies and Patios. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 48 square feet with a minimum dimension of 6 feet may be given an open space credit of 2 square feet for each 1 square foot provided, not to exceed a total of 150 square feet of total open space credit for any one dwelling.
- B. Entrances. Balconies required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
- C. Driveways and Parking Areas. Driveways and parking areas shall not be included as open space.

5.030.070 Exceptions To Standards

(See *Section 6.070: Measurements* for information on how to measure average slope, average grade, and calculate height limits).

- A. Lot Size. In Planned Developments and Subdivision development, the lot size, width, and depth may vary from the standards listed in this Section, provided that the overall project density does not exceed 17 units per gross acre, and the proposed development conforms with this and other City ordinances.
- B. Density Calculations. Permitted accessory dwellings shall not be counted in density calculations for proposed development.
- C. Setbacks.
 - 1. Planned Development and Subdivision Development. In Planned Development and Subdivision development where the entire block

frontage is developed as a unit, the front yard setbacks may be reduced to 10 feet.

2. Setback Averaging. (Note: Does not apply to Mobile Home Parks and Recreational Vehicle Parks). The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.
3. Garage and Carport Setbacks on Alleys. Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.
4. Setbacks for Steeply Sloping Lots. The following exceptions apply to lots which slope up or down from the street with an average slope of 20% or greater:
 - c) The front yard setback for the dwelling may be reduced to 10 feet; however, the height limitations of subsection (D)(3) below shall apply.
 - d) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.

D. Height Limits for Steeply Sloping Lots.

1. Downhill Slope from Street. On lots that slope downhill from the street with an average slope of 20% or greater, the height limit is the higher of 23 feet above the average grade of the street or the allowed height limit. In addition, the alternative height and setback standards of subsection (3) may be applied.
2. Uphill Slope from Street. On lots that slope uphill from the street with an average slope of 20% or greater, the alternative height and setback standards of subsection (3) below may be applied.

3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

E. Building Orientation.

1. Planned Development, Subdivisions, Mobile Home Parks, and Recreational Vehicle Parks. Planned Development, Subdivisions, Mobile Home Parks, and Recreational Vehicle Parks may be exempt from the building orientation requirement.
2. Steeply Sloping Lots. Buildings built uphill or downhill from garages/carports on lots with a slope of 20% or greater may be exempt from the building orientation requirements, provided that the garage/carport entrance meets the orientation requirement of the development standards.

- F. Except where buildings abut or share a common wall, when the owner of a lot or parcel proposes to locate a building with an interior yard of less than the required setback from the adjacent property line, the owner must secure and record in the office of Wasco County Clerk a maintenance access easement from the neighboring property owner adjacent to that side of the building. The easement shall provide access on the entire length of the proposed building and 5 feet beyond both ends. The easement requires a minimum of 10 foot separation between two houses on separate lots, a minimum of 8 foot separation between a house and a detached accessory building on separate lots, or a minimum of 6 foot separation between two detached accessory buildings on separate lots. The easement shall be on a form approved by the City, and be subject to payment of a fee established by City Council resolution. Applicant is responsible for recording and fees associated with recording. Applicant shall supply the City with a copy of the recorded easement.

Section 5.040**NC - NEIGHBORHOOD CENTER OVERLAY**

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5.040.010 Purpose

The purpose of the NC - Neighborhood Center Overlay zone is to provide areas throughout the City where a mix of certain commercial, residential, civic and light manufacturing uses are permitted, either within a single building or on a single tax lot. Neighborhood Centers are intended to create transportation efficient, pedestrian oriented locations for small businesses and neighborhood based services in residential sections of the City. This overlay zone shall be applied to underlying residential zones.

5.040.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential Use Types:

- a) Single Family.⁶
- b) Multi-Family.⁷

2. Residential Building Types:

- a) Single Family Detached (excluding mobile homes).
- b) Single Family Detached (Zero Lot Line).
- c) Duplex and Single Family Attached (Zero Lot Line, 2 Units).
- d) Small Lot Single Family Detached Dwellings and Attached Town Houses (Zero Lot Line, 3-8 Unit Clusters).
- e) Multi-Family Dwelling

⁶All forms of **attached single family** housing subject to the provisions of *Section 3.030: Site Plan Review*.

⁷Subject to the provisions of *Section 3.030: Site Plan Review*.

3. Commercial Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Child Care Center, as defined in *Chapter 2 - Definitions*
 - b) Financial Institutions (excluding drive-through windows).
 - c) Food Services (including restaurants which may or may not serve alcoholic beverages, cafeterias, bakeries, catering, and take-out operations, excluding drive-through windows).
 - d) Indoor commercial amusements including bowling alleys with no more than 12 lanes, billiard halls with no more than 6 tables, and game rooms with no more than 20 mechanical or electrical games, or any combination thereof.
 - e) Indoor Pet Stores.
 - f) Indoor Small Animal Veterinary.
 - g) Laundromats and Dry Cleaners.
 - h) Light manufacture, assembly, or packaging (generates no nuisance conditions, conducted entirely within the building).
 - i) Markets and Grocery Stores (20,000 sq. ft. maximum).
 - j) Medical and Dental Offices, Clinics, and Laboratories.
 - k) Personal care services such as barber shops and salons.
 - l) Professional and Administrative Offices.
 - m) Public and private parking lots and parking structures, subject to the provisions of *Chapter 7 - Parking Standards*.
 - n) Repair services (excluding automobile repair).
 - o) Residential Care Facility, as defined in *Chapter 2 - Definitions*.
 - p) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
 - q) Other uses determined by the Director to be similar to the above uses.

4. Civic Use Types, subject to the provisions of *Section 3.030: Site Plan Review*:
 - a) Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per *Subsection 5.040.030 Conditional Uses* below).

B. Accessory Uses Permitted Outright.

1. Accessory Dwelling Units, subject to the provisions of *Section 6.030: Accessory Development*. Must be accessory to a permitted single family residential use.
2. Accessory uses and structures, not otherwise prohibited, and customarily incidental to the primary use subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*. Must be accessory to a permitted single family residential use.
4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
5. Family Day Care, as defined in *Chapter 2 - Definitions*.
6. Home Business, subject to the provisions of *Section 6.020: Home Businesses*. Must be accessory to a permitted residential use.
7. Residential Care Home, as defined in *Chapter 2 - Definitions*. Must be accessory to single family residential dwelling.

5.040.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*.

- A. Automobile service stations, including repair services.
- B. Bars, taverns and cocktail lounges, with OLCC IV or IV-A Minor posting, where all operations (except off-street parking and loading) are conducted within completely enclosed buildings and not located closer than 100 feet to a residential district, or 500 feet to a school.
- C. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.

- D. Mortuaries and Funeral Homes (excluding crematoria).
- E. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- F. Retail uses.
- G. Small Indoor Theaters (seating up to 300), excluding multiplex cinemas.
- H. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- I. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the NC Neighborhood Center overlay zone.
 - 2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.040.040 Development Standards

NC Neighborhood Commercial	Standard		
	Commercial Only	Residential Only	Mixed Commercial/Residential
Minimum Lot Area	None	4,000 sq. ft. OR 2,800 sq. ft. per lot for small lot and townhouse clusters (3-8 Units)	4,000 sq. ft.
Minimum Site Area per Dwelling Unit	N/A	2,500 sq. ft.	2,000 sq. ft.
Minimum Lot Width	None	40 ft. OR 28 ft. per lot for small lot and townhouse clusters (3-8 Units)	40 ft. OR 28 ft. per lot for small lot and townhouse clusters (3-8 Units)
Minimum Lot Depth	None	60 ft.	60 ft.
Front Yard Setback	No minimum. 5 ft. maximum, except 15 ft. maximum where outdoor seating for food service or a permanent open area is provided.	10 ft. minimum	5 ft. minimum, 10 ft. maximum if residential on ground floor. Otherwise no minimum and 5 ft. maximum, except 15 ft. maximum where outdoor seating for food service or a permanent open area is provided.
Rear Yard Setback	None, except 15 ft. where shares lot line with property zoned residential	10 ft. minimum	10 ft. minimum, except 15 ft. where shares lot line with property zoned residential

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5.040.040 Development Standards (Continued)

NC Neighborhood Commercial	Standard		
	Commercial Only	Residential Only	Mixed Commercial/ Residential
Side Yard Setbacks	None, except 8 ft. from right-of-way line for exterior side yard, and 10 ft. where shares lot line with property zoned residential	5 ft. minimum, 0 ft. for zero lot lines, 8 ft. for exterior side yard	5 ft. minimum, except 0 ft. for zero lot lines, 8 ft. from right-of-way line for exterior side yard, and 10 ft. where shares lot line with property zoned residential
Building Height	32 ft. maximum	32 ft. max.	35 ft. maximum
Lot Coverage (Area occupied by buildings, parking, and automobile circulation)	No maximum	65% of lot area maximum	No lot area maximum
Minimum Density*	n/a	4,000 net buildable sq. ft. per dwelling unit	n/a
Garage/Carport Entrance (Facing Street)	20 ft. minimum setback (corner lots and interior lots)		
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private access way is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.		
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Sub-section 5.040.050(C): Pedestrian Walkways</i>		
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Requirements</i>		
Landscaping	See <i>Section 6.010: Landscaping Standards</i>		
Access Management	See <i>Section 6.050: Access Management</i>		
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>		

*Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain),

then dividing by minimum density square footage standard, and rounding down. See examples for underlying zones.

5.040.050 Design Standards

- A. Exterior Elevations. Exterior elevations of buildings shall incorporate architectural design features such as offsets, balconies, projections, windows, base/wall/cornice design, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Entries.
1. Commercial and Residential. Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of *Subsection (C)* below. Secondary entries may face parking lots or loading areas.
 2. Residential Only. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.
- C. Pedestrian Walkways. Each developed commercial, or mixed commercial/residential site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction and be the shortest practical distance between the main entry(ies) and public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings,

shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.

- D. Multiple Buildings on One Lot: Separation between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings and businesses within a development or on a single lot, the following minimum standards shall apply:
1. Buildings with windowed walls facing buildings with windowed walls: 15 feet separation.
 2. Buildings with windowed walls facing buildings with a blank wall, and buildings with opposing blank walls: 10 feet separation.
 3. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
 4. Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (1) through (3) above for walls in separate buildings.
 5. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:
 - a) Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the buildings shall be separated by at least 5 feet.
 - b) Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.
- E. All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all 1 and 2 family dwellings located on a single tax lot shall utilize 6 or more of the other 10 design features located in Section 5.010.060 A. to provide visual relief along the front the residence.

5.040.060 Neighborhood Compatibility

All applications for new construction or for additions and / or modifications to existing buildings shall meet all of the applicable requirements of *Section 3.040:*

Neighborhood Compatibility Review to ensure, to the extent possible, compatibility with surrounding development.

5.040.070 Exceptions To Standards

(See *Section 6.070: Measurements* for information on how to measure average slope, average grade, and calculate height limits).

- A. 1 and 2 Family Residential. 1 and 2 family residential dwellings located on a single tax lot are exempt from the design standards listed in this Section, and instead subject to the low density residential design standard requirements of *Subsection 5.010.060: Design Standards*.

- B. Lot Size. In Planned Developments, the lot size, width, and depth requirements may vary from the standards listed in this Section, provided that the overall project density does not exceed 25 dwelling units per gross acre, and the proposed development conforms with this and other City ordinances.

- C. Setbacks.
 - 1. Setback Averaging. The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.

 - 2. Garage and Carport Setbacks on Alleys. Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.

 - 3. Setbacks for Steeply Sloping Lots. The following exceptions apply to lots which slope up or down from the street with an average slope of 20% or greater:

- a) The front yard setback for the dwelling may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.
- b) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.

D. Height Limits for Steeply Sloping Lots.

- 1. Downhill Slope from Street. On lots that slope downhill from the street with an average slope of 20% or greater, the height limit is the higher of 23 feet above the average grade of the street or the 30 foot height limit. In addition, the alternative height and setback standards of subsection (3) below shall apply.
- 2. Uphill Slope from Street. On lots that slope uphill from the street with an average slope of 20% or greater, the alternative height and setback standards of subsection (3) below shall apply.
- 3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

E. Building Orientation.

- 1. Steeply Sloping Lots. Buildings built uphill or downhill from garages/carports on lots with a slope of 20% or greater may be exempt from the building orientation requirements, provided that the garage/carport entrance meets the orientation requirement of the development standards.

- F. Except where buildings abut or share a common wall, when the owner of a lot or parcel proposes to locate a building with an interior yard of less than the required setback from the adjacent property line, the owner must secure and record in the office of Wasco County Clerk a maintenance access easement from the neighboring property owner adjacent to that side of the building. The easement shall provide access on the entire length of the proposed building and 5 feet beyond both ends. The easement requires a minimum of 10 foot separation between two houses on separate lots, a minimum of 8 foot separation between a house and a detached accessory building on separate lots, or a minimum

of 6 foot separation between two detached accessory buildings on separate lots. The easement shall be on a form approved by the City, and be subject to payment of a fee established by City Council resolution. Applicant is responsible for recording and fees associated with recording. Applicant shall supply the City with a copy of the recorded easement.

Section 5.050**CBC - CENTRAL BUSINESS COMMERCIAL DISTRICT**

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5.050.010 Purpose

This district implements the CBC - Central Business Commercial zone district as part of the Commercial Comprehensive Plan designation and is intended to provide an area for commercial uses, along with civic and certain residential uses, and to provide all basic services and amenities required to keep the downtown area the vital pedestrian-oriented center of the community.

5.050.20 Sub-Districts

For the purposes of development and redevelopment, the CBC - Central Business Commercial zone district is divided up into 3 specific sub-districts. In addition to the Design Standards for all development, each of the 3 sub-districts has special characteristics which require different development and design standards and review procedures. The 3 sub-districts are defined as follows:

- A. Sub-district CBC-1. CBC-1 shall be the area of the Central Business Commercial zone district which falls within the designated national Commercial Historic District and Trevitt's Addition Historic District.
- B. Sub-district CBC-2. CBC-2 shall be the area of the Central Business Commercial zone district bordered on the north by First Street, on the east by Jefferson Street, on the south by Fourth Street, and on the west by Liberty Street.
- C. Sub-district CBC-3. CBC-3 shall be the area of the Central Business Commercial zone district excluding sub-districts CBC-1 and CBC-2 above.

5.050.030 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, the specific standards and procedures for the particular Sub-district where the use is proposed, and all other applicable requirements of this and other City Ordinances:
 - 1. Agricultural Sales, including feed and seed and equipment but excluding heavy equipment.
 - 2. Animal Sales and Services (pet stores, grooming, kennels, veterinary).

3. Automobile and equipment repair (excluding heavy equipment), sales and services, rental agencies on site only except during community events. Except for replacement of minor parts, all auto repair work shall be conducted inside a building.
4. Child Care Center, as defined in *Chapter 2 - Definitions*.
5. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
6. Hotels and Motels.
7. Laundromats and Dry Cleaners (commercial operations only).
8. Liquor stores, public house, taverns, lounges and bars.
9. Lodges, Fraternal and Civic Assembly.
10. Markets and Grocery Stores.
11. Medical and Dental Offices, Clinics, and Laboratories.
12. Mortuaries and funeral homes.
13. Personal Care Services such as barber shops and salons.
14. Printing and Publishing.
15. Professional and Administrative Offices and Services.
16. Public and Private Parking Lots and Structures, see also the provisions of *Chapter 7 - Parking Standards*.
17. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.050.040: Conditional Uses* below).
18. Recreation Facilities (commercial - indoor), including health and athletic clubs, bowling alleys, theaters (more than two screens are a multi-plex cinema and are processed as a conditional use), and game rooms.

19. Residential uses as follows:
 - a) All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.
 - b) Attached Town Houses (zero lot line, 3-8 unit clusters), allowed only outside Sub-district 2.
 - c) Multi-family dwellings with dwellings on the first floor, allowed only outside Sub-district 2.
20. Residential Care Facilities and Group Homes, located in permitted single family residential structures.
21. Retail Uses.
22. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
23. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory dwellings, per the provisions of *Section 6.030: Accessory Development*. Must be accessory to an allowed single family residential use outside Sub-District CBC-2.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, per the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*. Must be accessory to a permitted single family residential use outside Sub-District CBC-2.
4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
5. Family Day Care, as defined in *Chapter 2 - Definitions*. Must be accessory to a permitted single family residential use outside Sub-District CBC-2.

6. Home Business, subject to the provisions of *Section 6.020: Home Businesses*. Must be accessory to a permitted residential use.
7. Residential Care Home, as defined in *Chapter 2 - Definitions*. Must be accessory to a permitted residential use.

5.050.040 Conditional Uses

Conditional Uses that have outdoor storage will screen the storage area to reduce as much as possible views from other properties. The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*:

- A. Automotive service stations, body shops, and auto painting, on site only.
- B. Automatic Teller Machines.
- C. Conference, Visitor, and Convention Centers.
- D. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- E. Contractor shops, offices, and storage areas.
- F. Hospitals, convalescent centers, sanitariums, and similar institutions
- G. Light Manufacture, assembly, and packaging (generates no nuisance conditions by commercial standards, conducted entirely within the building).
- H. Machine shops.
- I. Micro-breweries and wineries.
- J. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- K. Public and private transportation depots and terminals (passengers only).
- L. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.

- M. Other uses determined by the Commission to be similar to the above uses.

- N. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.050.050 Development Standards

CBC Central Business Commercial	Standard		
	Sub-district 1 Historic Districts	Sub-district 2 Downtown Core	Sub-district 3 Downtown Fringe
Setbacks Front Yard and Corner Side Yard	0 ft. maximum, 10 ft. maximum where overlaps Sub-district 3 ⁸	0 ft. maximum ⁹	10 ft. maximum ¹⁰
Side and Rear Yards	No minimum/maximum, except 15 ft. where shares lot line with residentially zoned property, unless there is a vertical grade change between adjacent zone districts greater than 20 feet.		
Lot Size, Width, Depth	No minimum/one full City block maximum provided any public rights-of-way are maintained		
Building Height	55 ft. maximum, except 75 ft. maximum with a conditional use permit.		
Building Orientation	New buildings and major remodels of existing buildings increasing floor area by more than 30% shall be oriented primarily toward a street or designated accessway rather than a parking area.		
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Sub-section 5.050.060(C): Pedestrian Walkways</i>		
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Standards</i>		
Landscaping	See <i>Section 6.010: Landscaping Standards</i>		
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>		
Access Management	See <i>Section 6.050: Access Management</i>		

⁸ Applicant may request up to 15 foot exception where outdoor seating for food service is proposed, subject to separate quasi-judicial approval of both the Historic Landmarks Commission and the Planning Commission.

⁹ Applicant may request up to 15 foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Planning Commission.

¹⁰ Applicant may request up to 5 foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Planning Commission.

5.050.060 Design Standards - All Development

- A. Exterior Elevations. Exterior elevations of buildings (except allowed 1 and 2 family dwellings) shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Entries.
1. Commercial and Residential. Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of *Subsection (C)* below. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.
 2. Residential Only.
 - a) Within Sub-District CBC-2, upper story residential uses shall have shared or individual entries on the first level only. No outside stairways serving upper story dwellings are allowed.
 - b) Outside Sub-district CBC-2, Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.
- C. Pedestrian Walkways. Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet

in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.

5.050.070 Design Standards - Sub-Districts

- A. Sub-district CBC-1 (Commercial Historic District and Trevitts Addition Historic District). All proposed development and redevelopment in this Sub-district shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of the Historic Resources Ordinance (General Ordinance No. 94-1194).
- B. Sub-district CBC-2 (Downtown Core). All development and redevelopment in the CBC-2 Sub-district shall comply with the following:
1. **Building Exteriors.** Building exteriors may be finished with brick (excluding concrete brick), rock, stucco, plaster, cut stone such as marble or granite, and similar materials. Wood, metal and vinyl exteriors are prohibited.
 2. **Roofs.** Buildings shall have flat (as opposed to sloped) roof lines. Roof lines may include parapets.
 3. **Minimum Building Height.** Buildings shall be at least 16 feet minimum height with a facade having the architectural appearance of a 2 story structure.
- C. Sub-district CBC-3 (Downtown Fringe). All development and redevelopment in the CBC-3 Sub-district shall choose one of the following:
1. May be designed in accordance with the requirements of *Subsection (B)* above.

2. May be designed so that building exteriors, roof lines, and front entries are compatible with the surrounding development in terms of setback, height, bulk, mass, and building materials.

5.050.080 Exceptions To Standards

A. Pedestrian Access. The following permitted and conditional uses may be exempted from the requirements for pedestrian access of this Ordinance (but may still be required to meet federal and state requirements) as follows:

1. Automobile sales lots, however the sales lots must still provide pedestrian walkway(s) to the sales lot from the sidewalk.
2. Commercial card-lock fueling stations, where there are no mini markets on site.
3. Service stations where there are no mini-markets on site.
4. Storage facilities and warehouses.
5. Wireless Communication Facilities.
6. Other uses which the Director determines to have no public pedestrian access needs.

B. Parking

1. Commercial Communication Equipment uses and other uses which the Director determines have no employees on site and are not open to the public, may be exempted from off-street parking requirements.
2. Existing lots that cannot meet dimensional standards for parking spaces can restrict the entire lot for employee only valet type parking, which do not have to meet the dimensional requirements. Employee parking only restricted lots must provide signage stating the restrictions and prohibiting parking for the general public. These lots must meet the landscaping standards in Section 7.030.040(B) or obtain approval for alternate landscaping plans as authorized in Section 7.030.040(D).

3. With the approval of the Director, up to 50% of the required parking spaces can be reserved for employee parking. These spaces must have signage specifying this restriction. Parking reserved for employees does not have to meet dimensional requirements and may be valet type parking so long as the parking does not obstruct fire lanes or emergency access or interfere with the use or development of adjoining properties. Employee parking may use an alley for maneuvering. Employee parking spaces do not count towards the 7 space threshold that requires landscaping as contained in Section 7.030.040(B). Employee parking areas are not exempt from landscaping requirements but may qualify for the alternative landscaping provisions found in Section 7.030.040(D).

C. Setbacks. The following setback exceptions may apply to allowed residential uses:

1. Setback Averaging. The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.
2. Setbacks for Steeply Sloping Lots. The following exceptions apply to lots which slope up or down from the street with an average slope of 20 % or greater:
 - a) The front setback for the garage wall and/or garage/carport entrance may be reduced to 5 feet; however, the height limitations of subsection (D)(3) below shall apply.
3. Garage and Carport Setbacks on Alleys. Rear yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.

D. Height Limits for Steeply Sloping Lots.

1. Downhill Slope from Street. On lots that slope downhill from the street with an average slope of 20% or greater, the height

limit is the higher of 23 feet above the average grade of the street or the designated height limit. In addition, the alternative height and setback standards of subsection (3) below may be applied.

2. Uphill Slope from Street. On lots that slope uphill from the street with an average slope of 20% or greater, the alternative height and setback standards of subsection (3) below may be applied.
3. Height Limit in Reduced Setback Area. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback.

Section 5.060**CG - GENERAL COMMERCIAL DISTRICT**

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5.060.010 Purpose

This district implements the CG - General Commercial Zone District as part of the Commercial Comprehensive Plan designation, and is intended to provide areas for a wide range of retail, wholesale, and service businesses commensurate with the needs of the marketing region. New development shall be designed to promote clustering of businesses, use of common access and traffic controls, and use of cross access for vehicles, pedestrians and bicycles between contiguous sites. Safe and convenient pedestrian and bicycle circulation between the particular use and the adjoining street, sidewalk, or public right-of-way shall also be provided.

5.060.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, and all other applicable requirements of this and other City Ordinances:
1. Animal Sales and Services (pet stores, grooming, veterinary).
 2. Automobile repair, sales and services, including rental agencies, service stations, and detailing (excluding body shops, auto painting, and machine shops which shall be processed as conditional uses per *Subsection 5.070.030: Conditional Uses* below). Uses are allowed only on site except during community events.
 3. Child Care Center, as defined in *Chapter 2 - Definitions*.
 4. Conference, Visitor, and Convention Centers.
 5. Equipment sales, service and repair, excluding heavy equipment.
 6. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
 7. Hotels and Motels.
 8. Laundromats and Dry Cleaners.
 9. Light manufacture, assembly, or packaging (generates no nuisance conditions by commercial standards, conducted entirely within the building).

10. Liquor stores, public house, taverns, lounges and bars.
11. Lodges, Fraternal and Civic Assembly.
12. Medical and dental offices, clinic, and labs.
13. Mortuaries and funeral homes.
14. Personal Care Services such as barber shops and salons.
15. Printing and Publishing Houses.
16. Professional and Administrative offices and services.
17. Public and Private Parking Lots and Structures, subject to the provisions of *Chapter 7 - Parking Standards*.
18. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.060.030: Conditional Uses* below).
19. Recreation Facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters (including multi-plex cinemas), and game rooms.
20. All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.
21. Recreational Vehicle Parks, in accordance with Chapter 12- Recreational Vehicle Parks.
22. Residential Care Facilities and Assisted Living.
23. Retail Uses, including shopping centers, markets, grocery stores, agricultural sales and service, feed and seed stores, garden centers, and landscape supplies.
24. Wholesale Uses.
25. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.

26. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory dwellings, per the provisions of *Section 6.030: Accessory Development*. Must be accessory to an existing nonconforming single family residential use.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals in allowed single family residential dwellings, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*.
4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
5. Family Day Care, as defined in *Chapter 2 - Definitions*. Must be accessory to an existing nonconforming single family residential use.
6. Home Business, subject to the provisions of *Section 6.020: Home Businesses*. Must be accessory to an allowed residential use.
7. Residential Care Home, as defined in *Chapter 2 - Definitions*. Must be accessory to a permitted residential use.

5.060.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*.

- A. Animal Kennels.
- B. Automobile body and painting shops.
- C. Community Facilities Sites, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.

- D. Contractor shops, offices, and storage areas.
- E. Heavy Equipment Sales and service, on site only.
- F. Hospitals, convalescent centers, sanitariums, and similar institutions.
- G. Machine shops.
- H. Micro-breweries and wineries.
- I. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- J. Public and private transportation depots and terminals (passengers and freight).
- K. Warehousing-retail only, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities.
- L. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- M. Other uses determined by the Commission to be similar to the above uses.
- N. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.060.040 Development Standards

CG General Commercial	Standard
Lot Size	10,000 sq. ft. minimum
Lot Width, Depth	No minimum, maximum
Setbacks Front Yard and Side Yard	None, except 10 ft. on corner lots and 15 ft. where borders a residential district
Rear Yard Setback	5 ft. minimum, 15 ft. minimum where borders a residential district
Building Height	55 ft. maximum, except 40 ft. maximum within 100 ft. of a residential zone ¹¹
Building Orientation	New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Sub-section 5.060.050(C): Pedestrian Walkways</i>
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Standards</i>
Landscaping	See <i>Section 6.010: Landscaping Standards</i>
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Access Management	See <i>Section 6.050: Access Management</i>

¹¹ The 40 ft. height limitation shall not apply where there is more than a 20 foot difference in elevation between the commercial lot and the residential zone district.

5.060.050 Design Standards

- A. Exterior Elevations. Exterior elevations of buildings shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Entries.
1. Commercial and Residential. Primary entries shall face a public street or designated access drive and shall be accessed from a public sidewalk, in accordance with the provisions of *Subsection (C)* below. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.
 2. Residential Only. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.
- C. Pedestrian Walkways. Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-ways. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities

Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.

5.060.060 Exceptions To Standards

- A. Pedestrian Access. The following permitted and conditional uses may be exempted from the requirements for pedestrian access of this Ordinance (but may still be required to meet federal and state requirements) as follows:
1. Automobile sales lots, however the sales lots must still provide for access to the sales lot from the sidewalk.
 2. Commercial card-lock fueling stations, where there are no mini markets on site.
 3. Heavy Equipment sales lots.
 4. Service stations where there are no mini-markets on site.
 5. Storage facilities and warehouses.
 6. Wireless Communication Facilities.
 7. Other uses which the Director determines to have no public pedestrian access needs.
- B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Ordinance:
1. Wireless Communication Facilities.
 2. Uses which the Director determines have no employees on site and are not open to the public.

Section 5.070**CLI - COMMERCIAL/LIGHT INDUSTRIAL DISTRICT**

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5.070.010 Purpose

This district implements the CLI - Commercial/Light Industrial zone district as part of the Commercial Comprehensive Plan designation and is intended to provide an area for commercial uses and certain light industrial uses. New development shall be designed to promote clustering of businesses where appropriate, and use of common access and traffic controls. Where appropriate, safe and convenient pedestrian and bicycle circulation between the particular use and the adjoining street/sidewalk shall also be provided.

This district also accommodates Business Parks that provide for a mixture of commercial and light industrial uses in a campus-like setting where business activities are conducted indoors. To ensure compatibility with adjacent residential neighborhoods, Business Parks shall be reviewed through the Planned Development Process set forth in Section 9.050.

5.070.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, and all other applicable requirements of this and other City Ordinances:
1. Agricultural Sales and Service, including feed and seed stores, nurseries, greenhouses, landscape supplies, and garden centers.
 2. Animal Sales and Services (pet stores, grooming, kennels, veterinary).
 3. Automobile and heavy/light equipment repair, sales and services, including rental agencies, detailing, service stations, body shops, auto painting, and machine shops, on site only except during community events.
 4. Child Care Center, as defined in *Chapter 2 - Definitions*.
 5. Contractor shops, offices, and storage areas.
 6. Engineering, research and development.
 7. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
 8. Hotels and Motels.

9. Laundromats and Dry Cleaners, including industrial operations.
10. Light manufacture, assembly, and packaging of goods or products which can be performed with minimal adverse impact on, and poses no special hazard to, the environment and the community.
11. Liquor stores, taverns, lounges and bars.
12. Manufactured Home Sales, including demonstration units (not to be actual dwelling units).
13. Markets and Grocery Stores.
14. Medical and Dental Offices, Clinics, and Laboratories.
15. Personal Care Services such as barber shops and salons.
16. Printing and Publishing.
17. Professional and Administrative Offices and Services.
18. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.070.030: Conditional Uses* below).
19. Public and Private Parking Lots, subject to the provisions of *Chapter 7 - Parking Standards*.
20. Public and private transportation depots and terminals, passengers and freight.
21. Recreation Facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters including multi-plexes, and game rooms.
22. Residential dwelling for security and maintenance personnel, limit 1 dwelling per site.
23. Retail Uses, including shopping centers.
24. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.

25. Warehousing, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities
26. Wholesale Uses.
27. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory dwellings, per the provisions of *Section 6.030: Accessory Development*. Must be accessory to an existing nonconforming single family residential use.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals in existing non-conforming residential dwellings, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*.
4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
5. Home Business, subject to the provisions of *Section 6.020: Home Businesses*. Must be accessory to an existing non-conforming residential use.

5.070.030 Conditional Uses

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

- A. Community Facilities Sites, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- B. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- C. Recreational Vehicle Parks, subject to the provisions of *Chapter 12 - Recreational Vehicle Parks*.

- D. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- E. Other uses determined by the Commission to be similar to the above uses.
- F. Adult Business. An application for an adult business shall also comply with the following criteria:
 - 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.
 - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.070.040 Development Standards

CLI Commercial/Light Industrial	Standard
Lot Size	10,000 sq. ft. minimum or smaller for Business Parks approved through the Planned Development Process.
Site Size	None, except for Business Parks which shall be a minimum site size of 10 acres.
Setbacks Front Yard and Side Yard	None, except 10 feet on corner lots and 15 ft. where borders residential district. Except for common wall units, buildings in Business Parks shall have a minimum 10 ft. side yard setback; buildings and parking areas shall be landscaped and setback a minimum of 10 ft. from public rights-of-way.
Rear Yard	5 ft. minimum, 15 ft. minimum where borders a residential district.
Building Height	55 ft. maximum, except 40 ft. maximum within 100 ft. of a residential zone ¹²
Building Orientation	New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance
Pedestrian Access	All building entrances shall provide for a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.070.050(B): Pedestrian Walkways</i>
Off Street Parking (Bicycles and Vehicles)	<i>See Chapter 7 - Parking Requirements</i>
Landscaping	See Section 6.010: Landscaping Standards. Business Parks shall have a minimum of 20% landscaping; required setbacks shall be landscaped.
Accessory Uses, Buildings and Structures	<i>See Section 6.030: Accessory Development</i>
Access Management	<i>See Section 6.050: Access Management</i>

¹² The 40 ft. height limitation shall not apply where there is more than a 20 foot difference in elevation between the commercial lot and the residential zone district.

5.070.050 Design Standards

- A. Exterior Elevations. Exterior elevations of buildings shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Pedestrian Walkways. Where public sidewalks exist, or upon sidewalk development, each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way . If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.
- C. Entries. Primary entries shall face a public street or designated access drive and shall be accessed from a public sidewalk, in accordance with the provisions of Subsection (B) above. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.
- D. Additional Business Park Design Standard. Except for parking and loading activities, all non-recreational Business Park activities shall be conducted indoors; outdoor business activities, including storage of materials, shall be prohibited in Business Parks.

5.070.060 Exceptions To Standards

- A. Pedestrian Access. The following permitted and conditional uses may be exempted from the requirements for pedestrian access of this Ordinance (but may still be required to meet federal and state requirements):
1. Automobile sales lots, however the sales lots must still provide for access to the sales lot from the sidewalk.
 2. Commercial card-lock fueling stations where there are no mini markets on site.
 3. Heavy Equipment sales and service.
 4. Service stations where there are no mini-markets on site.
 5. Storage facilities and warehouses.
 6. Wireless Communication Facilities.
 7. Other uses which the Director determines to have no public pedestrian access needs.
- B. Parking. The following permitted and conditional uses may be exempted from the bicycle parking requirements of this Ordinance:
1. Wireless Communication Facilities.
 2. Uses which the Director determines have no employees on site and are not open to the public.

Section 5.080**CR - Recreational Commercial District**

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5.080.010 Purpose

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

5.080.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be processed per the provisions of *Section 3.030: Site Plan Review*:
1. Retail uses, excluding shopping centers. If over 15,000 square feet must get a conditional use permit.
 2. Conference, Visitors, and Convention Centers.
 3. Hotels, Motels, and Campgrounds.
 4. Light Industrial (campus setting or compatible with commercial and recreational uses).
 5. Recreational Facilities.
 6. All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.
 7. Restaurants.
 8. Service and Administrative Offices.
 9. Public and Private Parking Lots and Structures, in accordance with *Chapter 7 - Parking Standards*.
 10. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.080.030: Conditional Uses* below).
 11. Recreational Vehicle Parks, in accordance with *Chapter 12 - Recreational Vehicle Parks*.

12. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
13. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory uses, buildings and structures not otherwise prohibited, customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
2. Residential dwelling for security and/or caretaker and maintenance personnel, limit 1 dwelling per site.

5.080.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*.

- A. Child Care Center, as defined in *Chapter 2 - Definitions*.
- B. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- C. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- D. Other uses determined by the Director to be similar to the above uses.
- E. Adult Business. An application for an adult business shall also comply with the following criteria:
 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
 - A. A public school.
 - B. A public library.

C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

F. Planned Development, subject to the provisions of Section 9.050:
Planned Development.

5.080.040 Development Standards

CR Recreational Commercial	Standard
Lot Size, Width, Depth	No minimum
Setbacks	None, except 10 ft. where fronts, sides, or rears on a public Right of Way, and all development shall be set back 30 ft. or more from the Columbia River to accommodate the Riverfront Trail and associated amenities
Building Height	40 ft. maximum
Lot Coverage	60% of Lot Area maximum
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.080.050(A): Pedestrian Walkways</i>
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Standards</i>
Landscaping	See <i>Section 6.010: Landscaping Standards</i>
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Access Management	See <i>Section 6.050: Access Management</i>

5.080.050 Design Standards

- A. Pedestrian Walkways. Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.

5.080.060 Exceptions To Standards

- A. Setbacks. River dependent uses may utilize the 30 foot setback from the Columbia River. Examples of river dependent uses include boat ramps and launches, loading docks, and barge ways.
- B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Ordinance as follows:
1. Vehicles and Bicycles.
 - a) Uses which the Director determines have no employees on site and are not open to the public.
 - b) Wireless Communication Facilities.
 2. Bicycles Only.
 - a) Hotels, Motels, and Campgrounds.
 - b) Recreational Vehicle Parks.

Section 5.090**I - INDUSTRIAL DISTRICT**

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5.090.010 Purpose

This district implements the I - Industrial Comprehensive Plan Designation and is intended to establish areas which provide for a variety of commercial and industrial uses. All uses in the Industrial Zone District shall comply with Federal and State health, safety, environmental, and pollution standards, and be designed to minimize conflict between industry and other land uses.

5.090.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, and all other applicable requirements of this and other City Ordinances:
1. Auto body shops, auto painting, and machine shops.
 2. Circus or like activity (limited to 4 events per year per site).
 3. Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per *Subsection 5.090.030: Conditional Uses* below) located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.
 4. Food production and manufacturing.
 5. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
 6. Heavy Equipment Sales and Service, on site only.
 7. Laundry and cleaning service industries.
 8. Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution, and storage uses (except manufacture of explosives, the slaughter of animals, and the rendering of fats).
 9. Printing and Publishing.
 10. Public and Private Parking Lots.
 11. Public and Private vehicle servicing and fueling stations.

12. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.090.030: Conditional Uses* below).
13. Railroad yards and spurs, shipyards, and commercial docking facilities.
14. Rock, sand, and gravel cleaning, crushing, processing, and assaying.
15. Rodeo Grounds.
16. Storage and maintenance yards.
17. Transportation Facilities.
18. Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.
19. Veterinary services, kennels, and fish hatcheries.
20. Warehouses.
21. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
22. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
2. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
3. Residential dwelling for security and/or caretaker and maintenance personnel, limit 1 dwelling per site.

5.090.030 Conditional Uses

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

- A. Agriculture and Aqua-culture, excluding livestock and poultry operations.
- B. Bulk fuel stores (petroleum, methane, propane, and gasoline).
- C. Child Care Center, as defined in *Chapter 2 - Definitions*.
- D. Collection, packaging, storage and reprocessing of recyclable materials, so long as the market area is more than 50% from the local area.
- E. Junkyards and automotive wrecking yards enclosed within a view obscuring fence or wall.
- F. Recreation Facilities (Commercial - Outdoor), including golf courses and shooting ranges.
- G. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- H. Other uses determined by the Director to be similar to the above uses.
- I. Community Facilities Sites, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.

5.090.040 Development Standards

I Industrial	Standard
Lot Size	10,000 sq. ft. minimum or larger as necessary to meet Goal 9 large lot requirements.
Lot Width, Depth	No minimum/maximum
Setbacks All Yards	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.
Building Height	55 ft. maximum, except 40 ft. maximum within 100 ft. of a residential zone ¹³
Pedestrian Access	Building entrances may be required to have a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.090.050: Pedestrian Walkways</i> below
Off Street Parking	See <i>Chapter 7 - Parking Standards</i>
Landscaping	See <i>Section 6.010: Landscaping Standards</i>
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Access Management	See <i>Section 6.050: Access Management</i>

Large Industrial Sites:

1. Four 20 acre sites shall be identified on a map in The Dalles Community Development Department in order to meet large site needs identified in The Dalles Economic Opportunities Analysis. The four sites shall be selected in cooperation and collaboration with the property owner.
2. Once a large industrial user purchases or develops an identified site, or any 20 acre site, the number of required sites shall be reduced accordingly.

¹³ The 40 ft. height limitation shall not apply where there is more than a 20 foot difference in elevation between the commercial lot and the residential zone district.

3. The location of the identified 20 acre sites may be modified by the Community Development Department at any time, in collaboration with the property owner and approval by the Planning Commission.
4. The property owner may develop smaller lots on the property so long as a place for a large industrial site is retained on that property.
5. In reviewing any development plan on a property with an identified site, the Community Development Department shall work with the property owner to identify a new location on that property.
6. If the remainder of the property does not meet large industrial site requirements, the Community Development Department shall either identify another property that can accommodate a large site, or initiate an amendment to the Economic Opportunity Analysis and Comprehensive Plan.

5.090.050 Pedestrian Walkways

- A. Applicability. Pedestrian walkways shall be provided in the I - Industrial zone district when both of the following occur:
 1. An existing public sidewalk serves 1 or both sides of the street on which the use fronts.
 2. The Oregon Americans With Disabilities Act requires an accessible connection between the use and the public right-of-way.
- B. Walkway Standards. Where required, each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the

requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.

5.090.060 Exceptions To Standards

- A. Setbacks. River dependent uses may utilize the 30 foot setback from the Columbia River. Examples of river dependent uses include boat ramps and launches, loading docks, and barge ways.

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

 - 2. Bicycles Only.
 - a) Recreational Vehicle Parks.

5.090.070 Performance Standards

Each use, activity, or operation within this district shall comply with all applicable local, state, and federal standards and shall not create a nuisance beyond the zone district boundary because of odor, vibration, noise, dust, vector control, smoke or gas. Uses shall also prevent materials and debris that could collect and cause a nuisance to be windblown or migrate off-site.

Section 5.100**CFO - Community Facilities Overlay District**

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5.100.010 Purpose

The purpose of the CFO - Community Facilities Overlay Zone is to provide areas around the City for public facilities and quasi-public institutional uses which serve a substantial public purpose. This overlay zone shall be applied to the underlying zone.

5.100.020 Allowed Uses

The following uses and their accessory uses are allowed in the Community facilities Overlay Zone:

- A. Agricultural experimental facilities.
- B. Animal shelters.
- C. Churches and places of worship.
- D. Government public facilities.
- E. Historical Landmarks.
- F. Libraries, museums, and cultural exhibits.
- G. Lodges, Fraternal and Civic Assembly.
- H. The following public recreation facilities: parks, golf courses, golf driving ranges, swimming pools, tennis courts, zoos, marinas, docks, and other facilities.
- I. Medical Care facilities.
- J. Public Safety facilities.
- K. Public Utility facilities.
- L. Public and Private Schools and facilities.
- M. Special District facilities.
- N. Other uses determined by the Director to be similar to the above uses.

5.100.030 Review Procedures

- A. **Review.** Community Facilities shall be reviewed as conditional uses per the provisions of *Section 3.050: Conditional Use Permits.*
- B. **Notification.** Notification of a proposed community facility application shall be sent to all property owners whose property falls within 300 feet of the proposed community facility development site.
- C. **Map Overlay.** Approved Community Facilities sites shall be shown on the official zoning map with the CFO - Community Facilities Overlay designation so long as the use continues. When the approved use ends, the CFO designation shall no longer apply and the zoning map shall revert to the underlying zone.

5.100.040 Development Standards

CFO Community Facilities Overlay	Standard
Lot Size, Width, Depth	No minimum
Setbacks	No minimum, except that vision clearance on Corner Lots shall meet the requirements of <i>Section 6.100: Vision Clearance</i>
Building Height	Limited to the requirements of the underlying zone, except 40 ft. maximum within 100 ft. of a residential zone. In measuring the height of the structure adjacent to the residential zone, the provisions of LUDO Section 6.070.050 do not apply.
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Standards</i>
Landscaping	See <i>Section 6.010: Landscaping Standards</i>
Access Management	See <i>Section 6.050: Access Management</i>

5.100.050 Master Plans

- A. General. Applications for Community Facilities sites shall include a master plan and narrative for the entire site. The master plan may substitute for the concept site plan required by the conditional use review process, providing that the master plan includes all items required by the concept site plan, and indicates all existing and proposed uses, buildings, structures, and all easements and rights-of-way.

- B. Future Modifications.
 - 1. Major Modifications to the approved master plan which alter the scope or character of the project shall require a new application for conditional use permit.

 - 2. Minor Modifications to the approved master plan which do not alter the project's scope or character shall be approved, approved with conditions, or denied by the Director per the provisions of *Section 3.020.040: Administrative Actions*.

Section 5.110**P/OS Parks and Open Space District**

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5.110.010 Purpose

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

5.110.020 Allowed Uses

- A. Public parks – day uses only.
- B. Playgrounds – day uses only.
- C. Wading pools – day uses only.
- D. Stream, creek, and river front greenways.
- E. Trails for biking, walking, and/or running, within a park or greenway area.
- F. Other uses determined by the Director to be similar to the above uses.

5.110.030 Conditional Uses

- A. Ball fields.
- B. Swimming pools.
- C. Tennis courts.
- D. Golf facilities.
- E. Marinas.
- F. Docks for recreation.
- G. Zoos.
- H. Other active recreational facilities for sport participating and spectators.

5.110.040 Review Procedures

- A. **Review.** Where allowed as outright permitted uses, proposals for Parks and Open Spaces shall be processed per the-provisions of *Section 3.030: Site Plan Review*. Where allowed as conditional uses, proposals for Parks and Open Spaces shall be processed as Community Facilities sites, per the Review Procedures and Development Standards Sections of *Section 5.100: Community Facilities Overlay District*.
- B. **Zoning.** When approved, Parks and Open Spaces shall be designated P/OS - Parks and Open space on the official zoning map.

5.110.050 Development Standards

P/OS Parks and Open Spaces	Standard
Off Street Parking	Parks without stadium or large structures for seating do not have to provide off street parking, otherwise, use parking standards in Section 7.060
Building Height	Use standards for RL zone in 5.010.050
Minimum Setbacks	Use standards for RL zone in 5.010.050
Front Yard	Use standards for RL zone in 5.010.050
Other Yards	Use standards for RL zone in 5.010.050

Section 5.120**Airport Approach Zones**

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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 5.102.020

5.120.020 Protection of Approach Zones.

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.

Section 5.130**Stream Corridor District**

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5.130.010 Purpose

The Stream Corridor (SC) Overlay District is intended to help reduce stream temperatures, prevent stream habitat degradation, and protect and restore significant fish-bearing stream corridors identified on The Dalles Stream Corridor Inventory (2011) by:

- A. Conserving significant stream corridors consistent with Statewide Planning Goal 5 (Natural Resources) and The Dalles Comprehensive Land Use Plan;
- B. Protecting and enhancing water quality by restoring stream corridor vegetation;
- C. Minimizing property damage during floods and storms;
- D. Limiting development activity in designated stream corridors;
- E. Maintaining and restoring fish and wildlife habitats and vegetative cover; and
- F. Conserving associated scenic and recreational values.

5.130.020 SC Overlay District Boundaries and Setbacks

The SC Overlay District applies within The Dalles Urban Growth Boundary (UGB), is shown on The Dalles Zoning Map, and includes the corridor extending upland 50 feet from the tops-of-bank of the following fish-bearing streams:

- A. Chenowith Creek;
- B. Mill Creek; and
- C. Three-Mile Creek.

5.130.030 Determination and Modification of SC Overlay District Boundaries

The stream corridor setbacks shall be 50 feet from the top-of-bank as shown on The Dalles Stream Corridor Inventory. An applicant for development may rely on this map to determine how a stream corridor setback affects an individual property. However, this mapped setback may be modified in two ways:

Section 5.130 —Stream Corridor District

- A. Stream Corridor Delineation Process. The Planning Director may approve a modification stream top-of-bank (“bankfull stage” or the “two year recurrence flood elevation” defined in DSL Administrative Rules (OAR 141-085-0510(5)), based on site survey prepared by a registered land surveyor. The required setback shall be revised accordingly.
- B. Stream Corridor Setback Modification. The Planning Director may reduce the stream corridor setback in “developed” areas shown on The Dalles Stream Corridor Inventory to 25 feet when all of the following criteria are satisfied:
1. The applicant agrees to restore riparian vegetation within the remaining 25-foot setback area by implementing a riparian restoration plan approved by the Planning Director.
 2. The riparian restoration plan shall be prepared by a wetland scientist, government agent, or other professional with expertise in riparian plants and restoration techniques acceptable to the Planning Director.
 3. The plan shall ensure removal of invasive plant species and replacement with suitable native plant species that will effectively shade the stream and minimize stream bank erosion.
 4. The plan shall include provisions for monitoring and replacement of native plants over at least a three-year period.
 5. The Planning Director may require a riparian conservation easement for the remaining protected stream corridor.
- C. Hardship Adjustment. The Planning Commission may approve a hardship adjustment to the stream setback provisions of this chapter, without going through a formal variance process, under the following circumstances:
1. Where application of the stream setback provisions of this chapter makes it impossible to build a structure (including a building, required parking and access) otherwise permitted in the underlying zoning district, the Planning Commission may allow reductions of the setback standards of the underlying zoning district by up to 67% to permit the siting of such structures to avoid infringing on the stream setback area.

2. If, after considering the effect of hardship setback adjustments, it is still impossible to build a structure permitted in the underlying zoning district, the Planning Commission may approve up to 3,000 square feet of impervious surface area within the required stream setback area, provided that:
 - a. The structure, parking and access area is located as far from the top of bank as reasonably possible; and
 - b. The applicant submits a stream corridor restoration plan prepared to the specifications set forth in Section 5.130.030.B.

5.130.040 Department of State Lands Notification

The Oregon Department of State Lands (DSL) shall be notified in writing of all applications to the City of The Dalles for development activities, including applications for plan authorizations, development permits, or building permits, and of development proposals within The Dalles UGB, that may affect known wetlands or streams.

5.130.050 Permitted and Prohibited Uses Within SC Overlay District

- A. The following uses are permitted within SC Overlay District setback areas:
 1. Passive recreation uses and activities, including paths, access ways, trails, picnic areas or interpretive and educational displays and overlooks, including benches and outdoor furniture;
 2. Maintenance of existing structures, lawns and gardens;
 3. Normal maintenance, replacement and improvements to existing public facilities, roads and driveways, provided that the footprint of these facilities does not expand;
 4. Construction of public facilities and transportation projects identified in adopted public facilities master plans or the Transportation System Plan;

5. Replacement of existing structures with structures located on the original building footprint that do not disturb additional wetland or stream corridor surface area;
6. Water-related and water-dependent uses, including drainage facilities, water and sewer facilities, flood control projects, and drainage pumps;
7. Routine maintenance or replacement of existing public facilities projects and public emergencies, including emergency repairs to public facilities;
8. In-channel erosion or flood control measures that have been approved by DSL;
9. Perimeter mowing of a wetland for fire protection purposes;
10. Removal of non-native vegetation and replacement with native plant species; and
11. Minor improvements that have no material effect on the listed purposes of this chapter.

B. Prohibited Uses. Except as listed in Section 5.130.050.A., the following uses and activities are prohibited within stream corridor setback areas:

1. New residential, commercial, industrial, or public/semi-public construction;
2. Expansion of existing buildings or structures;
3. Expansion of areas of pre-existing non-native ornamental landscaping such as lawn and gardens;
4. The placement of structures or impervious surfaces, including grading and the placement of fill; and
5. Dumping, piling, or disposal of refuse, yard debris, or other material.

5.130.060 Site Plan Required

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the SCW Overlay District, the property owner shall submit a scaled site plan to the City that shows:

- A. Topographic contours at two-foot intervals;
- B. The stream top-of-bank;
- C. The 100-year flood elevation;
- D. The required riparian setback;
- E. Existing vegetative cover and type;
- F. Existing and proposed site improvements; and
- G. A riparian restoration plan if development is proposed within 50 feet of the stream top-of-bank.

Chapter 6

GENERAL REGULATIONS

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Section 6.010**LANDSCAPING STANDARDS**

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6.010.010 Purpose

The City of The Dalles recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large scale structures and parking lots; to encourage water conservation and the use of native plants; to minimize runoff and provide for erosion control; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This Section prescribes standards for landscaping, buffering, and screening. While this Section provides standards for frequently encountered development situations, detailed landscape plans shall be reviewed by the approving authority with this purposes clause as the guiding principle.

6.010.020 Definition

A. For the purposes of this Section and this Ordinance, unless otherwise specified, ‘landscaping’ shall mean a minimum of 40% of the required landscape area be planted with live plant material. Trees on the recommended tree list, which are 2.5 inch caliper 5 feet above the ground at time of planting shall each be considered to cover 250 square feet. Trees smaller than 2.5 inch caliper shall be considered to cover the area under the tree’s drip line. Dry landscaping may cover up to 60% of the required landscape area. Dry landscaping shall not include crushed rock, pea gravel, or similar material as determined by the approving authority. Parking areas may require additional landscaping. See Section 7.030.040.

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

6.010.030 General Provisions

- A. Applicability. The provisions of this Section shall apply to all applications for new development and to applications for additions or modifications to existing development which increases the building(s) combined total footprint area by more than 20%.
- B. Landscaping Plans. Where landscaping is required by this Ordinance, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the Site Plan Review process. Requirements for detailed landscape plans are listed in *Section 3.030.030(B): Detailed Landscape*

Plans. Building permits shall not be issued until the approving authority has determined the landscape plans comply with both the purpose and specific requirements of this Section.

- C. Completion Prior To Occupancy. Except for landscaping for single family homes, all required landscaping and related improvements shall be completed, or financially guaranteed per the provisions of *Subsection 9.040.060(I): Performance Guarantee* prior to occupancy.
- D. Planned Developments. Required landscaping for Planned Developments shall be reviewed and approved by the Commission, and shall in no case be less than that required by this Section.
- E. Maintenance. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent rights-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. All landscaping, buffering, and screening required by this Ordinance shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind by the developer or the party responsible for removing the trees and/or plant material.
- F. Parking Lot Landscaping. The landscaping requirements for parking lots are described in *Subsection 7.030.040: Landscaping Requirements*. Parking lot landscaping shall be required in addition to the landscaping requirements described in this Section.
- G. Trees In Public Rights-of-Way. A City permit is required to plant, remove, significantly prune, top, or pollard any trees in a public right-of-way.
- H. Preservation of Significant Trees. Significant tree specimens should be preserved to the greatest extent practical, and integrated into the design of a development. Trees of 14 inches or greater diameter measured at a height of 5 feet above grade are considered significant. Trees to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5 feet outside the tree's drip line, or if a plan for tree protection recommended by a certified arborist is adhered to. In addition, the tree shall be protected from damage during construction by a construction fence located 5 feet outside the drip line.
- I. Planters and Screen/Buffer Areas. Planters and screen/buffer areas used for required plantings shall have a minimum width, or diameter, of 5 feet (2.5 feet radius, inside dimensions). Where the curb or the edge of these

areas are used as a tire stop for parking, the planter or buffer area shall be a minimum width of 7.5 feet.

- J. Irrigation Systems. Irrigation systems shall be required where necessary to assure survival of plant materials.
- K. Vision Clearance. In no case shall site obscuring shrubs, landscape features, conifer trees, fences exceeding 24 inches in height, or other screening be permitted within vision clearance areas of street or alley intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. See *Section 6.100: Vision Clearance*.
- L. Fences. All fences over 4 feet in height shall require a permit. Permits for fences 6 feet or under in height shall not require a permit fee.

6.010.040 Buffering

Buffer plantings are used to reduce building scale, provide transition between different land uses (i.e. residential and commercial) and contrasting architectural styles, and generally mitigates incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.

6.010.050 Screening (Hedges, Fences, Walls other than Retaining Walls, Berms)

- A. General. Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. All screening shall comply with the provisions of *Section 6.100: Vision Clearance*.
- B. Fences and Walls. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, metal, or other commonly used fencing/wall materials. Acoustically designed fences and walls may also be used where noise pollution requires mitigation.
- C. Landscaping As Screening. Where landscaping is used for required screening, it shall be at least 6 feet in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.
- D. Chain Link with Slats. A chain link fence with slats shall qualify for screening only if a landscape buffer is provided outside the fence. In this

case, the landscape buffer shall have an average height of 50% of the height of the fence within 1 year of planting. (See *Section 6.010.040: Buffering* above.)

- E. Height. The height of hedges, fences, walls, and berms shall be measured as provided for in Section 6.070.050(B), except where used to comply with screening requirements for parking, loading, storage, and similar areas. Hedges, fences, walls, and berms must comply with vision clearance requirements of Section 6.010.030 K. Height requirements for hedges, fences, and walls are as follows:
1. Residential Areas.
 - a) Hedges, fences, and walls shall not exceed 4 feet in height within a required front yard or in an exterior side yard within a 10 foot triangle adjacent to an alley or driveway.
 - b) Hedges, fences, and walls shall not exceed 6 feet in height within required side and rear yards, unless additional height is determined by the Director to be necessary for privacy screening from an adjacent use. In no case shall a fence or wall exceed 8 feet in height in a required side or rear yard.
 - c) Hedges, fences and walls not located in required yards may exceed the height standards listed above.
 2. Commercial and Industrial Areas. Barbed wire may be allowed above the fence or wall height requirement.
 3. All Areas. Fences and walls over 6 feet in height (not counting any permitted barbed wire) shall require a building permit prior to construction.
- F. Berms. Earthen berms up to 6 feet in height may be used to comply with screening requirements. The slope of the berm may not exceed 2:1, the top of the berm shall be relatively flat, and the faces of the slope shall be planted with ground cover, shrubs, and trees.
- G. Design. Fences and walls over 200 feet in length (of a single run) shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping in all zone districts except the I - Industrial district.
- H. Visual Clearance. Screening is not permitted within vision clearance areas, as described in *Section 6.100: Vision Clearance*.

- I. Gates. Gates are required in rear-yard fences on through lots for maintenance access to the area from curb to a proposed fence. (Gates shall not be used to make an access connection to the right-of way.)
- J. Service Facilities. Trash dumpsters, gas meters, ground level air conditioning units, and other service facilities shall be screened from off-site view with a fence, wall or plantings.
- K. Swimming Pools, Spas, and Hot Tubs. In addition to all other requirements in the Oregon Structural Specialty Code, swimming pools, spas and hot tubs more than 18 inches deep shall be surrounded and screened with a minimum 4 foot high secured fence or wall. Access to the secured area must have a self-latching gate.

6.010.060 Street Trees

- A. General. Street trees shall count toward the required landscape requirement. Street trees shall be planted and maintained in accordance with the following standards for all public street frontages, and along private street and accessways more than 150 feet long. Street trees shall be required in all zoning districts where there is a designated planting strip in the public right-of-way. Selection of species may be made from the recommended tree list provided by the Director. Alternate selections must be requested in writing and approved by the Director.
- B. Spacing. Medium canopy trees shall be spaced a maximum of 30 feet on center, and large canopy trees shall be spaced a maximum of 50 feet on center.
- C. Planting Requirements. Trees planted within 5 feet of permanent hard surface paving or walkways shall use special planting techniques and specifications approved by the Public Works Director.
- D. Fire Hydrants. Clearance from fire hydrants shall be as specified in the Uniform Fire Code as adopted by the local fire protection district.
- E. Location. Unless approved otherwise by the City Engineer, trees may not be planted:
 1. Within 20 feet of street light standards.
 2. Within 10 feet of a public sanitary sewer, storm drainage or water line.
 3. In drainage ditch channels and flood ways.

- 4. Within 10 feet of the top of retaining walls located in the public right-of-way.
- 5. In vision clearance areas.
- F. Public Safety. Trees may not be planted in areas where the Director determines the trees may be a hazard to the public interest or general welfare.
- G. Clearance. Trees shall be pruned, by the property owner, to provide a minimum clearance of 9 feet above sidewalks and 14 feet above street and roadway surfaces.

6.010.070 Required Landscaping By Zone

Where required by this Ordinance, landscaping shall be provided on site according to the following minimum requirements. Additional landscaping may be required by the approving authority as a condition of approval in order to mitigate conflicts with neighboring uses and/or to provide adequate screening. Where the landscape requirement listed below is greater than the balance of the lot after lot coverage, the landscaping requirement shall be limited to the area of the lot not covered.

ZONE	SITE REQUIREMENT
RL	Site landscaped according to 6.010.020
RH 1, 2 Family 3+ Family	Site landscaped according to 6.010.020 Equal to 1.5 times the first floor area of all structures minimum
RM 1,2 Family 3+ Family	Site landscaped according to 6.010.020 Equal to first floor area of all structures minimum
NC 1, 2 Family Residential Only 3+ Family Residential Only Commercial Only Mixed Residential/Commercial	Site landscaped according to 6.010.020 Equal to the first floor area of all structures minimum Equal 10% of the first floor area of all structures minimum Equal to .5 times the first floor area of all structures minimum

6.010.070 Required Landscaping By Zone (continued)

ZONE	SITE REQUIREMENT
<p>CBC Sub-district 1</p> <p>Sub-district 2 Commercial in area outside Sub-district 2 Residential in area outside Sub-district 2</p> <p>Mixed Residential/Commercial in area outside Sub-district 2</p>	<p>Subject to requirements of Ordinance 96-1207, Design Guidelines for Historic Resources</p> <p>None</p> <p>None</p> <p>Lot area not built on shall be appropriately landscaped</p> <p>Lot area not built on shall be appropriately landscaped</p>
CG	Equal 20% of the first floor area of all structures minimum
CLI	Equal 15% of the first floor area of all structures minimum
CR	Equal 15% of the first floor area of all structures minimum
I	A five foot landscaping buffer adjacent to all public right of way, but limited to 10% of the area of the entire site. If a five foot buffer along the length of the right of way exceeds 10% of the entire site, the City Community Development Department staff will indicate which portions of the right of way will have the buffer.
CFO	Subject to underlying zone requirements, unless reduced or expanded by the Commission through the Conditional Use review process
P/OS	No requirement

Section 6.020**HOME BUSINESSES**

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6.020.010 Purpose

The purpose of this Section is to encourage small commercial ventures which could not necessarily be sustained if forced to operate in commercial quarters and/or which are appropriately operated within a residence or accessory structure. Home businesses are recognized for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Home businesses are conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term.

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

6.020.020 General

- A. Applicability. The provisions of this Section shall only apply to home businesses in residential zone districts. Home businesses are not allowed in residential zones without a Home Business Permit. Home businesses in other zone districts shall be subject to the regulations of the subject district.
- B. Non-conforming Uses. Existing legal non-conforming commercial operations in residential zones are not considered home businesses unless it can be shown that the existing use meets home business requirements.
- C. Exemptions. For the purposes of this Section, the following shall not be considered a home business:
 - 1. Family Day Care.
 - 2. Residential Care Homes and Residential Care Facilities.
 - 3. Bed and Breakfast operations and Vacation Rentals which are occupied on a permanent basis as a residence.
- D. Prohibited Uses. Vehicle sales, vehicle repair, and any use where the vehicle is the focus of the work or is a significant part of the home business is prohibited unless the owner obtains a conditional use permit.

6.020.030 Review Procedures

- A. Applications. All applications shall meet the requirements of *Section 3.010: Application Procedures*. The approving authority may require additional site plan and/or vicinity plan information where necessary to adequately review the proposal and/or to determine the location and type of business, and the manner in which it will be conducted.
- B. Review. Applications for Home Businesses may be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*. At the Director's discretion, or at the request of the Commission, the applicant or a party(ies) of record who address legitimate criteria, the application may be processed as a Conditional Use Permit, per the provisions of *Section 3.050: Conditional Use Permits*.
- C. Permits. The Director shall issue a Home Business Permit when the approving authority finds that the proposed home business complies with the requirements of this Section.

6.020.040 Review Criteria

Home Businesses shall be subject to the following criteria, unless amended, reduced, waived, or added to by the Commission through the Conditional Use review process:

- A. The Residence.
 1. The home business must be subordinate to a dwelling's residential use.
 2. The home business, or portion of the home business conducted at home, must be conducted entirely within the dwelling, garage(s), or accessory structure(s) of the person conducting the home business. Incidental loading and unloading is exempt from this requirement.
 3. The home business shall not result in any structural alterations or additions to the dwelling or accessory structure(s) that will change the primary residential use of the property.
 4. There shall be no display, other than the allowed sign and allowed business vehicles, of products or equipment that is visible from outside any buildings or structures.
- B. Storage.

1. There shall be no outside storage of home business materials or equipment that is visible from the public right-of-way or adjacent properties.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable materials) beyond that normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home business shall be allowed in the dwelling, garage(s), or accessory structure(s).

C. Employees.

1. At least one adult resident of the home shall be employed in the home business.
2. Other than dwelling residents, there shall be a maximum of 2 workers per home business.
3. Additional individuals may be employed by or associated with the home business, so long as they do not report to work at the home.
4. The home occupation site (the lot on which the home business is conducted) shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Signs. 1 non-illuminated 4 square foot wall sign shall be allowed for each approved home business site.

E. Addressing. There shall be no separate home business street address.

F. Hours of Operation, Automobiles, Parking, and Traffic.

1. Clients or customers are permitted at the home business site Monday through Sunday, between the hours of 7 a.m. and 7 p.m.
2. There shall be a limit of 2 business vehicles per home business. For the purposes of this Section, a business vehicle is any vehicle that is used in the conduct of the home business, or which has the name or logo of the home business displayed in any manner on the vehicle. At the Director's discretion, additional home business vehicles may be permitted, providing the intent of this Section is met. The business vehicle shall be of a size that shall

not overhang into the public right-of-way when parked in a driveway or other location on the home business site.

3. Between the hours of 7 a.m. and 7 p.m. there shall be no more than 3 commercial pickup and/or deliveries at the home business site, and no commercial pickup and/or deliveries between the hours of 7 p.m. and 7 a.m.
 4. In addition to the off-street parking required for the residential use, there shall be sufficient parking to accommodate all employee and business vehicles. A home business's street frontage, calculated at 20 feet/space excluding curb cuts and clear vision areas, may be considered in calculating the parking requirement. Where the Director determines that the business vehicle and the personal vehicle are the same, the business vehicle may use residential off-street parking requirement.
- G. Off-Site Impacts. Any activity that generates excessive traffic or monopolizes available on-street parking, produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the home business site, or beyond allowable levels as determined by local, state, and federal standards shall not be allowed.
- H. Retail Activity. Any activity involving on-site retail sales (except items that are incidental to the business use including, but not limited to, beauty products, lesson books, sheet music, and computer software) shall not be allowed.
- I. Other Laws, Ordinances and Regulations. The issuance of a Home Business Permit shall not relieve the applicant from the duty and responsibility to comply with all other rules, regulations, ordinances or other laws governing the use of premises and structures including, but not limited to, building and fire codes. An existing violation of any rule, regulation, ordinance, or other law is grounds to deny or conditionally approve a Home Business Permit Application.

6.020.050 Complaints and Revocation of Permits

- A. Complaints. A complaint concerning the operation of a Home Business shall be in written form and clearly state the nature of the objection(s) to the business. Upon receipt of a written complaint, the complaint shall be investigated by the Planning Department. The Director shall be authorized to visit the site of a permitted home business during normal business hours. If necessary, the Director is authorized to apply for an

inspection warrant pursuant to the provisions of Chapter IV of General Ordinance No. 93-1166 in order to conduct an inspection of the premises. If the complaint is determined to be meritorious, a report shall be prepared for the Planning Commission and the home business shall be notified.

B. Public Hearing.

1. A public hearing shall be scheduled before the Planning Commission to consider whether the permit issued for the business should be revoked, modified, or remain in effect with no changes. Notice of the time and place of the hearing shall be provided to the person(s) filing the complaint, and the owner, or where appropriate, the manager of the facility.
2. The City and the owner or owner's representative shall have the right to present oral or written testimony, and the right to cross examine witnesses presenting testimony adverse to their respective positions. The owner or owner's representative has the right to be represented by legal counsel at their own expense. Irrelevant or unduly repetitious evidence shall be excluded. Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the complaint more probable or less probable than it would be without the evidence. Hearsay evidence may be admissible for the purpose of supplementing or explaining any direct evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action in a court of competent jurisdiction in the state of Oregon.

C. Permit Revocation. Grounds for which a permit may be revoked or modified include, but are not limited to, the following:

1. Generation of excessive traffic (in excess of 20 trips per day).
2. Monopolizing available on-street parking.
3. Evidence establishing a violation of any provision of this Section, a condition of approval, or any other rule, regulation, ordinance or law, whether local, state or federal.

D. Final Decision. After the consideration of all relevant information and testimony presented, the Planning Commission shall make its decision, based upon substantial evidence. The Planning Commission's decision

shall be supported by findings of fact, and shall constitute a final decision. The final decision is appealable per the provisions of *Section 3.020.080: Appeal Procedures*

Section 6.030**ACCESSORY DEVELOPMENT**

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6.030.010 Purpose

This Section provides standards and criteria for regulating accessory development. Accessory development includes accessory uses, buildings and structures. Examples of accessory development include, but are not limited to, patios, decks, sheds, shops, detached garages and carports, accessory dwellings, home businesses, and family day care.

6.030.020 General Regulations

Accessory development shall be subject to the same requirements as the principal uses within each zone district except as otherwise provided below:

- A. Nonconforming Development. Accessory development involving nonconforming uses, buildings and structures is subject to the requirements of *Section 3.090: Nonconforming Development*.
- B. Size. Accessory development shall be subordinate in size to the primary use.
- C. Location.
 1. A required side or rear yard setback may be reduced to 3 feet for detached accessory buildings or structures that do not require a building permit, except as allowed in subsection C. 3. below. The distance shall be measured from the common property line to the building or structure's eave line.
 2. Garages and carports accessory to residential uses with vehicle entrances facing a side street shall be set back a minimum of 20 feet from the property line.
 3. Rear yard or side yard setbacks for garage/carports on alleys may be waived per the following:
 - a) Garage/carports opening onto alleys with established 20 foot right-of-ways may be setback 0 feet from the right-of-way.
 - b) Garage/carports opening onto alleys with less than a 20 foot right-of-way shall be setback to a minimum building line located 10 feet from the center of the alley right-of-way.
 4. No rear yard setback is required for detached accessory buildings if the rear yard abuts an alley that has at least a 20 foot right of

way. If the alley right of way is less than 20 feet in width, detached accessory structures may be located up to 10 feet from the center line of the right of way.

- D. Height. The height of accessory structures shall not exceed the height of the primary structure and shall be limited to 18 feet or 80% of primary structure's allowed height, whichever is greater. Notwithstanding the prior sentence, accessory structures up to 14 feet in height are allowed in all zones.

6.030.030 Accessory Dwellings

Accessory dwellings are allowed as accessory to permitted single family residential development. In addition to complying with the specific requirements of the zoning district, accessory dwelling units are subject to the following provisions:

- A. Occupancy. The owner of the lot must occupy either the principal residence or the accessory unit unless otherwise exempted by the Director.
- B. Drainage, Sanitary Sewer and Water. Adequate provision shall be made for drainage, water and sewage waste.
- C. City Ordinances. The accessory dwelling unit shall meet all applicable City Ordinances.
- D. Lot Requirements. The lot requirements (width, depth, area, coverage, etc.) on which the principal residence and accessory dwelling unit are located shall be met.
- E. Design Compatibility. The accessory dwelling unit shall be compatible with the primary dwelling unit through the use of similar exterior design and materials, color and roof pitch.
- F. Accessory Unit Size. The accessory dwelling unit's gross floor area shall not exceed 60% of the gross floor area of the primary dwelling unit (exclusive of garage[s] and unfinished basements) up to a maximum floor area of 600 square feet. All areas being used as living space shall be counted toward the maximum allowance of 600 square feet, whether or not those areas were originally built or intended to be used for habitation.

- G. Entrances. The entrance to the accessory dwelling unit shall be oriented to minimize impacts on, and protect the privacy of adjacent properties.
- H. Parking. No off-street parking needs to be provided for the accessory dwelling unit so long as the parking requirement for the primary dwelling unit is met. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard, other than existing and/or approved driveways.
- I. Garage Conversions. A garage may be converted to an accessory dwelling unit provided that the off-street parking requirement for the primary dwelling unit continues to be met.
- J. Accessory Dwellings Allowed per Lot. Only one accessory dwelling unit shall be allowed per lot, or per contiguous lots under one ownership which are developed as one lot.
- K. Addressing. The accessory dwelling shall be legally addressed with the street address of the primary dwelling plus the designation “B”.
- L. Accessory dwellings are allowed in duplexes only with a Conditional Use Permit.

Section 6.040**BED AND BREAKFAST AND VACATION RENTALS**

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6.040.010 Purpose

This Section describes standards and requirements governing the use of single family dwellings for Bed and Breakfasts and Vacation Rentals. These standards and requirements shall be in addition to other City Ordinance requirements and to Federal and State laws and regulations.

6.040.020 Permits

All Bed and Breakfasts and Vacation Rentals shall be required to obtain a Bed and Breakfast/Vacation Rental Permit from the Department within 3 months from the effective date of this Ordinance. Permits shall be renewed every 5 years, and it shall be the owner's responsibility to renew the permit. Operation without a valid permit may be cause for civil, criminal, or other sanctions, per the provisions of *Chapter 15: Enforcement*. Permits shall be non-transferable. Upon transfer of the property the existing permit becomes void. The new owner(s) may apply for a new permit.

6.040.030 General Requirements

The following general requirements shall apply to both Bed and Breakfast facilities and to Vacation Rentals:

- A. Permit. All required permits shall be obtained prior to any rental of the property.
- B. Signs.
 1. Residential Zones. Signage shall be limited to one 4 square foot sign. The sign may be a wall sign on the primary building, or a free-standing sign limited to 4 feet in height (top of sign). If free-standing, the sign area ONLY may be lighted, not to exceed 40 watts. No off-premises signs are permitted.
 2. Non-residential Zones. All signage normally allowed by the zone district shall be allowed.
- C. Length of Stay. The length of stay for guests is limited to 30 consecutive days. After 30 days, the rental reverts to a rental contract.
- D. Fire and Life Safety. Each facility shall meet all state and local requirements for fire and life safety.

- E. Room Tax. Each facility shall be subject to the transient room tax, per the provisions of General Ordinance No. 950, The Transient Room Tax Ordinance.
- F. Owner's Responsibilities. It is the property owner's responsibility to ensure that the facility remains in compliance with all provisions of this and other City Ordinances, and with Oregon State Health, Safety, Building, and Fire Codes, and Traveler's Accommodations requirements in the Oregon Revised Statutes.

6.040.040 Permit Requirements

Bed and Breakfast facilities and Vacation Rentals shall be issued the required permit as an accessory use when the following provisions have been met:

- A. Requirements for Both Bed and Breakfast and Vacation Rentals.
 - 1. The facility is proposed for an existing detached single family residential dwelling.
 - 2. The structure containing the facility retains the characteristics of a single family dwelling. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
 - 3. Any other conditions of approval deemed necessary by the approving authority to mitigate impacts to the surrounding neighborhood.
 - 4. There is 1 parking space for each guest room after 2 rooms in the facility. (The residential off-street parking requirements must also be met where the facility is also a primary residence.) A Bed and Breakfast or Vacation Rental's street frontage, calculated at 20 feet/space excluding curb cuts and clear vision areas, may be considered in calculating the parking requirement.
- B. Requirements for Bed and Breakfasts.
 - 1. The dwelling containing the Bed and Breakfast is owner or manager occupied.
 - 2. The maximum number of Bed and Breakfast guest rooms is 5.

C. Requirements for Vacation Rentals.

1. All vacation rentals must comply with City Ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick up is required during the months of May through September.
2. There shall be no excessive generation of traffic created by the vacation rental.
3. The maximum number of occupants per facility shall be determined by the Director and the Fire Marshall. The maximum number of occupants shall be posted inside, near the front door, in a conspicuous place. Maximum occupancy is based on 2 persons per bedroom or a Fire Marshall approved number of persons per square feet.

6.040.050 Review Procedures

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, applications for Bed and Breakfast/Vacation Rental Permits shall be accompanied by a plot plan drawn to scale and indicating the location of existing or proposed structures, number of guest or bedrooms, and location of the off-street vehicle parking provided.
- B. Review. Where permitted, Bed and Breakfast/Vacation Rental facilities are permitted outright as accessory uses, and as such shall be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*, and approved, approved with conditions, or denied by the Director.

6.040.060 Complaints Regarding Operation and Revocation of Permits

- A. Complaints. A complaint concerning the operation of a Bed and Breakfast or Vacation Rental shall be in written form and clearly state the nature of the objection(s) to the facility. Upon receipt of a written complaint, the complaint shall be investigated by the Planning Department. If the complaint is determined to be meritorious, a report shall be prepared for the Planning Commission, and the owner or manager of the Bed and Breakfast or Vacation Rental shall be notified.

B. Public Hearing.

1. A public hearing shall be scheduled before the Planning Commission to consider whether the permit issued for the facility should be revoked, modified, or remain in effect with no changes. Notice of the time and place of the hearing shall be provided to the person(s) filing the complaint, and the owner, or where appropriate, the manager of the facility.
2. The City and the owner or owner's representative shall have the right to present oral or written testimony, and the right to cross examine witnesses presenting testimony adverse to their respective positions. The owner or owner's representative has the right to be represented by legal counsels at their own expense. Irrelevant or unduly repetitious evidence shall be excluded. Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the complaint more probable or less probable than it would be without the evidence. Hearsay evidence may be admissible for the purpose of supplementing or explaining any direct evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action in a court of competent jurisdiction in the state of Oregon.

C. Permit Revocation. Grounds for which a permit may be revoked or modified include, but are not limited to, the following:

1. Generation of excessive traffic.
2. Monopolizing available on-street parking.
3. Evidence establishing a violation of any municipal ordinance including City ordinances which define public nuisances or general offenses, or a violation of state criminal law.

D. Final Decision. After the consideration of all relevant information and testimony presented, the Planning Commission shall make its decision, based upon substantial evidence. The Planning Commission's decision shall be supported by findings of fact, and shall constitute a final decision. The final decision is appealable per the provisions of *Section 3.020.080: Appeal Procedure.*

Section 6.050**ACCESS MANAGEMENT**

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6.050.010 Purpose

The purpose of this Section is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. The number and placement of driveways is established to reduce traffic conflicts by limiting and clearly defining the function of openings onto streets. This Section balances the right of reasonable access to private property with the rights of the citizens of the City to safe and efficient pedestrian, bicycle and vehicle travel. This section is adopted to implement the access management policies of the City as set forth in the Transportation System Plan and State Highway Access Management policies.

6.050.020 Applicability

The provisions in this Section shall apply to all arterials, collectors, and local streets within the City of The Dalles and The Dalles Urban Growth Boundary, and to all properties which abut these roadways. The access classification system and standards of the Oregon Department of Transportation shall apply to all roadways on the State Highway System. The provisions of this Section shall not be construed to deny access to legal lots of record existing prior to the adoption date of this Ordinance.

6.050.030 General Requirements

- A. Unified Access and Circulation. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this Ordinance. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required by this Section shall be met. The owner and all lessees within the affected area are responsible for compliance with the requirements of this Ordinance and both shall be cited for any violation.
- B. Connectivity. The street system of any proposed development shall be designed to coordinate with existing, proposed, and planned streets outside of the development. Where required by the approving authority, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed, per the provisions of

Section 9.030: Partitions, Minor Replats, and Lot Line Adjustments, concurrent with the development.

C. Corner Clearance.

1. No new connections to public streets shall be permitted within the functional area of an intersection or interchange as defined by the spacing standards in *Section 6.050.040* below, unless no other reasonable access to the property is available.
2. Where no other alternatives exist, the approving authority may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (for example: right in/out, right in only, right out only, medians) may be required.

D. Joint and Cross Access. Adjacent commercial/office properties which are open to the public shall provide a cross access drive and pedestrian access to allow circulation between sites, and shall be subject to the following:

1. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - a) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - b) A design speed of 10 mph and a maximum width of 22 feet to accommodate two-way travel aisles designated to accommodate automobiles, service, emergency, and loading vehicles.
 - c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access.
 - d) A unified access and circulation system plan for coordinated or shared parking areas.
2. Shared parking areas shall be permitted a reduction in required parking spaces per the provisions of *Section 7.020.060: Shared Parking* or *Section 7.020.070: Parking in Mixed Use Development*.
3. Where joint and cross access is provided, property owners shall:

- a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access and/or service drive.
 - b) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be eliminated after construction of the joint use driveway.
 - c) Record a joint maintenance agreement with the deed defining the maintenance responsibilities of the property owners.
4. The approving authority may modify or waive the requirements of this Section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.
- E. Emergency Access. All development shall be arranged on site so as to provide safe and convenient access for emergency vehicles.
- F. Nonconforming Access. Permitted access connections which are in place as of the date of adoption of this Ordinance that do not conform to the standards in this Section shall be designated nonconforming, and shall be brought into compliance with the applicable standards when any of the following occur:
1. A new access connection permit(s) is approved.
 2. Structures or parking areas are enlarged by more than 20% of their respective total area.
 3. A change of use occurs on a specific site(s) which requires review, per the provisions of *Section 6.150: Changes to Uses and Structures*.
 4. A 20% increase in trip generation occurs.
 5. As roadway improvements allow.
- G. Phased Development Requirements. Each phase of a phased development, including the final development, shall be planned to conform to the provisions of this Section.
- H. Double Frontage Lots. When a residential subdivision is proposed that would abut on an arterial, through lots along the arterial shall be

provided with access from a frontage road or interior local street. The access rights of these lots to the arterial shall be dedicated to the City and recorded with the deeds. A berm or buffer yard may be required at the rear of the through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

6.050.040 Access Standards

(NOTE: Access to lots of record existing at time of adoption of this Ordinance shall not be denied. 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 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.
- B. Vertical and Horizontal Curves. Plans should be checked in both the vertical and horizontal plan for site distance obstructions. If vertical or horizontal curves are located within the City's Preferred Access Separation distance, a licensed professional engineer specializing in traffic shall recommend the spacing standard.
- C. Oregon Department of Transportation (ODOT) Jurisdiction. ODOT access classification systems and standards shall apply to all roadways on the ODOT State Highway System.

Table 1: Preferred Spacing Standards, All Streets

Street Type	Posted Speed (MPH)	Access Separation
Arterial	25 - 40	300 - 600 feet
Collector	25 - 35	150 - 300 feet
Residential	20 - 25	50 feet

Table 2: Stopping Sight Distances, Arterials and Collectors
(Spacing standards based on straight sight lines)

Posted Speed (MPH)	Stopping Sight Distance (feet)
20	125
25	150
30	200
35	250
40	300

Table 3: Residential Minimum Spacing Standards

Local Residential Streets	Spacing
20 - 25 MPH	<ul style="list-style-type: none"> • Interior Lots: 10 feet (shared driveways allowed) • Corner Lots: minimum 5 feet and maximum 10 feet from the interior property line)

6.050.050 Exceptions to Standards

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, provided a minimum separation based on safety is maintained and all of the following requirements are met:

- A. Public Safety. A licensed professional engineer specializing in traffic submits proof that a reasonable standard of public safety applies.
- B. 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. Legal Lot(s) of Record. The lot(s) is a legal lot(s) of record.

Section 6.060**DRIVEWAY AND ENTRANCE STANDARDS**

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6.060.010 Purpose

This Section establishes driveway and entrance standards to ensure that traffic congestion and hazards are avoided, vehicular and public safety are protected, and adequate vehicular circulation is maintained at connections to City streets and alleys.

6.060.020 General Standards

(NOTE: *Section 6.050: Access Management* describes spacing requirements between driveways.)

No approach/entrance shall be built closer than 5 feet to any property line except as authorized below in *Subsection 6.060.050: Shared Driveways*. The length of driveways shall be designed to accommodate the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing up into the flow of traffic on a public street or causing unsafe conflicts with on-site circulation. In addition, driveways and entrances shall meet the following applicable requirements:

- A. Arterial, Collector, and Commercial/Industrial Local Streets.
1. **Width and Number.** The number of driveways and other access points shall be determined by the City Engineer based on the needs of the property owner, the size, location, and configuration of the property, the adjacent streets and driveways, and other factors as determined by the City Engineer.
 2. **Commercial/Industrial Driveways.** Driveways for properties zoned commercial or industrial can apply for approval for driveways wider than 35 feet upon demonstrating that a need for a wider driveway exists. The applicant must provide a report from a licensed engineer showing that a 35 foot driveway is not sufficient. The applicant must also show the proposed driveway is safe, that the result will be compatible with adjacent properties, and that the driveway location will satisfy the provisions of *Section 6.050.030 C. 1.*
 3. **Angle.** All two-way driveways/entries shall have a right angle intersection with the street. One-way driveways/entries may be placed on a 60 degree angle.
 4. **Maneuvering Within Street.** All drives and entrances shall be designed for forward in/forward out vehicle movement only. No backing movements or other maneuvering within the street

right-of-way are allowed.

B. Residential Local Streets and Alleys.

1. **Width.** No entrance shall be less than 12 feet wide. Driveway width shall be practical to serve the development, and, where determined by the Fire Marshal to be necessary for the purposes of fire fighting and life safety, shall be a minimum of 12 feet wide. Number and width of driveways/entrances shall also be in accordance with the following table:

Frontage	Maximum Width, One Driveway	Maximum Width, Two Driveways
Up to 50 feet	20 feet	Two driveways not permitted
51 to 100 feet	24 feet	15 feet each
Over 100 feet	24 feet	24 feet each

2. **Angle.** All driveways and entrances shall have a right angle intersection with the street, except one-way driveways/entries which may be placed on a 60 degree angle.
3. **Maneuvering Within Street.**
 - a) **1 and 2 Family Dwellings.** 90 degree in/back out vehicular movements will be allowed for single family and duplex dwellings with 4 or fewer parking spaces only. Other angles may be allowed with the approval of the City Engineer, based on unique topographic conditions that may exist on site.
 - b) **Rear Lot Development.** All driveways serving rear lot development shall be designed for forward in/forward out vehicle movement only.
 - c) **Other Permitted Uses.** All drives or entrances accessing uses other than 1 and 2 family dwellings or accommodating groups of more than 4 parking spaces shall be designed for forward in/forward out vehicle movement only. No backing movements or other maneuvering within the street right-of-way will be allowed.

4. Nonconforming Driveways. With approval of the Director, existing nonconforming driveways that cannot practically meet current driveway standards can be approved for a 3 foot wing and reduced minimum width.

C. One Way Driveways:

1. Long driveways will have appropriate signage designating the driveway is one way.
2. Residential Lots on Arterial and Collector Streets. Direct access onto arterial and collector streets in residential zones is discouraged. The preferred order of access is as follows:
 - a) Access from a side street or other existing access point;
 - b) A forward in, forward out arrangement including two driveways, regardless of the size of frontage as stated in Paragraph B above;
 - c) All other possibilities, including backing out, subject to approval by the City Engineer.

6.060.030 Grade

- A. At Sidewalk. Driveway and entrance grade at the sidewalk shall not exceed 2%. Where the sidewalk forms part of the entrance apron, the sidewalk shall bump out around the apron to allow for the 2% grade.
- B. Approach Grade. Approach grades for all driveways on arterial or collector streets shall not exceed 5% for the first 20 feet.
- C. Grade Preferred drive grade is 12% or less.

6.060.040 Surfacing

- A. Drive Pads. Driveway connections to City streets shall be constructed of concrete in accordance with City Public Works Department Standards. Runners are generally not acceptable for use as driveway approaches. Pavement may be required for up to the full length of a driveway, but in no event less than 20 feet back from the right of way. Pavement width shall be a minimum of 12 feet. Driveway approaches to alleys may be constructed of concrete, asphalt, pavers, or other hard surface approved by the City Engineer. Gravel alley approaches may be

allowed with the approval of the City Engineer.

B. Driveways Connecting to Arterial and Collector Streets.

1. 0 to 5% Grade. Surface with pavers, asphalt, concrete, chip seal (oil matte), or other surface approved by the City Engineer based on unique topographic conditions.
2. Greater than 5%. Surface with asphalt, concrete, or other surface approved by the City Engineer based on unique topographic conditions.
3. Grades over 10% require prior approval from both the City Engineer and Fire Marshal.

C. Drives and Entrances from Local Streets.

1. 1 and 2 family dwellings. Surface with pavers, asphalt, or concrete, concrete runways (2' 6" wide, runways 2' 8" apart, widened for all turns), chip seal, or other surface approved by the City Engineer, based on unique topographic conditions. Concrete runways shall not be allowed on grades over 5%.
2. All other development. Surface with asphalt, concrete, or other surface approved by the City Engineer, based on unique topographic conditions.
3. Grades over 10% required approval from both the City Engineer and the Fire Marshal.

6.060.050 Shared Driveways

Shared driveways will be encouraged in commercial and industrial zones (in accordance with the provisions of *Section 6.050: Access Management*) in order to minimize the number and width of entrances onto City streets. Shared driveways of up to 30 feet in width may be allowed in residential zones with the approval of the City Engineer.

Section 6.070**MEASUREMENTS**

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6.070.010 Purpose

This Section explains how measurements are made in this Ordinance.

6.070.020 Fractions

When calculations result in fractions the results will be rounded as follows:

- A. Minimum Requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50 foot strip, the resulting fraction of 1.67 is rounded up to 2 required trees.
- B. Maximum Limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 3,000 square feet is applied to an 8,000 square foot site, the resulting fraction of 2.67 is rounded down to 2 allowed dwelling units.

6.070.030 Measuring Distances

- A. Distances.
 2. Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. See Figure 6-1.

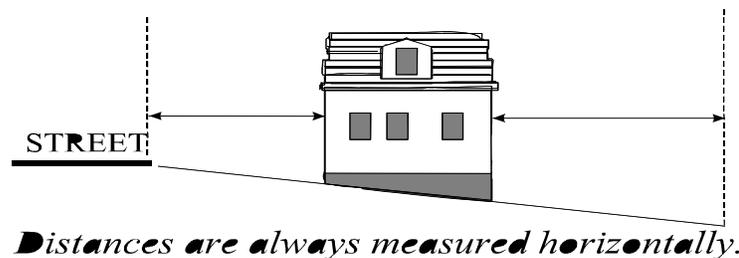


Figure 6-1

2. Measurements are shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects. See Figure 6-2. (Exceptions are stated in *Subsections (B), (C), and (D)* below.)

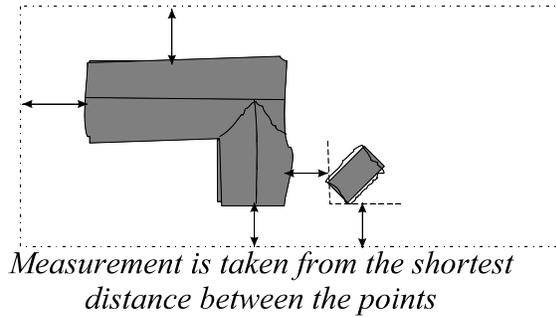


Figure 6-2

- B. Vehicle Travel Areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane. See Figure 6-3.

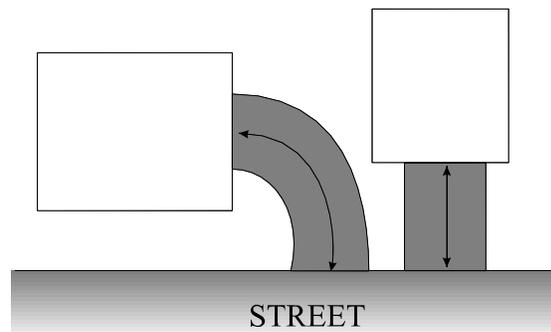
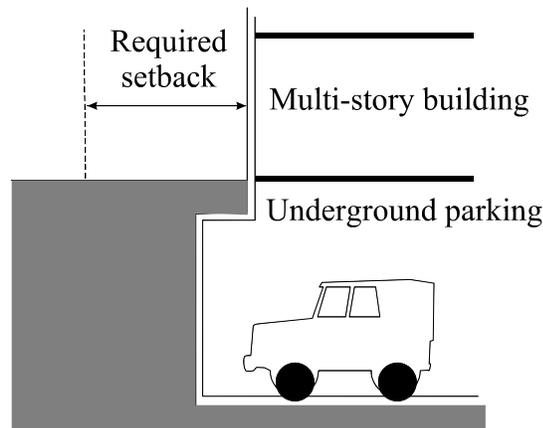


Figure 6-3

- C. Measurements Involving a Structure. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, and bay windows up to 12 feet in length, are not included in the measurement. Other items, such as covered porches and entrances, are included in the measurement. See Figure 6-2 above, and *Section 6.080: Projections Into Yards.*
- D. Underground Structures. Structures or portions of structures that are entirely underground are not included in measuring required distances. See Figure 6-4.



Measurements do not include underground structures.

Figure 6-4

6.070.040 Determining Zoning Boundaries

Zone boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a property line or topographic feature, such as the top of slope, middle of stream, 25 feet from top of bank, or 30 feet from property line. When zone boundaries are shown crossing properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the Official Zoning Map, using the center of the zoning line.

6.070.050 Measuring Height

- A. Building Height. Height of buildings is generally measured as provided in the Oregon Structural Specialty Code. 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 building. All measurements shall be to the highest point of the roof, except for a stepped or terraced building. The height of a stepped or terraced building is the maximum height of any segment of the building.

1. **Base point 1.** Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade. See Figure 6-5.
2. **Base point 2.** Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described in Paragraph 1. above, is more than 10 feet above lowest grade. See Figure 6-6.

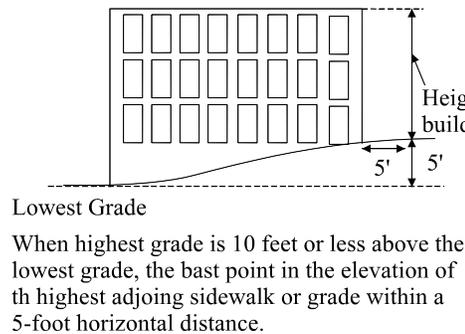


Figure 6-5 (Base point 1)

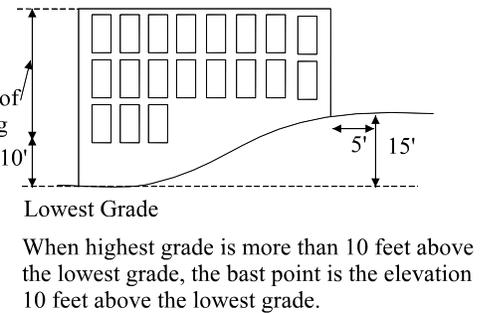


Figure 6-6 (Base Point 2)

- B. **Height of Other Structures.** The height of other structures such as flag poles and communications towers is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zone by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided as follows:

1. **Fences and Walls.** Fences, walls, and fences on top of retaining walls are measured from the ground level on the higher side of the fence or wall. See Figure 6-8.

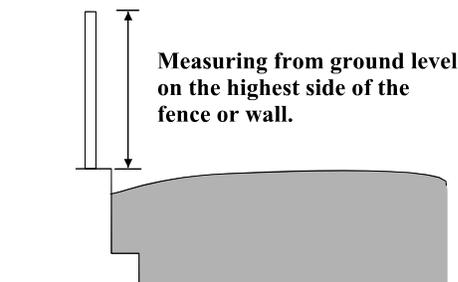


Figure 6-8

2. **Height of Decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail or if the rail walls are more than 50% open, and from the ground to the top of the rails for all other situations. (Note: Reference the Oregon Structural Specialty Code for railing requirements.)

6.070.060 Determining Average Slope

When calculating the slope of a lot an average slope is used based on the elevations at the corners of the lot. The average slope of a lot is calculated by subtracting the average elevation of the downhill lot line from the average elevation of the uphill lot line and dividing the sum by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 6-9.

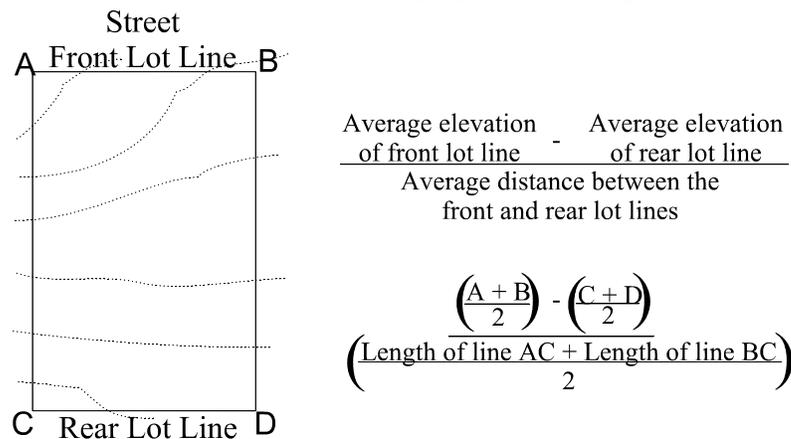


Figure 6-9

6.070.070 Determining the Garage Wall Area

The garage wall area is determined by calculating the area of the specific side of a structure that is backed by garage space. The garage wall area is not limited to the area of the garage door; it includes all the area on the specified side of a structure between the ceiling, floor, and walls of the garage. See Figure 6-10.

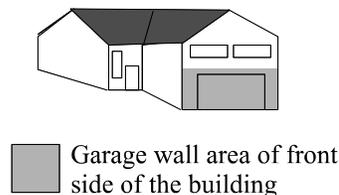


Figure 6-10

6.070.080 Measuring Lot Widths and Depths

Lot widths and depths are measured from the midpoints of opposite lot lines. See Figures 6-11 and 6-12.

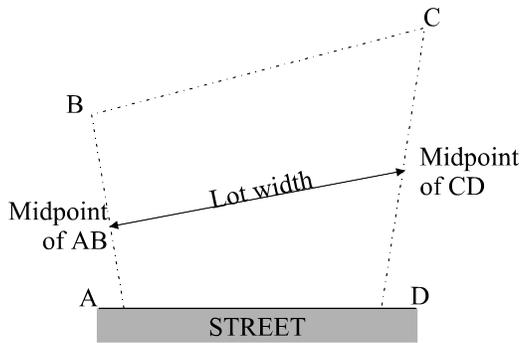


Figure 6-11

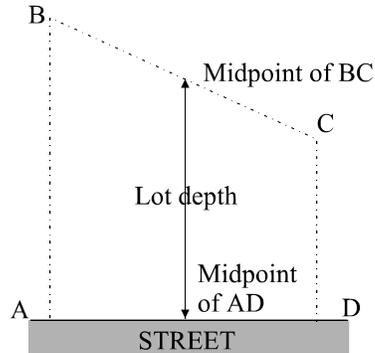


Figure 6-12

6.070.090 Setback Averaging

Certain regulations allow for setbacks to be averaged. In these situations the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 6-13 on the following page. The following rules apply in calculating the average:

- A. Same Type of Setback. The setbacks used for the calculations must be the same type of setback that is being averaged. For example, only garage entrance setbacks can be used to average a garage entrance setback.
- B. Must Abut. Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used.
- C. Vacant Lots. When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the non-vacant lot and the required setback for the zone.

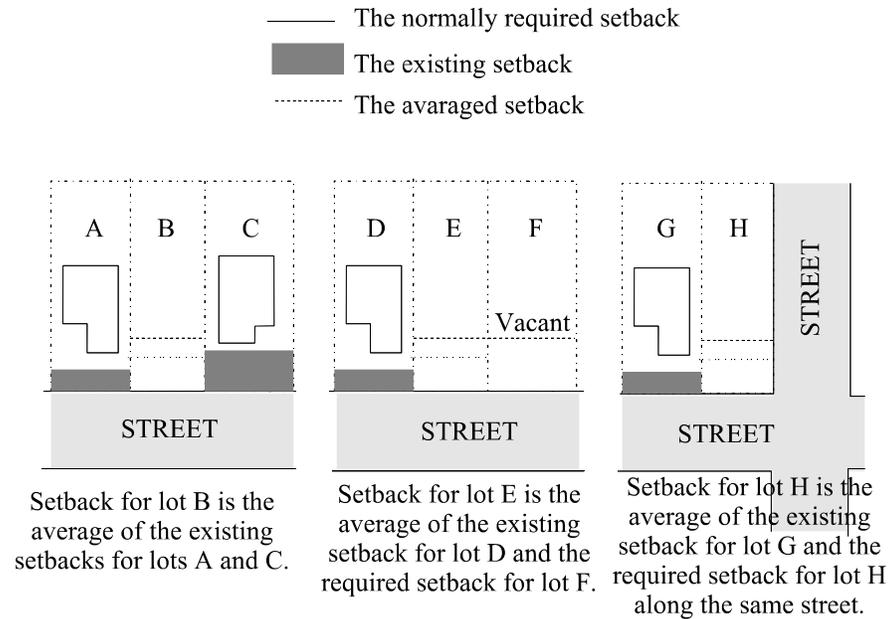


Figure 6-13

6.070.100 Measuring Tree Diameter

Unless otherwise specified in this Ordinance, tree diameter is measured at a height of 5 feet above the ground. In all cases, trees on slopes are measured from the ground level on the lower side of the tree. If the tree splits into multiple trunks below 5 feet, the trunk is measured at its most narrow point below the split.

6.070.110 Survey Requirement

When a building is proposed to be placed close to a required setback, or close to a property line if no setback is required, the City may require the applicant to obtain a survey to locate the property line. In determining whether a survey should be required, factors to be considered include how close the building is proposed to be to the required line, evidence of prior surveys, other indications of the location of the property line, disputes from neighbors, and other relevant factors.

Section 6.080

PROJECTIONS INTO YARDS

Projections from buildings into required yards shall meet the following criteria. See *Section 6.070: Measurements* for measuring requirements.

A. Architectural Features.

2. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues may project up to 3 feet into a required yard, provided a 30 inch minimum setback is maintained from any property line. Structures that are open on three sides, with a minimal number of support beams, are subject only to the setback requirements of Section 6.080(A)(2), and are exempt from the provisions of Section 6.080(A)(3).
3. Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons or property of any kind.
4. No architectural features shall be located within the vision clearance area, per the provisions of *Section 6.100: Vision Clearance*.

B. Porches, Terraces, Decks, Balconies, Patios, and Fire Escapes.

2. **Front and Rear Yards.**

- a) Porches, terraces, decks, patios, and balconies that are limited in elevation to the first floor of the building may project or extend into a required front or rear yard up to 5 feet from the property line.
- b) Fire Escapes may project into the front or rear yard up to 5 feet from the property line.

3. **Side Yards.**

- a) Porches, terraces, decks, patios, and balconies less than 10 inches above grade may project or extend into a required side yard up to the property line.

- b) Uncovered terraces, decks, patios, and balconies greater than 10 inches above grade, and fire escapes may project or extend into a required side yard up to 3 feet from the property line.

Section 6.090

HEIGHT LIMITATION EXCEPTIONS

A. General.

1. Except for the requirements of Subsection (B) below, height limitations shall not apply to grain elevators or water towers.
2. Except for the requirements of Subsection (B) below, height limitations shall not apply to Wireless Communication Facilities, which are instead subject to the requirements of *Section 6.140: Wireless Communication Facilities.*
3. In non-residential zones, except for the requirements of Subsection (B) below, necessary roof structures, elevator shaft housings, towers (except wireless communication towers), steeples, aerials, smoke stacks, solar or wind energy devices, and other similar objects (except flagpoles, which are described below in Subsection (4)) not used for human occupancy with a height limit, measured from the adjacent grade, of 75 feet or less are not subject to the zone district height limits. Where the structure exceeds 75 feet, a conditional use permit shall be required, per the provisions of *Section 3.050: Conditional Use Permits.* The structure in question shall be considered a permitted conditional use for purpose of the required conditional use permit application. In residential zones, typical roof structures such as chimneys and vents are allowed over the height limitation.
4. Flagpoles shall be limited in height to the greater of 20 feet or 110% of the maximum height of the primary structure.

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

Section 6.100

VISION CLEARANCE

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6.100.010 Purpose

Vision clearance areas shall be provided on all lots and parcels located at corner intersections of all streets, and at intersections of alleys with streets, to promote pedestrian, bicycle and vehicular safety.

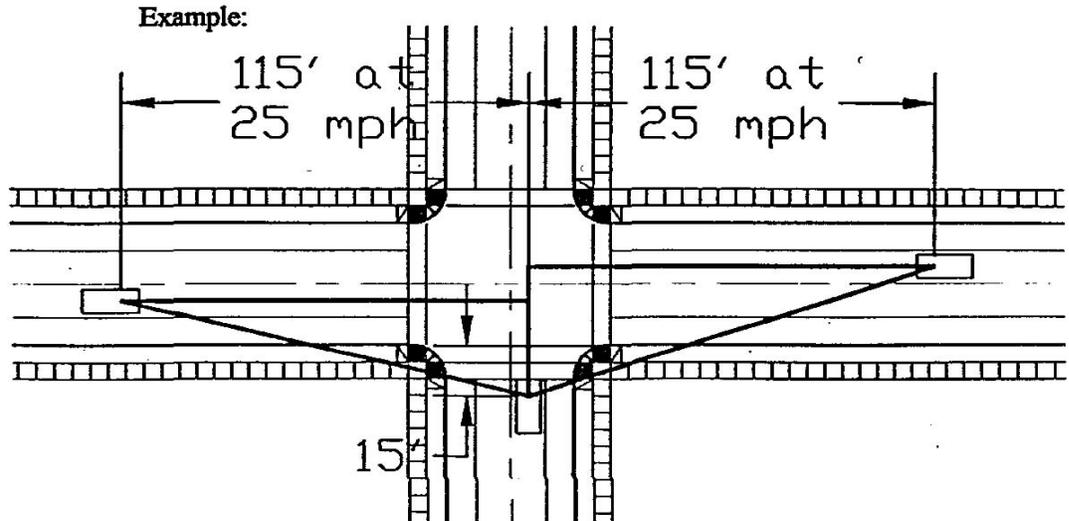
6.100.020 Exemption

Vision clearance at street intersections and alley intersections with streets shall not be required in the CBC - Central Business Commercial District.

6.100.030 Clear Vision Areas

A clear vision area shall be the area on private property which falls within the clear vision triangle. The clear vision triangle shall be formed on 2 sides by the sight lines of the driver in a vehicle at a stop sign. (The third side of the triangle connects the 2 sight lines.) The distance of the sight lines is relative to the posted speed limit and specified below. On controlled intersections, the position of the driver shall always be assumed to be 15 feet back from the line of the intersecting street at intersections of streets with streets, and 10 feet back from the line of the intersecting street at intersections of alleys with streets. Where intersections are uncontrolled, the position of the driver shall also be the sight distance back from the extended intersection. Stop control is required on the minor intersecting street, and is assumed on intersecting alleys and driveways.

- A. Residential Street Intersections (25mph). Clear vision areas shall be formed by sight lines measured back 115 feet from the position of the driver.



- B. Minor Collector Street Intersections (25-35 mph). Clear vision areas shall be formed by sight lines measured back 115 feet from the position of the driver where the speed limit is 25 mph, 130 feet from the position of the driver where the speed limit is 30 mph., 160 feet from the position of the driver where the speed limit is 35 mph.
- C. Major Collector and Arterial Street (25-40 mph). Clear vision areas shall be formed for the speed limits listed in (A) and (B) above, and by sight lines measured back 180 feet from the position of the driver where the speed limits is 40 mph.

6.100.040 Clear Vision Requirements

Vision clearance areas shall contain no plantings, fences, walls, screens, structures, or permanent or temporary obstructions exceeding 24 inches in height, measured from the top of the pavement, with the following exceptions:

- A. Trees. Trees are allowed in the clear vision area only when all branches and foliage are removed from the trunk to a height of 9 feet above the top of the curb.
- B. Other. Traffic control devices, street lights, signs erected for public safety, and utility installations meeting the approval of the City Engineer.

6.100.050 Clear Vision Easements

Vision clearance easements shall be required on corner properties at intersecting streets for all new development. The vision clearance easement area shall be determined per the provisions of *Section 6.100.030* above. Once determined, the vision clearance easement shall be granted to the City, deed recorded, and shown on the plat or parcel map as an easement for vision clearance.

Section 6.110

WAIVER OF RIGHT TO REMONSTRATE

Effective February 12, 2007, an applicant who submits a request for a single family dwelling building permit, or a single family accessory structure, will not be required to execute a waiver of remonstrance agreement for the formation of a local improvement district. Waivers of remonstrance shall be required for non-residential planning actions and for other building permit applications if the proposed development would increase traffic flow on any street not fully improved to City standards. Waiver of remonstrance agreements executed prior to February 12, 2007, shall be processed pursuant to the provisions of General Ordinance No. 91-1127, which set forth the procedures for formation of local improvement districts.

Section 6.120**MANUFACTURED DWELLINGS**

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6.120.010 Purpose

This Chapter describes the different types of manufactured dwellings and their location and siting requirements.

6.120.020 Background

Manufactured dwellings fall into three categories: residential trailers, mobile homes, and manufactured homes (see *Chapter 2: Definitions*). Buildings and structures subject to the State of Oregon Structural Specialty Code (i.e. modular structures) or those identified as recreational vehicles by the manufacturer are not considered manufactured dwellings. For the purposes of this Ordinance, manufactured dwellings shall be divided into two categories: residential trailers/mobile homes, and manufactured homes. Different requirements apply to each category per State law and these regulations.

6.120.030 Residential Trailers and Mobile Homes

- A. Location. Residential trailers and mobile homes shall only be located in the RM – Medium Density Residential zone district, except where permitted as a temporary on-site construction office, or as an approved dwelling for care-taking, maintenance or security personnel.
- B. Set-Up. The minimum set-up, stand, anchoring, and skirting requirements shall be those established for manufactured dwellings by the Oregon State Department of Commerce, Building Codes Division.
- C. Patios, Awnings and Carports. All single wide mobile homes, excluding residential trailers, shall have at least 1 patio or porch awning, or a carport, constructed of light-weight manufactured materials and anchored to the ground and the awning track of the mobile home. (Single wide mobile homes in Manufactured Dwelling Parks shall be exempt from this requirement.)
- D. Exterior Requirements.
 - 1. Where metal skirting is used, the material shall be painted and formed in a manner complimentary to the siding of the residential trailer/mobile home.
 - 2. The color and pattern of any patios, decks, awnings, carports, and other structures shall be coordinated with the subject dwelling, and all metal and wood surfaces shall be painted.

- E. Insignia of Compliance for Mobile Homes. All mobile homes shall bear an “Insignia of Compliance” as provided by Oregon State Law. However, the Director may waive this requirement for units constructed prior to January 1, 1962, or for units constructed outside of the State of Oregon, provided that evidence is submitted indicating that the unit substantially complies with Oregon State laws.

6.120.040 Manufactured Homes

In addition to the following, manufactured homes shall comply with all of the requirements of this and other City Ordinances that would apply to a conventional single-family residential dwelling on the same lot:

- A. Location.
1. Manufactured homes shall be an allowed use on all land where single family residential uses are allowed, except areas designated as historic districts, and residential land immediately adjacent to a historic landmark.
 2. This section shall not be construed as abrogating a recorded restrictive covenant
- B. Set-up.
1. RM – Medium Density Residential District. The minimum set-up and stand requirements shall be those established for manufactured dwellings by the Oregon State Department of Commerce, Building Codes Division, at the time the home is placed.
 2. All Other Zone Districts (Excluding RM). Manufactured homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter. The enclosing material used shall be in compliance with the appropriate Oregon State Structural Specialty Code regulations in effect at the time of home placement.
- C. Home Size. All manufactured homes on individual lots meet the following minimum requirements (manufactured dwellings in mobile home parks are exempt from these home size provisions):

1. RL - Low Density Residential District. Double wide or wider (multi-sectional), 1,000 square feet of livable floor area.
 2. RH - High Density Residential District. Double wide or wider (multi-sectional), 900 square feet of livable floor area
 3. RM – Medium Density Residential District. Single wide or wider.
- D. Roof Pitch. The minimum roof pitch shall be 3 feet in height for each 12 feet in width.
- E. Building Exterior. Exterior roofing and siding shall be similar in color, material and appearance to roofing and siding commonly used on new site built dwellings within the community. Bare metal siding and roofing is prohibited.
- F. Garages and Carports. In the RL - Low Density Residential and RH - High/Medium Density Residential zone districts a garage shall be required when more than 50% of the houses on the subject block (both sides of the street) have existing garages, and a carport required when more than 50% of the houses on the subject block (both sides of the street) have existing carports. Garages and carports shall be constructed of materials similar to the manufactured home.
- G. Landscaping. Landscaping shall meet the requirements of Section 6.010.020.

Section 6.130**TEMPORARY FAMILY HARDSHIP EXEMPTION**

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6.130.010 Purpose

The purpose of this Section is to permit the temporary siting of a manufactured dwelling or recreational vehicle (RV) on a developed single family lot when it can be shown that a family member must be near another family member in order to receive adequate care for a physical or mental impairment, infirmity or other disability.

6.130.020 Exclusion

This hardship exemption shall not apply to properties located within established Historic Districts.

6.130.030 Review Procedures

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, applications for hardship exemptions shall be accompanied by a site plan indicating all existing and proposed building footprints and uses, distances between existing and proposed buildings, setback distances from all property lines, and existing and proposed driveways, accessways and off-street parking.
- B. Review. Applications for hardship exemptions shall be processed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions*.
- C. Time Limit. A temporary family hardship permit shall be valid for one year from the date permit is issued, or until the hardship ceases to exist, whichever comes first, subject to renewal as specified below in *Subsection (D)*.
- D. Renewal. Hardship permits may be renewed annually. At least 45 days prior to the expiration of the permit, a hardship permit holder seeking renewal shall submit a renewal application with the required fees. The renewal applications shall be processed in the same manner as the initial application.

6.130.040 Review Criteria

A temporary hardship exemption permit shall be granted only if all of the following criteria are met:

- A. Need. A written communication is submitted to the Department from a physician, therapist, or professional counselor which provides satisfactory evidence that the family member on whose behalf the hardship permit is being sought is suffering either a physical or mental impairment, infirmity, or is otherwise disabled and must be near another family member in order to receive adequate care.
- B. Residential Property. The lot on which the temporary manufactured dwelling would be placed is a permitted or legal non-conforming single family lot of record.
- C. Single-wide. The temporary manufactured dwelling is limited to a single-wide structure with no more than 2 bedrooms and 800 square feet of livable floor area.
- D. Setbacks. The temporary dwelling shall be setback a minimum of 10 feet from the primary dwelling and all interior and exterior lot lines.
- E. Location.
 - 1. The temporary manufactured dwelling shall be located to the rear of the primary dwelling (except on corner lots).
 - 2. Only self-propelled RVs may be located within designated easements.
- F. Access. The property owner shall maintain a pedestrian and vehicular access drive to the temporary manufactured dwelling (capable of supporting the weight of emergency vehicles) for the purpose of emergency access and future removal of the manufactured dwelling.
- G. Placement.
 - 1. The temporary manufactured dwelling shall not be placed on a permanent foundation, but shall meet all set-up requirements of the State of Oregon.
 - 2. Permanent grading and/or filling is not permitted in order to accommodate the hardship dwelling, however a maximum of 12 inches of cut and/or fill is allowed for minor leveling.

3. Dwellings and vehicle on wheels shall have their wheels adequately blocked to prevent movement.
- H. Screening. The temporary manufactured dwelling shall be screened from abutting properties with a 75% opaque site-obscuring wall or fence 6 feet in height, or vegetation at least 6 feet in height. (This requirement can be met by existing or new materials.)
- I. Skirting. The temporary manufactured dwelling shall be skirted with material which in design, color, and texture appears to be an integral part of the adjacent exterior wall of the manufactured dwelling.
- J. Water and Sanitary Sewer. The temporary manufactured dwelling shall be connected to an on-site water and sewer system which serves the existing dwelling on the same lot. These connections shall be approved by the Public Works Director.
- K. Storm Water Management.
1. The grade shall slope away from hardship dwellings to prevent puddling underneath the dwelling.
 2. Storm water runoff from the hardship dwelling shall not flow onto adjacent properties or the public right-of-way.
 3. For properties located within the areas designated A1 or A2 on The Dalles Landslide Hazard Study Map (Plate 3), storm water runoff from the hardship dwelling shall be disposed of in the storm sewer where one exists to serve the subject property.
- L. Federal, State and Local Regulations. Construction and installation of plumbing, gas, piping, electrical equipment, wiring, foundations, tie-downs, over-the-top ties, and skirting shall comply with all applicable federal, state, and local rules, regulations, and laws.
- M. Smoke Detectors. The hardship dwelling shall have at least one functioning smoke detector.
- N. Flood Hazard. The temporary manufactured dwelling shall comply with all applicable federal, state, and local flood hazard area rules and regulations.

- O. Removal. Within 60 days of the date that the hardship for which the permit has been issued ceases, the temporary manufactured dwelling shall be disconnected from the sewer system and all other utilities and removed from the lot.

- P. Manufactured Dwellings. In addition to the other requirements of this Section, the temporary manufactured dwelling must be either a recreational vehicle or a manufactured dwelling as defined in *Chapter 2 - Definitions*.

6.130.050 Performance Contract

- A. Contract. Prior to issuance of a hardship permit, the compliance with approval criteria and adherence to an approved site plan shall be guaranteed by a performance contract binding upon the applicant and the applicant's successors in interest. The performance contract shall be prepared by the City Attorney and executed by the applicant and the City, and a memorandum thereof filed by the City with the Wasco County Clerk.

- B. Violations. If the applicant violates or fails to comply with any of the provisions of the performance contract or approved application, the City may invoke the enforcement procedures provided in the contract, or under applicable law, or both.

Section 6.140**WIRELESS COMMUNICATION EQUIPMENT**

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6.140.010 Purpose

This Section provides siting standards and review procedures for wireless communications facilities locating within the City of The Dalles and within the Urban Growth area administered by the City of The Dalles. The siting standards and review procedures are intended to:

- A. Regulate the placement, appearance, and number of wireless communications facilities.
- B. Ensure that the citizens of The Dalles have access to a variety of wireless telecommunications systems and providers.
- C. Reduce the visual impact of certain wireless telecommunications facilities by encouraging co-location.
- D. Establish a graduated system of review that will expedite facilities placement in preferred locations.
- E. Implement the applicable provisions of the federal Telecommunications Act of 1996.

6.140.020 Exclusions

The following uses and activities shall be exempt from these regulations:

- A. Existing towers and antennae, and any repair or maintenance of these facilities which does not create a significant change in visual impact.
- B. Ham radio towers, citizen band transmitters and antennae.
- C. Microwave dishes.
- D. Antennae and associated equipment and other apparatus located completely within an existing structure the purpose of which is to enhance or facilitate the communication function of other structures on the site.
- E. Federal, state, and local government facilities used for emergency communications.

6.140.030 Facility Type and Review Procedure by Zone

The following table describes the type of wireless communication facility and review procedure by zone. The placement, construction, and/or modification of wireless communication facilities is subject to review and approval as indicated below. The two options for review and approval are AA - administrative action, per *Section 3.020.040: Administrative Actions* or CUP - conditional use permit, per *Section 3.050: Conditional Use Permits*. NP indicates the type of antenna or support structure is not permitted. Overlay zones are subject to the requirements of the underlying zone.

Antenna or Support Structure	Zone District			
	RL/RH RM/CN	CBC/CG/ CR/CFO	I/CLI	P/OS
Antenna attached to existing structures (i.e. buildings, water towers, or other support structures)	AA	AA	AA	AA
Monopoles - maximum height of 35 ft.	CUP	AA	AA	CUP
Monopoles - 36 ft. to 70 ft. in height	NP	CUP	AA	CUP
Monopoles - Greater than 70 ft.	NP	CUP	CUP	CUP

6.140.040 Historic Districts and Structures

- A. Facilities Greater than 35 Feet in Height. Wireless communication facilities greater than 35 feet in height shall not be permitted within or adjacent to designated historic districts, nor on or adjacent to designated historic structures.
- B. Facilities Less than 35 Feet in Height. Wireless communication facilities less than or equal to 35 feet in height which are proposed to be placed within or adjacent to designated historic districts, or on or adjacent to designated historic structures shall be processed as follows:
 1. The application for the facility shall be a conditional use permit application, per *Section 3.050: Conditional Use Permits*.

2. Prior to the Planning Commission quasi-judicial hearing, the Historic Landmarks Commission shall first hold a public hearing to review the application and make a recommendation, with any conditions, to the Planning Commission.
3. The Historic Landmarks Commission's recommendation shall be included in the Department's staff report and shall become a part of the official record.

6.140.050 Applications

In addition to the requirements of *Section 3.010: Applications*, applications for siting wireless communication facilities shall be accompanied by the following as appropriate:

1. Existing Structures Analysis. An evaluation of the feasibility of either locating the facility on an existing building or structure, or co-locating the subject facility with other facilities on an existing monopole as an alternative to the requested permit. The existing structures analysis must include:
 - a) The location and ownership of existing telecommunications structures within the cell service area (not to exceed 2 miles).
 - b) Written verification and other documentation revealing the availability of existing sites/facilities/structures and/or cooperation shown by other providers to gain access to existing sites/facilities/structures which will meet the needs of the applicant.
 - c) The tower type and height of potential co-location facilities and/or the height of other potential support structures.
 - d) Where appropriate, the specific reasons why co-location is not feasible.
2. Alternatives Sites. Alternative site locations within 250 feet of the proposed site.
3. Visual Impacts Analysis. An analysis of the visual impacts of the proposed facility on residential dwellings within 250 feet of the proposed site and an assessment of potential mitigation measures, including relocation.

4. Other. Other information determined by the Director to be relevant to the subject application.

6.140.060 Review Criteria

The following review criteria shall be used to approve, approve with conditions, or deny applications for wireless communication facilities based on the following criteria. Applications processed as conditional use permits shall also meet all requirements of *Section 3.050: Conditional Use Permits*:

- A. Co-location. Co-location on existing wireless communication facilities within the cell service area of the proposed site is not feasible.
- B. Future Use. If feasible, the wireless facility shall be located and designed to preserve the ability for co-location of at least 1 additional user on all support structures exceeding 35 feet in height.
- C. Visual Impacts. Based on the visual analysis and mitigating measures, the location and design of the facility shall minimize visual impacts using setbacks, color, camouflaging techniques (stealth), and landscaping as appropriate.
- D. Adverse Impacts. The design minimizes identified adverse impacts of the proposed use to the extent feasible.
- E. Site Size. A new facility shall be sited on a parcel of a size and shape that complies with the following criteria:
 1. Setbacks. The tower foot print shall be set back at least two thirds the tower height from any property line. This setback may be reduced when the applicant demonstrates all of the following as appropriate
 - a) The shape or configuration of the parcel prevents compliance with the setback standard, or a reduction in setbacks is necessary to take advantage of screening opportunities (such as tall trees, tree groves, buildings, or other tall elements) not available within the required setback.
 - b) The reduction in setback is the minimum required to best camouflage the facility.
 - c) Adequate clearance between the facility and the property lines can be provided to accommodate landscaping and fencing.

- d) The reduction in setback will not cause a greater visual impact to adjacent uses.
2. Tower Pad. The tower pad shall be sited in a location that permits additional expansion to accommodate future co-located ancillary facilities. The tower shall be located on the pad so as to provide a maximum flexibility for future co-location. This standard shall not apply to antennas attached to existing structures or towers located on roof tops.
 3. Engineering Analysis. A licensed structural engineer's analysis shall be submitted to demonstrate that the potential impact of tower failure and ice falling from the tower shall be accommodated on site.
- F. Monopole Spacing. No new monopole shall be allowed within 2,000 feet of an existing pole, except where, in the opinion of the approving authority, a clustering of poles reduces their potential visual impact.
- G. Federal Aviation Administration (FAA) Requirements. In order to insure safety in the operation of public-use airports, no structure shall be erected, altered, or allowed to intrude into any airway imaginary surface established under the provisions of the Federal aviation Regulations (FAR) Part 77. An exception to this requirement may only be granted after approval by the FAA and the Oregon Aeronautics Division of the Oregon Department of Transportation.
- H. Lighting. None allowed except as required by the FAA.
- I. Fencing and Security. Monopoles and ancillary facilities shall be enclosed by a 6 foot security fence.
- J. Landscaping and Screening. Landscaping shall be reviewed on a case by case basis to determine the amount of screening necessary for the particular site. In every case, landscaping shall be placed outside of any fencing and shall reasonably screen the facility by subject zone district standards.
- K. Noise. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBA when adjacent to residential uses and 55dBA in other areas.

6.140.070 Removal of Antennas or Support Structures

Any antenna or wireless facility support structure that is not operated continuously for a period of 12 months shall be removed by the owner or lessee of the wireless communication support structure or antenna, or the owner of the property on which the antenna or support structure is located within 90 days of receipt of notice to remove from the City. If the antenna or support structure is not removed within 90 days, the City may remove the antenna or support structure at the owner's expense.

6.140.080 Financial Guarantee

A condition of approval for all monopoles shall be that the applicant post a financial guarantee in the amount and form approved by the City Attorney to ensure the proper removal of a facility when required by *Section 6.140.070* above. The owner of multiple facilities may satisfy these requirements by an appropriate single instrument.

Section 6.150**CHANGES TO USES AND STRUCTURES**

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6.150.010 Purpose

The purpose of this Section is to clarify the degree of structural or use changes proposed for a particular site, property or development which triggers a land use process. For the purposes of this Section, a land use process means either bringing the development into conformance with the current requirements of this and other City Ordinances or the filing of an application for a ministerial permit, planning action, or legislative action with the Department, or both.

6.150.020 Changes in Use

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.
- B. Similar Uses. A use change to a similar use shall not require an application review procedure unless warranted by changes to the structure as specified in *Section 6.150.030* below. An example of a change to a similar use would be a clothing store changing to a shoe store or other similar retail.
- C. Intensity of Use.
 - 1. A proposed change of use which is a permitted use, and which is a less intense use, shall not require an application review procedure, unless warranted by changes to the structure as specified below. Generally in land use, low density residential is the least intense use and industrial development is the most intense use.

2. A proposed change of use which is a permitted use, and which is a more intense use, shall require an application review procedure.

6.150.030 Changes to Structures

- A. Size of Change. Any change which results in an increase of more than 20%, which is also at least 500 square feet, of the structure's footprint shall require the appropriate application review procedure as specified in this Ordinance. Additions of 1,000 square feet or more shall require the appropriate application review regardless of the percentage increase.
- B. Non-conforming Structures. Structures which are considered legal non-conforming structures in terms of current ordinance requirements shall not increase any non-conformance with a proposed physical change.
- C. Approving Authority Determination. It shall be the responsibility of the approving authority to determine the similarity of uses for use changes, and the percentage footprint increase for changes to structures.

See Section 10.030(A) for damage caused by an act of God.

6.150.040 Modification of a Structure Housing a Nonconforming Adult Business

Any modification to a structure or surrounding properties utilized by an adult business shall be governed by the provisions of Section 6.150 of General Ordinance No. 98-1222.

Section 6.160**LIMITATION ON USES**

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6.160.010 Uses Allowed

- A. General. Uses allowed in a zoning district are limited to those listed in the code for that district, or authorized by an interpretation of the Director as provided for in Section 1.090. Uses not listed in a zone, including temporary uses, are not allowed.
- B. Intermodal Cargo Containers. Intermodal Cargo Containers are allowed in the CG-General Commercial District, in the CLI-Commercial/Light Industrial District, in the CR-Commercial Recreational District subject to the following conditions:
1. Each container shall obtain a building permit.
 2. Each container shall be screened per the provisions of section 6.010.050.
 3. Each container shall be painted and maintained in good condition, including being rust free.
- C. Temporary Use. Intermodal Cargo Containers are allowed temporarily in all zones without having to comply with section 6.160.010 B.
- D. Intermodal Cargo Containers are allowed in the I-Industrial District so long as they meet all State of Oregon building permit requirements and are painted and maintained in good condition, including being rust free.

6.160.020 Specific Uses not Allowed

In addition to the provisions of 6.160.010, the following uses are not allowed:

- A. Intermodal cargo containers used as storage units, except as provided for in section 6.160.010.
- B. Christmas tree sales on residential property.

6.160.030 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.

Chapter 7**PARKING STANDARDS**

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Section 7.010

PURPOSE

This Chapter describes off-street parking and loading standards and requirements. Off-street parking and loading shall be provided for all development requiring a building permit, except as exempted in this and other Sections of this Ordinance. No structures or buildings shall be occupied or used in any manner until all required parking areas are completed per approved plans, and ready for use as certified by the Director.

Off-street parking and loading areas shall be satisfactorily maintained, per the requirements of this and other City Ordinances, by the owner of the property for each building, structure, or use which is established, constructed, or altered.

Vehicle access and circulation related to off-street parking and loading areas shall encourage smooth traffic flow with minimum hazards to pedestrian, bicycle, and other traffic. Access to, and through parking and loading areas for bicycles and pedestrians shall be by safe, direct, and convenient routes. Accommodations for safe intersections of bicycle and/or pedestrian routes with vehicle routes shall be provided. Safe and convenient vehicle routes for service vehicles and fire, life safety and other emergency vehicles shall also be provided.

This Chapter sets minimum and maximum off-street parking requirements. Nothing in this Ordinance requires more than the minimum required off-street parking so long as no public safety hazards are created.

Section 7.020**GENERAL PROVISIONS**

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7.020.010 Applicability

The provisions in this Chapter apply to all permit and development applications, including but not limited to new development and/or additions or modifications to existing development which increases the building(s) combined total footprint area by more than 20%.

7.020.020 Vehicle Parking Plan Requirements

A vehicle parking plan, drawn to a scale of 1 inch equals 50 feet (1:50) unless otherwise approved by the Director, shall accompany all development permit applications, except those for one and two family structures (which are subject to the appropriate requirements of *Section 6.060: Driveway and Entrance Standards*), and those applications which will not increase or decrease the off-street parking requirement, not change the parking area configuration, nor increase the total building footprint(s) by 10% or less. The plan shall show those elements necessary to indicate that the requirements of this Ordinance are being met. The plan shall include, but not be limited to, the following:

- A. A delineation, including dimensions, of all individual parking spaces, planting bays, walkways and islands.
- B. Safe, logical and consistent site circulation routes, including delineation of all structures and any obstacles to circulation on the site. (All circulation systems shall be designed to avoid conflicts between bicycles, pedestrians, and vehicles.)
- C. Access.
- D. Curb and curb cuts.
- E. Location and type of screening materials where required.
- F. Location and type of landscaping and parking lot trees where required.
- G. Information on abutting land uses, including location of curb cuts, existing cross access, structures and uses, and travel demand where appropriate.
- H. Grading, drainage, surface and retaining wall details.
- I. Location, type, and height of lighting fixtures.

- J. Location and details of signs, pavement markings, and bumper guards which protect sidewalks, walkways, and property lines.
- K. Accessible walkways and type and location of ramps, driveways, and other accessway crossings, including connections to buildings and sidewalks.
- L. Bicycle parking areas.
- M. Location of wheel stops where included.
- N. Location of area specified for the deposit of plowed snow.
- O. Location of, and circulation route to garbage disposal area.
- P. Location, dimensions, and surfacing of passenger and delivery loading areas.

7.020.030 Location and Use of Motor Vehicle Parking

- A. Location. All vehicle parking spaces shall be on the same lot as the main structure they serve or on an abutting lot. However, if the applicant demonstrates that parking on the same lot is not available, the approving authority may authorize the parking spaces to be on any lot within 1000 feet walking distance from the use being served, upon written findings of compliance with the following provisions:
 - 1. There is a safe, direct, and lighted pedestrian route between the vehicle parking area and the use being served.
 - 2. There is an assurance in the form of a City Attorney approved deed, lease, contract or similar document that the required spaces will continue to be available for off-street parking use according to the required standards.
 - 3. Loading areas and delivery vehicle maneuvering areas shall be located only on or abutting the property served.
 - 4. Land devoted to off-site vehicle parking facilities is calculated as part of the total land area of the development proposal when determining minimum and maximum land use intensities and the number of dwelling units allowed.

- B. Use. Required vehicle parking shall be available for the parking of operable automobiles and bicycles of residents, customers and employees and shall not be used for storage and/or sale of vehicles, materials, or for the parking of trucks or other equipment used in conducting the business or use. A required loading space shall not be used for any other purpose than immediate loading or unloading of goods or passengers, as appropriate.

7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions

- A. Right of Development. A reduction of up to 10% of the minimum off-street vehicle parking requirements established in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*) is allowed as a right of development for all non-residential uses.
- B. Reductions for Bicycle Parking. Off-street motor vehicle parking requirements for non-residential uses established in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* may be reduced by 10% in addition to the reductions allowed in *Subsection (A)* above, if replaced by bicycle parking over the amount required in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*, at the rate of 1 bicycle space for 1 vehicle space.
- C. Reductions for Existing Uses. Property owners of existing non-residential 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:
1. When expansion of floor area and/or redevelopment of the site necessitates or creates an opportunity to reconfigure existing parking, the owner may take advantage of applicable vehicle parking reductions provided in *Subsections (A)* and *(B)* above.

2. Where pre-existing development is unable to accommodate off-street parking that is required by a proposed use change and/or an addition or modification to existing building(s), the applicant may request a conditional use approval for a parking reduction providing each of the following conditions is met. The conditional use permit shall be processed per the provisions of *Section 3.050: Conditional Use Permits*.
 - a) The enlargement, modification or use change does not displace any existing off-street parking.
 - b) The proposal is not for an existing non-conforming use.
 - c) The applicant can demonstrate that an opportunity for shared or joint parking, as specified in this Chapter, is not reasonably available.

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. Off-Street Parking Waiver. Minimum off-street parking spaces required by *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* may be waived for the following:
 1. The property is located within the boundaries of a legally adopted parking assessment district that provides district-wide parking facilities.
 2. The property is located within Sub-district CBC-2 in the Central Business Commercial district, as defined in *Section 5.050.020: Sub-Districts*.

- E. Non-Surface Lot Exemption. Motor vehicle parking located within, above, or beneath the building(s) it serves, or within a parking structure, is not counted toward the maximum parking limit, per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*, for the use served.
- F. Parking Management Plan. The off-street parking requirements in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* may be reduced or added to based on an approved parking management plan submitted by the applicant which adequately demonstrates that the plan will meet the parking needs of the proposed project without negative impact to adjacent uses. The approving authority shall approve, approve with conditions, or deny the parking management plan. The parking management plan must include the following and be prepared by a licensed professional engineer:
1. A parking demand analysis for the project.
 2. A project vicinity off-street parking supply and demand analysis.
 3. A shared parking analysis.

7.020.050 Modifications or Expansions of Existing Uses

Except as specified in *Section 7.020.04 (C)(2)* above, where off-street parking is required by this Ordinance no use of land, building or structure shall be modified or enlarged without inclusion of the required motor vehicle parking and bicycle spaces for the expansion, per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*, and all applicable requirements for off-street loading, per *Subsection 7.030.060: Passenger Drop-Off and Loading Zones*. All new parking spaces shall conform to the standards and provisions of this Chapter, and the requirements of the Oregon Americans With Disabilities Act.

7.020.060 Shared Parking

Two or more freestanding uses on the same, adjacent or nearby sites may satisfy the motor vehicle parking requirements of *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* by the use of a shared parking facility. Applicants taking advantage of this provision are not eligible for the parking reductions per *Subsections 7.020.040 (A), (B) and (C)* above. Shared parking is an option to the extent that the owners or operators proposing the shared parking can demonstrate the following:

- A. Facility Size. The size of the proposed shared parking area shall be at least as large as the number of vehicle parking spaces required by the larger(est) use per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*.
- B. Space Requirements. There are enough parking spaces to satisfy the minimum requirements, per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*, of all uses proposing to share the facility, **or** the owners or operators can show that the demand for parking in the shared facility does not materially overlap (uses primarily of a nighttime versus daytime, or weekday versus weekend nature).
- C. Written Instrument. A right of shared use shall be evidenced by a City Attorney approved deed, lease, contract, or similar written instrument upholding the right of shared parking.

7.020.070 Parking In Mixed Use Development

The requirements for motor vehicle parking for mixed use development may be determined using the formula method or the parking management plan method.

- A. Formula Method. Mixed use development projects using this formula are not eligible for further parking reductions per *Subsection 7.020.040 (A)* above, but may take advantage of reductions per *Subsections 7.020.040 (B) and (C)* above. For the purposes of this section, “mixed use” development can include any mix of residential, office, commercial, or light industrial use types:
 - 1. Primary Use. The primary use (largest portion of total floor area within the development) at 100% of the minimum vehicle parking required for that use per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*.

2. Secondary Use. The secondary use or uses (second largest proportion of total floor area within the development) at 70% of the minimum vehicle parking required per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*.
3. Subsequent Uses. Subsequent use(s) at 50% of the vehicle parking required for each use(s) per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*.

B. Parking Management Plan Method. A parking demand management plan may be submitted in accordance with *Section 7.020.040 (F)* above.

7.020.080 Required Carpool/Vanpool Parking

Commercial and industrial uses, government offices and facilities, educational institutions, hospitals and clinics, retirement homes, and nursing homes, all with more than 40 employees on any single shift (at the same location), and public and private educational facilities with more than 40 enrolled students above the age of 16 shall designate at least 10 %, but no fewer than 2, of the long-term (4 hours or more) employee or student vehicle parking spaces for carpool/vanpool parking. These designated spaces shall be closer to the building entrances than other long-term employee or student parking except for disabled accessible parking. These spaces shall be clearly marked “Reserved - Carpool/Vanpool Only” and include hours of use, per the Manual of Uniform Traffic Control Devices.

7.020.090 Fleet Motor Vehicle Parking

Vehicle parking spaces required per *Section 7.060: Minimum and Maximum Off-Street Parking Requirements* may not be used for storage of fleet vehicles, except when a use can show that employee and fleet parking spaces are used interchangeably. For the purposes of this Ordinance, space devoted to the parking of fleet vehicles shall be considered as outdoor storage, and will not affect required or maximum parking requirements.

7.020.100 Storm Water Pretreatment

All parking areas which are designed to accommodate 25 or more vehicles, or to contain 2 or more levels, or have a minimum of 10,000 square feet of paved surface, shall be required to install an oil/water separator to treat storm water capture before discharging to the storm water system. 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 Public Works Department of the City of The Dalles. The property owner is required to submit annual maintenance reports to the City. (Note:

See City Ordinance number 97-1213, Sewer Regulations and Ordinance number 96-1205, Pretreatment.)

Section 7.030**GENERAL DESIGN STANDARDS FOR SURFACE PARKING LOTS**

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7.030.010 Purpose

This Section describes the minimum design standards required for all at grade surface vehicle parking areas. One and two family dwellings are exempt from these requirements.

7.030.020 Location, Surfacing, Striping and Curb Cuts

- A. Location. No vehicle parking spaces shall occupy any of the required setbacks unless the parking area is the only developed use of a legal lot of record and provided that all the other screening and landscaping requirements of this Ordinance have been met. This requirement may be waived for the rear setback where alley access serves the subject property, provided the entire block length of the alley right-of-way is free and clear of any obstructions and adequately surfaced with an all weather material such as gravel, concrete, or asphalt. Parked vehicles shall not overhang property lines or walkways unless otherwise approved by the Director.
- B. Surfacing. On site areas used for the parking and maneuvering of vehicles shall be surfaced with material approved by the City Engineer.
- C. Striping. All parking spaces shall be striped.
- D. Curb Cuts. Curb cuts shall meet the design requirements specified by the Americans with Disabilities Act, the City Engineer, and the placement requirements specified in *Section 6.050: Access Management* and design requirements specified in *Section 6.060: Driveway and Entrance Standards*.

7.030.030 Internal Circulation

- A. General. Internal circulation shall be designed to facilitate movement of vehicles, bicycles and pedestrians in a safe and efficient manner, with a minimum of impervious surface coverage.
- B. Emergency Vehicles. Safe and convenient vehicular access shall be provided for service and emergency vehicles.
- C. Pedestrian Walkways. Safe, efficient, and conveniently located pedestrian walkways shall be provided.

- D. Integration and Separation. Integration and/or separation of vehicle, bicycle and pedestrian circulation systems shall be appropriate to the type and size of the development and anticipated traffic flows. Accessible connections to the adjacent public sidewalk(s) shall be provided in all cases where such sidewalk exists or is required as a condition of development.

7.030.040 Landscaping Requirements

A. General Provisions.

1. Motor vehicle parking lots, loading, and maneuvering areas shall be landscaped by medium and large canopied deciduous trees, mid-sized shrubs, and groundcovers to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and adjoining properties. The intent of a landscaped parking lot is also to break-up and screen the areas of impervious surfaces, reduce the level of carbon dioxide in areas of heavy vehicle use, return pure oxygen to the atmosphere, provide shade as a means of altering the microclimate, and generally improve the environmental and aesthetic qualities of the parking areas.
2. Efforts shall be made through the design and layout of parking area(s) to save as many existing trees on site as possible.
3. All required landscaped areas shall be irrigated with a permanent irrigation system.
4. The property owner is responsible for the establishment and continued maintenance of parking lot landscaping in accordance with the requirements of this Section.
5. The minimum planting size for trees shall be 2.5 inches caliper at 5 feet above grade per the requirements of *Section 6.070.100: Measuring Tree Diameter*.
6. Tree species shall be chosen from the recommended tree list provided by the Director; however trees must be deciduous and capable of reaching 30 feet in height and spread at maturity.

7. A minimum of 60% of all landscaped areas, including required planting strips and planting islands, shall be covered with trees, shrubs, and ground cover. The remaining 40% may be dry landscaped with approved materials.
8. Shrubs shall be at least 24 inches high at maturity and a minimum of one gallon size at the time of planting.

B. Landscaping/Screening Along a Public Right-of-Way. All surface vehicle parking lots larger than 6 spaces, and all maneuvering and loading areas shall provide a minimum 5 foot wide screen buffer between the parking, maneuvering or loading areas and a public right-of-way (except alleys and accessways). The screen buffer shall also be required along interior lot lines in residential neighborhoods. Where the curb or the edge of these areas is used as the tire stop for parking, the screen buffer area shall be a minimum of 7.5 feet wide. The screen buffer area shall be landscaped according to the following requirements:

1. One of the following 2 types of buffering shall be provided (in addition to required street trees):
 - a) Planting Strip. A planting strip in the required buffer between the right-of-way and parking area. The planting strip may be pierced by pedestrian and vehicle accessways. Planting strips shall be planted with trees meeting the specie and size criteria of *Subsections (A)(5)* and *(A)(6)* above, and a low level evergreen hedge no more than 48 inches in height.
 - b) Wall or Hedge. A decorative wall or evergreen hedge screen no more than 48 inches in height and established parallel to, and no nearer than 2 feet from, the right-of-way line. The area between the wall or hedge and the street/sidewalk line shall be landscaped. The wall or screening shall be designed to allow a free access to the site or sidewalk by pedestrians.
2. Visual Breaks. Visual breaks, not more than 5 feet wide, shall be provided every 30 feet within evergreen hedges abutting public rights-of-way.
3. Shrubs. Shrubs used for screening parking lot areas shall be planted in minimum 1 gallon container sizes, or larger, in order to achieve a desired height of 30 inches within 12 months.

C. Interior Parking Lot Landscaping. In addition to buffer landscaping along the public right-of-way (excluding alleys and accessways) and along interior lot lines where required, all surface parking lots greater than 6 spaces shall include landscaping to cover not less than 10% of the interior of the parking area in accordance with the following:

1. A planting bay shall be located at the end of each parking row and at intervals between parking rows. Planting bays shall be a minimum of 9 feet wide, to allow doors to open without damage, and a minimum of 180 square feet. Each bay shall be curbed, and planted with 1 approved tree having a clear trunk height of at least 9 feet when mature. Height of all plantings, other than trees, in planting bays is limited to 24 inches.
2. All trees shall be selected from the recommended tree list provided by the Director.
3. Trees shall not be placed within 10 feet of a public utility easement without prior approval of the City Engineer.
4. Parking areas shall be separated by a 5 foot landscaped planting bed from all exterior walls that include no pedestrian entranceways or loading areas.
5. Driveways, accessways, and access drives into vehicle parking lots from public and private streets shall be bordered (both sides) by a minimum 5 foot wide landscape planter strip with approved trees planted 20-30 feet on center and low shrubs.
6. Trees shall be evenly distributed throughout the parking area according to the applicable requirements of this Section and the following table:

Zone District	Parking Lot Tree Requirement Ratio
RL	No requirement
RM, RH	1 tree per 10 parking spaces
CBC	1 tree per 5 parking spaces
CLI	1 tree per 10 parking spaces
CG, CR	1 tree per 12 parking spaces
I	1 tree per 20 parking spaces after the first 10 spaces
P/OS	1 tree per 10 parking spaces

- D. Alternate Landscaping Plan. Applicants may prepare an Alternate Landscaping Plan for parking lots with 16 or fewer vehicle parking spaces located in the following zone districts:

CBC - Central Business Commercial
 NC - Neighborhood Center Overlay
 CFO - Community Facilities Overlay
 RL - Low Density Residential
 RH - High/Medium Density
 RM – Medium Density Residential

The Alternate Landscaping Plan and specifications shall meet the intent of the requirements in this Section and the intent of the subject zone district, and is subject to approval by the approving authority.

7.030.050 Accessible Parking

- A. General. Where required by the Oregon Americans with disabilities Act, parking areas shall provide parking spaces and aisles which are accessible to the disabled. These accessible spaces shall be located closest to an accessible building entry. Whenever practical, the accessible route shall not cross lanes of vehicular traffic. Where the accessible route does cross vehicular traffic, the crossing area shall be distinguished from traffic lanes using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. The crossing area shall be maintained for safety, and shall meet the requirements of the Oregon Americans With Disabilities Act. Location of vehicle parking shall not obstruct curb ramps or other sloped areas. Accessible parking spaces shall be minimum 9 feet wide with a 6 foot wide access aisle per single space, or between each 2 spaces. A van accessible parking space shall be at least 9 feet wide and shall have an adjacent access aisle that is at least 8 feet wide. Accessible parking spaces shall be at least 9 feet wide and shall have an adjacent access aisle that is at least 6 feet wide. The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle. Accessible parking shall be provided according to the following ratio requirements:

Minimum Required Number of Total Parking Spaces	Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-999	2% of Total Spaces
Over 1,000	20 spaces plus 1 for every 100 spaces over 1,000

- B. Van Accessible Parking. 1 in 8 accessible parking spaces, but no less than 1 space, must provide a van-accessible parking space. Van accessible parking spaces are 9 feet wide with an 8 foot wide aisle which can be shared between another 9 foot accessible space. Van accessible parking spaces shall have an additional van accessible sign mounted below the accessible parking sign. Van accessible spaces can be used by any authorized accessible vehicle.
- C. Marking. The accessible parking symbol shall be painted on the parking space and an accessible parking sign shall be placed in front of each space according to the Oregon Transportation Commission's Disabled Parking Standards.
- D. Medical Facilities.
1. Medical care facilities shall provide a passenger drop-off and loading zone(s) per the provisions of *Section 7.030.060* below.
 2. Medical care facilities specializing in the treatment of persons with mobility impairments shall provide 20% of required parking spaces as accessible.

3. For outpatient facilities, 10% of the parking spaces, but not less than 1 space shall be accessible.

7.030.060 Passenger Drop-Off and Loading Zones

Where provided, passenger drop-off and loading zones shall be located on an accessible route, shall not be less than 12 feet wide by 25 feet long, shall not have a slope exceeding 1 vertical foot for every 50 horizontal feet, shall have a vertical clearance of not less than 114 inches, and shall be designed and constructed according to the Oregon State Structural Specialty Code and the Oregon Americans With Disabilities Compliance Manual.

7.030.070 Vehicle Loading and Unloading

Commercial and industrial buildings with floor area greater than 5,000 square feet shall provide for adequate on site loading area(s). Where the loading area is located such that a delivery vehicle must back directly in, a maneuvering space of 55 feet with 16 feet vertical clearance shall be provided. The CBC - Central Business Commercial zone district is exempt from these vehicle loading/unloading provisions.

7.030.080 Motorcycle Parking

All multi-family dwelling developments shall provide areas sufficient to accommodate 1 motorcycle for every 10 parking spaces to park and store motorcycles and mopeds. These areas shall be clearly defined, and reserved for exclusive use by motorcycles and mopeds.

7.030.090 Driveways, Aisles, Clearance, Drainage, and Cross Access

- A. Driveways. Driveways shall not occupy a front yard or exterior side yard setback except to pass through the setback in order to connect parking spaces directly with the public right-of-way or as necessary for shared driveways and internal access between uses on abutting lots. Driveways are also subject to the requirements of *Section 6.060: Driveway and Entrance Standards*.
- B. Aisles. Vehicle parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

C. Clearance.

1. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 12 feet for their entire length and width. The clearance requirement may be reduced in parking structures.
2. Vehicle loading and unloading areas shall have a minimum vertical clearance of 16 feet.

D. Drainage. Adequate drainage facilities shall be provided to dispose of the runoff generated by impervious surfaces of the parking area. (Roof drains shall connect directly to the storm system, and shall not flow onto parking surfaces.) Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property. Storm water pretreatment shall be required per the provisions of *Section 7.020.090: Storm Water Pretreatment.*

E. Joint and Cross Access. In order to eliminate the necessity of utilizing the public rights-of-way for cross movements, surface parking lots serving commercial uses which are open to the public shall be designed in accordance with the requirements of *Section 6.050.030(D): Joint and Cross Access.*

7.030.100 Parking Clusters

Vehicle parking areas shall be landscaped so as to create parking clusters of not more than 35 spaces. Auto parking clusters shall be separated by a minimum 5 foot wide landscaped area with parking lot trees planted 20 to 30 feet on center and low shrubs, or a walkway, or by buildings or building groups. Parking lot trees shall be chosen from a list provided by the Director.

7.030.110 Refuse Collection

Where refuse collection is provided in, or adjacent to a parking area the following shall be required:

- A. Screening. Refuse storage facilities shall be screened by a solid wall, fence, evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from streets, accessways, and adjacent properties.
- B. Placement. All refuse collection containers shall be placed on concrete pads. Pads shall have a positive surface drainage.

7.030.120 Outdoor Lighting

- A. General. Parking areas shall be adequately lighted where necessary for public safety and security of property.
- B. Shielding and Arrangement. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way, or otherwise constitute a nuisance on adjacent property.
- C. Maximum Illumination. Maximum illumination at the property line shall not exceed an average horizontal foot candle of .3 for non-cut-off light and 1.0 for cut-off lights.

7.030.130 Stall and Aisle Dimensions

All surface parking lots shall be designed in accordance with City standards for stalls and aisles as set forth in Figure 7-1, Off-Street Parking Dimensions, presented on the following page. A minimum of 70% of vehicle parking stalls shall be of standards size and a maximum of 30% of vehicle parking stalls shall be compact spaces. Compact spaces shall be designed in clusters and appropriately marked “compact”.

The following Notes apply to Figure 7-1 on the following page:

1. For 1 row of stalls use “C” plus “D” as minimum module width.
2. Public alley width may be included as part of dimension “D”, but all stalls must be on private property, off the public right-of-way.
3. Use 350 square feet per vehicle to estimate available parking area for stall, aisle, and access areas.
4. The minimum stall width for high turnover self-parking is 9 feet. For supermarkets and similar facilities (shoppers with packages) the minimum stall width is 9.5 feet.
5. The minimum aisle width for two-way traffic and for emergency vehicle operations is 24 feet. The minimum aisle width for one-way emergency vehicle access is 20 feet.
6. Where a bumper overhang area is provided (e.g. increased pedestrian walkway width, curbed islands), “G” may be subtracted from “C” to determine stall depth.

Figure 7-1

OFF-STREET SURFACE PARKING DIMENSIONS
 Required Space and Aisle Dimensions in Feet

		COMPACT					STANDARD						
	A	B	C	D	E	F	G	B	C	D	E	F	G
60°								9.0	19.0	16.0	10.4	54.0	2.5
								9.5	19.0	15.0	11.0	53.0	2.5
		8.0	17.0	14.0	9.20	44.0	2.5	10.0	19.0	14.0	11.6	52.0	2.5
90°								9.0	18.5	26.0	9.0	63.0	3.0
								9.5	18.5	25.0	9.5	62.0	3.0
		8.0	16.5	24.0	8.0	58.0	3.0	10.0	18.5	24.0	10.0	61.0	3.0

Stall width dimensions may be distributed as follows: 70% standard spaces, 30% compact spaces. All compact spaces shall be labeled as such.

- A** Parking Angle
- B** Stall Width
- C** Stall Depth (no bumper overhang)
- D** Aisle Width between stall lines
- E** Stall Width parallel to aisle
- F** Module Width (no bumper overhang)
- G** Bumper Overhang

Section 7.040**BICYCLE PARKING DESIGN STANDARDS**

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7.040.010 Purpose

Bicycle parking is required in most land use districts and categories to encourage the use of bicycles by providing safe and convenient places to park. The required number of spaces is lower for uses that do not tend to attract bicycle riders and higher for those that do. Safe and accessible bicycle parking is intended to specifically encourage employee, student, and customer related bicycle use.

The main purpose of these design standards is to ensure that bicycle parking is visible from the street, located conveniently for cyclists, and designed to provide sufficient security from theft and damage.

7.040.020 Minimum Requirements

The required minimum number of bicycle parking spaces for each principal use is given in *Section 7.060: Minimum and Maximum Off-Street Parking Requirements*. Additional parking spaces may be required at common use areas.

All development shall meet the minimum requirements for bicycle parking and design per the provisions of this Chapter.

7.040.030 Bicycle Parking Location and Access

A. Location.

1. Outdoor bicycle parking must be located within 50 feet of the primary building entrance(s).
2. Bicycle parking may be located inside a building on a floor location which does not require stairs to access the space. Exceptions may be made for parking on upper stories within a multi-story residential building.
3. Bicycle parking racks shall be located to avoid conflict with pedestrian movement and access walkways required by this Ordinance and the State of Oregon Structural Specialty Code.
4. Subject to the approval of the City Engineer, bicycle parking may be located in the public right-of-way when the parking does not conflict with pedestrian accessibility.

- B. Visibility. Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate bicycle parking areas. Directional signs shall be approved by the Director.
- C. Lighting. Required bicycle parking must have a minimum lighting level of 3 foot candles.
- D. Walkway. A pedestrian accessible walk must be provided between bicycle parking and the building entrance. The walk must be constructed of hard surfaced materials with a minimum width of 4 feet.
- E. Amenities. Bicycle parking areas are encouraged to include a bench.

7.040.040 Bicycle Rack Types and Space Dimensions

Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a “rack”) upon which the bicycle can be locked. A list of standard bicycle racks, shelters and lockers is available from the Director. The list does not preclude other designs the Director may approve. Racks provided in required bicycle parking facilities shall ensure that bicycles may be securely locked to them without undue inconvenience in accordance with the following:

- A. Security.
 - 1. Bicycle racks must hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.
 - 2. Bicycle parking racks, shelters, and lockers must be securely anchored to the ground or to the structure.
- B. Accessibility. Each required bicycle parking space must be accessible without moving another bicycle.
- C. Parking Space Dimensions. Bicycle parking spaces shall be at least 2 ½ feet wide by 6 feet long and, when covered, provide a vertical clearance of 7 feet. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.

- D. Space Rental and Leasing. Bicycle parking spaces required by this Chapter may not be rented or leased except where required motor vehicle parking is rented or leased. At cost or deposit fees for bicycle parking are exempt from this requirement.
- E. Reserved Areas. Areas set aside for required bicycle parking must be clearly marked (signed) for bicycle parking only.

7.040.050 Paving and Surfacing of Bicycle Parking Area

Outdoor bicycle parking facilities shall be surfaced with a well drained, hard surface material at least 2 inches thick (i.e. pavers, asphalt, concrete or similar material) approved by the City Engineer.

7.040.060 Exemptions

The following uses are exempted from Bicycle Parking requirements:

- A. Temporary Uses (special events, seasonal uses).
- B. Agricultural Uses.
- C. Mini-Storage Facilities.
- D. Home Businesses.
- E. Other Exemptions as approved by the approving authority.

Section 7.050**PARKING STRUCTURE STANDARDS**

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7.050.010 Review Process

All parking structure applications shall be subject to the requirements of *Section 3.030: Site Plan Review*, and reviewed as Administrative Actions, per the provisions of *Section 3.020.040: Administrative Actions*.

7.050.020 Ground Floor Use

For all new multi-level parking structures, at least 50% of the total ground floor street frontage, excluding driveway entrances and exits, alleys, stairwells, elevators, and centralized payment booths, shall be designed to accommodate commercial, retail, office, or residential floor space.

7.050.030 Ground Floor Windows

Any ground floor wall facing a street shall contain windows, doors, or display areas equal to at least 20% of the ground floor wall area facing the street and excluding those portions of the face(s) devoted to driveway entrances and exits, stairwells, elevators, and centralized payment booths. Required windows shall have a minimum sill height between 2 and 4 feet above finished floor elevation.

7.050.040 Development Standards

Parking Structures shall meet the development standards requirements for the zone district where located.

7.050.050 Other Standards

Parking Structures must comply with all standards of the State of Oregon Structural Specialty Code in regard to structural design, ventilation, lighting, fire/safety requirements, and disabled accessibility.

7.050.060 Layout and Internal Circulation

Parking configuration shall meet the applicable design guidelines of the current edition of the Urban Land Institute (ULI) Dimensions of Parking, the current edition of the Architectural Graphics Standards, or provide proof that a similar structure functions efficiently and safely using proposed modified dimensions, layout, and circulation.

Section 7.060

MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS

Each of the use types described below are subject to the following minimum and maximum off-street parking requirements in accordance with the provisions of this and other City Ordinances. Development which mixes more than one use type shall calculate the parking requirement based on the requirement for each of the uses. Reductions in parking requirements are allowed in Section 7.020.040, and further reductions may be requested through the adjustment process in Section 3.080 or through the conditional use procedure in Section 3.050. The Director shall determine similarity of use type for those uses not specifically listed:

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
<u>RESIDENTIAL</u>			
One, two, and three dwelling units	2 spaces per dwelling unit	None	None
Four to twelve units (multifamily)	6 spaces, plus 1.5 spaces per dwelling unit in excess of three units	None	1 space per dwelling unit
Thirteen or more units (multifamily)	20 spaces, plus 1 space per dwelling unit in excess of 12 units	None	1 space per dwelling unit
In multifamily units, one parking space will be required for every two bedrooms, but not less than one parking space per dwelling unit.			
<u>COMMERCIAL</u>			
Arcades, bowling alleys, skating rinks, pool halls, sports clubs, and health spas	4 spaces/1,000 sq. ft. floor area	5 spaces/1,000 sq. ft. floor area	.5 spaces/1,000 sq. ft floor area
Bed & Breakfasts and vacation rentals	1 space/guest room after 2 rooms	1.5 space/guest room	None

COMMERCIAL (cont.)

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
Campgrounds (excluding RV camping)	1 space/campsite	None	None
Convenience markets	2 spaces/1,000 sq. ft. floor area	4 spaces/1,000 sq. ft. floor area	1.5 spaces/1,000 sq. ft. floor area
Court Clubs (tennis, racquetball, basketball, etc.)	1 space/1,000 sq. ft. floor area	1.5 spaces/1,000 sq. ft. floor area	.25 spaces/1,000 sq. ft. floor area
General Office/Administrative	2 spaces/1,000 sq. ft. floor area	3.5 spaces/1,000 sq. ft. floor area	.5 spaces/1,000 sq. ft. floor area
Grocery stores and supermarkets	2.5 spaces/1,000 sq. ft. floor area	3.5 spaces/1,000 sq. ft. floor area	.3 spaces/1,000 sq. ft. floor area
Hotels and motels	1 space/guest room	1.5 space/guest room	None
Medical and dental offices and clinics	3 spaces/1,000 sq. ft. floor area	5 spaces/1,000 sq. ft. floor area	.3 spaces/1,000 sq. ft. floor area
Meeting rooms	5 spaces/1,000 sq. ft. floor area	7 spaces/1,000 sq. ft. floor area	.75 spaces/1,000 sq. ft. floor area
Mortuaries and cemeteries	.25 spaces/seat in assembly area, or 6 linear feet bench seating in largest area	.5 spaces/seat in assembly area, or 6 linear feet bench seating in largest area	.1 space/1,000 sq. ft. of floor area
Open air building materials and nurseries, equipment rental, mini-storage	.5 spaces/1,000 sq. ft. site area	.75 spaces/1,000 sq. ft. site area	None
Personal and business services	3 spaces/1,000 sq. ft. floor area	4 spaces/1,000 sq. ft. floor area	.5 spaces/1,000 sq. ft. floor area
Restaurants (with drive-thru)	5 spaces/1,000 sq. ft. floor area	12 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area

COMMERCIAL (cont.)

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
Restaurants (without drive-thru)	7 spaces/1,000 sq. ft. floor area	16 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area

NOTE: Outdoor seating areas shall count as floor area in determining the parking requirements for restaurants without drive-thru.

Retail trade	3.5 spaces/1,000 sq. ft. floor area	5 spaces/1,000 sq. ft. floor area	.3 spaces/1,000 sq. ft. floor area
Retail—bulky merchandise	2 spaces/1,000 sq. ft. floor area	2.5 spaces/1,000 sq. ft. floor area	.2 spaces/1,000 sq. ft. floor area
Service stations	3 spaces plus 2 spaces/service bay	4 spaces plus 2.5 spaces/service bay	2 spaces

(Service stations with convenience markets shall meet the parking requirements for each use.)

Theaters	.3 spaces/seat or 6 linear feet bench seating	.5 spaces/seat or 6 linear feet bench seating	1 space/20 seats or 60 linear feet bench seating
Truck, trailer, boat and auto rental or sales	1 space/1,000 sq. ft. site area	1.5 space/1,000 sq. ft. site area	2 spaces
Vehicle repair	3 spaces/service bay	5 spaces/service bay	2 spaces

COMMUNITY SERVICES

Child care centers, preschools, and kindergartens	2 spaces/1,000 sq. ft. floor area	3 spaces/1,000 sq. ft. floor area	1.5 spaces/classroom
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COMMUNITY SERVICES
(cont.)

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
Colleges and commercial schools (excludes dorms, which are subject to Residential facilities standards)	2 spaces/1,000 sq. ft. floor area	3.5 spaces/1,000 sq. ft. floor area	.3 spaces/1,000 sq. ft. floor area
Senior housing - Dwelling units designated as Independent Living Units shall have one parking space per dwelling	1 space/8 beds	None	1/first 20 units, 1/40 units thereafter
Elementary and middle schools	1.5 spaces/classroom	2 spaces/classroom	5/classroom
High schools	.5 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area	3/classroom
Hospitals and medical centers	1 spaces/bed	2 spaces /bed	.2 spaces/1,000 sq. ft. floor area
Libraries, museums and cultural institutions	2.5 spaces/1,000 sq. ft. floor area	4 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area
Marinas and Boat Moorage	1 space/berth	None	1 space/40 berths
Residential facilities or homes	1 space/4 beds	None	1 space/6 beds
Sanitariums and convalescent hospitals	.5 spaces/bed based on maximum capacity	.75 spaces/bed based on maximum capacity	1 space/20 beds for first 100 beds, 1 space/40 beds thereafter
Senior Centers	2 spaces/1,000 sq. ft. floor area	2.5 spaces/1,000 sq. ft. floor area	.2 spaces/1,000 sq. ft. floor area
Stadiums, Arenas, Auditoriums and Churches	.3 spaces/seat or 6 linear feet bench seating	.5 spaces/seat or 6 linear feet bench seating	1 space/40 seats or 100 linear feet bench seating

COMMUNITY SERVICES
(CONT.)

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bicycle Parking</u>
	Minimum	Maximum	
Utilities	.75 spaces/each employee on largest shift	1 spaces/each employee on largest shift	.5 spaces/1,000 sq. ft. of office floor area
Welfare or correctional institutions	.3 spaces/bed based on maximum capacity	.3 spaces/bed based on maximum capacity	1 space/20 beds

INDUSTRIAL

Industrial and commercial services	.75 spaces/1,000 sq. ft. floor area	1.5 spaces/1,000 sq. ft. floor area	.1 spaces/1,000 sq. ft. floor area
Laboratories, research and development facilities	3 spaces/1,000 sq. ft. floor area	4 spaces/1,000 sq. ft. floor area	.25 spaces/1,000 sq. ft. floor area
Manufacturing, processing, packing, assembly, and fabrication	.75 spaces/each employee on largest shift	2.5 spaces/1,000 sq. ft. floor area	.1 spaces/1,000 sq. ft. floor area
Office (relating to industrial uses)	.75 spaces/each employee on largest shift	1.25 spaces/each employee on largest shift	.25 spaces/1,000 sq. ft. of floor area
Warehouses, freight distribution, and storage	.5 spaces/1,000 sq. ft. floor area up to 100,000 sq. ft., .3 spaces/1,000 sq. ft. thereafter	1 space/1,000 sq. ft. up to 100,000 sq. ft. floor area, .3 spaces/1,000 sq. ft. thereafter	.1 space/1,000 sq. ft. floor area
Wholesale and retail sales	.5 spaces/1,000 sq. ft. floor area	1 space/1,000 sq. ft. floor area	.1 space/1,000 sq. ft. floor area

Chapter 8

PHYSICAL AND ENVIRONMENTAL CONSTRAINTS

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Section 8.010

PURPOSE AND INTENT

The purpose of this Chapter is to provide for safe, orderly and beneficial development in areas characterized by one or more physical and/or environmental constraints.

Physical and environmental constraints are considered to include, but are not limited to: slope of the land, erosive soils, natural drainage ways, flood ways and flood plains, areas of high-water table, US Army Corps of Engineers flowage easements, and geologic hazard areas.

In accordance with the provisions of this Section, a Physical Constraints Permit shall be required for all development in areas identified as constrained.

Section 8.020**REVIEW PROCEDURES**

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8.020.010 Permit Requirements

- A. Physical Constraints Permit A Physical Constraints Permit shall be required for all development:
1. In areas identified within the 100-year flood boundary on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the City of The Dalles.
 2. In areas identified as natural drainage ways.
 3. In areas of the 2010 Geologic Hazards Study prepared by Mark Yinger designated within zones 1 and 4, or land in zone 3 which is located in areas of groundwater discharge.
 4. On slopes greater than 20% where utility extensions are required, and 25% in all other cases.
 5. Which includes grading, filling, cutting, or other earth-moving activity involving more than 50 cubic yards of material on any lot or parcel of land or which includes areas of highly erosive soils.
 6. In areas designated as flowage easements by the Army Corps of Engineers.
 7. In areas where the ground water table is less than 10 feet below grade.
- B. Consolidation. Where the development is also subject to a Site Plan Review, Conditional Use Permit, Subdivision, Partition, Planned Development or other planning action, the Physical Constraints Permit may, at the request of the applicant, be processed simultaneously with the planning action at no additional charge. Consolidated applications may submit one plan showing all information required by this Ordinance.

8.020.020 Greater Restrictions

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and any other City Ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

8.020.030 Interpretation

In the interpretation and application of this Chapter, all provisions shall be considered as minimum requirements, liberally construed, and deemed neither to limit nor repeal any other powers granted under State statutes.

8.020.040 Applications

In addition to the requirements of *Section 3.010: Application Procedures*, all applications for a Physical Constraints Permit shall be accompanied by at least 3 copies of a site plan. Site plan requirements are detailed below in *Section 8.020.050*.

8.020.050 Required Plans

The following plans shall be required for any development requiring a physical constraints permit:

- A. Site Plan. A site plan clearly showing the following:
 1. Project name.
 2. Vicinity map.
 3. Scale (the scale shall be at least one (1) inch equals fifty (50) feet or larger).
 4. North arrow.
 5. Date.
 6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
 7. Lot layout with dimensions for all lot lines.
 8. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
 9. Location and size of all public utilities affected by the proposed development.

10. Location of drainage ways or public utility easements in and adjacent to the proposed development.
 11. A topographic map(s) of the site at a contour interval of five (5) feet or less showing existing and proposed ground contours.
 12. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation.
 13. Locations of all existing natural features including, but not limited to, all trees of a caliper greater than 12 inches in diameter, natural drainage or creeks on the site, faults, and rock outcroppings. Indicate any contemplated modifications to a natural feature.
 14. The proposed method of erosion control, water runoff control, and tree protection for the development.
 15. Building envelopes for all existing and proposed new parcels.
- B. Additional Plans and Studies. The Director may waive any of the above site plan elements, or require additional plans and studies necessary to evaluate the application

8.020.060 Review Procedures

- A. Ministerial Actions. Applications for Physical Constraint Permits which are not part of a planning action shall be reviewed and decided by the Director per the provisions of *Section 3.020.030: Ministerial Actions.*
- B. Planning Actions. Physical Constraint Permits which are part of either an administrative or quasi-judicial planning action shall be reviewed and decided by the approving authority per the appropriate provisions of either *Section 3.020.040: Administrative Actions* or *Section 3.020.050: Quasi-Judicial Actions.*

8.020.070 Review Criteria

Physical Constraint Permits shall be issued by the approving authority when the applicant has demonstrated the following:

- A. Hazards. The development will not cause damage or hazard to persons or property upon or adjacent to the area of development.
- B. Mitigation. The applicant has considered the potential hazards that the development may create and implemented reasonable measures to mitigate the potential hazards caused by the development.
- C. Impact. The applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The approving authority shall consider the existing development of the surrounding area, and the maximum permitted development permitted by this Ordinance.
- D. Compliance. The development is in compliance with the requirements of this Chapter and all other applicable City Ordinances and State and Federal regulations.

8.020.080 Changes to Plans

The approving authority has the power to amend plans to include one or both of the following conditions if it is deemed necessary to mitigate any potential negative impact caused by the development:

- A. Natural Features. Require the retention and/or addition of trees and other vegetation, rocks, ponds, water courses and other natural features.
- B. Plan Changes. Require plan revision or modification to mitigate possible negative or irreversible effects upon the topography or natural features that the proposed development may cause.

8.020.090 Permit Denial

The approving authority may deny the Physical Constraint Permit if, in its opinion, one or more of the following is found to apply:

- A. The proposed development will have a detrimental effect on the lands regulated and protected by this Chapter.
- B. The proposed development is inconsistent with the Comprehensive Plan.
- C. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.

Section 8.030**FLOOD CONTROL PROVISIONS**

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8.030.010 Purpose

These flood control provisions are intended to reduce flood damage and loss of life in areas subject to periodic flooding. They are also intended to protect open, natural streams and drainage ways as an integral part of the City environment and to maintain both hydrological and biological functions of open drainage systems. This is important in order to manage storm water runoff and drainage, minimize maintenance costs, protect properties adjacent to drainage ways, improve water quality and protect riparian plant and animal habitats.

8.030.020 Applicability

These provisions apply to areas in the 100-year flood plain as identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps (FIRMs) for the City of The Dalles.

8.030.030 Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of The Dalles, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

8.030.040 Permit Requirements

A Physical Constraints Permit shall be required for all structures and other development activities located in the flood plain or adjoining a natural drainage area, per the requirements of *Section 8.020: Review Procedures*. The following shall also be required as part of the Physical Constraints Permit:

- A. Additional Site Plan Requirements.
 1. Location and description of proposed fill, retaining walls, materials storage, and drainage facilities.
 2. Elevation of the lowest floor (including basement) of all new or substantially improved structures in relation to the National Geodetic Vertical Datum (NGVD).

3. Elevation in relation to the NGVD to which any new or substantially improved structure has been or is proposed to be flood-proofed, per the criteria in *Subsection 8.030.060* below.

B. Other Requirements.

1. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
2. Certification by a licensed professional engineer or architect that the flood-proofing criteria of *Subsection 8.030.060* below have been met.
3. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all required permits have been obtained.

8.030.050 Interpretation of Flood Insurance Rate Map Boundaries

When there appears to be a conflict between a mapped boundary and actual field conditions, the Director shall interpret the exact location of the boundaries of the flood plain. Where FEMA base flood elevation data is not available for flood hazard areas, the Director shall use other available data as a basis for applying standards in the flood plain and flood way.

8.030.060 Flood Plain Development Standards

Development within the flood plain (Zones A, AH, A1-A30, AE, and AO on the Flood Insurance Rate Maps), including residential and nonresidential structures and the public and private facilities serving these structures, shall be constructed so as to minimize damage from flooding. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. The following standards shall apply to all development within the flood plain:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All residential trailers/mobile and manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors as approved by the State Building Codes official. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

B. Residential Development.

1. New construction and substantial improvement of any residential structure, including residential trailers/mobile homes and manufactured homes, shall have the lowest floor, including basement, elevated to a minimum of 1 foot above base flood elevation.
2. Accessory structures and fully enclosed non-habitable areas below the lowest floor that are subject to flooding are prohibited, unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be certified by a licensed professional engineer or architect, and shall meet or exceed the following minimum criteria:
 - a) A minimum of 2 openings having a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding shall be provided.

- b) The bottom of all openings shall be no higher than 1 foot above grade.
 - c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - 3. Structures placed on existing lots that have buildable land both inside and outside the flood plain shall be located outside the flood plain, unless 50% or more of the lot is within the flood plain. Where more than 50% of the existing lot is within the flood plain, structures may be located on that portion of the flood plain that is outside of the flood way and 3 feet or less below the flood elevations noted on the FEMA maps. Construction shall be subject to the requirements of *Subsections (1) and (2)* above.
 - 4. Basements are subject to the following:
 - a) Habitable basements are not permitted for new residential structures or additions located within the flood plain.
 - b) Non-habitable basements, used for storage, parking, and similar uses are permitted for residential structures but must be flood-proofed to State and Federal standards and the standards in this Ordinance.
- C. Nonresidential Development. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated 1 foot above the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:
- 1. Be flood-proofed so that the structure is watertight 1 foot above the base flood level.
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - 3. Be certified by a licensed professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.
 - 4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in *Subsection (B)(2)* above.

5. Applicants proposing to flood-proof nonresidential buildings shall be notified that the flood insurance premiums shall be based on rates for structures with a lowest floor that is 1 foot below the flood-proofed level.
6. No new habitable basements lower than two (2) feet below the base flood elevation shall be permitted on any existing or new non-residential structure.

D. All Development.

1. All lots modified by lot line adjustments, or new lots created from lots which contain flood plain land must contain a building envelope on a buildable area of sufficient size to accommodate the uses permitted in the underlying zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.
2. Bulk storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted on flood plain lands.

E. Fill. The amount of fill in the flood plain shall be kept to a minimum, shall be designed per the requirements of *Section 8.050: Erosion, Slope Failure, and Cuts and Fill*, and shall meet the following minimum standards.

1. The toe of the fill shall be kept at least 10 feet outside of the floodway channel.
2. US Army Corps of Engineers and Oregon Division of State Lands permit cut, fill and other activities displacing 50 or more cubic yards of material in any bed, bank, or water of the State of Oregon.
3. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:
 - a) Poured concrete and other structural building materials necessary to build permitted structures on the lot.
 - b) Aggregate base and paving materials.
 - c) Plants and other landscaping material.
 - d) A total of 50 cubic yards of other imported fill material, or 300 cubic yards for each acre. These amounts are the

maximum cumulative fill that can be imported onto a site, regardless of the number of permits issued.

4. If any additional fill is necessary beyond the permitted amounts in Subsection (2) above, the material must be obtained from flood plain lands on the subject lot only to the extent necessary to create an elevated site for the permitted development
5. Adequate drainage shall be provided to ensure the stability of the fill.
6. Fill used to raise elevations for a building site shall be located as close as possible to the outside edge of flood plain.

F. Streets and Utilities.

1. Local street and utility connections to developments in and adjacent to the flood plain shall be located outside the flood plain, except for crossing the flood plain by the shortest possible route.
2. All new and replacement water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and/or discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- G. Fences. Fences constructed in the flood plain within 20 feet of the floodway shall be limited to wire or electric fencing (excluding wire mesh and chain link) or similar fence that will not collect debris or obstruct floodwaters.

8.030.070 Floodway Standards

New construction, substantial improvements, and encroachments (including fill, excluding riprap and other channel linings) are prohibited within the floodway. The floodway is the portion of the flood plain where high volumes of moving water flow through stream or drainage ways as determined by the most recent data. Nonstructural development, such as parking lots, may be permitted within the floodway when a registered professional engineer certifies that encroachments will not result in any increase in flood levels and/or flood hazard during the occurrence of the base flood discharge.

Section 8.040**GEOLOGICAL HAZARD PROVISIONS**

<u>Subsection</u>		<u>Page</u>
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8.040.020	Applicability	8-21
8.040.030	Permit Requirements	8-21
8.040.040	As-Built Certification	8-22

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 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 above 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 may be 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 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 8.050**EROSION, SLOPE FAILURE, AND CUTS AND FILL**

<u>Subsection</u>		<u>Page</u>
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8.050.020	Run Off Control	8-25
8.050.030	Erosion and Slope Failure	8-25
8.050.040	Cuts and Fill	8-26

8.050.010 Purpose

This Section describes standards for control of runoff, and the permit requirements for control of erosion and slope failure, and for cuts and fills.

8.050.020 Runoff Control

Any development which increases the natural runoff by decreasing the infiltration of the soil by any means shall conform to the following standards:

- A. Roof Drainage. All roof drainage, except 1 and 2 family residential, must be collected, controlled and directed either by underground pipe or concrete or asphalt gutter to a City street or storm drain or to a natural water course. The method of control and conveyance of storm water to the storm system shall be determined by the approving authority.
- B. Hard Surface Drainage. All drainage from driveways, parking areas and other impervious surfaces must be collected, controlled and directed to a City street or storm drain or natural water course by underground pipe or concrete or asphalt gutter or disposed of on site. The method of control and conveyance of storm water to the storm system shall be determined by the approving authority.
- C. Dry Wells. Connection to dry wells may be allowed for roof and hard surface drainage only with the approval of the City Engineer, where City storm system is not available within 300 feet, the ground water table is well below the proposed dry well during all seasons, and a non-remonstrance agreement for future street and storm sewer improvements is signed by the applicant and recorded with the deed.
- D. Alternative Storm Water Disposal Systems. Any alternative methods of storm water disposal not herein described, such as a bio-swale or leach field, must be approved by the City Engineer.

8.050.030 Erosion and Slope Failure

All development on lands with highly erosive lands or slopes greater than 25% (4:1), and all development which removes vegetation or disturbs topsoil and leaves the disturbed soil at a slope of 50% (2:1) or more shall require a Physical Constraints Permit, per the provisions of *Section 8.020: Review Procedures*, and comply with the following standards:

- A. Re-vegetation. Any exposed soil shall be revegetated in a manner to reestablish a complete vegetative cover within 1 year of time of planting. If irrigation is not provided, then the exposed soil must be planted with species which can survive without irrigation.
- B. Maintenance. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained in perpetuity on areas which have been disturbed.
- C. Temporary Erosion Control. During construction, erosion control measures such as straw bales, sediment fences, etc., shall be incorporated into plans to control erosion from the site as needed.
- D. Exception. The above restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.
- E. Utility Anchors. Concrete anchors shall be constructed when pipelines are installed at grades of 20% or greater, in accordance with City standards.

8.050.040 Cuts and Fill

All cuts, grading or fills shall be designed in a manner that will be stable for the intended use, conform to the applicable requirements of the most current versions of the Uniform Building Code and the Oregon Structural Specialty Code, and meet the following requirements:

- A. Documentation. Prior to initiating any cut or fill in excess of 10 cubic yards, the applicant shall submit documentation showing the amount and location of each cut or fill.
- B. Permits. Any cuts and/or fills outside of geohazard zones A1 or A2 greater than 50 cubic yards but less than 250 cubic yards shall require a Physical Constraints Permit with an application with a drawing having a primary focus on erosion control. Any cuts and/or fills in geohazard zones A1 or A2 greater than 50 cubic yards shall require a Physical Constraints Permit, per the provisions of *Section 8.020: Review Procedures*.
- C. 250+ Cubic Yards.
 - 1. Any cuts and/or fills outside of geohazard zone A1 or A2 greater than 250 cubic yards but less than 500 cubic yards require a drawing and either engineered plans or a letter from a

licensed professional engineer stating that no engineered plans are required in the engineer's professional opinion as the activity presents no danger to surrounding properties. Any cuts and/or fills in the A1 or A2 geohazard zones over 250 cubic yards, or over 500 cubic yards outside the A1 or A2 geohazard zones, must be designed by a licensed professional engineer.

2. If the cut and/or fill is not a City street or a public right-of-way, a licensed professional engineer shall declare to the City, after the cut and/or fill is completed, that it was constructed to plans and meets all standards set forth in the approved plans.
- D. Right to Inspect. Nothing in this section shall abridge the City's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval of the cut and/or fill.
- E. Master Plans. Any development or partitioning which is proposed on Erosive and Slope Failure Lands must be shown on a master plan at the time the final plan or plat is filed. All development must comply with the master plan. Any improvements necessary for the implementation of the master plan (e.g., storm drains, gutters, etc.), must be constructed by the applicant prior to any development occurring on the parcels.
- E. Foundations. All structures in Erosive and Slope Failure Lands shall have foundations which have been designed by a geotechnical engineer.
- F. Building Envelopes. All newly created lots or lots modified by a lot line adjustment must include a buildable area of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is for open space or conservation purposes.

Section 8.060**FLOWAGE EASEMENTS**

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8.060.030	Review Procedures	8-31

8.060.010 Purpose

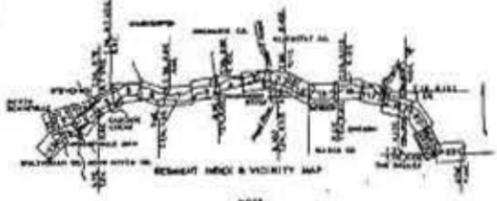
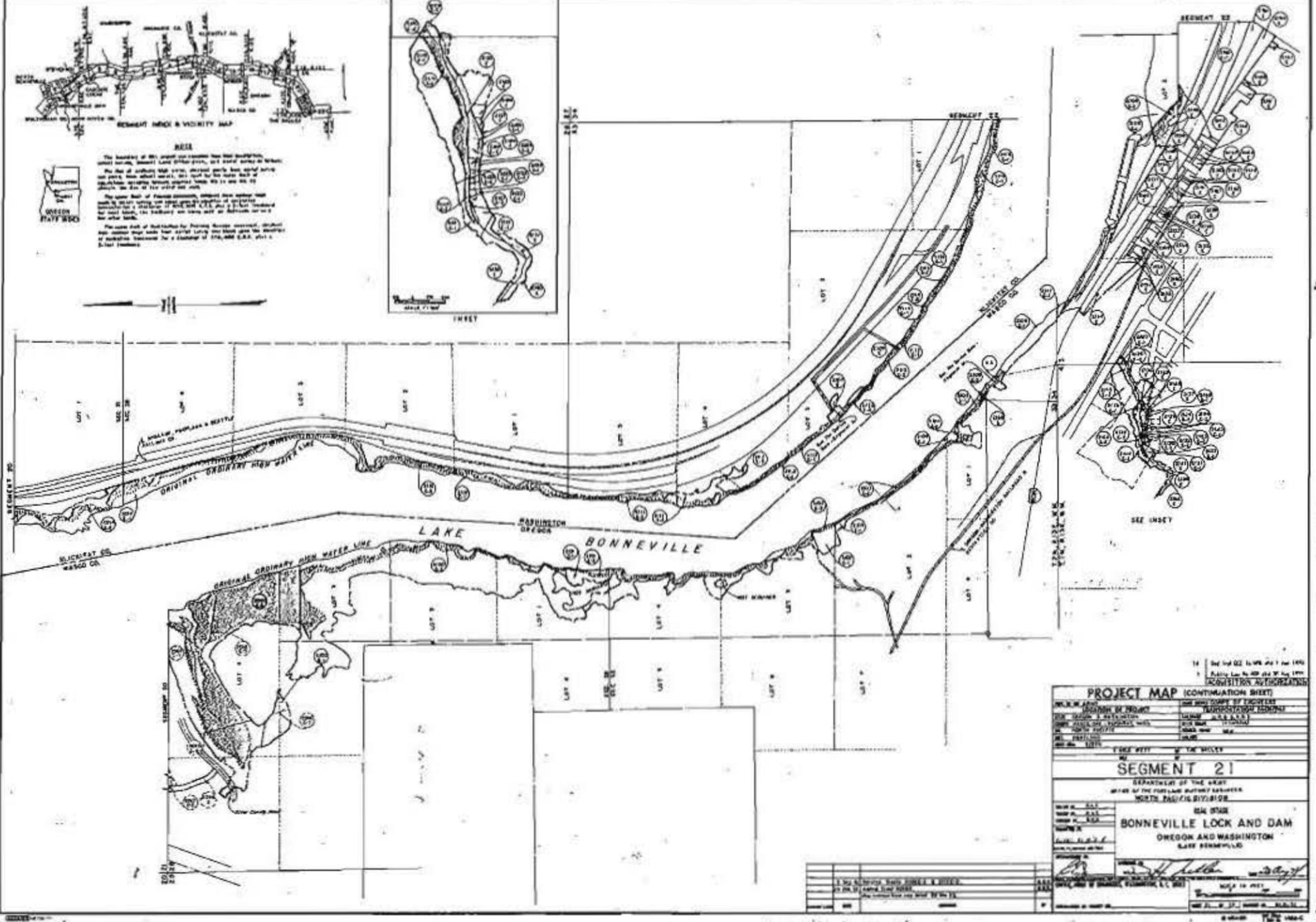
The purpose of this Section is to ensure that development proposals for lands within the Army Corps of Engineers' flowage easement for the Bonneville Lock and Dam Project are reviewed for consistency with the limitations imposed by this easement.

8.060.020 Applicability

The review described in this Section applies to all lands and parcels noted on the Real Estate Segment Map No. 21 for the Bonneville Lock and Dam Project as having a recorded flowage easement.

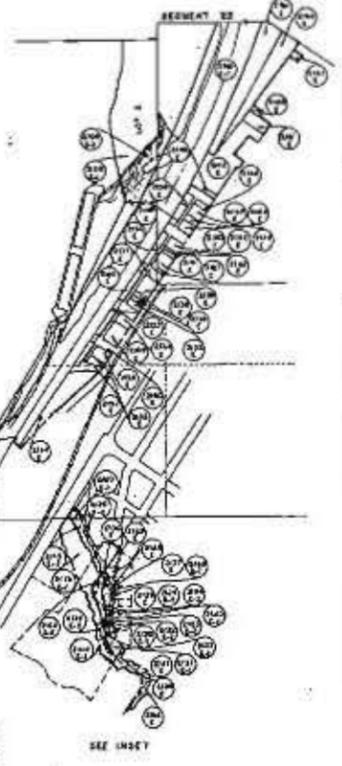
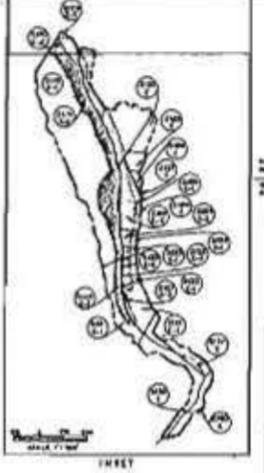
8.060.030 Review Procedures

- A. Permit Requirements. A Physical Constraints permit shall be required for all structures and other development activities located in an Army Corps flowage easement, per the requirements of *Section 8.020: Review Procedures*.
- B. Review. The Director shall review the Constraints Permit to determine whether or not, and to what extent, any development may be allowed. The Director will then forward the Constraints Permit to the Corps for final approval.



KEY

The boundary of this project is indicated by the thick black line. The boundary of the proposed lock and dam is indicated by the thin black line. The boundary of the proposed dam is indicated by the dotted line. The boundary of the proposed lock is indicated by the dashed line. The boundary of the proposed dam and lock is indicated by the solid line. The boundary of the proposed dam and lock is indicated by the solid line. The boundary of the proposed dam and lock is indicated by the solid line.



PROJECT MAP (CONTINUATION SHEET)	
NAME OF PROJECT	BONNEVILLE LOCK AND DAM
NAME OF DIVISION	WATERWAYS DIVISION
NAME OF DISTRICT	PACIFIC DISTRICT
NAME OF OFFICE	PORTLAND OFFICE
NAME OF ENGINEER	W. H. HARRIS
NAME OF ASSISTANT ENGINEER	J. H. HARRIS
NAME OF SURVEYOR	J. H. HARRIS
NAME OF DRAFTER	J. H. HARRIS
NAME OF CHECKER	J. H. HARRIS
NAME OF APPROVER	J. H. HARRIS
DATE	MAY 19 1911
SCALE	1" = 100'
PROJECT NO.	1000
SEGMENT NO.	21
DEPARTMENT OF THE ARMY OFFICE OF THE CHIEF OF ENGINEERS NORTH PACIFIC DIVISION PORTLAND, OREGON MAY 19 1911	

Chapter 9**LAND DIVISIONS**

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Section 9.010

BACKGROUND AND PURPOSE

The division of land is the initial step towards establishing a community's ultimate development pattern. Land divisions can occur through either a subdivision or partition of land.

The subdivision procedure is used when 4 or more units (generally referred to as "lots") of land are created in a calendar year, and frequently involves creation of an internal street(s) to provide access. Subdivision applications may also include requests for Planned Developments to permit greater flexibility in design of developments. Procedural provisions for Planned Developments are addressed in *Section 9.050: Planned Developments*.

A partition procedure is used to create 3 or fewer lots in a calendar year and may or may not involve the creation of a street. Procedural provisions for partitions, in addition to procedures for minor replats and lot line adjustments, are addressed in *Section 9.030: Partitions, Minor Replats, and Lot Line Adjustments*.

Applications for partitions and subdivision are processed as Administrative Actions, per the provisions of *Section 3.020.040: Administrative Actions*. Administrative actions are decided by the Director without a public hearing; however, administrative actions can be elevated to quasi-judicial review (by the Planning Commission at a public hearing) at the discretion of the Director, the applicant, the Commission, or parties of record who address legitimate criteria. Quasi-judicial actions are decided by the Commission after a public hearing. Both administrative and quasi-judicial actions are appealable per the provisions of *Section 3.020.080: Appeal Procedures*.

The purpose of the Land Divisions Chapter is to ensure that building sites are sufficient for their intended use and that lots to be created are within the density ranges permitted by the Comprehensive Plan; to provide for adequate levels of urban facilities, services, and public utilities including provisions for water, drainage, sewage, education, and parks, recreation and open spaces; to ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles; to minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible; to create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses; and, to preserve, protect, and promote the public health, safety, convenience, and general welfare.

Section 9.020**LAND DIVISION STANDARDS**

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9.020.030	Residential Rear Lot Development	9-9

9.020.010 Purpose

The purpose of this Section is to describe a set of land division standards which shall be implemented in conjunction with the subdivision and partition procedures of this Chapter, and with the provisions of *Chapter 10: Improvements Required with Development*.

9.020.020 General Provisions

- A. Applicability. All land divisions shall be in conformance with the requirements of the zone district where the division is proposed, and all other applicable provisions of this Ordinance. Modifications to these requirements may be accomplished through a Planned Development per the provisions of *Section 9.050: Planned Developments*.
- B. Annexation. Whenever any new lot is created inside the Urban Growth Boundary but outside the City limits, the City may require annexation or the signing of a consent to annexation and a waiver of the one year limitation on consent to annexation.
- C. Blocks.
 - 1. General. Length, width, and shape of blocks shall take into account need for adequate lot size, street width and circulation, recognizing limitations of the topography and conforming to the size requirements specified below.
 - 2. Size. No block frontage shall be less than 200 feet or more than 1,600 feet in length between corner lines unless topography or location of adjoining streets justifies an exception. Block size shall vary, depending on the adjacent street classification, with shorter blocks fronting local streets and longer blocks fronting collector and arterial streets. In addition the following shall apply:
 - a) Local Streets and Minor Collectors. Block width shall be a minimum of 200 feet and a maximum of 600 feet, with a maximum proportional ratio of width-to-length of 1:3. Block length shall be a minimum of 300 feet and a maximum of 600 feet. To provide a connection to the adjoining street, a permanent pedestrian/ bicycle through pathway, established by right-of-way and at least 10 feet wide, shall be provided near the middle of blocks greater than 450 feet in length/width.

- b) Central Business Commercial District. Blocks shall be 300 feet by 220 feet and platted with alleys in the pattern common to this district.
 - c) Major Collector Streets. Block frontage shall be a minimum of 300 feet and a maximum of 1,200 feet. To provide a connection to the adjoining street, a permanent pedestrian/ bicycle through pathway, established by right-of-way and at least 12 feet wide, shall be provided near the middle of blocks greater than 900 feet in length/width.
 - d) Arterial Streets. Block frontage shall be a minimum of 600 feet and a maximum of 1,600 feet. To provide a connection to the adjoining street, a permanent pedestrian/ bicycle through pathway, established by right-of-way and at least 12 feet wide, shall be provided near the middle of blocks greater than 1,200 feet in length/width.
3. Exceptions. Block sizes may be reduced or enlarged in the same way separation distance between access points may be reduced, per all of the requirements of *Section 6.050.050: Exceptions to Standards*, substituting block size for separation distance between access points.

D. General Lot Requirements

- 1. Size and Shape. Lot size, width, shape, and orientation shall be appropriate for location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot sizes shall not be less than required by this Ordinance for the applicable zone district. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed.
- 2. Access. Each lot shall abut upon a public street, alley, or approved private access drive for a width of at least the minimum lot width specified by the development standards for the zone district where the lot is located, with the following exception:
 - a) Lot access requirements for residential rear lot development created through a land partition process may be exempted from the access requirement above when all the provisions of *Section 9.020.030: Residential Rear Lot Development* below have been met.
- 3. Access Points. Arterial and collector streets access points shall be either established in the final plat or included in covenants recorded as part of

the final plat.

4. **Through Lots.** Through lots shall be avoided except where essential to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography and orientation. No rights of access shall be permitted across the rear lot line of a through lot.
5. **Lot Side Lines.** Side lines of lots, as far as practicable, shall be at right angles to the street the lots face.
6. **Lot Grading.** Lot grading shall conform to the provisions of *Section 8.050: Erosion, Slope Failure, and Cuts and Fill*.
7. **Building Lines.** Building setback lines may be established in a final plat or included in covenants recorded as a part of a plat.
8. **Redevelopment Plans.** A redevelopment plan shall be required when dividing residential land into large lots that have the potential for further subdivision or partition at some future date. The redevelopment plan shall show street extensions, utility extensions, and lot patterns to:
 - a) Indicate how the property(ies) may be further developed to 70% of maximum Comprehensive Plan density for the particular zone district.
 - b) Demonstrate that the proposal will not inhibit development of adjacent lands.

9.020.030 Residential Rear Lot Development

Rear lot development shall be allowed with the intention of eventually creating, where possible, a public street or private access drive connecting two established public streets for the purpose of providing through access to the lots being developed. In addition to complying with the provisions of *Subsection 9.020.020: General Provisions* above, and all other requirements of this and other City Ordinances, residential rear lot development shall comply with the following standards and procedures:

- A. **Lot Access Requirements.** Lot(s) created by rear lot development shall use one of the following applicable permanent access options:
 1. Where opportunities exist for future rear lot development of abutting property to the side and rear of the subject lot, a deed

recorded easement at least 25 feet wide abutting one side lot line and running from the front property line to the rear property line shall be required.

2. Where a permanent access easement on an adjacent property already exists along the side lot line or abuts the rear lot line of the subject lot, a deed recorded easement at least 25 feet wide abutting the side lot line adjacent to the existing easement and running from the front property line to the rear property line shall be required.
 3. Where, in the Director's opinion, existing topography, lack of public right of way, or existing development precludes an opportunity to create a through connection to a public street, rear lot development may connect to a dedicated right-of-way via an access way (narrow strip of land). At the Fire Marshall's discretion, an adequate turn around area (such as a hammer head) shall be provided for fire and life safety vehicles.
- B. Improvement Requirements. The City Engineer may require that any private access or driveway over 50 feet in length or serving 2 or more lots shall be improved as required at the same time as the adjacent public street is constructed. This provision includes all required drainage, sewage, and utility facilities.
- C. Public Improvements. Public improvements shall be placed within the easements or rights-of-way per City standards. Where the width of the easements or rights of way is not sufficient to accommodate all required improvements, additional easement or right-of-way shall be acquired from adjacent property.
- D. Required Connection To Right Of Way. Public streets, private access drives and access ways must connect to a dedicated right-of-way at least 40 feet in width that has a street improved to City standards. An exception to the improvement standards for the existing dedicated right-of-way may be allowed if all of the following conditions are met:
1. The accessway connects to a substandard street.
 2. The property owner signs an irrevocable waiver of remonstrance agreement for public street improvements and records the waiver with the property through the Wasco County Clerk's Office.
 3. The property owner demonstrates that the grade of the property will allow run-off and foundation drainage to be carried by

gravity (without pumping) to a public storm drain or other drainage facility approved by the City Engineer without crossing property lines or creating erosion problems.

- E. Lot Area. The minimum lot area shall meet the minimum requirement of the applicable zone district. Land required for future right of way or proposed for a future public street shall not count toward the minimum lot area.
- F. Fire Protection. The Fire Marshall may require installation of a fire hydrant and/or turn-arounds where necessary for fire fighting capabilities.
- G. Existing Vegetation. Significant beneficial vegetation including trees and shrubbery shall be preserved wherever possible.
- H. Reciprocal Easements. Where a common drive or private accessway is to be provided to serve more than one lot, a reciprocal easement ensuring access rights shall be recorded with the approved partition map.

Section 9.030**PARTITIONS, MINOR REPLATS, and LOT LINE ADJUSTMENTS**

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9.030.040	Partition Application Review	9-17
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9.030.010 Purpose

This Section describes the requirements and review procedures for applications for Partitions, Minor Replats, and Lot Line Adjustments. (For a description of the difference between Partitions and Subdivisions see *Section 9.010: Background and Purpose*.)

9.030.020 Plat and Survey Requirements

In addition to the requirements contained in this Chapter, plats and survey maps are also subject to the requirements of ORS 92.050 and 209.250.

9.030.030 Partition Applications

- A. In addition to the requirements of *Section 3.010: Application Procedures*, the person filing the application must be the owner or a person having a legal interest in the land to be partitioned. If the application includes land in more than one ownership, the application must be submitted jointly by all of the owners or persons having a legal interest in the property. All applications for partitions shall also be accompanied by a tentative partition plat and any other required graphics. The tentative plat shall be sufficiently accurate to ensure proper review and shall not exceed 18in. by 24 in. An 11 in. by 17 in. copy of the tentative plat shall also be provided. The tentative plat shall include the following information where applicable:
1. Names of the applicant, owner, engineer, and surveyor as appropriate.
 2. Date, scale, and north arrow.
 3. Property line boundaries of all contiguous land in the same ownership as the area encompassed in the application.
 4. Sufficient description to define location and boundaries of the area to be partitioned, replatted, or adjusted.
 5. Location of existing structures.
 6. Number and type of dwelling units proposed where known and appropriate.
 7. Location and width of all existing or proposed public or private rights-of-way, including any reserve strips and parking areas.

8. Location of all existing and proposed streets, curbs, and sidewalks. (New streets or improvements to existing streets shall meet the requirements of *Chapter 10: Improvements Required with Development*. Construction detail drawings are not required for application approval, but will be required prior to issuance of any required permit.)
9. Location of all existing and proposed public and private utilities, including, but not limited to water, sewer, storm drainage, power, gas, cable TV, and telephone. (New public utilities shall meet the requirements of *Chapter 10: Improvements Required with Development*. Construction detail drawings are not required for application approval, but will be required prior to issuance of any required permit.)
10. Proposed parcel layout indicating dimensions, parcel lines and lot areas of parcels.
11. Approximate location of any potential physical and environmental constraints for review per the provisions of *Chapter 8: Physical and Environmental Constraints*. Such constraints include, but are not limited to slopes of the land, erosion control, flood ways, flood plains, natural drainage ways, and geological hazard areas.
12. All areas proposed for dedication to the public and their proposed uses including, but not limited to street rights-of-way, drainage ways, easements, trails and paths, parks and open spaces, and reserve strips.
13. For non-residential development, the location and use of adjacent driveways and structures within the appropriate distance as specified in Section 6.050.040: Access Standards.
14. Identification of significant natural features including, but not limited to rock outcroppings, creeks, streams, ponds, riparian areas, and existing native, ornamental, and orchard trees having a trunk diameter of 14 in. or more at a point 5 feet above the natural grade.
15. Where it is evident that the subject parcel can be further partitioned the applicant shall show, either on the tentative plat or as an attachment, that the land partition will not preclude efficient

division of land in the future, per the requirements of *Section 9.020.020 (C)(8): Redevelopment Plans*.

- B. The Director may waive any of the requirements where determined that the information is unnecessary to properly evaluate the proposed development. The Director may also require any additional information, if determined necessary, to evaluate the proposal.

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*.
- B. Review Criteria. Partition applications shall be reviewed to assure:
1. The tentative plat meets the Wasco County recording requirements.
 2. The proposal is consistent with the purposes of this Chapter, relevant development standards of this Ordinance, policies and density requirements of the Comprehensive Plan, Public Works standards and policies, and any other applicable policies and standards adopted by the City Council.
 3. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including provision of City services and access from a public street.
 4. The plans for public improvements meet the requirements contained in the provisions of Section 9.040.060 H: Installation of Required Improvements.
- 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 an approval is extended, any fees or charges 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.

9.030.050 Final Partition Plat Review

- A. Application Requirements. Applications for final partition plat approval shall meet the following requirements:
1. The final partition plat shall conform to the approved tentative partition plat, as well as the provisions of *Section 9.020: Land Division Standards* and any conditions of approval.
 2. The partition plat shall be prepared in accordance with ORS Chapters 92 and 209 by an Oregon licensed land surveyor and conform to Wasco County's plat standards.
 3. An Oregon licensed land surveyor shall survey and monument all parcels. All monuments on the exterior boundary and all parcel corner monuments of a partition shall be placed before the partition is offered for recording.
 4. The plat shall include or be accompanied by:
 - a) A notarized signature of the owner declaring the ownership and consenting to recording of the plat.
 - b) Legal descriptions of areas proposed for dedication including, but not limited to, street rights-of-way, drainage ways, easements, and reserve strips (legal descriptions shall meet the approval of the City Engineer).
 - c) A notarized copy of any deeds dedicating land to the City signed by the grantor.
 - d) A description, sealed by a registered professional engineer, of streets, driveways, utilities, and improvements proposed to be made or installed, as well as a time within which such improvements are to be completed.
 - e) All easements and adjacent streets shall be placed on the plat.
 - f) A designated space for approval signatures in accordance with *Subsection (C)(4)* below shall be placed on the plat.
- B. Review of Final Partition Plat Application.
1. Within 14 days after receiving the final partition plat application, the Director shall review it for compliance with the above submittal requirements. If an application is found incomplete, the Director shall notify the applicant within 7 days and state what is

needed for a complete application. The Director may waive any of the requirements when the Director determines that the information is not necessary.

2. a) For a partition of non-residentially zoned property, on which no existing residential structure is located, any required street improvements (including paving, curb, sidewalk, sanitary sewer, water and where applicable, storm sewer) shall be subject to the Agreement for Improvement provisions in *Section 9.040.060(H); Installation of Required Improvements*.
- b) For a partition of a vacant parcel of property which is zoned for residential development, or a partition of a parcel upon which an existing residential structure is located, prior to the approval of the final plat, the applicant shall not be required to install required street improvements; installation of required street improvements shall occur consistent with the provisions of Section 10.030(A).

C. Final Plat Approval. Prior to final approval, the City shall be assured that:

1. For a partition of non-residentially zoned property, on which no existing residential structure is located, the applicant has installed, or executed a deferred development agreement, or has gained approval to form an improvement district for installation of required improvements in accordance with the provisions of *Chapter 10: Improvements Required with Development*, or the applicable provisions of General Ordinance No. 06-1275 concerning reimbursement districts. Improvements that may be required include street, street lights or other signals, sanitary sewer, storm drainage, water, pedestrian way and bikeway improvements, electrical power, natural gas, cable television, telephone service, and other improvements required with the partition application.
2. For a partition of a vacant parcel which is zoned for residential development, or a partition of a parcel of property upon which an existing residential structure is located, the applicant's responsibility for installing required public street improvements shall occur in accordance with the provisions of Section 10.030(A).
3. Public assessments, liens, and fees with respect to the partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the City Council.

4. The City Engineer shall review a signed and notarized deed for any areas proposed for dedication to the City prior to the final signing of the partition plat.
 5. The partition plat shall be signed by the Director, City Engineer, Wasco County Treasurer, Wasco County Assessor, and Wasco County Surveyor.
 6. Approval does not relieve the applicant from other applicable provisions of this and other City Ordinances, or from the provisions of the Oregon Revised Statutes.
- D. Recording of Final Plat. When all required signatures have been obtained on the final partition plat, the applicant shall record the plat and any required covenants with the Wasco County Clerk, and submit 2 copies of the recorded plat and any covenants to the Director.
- E. Effective Date. Authorization of the final partition plat shall become effective when the plat is officially recorded.
- F. Building Permits. No building permit shall be issued for any parcel until the final partition plat is recorded and the required copies are provided to the Director.

9.030.060 Minor Replat Review

- A. Review Procedure. Applications for minor replats shall be processed per the provisions of *Section 9.030.030: Partition Application Review*.
- B. Final Minor Replats. A final minor replat shall be prepared by a licensed surveyor and meet the applicable requirements of *Section 9.030.050: Final Partition Plat Review*.

9.030.070 Lot Line Adjustment Procedure

- A. Applications. In addition to the applicable requirements of *Section 3.010: Application Procedures*, applications for lot line adjustments shall include a survey map prepared by a licensed surveyor indicating the existing and proposed lot lines.
- B. Review Procedure. Lot Line Adjustment applications shall be processed as ministerial actions, per the provisions of *Section 3.020.030: Ministerial Actions*.

C. Review Criteria. A lot line adjustment shall be approved if the following criteria are met:

1. The lot line adjustment shall not result in the creation of an additional unit of land.
2. The lot line adjustment shall not create a nonconforming use, structure or building.
3. Any unit of land reduced in size by the lot line adjustment shall comply with all applicable development district regulations.
4. Any nonconforming development on lots subject to a lot line adjustment shall not have the degree of nonconformity increased as a result of the lot line adjustment.
5. The availability of both public and private utilities and required access shall not be adversely affected by a lot line adjustment.

D. Conditions of Approval. Approvals shall be subject to the following minimum conditions:

1. Deeds, based on a metes and bounds legal description, for all adjusted lots resulting from the lot line adjustment shall be recorded with the Wasco County Clerk's Office.
2. A Certified Boundary Survey map, if needed, that reflects the approved lot line adjustment shall be filed with Wasco County. Prior to the filing of the survey map with Wasco County, the map shall be reviewed by the City and signed by the Director and the City Engineer.
3. Two copies of the recorded deeds and filed survey map shall be provided to the City following recordation.

Section 9.040**SUBDIVISIONS AND MAJOR REPLATS**

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9.040.010 Purpose

This Section describes the requirements and review procedures for Subdivision applications, and applications for Major Replats.

9.040.020 Plat and Survey Requirements

In addition to the requirements contained in this Chapter, plats and survey maps are also subject to the requirements of ORS 92.050 and 209.250.

9.040.030 Subdivision Applications

- A. Application Requirements. In addition to the requirements of *Section 3.010: Application Procedures*, the person filing the application must be the owner or a person having a legal interest in the land to be included in the subdivision. If the development is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having a legal interest in each of the separately owned properties to be included. Additionally, the application shall be accompanied by the following:
1. Four sets of full-sized blue or black line drawings of the tentative plat, with a sheet size at least 18 in. by 24 in., sheet size of any other graphics shall not exceed 24 in. by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted.
 2. One set of the graphics shall be reduced to fit on 11 in. by 17 in. sheets of paper. Graphics and related names/numbers must be legible on this sheet size.
 3. One copy of the project narrative, per the requirements of *Subsection (C)* below, on 8.5 in. by 11 in. sheets.
- B. Graphics Requirements. Subdivision applications shall include the following graphic information where applicable.
1. An existing land use map. (A map that extends between 250 to 2000 feet beyond the site. The map includes building footprints and makes a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainage ways, parks and schools. The Director shall determine the coverage of the land use map based on potential impacts of the development proposal.)

2. Tentative subdivision plat and other graphics drawn to scale and containing sheet titles, date, north arrow, and legend placed in the same location on each sheet and containing the following:
 - a) Name and address of owner(s) of record, applicant, engineer, and registered land surveyor who prepared the plat.
 - b) Sufficient description to define location and boundaries of the development site.
 - c) Location and use of adjacent driveways and structures within the appropriate distance as specified in *Section 6.050.040: Access Standards*
 - d) Number of lots and their dimensions including frontage, depth, and area in acres.
 - e) General location of existing and proposed structures including building types and heights, gross density per acre and proposed use restrictions. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.
 - f) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses.
 - g) Location and width of all existing or proposed public or private rights-of-way, including any reserve strips and parking areas.
 - h) Existing and proposed general circulation system including bikeways, driveways, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership (public or private) should be included where appropriate.
 - i) Existing and proposed general pedestrian circulation system, including its interrelationship with the vehicular circulation system and indicating proposed treatments of points of conflict.
 - j) Existing and proposed utility systems including, but not limited to sanitary sewer, storm sewer, drainage ways, water, cable TV, power, natural gas, telephone, and street lights as appropriate.
 - k) Approximate location of any potential physical and environmental constraints for review per the provisions of *Chapter 8: Physical and Environmental Constraints*. Such constraints include, but are not limited to slopes of the land, erosion control, flood ways, flood plains, natural drainage ways, and geological hazard areas.

- l) Identification of significant natural features including, but not limited to rock outcroppings, creeks, streams, ponds, riparian areas, and existing native, ornamental, and orchard trees having a trunk diameter of 14 in. or more at a point 5 feet above the natural grade.
 - m) Topographic contours at intervals appropriate to the size and scale of the map, with an accuracy of plus or minus 1 foot.
 - n) Drainage and Grading Plan. Where the grade of any part of the subdivision is less than 3% or exceeds 10%, or where the subdivision abuts existing developed lots, a conceptual grading and drainage plan may be required to show features adjacent to or within a reasonable distance from the subdivision that would affect the subdivision and adjacent areas. If a grading plan is required, it shall show how runoff or surface water from individual lots will be managed and the ultimate disposal of all subdivision surface waters.
 - o) Approximate location and widths of proposed easements and/or dedications for drainage, sewage, or other public utilities.
 - p) Location of waterways, and drainage ways, showing top of existing banks and channel depth, and if requested, a separate sheet showing cross sections at 50-ft intervals of all such water courses for review in accordance with *Chapter 8: Physical and Environmental Constraints*.
3. The Director may waive any of the above requirements when determined the information required by this Section is unnecessary to properly evaluate the proposed development. The Director may also require additional information, if determined necessary, to adequately evaluate the proposal.

C. Narrative Requirements. A written statement accompanying the subdivision application shall include:

- 1. Proposed uses and development objectives.
- 2. A statement of improvements to be constructed or installed and date of their anticipated completion, including, but not limited to:
 - a) Provisions for domestic water supply including source, quality, and approximate quantity.
 - b) Provisions for sewage treatment and disposal, storm drainage, and flood control.

- c) Provisions for improvements and maintenance of common areas if proposed.
 - d) Proposed landscaping.
 - e) Proposed streets, curbs, sidewalks and street lighting.
 - f) Proposed fire protection.
3. A general description of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements, such as irrigation, private roads and drives, landscape, and maintenance.
4. General data not included on the tentative plat such as:
- a) Total number and type of dwelling units.
 - b) Parcel size in square feet.
 - c) Proposed lot coverage of buildings and structures where known.
 - d) Gross densities per acre.
 - e) Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas).
 - f) Total amount and type of nonresidential construction.
- D. After a subdivision application has been filed, no building permits shall be issued until construction drawings and specifications have been approved by the City Engineer. Exception provisions in Section 3.030.030 I apply here also.

9.040.040 Subdivision Application Review

- A. Review Procedure. Subdivision applications shall be reviewed as administrative actions, per the provisions of *Section 3.020.040: Administrative Actions.*
- B. Review Criteria. Subdivision applications shall be reviewed to assure consistency with the state statutes, this Ordinance, and the applicable provisions of *Chapter 5: Zone District Regulations, Chapter 6: General Regulations, Chapter 7: Parking Standards, Chapter 8: Physical and Environmental Constraints, Chapter 9: Land Divisions, and Chapter 10: Improvements Required with Development.*
- C. Period of Approval and Extension. Approval of a subdivision application shall be valid for a period of 2 years from the effective approval date. If the applicant has not submitted a final subdivision plat within 2 years (with appropriate assurances for improvements, if applicable), approval

shall expire. The Director may grant, at the applicant's request, a one-time extension of up to 1 year if, in the Director's opinion, conditions related to the project and surrounding area have not changed. The applicant must request an extension in writing at least 45 days prior to approval expiration.

9.040.050 Construction Drawings and Specifications for Public Improvements

Construction drawings and specifications for public improvements are not required prior to subdivision application approval but are required prior to final subdivision plat review. This allows a developer to seek subdivision application approval prior to investing in public improvement engineering. No public improvements shall be laid out or constructed prior to City Engineer approval of construction drawings and specifications. Construction drawings and specifications for public improvements shall include the following:

- A. Plans and Specifications. Plans and specifications for public improvements shall clearly indicate the following:
 1. Location of existing rights-of-way.
 2. Existing streets, sidewalks, curbs and utilities.
 3. Parking lot striping and pavement cross section.
 4. Perimeter curb location and details.
 5. Utility service types, sizes, locations and details (including hydrants, manholes, clean-outs, vaults, meters, etc.), including location, elevation, size, and detail of storm lines, inlets/catch basins, manholes, cleanouts, parking, drive pads, distance to drive pads on adjacent property, curb and sidewalk, retaining walls, and retaining wall drainages.
 6. Location and details of cross connection control devices.
 7. Fence and gate locations and details.
 8. Street and parking lot lighting locations and details.
 9. Site drainage and grading plan and construction details sufficient to evaluate whether runoff generated from improvements is collected on site and disposed of in a manner which eliminates sheet flow of storm water onto sidewalks, public rights-of-way and abutting private property.

10. Location and type(s) of existing and proposed street trees.
 11. Erosion control plan and/or traffic control plan as required by the City Engineer.
 12. Where City street, curb, sidewalk or utility extensions are required, provide complete plan, profile, and construction detail drawings and specifications, prepared and stamped by a licensed professional engineer for the proposed improvements within public easements rights-of-way.
- B. Engineering Estimates. Itemized engineering estimates for the proposed improvements sealed by a licensed professional engineer.
- C. Contractor Information. Proof of licensing, bonding and insurance is required for the contractor(s) installing public improvements.
- D. Field Adjustments. A letter signed by the developer, engineer, and contractor acknowledging that field adjustments to approved plans require the approval of the City Engineer.

9.040.060 Final Subdivision Plat Review

- A. Application Requirements. Applications for final subdivision plat approval shall meet the following requirements:
1. The final plat and 2 additional copies which meet Wasco County's survey and subdivision plat standards shall be submitted to the Director.
 2. The final plat shall substantially conform to the approved tentative subdivision plat and construction drawings and specifications for public improvements, and shall conform with *Section 9.020: Land Division Standards*, except where modified by a Planned Development approval (see *Section 9.050: Planned Development*). The plat shall contain or be accompanied by the following information:
 - a) Name of the subdivision.
 - b) Date, north arrow, scale, legend, and existing features such as highways and railroads.
 - c) Legal description of subdivision boundaries.
 - d) Reference and bearings to adjoining recorded surveys.

- e) Exact location and width of streets and easements intersecting the boundary of the subdivision.
- f) Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:
 - (1) Lot numbers shall begin with the number "1" and be numbered consecutively in each block. Number sequence are to generally follow the same system as sections are numbered in a township.
 - (2) Block numbers shall begin with the number "1" and be numbered consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate any figure. Block and lot numbers in an addition to a subdivision of the same name shall continue the numbering in the original subdivision. Block numbering sequence shall be the same system as sections are numbered in a township.
 - (3) Block numbers may be omitted where blocks are of irregular shape. When block numbers are omitted, lots shall be numbered consecutively throughout the subdivision. Lots in an addition to the subdivision of the same name shall continue the numbering of the original subdivision.
- g) Street rights-of-way, center lines with dimensions to the nearest 0.01 ft, bearings or deflection angles, radii, arc, points of curvature, curve data, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds with basis for bearings.
- h) Name and width of proposed and existing width of any existing right-of-way, and width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to center line dimensions, the radius and center angle shall be indicated.
- i) Easements, denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. If an easement is not definitely located or recorded, there shall be a written statement of the easement. The easement's width, length, bearing, purpose and sufficient ties to locate it with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of

dedication. The City Attorney shall approve wording of all easements.

- j) Locations and widths of waterway and drainage ways, and other water courses for review in accordance with *Chapter 8: Physical and Environmental Constraints*.
- k) Location and widths of railroad rights-of-way and reserve strips at the end of stub streets or along the edge of partial-width streets on the subdivision boundary.
- l) Parcels to be dedicated shall be distinguished from lots intended for sale, with acreage and alphabetic symbols for each parcel.
- m) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
- n) The following certificates, acknowledgments, and other requirements established by State law. Such certificates may be combined where appropriate:
 - (1) Certificate, signed and acknowledged by the owner(s) of record of the land to be subdivided, offering for dedication of all parcels of land for public use; and offering for dedication of rights of access to and from prescribed streets, lots, and parcels of land.
 - (2) Certificate of the registered or licensed surveyor who prepared the survey and final subdivision plat.
 - (3) Certificate for execution by the Director or Chair of the Planning Commission as appropriate.
 - (4) Certificate for execution by the City Engineer.
 - (5) Certificate for execution by the County Surveyor.
 - (6) Certificate for execution by the Wasco County Clerk, including available space for Clerk recording information.
 - (7) Certificate for execution by the Wasco County Assessor.
 - (8) Certificate for execution by the Wasco County Tax Collector.
 - (9) Certificate for execution by the Wasco County Court, where appropriate.

B. Additional Materials. The following additional information shall be submitted to accompany the final subdivision plat:

1. Three copies of all proposed covenants, conditions, and restrictions (CC&Rs), or a written statement signed by the applicant that no such restrictions will be established.
2. Title guarantee by a title company doing business in Wasco County, showing names of persons whose consent is necessary for preparation of the final plat and for any dedication to public use, and their interests therein. This guarantee shall certify, for benefit and protection of the City, that persons therein named are all of the persons necessary to give clear title to streets and other easements therein to be offered for dedication.
3. Statement by the Postal Service to verify location of proposed mail delivery facilities as shown on the final subdivision plat or accompanying sheet, and location to be approved by the City Engineer.
4. A description of the entity receiving a dedication for public use (City, County, Homeowners Association, Special District, etc.). If a Homeowners Association is receiving the dedication, then articles of incorporation must be included.

C. Dedications and Public Utility Requirements.

1. The following items shall be offered for dedication for public use at the time the final subdivision plat is filed.
 - a) Parcels of land shown on the final subdivision plat as intended for public use.
 - b) Streets, pedestrian ways, drainage channels, easements, and other rights-of-way shown for public use on the final subdivision plat.
 - c) Rights of access to and from streets, lots, and parcels of land shown on the final subdivision plat as intended to be dedicated.
2. Evidence of unencumbered and clear title shall be submitted prior to approval of the final subdivision plat for all land proposed to be dedicated for public use, including but not limited to rights-of-way, drainage ways, open space, and easements.
3. Environmental assessments shall be conducted in accordance with *Section 10.110(F): Environmental Assessments*.

- D. Designation and Conveyance of Reserve Strips. Reserve strips 1 ft wide across the ends of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land may be required. These strips shall be designated on the final subdivision plat. The reserve strip shall be included in the dedication granting to the City right to control access over the reserve strip to assure continuation or completion of the street. These reserve strips shall overlay the dedicated street right-of-way.
- E. Monumentation Requirements.
1. Monuments shall be set according to provisions of State law.
 2. In making the survey, the surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to standards required by the County Surveyor. Setting of interior monuments may be delayed with approval of the approving authority as provided in subsection (4) below.
 3. The minimum requirements for monumentation and accuracy for a subdivision plat or partition plat shall comply with State law.
 4. Interior "post monumentation" may be permitted by the approving authority at the time of approval of the tentative subdivision plat or upon special request prior to filing the final subdivision plat, provided that:
 - a) The applicant has shown it is necessary and practical to delay interior monumentation.
 - b) The applicant agrees to furnish a bond or cash deposit to the City in an amount equal to 150% of the estimated cost of performing the work for interior monuments.
 - c) The applicant signs an agreement with the project surveyor, County Surveyor and City Engineer. The agreement shall state the amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat, how the surveyor is to be paid for the work of establishing the interior monuments, and that the rules for post monumentation as provided in ORS Chapter

92 shall be followed; establishes a date when monumentation will be completed; and, sets out other particulars that may be necessary to insure complete monumentation at a later date.

- F. Review of Final Subdivision Plat Application. Within 14 days after receiving an application for final subdivision plat, the Director shall review it for compliance with the above submittal requirements. If an application is found incomplete, the Director shall notify the applicant and state what is needed for a complete application.
- G. Coordination by Director. The Director shall coordinate review of the final subdivision plat as required above. Upon notification by each agency that the final subdivision plat is satisfactory, the Director shall circulate the original copy of the final subdivision plat for the following signatures as appropriate: City Council, Commission Chair, City Engineer, County Assessor, County Surveyor, County Clerk, County Tax Collector, County Treasurer, and County Court. The City Engineer may make field checks to verify that the map is sufficiently correct on the ground and may enter the property for this purpose.
- H. Installation of Required Public Improvements. Before the signature of the City Engineer is obtained, the applicant shall install required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of required public street, sanitary sewer, storm drainage, water, pedestrian way and bikeway improvements, electrical power, natural gas, cable television, telephone service, and other improvements required with the subdivision application approval. For purposes of this Chapter, required improvements mean those public improvements and private streets required to be installed as part of the approval of the development. This condition is required for acceptance and approval of the final subdivision plat. These procedures are more fully described as follows:
1. Install Improvements. The applicant may install the required improvements for the subdivision, in accordance with the requirements of *Section 9.040.050: Construction Drawings and Specifications for Public Improvements* and *Chapter 10: Improvements Required with Development* prior to recording the final subdivision plat.

2. Agree to Install Improvements. The applicant may execute and file an agreement with the City specifying the maximum period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the applicant. The agreement shall also provide a 1 year guarantee to the City on all improvements. A performance guarantee, as provided below in *Subsection (I)*, shall be required as part of the agreement. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions. Assurances shall be made that franchise utility service will be provided as required by *Subsection (K)* below.

3. Form Improvement District. The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. A performance guarantee, as provided below in *Subsection (I)*, shall be required under the improvement district procedure.
 - I. Performance Guarantee. Where required by the provisions of this ordinance, the applicant shall provide a performance guarantee to assure full and faithful performance thereof, in one of the following forms:
 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 2. In lieu of the surety bond, the applicant may:
 - a) Deposit with the City Finance Director cash money to be released only upon authorization of the City Engineer.

- b) Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer.
 - c) Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be utilized only upon authorization of the City Engineer.
 - d) Provide bonds in a form approved by the City Attorney.
3. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.
 4. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference, plus the cost of collections.
- J. Public Improvements. See Section 9.030.050: *Final Partition Plat Review (C)(1)*.
- K. Franchise Utility Service. Prior to approval of the final subdivision plat, the applicant shall install or provide financial assurances to the satisfaction of the Director that electrical power, natural gas, cable television, and telephone service is or will be provided for each lot unless specifically exempted during the review of the subdivision application.
- L. Removal of Existing Services. Existing public utilities or service connections not required, in the judgment of the City Engineer, for the proposed subdivision shall be removed prior to filing of the plat.
- M. Recording the Final Subdivision Plat. When all required signatures have been obtained on the final subdivision plat, the applicant shall record the subdivision plat and any required covenants with the Wasco County Clerk.

- N. Effective Date. Authorization of the final subdivision plat shall become legally effective when 2 copies of the recorded subdivision plat and any covenants, conditions and restrictions are received by the Department.

9.040.070 Major Replats

Applications for major replats shall be reviewed and processed per the provisions of the subdivision application, public improvement, and final subdivision plat procedures in *Sections 9.040.020, 9.040.030, 9.040.040, and 9.040.050* above.

Section 9.050**PLANNED DEVELOPMENT**

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9.050.010 Background

Development regulations with pre-stated requirements may frustrate innovative development proposals and the use of project and architectural designs that are in the public interest. The Planned Development process seeks to permit greater flexibility and creativity in land development than may be possible under the strict interpretation of the provisions of this Ordinance.

9.050.020 Purpose

Planned Development review procedures are established in this Section to promote flexibility in design and allow diversity and creativity in the location of structures; promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities; preserve to the greatest extent possible existing landscape features and usable open space, and incorporate these into the overall site plan; provide for more usable and suitably located recreation facilities, open space, and other public and common facilities than would otherwise be provided under conventional land development procedures; encourage mixed uses in a development project; combine and coordinate architectural styles, building forms and building relationships within the Planned Development; and, to provide greater compatibility with surrounding land uses than what may occur with a conventional project.

9.050.030 General Provisions

Planned Development is an alternative development option which, where allowed in a zone district, is processed as a conditional use permit, per the provisions of *Section 3.050: Conditional Use Permits*. Where land in a planned development is to be partitioned or subdivided, all the related requirements of this Chapter shall apply. Planned development proposals are subject to the following provisions:

- A. Application Options. Applicants for Planned Developments may submit development proposals under a Detailed Development Plan (where sufficient information has been submitted) in accordance with *Section 9.050.060: Detailed Development Plan Review Procedures*, or request the approval of a Conceptual Development Plan in accordance with *Section 9.050.040: Conceptual Development Plan Applications* and *Section 9.050.050: Conceptual Development Plan Review*, and later apply for Detailed Development Plan approval. However, prior to issuing any building permits a Detailed Development Plan and construction drawings and specifications must be approved by the Commission and the City Engineer as appropriate.

- B. Zone Districts. Planned Development is an option limited to the residential and commercial areas designated on the Comprehensive Plan Map.
- C. Mixed Use Projects. Projects proposing to mix residential and commercial uses are limited to a maximum of 30% of the non-district use types in the total project. Example: In a residential zone, the commercial uses in a mixed-use planned development are limited to 30% of the total project.
- D. Street Networks. Planned developments shall conform to and, where possible, enhance existing or planned vehicle, pedestrian and bicycle networks, including connections and functionality.
- E. Neighborhood Character. Planned development shall be in keeping with the character of established neighborhoods.
- F. Public Improvements. All public improvements shall require a performance guarantee per the provisions of *Section 9.040.060(I): Performance Guarantee*, and shall be designed and constructed per the provisions of *Chapter 10: Improvements Required with Development*.
- G. Utilities. All utilities shall be placed underground.
- H. Owners/Tenants Association. Any land and structures not dedicated to the public but reserved for the common use of the owners or tenants shall be subject to control by an association of owners or tenants created to form a non-profit association subject to the laws of the State of Oregon.
- I. Impact Statement. An impact statement containing an analysis of the social, environmental, and economic impact of the proposed development on the City shall accompany each application for planned development.
- J. Open Space Requirement. A minimum of 30% of a planned development site area shall be reserved as common space as follows: minimum 25% required as permanent open space and maximum 5% for areas of semi-public or public uses, such as recreation centers and laundry facilities.

9.050.040 Conceptual Development Plan Applications

- A. Applications. In addition to the requirements of *Section 3.010: Application Procedures*, the person filing the application must be the owner or a person having a legal interest in the land to be included in the planned development. If the project is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having a legal interest in each of the separately owned properties to be included. Additionally, the application shall be accompanied by the following:
1. Four sets of full-sized blue or black line drawings of the tentative plat, with a sheet size not to exceed 18 in. by 24in., sheet size of any other graphics shall not exceed 24 in. by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted.
 2. One set of the graphics reduced to fit on 11 in. by 17 in. sheets of paper. Graphics and related names/numbers must be legible on this sheet size.
 3. One copy of the project narrative on 8.5 in. by 11 in. sheets.
- B. Graphics. A Conceptual Development Plan application shall include all of the requirements of *Section 3.030.030(A): Site Plan* as part of the site plan review requirements for a conditional use, and all of the following graphic information where applicable:
1. An existing land use map. (A map that extends between 250 to 2000 feet beyond the site. The map includes building footprints and makes a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainage ways, parks and schools. The Director shall determine the coverage of the land use map based on potential impacts of the development proposal.)
 2. Site plan(s) and other graphics drawn to scale and containing a sheet title, date, north arrow, and legend placed in the same location on each sheet and containing the following:
 - a) The boundary of the proposed Planned Development and any interior boundaries related to proposed development phases or land divisions.

- b) General location of existing and proposed structures including building types and heights, and gross density per acre. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.
 - c) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses.
 - d) Existing and proposed general circulation system including bikeways, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership (public or private) should be included where appropriate.
 - e) Existing and proposed general pedestrian circulation system, including its interrelationship with the vehicular circulation system and indicating proposed treatments of points of conflict.
 - f) Existing and proposed utility systems, easements and/or rights-of-way, including sanitary sewer, storm sewer, drainage ways, water, cable TV, power, natural gas, telephone, and street lights as appropriate.
 - g) Information sufficient to determine if existing streets and utility systems are adequate for the proposed development. Approximate location of any potential physical and environmental constraints for review per the provisions of *Chapter 8: Physical and Environmental Constraints*. Such constraints include, but are not limited to slopes of the land, erosion control, flood ways, flood plains, natural drainage ways, and geological hazard areas.
 - h) Sufficient information on land areas within at least 300 feet of the subject property to indicate their relationships with the proposed development including land uses, lot lines, circulation systems, public facilities, and unique natural features of the landscape.
 - i) Identification of site significant natural features.
3. The Director may waive any of the above requirements when determined the information required by this section is unnecessary to properly evaluate the proposed Planned Development. The Director may also require additional information to evaluate the proposal.

- C. Narrative Requirements. A written statement accompanying the Conceptual Development Plan shall include:
1. Statement of planning objectives to be achieved by the Planned Development. This statement should indicate a description of the character of the proposed development, rationale behind the assumptions and choices made, and a discussion indicating how the application meets the review criteria in *Subsection 9.050.050 (B)* below.
 2. A description of the types and sizes of all proposed commercial uses.
 3. Statement of intentions with regard to future selling or leasing of all or portions of the Planned Development.
 4. Quantitative data for the following where appropriate:
 - a) Total number and type of dwelling units.
 - b) Size of parcel(s) in square feet for each parcel.
 - c) Proposed lot coverage of buildings and structures where known.
 - d) Gross densities per acre.
 - e) Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas).
 - f) Total amount and type of nonresidential construction.
 - g) Economic feasibility studies or market analysis where necessary.
 5. General description of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements.
 6. Statement describing project phasing, if proposed. Phases shall be:
 - a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
 - b) Arranged to avoid conflicts between higher and lower density development.

- c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
 - d) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.
7. An impact statement containing an analysis of the social, environmental and economic impact of the proposed development on the City of The Dalles.

9.050.050 Conceptual Development Plan Review

- A. Review Procedure. Planned Development Conceptual Development Plans shall be reviewed by the Commission, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*, as part of the conditional use permit.
- B. Review Criteria. Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this Chapter, the Comprehensive Plan, the appropriate Site Plan Review criteria, and applicable provisions of this and other City Ordinances, policies and standards. In addition, the following compatibility factors shall be considered:
 - 1. Basic site design (the organization of uses on a site).
 - 2. Visual elements (scale, structural design and form, materials, and so forth).
 - 3. Availability of, and impacts on existing infrastructure and utilities.
 - 4. Noise attenuation.
 - 5. Noxious odors.
 - 6. Surface water run-off and methods to control run-off.
 - 7. Lighting.
 - 8. Signage.

9. Landscaping for buffering and screening.
 10. Traffic.
 11. Effects on off-site parking.
 12. Effects on air and water quality.
- C. Period of Approval and Extension. Approval of a Conceptual Development Plan shall be valid for a 1 year period from the effective approval date. If the applicant has not submitted a Detailed Development Plan for the Planned Development, or phases thereof, before the 1 year effective period expires, the approval shall expire. The Director may grant a one-time extension not to exceed 2 additional years if, in the Director's opinion, conditions related to the project and surrounding area have not changed. Extension requests must be received by the Director at least 60 days prior to approval expiration.
- D. Modification of a Conceptual Development Plan. An applicant may request review of previously approved plans for purposes of modifying such plans, stating the reasons. The Commission, upon finding that the petition is reasonable and valid, may consider redesign in whole or in part of the original Conceptual Development Plan. In reviewing a modification request, the Commission shall follow the procedures required for a Conceptual Development Plan submittal. Decisions on modification requests must be consistent with the review criteria in *Subsection (B)* above.

9.050.060 Detailed Development Plan Review

- A. Application Requirements. Applications for Detailed Development Plans shall meet the application and review requirements specified for Conceptual Development Plans in *Section 9.050.040* and *9.050.050* above, and include the following:
1. Graphic Requirements. The following graphic requirements are required in addition to those specified for a Conceptual Development Plan:
 - a) Topographic contours at intervals appropriate to the size and scale of the map, with an accuracy of plus or minus 1 foot.

- b) Drainage and grading plan. Where the grade of any part of the subdivision is less than 3% or exceeds 10%, or where the planned development abuts existing developed lots, a grading and drainage plan may be required to show features adjacent to or within a reasonable distance from the project that would affect or be effected by the project and adjacent areas. The plan shall show how runoff or surface water from the project will be managed and ultimately disposed of. Permanent and temporary erosion control, and height and depth for all cuts and fills shall be clearly indicated.
- c) Location and floor area of existing and proposed structures and other at-grade and above-grade improvements, easements and rights-of-way, and density per gross acre (for residential developments).
- d) Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development.
- e) Landscape plan drawn to scale showing location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and design of landscaped areas, varieties and sizes of trees and plant materials to be planted, other landscape features including walls and fences, and irrigation systems proposed to maintain plant materials.
- f) Detailed utilities plan indicating how sanitary sewer, storm sewer, drainage, water systems, and street lighting will function.
- g) Detailed plan showing street, driveway, parking area, service area, loading area, pedestrian way, and bikeway improvements and their materials and dimensions.
- h) Location and dimensions of all areas proposed to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas, and a description of the entity receiving a dedication for public use (City, County, Homeowners Association, Special District, etc.). If a homeowners association is receiving the dedication, then articles of incorporation must be included.

2. Narrative Requirements. In addition to the narrative requirements specified in *Section 9.050.040: Conceptual Development*, the Detailed Development Plan shall include:
 - a) Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of off-street parking spaces to be provided (in ratio to gross floor area or number of units).
 - b) Detailed statement outlining timing, responsibilities, and performance guarantees for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance.
 - c) Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.
3. Tentative Plat. If a Planned Development is intended to be subdivided, a tentative plat may also be submitted per the provisions of *Section 9.040.030: Subdivision Applications* to permit simultaneous review.

B. Acceptance of Completed Applications. After applications for Detailed Development Plans are accepted as complete, per the provisions of *Section 3.010.040: Applications*, any revisions shall be regarded as a new application, requiring additional filing fees and reprocessing as a new quasi-judicial action, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*.

C. Review Criteria for Determining Compliance with Conceptual Development Plan. Requests for approval of a Detailed Development Plan shall be reviewed to determine substantial compliance with the approved Conceptual Development Plan. A Detailed Development Plan is in substantial compliance with the Conceptual Development Plan provided it is consistent with the review criteria in *Section 9.050.050: Conceptual Development Plan Review*, and does not involve changes to any of the following factors that constitute a major modification in the Planned Development:

1. Land use.
2. Increase in dwelling unit density.
3. Ratio of number of different types of dwelling units.

4. Type of commercial structures.
 5. Street and utility systems impacts, such as the type and location of accessways and parking areas where off-site traffic would be affected.
 6. Increase in the floor area proposed for nonresidential use by more than 10% from what was previously specified.
 7. Reduction of more than 10% of the area reserved for common open space and/or usable open space from what was previously specified.
 8. Increase in the total ground area proposed to be covered by structures by more than 5% from what was previously specified.
 9. Reduction of specific setback requirements by more than 25% where previously specified.
 10. Reduction of project amenities provided such as recreational facilities, screening, and/or landscaping provisions by more than 10% from what was previously specified.
 11. Any other modification to specific requirements established at the time of Conceptual Development Plan approval.
- D. Scope of Review. Where a Conceptual Development Plan was previously approved, the Commission shall limit its review of the Detailed Development Plan to those aspects of the development not previously reviewed.
- E. Major Modification(s) to Detailed Development Plan.
1. An applicant may petition for review of previously approved plans for purposes of modifying a Planned Development, stating reasons for the change.
 2. Where the Director determines that the proposed change is a Major Modification from one or more of the review criteria listed above in *Subsection 9.050.060 (C)*, the revised application shall be considered a new application, and processed as a new quasi-judicial action, per the provisions of *Section 3.020.050: Quasi-Judicial Actions*.

- F. Minor Modification(s) to Detailed Development Plan. A modification within the description of a Major Modification but which, in the Director's judgment, involves a change which does not alter the scope or character of the proposed project shall be considered a Minor Modification and may be approved, conditionally approved, or denied by the Director. Notice of the minor modification(s) shall be provided to all parties of record, and affected utilities and service providers. Notice is not required when a modification is determined by the Director to reduce the project's negative effects or to have no effect on the surrounding area. For example, a proposed reduction in density or increase in percentage of open space may be approved by the Director without mailing notice.
- G. Appeals. In addition to the requirements specified in *Section 3.020.080: Appeal Procedures*, an appeal of a Detailed Development Plan subsequent to Conceptual Development Plan approval shall only be heard for those items specifically addressed by the Commission for the Detailed Development Plan.
- H. Period of Approval and Extension.
1. Approval of a Detailed Development Plan shall be valid for a 3-year period from the date of approval. If the applicant has not begun construction within this time frame, all approvals shall expire. The Director may grant a one-time extension not to exceed 2 additional years if, in his opinion, conditions related to the project and surrounding area have not changed
 2. A Detailed Development Plan may be implemented in phases. All phasing shall occur within the time limits established in *Subsection (H)(1)* above. Each phase shall require an adequate performance guarantee for public improvements per the provisions of *Section 9.040.060(1): Performance Guarantee*.

9.050.070 Final Inspection, Acceptance, and Bond Release for Public Improvements

The final inspection and acceptance of public improvements, and release of the performance guarantee, shall be in accordance with the provisions of *Chapter 10: Improvements Required with Development*.

9.050.080 Noncompliance with the Approved Detailed Development Plan

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer. If the noncompliance is not corrected, enforcement action may be taken per the provisions of *Chapter 15: Enforcement*, and building permits for further construction may be withheld or revoked.

Public improvements that differ substantially from the approved construction drawings and specifications may not be accepted by the Public Works Director.

9.050.090 Planned Development Nullification

- A. Application to Nullify. Property owner(s) or their authorized agents may apply to nullify an approved Planned Development by filing an application form provided by the Director. The Planning Commission shall review the nullification application at a public hearing. Hearing notice and notice of decision shall be made per the provisions of *Section 3.020.050: Quasi-Judicial Actions*.
- B. Burden of Proof. The burden of proof is placed on the applicant to justify nullification of the Planned Development designation, giving substantial evidence that:
 1. Developing the property under conventional district standards and regulations will not create nonconforming development.
 2. Special circumstances such as building relationships, drainage ways, public improvements, topography, and so forth that were to be responded to specifically through the Planned Development process can be dealt with as effectively with conventional standards.
 3. Conditions attached to the approved Planned Development by the Commission can be met or are no longer necessary.
 4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

Chapter 10**IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

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10.010 Purpose

This chapter provides general information regarding improvements required with residential, commercial, public and quasi-public, and industrial development. It is intended to clarify timing, extent, and standards for improvements required in conjunction with development. Where not amended by the City, requirements shall be the same as those adopted by the Oregon Chapter of the American Public Works Association (APWA).

10.020 General Construction Standards

General construction standards which apply to improvements required with development shall be set by the City Engineer and made available to the developer. These standards shall include, but are not limited to: public notification requirements for construction, the protection of existing utilities, damage to structures or roadways, the pre-construction meeting requirement for all major projects, requirements for materials and workmanship, testing, as-built drawings, warranty of public improvements against defects, and the final inspection and acceptance of all public improvements.

10.030 Timing of Improvements

- A. General. Except sidewalks which are described below in Subsection (B), all improvements required by the standards in this Section shall be installed per the provisions of *Section 9.040.060(H): Installation of Required Improvements*. The construction, installation, placement, or addition of a dwelling unit on a lot, including one that replaces another dwelling or structure, shall initiate the requirement of full public improvements, including street, curb, sidewalk, and storm sewer, except when the existing dwelling is destroyed by an act of God and the replacement dwelling has no more than 110% of the total square footage of the original.
- B. Sidewalks. The timing of the installation of sidewalks shall be as follows:
 - 1. Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements.
 - 2. Sidewalks along local streets shall be installed per the requirements of any final plat approval, in conjunction with development of a particular site unless postponed with City approval.
 - 3. Where sidewalks on local streets abut common areas, drainage ways, or other publicly owned areas, the sidewalks and planted

areas shall be installed with street improvements.

- C. Phased Development. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.
- D. Annexation. As part of any development, including but not limited to new construction, land division, extension of City services, rezone, or a change of use, of a parcel inside the Urban Growth Boundary but outside the City limits, the City may require annexation or the signing of a consent to annexation and a waiver of the one year limitation on consent to annexation.
- E. Waivers of Remonstrance. Developments of other than single family dwellings may be able to use the provisions of Section 6.110. Waivers of Remonstrance, in lieu of immediate installation of public improvements.

10.040 Pedestrian Requirements

- A. Sidewalks. Sidewalks shall typically be required along both sides of all arterial, collector, and local streets as follows. The approving authority may reduce the sidewalk requirement to one side of the street where significant topographic barriers exist (such as west Scenic Drive), or in other non-residential areas where the developer can demonstrate that sidewalks are not necessary on both sides of the street.
 1. Local. Sidewalks shall be a minimum of 5 feet wide, and shall be separated from curbs by a planting area that provides at least 5 feet of separation between sidewalk and curb.
 2. Collectors. Sidewalks along collector streets shall be a minimum of 5 feet wide and may be required to be separated from curbs by a planting area a minimum of 5 feet wide between the sidewalk and curb.
 3. Arterials. Sidewalks along arterial streets may be required to be separated from curbs by a planted area a minimum of 10 feet wide between the sidewalk and curb, and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 5 feet wide if separated from the street by a 10 foot planting area; otherwise the sidewalk shall be 10 feet wide.
- B. Connectivity. Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments,

industrial areas, residential areas, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, "safe and convenient" means pedestrian facilities that are reasonably free from hazards which would interfere with or discourage pedestrian travel for short trips, that provide a direct route of travel between destinations, and that meet the travel needs of pedestrians considering destination and length of trip.
2. To meet the intent of (B) above, separated pedestrian rights-of-way connecting non-through streets or passing through unusually long or oddly shaped blocks shall be a minimum of 18 feet wide. When these connections are less than 220 feet long (measuring both the on-site and the off-site portions of the path) and they directly serve 10 or fewer on-site dwellings, the paved improvement shall be no less than 6 feet wide. Connections that are either longer than 220 feet or serve more than 10 on-site dwellings shall have a minimum 10 foot wide paving width, or wider as specified in *Section 10.050(C): Pedestrian and Bicycle Facilities Widths*.
3. Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian walkways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:
 - a) The on-site pedestrian circulation system shall connect the sidewalk on adjacent street(s) to the main entrance of the primary structure on the site to minimize out-of-direction pedestrian travel.
 - b) Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
 - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets and pedestrian facilities.
 - e) Walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. (This provision does not require a separated walkway)

system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).

- C. Trail Linkages. Where a development site is traversed by or adjacent to a future trail linkage identified within The Dalles Transportation System Plan, Comprehensive Plan, or Riverfront Plan, improvement of the trail linkage shall occur concurrent with development. Dedication of the trail to the Public shall be provided in accordance with *Section 10.110(C): Future Trail Linkages*.
- D. Pedestrian Network. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. Off-Site Improvements. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the approving authority may require off-site pedestrian facility improvements concurrent with development.

10.050 Bicycle Requirements

- A. Bike Lanes. On-street bike lanes shall be required on all new arterial and major collector streets, and with improvements and widening of such streets, and constructed at the time of street improvements.
- B. Connectivity. Safe and convenient bicycle facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, and neighborhood activity centers such as schools and parks. To provide for orderly development of an effective bicycle network, bicycle facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
 - 1. For the purposes of this section, "safe and convenient" means bicycle facilities which are reasonably free from hazards that would interfere with or discourage bicycle travel for short trips, provide a direct route of travel between destinations, and meet the travel needs of bicyclists considering destination and length of trip.
 - 2. Bicycle/pedestrian rights-of-way connecting non-through streets

or passing through unusually long or oddly shaped blocks shall be a minimum of 18 feet wide.

- C. Pedestrian and Bicycle Facilities Widths. Adequate widths for pedestrian/bicycle facilities shall be provided in accordance with the following standards:
1. 8 foot bike paths should be used where long-term bicycle and pedestrian usage is expected to be relatively low (a neighborhood facility rather than a community-wide facility) and with proper alignment to ensure adequate sight distance.
 2. 10 feet shall be used as a standard width for two-way bike paths.
 3. 12 foot bike paths shall be provided in areas with high bicycle volumes or multiple use by bicyclists, pedestrians and joggers.

10.060 Street Requirements

- A. Traffic Studies. Traffic studies shall be required of all development proposals of 16 or more dwelling units, and 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 development proposal is near an intersection that is already at or below level of service D. Notwithstanding the previous language, the City may require an initial, limited traffic study to determine the level of service at nearby intersections. If the limited traffic study finds the level of service to be at or below “D”, the City may require a full traffic study. The traffic study shall be conducted in accordance with the following:
1. 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 projects should assess all nearby key intersections. 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.
 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.
- B. Pass-Through Traffic. Local residential streets are intended to be designed to discourage pass-through traffic. (NOTE: For the purposes of this section, "pass-through traffic" means the traffic traveling through an area that does not have a local origination or destination.) To discourage pass-through traffic the following street designs shall be considered, as well as other designs intended to discourage traffic:
1. Straight segments of local streets should be kept to less than a quarter mile in length, and include design features such as curves and "T" intersections.
 2. Local streets should typically intersect in "T" configurations rather than 4-way intersections to minimize conflicts and discourage through traffic.
 3. Non-through streets should not exceed 440 feet nor serve more than 16 dwelling units.
- C. Improved to Standards. Development sites shall be provided with access from a street improved to City standards in accordance with the following:
1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development, or the improvements shall be constructed and paid for in accordance with the implementation policy for local improvements set forth in Resolution No.07-007.
 2. Half-street improvements, as opposed to full-width street improvements, are generally not acceptable. However, these may be approved by the approving authority where essential to the reasonable development of the property. A typical example of an allowed half street improvement would be for a residential rear lot development option (see *Section 9.020.030: Residential Rear Lot Development*). Approval for half-street improvements may be allowed when other standards required for street improvements are met and when the approving authority finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-street is developed.

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the approving authority may require off-site street improvements concurrent with development.

D. Orderly Development. To provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties shall always be installed with turn-around, unless waived by the Fire Marshal.
2. In order to assure the eventual continuation or completion of the street, reserve strips may be required in accordance with *Section 9.040.060(D): Designation and Conveyance of Reserve Strips*.
3. Drainage facilities, and erosion control measures as appropriate, shall be provided to properly manage storm water run-off from temporary dead-ends.

E. Connectivity.

1. The street system of any proposed development shall be designed to coordinate with existing, proposed, and planned streets outside of the development as follows:
 - a) Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to access abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turnaround unless specifically exempted by the City Engineer. The restoration and extension of the street shall be the responsibility on any future developer of the abutting land.
 - b) Residential streets shall connect with surrounding streets to permit the convenient movement of traffic between neighborhoods or facilitate emergency access or evacuation. Connections shall be designed to minimize pass through traffic on local streets. Appropriate design and traffic controls such as four-way stops, 'T' intersections, roundabouts, and traffic calming measures are the preferred means of discouraging through traffic.
 - c) Arterial and Collector streets shall meet at 4-way 90°

intersections unless a different intersection design is specifically authorized by the City Engineer.

- F. Street Names. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.
- G. Alleys. Alleys are encouraged as functionally efficient for rear loading on all types of property, and may be required by the approving authority to:
1. Provide for continuation of existing alleys.
 2. Provide for rear lot vehicle access to properties fronting on arterial and collector streets.
- H. Unusual Situations. Where standards do not exist to address unusual situations, the approving authority may require as a condition of development the approval of special design standards recommended by the City Engineer.
- I. Private Streets. Private streets, though discouraged in conjunction with land divisions, may be considered within a development site provided all the following conditions are met:
1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties.
 2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowners' association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained.
 3. Private streets are designed to the City standards contained in Section (J) below.
 4. Where a private street is installed in conjunction with a land division, construction standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.
 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.

J. Location, Grades, Alignment and Widths. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely effected, and requests for exceptions are adequately justified and prepared and sealed by a licensed professional engineer. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in The Dalles Transportation Master Plan and/or provide for continuation of the existing street pattern or network in the surrounding area.
2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 12 percent on local streets.
3. Centerline radii of curves shall not be less than 500 feet on arterial streets, 300 feet on collector streets, and 80 feet on local streets.
4. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
 - a) Alignment shall be as straight, and gradients as flat as practical. Substantial grade changes shall be avoided at intersections. Where conditions make the grade requirements in Subsections (b) and (c)) below cost prohibitive, the City Engineer may allow grades up to 6% with a corresponding adjustment in related design factors. Requests for such exceptions shall be accompanied by a justification prepared and sealed by a licensed professional engineer.
 - b) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 2% in this area.
 - c) The intersection of a local street with another street shall have a minimum of 50 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 3% in this area.
 - d) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum

angle of 60 degrees and a corner radius of 20 feet along the right-of-way lines of the acute angle.

- e) Intersections with arterial streets and established truck routes shall have a minimum curb corner radius of 20 ft.
 - f) All other intersections shall have a minimum curb corner radius of 15 feet.
5. Except for streets designated in the Transportation System Plan as local and located in residential zones, right-of-way and improvement widths and standards 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.

The Dalles Arterial, Collector and Industrial/Commercial Street Standards Matrix

Street Type	Speed (MPH)	Bike Lanes	Street Width (Feet)	Sidewalk/ Planter Strip	ROW
Three Lane Arterial	25-35	Required (6+6)	50 (6+12+14+12+6 no parking) or 66 (8+6+12+14+12+6+8)	12-20 feet each side	90
One Way Arterial	25	Required (6)	46 (8+12+8+6+8)	10.5-15.5 feet each side	67-77
Major Collector	25-35	Required (6+6)	52 (8+6+12+12+6+8)	5.5-12 feet each side	63-76
Industrial Major Collector	25-35	Required (6+6)	40 (6+14+14+6 no parking)	10 feet each side (sidewalk may be one side only)	60
Minor Collector (and Commercial/Industrial Local)	25-30	None	38-40 (8+11/12+11/12+8)	10-11 feet each side	60

Note: All streets in this matrix will be striped.

6. Modification of right of way standards.
- a. When new right of way is created adjacent to existing right of way that does not match City standards, the City Engineer may modify the standard widths for safety purposes and to achieve the greatest consistency feasible. Primary goals are for safety of pedestrians and vehicles, connectivity, and smooth flow of traffic.
 - b. In lieu of right of way standards set out in Subsection 5 above, when development occurs on a lot adjacent to existing right of way that does not have a full range of public improvements, the City Engineer in conjunction with the Community Development Director may:
 - i. Require the installation of public improvements as contained in Subsection 5, or
 - ii. Require payment into the improvement fund for missing improvements, or
 - iii. Allow a combination of I and ii, or
 - iv. Allow an alternative street design that meets the needs for pedestrian and vehicular safety. In selecting an alternate design the City Engineer may consider existing improvements, improvements on adjacent properties, topography, current and future street usage, cost, and other relevant factors.

10.070 Public Utility Extensions

- A. General. All development sites shall be provided with public water, sanitary sewer and storm drainage, except as specified in Subsection (F) below. Unless specifically waived by the Director and City Engineer, any occupancy which uses water or sewer shall be required to hook up to a public facility for that service. The developer is responsible for extending these required services to and through the development site.
- B. Construction. Where necessary to serve property as specified in Subsection (A) above, required public utility installations shall be constructed concurrent with development.
- C. Off-Site Extensions. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. Extension Through The Site. To provide for orderly development of adjacent properties, public utilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. Standards. All public utility installations required with development shall conform to City standards.

- F. Private Utility Facilities. Private on-site water, sanitary sewer and storm drainage facilities may be considered when proposed buildings are not within 300 feet of utility main lines and provided all the following conditions exist:
1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties.
 2. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and written permission for such facilities is obtained from the Public Works Director prior to commencement of work.
 3. A non-remonstrance agreement for future utility improvements (including Local Improvement Districts) is signed by the property owner(s) and recorded with the deed, per the provisions of *Section 6.110: Waiver of Right to Remonstrate*, and all federal, state and local regulations are complied with.
 4. The County Sanitarian has approved all septic systems.
 5. The Oregon Health Division has approved any wells on the site.
 6. All runoff associated with the proposed development is collected and properly disposed of on site.

10.080 Public Improvement Procedures

It is in the best interests of the community to ensure that public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, street, bicycle, or pedestrian improvements for any development site, developers shall contact the Department to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances. The developer shall warranty all public improvements against defect for one year from the date of final acceptance by the City.

Whenever any work is being done contrary to the provisions of this and other City Ordinances, the Director or City Engineer may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be

performed. The work shall stop until authorized, by the Official serving the original stop work order, to proceed with the work or with corrective action to remedy substandard work already completed. Failure to heed a stop work order shall be punishable by a fine of \$250.00. Each day the stop work order is not complied with shall constitute a separate fine.

10.090 Final Inspection Procedure

1. **As-Built Drawings.** The owner, Developer or Agent shall have an Engineer prepare, at his own expense, a complete set of as-built drawings of any public improvement project from information provided by the Inspector and Contractor. The City shall be provided with one copy of the completed as-built drawings in either AutoCAD format on 3 ½” double sided, high-density disks, or 1 copy of India ink on mylar.
2. **Warranty.** The Contractor shall warrant all public improvements against any defects in the materials and workmanship provided for a period of one year from the date of the City’s final acceptance of the work. The Contractor shall remedy any defects in the work provided, and pay for any damages resulting there from, which shall appear within the one year warranty period. The City will give notice of observed defects with reasonable promptness. In the event that the Contractor or its surety should fail to make such repairs, adjustments or perform other work that may be made necessary by such defects, the City may do so and charge the Contractor, or its surety, the cost thereby incurred.
3. **Final Inspection and Acceptance.** The City Engineer will conduct a final inspection of all public improvement projects to ensure they meet City Standards before the City formally accepts them for ownership, operation or maintenance. The Contractor shall notify the City Engineer at least 48 hours in advance of the need for such an inspection. The following items will be properly recorded and copies on file with the Department of Public Works before the City Engineer will conduct the final inspection:
 - a) Inspection Records and Documentation including video, for gravity lines, and test reports.
 - b) As-Built Drawings.
 - c) Total Construction Cost.
 - d) Easements and, if appropriate, homeowners association information.

- e) Written releases from adjacent property owners where Contractor's operations have not been kept within easements or rights-of-way for any reason.
- f) Final Plat or Partition
- g) Warranty.

If the final inspection proves satisfactory, the City Engineer will formally recommend acceptance of construction. If not, the City Engineer will prepare a "punch list" for the Contractor detailing additional work required prior to final acceptance and will re-inspect the project following the Contractors certification that he has completed the work required by the "punch list." Upon final acceptance, the City will assume ownership and accept operation and maintenance responsibilities for the public improvements.

10.100 Franchise Utility Installations

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telecommunication, cable television, and natural gas services (hereafter referred to as "franchise utilities").

A. General.

1. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created with a subdivision shall have an individual service available or secured in accordance with provisions of *Section 9.040.060(J): Franchise Utility Service* prior to approval of the final plat.
2. Where necessary, in the judgment of the Director of Public Works, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.
3. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of *Section 9.040.060(J): Franchise Utility Service* prior to occupancy of structures.

B. Location. Franchise utilities shall be placed in the public right-or-way, or

on private property in a dedicated utility easement.

- C. Natural Gas and Cable TV. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing both of the following conditions exist:
1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
 2. The development is non-residential.
- D. Distribution Facilities. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts.
 2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.
- E. Developer Responsibility. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- F. Street Lighting. The developer shall be responsible for street lighting along all public streets and/or intersections improved in conjunction with the development in accordance with the following:
1. The developer shall coordinate with the City Engineer to determine street lighting requirements. The street light plan shall be designed by the serving electric utility to provide illumination meeting the requirements in the following table (or the requirements of the National Electric Code, with the approval of the City Engineer). Avoid layouts that place hydrants and standpipe connections in shadow.

RECOMMENDED LIGHTING LEVELS, IN FOOT-CANDLES

	COMMERCIAL	INDUSTRIAL	RESIDENTIAL
Arterial Street	2.0	1.4	1.0
Major Collector Street	1.2	0.9	0.6
Minor Collector Street	0.9	0.6	0.4
Local Street	0.6	See note below.	See note below.
Pedestrian Ways	1.0	1.0	0.5

NOTE: The City will only require the developer to light intersections in industrial and residential areas. Illuminate to a minimum of .4 foot-candles at 135 feet each way from the intersection centerline. The developer may choose to provide additional lighting; however, the City will not accept responsibility for the power bills for such extra lights.

2. The developer shall make all necessary arrangements for trenching, installation of conduit, wiring and pole bases with the serving utility prior to beginning construction of street lighting systems.
3. Standard street light installations are as follows:
 - a) A 23 foot aluminum pole with cobra head fixture and a 200 watt high pressure sodium lamp, or as adopted by the Northern Wasco County PUD (PUD) and approved by the City Engineer. Wood poles may be used in areas where overhead distribution lines exist or are approved by the City Engineer under *Section (D)(2)* above.
 - b) A 14' aluminum pole with “china hat” fixtures spaced 100' apart, or as adopted by the PUD and approved by the City Engineer, may be installed in residential areas at the developers discretion ONLY if the developer or homeowner’s association assumes responsibility for associated power bills.

- c) Period lighting in the historic districts. Period pole and fixture as adopted by the PUD and approved by the Director.
4. The City Engineer shall coordinate actual installation of poles, fixtures and lamps with the serving utility when there are sufficient occupants or traffic loads on the public street to warrant their installation.

10.110 Land For Public Purposes

- A. Easements. Easements for public sanitary sewer, water, storm drain, and pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
 - 1. When located between adjacent lots, easements shall be provided on one side of a lot line.
 - 2. The minimum easement width for a single utility is 15 feet. The minimum easement width for two adjacent utilities is 20 feet. The easement width shall be centered on the utility to the greatest extent practicable unless otherwise required or approved by the City Engineer. Wider easements may be required for unusually deep facilities, or for facilities on steep grades.
- B. Drainage Ways and Water Courses. Where a development site is traversed by a drainage way or water course, the drainage way shall be protected and a drainage way dedication shall be provided to the Public.
- C. Future Trail Linkages. Where a development site is traversed by, or adjacent to, a future trail linkage identified within The Dalles Comprehensive Plan, Transportation Master Plan, or Riverfront Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the Director, considering the type of trail facility involved.
- D. Dedication of Rights-of-Way and Easements. Where rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be as identified in this Chapter or determined by the City Engineer.
- E. Recording Dedications. Where easement or dedications are required in

conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Attorney.

- F. Environmental Assessments. Environmental assessments shall be provided by the developer for all lands to be dedicated to the public or City. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:
1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.
 2. Level I Environmental Assessments shall include data collection, site reconnaissance, and report preparation. Data collection shall include review of Oregon Department of Environmental Quality records, City and County fire department records, interviews with agency personnel regarding citations or enforcement actions issued for the site or surrounding sites that may impact the site, review of available historic aerial photographs and maps, interviews with current and available past owners of the site, and other data as appropriate. Site reconnaissance shall include a walking reconnaissance of the site checking for physical evidence of potentially hazardous materials that may impact the site. Report preparation shall summarize data collection and site reconnaissance, assess existing and future potential for contamination of the site with hazardous materials, and recommend additional testing if there are indications of potential site contamination. Level I Environmental Assessment reports shall be signed by a licensed professional engineer skilled in the performance of such work.
 3. If a Level I Environmental Assessment concludes that additional environmental studies or site remediation are needed, no construction permits shall be issued until those studies are submitted and any required remediation is completed by the developer and/or owner. Additional environmental studies and/or required remediation shall be at the sole expense of the developer

and/or owner. The City reserves the right to refuse acceptance of land identified for dedication to public purposes if risk of liability from previous contamination is found.

10.120 Mail Delivery Facilities

- A. Location. In establishing placement of mail delivery facilities locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.
- B. Sidewalk. Where mail delivery facilities are proposed to be installed in areas with an existing or future curbside sidewalk, a sidewalk bypass/widening shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk bypass/widening, a sidewalk easement shall be provided adjacent to the right-of-way.
- C. Construction Specifications. Mail delivery facilities and the associated sidewalk bypass/widening (if necessary) around these facilities shall conform with the City's standard construction specifications. Actual mailbox units shall conform with the Post Office standards for mail delivery facilities.
- D. Installation. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.
- E. Cluster mailboxes. Cluster Mailbox installations must be consistent with the standards of those in Section 1111 of the Oregon State Structural Specialty Code.

Chapter 11**MANUFACTURED DWELLING PARKS**

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11.010 Purpose

The provisions in this Chapter are established to ensure a safe and healthful living environment for residents of manufactured dwelling parks and to ensure that a manufactured dwelling park can provide quality housing compatible with adjacent land uses. In addition, these provisions are intended to ensure compliance with State regulations governing review of manufactured dwelling park development.

11.020 Permitted Structures

- A. Manufactured Homes. Manufactured Homes, as defined in *Chapter 2 - Definitions*. Mobile homes are not allowed.
- B. Accessory Structures. Accessory structures customarily incidental to the primary use in accordance with *Section 6.030: Accessory Development*. Accessory structures shall be subject to the Oregon Structural Specialty Code as appropriate.

11.030 Area Requirements

- A. Park Size. Manufactured Dwelling Parks, as defined in *Chapter 2 - Definitions*, shall be a minimum of 1 acre in size.
- B. Space Area. The minimum size for each space in a manufactured dwelling park is 2,500 square feet, provided that the overall density of the park does not exceed that allowed by the subject zone district.
- C. Space Dimensions. Per the requirements of ORS 446.100(c), each space shall be at least 30 feet wide and 40 feet long.

11.040 Setbacks

- A. Setback Between Park Structures and Abutting Properties. There shall be a minimum setback equal to the applicable side or rear yard setback specified by the zone district of the abutting property between abutting property and any dwelling or accessory park structure or a park road, but in no case shall the setback be less than 5 feet.
- B. Setback Between Park Structures and a Public Street Right-of-Way. There shall be an average 15 foot setback along the public street, with a minimum 10 foot setback.

C. Setbacks and Separation for Structures within the Park.

1. There shall be at least a 10 foot separation on all sides between dwellings.
2. Dwellings must be placed at least 14 feet apart where a flammable or combustible fuel storage vessel is located on or between units.
3. There shall be a minimum 10 foot separation between dwellings and park buildings.
4. There shall be a minimum distance of 5 feet between any structure and a park street or between any structure and a sidewalk intended for public use
5. Between accessory structures and between dwellings and accessory structures the following shall apply:
 - a) An accessory building shall not be located closer than 6 feet to any dwelling or other accessory building on adjacent space, except that a double carport or garage may be built which serves 2 adjacent dwellings.
 - b) When a double carport/garage is built to serve 2 adjacent dwellings, a minimum 3 foot separation shall be provided between the double carport/garage and any adjacent structure, dwelling, or dwelling accessory structure. As an alternative, a 1-hour fire separation may be provided through the center of the double carport serving adjacent dwellings.

11.050 Park Perimeter Screening

Park perimeter screening shall meet the applicable requirements of *Section 6.010.050: Screening (Fences, Hedges, Walls other than Retaining Walls, Berms)*, and the following provisions. Where the following provisions disagree with the requirements specified in *Section 6.010.050: Screening*, the following requirements shall prevail.

- A. Perimeter Screening Adjacent to Abutting Properties. A sight-obscuring fence, wall, evergreen hedge, or other suitable combination of screening/planting shall surround each manufactured dwelling park, except as specified in *Subsection (B)* below for lands adjacent to public streets, and shall meet the following requirements:

1. Perimeter screening shall not be placed in any required setbacks.
2. Suitable landscaping shall be provided in the required setback areas, and shall be used to reinforce perimeter screening.
3. Walls or fences shall be 6 feet in height. Evergreen hedge plantings shall be at least 5 feet in height.
4. All plant material shall reach their required height within 2 years of planting, and be maintained in a healthy, living condition as long as the park is in operation.

B. Perimeter Screening Adjacent to Public Streets. Applicants may chose one of the following options for screening adjacent to public streets:

1. A 6 foot high sight-obscuring screen shall be provided through the use of fencing and vegetation and/or an earthen berm and vegetation as follows:
 - a) **Fencing.** Any fence shall have an average 15 foot setback from the public right-of-way and shall meet the requirements of *Section 6.100: Vision Clearance*. Fencing closer than 15 feet to the public right-of-way shall conform to the subject district's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use techniques such as offsets, landscaping, and changes in materials.
 - b) **Berms.** Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 ft in 2 years. This combination is subject to the following standards:
 - (1) The berm shall not have a slope over 40% (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
 - (2) At least one row of deciduous and/or evergreen shrubs spaced not more than 5 feet apart shall be planted on the berm.
 - (3) Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

11.060 Development Standards

- A. Laws and Regulations. All the requirements of federal, state and local laws and regulations shall be met.
- B. Hazards To Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas exposed to objectionable smoke, noise, odors, or other adverse influences. No portion of any park subject to unpredictable or sudden flooding, subsidence, or erosion shall be used for any purposes which would expose persons or property to hazards.
- C. Set-Up Requirements. The minimum set-up and stand requirements shall be those established for manufactured dwellings by the Oregon State Department of Commerce, Building Codes Division, at the time the home is placed.
- D. Parking and Accessways.
1. **Access.**
 - a) Parks greater than 10 acres in size shall be located to have access to a collector or arterial street.
 - b) Park access connections to public streets shall meet the requirements of *Section 6.050: Access Management*.
 - c) At least 2 vehicular exits shall be provided in every park. Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
 2. **Parking.** Off-street parking facilities shall be provided on-site in accordance with *Chapter 7 - Parking Standards*.
 3. **Street Widths.** Park streets shall be a minimum of 20 feet wide. Where on-street parking is permitted, streets shall be a minimum of 30 feet wide.
 4. **Street Standards.** Streets shall be paved to standards adopted by the City Engineer.

5. **Non-Through Streets.** Non-through streets over 400 feet in length shall have a standard cul-de-sac bulb with a 38 foot curb-side radius, or hammer-head turn-around approved by the Fire Marshall and the City Engineer. Shorter dead end streets shall have a turn-around approved by the Fire Marshall and the City Engineer.
 6. **Walkways.** Paved walkways, at least 5 feet wide and accessible to wheelchairs, shall be provided to connect park buildings to a park street or public street. In addition, a street sidewalk (or an equivalent pedestrian walking system) shall be provided to connect areas having more than 25 living units to the public sidewalk system.
 7. **Lighting.** Private park roadways shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.
 8. **Street Signs.** Street identification signs shall be provided according to applicable City requirements if 50 or more manufactured dwelling spaces are provided.
 9. **Fire Access.** Access for fire protection services shall permit fire apparatus to approach within 100 feet of each dwelling. In addition, each manufactured dwelling space shall have direct access to a street to permit emergency escape. This access shall be an unobstructed area not less than 12 feet wide.
- E. Public and Private Utilities.
1. Each manufactured dwelling park space shall be provided with water, sanitary sewer, storm drainage and street facilities, and electrical power, telecommunication, cable television and natural gas services in accordance with the requirements of *Chapter 10: Improvements Required With Development*.
 2. All utilities shall be installed underground.
- F. Space Coverage. Not more than 60 percent of a manufactured dwelling space may be occupied by a dwelling and any other attached or detached structures used in conjunction with such dwelling.
- G. Decks. Each manufactured dwelling stand shall be provided with one or more, at least semi-private, outdoor living area(s) adjacent to the dwelling, constructed of concrete, asphalt, flagstone, wood, or other

equivalent surface material totaling at least 120 square feet of area and not less than 8 feet wide in any dimension.

- H. Skirting. Each mobile home or manufactured home located in a manufactured dwelling park shall have continuous skirting that, in design, color, and texture, appears to be an integral part of the exterior walls or the foundation of the dwelling.
- I. Swimming Pools. Swimming pools shall be set back at least 50 feet from the nearest residential area, and meet all other state health and safety requirements.

11.070 Landscaping

A landscape plan is required prior to signing a building permit application. This plan shall be drawn to scale showing the location of existing trees and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, contour lines indicating any earth sculpting to be used, and other pertinent landscape information. In addition, the following requirements shall apply:

- A. Plant Coverage and Maintenance. Required landscape areas shall be covered by **living plant material** capable of attaining 90 percent ground coverage within 3 years and shall be continuously maintained and **irrigated with permanent facilities** sufficient to maintain the plant material.

Plantings in Perimeter Areas. In addition to the requirements specified in *Section 11.060: Park Perimeter Screening*, and in *Section 6.010: Landscaping Standards*, landscaping shall be used to provide screening of decks and storage areas from the public roadway. Plant masses shall also be established between perimeter dwellings in order to reduce negative visual effects of roads and vehicle storage areas located within the park.

- B. Plantings Along Park Streets.
 1. **Street Trees**. Street trees shall be provided in accordance with *Section 6.010: Landscaping Standards*.
 2. **Continuity**. Similar street trees shall be repeated to provide continuity for street plantings. Repetition of landscape elements such as lighting fixtures, consistent fencing styles, or similar carports can complement this street tree pattern.

Chapter 12**RECREATIONAL VEHICLE PARKS**

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12.010 Purpose

The provisions in this Chapter are intended to ensure a safe and healthful living environment in Recreational Vehicle Parks, to protect the general public health, safety and welfare, and to describe the requirements for Recreational Vehicle Park development.

12.020 Development Standards

- A. Laws and Regulations. All the requirements of federal, state, and local laws and regulations shall be met.
- B. Hazards to Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas exposed to objectionable smoke, noise, odors, or other adverse influences. No portion of any park subject to unpredictable or sudden flooding, subsidence, or erosion shall be used for any purposes which would expose persons or property to hazards.
- C. Area Requirements.
 - 1. **Park Size.** RV Parks shall be a minimum of one acre and a maximum of 15 acres in size.
 - 2. **Space Area.** The minimum size for each space shall be 700 square feet and shall not include any common areas, roadways, general use structures, walkways, parking areas for vehicles other than RVs, or landscape areas.
- D. Setbacks.
 - 1. There shall be an average 10 foot setback between the park and any public streets, but in no case shall the setback be less than 5 feet.
 - 2. Side and rear setbacks shall be the same as, or greater, than the setbacks required by the zone district of abutting property(ies), but in no case shall the setback be less than 5 feet.

- E. Street Widths. Park streets shall have a minimum 10 foot wide paved surface for one way travel, and a minimum 20 foot wide paved surface for two-way travel. Where on street parking will be allowed, add 8 feet of pavement width for each side of street where parking is proposed. Streets shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each RV space.
- F. Access.
1. Access to an RV Park shall be from an arterial or collector street.
 2. Park access connections to public streets shall meet the requirements of *Section 6.050: Access Management*.
 3. At least 2 vehicular exits shall be provided in every park. Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
- G. Screening. Except for the access roadway into the park, the park shall be screened on all sides abutting rights-of-way or neighboring properties per the provisions of *Section 11.060: Park Perimeter Screening*.
- H. Certificate of Sanitation. Evidence shall be provided prior to development approval that the park will be eligible for a certificate of sanitation as required by Oregon State law.
- I. Surfacing. All spaces for RVs shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the RV, not intended as an accessway to the RV or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- J. Water, Sewer, and Electrical Service. All RV parks shall be provided with adequate stations throughout the park providing for piped potable water filling and sewage disposal.
- K. Trash Receptacles. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations throughout the park for the use of guests. The number and capacity of trash receptacles shall be sufficient to insure there is no uncovered accumulation of trash at any time in the park.

- L. Non-Recreational Vehicle Parking Requirement. In addition to the number of parking spaces required for park administration, there shall be a minimum of .15 and a maximum of 1 parking spaces per RV space. Parking areas shall meet all of the requirements of *Section 7.030: General Design Standards for Surface Parking Lots.*
- M. Toilets, Lavatories, and Showers. The park shall provide toilets, lavatories, and showers for each gender. For every 15 RV spaces (or fraction thereof) there shall be 1 toilet, 1 urinal, 1 lavatory, and 1 shower for men, and 2 toilets, 1 lavatory and 1 shower for women. The toilets and the showers shall afford privacy and the showers shall be provided with private dressing areas. Facilities for each gender shall be located in separate buildings, or if in the same building, shall be separated by a soundproof wall.
- N. Utility Area. The park shall provide at least 1 utility building or room containing 1 clothes washing machine and 1 clothes drying machine for every 15 RV spaces.
- O. Standards for Buildings. The building spaces required by Subsections (M) and (N) above shall be lighted at all times of day and night, shall be ventilated, shall be provided with heating and cooling facilities, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces, and shall be provided with floor drains adequate to permit easy cleaning.

12.030 Landscaping

All areas not occupied by buildings, streets, and RV spaces shall be landscaped per the provisions of *Section 6.010: Landscaping.* A landscape plan is required prior to the City signing a building permit application.

12.040 Park Maintenance and Storage

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

12.050 Length of Stay

No recreational vehicle shall remain in the park for more than 30 days in any 60 day period. Exceptions shall include one space of unlimited duration for a park manager, and up to one-third of the spaces for stays up to 6 months. Spaces for extended stays shall be marked as such.

12.060 Review Process

Recreational Vehicle Parks shall be reviewed as conditional uses per the provisions of *Section 3.050: Conditional Use Permits*.

Chapter 13**SIGN REGULATIONS**

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Section 13.010**INTRODUCTORY PROVISIONS**

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13.010.010 Purpose

The purpose of this section is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

- A. Promote free and meaningful exchange of ideas and information.
- B. Protect the health, safety, property, and welfare of the public.
- C. Improve the neat, clean, orderly, and attractive appearance of the City.
- D. Improve the effectiveness of signs in identifying and advertising businesses and facilities.
- E. Provide for the reasonable, orderly, and effective display of outdoor advertising.
- F. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City and its citizens.
- G. Provide effective signing to meet the anticipated differing needs of various areas in the City.

13.010.020 Scope

The provisions of this ordinance apply to all lands within the City Limits of the City of The Dalles. The provisions of this ordinance apply to all lands outside the City Limits but within the Urban Growth Boundary of the City of The Dalles, from the date of adoption of this ordinance by the Wasco County Court in accordance with the City/County Joint Management Agreement.

13.010.030 Definitions

Words used in the present tense include the future, the singular number includes the plural, and word "shall" is mandatory and not directory, and the word "building" includes "structure" other than "sign structure". Types of signs are described under the term "sign" unless the context otherwise requires:

Animation means any form of movement by electric, mechanical, or kinetic means including, but not limited to rotation, revolving, or wind activation of all or a portion of a sign incorporating flashing or intermittent light for sign illumination or for changing the message on a message sign.

Approved Plastic means a plastic approved by Underwriters Laboratory for use in construction of electric signs.

Area means the total area of a sign, including all decorative or structural trim, facing announcement, demonstration, display, illustration, or any other attention-getting device, exclusive of essential structural supports.

Awning means a roof-like structure that extends from a building face, generally frame constructed with a cloth or metal cover. An awning contains a sign when a message is incorporated by design or attached to the awning surface.

Building Front means the primary front of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.

Business means all of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to charitable, fraternal, benevolent, educational, and social organizations.

Canopy means a permanent-roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to pedestrians or patrons in automobiles but shall not mean a completely closed structure.

City means the City of The Dalles, Oregon.

Cutout means a display in the form of letters, figures, characters, representations, or others in cutout or irregular form attached to or super-imposed upon an advertising sign.

Director means the Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this ordinance.

Display Surface means the area made available by the sign structure for the purpose of displaying a message thereon.

Erect means to construct, paint, place, affix, or otherwise bring into being.

Electronic Reader Board means a sign designed to display electronic messages that move, flash, or scroll, the content of which may be changed.

Incombustible Material means a material that will not ignite at or below a temperature of 1200 degrees F. during an exposure of five minutes and which will not continue to burn or glow at that temperature when tested in accordance with the UBC.

Low profile building means a building with a roof less than twelve feet above the sidewalk.

Maintain means to allow to exist or continue.

Marquee means a permanent roofed structure attached to or supported by a building but does not mean a "canopy" as defined herein.

Nonstructural Trim means a molding, batten, caps, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.

Person means an individual, corporation, partnership, association, joint venture, or other legal entity.

Projection means the distance which a projecting sign extends from a building face or the distance by which any other type of sign extends over public property.

Roof Line means the line which marks the highest point of the vertical front of a building in the case of a false front or the line where the roof is joined to the vertical front wall of the building in other cases.

Shopping Center means a building or group of buildings planned and developed as a center on land with two or more retail business occupancies existing or planned. A "shopping center" shall not include a business which fronts on an arterial or collector street and which has a marked segregated parking or use area separate from the shopping center parking. Two or more businesses not otherwise qualified may voluntarily join to form a "shopping center" by executing a form provided by the Director including written consent of the owner or owners of the premises, including a provision for removal of nonconforming signs if the "shopping center" is discontinued.

Sign means any sign, display, message, light (other than lighting designed primarily for the illumination of premises), emblem, device, figure, mannequin, painting, drawing, placard, poster, or other thing that is designed, used, or intended for an advertising purpose and includes, where applicable, the sign structure, display surface and all components of the sign. "Sign" includes, but is not limited to:

1. "Abandoned Signs" means where a sign for an advertised business is no longer conducted in or upon the premises on which a sign is located, such sign shall be considered as an abandoned sign subject to removal by the person who owns the sign or the owner of the building, structure, or premises on which the sign is located. The following are not considered to be abandoned sign:
 - a) An advertising sign where a person has merely leased or contracted advertising space thereon.
 - b) A sign to which the successor to a person's business location or business agrees to maintain as provided in this section by the filing of a letter of intent with the Director within 30 days after notification of a violation of this provision.

2. "Advertising sign" means a sign which advertises goods, products, business or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
3. "Building directory" means a sign giving the name and room number or location of the occupants of a building.
4. "Directional sign" means an on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exits, motor vehicle route, telephone, or similar place, service or route.
5. "Electric sign" means a sign containing electrical wiring.
6. "Flush sign" means a sign erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches there from. A "flush sign" also includes a sign erected against supporting or ornamental columns supporting an overhanging roof in a place generally parallel to the nearest building face. An "attached flush sign" is a flush sign which does not extend beyond the corners of a building and is located under the eaves.
7. "Free-standing sign" means an on-premise sign supported by one or more uprights or braces in the ground and detached from any building or structure.
8. "Message sign" means a sign providing information by means of sequential illumination of lights contained in or upon the sign.
9. "Motor vehicle directional sign" means a sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.
10. "Nonconforming sign" means a sign which does not conform to the provisions of this ordinance.
11. "On-premise sign" means a sign which advertises only the business or the goods, products, or facilities located on the premises on which the sign is located or the sale, rent, or lease of the premises.
12. "Principal sign" means the primary permanent on-premise sign designed to identify or advertise a business or facility to motorists or pedestrians approaching the business or facility.
13. "Projecting sign" means a sign other than a flush sign which projects beyond the building face to which it is attached.

14. "Roof sign" means a sign erected upon the roof of a building, roof structure, or a flat canopy or marquee roof.
15. "Secondary sign" means a free-standing sign on the premises where the building is set back from the front property line, as hereinafter specified.
16. "Secondary marquee sign" means a marquee sign located only on an alley and under a canopy or flush to the building.
17. "Secondary wall sign" means an incidental, permanent, on-premise flush sign.
18. "Temporary sign" means a sign, banner, balloon, pennant, valance, or advertising display constructed principally of cloth, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or similar light weight materials with or without a frame and which is not permanently affixed to any sign structure, sign tower, pole or building. Except for a balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard, temporary signs shall be limited to signs displayed five feet or less above ground level.
19. "Under marquee sign" means a sign erected under and supported by a marquee or canopy.
20. "Unsafe sign" means any sign deemed to be unsafe by the Director.

Street Frontage means a lot line fronting on a street or highway. The width along such lot line must be at least 50 feet to qualify as a "street frontage", unless the premises has only one such frontage. Access to a street or highway is not required to establish a "street frontage" on a lot line fronting on a limited-access highway.

Uniform Building Code means the Uniform Building Code as adopted by the State of Oregon.

Urban Growth Boundary means the boundary established as the outer limit for urban growth, as acknowledged by the Oregon Land Conservation and Development Commission.

Zone means a zone established pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

Section 13.020**GENERAL PROVISIONS AND PROCEDURES**

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13.020.010 Sign Permit

No sign shall hereafter be erected, re-erected, constructed, altered or maintained until a sign permit has been issued, unless no permit is required under Section 13.020.020. Where a group of signs is to be erected on the same building at the same time, each sign requires a separate permit. The application procedure is set forth in Section 13.020.040.

13.020.020 Permit Fee

Before a sign permit is issued, a permit fee therefore shall be paid to the City. The City Council may, at any time, adopt a resolution to set or adjust sign permit fees.

13.020.030 Permit Exceptions

A sign permit shall not be required for routine maintenance, such as repainting and repair of existing signs. Exceptions are also made for exempt signs listed in Section 13.030.010. However, a permit is required for a change of business name or any structural alteration to an existing sign.

13.020.040 Permit Procedure

- A. Installer shall consult with the Director and where appropriate will be provided with a sign permit application.
- B. The completed application shall be submitted with the appropriate fee and drawings to indicate the dimension, location, and height of all existing and proposed signs for the subject business.
- C. Electric signs shall require notations to indicate capacity, power consumption, and shall bear U.L. approval labels. A permit for an electric sign will not be issued until an Oregon State Building Codes electrical permit is presented to the Director.
- D. The Director may require additional information, such as photographs, needed to determine whether the proposal meets the requirements of this section.
- E. The completed application shall include proof the installer is a licensed contractor with the State of Oregon Construction Contractor's Board.
- F. The Director will determine when the application is complete. The permit will be approved or denied within fifteen (15) days from the submittal date, unless

referred to a City Commission as herein provided. Variances and appeals will be processed as set forth in Section 13.070.100.

- G. When approved, a permit shall be issued by the Director with the name of the sign installer thereon. The sign installer shall retain the permit for inspection during construction.
- H. Sign applications shall expire sixty (60) days after approval unless a sign permit has been issued. If signs are not installed within sixty (60) days after issuance, the sign permit shall expire.

13.020.050 Measurement

All signs shall be measured to include the entire sign area as follows. The area of a sign composed of individual block letters and/or individual decorative devices, displays, illustration, etc. or other attention-getting device, shall be the area included between two sets of horizontal and vertical lines as follows:

- A. The horizontal line shall be contiguous to the top and bottom edges of the farthest projecting elements; and
- B. The vertical line shall be contiguous to the furthestmost projecting lateral elements.
- C. Single signs with display faces on two sides shall be measured on one face only.

Section 13.030**EXEMPT, TEMPORARY AND PROHIBITED SIGNS**

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13.030.010 Exempt Signs

Unless determined by the Director to be a hazard to motorists, pedestrians, or property, the following signs are exempt from the permit process, but shall comply with the safe erection and maintenance standards of Section 13.060, and with all specified standards of this Section.

- A. ATM Sign. Unless otherwise allowed additional signage, each ATM shall be allowed one sign not to exceed four square feet.
- B. Benches with advertising thereon if approved by the Planning Commission.
- C. Building Directory Signs. Building directory signs are permitted in shopping centers and multi-tenant buildings.
- D. Christmas or seasonal decorations as customarily used.
- E. 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.
- F. Community Interests may be identified by the City on a temporary or permanent basis. Such signs may promote, but are not limited to the promotion of: community events, public parks, and points of interest that serve a substantial public purpose.
- G. Directional sign erected by public authority.
- H. Flags of United States, State of Oregon, United States or State of Oregon Military Service, foreign countries, United Nations, or civic, fraternal, veterans, or charitable organizations.
- I. Garage Sale Signs. These signs are allowed, one per calendar month to a premise, with a maximum of three square feet in area. Signs not exceed 72 hours in duration.
- J. Historic Landmark signs that are erected by the City or the owner of a historic building or placed in accordance with an official historic designation.
- K. House or building numbers limited to six inches in height for dwellings of four or less families and one foot in height for other buildings.
- L. Murals which are mounted or painted upon an existing building or structure and which do not advertise a product or service for sale.

- M. Name sign denoting the name of the owner or occupant, limited to two square feet in sign area.
- N. Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum height of four (4) feet and a sign area of eight (8) square feet, and prohibited in residential zones. Up to one quarter of the maximum of eight (8) square feet may be a logo or company name.
- O. Official sign, traffic sign, or traffic signal including, but not limited to, a sign identifying a public building or use or erected by a public officer performing an official duty under law, court, or administrative officer.
- P. Permanent building identification limited to 24 square feet in a sign area and prohibited in residential zones.
- Q. Permanent Political, Ideological, Religious Signs which convey a message but which do not advertise a product or service for sale, provided such signs shall be subject to all sections and regulations concerning size, placement, materials, and the type and soundness of supporting structure.
- R. Signs located inside a building unless such sign is prohibited under Section 13.030.020.
- S. Street banners approved by the City Manager advertising a public entertainment or event and conditioned upon safe erection and maintenance and such conditions as the City Manager may attach including, but not limited to, insurance and bonding.
- T. For Sale Signs. A temporary "For Sale" sign not exceeding 6 square feet in area with a maximum height of 4 feet, may be erected upon private property, provided that it advertises the sale, lease, or rental of the property upon which it is erected. One additional "For Sale" or "Open House" sign limited to the same size.
- U. 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.
- V. Subdivision Signs. A temporary subdivision sign may be erected upon a tract of land designated as a subdivision advertising sale of the tract or lots in the tract. Such signs are only allowed for up-to five years after approval of subdivision. Such signs shall not exceed 42 square feet in area. The sign shall be reduced in size by 6 square feet for each lot less than 7 lots in the subdivision.

- W. Warning sign erected to warn the public of a danger on, or limiting access to public and private property, limited to a maximum width dimension of two feet, a maximum sign area of four square feet, and maximum height of six feet.
- X. 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.

13.030.020 Temporary Signs

- A. Nonprofit signs identifying or advertising a nonprofit civic, charitable, or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes, except no permit is required.
- B. Signboards. Signboards may be used under the following conditions:
1. A permit is required.

2. The signboards are limited to the premises of the business location.
 3. The signboards must be on private property.
 4. The Size, Number, Hours of Display, Attachments, Maintenance, Fees, and Enforcement are as provided for in the relevant provisions of Section 13.050.160.
- C. 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.

13.030.030 Prohibited Signs

No sign shall be erected or maintained which:

- A. Bears or contains statements, words or pictures of an obscene, indecent, or immoral character, such as will offend the public morals or decency.
- B. Extends or is erected, (such as a roof sign) above the roof line of the building to which it is attached, except as provided in Section 13.050.060.
- C. The Director determines to be creating confusion with or interfering with the effectiveness of traffic signs or signals.
- D. Is placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance.
- E. Is a private sign placed on, painted on, or affixed to any utility pole, tree, or rock.
- F. Is located in an area of the City zoned residential, except for those signs designated in Sections 13.030.010, 13.040.010 and 13.040.040.
- G. By use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist or pedestrian. No exposed reflective-type bulb, spot, or incandescent lamp shall exceed 30 watt capacity.

H. Is otherwise in violation of any provision of this ordinance.

Section 13.040**SIGNS PERMITTED BY ZONE, DISTRICT, USE**

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13.040.010 Signs in Residential Zones

These areas are not zoned for commercial use, but are permitted the following non-animated, non-illuminated signs.

- A. One four (4) square foot flush sign for homes with approved home occupation permits.
- B. Community Facility signs permitted by Section 13.040.040.
- C. Multi-family housing complexes with at least four dwellings are allowed a flush or a free-standing sign no more than eight feet above grade, as follows.

<u>Number of dwelling units</u>	<u>Sign area</u>
4 to 8	12 square feet
9 to 15	24 square feet
16 to 24	32 square feet
25 or more	48 square feet

13.040.020 Signs in Neighborhood Commercial Zones

These areas are zoned for limited commercial use and are surrounded by residential neighborhoods, and are permitted the following signs.

- A. Flush signs only, equal to twenty-five percent of the building front.
- B. A secondary sign if the building is set back at least 20 feet from the property line, a maximum 32 square feet of sign area not to exceed 8 feet in height above street grade.

13.040.030 Signs in Recreational Commercial Zones

These areas are zoned for limited recreational and commercial uses, and are permitted the following signs.

- A. The same signs as allowed in the Neighborhood Commercial Zone, Section 13.040.020; and
- B. A free-standing principal sign for non-advertising community use, such as a park sign, with a 48 square foot limit, not to exceed 8 feet above grade.

13.040.040 Signs in Community Facilities Overlay Zones

These areas are zoned for community facility uses as an overlay to the primary (residential, commercial, etc.) underlying zone. Signs for the purpose of identification of a public or private facility which serves a substantial public purpose, including, but not limited to, churches, schools, hospitals, medical offices, clinics, radio/television stations and utility substations are permitted as follows.

One flush or free-standing sign not to exceed 48 square feet in area. The top of a free-standing sign shall not exceed 8 feet above grade.

13.040.050 Signs in Central Business Zones

These areas are zoned for a variety of retail and service business uses, and are allowed the following signs.

- A. One principal sign, either flush, projecting, or free-standing. If projecting or free-standing, limited to one square foot for each linear front foot of the major street frontage of the property with a maximum of 100 square feet, and subject to the requirements of Section 13.050.030.
- B. A secondary sign if the building is setback over 20 feet from the property line, a maximum of 35 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.060 Signs in General Commercial Zones

These areas are zoned for a variety of retail, wholesale, and service business uses, and are allowed the following signs.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.
- B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.070 Signs in Light and Heavy Industrial and Manufacturing Zones

These areas are zoned for a variety of industrial, manufacturing, and limited commercial and residential uses. The following signs are allowed.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.
- B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.080 Signs in the Highway District

This district was formed to allow greater visibility of signs proximate to primary and secondary highways. For the purposes of this section the Highway District is described as follows:

All land within 100 feet of each right of way line of U.S. Highway I-84N from the West Urban Growth Boundary (UGB) to the East UGB, and Oregon State Highway No. 292 (West Second Street) from its intersection with Webber Street, westerly to the UGB.

The following signs are allowed in the Highway District.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050, except that a free-standing sign may have a maximum area of 250 square feet, given one (1) square foot of sign area per linear foot of major street frontage.
- B. A secondary sign if the building is set back at least 50 feet from the property line, a maximum of 50 square feet of sign area with a maximum height of 20 feet above grade.

13.040.090 Signs for Shopping Centers in Appropriate Zones

Retail shopping centers are generally located in the Central Business and General Commercial Zones, and are allowed the following signs:

Each tenant is allowed flush signs at a maximum of twenty-five percent of the building front. Only one free-standing sign permitted for the center, with the same area and height allowances provided for in the Highway District (250 square foot area and 40 foot height maximum).

Section 13.050**REGULATIONS BY SIGN TYPE**

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13.050.010 Principal Sign

A principal sign is limited to a combination, free-standing, flush, or projecting sign.

13.050.020 Secondary Sign

A secondary sign is a free-standing sign on the premises where the building is setback from the front property line.

13.050.030 Free-Standing and Projecting Signs

Such signs shall be located in conformity to the Zoning Ordinance of the City of The Dalles.

- A. A free-standing sign shall not exceed a maximum height of forty feet above the street grade.
- B. Signs may project twelve inches over an alley with a minimum clearance of fourteen feet above grade and may project an additional twelve inches for each twenty-four inches of additional clearance above grade, to a maximum projection of thirty-six inches.
- C. Except in alleys or other areas of vehicular traffic, a minimum of eight feet clearance shall be maintained from the bottom of a projecting or free-standing sign, and the level of the sidewalk or grade immediately below at the building line with a maximum projection of 12 inches. For each additional projection of 6 inches the sign shall have 12 inches of vertical clearance above the eight foot minimum requirement (see diagram on last page). In no case shall the maximum projection exceed five feet nor shall any sign extend closer to the street or alley than two feet from the outer curb face or two feet from the traveled surface where no curb is present.
- D. Unless approved by the Director for a minimum number of braces on a building face not able to support a projecting sign, no projecting signs shall be supported by a frame commonly known as an "A-frame" or other visible frame located on a building roof.
- E. To insure traffic safety, signs shall be located in accordance with the "Clear Vision Area" provisions of the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

13.050.040 Flush Signs

Flush signs shall comply with the following standards and specifications:

A. Maximum Area

1. Residential Zones. Two square feet in area. Multi-family complexes are allowed larger signs in accordance with Section 13.040.010 (3).
2. Shopping Centers. Twenty-five percent of building front maximum.
3. Neighborhood Commercial Zones. Twenty-five percent of building front maximum.
4. Central Business Zones. Fifty percent of building front maximum.
5. General Commercial and Industrial Zones. Fifty percent of building front maximum.
6. Highway District. Fifty percent of building front maximum.
7. Recreational Commercial Zone. Twenty-five percent of building front maximum.
8. Community Facilities Overlay Zone. 48 square foot maximum.

B. Placement and Projection

1. The total sign area of all exterior walls shall not exceed the maximum allowed under Section 13.050.040 (A).
2. Flush signs may be erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches there from, except that:
 - a. A flush sign may be erected against supporting or ornamental columns located under an overhanging roof in a place generally parallel to the nearest building face.
 - b. A flush sign may be attached to the surface of an awning without further projection there from.

13.050.050 Message Signs

Message signs are limited to stationary time, date, temperature signs, or rotating signs with a maximum speed of seven revolutions per minute.

13.050.060 Roof Signs

Roof signs are permitted only on low profile buildings and the top of roof signs shall not extend more than twelve (12) feet from sidewalk grade.

13.050.070 Secondary Marquee Signs

Secondary marquee signs shall not be over eight (8) square feet in area, shall be located under a canopy or flush in an alley with a minimum of 7 1/2 feet clearance.

13.050.080 Home Occupation Signs

Home occupation signs are permitted in the residential district, not to exceed four square feet in area and flush mounted.

13.050.090 Service Station Island Signs

Signs in addition to principal and secondary signs to designate the type of fuel, or a promotional sign for fuel only, and signs indicating fuel price are allowed at the rate of four (4) square feet maximum per pump island. In addition, one sign designating fuel prices may be attached to a pole with the top of the sign not to exceed twelve (12) feet above ground level, with a maximum area of thirty-two (32) square feet.

13.050.100 Restaurant Menu Board

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 a total of 64 square feet, with a maximum height of 8 feet.

13.050.110 On-Premise Signs

All on-premise signs must utilize at least fifty percent (50%) of the sign area for advertising the main business on the premises. Signs that contain more than 50% off-premise advertising shall be regulated under Section 13.050.150.

13.050.120 Secondary Street Frontage Signs

Secondary frontage signs shall be of a flush type only. Size limits for secondary frontage flush signs are those given in Section 13.050.040.

13.050.130 Electric Signs

Electric signs shall bear the Underwriters Laboratories, Inc. seal of approval. All electrical signs shall be installed in accordance with the National Electric Safety Code as regards distances from electrical line. Electrical equipment used in connection with display signs shall be installed in accordance with the City ordinances regulating electrical installations.

13.050.140 Animated Signs

Except for message signs of the type giving time and temperature information, or signs rotating at a speed not to exceed 7 rpm's, no sign which has any mechanical moving, revolving, rotating, or animated parts are allowed.

13.050.150 Off-Premise Advertising Signs

Advertising signs shall be located only in General Commercial and Industrial Zones, as designated by the City Zoning Ordinance.

- A. The maximum height above grade shall be 24 feet, but shall be increased to 40 feet in the Highway District.
- B. Outdoor advertising signs shall have metal primary structural members.
- C. Size
 - 1. Primary and Secondary Highways. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 500 feet apart when measured at right angles to the street or highway centerline to which the sign is oriented. Sign area shall not exceed 672 square feet, with maximum dimensions of 14 feet vertical and 48 feet horizontal.
 - 2. City Streets. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to

which the sign is oriented. Sign area shall not exceed 288 square feet, with maximum dimensions of 12 feet vertical and 24 feet horizontal.

13.050.160 Sidewalk Signboards

Sidewalk signboards are allowed for any business in the Central Business Commercial zone, whenever there is a minimum of six feet (6') of clear, concrete sidewalk passage, excluding pavers.

A. Size

Sidewalk signboards shall not exceed the following dimensions (see diagram):

- a) Width = twenty-five inches (25");
- b) Height = forty-five inches (45");
- c) Base spread = twenty-six inches (26").

B. Number

One (1) sidewalk signboard per business is allowed. More than one (1) business can be listed on a sidewalk signboard.

C. Placement

1. Sidewalk signboards shall be located adjacent to the property occupied by the business; no offsite sidewalk signboards are allowed.
2. Sidewalk signboards shall not be placed closer than three feet (3') from the entrance to the business or storefront, measured from the nearest door edge to the near edge of the sign (see diagram).
3. Sidewalk signboards shall not be placed closer than three feet (3') from the edge of the property line, measured from the nearest property corner to the near edge of the sign (see diagram).
4. Sidewalk signboards shall be placed at least six feet (6') apart, measured from the near edge of one sign to the near edge of the other sign.
5. Sidewalk signboards shall not be placed in front of murals, except where the bottom of the mural is above the top of the sidewalk sign.
6. Sidewalk signboards shall not be allowed in alleys.

D. Hours of Display

Sidewalk signboards shall only be displayed during business hours. The signs shall be moved indoors when the business is closed. In the case where multiple businesses are displayed on a single sidewalk signboard, only one (1) of the businesses needs to be open for the sidewalk signboard to be displayed.

E. Attachments

No extraneous fixed or moving attachments shall be placed on any sidewalk signboard.

F. Materials

1. The following materials are acceptable for use in the construction of sidewalk signboards:
 - a) Medium-density overlay (MDO) plywood or material of similar quality;
 - b) Lusterboard or material of similar quality;
 - c) Marlite or material of similar quality;
 - d) Exterior-grade plywood with a veneer grade of not less than A;
 - e) Whiteboards, blackboards, and grease-pen boards.
2. Exposure 1 and Interior grade plywood shall not be allowed. Veneer grades B, C-Plugged, C or D shall not be allowed.
3. No sandbags, concrete blocks, scrap metal, or other similar materials shall be used to stabilize any sidewalk signboard.
4. Staples, zip ties, thumbtacks, and other similar materials shall not be allowed in the assembly of the sidewalk signboard, nor to affix materials to said sign.

G. Design

1. Signboards shall not be lighted in any manner, other than incidentally by other lighting.
2. No neon or fluorescent colors shall be allowed.
3. Sidewalk signboards shall be secured against the wind, in order to keep the

signs from falling over and to keep applied materials from blowing away.

4. Any and all lettering and/or other display information shall be applied in a professional manner, that is, be of a quality that would be provided if the sidewalk signboard was created by a professional sign-making company.
5. For base & frame-type signs, the height of the base pad cannot exceed one-quarter inch (1/4") for the first ten inches (10") from either leading edge (see diagram).
6. Sidewalk signboards in The Dalles Commercial Historic District and Trevitt's Addition shall adhere to design standards set forth in the document entitled "Design Guidelines for The Dalles Commercial Historic District and Trevitt's Addition".

H. Maintenance

Signs must be kept in a state of good repair and condition, and free from the following conditions:

- a) Rust;
- b) Chipped or peeling paint;
- c) Delaminating or peeling materials;
- d) Scratched materials;
- e) Faded, smudged, smeared, or streaked images or lettering;
- f) Missing hardware;
- g) Poor craftsmanship or construction that would cause the sign to be structurally unsound and thereby pose a health or safety hazard;
- h) Any other condition that the Director of the Community Development Department deems to be contrary to the purposes of promoting visually-appealing and structurally-sound signage.

I. Fees

There is a one-time fee for a sidewalk signboard permit. The fee and permit are not transferable to other sidewalk signboards.

J. Enforcement

The following notice and enforcement standards shall apply to the placement and display of sidewalk signboards.

1. For purposes of administering the provisions of section 13.050.160(10), the City Manager shall appoint appropriate staff persons.
2. An unsafe sidewalk signboard shall be defined as a sidewalk signboard that violates any of the following provisions
 - a) Any size standard set forth in section 13.050.160 (A);
 - b) Any placement standard set forth in section 13.050.160 (C) (1) through (6);
 - c) The design standards set forth in section 13.050.160 (G) (3) or (5);
or
 - d) Any maintenance standard set forth in section 13.050.160 (H) (a) through (h), such that the condition of the sign poses a danger to the health or safety of the public.
3. In the case of a sidewalk signboard which has been determined to be unsafe, the authorized staff person shall immediately attempt to give verbal notice of the violation to the owner or owners of the business(es) that the sidewalk signboard advertises, or to an on-site employee of the business(es). In the event the responsible person(s) who is provided notice under this section refuses to correct the violation immediately, the authorized staff person shall remove or cause others to remove and impound the sign.
4. In the case of a sidewalk signboard which is displayed during non-business hours, the authorized staff person shall issue a written notice of the violation. The notice shall be given to the owner or owners of the business(es) that the sidewalk signboard advertises, and shall be either delivered personally or by certified mail, return receipt requested, sent to the owner's last known address of record. The notice shall require correction of the violation within five (5) days from either the date of personal delivery of the notice, or the date of mailing of the notice.
 - a) If the violation is not corrected within the five (5) day period, the authorized staff person shall send a second written notice of violation, by certified mail, return receipt requested, to the owner or owners of the business(es) that the sidewalk signboard advertises, indicating that the sidewalk signboard may be

impounded if the violation is not corrected within five (5) days from the date of mailing of the notice.

- b) If the violation remains after issuance of the second notice, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.
5. For other sidewalk signboards which have been determined not to conform to the provisions of this section, the authorized staff person shall issue a written notice of non-compliance. The notice shall be given to the owner or owners of the business(es) which the sidewalk signboard advertises. The notice shall either be delivered personally to the business owner(s), or sent by certified mail, return receipt requested, to the business owner(s) at the owner's last known address of record. The notice shall set forth the nature of the violation, and shall require the violation be corrected within fifteen (15) days from either the date of personal delivery or the date of mailing of the notice, unless the time for compliance is extended for good cause shown. If the non-conforming sign is not brought into compliance within the required time period, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.
 6. Upon impoundment of a sidewalk signboard under the provisions of subsections (3), (4), or (5) of this section, the authorized staff person shall post a notice of impoundment in a visible location upon the premises of the business which the sign advertises. The authorized staff person shall immediately provide a copy of the impoundment notice to the business owner(s) by either personal delivery or by certified mail, return receipt requested, sent to the owner's last known address of record.
 - a) The notice of impoundment shall specify the sections of the section which have been violated, the place and time when the impounded sign can be recovered, the cost of any fee which must be paid to recover the sign, and the length of time until the impounded sign is discarded if the sign is not reclaimed.
 - b) The notice shall also provide the owner(s) of the sign which has been impounded with notice that they may request a hearing to contest the validity of the impoundment. A request for a hearing must be made, to the Director of the Community Development Department, within five (5) calendar days after either the date of personal delivery of the impoundment notice, or the date that notice of impoundment was mailed, as evidenced by the postmark, not including Saturdays, Sundays or holidays. When a timely request for a hearing is made, a hearing shall be set in the Municipal Court for four (4) calendar days after the request is

received, excluding Saturdays, Sundays, and holidays, but may be postponed at the request of the person asking for the hearing. The Municipal Court Judge shall determine whether impoundment of the sidewalk signboard was proper.

7. In order to retrieve an impounded sidewalk signboard, the owner of the sidewalk signboard shall present a copy of the impound notice to the Community Development Department, at the time and place indicated on the notice of impoundment.
 - a) The fee to retrieve an impounded sidewalk signboard for a first violation of this section shall be ten dollars (\$10.00). The fee to retrieve an impounded sidewalk signboard for a second violation of this section shall be fifty dollars (\$50.00). The fee to retrieve an impounded sidewalk signboard for a third violation of this section shall be one hundred dollars (\$100.00). For each subsequent violation of this section, the fee to retrieve an impounded sidewalk signboard shall be one hundred dollars (\$100.00). For purposes of this section, the number of offenses shall be calculated based upon the number of violations attributable to the business owner(s) of the sidewalk signboard, who has violated the provisions of this section.
 - b) Any sidewalk signboard which has been impounded and is not reclaimed within ninety (90) days from the date of impoundment, may be disposed of by the authorized staff person.

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 13.060**MAINTENANCE, CONSTRUCTION AND SAFEGUARDS**

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13.060.010 Maintenance and Appearance

All signs shall be maintained in a safe, neat, clean, and attractive condition.

- A. Signs shall be kept from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces, trims, frames, and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable.
- B. On-premise ground signs shall be directly supported by poles or supports in the ground. No external cross-braces, guy wires, "T-frames", "A-frames", "trusses", or similar bracing systems shall be used in constructing a ground sign or free-standing sign.
- C. Except for temporary signs, all signs shall be rigid and firmly attached to its supporting structure.

13.060.020 Design and Construction

Except as specified in this section, design, loading, construction, and materials shall be those specified in the Uniform Building Code, as amended by the State of Oregon.

13.060.030 Clearance and Safeguard

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

- A. The installation or erection of any sign requiring the operation of any crane or other equipment must be conducted in a manner so as to maintain a minimum clearance from any and all high-voltage electric power or other type electrical lines, as dictated by the National Electric Safety Code.
- B. All free-standing sign installers must utilize the "call before you dig" utilities locate service (1-800-332-2344) offered by the Oregon Utilities Coordinating Council to insure clearance from underground utilities.
- C. All signs together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition.

Section 13.070**INSPECTION, ENFORCEMENT, AND VARIANCES**

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13.070.010 Non-conforming Signs

Signs and advertising structures which do not conform to the provisions of this section but which lawfully existed and were maintained on the effective date of Ordinance 92-1153 shall remain lawful except as provided in this section.

- A. A non-conforming sign which has been determined by the Director to be improperly maintained shall be removed within 30 days after notice as provided in Section 13.070.020.
- B. Non-conforming signs which violate the provisions of Section 13.030.020, Prohibited Signs, shall be removed within 30 days after notice.
- C. Non-conforming signs which are structurally altered, relocated or replaced shall immediately comply with all provisions of this section.
- D. Non-conforming signs which have been abandoned or those advertising a business that is no longer conducted in or upon the premises and has not been so conducted for a period of 60 days shall comply with this section or shall be removed within 30 days after notice.

13.070.020 Removal of Non-conforming Signs

The Director shall give written notice of a non-conforming sign. The notice shall be given to the owner of the building, structure or premises on which the sign is located. Notices shall be sent by certified mail or be delivered personally to the building owner at his last known address, or address of record. The notice shall specify the violations of the section and the time allowed for compliance.

13.070.030 Signs for Non-conforming Uses

A use which has been determined to be non-conforming pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222, but which would ordinarily require a sign, if such use were located in an appropriate zoning district, shall be permitted a sign, subject to the requirements of the zone which best fits the non-conforming use, as determined by the Director.

13.070.040 Administration

- A. Inspection. The Director under the supervision and control of the City Manager is hereby authorized and directed to enforce this section. Upon the presentation of proper credentials, he may enter at reasonable times into or upon any building or

premises in the City to inspect signs or carry out the duties and responsibilities imposed on him by this section. The Director may inspect or re-inspect any sign to determine if it complies with this ordinance.

- B. Removal of unsafe signs. Upon documentation that despite reasonable attempts to provide notice as set forth herein, that notice could not be delivered to the sign owner or the owner of the building, structure or premises upon which the sign is located, or that notification was received and the notified person(s) has or have refused to comply with the ordinance in the time specified by the Director, the Director may remove or cause others to remove the sign or make the minimum necessary repairs to remove the danger or hazard. The owner shall reimburse the city for any costs incurred in the removal of the sign or when making the minimum necessary repairs when removing the danger or hazard.
- C. Removal of signs in public right-of-way or on City-owned real property. Any sign installed on or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of Chapter 13, may be removed and immediately confiscated without prior notice to the owner of the sign.
1. For purposes of administering the provisions of this Section, the City Manager shall appoint appropriate staff persons.
 2. The City shall store any sign confiscated by the authorized staff person for a period of thirty (30) days from the time the person responsible for the sign is notified as provided in subsection 3. The City shall continue to store such sign for any additional period during which an appeal is pending before the Municipal Court, or any appeal is filed concerning a decision of the Municipal Court.
 3. If a telephone number or address of the owner of the sign, the person responsible for the sign, or the person or business that is the subject of the communication, is visible on the sign or the text of the sign, the City shall contact said person or business by telephone or by mail (based on the manner of contact stated on the sign), and advise that the City believes the following:
 - a. The sign was found in a location which the City believes to be public right-of-way or City-owned real property; and
 - b. That no permit was issued for placement of the sign in said location, and that the sign is not otherwise lawfully permitted to be in said location.
 4. The communication shall advise said person or business that the City has confiscated the sign and shall destroy the sign after thirty (30) days from the time the person responsible for the sign is notified, unless either the sign is claimed and the fee to retrieve the impounded sign is paid in full, or a request for a hearing has been made to the Director of the Community Development Department. Such a request for a hearing must be made within five (5) calendar days of the date of communication by telephone,

- or the date that notice of impoundment was mailed as evidenced by the postmark, not including Saturdays, Sundays, or holidays.
5. If no telephone number or mailing address is stated for the owner of the sign on the sign itself, the City shall retain the sign for a period of fifteen (15) days to permit the sign owner to ascertain that the sign has been removed and to file a request for a hearing, or arrange for payment of the fee to retrieve the impounded sign. If a sign has not been reclaimed within the fifteen (15) day period established in this section, the sign may be disposed of by an authorized person.
 6. When a timely request for a hearing is made, the hearing shall be set in the Municipal Court for four (4) calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing. The Municipal Judge shall determine whether the impoundment of the sign was improper.
 - a. A prima facie violation of this section shall be met if it is shown that the sign was located in a public right-of-way or on City-owned real property, and that the sign owner was not a public entity authorized to install and maintain public signs within the public right-of-way. The sign owner may rebut the prima facie showing of a violation by showing the sign was lawfully permitted within the public right-of-way or upon City-owned real property, or that the law does not require the sign owner to obtain a permit under Chapter 13 to place a sign within the public right-of-way or upon City-owned real property.
 - b. If the Municipal Judge determines that the sign was not lawfully placed upon the public right-of-way or on City-owned real property, then, following any applicable appeal or review period, unless the sign has been retrieved from impoundment by payment of the applicable fee set forth in Section 7, the sign shall be destroyed in such manner as the Municipal Judge deems appropriate.
 7. In order to retrieve an impounded sign, the owner of the sign shall pay the applicable fee to retrieve the sign from impoundment.
 - a. The fee to retrieve an impounded sign for a first violation of this section shall be Ten Dollars (\$10.00). The fee to retrieve an impounded sign for a second violation of this section shall be Fifty Dollars (\$50.00). The fee to retrieve an impounded sign for a third violation of this section shall be One Hundred Dollars (\$100.00). For each subsequent violation of this section, the fee to retrieve an impounded sign shall be One Hundred Dollars (\$100.00). For purposes of this section, the number of offenses shall be calculated based upon the number of violations attributable to the owner(s) of the sign, who has violated the provisions of this section.
 - b. Any sign which has been impounded and is not reclaimed within thirty (30) days from the date of notification of impoundment as provided for in Section 13.070.040(C)(3) may be disposed of by the authorized person.

- D. Release from liability. Neither the Director nor the City nor any of its authorized representatives shall be liable for any damages, costs, or expenses for any failure to enforce the provisions of this section.

13.070.050 Enforcement

- A. Violation. It shall be a violation of this code for any person to erect, maintain, display, or use an illegal sign. An illegal sign includes nonconforming signs not brought into compliance within the time period allotted, signs erected or maintained without a permit, abandoned signs, unsafe signs, prohibited signs, and any sign not in compliance with the provisions of this section.
- B. Persons Responsible. Property owners, persons in control of the property, business owners, and any other person who has violated this code are subject to the penalty provisions of this section.
- C. Notice. It is the policy of the City of The Dalles to attempt to gain voluntary compliance with the provisions of this Section. The Director shall provide the type of notice that will inform responsible persons of the violation and the steps needed to bring the violation into compliance. Prior to initiating any penalties the Director shall provide written notice and allow the following times from the date of the written notice to bring the violation into compliance:
1. For the first offense at least seven calendar days.
 2. For a second similar offense within a year no time is required, the Director may initiate the penalty proceedings from the date the written notice is sent to the responsible party.
- D. Penalties.
1. For installation of a sign without a permit, the permit fee shall be doubled. This penalty is in addition to any other penalty provided in this section.
 2. For illegal signs not brought into compliance within the time period allowed in subsection C, the responsible party shall be subject to the citation process set out below.
 3. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.
- E. Citation.

1. For those persons who have not brought their illegal sign into compliance within the time period allowed in subsection 3, the Director may issue a Citation. The Citation shall provide a fine amount and a date and time for the responsible part to either pay the fine or appear in municipal court and request a hearing. Failure to either pay the fine or request a hearing by the date and time specified shall constitute a waiver of the right to object and the fine as set in the citation shall be final.
2. The fine for violations of this section shall be \$50 for the first offense, \$100 for the second offense within a year, and \$250 for each subsequent offense within a year. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.

13.070.060 Variances and Appeals

- A. The Planning Commission of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the Director.
- B. The Planning Commission shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to this ordinance.
- C. Except in the case of unsafe signs, no action shall be taken by the Director under this section pending an appeal or variance request to the Planning Commission and during any further appeal to the City Council.
- D. Appeals. Any person aggrieved by a determination of the Director may appeal to the Planning Commission. Upon appeal, the Commission may affirm, reverse, or modify the Director's determination, which modification could include a determination of the suitability of alternative materials or methods of construction
- E. In exercising its appeal or variance authority, the Commission may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 13.010.010 of this ordinance.

Section 13.080**SPECIAL PROVISIONS**

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13.080.010 Districts of Special Control

The Planning Commission shall have the authority to establish districts which must be at least one city block in length (or the equivalent thereof) that would allow for variance of sign sizes, types, heights, etc. when:

- A. the area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic, or historic area; or
- B. a group of commercial activities in an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the City Planning Commission. After approval by the Planning Commission is received, the plan will be forwarded to the City Council to either: (1) by section designate the district as one of the special control; (2) return the petition to the Planning Commission for correction or further study; or (3) reject the plan.
- C. Once approved, the plan shall govern sign design, location, number, and size within the special district. However, all other provisions of this section, including but not limited to, permitting, safety, inspection, and enforcement, shall have full force and effect.

13.080.020 Severability

If any part, section, sub-section, sentence, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

13.080.030 Repeal

General Ordinance No. 92-1153, as amended by the General Ordinance No. 03-1248, is hereby repealed.

Section 13.090

Exhibits

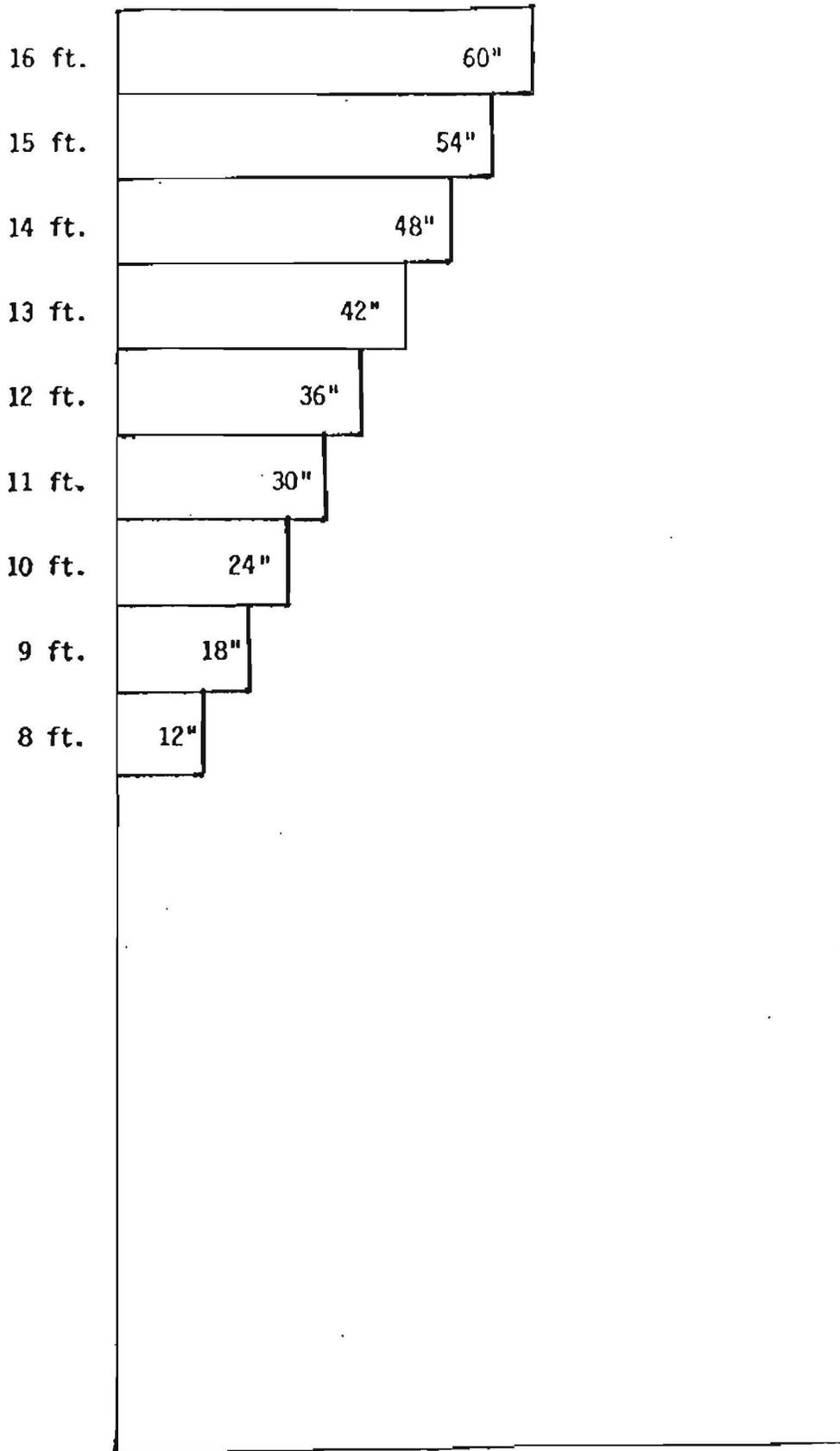
Clearances for Projecting Signs

Sidewalk Signboards – Exhibit #1

Sidewalk Signboards – Exhibit #2

Sidewalk Signboards – Exhibit #3

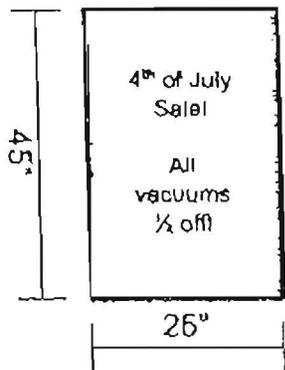
CLEARANCES FOR PROJECTING SIGNS



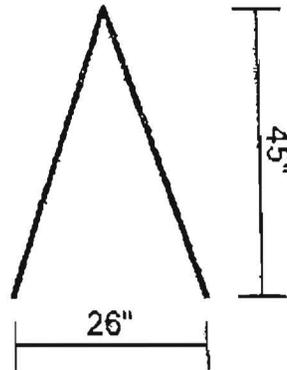
SIDEWALK SIGNBOARDS
Exhibit #1

Sign Dimensions: A-Frame

Front View

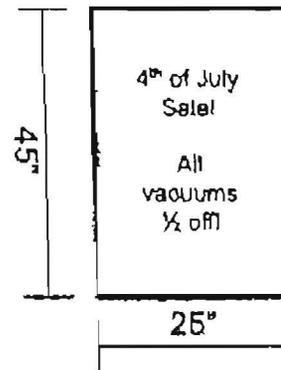


Side View

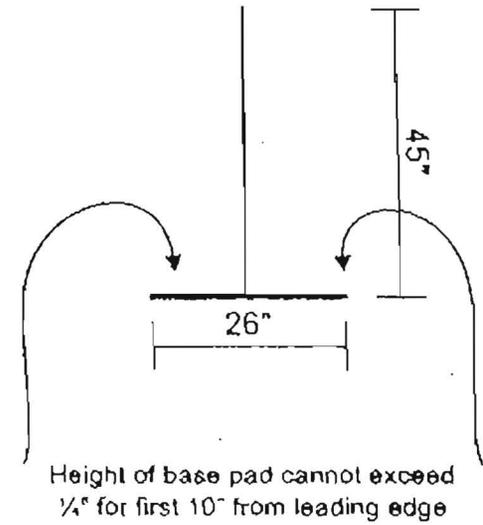


Sign Dimensions: Base & Frame

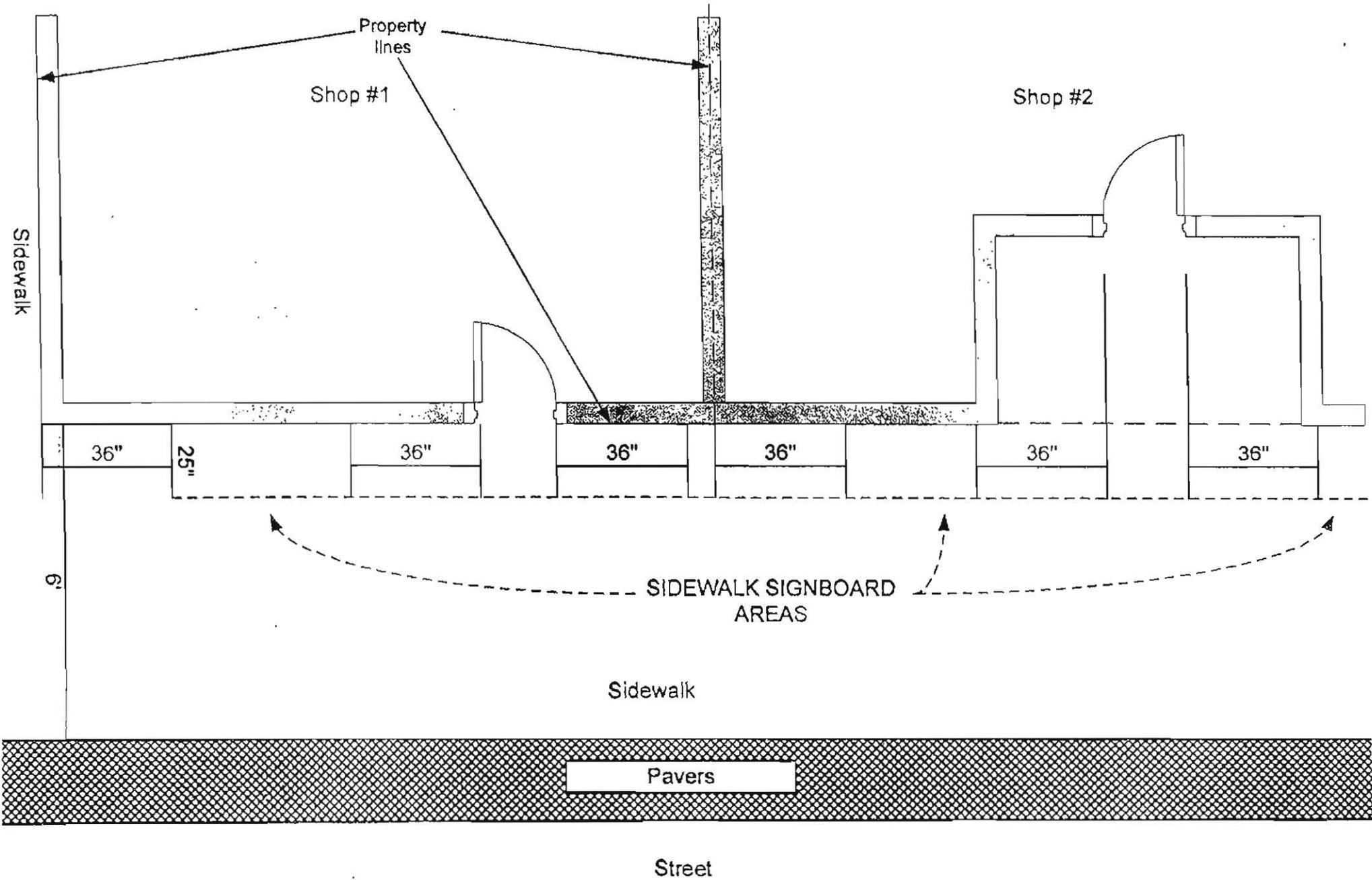
Front View



Side View



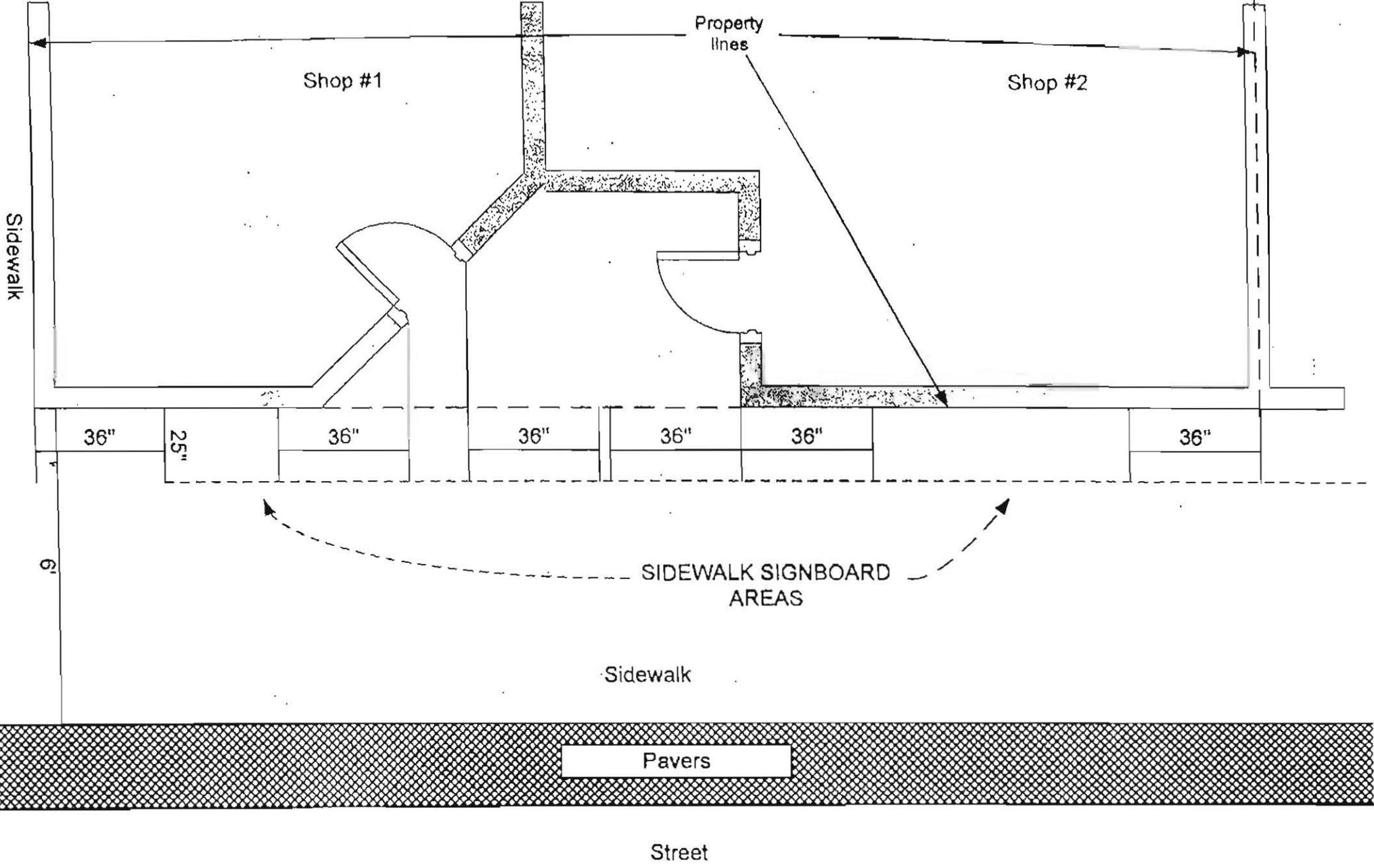
SIDEWALK SIGNBOARDS
Exhibit #2



NOT TO SCALE

SIDEWALK SIGNBOARDS

Exhibit #3



Chapter 14**ANNEXATION**

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Section 14.010**ANNEXATION PROCESS**

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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.
- C. 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.

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.

Section 14.020

CONSENT TO ANNEXATION

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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.

Chapter 15**ENFORCEMENT**

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15.010 Responsible Officers

The Land Use and Development Ordinance shall be administered and enforced by the Director.

15.020 Building Permit

No building permit shall be issued for any authorized development unless the Director has determined that the proposed development complies with the provisions of this Ordinance.

15.030 Duties of Officers

All departments, officials, and employees of the City vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance, and shall issue no permit for uses, buildings, or any purpose in conflict with the provisions of this Ordinance. Any permit so issued shall be null and void.

15.040 Interpretation

The provisions of this Ordinance shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other City ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

15.050 Stop Work Order

Whenever any work is being done contrary to the provisions of this Ordinance, or contrary to the provisions of an approved site plan or any permit issued under this ordinance, the Director may order the work stopped by notice in writing served on any person or persons engaged in the work, and any such person or persons shall immediately stop such work until authorized by the Director to proceed.

15.055 Stop Use Order

Whenever any land or structure is being used contrary to the provisions of this Ordinance, or contrary to the provisions of an application approved under this

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ordinance, the Director may order the use stopped by notice in writing served on the property owner or an any person or persons engaged in the use of the property. After service the use shall immediately be stopped until the use is authorized by the Director. Both the property owner and the user of the property are subject to the provisions of such notice.

15.060 Violations

Use of land in the City of The Dalles not in accordance with the provisions of this Ordinance constitutes a violation. Upon receiving information concerning a violation of this Ordinance, the Director may conduct, or cause to be conducted, an investigation determining whether a violation exists. The Director may request the assistance of other City agencies and officers in the conduct of such investigations.

The Director may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable Ordinance sections, and other information staff may have.

15.070 Notice of Violation

After receiving a report of an alleged violation from the Director, the City Attorney shall, if he or she determines that probable cause exists, promptly give notice of the alleged violation by certified first class mail, return receipt requested, or personal service to the owner of record for tax purposes and to the person in charge of the property. The notice shall indicate the following:

- A. The location and nature of the violation.
- B. The provision or provisions of this Ordinance which allegedly have been violated.
- C. Whether immediate enforcement will be sought or if 10 days will be allowed to correct or remove the violation. Immediate enforcement will be sought in a situation involving a health hazard or other nuisance that unmistakably exists and from which there is imminent danger to human life or property. Immediate enforcement is allowed when the person responsible for the violation committed a violation of the same code provision within the prior two years.
- D. The date of the notice shall be the date of personal service of the notice, or, if notice is accomplished by first class mail, 3 days after mailing if the address to which it was mailed is within this State and 7 days after

mailing if the address to which it was mailed is outside the State. However, a defect in the notice of violation with respect to such matter shall not prevent enforcement of this Ordinance.

15.080 City Attorney to Pursue Enforcement

As soon as the compliance deadline has expired, the City Attorney shall proceed with any legal or equitable action deemed appropriate unless:

- A. It has been demonstrated to the City Attorney that the violation has been corrected, removed, or will not be committed.
- B. A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding before it concerning the violation.

15.090 Penalties

A violation of this Ordinance may be the subject of criminal, civil, or other sanctions authorized under a City ordinance. Parties subject to the provisions of this code include both the property owner and the person causing the violation.

- A. Criminal Penalties. Unless otherwise specified, every violation of the terms of this ordinance is a violation, punishable by a fine of up to \$500.00. Each day such violation continues shall be considered a separate offense.
- B. Civil Penalties and Remedies. In addition to, or in lieu of, criminal actions, a violation of this Ordinance or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

Index including 2012 Revisions to the LUDO.

EDITOR'S NOTE: The **bold print** indicates a section that discusses the topic in detail. The section references without additional description indicate the topic is mentioned, but not necessarily discussed in depth. This index has not been officially adopted and is provided solely for the convenience of the user.

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF ADOPTING THE CITY OF)
THE DALLES LAND USE AND DEVELOPMENT) ORDER
ORDINANCE NO. 98-122 AS AMENDED BY) #14-019
THE CITY OF THE DALLES)

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term of the transaction of public business and a majority of the Board being present; and

IT APPEARING TO THE BOARD OF COMMISSIONERS: That on October 23, 1997, an amended Joint Management Agreement between Wasco County and the City of the Dalles was filed with the Wasco County Clerk requiring both the City and County to adopt an amendment to the text or map of any of the City of The Dalles implementing ordinances which are applicable to the Urban Growth Area or Boundary and have been adopted by the City (Section 4.A.1.b); and

IT FURTHER APPEARING TO THE BOARD OF COMMISSIONERS: That after conducting legally notified legislative public hearings, the City Council of the City of The Dalles, Oregon adopted amendments to the City of The Dalles

General Ordinance No. 98-1222, City of The Dalles Land Use and Development Ordinance; and

IT FURTHER APPEARING TO THE BOARD OF COMMISSIONERS: That on February 19, 2014, the City of The Dalles submitted proposed City of The Dalles Land Use and Development Ordinance amendments to Wasco County for adoption by the Board of Commissioners as required by Section 4.A.1.b of the City of The Dalles/Wasco County Joint Management Agreement.

NOW THEREFORE IT IS HEREBY ORDERED: That Wasco County adopt City of The Dalles Amended Land Use and Development Ordinance No. 98-122 as submitted by the City of The Dalles and attached herein.

SIGNED this 19th day of February, 2014.

WASCO COUNTY
BOARD OF COMMISSIONERS

Scott C. Hege, Commission Chair

APPROVED AS TO FORM:

Rod L. Runyon, County Commissioner

Eric J. Nisley
Wasco County District Attorney

Steve D. Kramer, County Commissioner

Agenda Item
Veterans Advisory Committee ByLaws

- [VSAC ByLaws 2010](#)
- [VSAC ByLaws 2014](#)

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WASCO/HOOD RIVER COUNTY
VETERANS SERVICES ADVISORY COMMITTEE

NOV 26 A 11:40

BYLAWS

KAREN LEBRETON COATS
COUNTY CLERK

Article I

NAME

The name of the Advisory Committee shall be the Wasco/Hood River County Veterans Services Advisory Committee.

Article II

PURPOSE

The purpose of this Advisory Committee shall be to act as an advisory body to the Wasco County Board of Commissioners regarding veterans issues: to focus public attention on the history, preservation, services and needs of Veterans and family members; to seek funds and resources necessary to accomplish and implement the intent and purposes of the County's commitment to provide services to Veterans and their families and to accomplish the goals of this Advisory Committee.

Article III

MEMBERSHIP

Section 1. Membership of this Advisory Committee shall be as follows:

- a. Five members shall be appointed by the Wasco County Board of Commissioners and shall serve at the pleasure of Wasco County.
- b. Two members shall be appointed by the Hood River County Board of Commissioners and shall serve at the pleasure of Hood River County.

Section 2. Each member shall be entitled to one vote.

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Article IV

OFFICERS AND COMMITTEES

Section 1. The officers shall be a President, a Vice President, and a Secretary. The term shall be for one year. With the exception of the Secretary, no person shall serve for more than two consecutive one year terms in office.

Section 2. The officers and members of the Advisory Committee shall serve as the governing body of the Advisory Committee.

Section 3. The direction of affairs of this organization shall rest with the Advisory Committee, subject to approval by the Wasco County Board of Commissioners or their designee. A majority of the members of this Advisory Committee shall constitute a quorum for the transaction of business.

Section 4. The President shall be an ex-officio member of all Subcommittees, with the exception of the Nominating Committee.

Section 5. The Nominating Committee shall consist of three members appointed by the President of the Advisory Committee. Nominations for officers shall be presented by the Nominating Committee. Nominations from the floor will be invited. No one shall be nominated without his/her consent.

Section 6. Officers shall be elected at the September meeting or the first meeting thereafter if there is no September meeting.

Section 7. Vacancies arising on the Advisory Committee shall be filled by appointment made by the respective Board of Commissioners.

Article V

DUTIES OF OFFICERS

Section 1. PRESIDENT: To preside over and conduct meetings and to appoint all Subcommittees and be an ex-officio member thereof, except as limited herein.

Section 2. VICE-PRESIDENT: To perform the duties of the President and to preside over meetings of the Advisory Committee in the absence of the President.

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Section 3. SECRETARY: To provide Public Notice of meetings, including copies to the governing bodies of Wasco and Hood River Counties, and to ensure compliance with Oregon Public Meeting Laws, to record attendance at all meetings, to take the minutes of all meetings and provide copies to the governing bodies of Wasco and Hood River Counties, to keep a list of membership, together with their addresses, to notify the members of the time and place of meetings, and to conduct the correspondence of the organization.

Article VI

MEETINGS

Section 1. The Advisory Committee shall hold its September meeting for the purpose of election of officers, to receive various reports and to enact any other business.

Section 2. The Advisory Committee shall determine a schedule that best serves the Advisory Committee members. The Advisory Committee shall meet at least quarterly.

Section 3. A special meeting may be held as directed by the President or Advisory Committee, provided the membership and public are properly notified.

Article VII

AMENDMENTS

The ByLaws may be amended, subject to the approval of the Wasco County Board of Commissioners, at any regular meeting of this Advisory Committee by two-thirds of the members present, provided that notice of the proposed amendment shall have been read at one meeting and voted on at the next meeting.

Article VIII

PARLIAMENTARY AUTHORITY

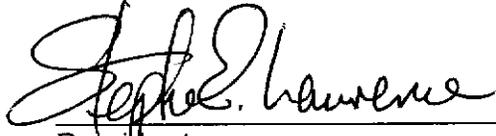
All meetings shall be conducted according to Robert's Rules of Order, Revised, except when in conflict with these ByLaws or with the laws of the State of Oregon.

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ADOPTED by the Wasco/Hood River Veterans Services Advisory Committee this 7th day of October, 2010.



President



Vice-President

Secretary

ADOPTED by the governing body of Wasco County, Oregon, this 13th day of October, 2010.

WASCO COUNTY BOARD OF COMMISSIONERS



Dan Ericksen, Chair, Commissioner

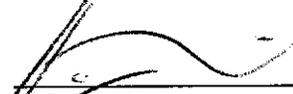


Sherry Holliday, Commissioner



Bill Lennox, Commissioner

APPROVED AS TO FORM:



Eric J. Nisley
Wasco County District Attorney

P2010-0264 (4)

WASCO COUNTY
VETERANS SERVICES ADVISORY COMMITTEE
BYLAWS

ARTICLE I

NAME

The name of the Advisory Committee shall be the Wasco County Veterans Services Advisory Committee.

ARTICLE II

PURPOSE

The purpose of this Advisory Committee shall be to act as an advisory body to the Wasco County Board of Commissioners regarding veterans issues: to focus public attention on the history, preservation, services and needs of Veterans and family members; to seek funds and resources necessary to accomplish and implement the intent and purposes of the County's commitment to provide services to Veterans and their families and to accomplish the goals of this Advisory Committee.

ARTICLE III

MEMBERSHIP

Membership of this Advisory Committee shall be as follows:

- a. Six voting members shall be appointed by the Wasco County Board of Commissioners and shall serve for 2-year terms, with no limit on the number of terms served subject to application and approval of the Wasco Board of Commissioners. Each of these members shall be entitled to one vote.
- b. Up to two ex-officio, non-voting members may be appointed by the Wasco County Board of Commissioners and shall serve for a 2-year term with no limit on the number of terms served.

- c. The Wasco County Veteran Service Officer shall be appointed as a regular non-voting member.

Article IV

OFFICERS AND COMMITTEES

- Section 1. The officers shall be a Chairman, a Vice Chairman, and a Secretary. The term shall be for one year. With the exception of the Secretary, no person shall serve for more than two consecutive one year terms in office.
- Section 2. The officers and members of the Advisory Committee shall serve as the governing body of the Advisory Committee.
- Section 3. The direction of affairs of this organization shall rest with the Advisory Committee, subject to approval by the Wasco County Board of Commissioners or their designee. A majority of the members of this Advisory Committee shall constitute a quorum for the transaction of business.
- Section 4. The Chairman shall be an ex-officio member of all Subcommittees, with the exception of the Nominating Committee.
- Section 5. The Nominating Committee shall consist of three members appointed by the Chairman of the Advisory committee. Nominations for officers shall be presented by the Nominating Committee. Nominations from the floor will be invited. No one shall be nominated without his/her consent.
- Section 6. Officers shall be elected at the September meeting or the first meeting thereafter if there is not September meeting.
- Section 7. Vacancies arising on the Advisory Committee shall be filled by appointment made by the Wasco Board of Commissioners.

Article V

DUTIES OF OFFICERS

- Section 1. CHAIRMAN: To set and distribute meeting agendas, preside over and conduct meetings and to appoint all Subcommittees and be an ex-officio member thereof, except as limited herein.

- Section 2. VICE-CHAIRMAN: To perform the duties of the Chairman and to preside over meetings of the Advisory Committee in the absence of the Chairman.
- Section 3. SECRETARY: To provide Public Notice of meetings, to ensure compliance with Oregon Public Meeting Laws, to record attendance at all meetings, to take the minutes of all meetings and provide copies to the Wasco County Board of Commissioners and members of the Committee, to keep a list of membership together with their addresses, to notify the members of the time and place of meetings, and to conduct the correspondence of the committee.

Article VI

MEETINGS

- Section 1. The Advisory Committee shall hold its September meeting for the purpose of election of officers, to receive various reports and to enact any other business.
- Section 2. The Advisory Committee shall determine a schedule that best serves the Advisory Committee members. The Advisory Committee shall meet at least quarterly.
- Section 3. A special meeting may be held as directed by the Chairman or Advisory Committee, provided the membership and public are properly notified.

Article VII

AMENDMENTS

The Bylaws may be amended, subject to the approval of the Wasco County Board of Commissioners, at any regular meeting of this Advisory Committee by two-thirds of the members present, provided that notice of the proposed amendment shall have been read at one meeting and voted on at the next meeting.

Article VIII

PARLIAMENTARY AUTHORITY

All meetings shall be conducted according to Robert's Rules of Order, Revised, except when in conflict with these Bylaws or with the laws of the State of Oregon.

ADOPTED by the Wasco County Veterans Services Advisory Committee this 2nd
day of January, 2014.

Donna L. Lawrence
Chairman

[Signature]
Vice-Chairman

[Signature]
Secretary

ADOPTED by the governing body of Wasco County, Oregon, this _____ day of _____, _____.

WASCO COUNTY BOARD
OF COMMISSIONERS

Rod L. Runyon, Commission Chair

Scott C. Hege, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

Steve D. Kramer, County Commissioner

Agenda Item
SWAC Rate Recommendations

- [Resolution #14-003 Approving Landfill Rate Increases](#)
- [Landfill Rate Schedule](#)
- [Resolution #14-004 Approving Mel's Sanitary Inc. Rate Increase](#)
- [Mel's Sanitary Rate Schedule](#)
- [Resolution #14-005 Approving Waste Connections Rate Increase](#)
- [Waste Connections Rate Schedule](#)

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMMISSERS
HEREBY RESOLVES to approve the Wasco County Landfill rate increases as
outlined in in the attached rate schedule, effective January 1, 2014.

DATED this 19th day of February, 2014.

WASCO COUNTY
BOARD OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

Wasco County Landfill
New Rates effective January 1, 2014

Wasco County

\$ 32.70 per ton + \$7.70 (HHW Fee) = \$ 40.40 per ton

Hood River and Sherman County

\$ 36.56 per ton + \$7.70 (HHW Fee) = \$ 44.26 per ton

Out of County

\$36.56 per ton

ACM: In-County

\$ 82.27 per ton

ACM: Out of County

\$ 83.87 per ton

PCS: In-County

\$ 30.05 per ton

PCS: Out of County

\$ 31.74 per ton

Public minimum is \$40.00

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMMISSERS
HEREBY RESOLVES to approve the Mel's Sanitary, Inc. rate increases as outlined
in in the attached rate schedule, effective January 1, 2014.

DATED this 19th day of February, 2014.

WASCO COUNTY
BOARD OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

Wasco County
New Rates Effective Jan 1st 2014

1 can oaw	22.12	On call service	9.60 per can
1 can tam	14.01	Extra can	6.73 each
1 can oam	9.21		
2 cans oaw	34.06		
3 cans oaw	45.23		
1.5yd oaw	113.76	1.5yd cleanup	34.10
1.5yd tam	74.08		
1.5yd oam	57.34		
2yd oaw	141.83	2yd cleanup	43.56
2yd tam	91.98		
2yd oam	65.49		
3yd oaw	227.48	3yd cleanup	68.16
3yd tam	148.07		
3yd oam	114.55		
4yd oaw	283.56	4yd cleanup	87.07
4yd oam	131.01		
1.5yd taw	204.09	Cleanup container del fee	32.83
2yd taw	252.32		
3yd taw	408.10		
4yd taw	565.11		
30yd Drop Box	416.03	Plus Disposal Fee	After 5 Days 18.61 per day rental
20yd Drop Box	329.10		Drop Box Delivery Fee 53.33
10yd Drop Box	242.18		Drop Box P.U. Fee 53.33

WHEREAS, on January 23, 2014, the Wasco County Solid Waste Advisory Committee reviewed the request and has recommended approval of Waste Connection's proposed rate increases.

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMISSERS HEREBY RESOLVES to approve the Waste Connections' rate increases as outlined in in the attached rate schedule, effective January 1, 2014.

DATED this 19th day of February, 2014.

WASCO COUNTY
BOARD OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

TD WASCO COUNTY UGA GARBAGE RATES

Proposed rate Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Total Increase	New Rate
RESIDENTIAL					
CANS/ROLLCARTS					
Weekly					
- (1) 20 gal can	\$11.03	\$0.02	\$0.15	\$0.17	\$11.20
- (1) 32 gal can	\$16.77	\$0.03	\$0.23	\$0.26	\$17.03
- 90 gal rollcart	\$24.28	\$0.09	\$0.28	\$0.36	\$24.64
- 105 gal cart	\$26.01	\$0.10	\$0.28	\$0.39	\$26.40
- each add'l can/cart added at the price of the 1st unit					
EOW					
- (1) 32 gal can	\$14.19	\$0.02	\$0.20	\$0.22	\$14.41
Call In					
- (1) 32 gal can	\$11.63	\$0.01	\$0.18	\$0.19	\$11.82
- 90 gal rollcart	\$16.96	\$0.02	\$0.24	\$0.27	\$17.23

YARD DEBRIS

* 12 month minimum sign-up period

* \$18 restart fee if service cancelled/restarted within a year

60 gal yard debris cart

RESIDENTIAL					
Weekly	\$8.24	\$0.06	\$0.06	\$0.11	\$8.35
EOW	\$5.62	\$0.03	\$0.04	\$0.08	\$5.70

SPECIAL CHARGES

* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.

Additional Charge:

- Sunken Can	\$20.41	\$0.00	\$0.34	\$0.34	\$20.75
- Excess distance	\$20.41	\$0.00	\$0.34	\$0.34	\$20.75
- Steps/stairs	\$20.41	\$0.00	\$0.34	\$0.34	\$20.75
- Through gate	\$20.41	\$0.00	\$0.34	\$0.34	\$20.75
-extra can/bag/box	\$6.29	\$0.00	\$0.10	\$0.10	\$6.39
- loose yardage per yd	\$26.44	\$0.07	\$0.34	\$0.41	\$26.85
(*extra garbage on top or around cans and rollcarts which must be manually handled & placed in truck)					
- bulk items					
- return trip can	\$6.27	\$0.00	\$0.10	\$0.10	\$6.37
- return trip rollcart	\$9.25	\$0.00	\$0.15	\$0.15	\$9.40
- rollcart redelivery	\$9.57	\$0.00	\$0.16	\$0.16	\$9.73
- Off day PU	\$6.87	\$0.00	\$0.11	\$0.11	\$6.98
- Delinquent fee	\$12.24	\$0.00	\$0.20	\$0.20	\$12.44
({Acct delinquent after 30 days from billing})					
- NSF/unhonored check fee	\$28.89	\$0.00	\$0.47	\$0.47	\$29.36
- New Acct set up fee	\$5.50	\$0.00	\$0.09	\$0.09	\$5.59
- Change in service	\$5.50	\$0.00	\$0.09	\$0.09	\$5.59

COMMERCIAL

TD WASCO COUNTY UGA GARBAGE RATES

Proposed rate Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Total Increase	New Rate
Weekly					
- (1) 32 gal can	\$20.27	\$0.03	\$0.29	\$0.32	\$20.59
- 90 gal rollcart	\$30.94	\$0.09	\$0.39	\$0.47	\$31.41
- each add'l can/cart added at the price of the 1st unit					
EOW					
- (1) 32 gal can	\$17.12	\$0.02	\$0.25	\$0.27	\$17.39
Call In					
- (1) 32 gal can	\$12.82	\$0.01	\$0.20	\$0.21	\$13.03
- 90 gal rollcart	\$18.51	\$0.02	\$0.27	\$0.29	\$18.80

SPECIAL CHARGES

* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.

Additional Charge:

- Sunken Can	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Excess distance	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Steps/stairs	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Through gate	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
			\$0.00		
-extra can/bag/box	\$6.29	\$0.00	\$0.10	\$0.10	\$6.39
- loose yardage per yd	\$26.44	\$0.07	\$0.34	\$0.41	\$26.85
(*extra garbage on top or around cans and rollcarts which must be manually handled & placed in truck)					
- bulk items					
- return trip can	\$6.27	\$0.00	\$0.10	\$0.10	\$6.37
- return trip rollcart	\$9.26	\$0.01	\$0.14	\$0.15	\$9.41
- rollcart redelivery	\$9.57	\$0.00	\$0.16	\$0.16	\$9.73
- Off day PU	\$6.87	\$0.00	\$0.11	\$0.11	\$6.98
- Delinquent fee	\$12.24	\$0.00	\$0.20	\$0.20	\$12.44
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$28.89	\$0.00	\$0.47	\$0.47	\$29.36
- New Acct set up fee	\$5.50	\$0.00	\$0.09	\$0.09	\$5.59
- Change in service	\$5.50	\$0.00	\$0.09	\$0.09	\$5.59

TD WASCO COUNTY UGA GARBAGE RATES

Proposed rate Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Total Increase	New Rate
CONTAINERS					
1 1/2 Yd Containers					
- Call In	\$30.33	\$0.05	\$0.42	\$0.48	\$30.81
- EOW	\$42.39	\$0.12	\$0.53	\$0.65	\$43.04
- 1XPW	\$84.79	\$0.23	\$1.06	\$1.30	\$86.09
- Additional day rate = # days x 1x week rate					
2 Yd Containers					
- Call In	\$40.81	\$0.07	\$0.57	\$0.64	\$41.45
- EOW	\$56.66	\$0.16	\$0.71	\$0.87	\$57.53
- 1XPW	\$113.30	\$0.31	\$1.42	\$1.73	\$115.03
- Additional day rate = # days x 1 x wk rate					
3 Yd Containers					
- Call In	\$60.66	\$0.11	\$0.84	\$0.95	\$61.61
- EOW	\$84.78	\$0.23	\$1.06	\$1.30	\$86.08
- 1XPW	\$169.59	\$0.47	\$2.12	\$2.59	\$172.18
- Additional day rate = # days x 1x wk rate					
SPECIAL CHARGES					
- Delivery	\$30.97	\$0.00	\$0.51	\$0.51	\$31.48
- Rent	\$30.22	\$0.00	\$0.50	\$0.50	\$30.72
- Rent-a-bin	\$68.00	\$0.00	\$1.12	\$1.12	\$69.12
- Loose yardage	\$26.44	\$0.07	\$0.34	\$0.41	\$26.85
Containers with difficult access (per cont chg)					
- Not on solid surface	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Stuck in the mud	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Lodged in loose gravel	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Overweight	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Excess distance	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Rolloff curb	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82

TD WASCO COUNTY UGA GARBAGE RATES

Proposed rate Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Total Increase	New Rate
COMPACTORS					
* 50,000 max gross weight					
- Per compacted yard	\$29.26	\$0.18	\$0.22	\$0.41	\$29.67
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
					Will be charge add'l per ton at the current landfill disposal fee. Customers must stay within DOT legal weight limits for drop box/compactor service.
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$335.45	\$0.00	\$5.51	\$5.51	\$340.96
- Extra miles over 15	\$2.80	\$0.00	\$0.05	\$0.05	\$2.85
DROP BOXES					
- 10 yd min fee empty	\$191.76	\$0.66	\$2.21	\$2.88	\$194.64
- 15 yd min fee empty	\$287.70	\$1.00	\$3.32	\$4.32	\$292.02
- 20 yd min fee empty	\$383.51	\$1.33	\$4.43	\$5.75	\$389.26
- 30 yd min fee empty	\$575.29	\$1.99	\$6.64	\$8.63	\$583.92
- Delivery	\$64.53	\$0.00	\$1.06	\$1.06	\$65.59
- Pickup	\$64.53	\$0.00	\$1.06	\$1.06	\$65.59
- Swap	\$64.53	\$0.00	\$1.06	\$1.06	\$65.59
- Ex miles over 15	\$2.80	\$0.00	\$0.05	\$0.05	\$2.85
- Demurrage per day after 5 days	\$13.73	\$0.00	\$0.23	\$0.23	\$13.96
- Loose yardage	\$26.44	\$0.07	\$0.34	\$0.41	\$26.85
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
					Will be charge add'l per ton at the current landfill disposal fee. Customers must stay within DOT legal weight limits for drop box/compactor service.

TD WASCO COUNTY RURAL GARBAGE RATES

Proposed Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Total Increase	New Rate
RESIDENTIAL					
CANS/ROLLCARTS					
Weekly					
- (1) 20 gal can (NewRate)	\$11.03	\$0.02	\$0.15	\$0.17	\$11.20
- (1) 32 gal can	\$18.76	\$0.03	\$0.26	\$0.29	\$19.05
- 90 gal rollcart	\$28.51	\$0.09	\$0.35	\$0.43	\$28.94
- 105 gal cart (Phase Out)	\$30.22	\$0.10	\$0.35	\$0.45	\$30.67
- each add'l can/cart added at the price of the 1st unit					
EOW					
- (1) 32 gal can	\$14.79	\$0.02	\$0.21	\$0.23	\$15.02
- 90 gal rollcart	\$25.64	\$0.05	\$0.35	\$0.40	\$26.04
Call In					
- (1) 32 gal can	\$12.65	\$0.01	\$0.19	\$0.20	\$12.85
- 90 gal rollcart	\$17.02	\$0.02	\$0.24	\$0.27	\$17.29
SPECIAL CHARGES					
* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.					
Additional Charge:					
- Sunken Can	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Excess distance	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Steps/stairs	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Through gate	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
-extra can/bag/box	\$6.41	\$0.00	\$0.10	\$0.10	\$6.51
- loose yardage per yd	\$26.44	\$0.07	\$0.34	\$0.41	\$26.85
(*extra garbage on top or around cans and rollcarts which must be manually handled & placed in truck)					
- bulk items					
- return trip can	\$6.27	\$0.00	\$0.10	\$0.10	\$6.37
- return trip rollcart	\$9.25	\$0.00	\$0.15	\$0.15	\$9.40
- rollcart redelivery	\$9.57	\$0.00	\$0.16	\$0.16	\$9.73
- Off day PU	\$6.87	\$0.00	\$0.11	\$0.11	\$6.98
- Delinquent fee	\$12.24	\$0.00	\$0.20	\$0.20	\$12.44
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$28.89	\$0.00	\$0.47	\$0.47	\$29.36
- New Acct set up fee	\$6.30	\$0.00	\$0.10	\$0.10	\$6.40
- Change in service	\$6.30	\$0.00	\$0.10	\$0.10	\$6.40

TD WASCO COUNTY RURAL GARBAGE RATES

Proposed Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Total Increase	New Rate
COMMERCIAL					
Weekly					
- (1) 32 gal can	\$22.15	\$0.03	\$0.32	\$0.35	\$22.50
- 90 gal rollcart	\$32.89	\$0.09	\$0.42	\$0.50	\$33.39
- each add'l can/cart added at the price of the 1st unit					
EOW					
- (1) 32 gal can	\$17.78	\$0.02	\$0.26	\$0.28	\$18.06
Call In					
- (1) 32 gal can	\$13.91	\$0.01	\$0.21	\$0.22	\$14.13
- 90 gal rollcart	\$18.74	\$0.02	\$0.27	\$0.30	\$19.04

SPECIAL CHARGES

* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.

Additional Charge:

- Sunken Can	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Excess distance	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Steps/stairs	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Through gate	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
			\$0.00		
-extra can/bag/box	\$6.41	\$0.00	\$0.10	\$0.10	\$6.51
- loose yardage per yd	\$26.44	\$0.07	\$0.34	\$0.41	\$26.85
(*extra garbage on top or around cans and rollcarts which must be manually handled & placed in truck)					
- bulk items					
- return trip can	\$6.27	\$0.00	\$0.10	\$0.10	\$6.37
- return trip rollcart	\$9.26	\$0.01	\$0.14	\$0.15	\$9.41
- rollcart redelivery	\$9.57	\$0.00	\$0.16	\$0.16	\$9.73
- Off day PU	\$6.87	\$0.00	\$0.11	\$0.11	\$6.98
- Delinquent fee	\$12.24	\$0.00	\$0.20	\$0.20	\$12.44
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$28.89	\$0.00	\$0.47	\$0.47	\$29.36
- New Acct set up fee	\$6.30	\$0.00	\$0.10	\$0.10	\$6.40
- Change in service	\$6.30	\$0.00	\$0.10	\$0.10	\$6.40

TD WASCO COUNTY RURAL GARBAGE RATES

Proposed Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Total Increase	New Rate
CONTAINERS					
1 1/2 Yd Containers					
- Call In	\$32.02	\$0.05	\$0.45	\$0.50	\$32.52
- EOW	\$45.89	\$0.12	\$0.59	\$0.71	\$46.60
- 1XPW	\$91.87	\$0.23	\$1.18	\$1.41	\$93.28
- Additional day rate = # days x 1 x wk rate					
2 Yd Containers					
- Call In	\$42.17	\$0.07	\$0.59	\$0.66	\$42.83
- EOW	\$60.98	\$0.16	\$0.78	\$0.94	\$61.92
- 1XPW	\$121.82	\$0.31	\$1.56	\$1.87	\$123.69
- Additional day rate = # days x 1 x wk rate					
3 Yd Containers					
- Call In	\$60.66	\$0.11	\$0.84	\$0.95	\$61.61
- 1XPW	\$183.74	\$0.47	\$2.36	\$2.82	\$186.56
- Additional day rate = # days x 1 x wk rate					
SPECIAL CHARGES					
- Delivery	\$30.67	\$0.00	\$0.50	\$0.50	\$31.17
- Rent	\$29.92	\$0.00	\$0.49	\$0.49	\$30.41
- Rent-a-bin	\$68.00	\$0.00	\$1.12	\$1.12	\$69.12
- Loose yardage	\$26.44	\$0.07	\$0.34	\$0.41	\$26.85
Containers with difficult access (per cont chg)					
- Not on solid surface	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Stuck in the mud	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Lodged in loose gravel	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Overweight	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Excess distance	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82
- Rolloff curb	\$22.45	\$0.00	\$0.37	\$0.37	\$22.82

TD WASCO COUNTY RURAL GARBAGE RATES

Proposed Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Total Increase	New Rate
COMPACTORS					
* 50,000 max gross weight					
- Per compacted yard	\$29.07	\$0.18	\$0.22	\$0.40	\$29.47
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
<p style="text-align: center;">Will be charge add'l per ton at the current landfill disposal fee. Customers must stay within DOT legal weight limits for drop box compactor service.</p>					
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$292.91	\$0.00	\$4.81	\$4.81	\$297.72
- Extra miles over 15	\$2.90	\$0.00	\$0.05	\$0.05	\$2.95
DROP BOXES					
- 10 yd min fee empty	\$208.50	\$0.66	\$2.49	\$3.15	\$211.65
- 15 yd min fee empty	\$312.78	\$1.00	\$3.73	\$4.73	\$317.51
- 20 yd min fee empty	\$417.03	\$1.33	\$4.98	\$6.30	\$423.33
- 30 yd min fee empty	\$625.51	\$1.99	\$7.46	\$9.45	\$634.96
- Delivery	\$70.67	\$0.00	\$1.16	\$1.16	\$71.83
- Pickup	\$70.67	\$0.00	\$1.16	\$1.16	\$71.83
- Swap	\$70.67	\$0.00	\$1.16	\$1.16	\$71.83
- Ex miles over 15	\$2.90	\$0.00	\$0.05	\$0.05	\$2.95
- Demurrage per day after 5 days	\$13.72	\$0.00	\$0.23	\$0.23	\$13.95
- Loose yardage	\$26.43	\$0.07	\$0.34	\$0.41	\$26.84
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
<p style="text-align: center;">Will be charge add'l per ton at the current landfill disposal fee. Customers must stay within DOT legal weight limits for drop box compactor service.</p>					

Agenda Item
Compensation Study

- [Compensation Report](#)
- [Benefits Analysis](#)
- [Compensation Policy](#)

**WASCO COUNTY
COMPENSATION STUDY REPORT**

**PREPARED BY HR ANSWERS, INC.
JANUARY 2014**

Introduction

HR Answers, Inc. was engaged by Wasco County to conduct a market study and design an internal Job Evaluation system in order to develop an externally and internally equitable wage scale. The study covered all represented and non-represented positions excluding elected officials. The project began in January 2013, and included salary data research from published survey sources as well as identified comparable counties. The project also involved development of a draft pay structure and proposed placements of positions into pay grades and recommendations about implementation and establishing a pay for performance model.

The compensation project included discussions with the Compensation Project Taskforce and Administrative Officer regarding current compensation program issues and frequent communication throughout the project regarding review of draft documents. This created visibility about all aspects of the project process and data elements.

With this report we are providing final copies of the salary study documents which went through several reiterations throughout the compensation study. The information on the following pages outlines the project activities, methodology, materials, and recommendations.

The Public Health Department was initially part of this project, even though it was anticipated that it may be separated from county operations. That transition occurred effective 1-1-14 so no data relative to these positions appears in this report or appendices. Public Health has been contacted to determine what work, if any, they wish to have done on their behalf.

We wish to thank the County for the provision of the information necessary to complete this project, their review and feedback on draft documents, and their commitment to working out the questions and concerns emanating from the study.

Project Activities

The steps and scope of this project included:

- ❖ Initial meeting with Compensation Project Taskforce;
- ❖ Creation of a Compensation Philosophy;
- ❖ Developing job factors and weights;
- ❖ Conducting salary data research from published surveys;
- ❖ Evaluating all positions and developing a draft internal ranking;
- ❖ Meeting with the taskforce to review a draft internal ranking;
- ❖ Adding other counties' pay data to survey reports;
- ❖ Developing a report on Compensation Approach Options;
- ❖ Constructing draft pay structures and suggesting position placements in pay grades;
- ❖ Meetings with county department heads to review survey reports and job evaluations;
- ❖ Adding or revising survey matches per department head feedback;
- ❖ Developing materials for group communications;
- ❖ Preparing a benefits analysis report;
- ❖ Creation of a Compensation Policy to both guide future decisions and establish pay practices;
- ❖ Providing implementation assistance including a costing analysis;
- ❖ Providing information for Commissioner Decisions; and
- ❖ Communicating results to all parties.

Project Steps

Internal Equity Process

In order to establish a process for determining internal equity, a point factor Job Evaluation system was developed. Job Evaluation (JE) is defined as the process or formal procedure for ordering a set of jobs or positions in a hierarchy with respect to their internal “value” or “worth.” The basic principle of Job Evaluation is that it is the job, and not the employee, that is evaluated and rated. This process is critical given that studies have shown that approximately 70% of employee dissatisfaction derives from perceptions of lack of internal equity.

The first step in the Job Evaluation process involved the determination and definition of job factors. These factors were initially selected by the County Management Team as being the most influential to the success of the County and most appropriate to its positions. The factors were then “weighted” according to the level of importance to the County. The choice of job factors and how heavily each is weighted is at the heart of the Job Evaluation system's design. It is the choice of the factors and factor weights that determine the relative ordering of jobs on the job worth scale. One set of factors and factor weights may produce a particular ordering of jobs, while a different set of factors or a different weighting of factors will produce a quite different

ordering. The job factor descriptions were submitted to the County in draft form and finalized based on the County's feedback.

Level descriptions for the Job Evaluation factors were developed and this document provided the foundation for the internal equity analysis during which each position was evaluated against the factors.

Job factors and corresponding weighting are:

Capability	26%
Responsibility/Accountability	20%
Interpersonal Skills/Contacts	20%
Supervision of Others	14%
Working Conditions	10%
Physical Requirements	10%

The next step was to use information from the Job Descriptions in order to evaluate or score each job with respect to "how much" of each factor exists in each position. The result of this scoring process determined how much each job is "worth" to the County. Each position was assigned a total point value and then all jobs were ranked. The process of scoring and ranking jobs was accomplished by the consultants and reviewed by the County. Based on the County's feedback, some revisions were made in the initial Position Hierarchy.

External Market Survey

Salary survey matches were determined using published salary survey sources. A salary data sheet was compiled for each position and included the salary data and job summary from each source. The published survey data was trended forward from the date of collection to July 2013. Each year HR Answers determines the appropriate aging factor based on the most recent major forecasts of salary structure movement. Based on these forecasts, we are using factors of 2.0% for 2012 and 1.8% for 2013 to age data forward. We also adjusted the data so that it matches the labor market pay level for The Dalles, Oregon. We use a service of the Economic Research Institute, which is the nation's leading resource for this type of geographic adjustment.

The published survey sources used are described in the attached bibliography.

In addition to the published survey sources, data from pay structures was obtained from the following Oregon or Washington cities and counties:

City of Hood River	Klickitat County
City of The Dalles	Malheur County
Clatsop County	Morrow County
Hood River County	Umatilla County
Jefferson County	Union County

The county survey matches were determined by job title and pay level, and reviewed by County Department Heads for comparability.

Typical good compensation practice is to utilize a combination of at least three salary survey sources. No published or county job matches were found for the following positions:

Chief Tax Deputy	General Road Supervisor
Community Work Service Supervisor	Veterans Intake Coordinator
County Clerk	Road Tech. II

Therefore, the placement of these positions was recommended on the basis of the internal equity assessment.

Pay Structures

Following analysis and compilation of the external market data, the next step was to develop a new pay structure based on the market data collected. There is a proposed pay structure that combines represented and non-represented positions for which survey data was collected. The combined pay structure provides a view of all positions as if no bargaining process was being conducted. All information regarding represented positions is for information only subject to collective bargaining. Obviously in negotiations for represented positions, decisions will be made about actual pay range numbers and pay grade placements. The following information is an explanation of the calculations involved in developing pay ranges.

The first step in designing the proposed pay ranges was to determine market midpoints. The proposed market points were determined by the average current pay from the market data gathered through the salary survey process. The objective in creating salary ranges is for the midpoint of the actual salaries paid in the marketplace to be approximately equal in value to the proposed pay structure midpoints.

The next step in developing ranges was to determine the appropriate midpoint to midpoint differences from a lower to next higher pay grade. The smaller the difference between midpoints, the more pay grades that will be required for a set of jobs, and vice versa. The greater the difference between pay rates, the easier it is for job incumbents to perceive differences in worth between jobs. The midpoint progression that was the best fit with the survey data was 6.5%. This is a very common midpoint progression.

After identifying midpoint progressions, the next step was to determine range spreads. A range spread is the percentage difference between the minimum and the maximum of a range. The range spreads were determined by evaluating the range spreads collected in the salary survey process. Instead of using a flat percent range width, tapered range widths were designed that start at 30% for lower level positions, to 40% for mid-level positions, and 50% for management positions. (Appendix I details the different Market Reference Points for the ranges due to this varying width.) The purpose of this tapered range spread design is to recognize that the learning curve to become competent in a job typically increases as individuals move higher in the salary structure. A decision was made that steps would be utilized between the minimum and the market reference point (midpoint) and that there would be open range beyond that point.

These are definitions for terms applied to the Wasco County pay ranges:

Range Minimum - At least the minimum of the appropriate pay range that is paid to all qualified employees. In cases where the qualifications of a newly hired or newly promoted employee are less than those usually required in an assigned position, he/she may be paid below the minimum of the applicable range while acquiring the necessary minimum qualifications for the position. Any learning period will normally be limited to six months after which the employee's pay shall be adjusted to the range minimum or slightly above, if retained in the position.

Market Reference Point – This point identifies what the market pays for a fully experienced and satisfactorily performing employee. Increases above the Market Reference Point normally require performance that exceeds job standards or where additional contribution is being made by the employee.

Award Point - The maximum of a pay range provides an upper limit to what employees in that grade shall be paid in base pay and signals that the employee may be eligible for a lump sum performance award depending on meeting the established criteria. (See the Wasco County Performance Management Policy for additional details.)

Subsequent to development of proposed pay ranges, positions were placed in a preliminary pay range. There are two pieces to assigning positions to pay grades: the internal ranking hierarchy from the job evaluation scoring, and the market survey results. The function of placing jobs by reconciling the external and internal equity involves balancing the two activities. Positions were preliminarily slotted to pay ranges based upon the market survey weighted averages. If a position was one or more grades away from what the survey data suggested, HR Answers made an adjustment to bring the position closer to market value. However, if the survey weighted average was lower than the current range midpoint, a position was assigned to a higher pay grade to align with current internal equity. HR Answers would never suggest that an employee's current pay be reduced as a result of the market survey. Positions without survey data were suggested for pay grade placement according to the Position Hierarchy.

The County department heads reviewed the internal and external equity results, and based upon their feedback adjustments were made as necessary. Attached to this report is Appendix I which displays the reconciliation of the job evaluation and market survey results, and proposed pay grade placements. Elected Official positions are excluded from the draft pay structure.

Pay grade placements for bargaining unit positions are provided for informational purposes only. Obviously in negotiations for represented positions, decisions will be made about actual pay range numbers and pay grade placements.

Class Review for Clerical Administrative Positions

As requested, HR Answers reviewed the non-represented classes of Program Secretary, Office Specialist I and II, Secretary II, and Administrative Assistant for potential consolidation. Based on our review and analysis, the following new classes are suggested:

- Current Office Specialist I: reclassify to Office Assistant I to avoid confusion with the represented class title of Office Specialist I. This class performs routine clerical assignments

of answering calls, preparing correspondence, filing, data entry, processing forms, and receiving payments. Minimum requirements: high school education and 1-2 years experience.

- Current Office Specialist II: reclassify to Office Assistant II to avoid confusion with the represented class title of Office Specialist II. This class performs moderately complex clerical assignments of providing services to the public at the counter, providing information by phone, preparing documents, records maintenance, data entry, and filing. Minimum requirements: high school education and 2-3 years experience.
- Administrative Assistant, Program Secretary, and Secretary II: combine the three titles into a new class title of Office Assistant III. The new class would provide specialized, complex administrative support for the assigned department. Responsibilities would include providing services to the public such as scheduling appointments and meetings, providing information to clients and the public, preparing specialized correspondence, forms or reports; compiling statistical data, maintaining files, performing routine duties related to accounting for the department, and tracking department budget or contract expenditures. May also perform additional duties that require specialized knowledge of department procedures and policies and some judgment and discretion in order to complete assignments. Minimum requirements: high school education and 3-4 years experience.

A variety of documents that show the progression of this work or the decisions made by the County are included in the appendices.

Additional work yet to be completed includes any additional implementation assistance, Job Evaluation training, a final Job Evaluation Manual, and any desired presentations. A draft Job Evaluation Manual is also appended to this report and will be used for training the Job Evaluation Committee that the County selects.

It has been our pleasure to conduct this work on behalf of Wasco County. We hope that our efforts on your behalf have a positive outcome, and that we have the opportunity to work with the County again in the future.

Submitted by:

Judy Clark

Judy Clark, SPHR, IPMA-CP
President
HR Answers, Inc.

**WASCO COUNTY
COMPENSATION APPROACH OPTIONS
JULY 2013**

HR Answers, Inc., specifically its President, Judy Clark, SPHR, was asked to provide Wasco County with information about possible approaches to designing pay structures that the County might wish to consider as it contemplates responding to the current work on Job Evaluation and Market Research. Given the status of the County as a signatory to labor agreements, this Options Paper is provided to management for consideration only. It discusses several options, not all of which are likely to be equally desirable, but are presented so that several different alternatives can be weighed. Variations of each of the options below are also possible.

Typically, organizations try to minimize the need for complex and differentiated approaches to their compensation practices. The County, by virtue of its CBAs, has a more complicated and less consistent set of compensation practices because the agreements are not identical in their practices or approaches to pay. This creates an environment that may be seen as unfavorable to some and preferential to others as the County considers attempting to establish one common set of pay practices.

When thinking about what options may be worth consideration, there is one initial consideration that should be the first decision. The County needs to decide if it is going to attempt to incorporate all employees in one system regarding compensation or whether it wishes to try to have two separate systems - one for the unionized groups and one for management and non-represented employees. Making a decision about this basic element is likely necessary prior to trying to make any other decisions about pay structures, pay for performance models, etc.

Once that decision is made, then the County can begin to consider the way in which it wishes to utilize the pay ranges to compensate employees. Some options regarding that are:

- a. The first two options are variations of a step system. The County could create a step system of similar percentage increases extending across the whole range for all employees regardless of union status. This approach is most like what many public sector employers have. There are two variations of this system that could be considered. If a longevity step increase method is chosen, then the length of time in the position would dictate the level of pay provided. As each performance period is completed, the employee would receive a raise commensurate with the time in grade. A variation of this is a merit step increase approach in which a period of time is used to determine eligibility for an increase, but no increase is automatically given unless satisfactory performance as measured against specific standards has been achieved. Typical step increases in these systems vary from about 2% to 3.5% in value, and the pay ranges typically range from 25% to 35% wide.
- b. Another approach that may be worth consideration would be to design pay ranges so that there are steps below the midpoint of the range and an open range above the midpoint. Automatic step increases would occur based on established periods of time, assuming satisfactory progress, learning and performance between the minimum and the midpoint. When an employee reached the midpoint, automatic

step increases would cease. Increases above the midpoint would be determined by the rating given through the performance review process focusing solely on performance. Base pay increases of varying amounts based on the different performance ratings that could be achieved would be awarded. In other words, satisfactory or better performance would be needed to receive pay in excess of the range midpoint. This would move the County more to a pay for performance model, yet ensure that those who are newer to employment or to the position are compensated for learning more about the work and given time to become proficient in the assigned areas.

- c. Another method that might be considered is specifying what must be learned and what performance is specifically expected at each interval of time (usually a year), and then making any increases dependent on demonstrating that level of proficiency. This approach is more of a skill- or knowledge-based pay system and would require the County to clearly define what and when an employee should learn segments of their work, and when an employee should be able to perform certain tasks or work independently. It would also require a strong assessment process to appropriately evaluate each employee's progress against the defined standards set for the position.
- d. In this fourth scenario, the bottom three-quarters of the pay range could be constructed with steps or could be open with varying percentage increases, but the top 25% of the pay range would be reserved for those employees who make additional contributions to the County beyond just the work of their position. These activities might include such things as participation on Committees, serving as an Orientation Buddy to a new hire, working on a special project assigned by the organization, etc. Active participation in the designated activities would qualify the employee for an additional step/percentage of pay. However if the employee chose to no longer meet the established requirements, the special pay level would be rescinded. This practice would compensate and reward those employees willing to make extra efforts on behalf of the County.
- e. Another way of designing pay might be to narrow the pay ranges so that the range spread is from minimum to midpoint, topping out at the market average (or some other designated spot). No base pay increases would be given beyond that point, but lump sum performance awards for meeting expectations could be granted on an annual basis to deserving employees. The awards given could correlate to a specific percentage of pay. The advantage of this approach is that if additional pay is not earned, it is not given, thus moving the County more closely to a pay for performance model and perhaps reducing the pay expenditure over time. Employees performing very well would receive additional compensation, while other employees simply performing the work at an average level would be topped out at the market average.

As might be imagined, each of the above options comes with its own pros and cons. Some of them would require the County to make major changes in culture and practice while others

would require only minor tweaking. Another variant that should be considered is how much the County wishes to achieve in other areas of the contract negotiations. If there are other critical items to be resolved with the unions that may require some concessions, trying to substantially change the way the organization handles pay may not be of primary concern and therefore an option with a smaller change requirement may be more appropriate.

Hopefully these different approaches to compensation will provide the County with some approaches to consider and discuss as you begin to think about possible negotiation and implementation of the compensation study results.

Information provided by:

Judy Clark, SPHR, IPMA-CP
President
HR Answers, Inc.
July 2013

**WASCO COUNTY
COMMISSIONER DECISIONS
NOVEMBER 2013**

In the individual educational meetings with the County Commissioners, HR Answers, Inc. indicated that it would create a document that would provide guidance regarding the decisions that we thought would be needed to implement and settle on the final design of the compensation program. This material is intended to serve that purpose.

DECISION 1 – HOW IS THE NEW PAY STRUCTURE/RANGE TO BE USED?

It is recommended that the pay range have steps from the minimum to the midpoint. The minimum to midpoint would be considered the hiring range. Employees meeting the minimum requirements as identified in the Job Descriptions would be hired at the minimum of the range. Employees with relevant education or work experience above the minimum would be placed in the pay range as follows:

- 6-12 months more relevant work experience than required would be placed at Step 2
- 13-24 months more relevant work experience than required would be placed at Step 3
- 25-36 months more relevant work experience than required would be placed at Step 4
- 37-48 months more relevant work experience than required would be placed at Step 5
- 49+ months more relevant work experience than required would be placed at the midpoint of the pay range
- NOTE: Additional relevant education beyond that required in the job description could be considered as an alternative to work experience months

An employee would be eligible for a step increase each year from minimum to midpoint so long as the required training has occurred and the employee is showing increasing expertise and the ability to work more independently. Once an employee has reached the midpoint of the pay range, then step increases are no longer administered. Rather, the employee receives a percent of pay increase assuming continued proficient performance, completing the required training along with finishing at least three elective training programs, and participating in a agreed upon “Additional Contribution” element. (These are to be determined, but could be such items as serving as a new hire orientation buddy, participating in a taskforce or employee committee, etc.)

DECISION #2 – WHAT IS THE DEFINITION OF THE MARKET FOR WASCO COUNTY COMPARISONS?

It is recommended that the market for Wasco County be defined as where the organization loses employees to and where it hires employees from. In the simplest of terms, Wasco County should consider other public sector organizations part of their market for the positions that only exist in the public sector. For those positions that cross industries and are likely to be found in a variety of organizations both public and private, then the Wasco County market should be considered all organizations. Data derived from those employers located proximal to The Dalles would be collected from both of these categories. Broader published salary survey data would be adjusted to the cost of labor figure for Wasco County and further adjusted (if needed) to reflect the 37.5 hour workweek that Wasco County utilizes.

DECISION #3 – CONFIRM MARKET POSITION AS BEING THE WEIGHTED AVERAGE OF THE SURVEY DATA

There were two options discussed with the management group regarding what point in the market data to use as the market position. The two options are the Weighted Average of Actual Pay or the Pay Ranges reported by the direct market participants. HR Answers, Inc. recommends use of the Weighted Average even though that was often found to be a higher number than the midpoint of the reported ranges. The reason for the recommendation is that it represents money actually earned by individuals doing similar work. The Weighted Average indicates that 50% of the employee population doing a similar job is paid above that number and 50% is paid below that number. By using that number as the reference point for the new midpoint of the recommended pay ranges, the County will be matching 100% of the actual market pay. If the County decides to use the pay ranges reported in the direct market survey process, it is possible that they will be paying less than other organizations employing similarly skilled workers. The reason for this is that some organizations responding to the direct market survey stated that they had not moved their ranges for “a few years.” Using this data may cause Wasco County to lag the actual market pay levels. If it is thought that paying a little less is an appropriate posture for some reason, such as believing that the County’s benefits are greater than most employers and therefore are an appropriate offset to a slightly lower pay level, then utilizing the pay range information would be the best course of action.

DECISION #4 – DETERMINE WHETHER THE SAME PAY PHILOSOPHY AND POSTURE SHOULD BE SET FOR BOTH UNION AND NON-UNION EMPLOYEES

Many employers determine that when an organization has both union and non-union employees that those covered by a bargaining agreement are likely to have a slightly different pay and benefits structure than do those employees who are not so presented. In those instances, organizations often have a different posture regarding pay for the two different groups. In some cases, this results in a pay for performance posture for those who are not represented because the organization often finds that it has greater latitude to build such a program where a union is not present. Unions often are willing to forgo extra pay based on excellent performance of some of their members in return for ensuring that all members are treated identically regarding performance differences. On some occasions, organizations choose to implement a new pay program for non-union employees in the belief that once the new program has shown itself to be successful, unionized employees will be interested in moving to that type of program for themselves. The Commissioners can either choose a posture to have all employees move to a pay for performance model that is becoming much more common, even in unionized public sector environments, or it can move that direction for only nonunion employees.

DECISION #5 – DETERMINE THE DESIGN OF THE PAY RANGE FOR POSSIBLE USE AS AN INSTRUMENT FOR PAY FOR PERFORMANCE

HR Answers, Inc. recommends that the pay ranges, when finalized, be designed to assist the County with moving to a pay for performance model. This would assist the County in ensuring that it is getting the best contribution from its employees and reward those individuals who are making the greatest positive impacts on County services. Our recommendation is that the County consider using steps and half-steps for pay increases between the minimum and the midpoint of the pay range. These would be created at equal intervals across this space. Since we

have suggested different widths of the pay ranges for different types of positions (non-exempt, exempt, and managerial), there would be a different number of these steps and half-steps for each of these three groupings. The top half of the pay range would be open and percentage increases would be given to employees who are meeting certain requirements beyond job proficiency. The reaching of the midpoint of the range would pay the employee the average amount in the market for that job. To be paid more than the average would require the employee to make a greater contribution to the County. There is an effort in place to build in training requirements for each position. The training programs available also provide an employee an opportunity to go beyond just those skills necessary to fully perform the job tasks. County management believes that employees who avail themselves of this expanded training and therefore are more able to perform in an excellent fashion should be compensated at a higher level. In addition to the training, there are certain activities that increase the employee's value to the County. Serving as a new hire orientation buddy, serving on a taskforce or special project committee, serving in a community service role so that the County image is enhanced, etc. are all items that might be worthy of consideration. Combining these add-ons to fully proficient work in the assigned position would meet the criteria for a base pay increase once the employee has reached range midpoint. If the County chose, it could truncate the top part of the pay range and once an employee has reached 10% above the midpoint, it could choose not to deliver additional compensation in the form of a base pay increase, but could provide a lump sum performance award instead.

DECISION #6 - DETERMINE HOW TO BEST UTILIZE FUNDS AVAILABLE FOR IMPLEMENTATION

The final decision, at least of those identified at this time, is the prioritization of how available funds will be used for implementation. HR Answers, Inc. recommends that available dollars be used to increase pay for those employees who are furthest away from their pay targets. The implementation model that is currently being developed identifies what an employee would have been earning if the new pay program was in place since their hire date. That assessment is being made based on both length of service in the position and a managerial identification of the overall performance level of the employees. The HR department has provided HR Answers with a spreadsheet that provides the date of hire into the current job. Managers were provided a sheet on which to identify the performance level of each employee. They were asked to select a I, II, or III performance level with I being Significant Improvement Needed to III Excellent Overall Performance. To ensure that this assessment was thoughtfully addressed, any employee designated as "Excellent" needed to have a documenting note from the manager specifying the reason that level of performance was selected. Steps equaling 2.5% were built into the new pay ranges for implementation purposes only. Each employee's date of hire was identified from the provided spreadsheet and employees were given one step (2.5%) for each year of service. Employees with a performance indicator of I were reduced one step and employees with a performance rating of III were increased one step. Once all departments have reported their performance level information, a list of all employees and their recommended placement in the new pay ranges will be provided to the County. The spreadsheet that will have all this information has also been constructed to provide an overall expenditure showing the difference by employee and by all employees of the cost of full implementation.

If Wasco County is like other organizations undertaking this analysis process, it is unlikely that the County will have the necessary resources to fully fund each recommended change; hence the suggestion above that the County focus its financial attention on those furthest away from their appropriate pay level. Once the overall cost is known, the County can make a decision about both the process and the amount of funds available to implement the new program. It is quite common at this point for organizations to require two to three years to fully implement new pay programs because of the pay freezes and minimal changes that occurred as a result of the recession.

The purpose of this document was to outline some of the major decisions likely needed from the Wasco County Commissioners. It is hoped that the level of detail and explanation in this document covers the decisions that are needed; however, if there are any questions or concerns, it would be our pleasure to meet with the Commissioners to discuss any aspect of this in greater detail.

Judy Clark, SPHR, IPMA-CP
President
HR Answers, Inc.

Wasco County
Benefits Analysis (Published Survey Sources)
December 2013

Appendix K

HR Answers, Inc. (HRA) conducted an analysis of the benefits offerings at Wasco County as part of the compensation study. HRA obtained the benefits survey information in this report from among our published benefits survey resources. It is intended that this report will give Wasco County a sense of what other employers are doing with their benefits packages for employees. It is important for us to state that we want you to see this information as data only, rather than specific advice regarding your benefits programs.

While there are various ways to conduct a benefits analysis, HRA began with the functional approach of comparing types of benefits against a standard. We have segmented employee benefits into major categories. By analyzing each category in comparison to other employers in the same geographic region or similar industry, an employer is able to compare its benefit expenditures against those paid in the marketplace. The survey sources were formatted very differently from one another and often did not contain the same type of data. Therefore, we were unable to make as many direct comparisons of the data from one survey source to another as we would have liked. In the table below, the cell is blank if a source did not report information for a specific benefit.

We have prepared four comparisons of Wasco County's benefits to other employers as reported in the U.S. National Compensation Survey 2012, the Compdata Benefits USA Survey 2011, the Compdata Services-West Region Benefit and Pay Practice Reports 2012, and the Milliman NW Benefits Survey 2011. Some of the data is national by employee size for state and local governments, and may not be representative of what is happening in the Pacific Northwest, but this should give you fairly good information on benefit trends. Research results are included in the table below.

Benefits comparisons for Wasco County's employer-paid benefits:
 (Abbreviations: ER = employer, EE = employee)

Benefit	Wasco County	2012 Nat'l. Compensation Survey Employee Benefits--- State/local govt.	Compdata Benefits USA 2011 (West Reg.) 101-200 EEs	Compdata Services-West 2012 Benefit & Pay Practices Survey	Milliman NW Benefits Survey 2011
Cost of benefits as % of payroll	31%		19% (includes non-mandated benefits only)	18% (includes insurances & retirement)	25.7% (includes insurances & retirement)
Defined benefit plan (PERS) ER contribution	6% + union employee 6% contribution	Avg. employer contribution < 500 EEs-6.7%	1.1% offer a defined benefit plan	Avg. employer retirement match 4.7%	
Deferred compensation offered	Yes		8% offer with EE contribution only		
% ER share medical premium for employee only	100%	Avg. employer contribution < 500 EEs-88%	43% of employers pay full premium	21% of employers pay full premium	
% ER share medical premium for dependents	75% non-rep. 85% union	Avg. employer contribution < 500 EEs--70%	29% of ERs pay 80%; 29% pay 70% of cost	8% of employers contribute 80% of premium cost	

Benefit	Wasco County	2012 Nat'l. Compensation Survey Employee Benefits State/local govt.	Compdata Benefits USA 2011 (West Reg.) 101-200 EEs	Compdata Services-West 2012 Benefit & Pay Practices Survey	Milliman NW Benefits Survey 2011
% ER share dental premium for EE	100%		34% pay full premium	80% of employers pay full premium	
% ER share dental premium for dependents	N/A		10% pay full premium, 27% pay 70-90%	50% of employers pay full premium	
% ER share vision premium for EE	Included in medical		86% offer coverage		
% ER share vision premium for dependents	Included in medical				
Employee life insurance coverage offered/% paid by employer	\$5,000/100%	90% of ERs pay full premium; \$50k coverage is 90 th percentile	48% offer up to \$25k coverage	24% offer \$25k-\$50k coverage	Avg. coverage \$35,000
Short-term disability <% of pay provided unknown>	Not provided	79% ERs offer benefit and pay premium cost	82% offer this		64% offer a plan 48% of employers pay full premium
Long-term disability	100% employer paid	81% ERs offer benefit and pay premium cost	86% offer this		95% offer a plan 58% of employers pay full premium
Flexible spending plan	offered	54% offer this	73% offer this	84% offer a plan	84% offer a plan
Employee Assistance Program (w/medical)	Provided by employer	56% offer this	76% offer this		90% offer this
Tuition Assistance	Varies with stipulations		17% offer this		
Paid Holidays	9 days/yr. + 1 floating	Avg. 11 days/yr.	Avg. 9 days/yr.	Avg. 9 days/yr.	Avg. 10 days/yr.
Paid Sick Time	12 days/yr.	Avg. 12 days/yr.	Avg. 8 days/yr.	Avg. 7 days/yr.	Avg. 10 days/yr.
Personal Leave	No separate offering	Not reported	Avg. 3 days/yr.	Avg. 3 days/yr.	Avg. 2 days/yr.
Vacation Leave-AFSCME Employees		% ERS offering by length of svcs.			
Years 1-3	10 days/yr.	10-14 days-57%	9 days/yr.	11 days/yr.	12 days/yr.
Year 4	11 days/yr.	10-14 days 57%	10 days/yr.	12 days/yr.	13 days/yr.
Year 5	12 days/yr.		14 days/yr.	14 days/yr.	16 days/yr.
Year 6	13 days/yr.	15-19 days-50%	14 days/yr.	16 days/yr.	17 days/yr.
Year 7	14 days/yr.	15-19 days-50%	14 days/yr.	16 days/yr.	17 days/yr.
Years 8-9	15.5 days/yr.	15-19 days-50%	14 days/yr.	16 days/yr.	17 days/yr.
Years 10-11	17 days/yr.		18 days/yr.	17 days/yr.	19 days/yr.
Years 12-13	18 days/yr.	15-19 days-53%	18 days/yr.	18 days/yr.	19 days/yr.
Year 14	19 days/yr.		18 days/yr.	18 days/yr.	19 days/yr.
Year 15+	20 days/yr.	20-24 days-48%	19-21 days/yr.	20-22 days/yr.	21-24 days/yr.

Benefit	Wasco County	2012 Nat'l. Compensation Survey Employee Benefits State/local govt.	Compdata Benefits USA 2011 (West Reg.) 101-200 EEs	Compdata Services-West 2012 Benefit & Pay Practices Survey	Milliman NW Benefits Survey 2011
Vacation Leave-Sheriff WCLEA Employees		% ERS offering by length of svcs.			
Years 1-3	11.5 days/yr.		9 days/yr.	11 days/yr.	12 days/yr.
Year 4	12.5 days/yr.	10-14 days-57%	10 days/yr.	12 days/yr.	13 days/yr.
Year 5	13.5 days/yr.		14 days/yr.	14 days/yr.	16 days/yr.
Year 6	14.5 days/yr.	15-19 days-50%	14 days/yr.	16 days/yr.	17 days/yr.
Year 7	15.5 days/yr.		14 days/yr.	16 days/yr.	17 days/yr.
Year 8	16.5 days/yr.	15-19 days-53%	14 days/yr.	16 days/yr.	17 days/yr.
Year 9	17.5 days/yr.		14 days/yr.	16 days/yr.	17 days/yr.
Years 10-11	18.5 days/yr.		18 days/yr.	17 days/yr.	19 days/yr.
Years 12-13	19.5 days/yr.		18 days/yr.	18 days/yr.	19 days/yr.
Year 14	20.5 days/yr.		18 days/yr.	18 days/yr.	19 days/yr.
Year 15+	21.5 days/yr.	20-24 days 48%	19-21 days/yr.	20-22 days/yr.	21-24 days/yr.
Vacation Leave-Non-rep. Employees		% ERS offering by length of svcs.			
Year 1	10 days/yr.		10 days/yr.	11 days/yr.	12 days/yr.
Years 2-4	10 days/yr.	10-14 days-57%	12 days/yr.	12 days/yr.	13 days/yr.
Year 5	15 days/yr.		15 days/yr.	14 days/yr.	16 days/yr.
Years 6-9	15 days/yr.	15-19 days-50%	15 days/yr.	16 days/yr.	17 days/yr.
Year 10	20 days/yr.		18 days/yr.	17 days/yr.	19 days/yr.
Years 11-14	20 days/yr.	15-19 days-53%	18 days/yr.	18 days/yr.	19 days/yr.
Year 15	20 days/yr.		20 days/yr.	20 days/yr.	21 days/yr.
Years 16-19	20 days/yr.		20 days/yr.	20 days/yr.	21 days/yr.
Year 20	20 days/yr.		21 days/yr.	21 days/yr.	22.5 days/yr.
Year 25+	20 days/yr.	20-24 days-48%	21 days/yr.	22 days/yr.	24 days/yr.

Analysis

Because it must compete with other local area employers, the County is interested to know if they are offering a competitive benefits program. After reviewing information for national and regional benefits programs, in our opinion Wasco County offers a full and generous benefits program for its employees.

Benefits as Percentage Cost of Total Payroll

The Milliman Oregon Public Employers Survey 2012 reported that public sector employers spend an average of 39% of total payroll for employee benefits including insurances and retirement, and excluding paid leave. This percentage is an average for all city, county, and other agencies. Wasco County contributes 31% of total payroll towards benefits for all employees. A payroll percentage of benefits costs is not the best indicator of comparability. Employee costing allocation by employers for specific plans, the prices provided by carriers, the history of medical claims, etc. all impact costs. For these reasons we don't suggest relying solely on this comparison to determine changes in benefits.

Retirement Plan

Wasco County offers both the state retirement plan and a deferred compensation plan. The sources we used did not provide detail about the employer contribution to a defined benefit plan.

Group Medical Insurance

Most organizations offer a plan, and practices vary widely regarding the percent of premium cost paid by the employer. Wasco County is well above the norm in that it covers 100% of the employee premium cost, and is competitive by contributing 75-85% of the premium cost for dependent coverage. Nationally, public sector employers contribute an average of 88% of the premium cost for employee coverage, and 70% of the cost for dependent coverage. Regionally, the average employer premium share is 70% to 80% of dependent coverage.

Dental and Vision Insurance

Wasco County contributes 100% of the cost for employee dental coverage, and is more generous in this regard than most comparison employers. Employers typically do not cover the full premium for employee and dependent dental coverage. Our survey sources did not provide detail about the employer contribution for vision insurance, but our experience with other organizations suggests that this is a benefit that is often not offered.

Life Insurance

This is a commonly provided, low-cost employee benefit and Wasco County is within the majority by offering it and also paying the full premium cost for employee coverage. The most prevalent coverage amount is \$25,000 to \$50,000. This is considerably more than Wasco County's coverage amount of \$5,000. If there is an interest in augmenting any County benefit, this would be an inexpensive option to increase.

Short Term Disability Insurance

Wasco County does not provide this benefit. Results vary widely, from 64% to 82% of employers offering the benefit within the West Region, and nationally 79% of state and local government employers offer the benefit and cover the premium cost. This is a more expensive insurance to offer and we suggest an appropriate course may be communicating that short-term illness/injuries are expected to be covered through prudent use of paid leave.

Long Term Disability Insurance

Wasco County offers this benefit and contributes 100% of the premium cost. This is a very common employer-offered benefit, and from 81% to 95% of regional employers provide this coverage. Nationally, 81% of state and local employers offer the benefit and also cover the premium cost.

Flexible Spending Plan

Wasco County offers this benefit, and approximately 54% to 84% of regional or west coast organizations also offer a plan.

Employee Assistance Program

Wasco County provides this benefit as do approximately 56% to 90% of other regional employers. Many employers see the importance of offering such a program as vital support to employees experiencing personal issues.

Paid Holidays

Wasco County offers 9 paid holidays per year, and this is equal to the average offered by private sector regional employers. It is slightly less than the average of 11 days offered nationally by state and local government employers.

Paid Sick Leave

Wasco County provides 12 days a year. Nationally, state and local employers offer an average of 12 days leave a year, and regional private sector employers offer an average of 8 sick days per year. Wasco County is within the norm among public employers, and above the norm among private employers with its number of paid sick days.

Personal Leave

Wasco County does not offer this as a separate leave benefit. On average private employers in the West Region offer 3 days of personal leave a year.

Paid Vacation Leave

Wasco County offers a comparable number of days of vacation leave for represented and non-represented employees across all lengths of service in comparison to regional private employers and state and local employers.

Summary

Overall the County's benefit package is competitive compared to national public sector and regional private sector employers. If the County wishes to enhance its benefits offerings for employees, we suggest adding the ability for employees to purchase supplemental benefits, and perhaps consider increasing some offerings such as additional life insurance coverage, additional personal days, or an employer contribution to the deferred compensation plan. However, it is clear that Wasco County is well within the norms and is more generous in some of its benefit plans.

Additional Things to Consider Regarding Employee Benefits

As benefits are the "hidden" part of total compensation, we recommend distributing employee annual benefits statements that summarize what the employer provides in its benefit program. These statements should show the employer's cost towards each benefit in order to help employees understand these additions to base pay, and their actual *total* compensation. Benefits statements must be customized based on individual employee pay. We have a partner organization that can offer this service for a more-than-reasonable price.

It is also helpful for an organization to establish its benefits philosophy regarding what benefits are intended to do, and the relationship of benefits to base pay. It is often considered that an employee's paycheck sets the standard of living and that benefits protect that standard. Setting that as your benefits philosophy could help you explain your benefit decisions to employees. Some organizations elect to pay slightly lower salaries and offer richer benefits packages while others choose to do the opposite.

Another suggestion is to establish an Employee Benefit Review Committee to look into the total compensation package, including retirement, paid leave, etc. The Committee could look at potential benefits program changes, such as increases in some areas or decreases in others, and offer suggestions to management regarding potential additions or revisions. This may not be something the County would choose given that for many employees the benefit offerings are part of the bargaining process.

We encourage your questions or requests for us to address some other aspect of your benefits or of our comments. Please let us know if other information would be helpful.

HR Answers, Inc.

Tina Weber, SPHR, CCP
Senior Consultant

Benefits Survey Bibliography

The published benefits survey sources utilized for this report were:

Compdata Benefits USA 2011/2012: The National Survey of Company Benefits Programs and Policies

This is the survey's thirteenth edition, and analyzes national and regional data on benefits eligibility and administration policies with detailed information on benefit plans, premiums and provisions. Data was collected from approximately 4,500 benefit plans covering over 6 million employees in 47 states. The survey provides profiles by industry, company size, and regional area.

Compdata West 2012 Benefit and Pay Practice Reports

Annual benefits survey conducted among 810 services organizations in the West region

Milliman 2011 Northwest Benefits Survey

Fifth annual survey compiled from 160 organizations located in Alaska, Idaho, Oregon and Washington.

National Compensation Survey: Employee Benefits in the United States, State and Local Governments, 2012

This survey was conducted by the U.S. Department of Labor, and provides comprehensive provisions of employee benefit plans. The data is for civilian workers in private industry and in state and local government.

WASCO COUNTY

Compensation Policy

I. Introduction

This compensation program has been developed to provide uniform and objective procedures for the compensation administration within Wasco County.

It is the policy of the County to pay wages and salaries which are based upon the nature of the job performed. In setting pay levels to attract and retain qualified personnel, the County will monitor the compensation levels and practices of other organizations, both public and private, that employ similarly skilled persons in the geographic area. Pay increases, while considering length of service, are given primarily to reward competent and contributing performance.

This compensation policy shall define the terms commonly used, explain the authority and responsibility for the program, and its implementation, and detail the procedures relating to pay administration and payroll. The policy will be reviewed periodically and revised, if necessary, to better serve the needs of the County and its employees. The pay ranges will be evaluated and adjustments made periodically by management.

II Compensation Philosophy

Wasco County has created a Compensation Philosophy that guides the decisions and policies regarding compensation. The principles of this Philosophy are:

- Ensure External Competitiveness of employee pay
- Ensure Internal Equity regarding the valuing of positions
- Ensure the Fairness of individual employee pay based on performance
- Ensure the consistency of the application of policies and procedures
- Ensure that County fiscal resources are considered in making pay decisions

II. General Provisions

A. Coverage

All employees are subject to this policy, except those covered by union agreements, temporary employees, and the Chief Executive of the County whose pay is set by the Board of Commissioners.

B. Authorization

All pay offers, increases, demotions, promotions, transfers, and all other changes affecting payroll status must be authorized and signed by two levels of management and initialed by the HR department. The approval process must be completed prior to any pay change being communicated to the

employee. The Job Evaluation Committee will offer their recommendations to HR and the CEO regarding the internal value of the position as part of this review process. Final assignment of pay grade for a new or existing job is made by the HR department, in conjunction with the Chief Executive.

The Philosophy Statement of this policy and its overall approval is considered the province of the Board, but the authority to execute the actions detailed in this Policy rests with the CEO in consultation with HR. This authority includes finalizing Job Evaluation ranking, determining the appropriate pay range, setting pay rates, approving promotions, determining when market research is needed, and interpreting the language of this policy.

C. Dissemination of Pay Program Information

Supervisors are required to explain to employees their individual pay status and the system for reviews and promotions. Compensation is considered to be personal. Employees are requested to treat pay information (starting pay, raises, promotional increases, etc.) with care and sensitivity. This is not meant to infringe on employees Section VII rights regarding discussing pay; only that employees are requested to recognize that not everyone feels the same comfort regarding wishing to talk about pay levels.

III. Policy and Procedures

A. Range Assignment

Each position in the County is placed in a pay grade that establishes the value of the position in relation to other positions in the County.

Each pay range is identified by a minimum, a market reference point, and an Award Point. An employee's position within the range shall, in most circumstances, be related to demonstrated performance. Employees shall normally receive a pay level that is within the range limits assigned to their position.

Jobs are placed in pay ranges on the basis of two specific assessments. The first is the Job Evaluation factors that are used to rate positions for internal equity. The second consideration is the pay of comparable position within the County market. The Job Description and/or Analysis Questionnaire will be used to make these assessments.

B. Re-evaluation Requests

In the event that any employee or Supervisor feels that a position has been improperly placed within the hierarchy or that a position has changed sufficiently to warrant re-evaluation, a request must be submitted in writing. The request is to be sent to the HR department by the Supervisor.

To request evaluation of a new job, a Job Analysis Questionnaire must be completed. To request re-evaluation of an existing job, the Job Description must be edited to reflect the job changes that are prompting the re-classification request. Any re-evaluation request of a current position must be accompanied by a detailed written explanation indicating the concerns about the current assignment or information about why another grade is thought to be more appropriate.

Requests will be reviewed periodically for the purpose of addressing any new positions and handling any re-evaluation requests. No position will be considered for re-evaluation more than once a year, and any request may be turned down if there is no substantial change in the position.

If the review process determines that the position should be placed in a higher pay range, then the employee will receive an increase equal to the difference in midpoints between the former and new range unless that would place the employee above the Award Point of the new range. If the process results in the position being placed in a lower pay range, no decrease in pay will occur unless the employee is actually above the Award Point of the new range.

Any employee with a concern about the placement of his/her position must speak to his/her Supervisor about the concern before contacting HR.

C. Pay Ranges

Range Minimum - At least the minimum of the appropriate pay range shall be paid to all qualified employees. In cases where the qualifications of a newly hired or newly promoted employee are less than those describe in the Job Description, such employee may be paid below the minimum of the applicable range while acquiring the necessary minimum qualifications for the position. Such learning period normally will be limited to six months (unless additional time is required for special licensure, training, etc.) after which the employee shall be paid at or above the minimum of the range, if retained in the position.

Market Reference Point - The Market Reference Point of the pay range generally identifies what the market pays for a fully experienced proficient employee. Pay increases above this point normally require performance that consistently meets or exceeds standards. The performance review process will play a significant role in determining whether any increase above the Market Reference Point will be given.

Award Point - The Award Point signals the end of base pay increase and the beginning of possible Performance Award eligibility. Any Award given will be determined based on employee performance and contribution beyond the regularly assigned work of the position. (For more information regarding the

manner in which Performance Awards, which are subject to change, are determined, see the County's Performance Management Policy.)

Periodically the County will review the market pay levels and, if appropriate and if fiscal resources permit, the pay ranges may be adjusted upward as a result of this survey process. In the event that the range adjustment finds that an employee who used to be at the Performance Award Point is now lower in the pay range, a base pay increase at the next review period may occur if performance warrants an increase in base pay.

If an employee is being paid in excess of the Performance Award Point at the time the range for the position is established or due to a change in job classification, that pay will be maintained, but no further based pay increases will be given until the Performance Award Point is higher than the employee's pay, and then only if performance warrants.

D. Increases

There are two types of increases that may be given.

1. A step/performance increase may be given as a result of a performance review. If the review rating indicates that employee performance meets or exceeds job standards, and the learning expectations have been met, an increase in base pay may be authorized so long as it would not result in the pay exceeding the Performance Award Point of the assigned range. The usual schedule for increase consideration occurs annually.

The County has designed its pay ranges so there are steps between the Minimum and the Market Reference Point. The purpose of these steps is to determine pay increases that will be given to employees if they demonstrate the necessary learning and ability to apply the knowledge gained during the initial years of their employment.

Once the employee reaches the Market Reference Point and is being paid in line with other fully proficient employees doing comparable work, then increases beyond the Market Reference Point are largely dependent on the demonstrated job performance of the employee. When the Market Reference Point is reached, a performance Plan outlining the expectations and the additional learning necessary to receive any additional compensation will be jointly developed by the Supervisor and the employee. Achievement of the Performance Plan elements will determine whether any additional base pay is approved. (See the Wasco County Performance Management policy for additional details.) The annual decision is based on performance and has to be earned every year.

2. The second type of pay adjustments may occur as a result of market research. An employee may receive a pay adjustment as a result of any

change to the pay structure. These adjustments may be made at the same time as the employee's performance review.

All increases are subject to County resources.

E. Pay Decreases

In a demotion or voluntary move where a job changes to a position that is graded lower than the previously held position, a pay decrease may occur. Consideration will be given to the reason for the change, the employee's work history and the difference between the current pay and the range that the new position is assigned. The new pay grade assignment shall be determined by the HR department, in conjunction with Chief Executive based on the new position description.

F. New Hires - Starting Salaries

A starting pay for a new hire may exceed the minimum of the pay range if the prior experience of the employee is sufficient to justify it. Typically new hires would be placed at one of the first two steps of the pay range. Any placement above Step Two at time of hire requires Chief Executive approval. Comparisons will be made to the pay of current employees in the same grade with similar backgrounds.

G. Promotions

1. Definition - A promotion is the act of moving an employee from a job in a lower pay grade to a different job in a higher pay grade.
2. Promotional Increase - A promoted employee is eligible for a pay adjustment which places him/her at least at the new minimum, or if the pay already exceeds that, an increase of not less than 5% will be given assuming that it will not place the employee above the Award Point.

H. Transfers

A transfer is the reassignment of an employee to a different job in the same pay grade. A transfer may occur within a department or between different departments. Transfers do not usually generate any pay change.

IV. Federal Wage and Hour Exemptions

Generally speaking, the Federal Wage and Hour laws require recordkeeping of hours worked by certain employees and compensation for hours worked in excess of 40 per week. Given that many of the employees at Wasco County work a 37.5

work week, hours worked between 37.5 and 40 will be paid at the regular rate of pay.

The requirements of exempt work (positions for which there is no overtime payment) state that substantial independent judgment, discretion, authority and decision making must be present. The status of each position will be determined by the HR department in conjunction with management.

V. Pay Practices

A. Overtime

The work week is Sunday through Saturday and consists of either 37.5 or 40 hours for full-time employees. Overtime or any comp time accrual is calculated as one and one-half (1½) times the regular rate of pay for any hours in excess of forty (40) hours actually worked by non-exempt employees during a work week. Sick leave, vacation time, or any holiday hours will not be considered in computing the forty (40) hours after which overtime is paid.

B. Advances

Each employee will be paid on the scheduled pay day determined by the County. The County does not permit payroll advances.

C. Rest Periods and Lunch Breaks

Full-time employees are allowed up to one hour for lunch with a 15 minute rest break in the morning and again in the afternoon unless changed by a department head. Lunch breaks must be no shorter than 30 minutes. Part-time employees will be given a half-hour lunch period if working a 5 hour shift or more. Rest periods are computed as time worked and may not be charged to overtime. Time taken for lunch breaks is not a part of the paid work day. Scheduling of rest periods and lunch breaks will be done to ensure adequate staffing.

D. Approved Time Off

All time off must be approved by the designated supervisor. In cases where the immediate supervisor does not have administrative authority to approve time off, approval must be obtained from the next authorized supervisor. To ensure that proper arrangements are made to cover positions, all approval must be secured prior to taking time off.

House Concurrent Resolution 203

Sponsored by Representative HUFFMAN, Senator FERRIOLI (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Recognizes Hunt Memorial Park as home of Wasco County Fair since 1914.

CONCURRENT RESOLUTION

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Whereas county fairs have been a longstanding tradition in Oregon and the United States; and
Whereas county fairs are a gathering place for communities to discover the latest in technology and best practices in agriculture and business; and
Whereas county fairs are a place where local youth can participate in educational programs such as 4-H and where opportunities for personal growth abound; and
Whereas Wasco County has a long history of fairs dating back to 1869; and
Whereas the first evidence of a fair in Tygh Valley was in 1912, and it was like a family picnic at Van Duyn Park, just below the Tygh Creek Bridge; and
Whereas a similar event was held the following year, and in 1914 French Butler organized an informal committee to consider holding a regular fair; and
Whereas by consensus of the committee, the location of the annual event that would become the Wasco County Fair was moved to a property known as the "upper 40," then owned by William H. McAtee; and
Whereas farmers and merchants sold stock to be able to purchase the property from William H. McAtee so that it could become the Southern Wasco County Fairgrounds; and
Whereas when funds ran out for required improvements and taxes due, the property was foreclosed upon; and
Whereas William E. Hunt was part of the committee that met to consider how to reopen the fair after the foreclosure; and
Whereas William E. Hunt believed in promoting the welfare and education of children, especially through the 4-H program, as it was the means by which many children who could not afford to attend college were educated; and
Whereas when the committee could not come to agreement, William E. Hunt decided to assume the mortgage himself and pay the back taxes on the property so that the fair could reopen; and
Whereas in addition to building structures on the property for fair use, William E. Hunt paid many fair-related costs out of his own pocket, including prize money; and
Whereas at a meeting of the Fair Board in 1937, William E. Hunt made it known in a surprise statement that if Wasco County assumed responsibility for the fair going forward, he would donate the property to be used as the Wasco County Fairgrounds; and
Whereas though William E. Hunt passed away shortly after his announcement, his wife and heirs carried out his wishes that the property be donated for use as a fairgrounds in perpetuity, and the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 property was named Hunt Memorial Park in his honor; now, therefore,

2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 That we, the members of the Seventy-seventh Legislative Assembly, recognize that the property
4 known as Hunt Memorial Park has been the home of the Wasco County Fair since 1914.

5



Public Health
Prevent. Promote. Protect.

NORTH CENTRAL PUBLIC HEALTH DISTRICT

"Caring For Our Communities"

Wasco County Board of Commissioners
Wasco County Courthouse
511 Washington St.
The Dalles, OR 97058

Dear Commissioners,

The Wasco County Solid Waste Advisory Committee met on January 23, 2014, to discuss a rate increase request of 1.6% from The Dalles Disposal.

The committee discussed issues regarding the rate increase due to operational cost increases in 2013 and the Solid Waste Advisory Committee recommends that the Wasco County Board of Commissioners approve the proposed 1.6% rate increase.

Respectfully,

A handwritten signature in black ink that reads "John Zalaznik". The signature is written in a cursive, flowing style.

John Zalaznik
Environmental Health Specialist Supervisor
North Central Public Health District

FILED
WASCO COUNTY

2004 FEB 20 P 3:09

LINDA BROWN
COUNTY CLERK

IN THE BOARD OF COUNTY COMMISSIONERS
OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF ACCEPTING VACATION OF)
AN INTERIOR LOT LINE BETWEEN LOT 10 AND) ORDER
LOT 11, BLOCK C, PINE HOLLOW RECREATION) #14-020
DEVELOPMENT, EAST SHORE LOTS, THIRD)
ADDITION, AND ADOPTING FINDINGS OF FACT)
CONTAINED IN PLALLV-14-01-0001)

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present; and

IT APPEARING TO THE BOARD: On January 21, 2014, a petition was received from James D. Richardson to vacate an interior subdivision lot line between Lot 10 and Lot 11 of Block C, Pine Hollow Recreation Development, East Shore Lots, Third Addition; and

IT FURTHER APPEARING TO THE BOARD: The petition complies with the applicable provisions of ORS 368.326 to 368.356. Furthermore, the petition complies with ORS 368.351, which provides for the vacation of property without a public hearing, because 100 percent of the owners of private property to be vacated submitted acknowledged signatures on the subject petition and the Planning

Director has filed a written report that the request complies with applicable land use regulations and facilitates development of the subject property; and

IT FURTHER APPEARING TO THE BOARD: Attached hereto, and by this reference made a part hereof, is a map marked Exhibit A, which shows in detail the lot line to be vacated; and

IT FURTHER APPEARING TO THE BOARD: The lot line vacation will facilitate the construction of additional accessory structures; and

IT FURTHER APPEARING TO THE BOARD: There are no known utilities within the proposed vacation and no property will be denied legal access by this vacation; and

IT FURTHER APPEARING TO THE BOARD: That the Wasco County Board of County Commissioners met at the hour of 9:30 a.m. on Wednesday, February 13, 2014, in the Wasco County Courthouse, Room 302, in The Dalles, Oregon, for a review of the Applicant's petition to vacate an interior subdivision lot line. The Commissioners reviewed the record, heard the Staff recommendation, and then voted 3 - 0 to approve the petition.

NOW, THEREFORE, IT IS HEREBY ORDERED: That the petition to vacate the interior subdivision lot line is hereby approved, and the Wasco County Surveyor shall mark the plat as provided under ORS 271.230; and

IT IS HEREBY ORDERED: That in support of this action, the Board hereby adopts the Conditions and Findings of Fact contained in Staff Report PLALLV-14-01-0001; and

IT IS HEREBY ORDERED: This order shall be recorded with the Wasco County Clerk and filed with the Wasco County Assessor.

SIGNED this 19th day of February, 2014.

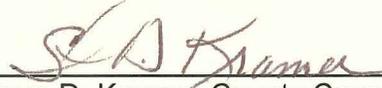
WASCO COUNTY BOARD
OF COMMISSIONERS



Scott C. Hege, Commission Chair

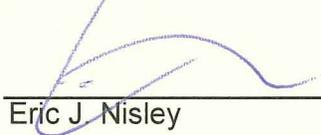


Rod L. Runyon, County Commissioner



Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:



Eric J. Nisley
Wasco County District Attorney

EXHIBIT A
LOT LINE TO BE VACATED

SW1/4 SE1/4 SEC. 3 T.4S. R.12E. W.M.
WASCO COUNTY

1" = 100'

