

RESOLUTION NO. P.C. 501-10

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF THE DALLES RECOMMENDING ADOPTION
OF VARIOUS AMENDMENTS TO THE LAND USE AND
DEVELOPMENT ORDINANCE**

WHEREAS, The City of The Dalles reviews the City's Land Use & Development Ordinance (LUDO) annually for needed amendments; and

WHEREAS, The City staff have proposed a series of amendments to the City's LUDO;
and


WHEREAS, The Planning Commission held a work session on September 16, 2010 to review the proposed amendments, and held a public hearing on December 2, 2010 to receive public testimony on the proposed amendments; and

WHEREAS, The Planning Commission has considered the public testimony and reviewed the proposed legislative amendments, and based upon information in the staff report and testimony presented during the hearing, the Planning Commission voted to recommend the Attached amendments be forwarded to the City Council for their review and adoption;

**NOW, THEREFORE, THE PLANNING COMMISSION RESOLVES AS
FOLLOWS:**

Section 1. The Planning Commission recommends that the attached amendments to the LUDO be approved and forwarded to the City Council for its review and adoption.

PASSED AND ADOPTED THIS 2nd DAY OF DECEMBER 2010



Bruce Lavier, Chairman

I, Daniel C. Durow, Community Development Director for the City of The Dalles, hereby certify that the foregoing resolution was adopted at the regular meeting of the City Planning Commission, held on the 2nd of December 2010.

Ayes: Lavier, Poppoff, Bryant, Nelson

Nays: Zukin

Absent: Ahlberg, Hoey

Abstain: None

Attest:



Daniel C. Durow, Director

GENERAL ORDINANCE NO. 11-xxxx

AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT NO. 11-xxxx.

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

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

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

WHEREAS, on xxx, 2011, the City Council adopted a motion approving the proposed amendment,

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

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

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

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

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

Section 5. Amend Section 3.020.030 by adding a new paragraph E.: **Interpretation. If a ministerial decision involves an interpretation where the code is ambiguous or unclear, see section 1.090 of this code for appeals. It is the appellant's burden of proof to show the code language is ambiguous or unclear.**

Section 6. Amend Section 3.020.050 C by adding a new paragraph 7 as follows: **Prior to the public hearing the applicant is recommended to conduct an outreach meeting with nearby residents and others who may be affected by the development.**

Section 7. Amend Section 3.050.040 B by deleting the words “~~applicable policies of the Comprehensive Plan~~” in line 4.

Section 8. Amend Section 5.030 and in all other sections of the LUDO wherever is found the words “~~RMH-Residential Mobile Home~~” by deleting those words and adding “**RM-Residential Medium Density**”.

Section 9. Amend Section 5.030.020 A. 2. By deleting a) ~~Mobile Home~~ and b) ~~Mobile Home (Zero Lot Line)~~ and renumbering.

Section 10. Amend Section 5.050.030 A 19 a by adding after the word “above” the words “**or under**”.

Section 11. Amend Section 5.060.020 A 20 by adding after the word ‘above’ the words “**or under**”.

Section 12. Amend Section 5.080.020 A 6 by adding after the word “above” the words “**or under**”.

Section 13. Amend 5.080.020 A by adding a new paragraph 13 and renumbering: **13. Recreational housing at the Marina, subject to limitations on length of stay as set by the Port of The Dalles.**

Section 14. Amend Section 5.090.020 by adding a new provision and renumbering: **A. 1. Auto body shops, auto painting, and machine shops.**

Section 15. Amend Section 6.150.020 Changes In Use to read as follows: **Unless this Ordinance provides for an exemption for any specific requirement**, the following shall apply to all proposed changes in use of structures, land, or other development:

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

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

Section 16. Amend Section 6.160.010 by adding a new paragraph E. as follows: **E. Laydown Yard: An off-site laydown yard is allowed in the I-Industrial and CLI-Commercial/Light Industrial zones, subject to the following conditions:**

1. A proposed laydown yards shall be associated with a specific project with an approved building permit issued for grading, construction, remodel or demolition.

2. In addition to City approval, all other required approvals must be obtained prior to establishing yard.

3. Laydown yards shall be supervised by a contractor who will be responsible for enforcing compliance of these standards. The contractor shall be responsible for compliance of the laydown yard for all applicable codes.

4. Laydown yards shall be removed prior to a final inspection of the last building in a non-residential project and for the last structure in a residential project or final approval for the project.

5. 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 trucks, 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.

6. A project site with physical constraints may utilize an alternative off site property for a laydown yard subject to a change of use application approval. The contractor shall be required to return the alternative off site property to its original condition, to the approval of the Director, prior to final inspection or issuance of a certificate of occupancy for the associated project. Site reclamation may include site clean-up and revegetation with temporary irrigation. Bonding may also be required to verify revegetation within three years.

7. The developer shall designate to the Director a project contact person responsible and authorized to correct problems regarding the project on a 24 hour, 7 days a week basis. The developer shall designate the project contact person to the Director prior to using the yard.

8. Laydown yards shall be subject to Transportation SDC fees.

Section 17. Amend Section 7.060 by deleting the category designation of ~~Elderly Housing~~ and changing the designation to “**Senior Housing**”, and add new language under the new category of Senior Housing as follows: **Dwelling units designated as Independent Living Units shall have one parking space per dwelling.**

Section 18. Amend Section 7.060 by adding under the category of Residential the following language: **In multifamily units, one parking space will be required for every two bedrooms, but not less than one parking space per dwelling unit.**

Section 19. Amend Section 8.040 to read as follows:

8.040.010 Purpose

This Section describes the permit requirements for lands proposed to be developed within the areas designated zones 1 to 6 on the maps and in the 2010 Geologic Hazards Study prepared by Mark Yinger, R.G., Hydrogeologist. Land within zones 1 and 4, land within zones 2, 3, or 5 that exceed a slope of 30%, or land in zone 3 which is located in areas of groundwater discharge, have been determined to be within a geographic area that

has characteristics which make the ground potentially unstable. Any cut, fill, or construction on these sites may add to this potential instability. The requirements of this section are intended to reduce as much as possible the adverse effects of development for the owner and for other properties which may be affected by a ground movement.

8.040.020 Applicability

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

8.040.030 Permit Requirements

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

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

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

8.040.040. As-Built Certification.

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

Section 20. Amend the second sentence of Section 9.020.030 F to read: “~~The access easement,~~ **Land required for future right of way or proposed for a future public street,** ~~or private access drive or access way~~ shall not count toward the minimum lot area”.

Section 21. Amend Section 9.030.040 to read as follows: **C. Period of Approval. Approval of a partition application shall be valid for a period of 1 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, if the relevant provisions of this ordinance have not changed. If extended, any fees or charges, including the pay into the fund option, will be assessed at the rate in existence at the time they are paid, not the rate in existence at the time of the original approval. If no final partition plat is submitted within 1 year, or within any timely extension, the partition application shall become void and a new application required.

Section 22. Amend Section 9.030.050 C. 1. by adding after the words “agreed to install” in line one the words “**for nonresidential development**”.

Section 23. Amend Section 10.060 I Private Streets by adding a new paragraph 5 as follows: **5. In addition to the name of the street, all private street signs shall also contain the words “Private Street” in letters of the same size as the name of the street.**

Section 24. Amend Section 13.030.020 C. to read as follows: **Commercial and Promotional signs may be used only on private property and subject to the following:**

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

Section 25. Amend Section 13.030.010 by adding a new category A and renumbering: **A. ATM Sign. Unless otherwise allowed additional signage, each ATM shall be allowed one sign not to exceed four square feet.**

Section 26. Amend Section 13.030.010 Exempt Signs by adding a new paragraph as follows: **V. Tourist Oriented Destination (TOD) Signs. It is the purpose of this section to allow signs for TODs not readily visible from public roads under the following set of criteria:**

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

Section 27. Amend Section 13.030.010 E by adding a new paragraph and renumbering: **Construction Signs of 32 square feet for nonresidential construction, and 16 square feet for residential construction, during construction from the time a building permit is issued to completion.**

Section 28. Amend Section 13.030.010 L by adding a new sentence at the end as follows: **Up to one quarter of the maximum of 8 square feet may be a logo or company name.**

Section 29. Amend 13.030.010 S to read as follows: **Political campaign signs shall be erected only on private property. Signs shall comply with the vision clearance provisions in Section 6.100. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Signs shall be removed not later than the fifth day following the election.**

Section 30. Amend Section 13.050.100 to read: **“Signs in addition to principal and secondary signs for a restaurant with a drive through window are allowed; no more than two (2) menu boards not to exceed ~~32~~ a total of 64 square feet each, with a maximum height of 8 feet”.**

Section 31. Amend Section 13.050 by adding a new section as follows: **13.050.170 Sandwich Boards and A Frames**

- 1. No more than one “sandwich board” or “A Frame” of a maximum of 5 feet above grand 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 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 32. Amend Section 13.070.040(C) to read as follows:

C. Any sign installed on or placed in the public right-of-way or on City owned real property, which is not otherwise authorized by any other provision of Chapter 13 of this ordinance, shall be subject to the following provisions:

1. Immediate removal. Any staff person authorized to enforce this ordinance has the authority to remove a sign installed on or placed in the public right-of-way or on City owned real property which has not been authorized. For prosecution purposes, either the sign or a photograph of the sign shall be retained for evidentiary purposes
2. Other enforcement provisions of this ordinance. For purposes of enforcing subsection (C) of this ordinance, there is a presumption that an address or telephone number listed on a garage

or yard sale sign shall be that of the individual responsible for posting the sign. In addition, signs directing the public by way of arrows or other directional symbols or phrases to a particular residence are presumed to have been erected by the owner or occupant of the residence.

3. Any person who is deemed responsible for posting a ~~yard or garage~~ sign in violation of this ordinance can be cited to appear in the Municipal Court. Upon being convicted for a violation the responsible person shall be fined not less than \$10 nor more than \$50 for the first offense, and for the second and all subsequent offenses, not less than \$25 nor more than \$100.

Section 33. Amend Section 14.010.030 by adding a new paragraph C as follows: **Notice of Hearing. At least 10 days before a scheduled annexation hearing, notice of the hearing shall be mailed to the owner as shown on the most recent property tax assessment roll.**