

RESOLUTION NO. P.C. 46-83

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF THE DALLES RECOMMENDING THAT THE CITY  
COUNCIL APPROVE ZONING ORDINANCE AMENDMENT #25-83.

I. Recitals.

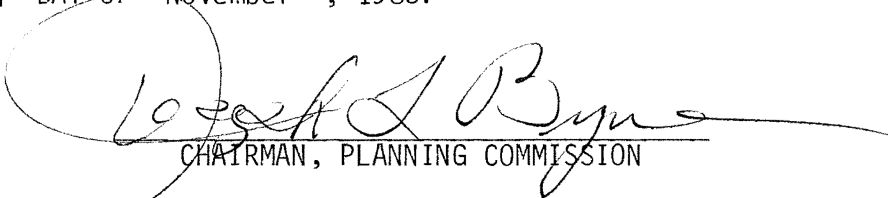
- (A) City Council Resolution No. 83-057 commits the City to amend the Zoning Ordinance to add language to Paragraph (C) of Chapter X (Site Plan Review), and to amend Section 21, Height Limitation, dealing with airport imaginary surfaces.
- (B) The Zoning Ordinance is unclear on the applicability of standards for the placement of satellite receiving antenna.
- (C) Federal standards (Title 44, Code of Federal Regulations, Part 60), administered by the Federal Emergency Management Agency require that the City's land use ordinances contain provisions for the floodway portion of the flood plain in order to maintain eligibility for the National Flood Insurance Program.
- (D) The Planning Commission of the City of The Dalles initiated the procedures for a Zoning Ordinance Amendment on September 15, 1983, to provide an ordinance which complies with the City's Comprehensive Plan and State and federal requirements.
- (E) Section 37 of the City of The Dalles Zoning Ordinance permits the Planning Commission, upon its own motion, to recommend to City Council amendments to the zoning ordinance.
- (F) The Planning Commission has heretofore on October 20, 1983, conducted a public hearing to consider Zoning Ordinance Amendment #25-83.

II. RESOLUTION: Now, therefore, be it FOUND, DETERMINED and RESOLVED by the Planning Commission of the City of The Dalles as follows:

- A. In all respects as set forth in Recitals, Part "I" of this Resolution.
- B. The amendment to Chapter X Site Plan Review, Section 29, Paragraph (C) implements LCDC administrative rules and City Comprehensive Plan Goals and Policies relating to needed housing types.
- C. The amendment to Section 21 Height Limitation is in response to a State Aeronautics Division request (correspondence dated June 1 and 13, 1983), and corrects an oversight in a previous amendment which referenced only two of the four imaginary surfaces surrounding The Dalles Municipal Airport.
- D. The amendment to Chapter IV relating to satellite receiving antenna is consistent with Comprehensive Plan policies in the Housing Goal regarding the character of residential areas.

- E. The amendment to Chapter V Flood Damage Prevention further implements Policy 2 in the natural hazards goal of the Comprehensive Plan which states that "the City shall continue to meet participation requirements for national flood insurance and make flood hazard areas eligible for the program". Federal standards cited in Part I of this Resolution require that provisions for the floodway portion of the floodplain be contained in the City's land use ordinances.
- F. There were no facts presented in opposition to the Zoning Ordinance Amendment #25-83 by any person during the public hearing on October 20, 1983.
- G. The Planning Commission recommends adoption of Zoning Ordinance Amendment #25-83 to the City Council, shown in Exhibit "A" attached to this Resolution.
- H. The Secretary of the Commission shall (a) certify to the adoption of the Resolution and (b) forthwith transmit a copy of the said Resolution to the City Council of the City of The Dalles.

ADOPTED AND APPROVED THIS 17th DAY OF November , 1983.

  
CHAIRMAN, PLANNING COMMISSION

I, Jack Lesch, Secretary to the Planning Commission of the City of The Dalles, do hereby certify that the foregoing Resolution was passed at a Regular Meeting of the Planning Commission of the City of The Dalles, held on the 17th day of November , 1983.

AYES:	COMMISSIONERS: Ward, Donnell, Honald, Northrop, Elliott, Matthew
NOES:	COMMISSIONERS: none
ABSENT:	COMMISSIONERS: none
ABSTAIN:	COMMISSIONERS: none

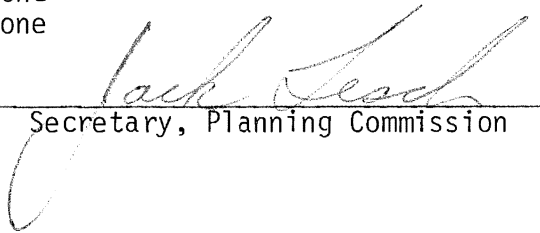
ATTEST:   
Secretary, Planning Commission

EXHIBIT "A" PLANNING COMMISSION RESOLUTION NO. P.C. 46-83

ZONING ORDINANCE TEXT AMENDMENTS

Chapter X SITE PLAN REVIEW, Section 29, Paragraph (C) shall be amended with the following as the third sentence:

When considering a site plan for a needed housing type as identified in the Comprehensive Plan, conditions shall not be placed which would exclude needed housing, unnecessarily decrease density, or allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

Section 21 HEIGHT LIMITATION shall be amended to read as follows:

- (A) Except for the requirements of Paragraph (B) of this Section, height limitations shall not apply to grain elevators or water towers. Necessary roof structures, elevators, stairways, tanks, fans and ventilators, towers and steeples, flag poles, smokestacks, skylights, solar or wind energy devices, and fire or parapet walls may be erected above the height limits of the zone in which they are located provided no useable floor space is provided in such structures above the required height limits and further provided the structures meet the requirements of Paragraph (B) of this Section.
- (B) In order to assure safety in the operation of public-use airports, no structure shall be erected or altered, and no object of natural growth shall be allowed to intrude into any imaginary surface established under the provisions of FAR Part 77 (see The Dalles Municipal Airport Master Plan). Variances may be granted only after approval by the FAA and Oregon Aeronautics Division. Such structures as may be permitted under this section shall be marked/or lighted when required by FAA or OAD.

Section 3 Definitions shall be amended with the following new terms:

Satellite Receiving Antenna. Means any device or structure used for receiving television, telecommunication or microwave signals transmitted from satellites or earth-based transmitters.

Microwave Receiving Antenna. See "Satellite Receiving Antenna".

CHAPTER IV GENERAL PROVISIONS shall be amended with the following new section:

Section 19.1 SATELLITE RECEIVING ANTENNA

- (A) Screening: All microwave receiving antennae in the R-1, R-2, R-3, RMH, CR, and CN Districts shall be placed on the ground, and shall be screened by sight-obscuring fences and/or dense landscape buffers, as approved by the Planning Director.

- (B) Application of Provisions: The provisions of Section 19.1 (A) shall not apply to satellite receiving antennae having a diameter or largest lineal dimension of three (3) feet or less.
- (C) Permit: Installation or use of any satellite receiving antennae shall be subject to issuance of a permit from the Planning and Building Department.

CHAPTER V FLOOD DAMAGE PREVENTION, Section 24. GENERAL PROVISIONS, Paragraph (B) shall be amended to read as follows:

- (B) Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study", City of The Dalles, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Map is hereby adopted by reference and declared to be a part of this Ordinance. The report is on file at the City Planning Office.

Section 24.1 ADMINISTRATION, Paragraph (C) shall be amended to read as follows:

- (C) Duties and Responsibilities: Duties of the Planning Director shall include, but not be limited to:
  - 1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
  - 2. Review all development permits to determine if proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 24.3 are met.

Section 24.2 Provisions for Flood Hazard Protection, Paragraph (J) shall be deleted and the following amendment shall be made:

- (J) Existing Mobile Home Parks

Substantial improvement of damaged pads or other facilities in existing mobile home parks shall comply with federal standards for flood plain management except when relief is granted through the variance process in this ordinance.

Amend Section 24 with the following new subsection:

Section 24.3 Floodway Provisions

- (A) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (B) If Section 24.3 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard standards in Section 24.2.
- (C) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

Section 18.1 "OH" Historical Overlay shall be deleted.