

AGENDA**REGULAR CITY COUNCIL MEETING****SEPTEMBER 11, 2023****5:30 p.m.****CITY HALL COUNCIL CHAMBER****313 COURT STREET****And****VIA ZOOM****<https://us06web.zoom.us/j/88147760127?pwd=bzF6UVBBS0EvaDIxTEVyRngrbExmQT09>**

Meeting ID: 881 4776 0127

Passcode: 007612

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Up to five minutes per person will be allowed. Citizens are encouraged to ask questions with the understanding that the City can either answer the question tonight or refer that question to the appropriate staff member who will get back to you within a reasonable amount of time. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

6. CITY MANAGER REPORT
7. CITY COUNCIL REPORTS
8. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

- A. Approval of the July 24, 2023 Regular City Council Meeting Minutes

CITY OF THE DALLES**"By working together, we will provide services that enhance the vitality of The Dalles."**

- B. Resolution No. 23-026 Assessing the Real Property Located at 823 East 7th Street the cost of Nuisance Abatement
- C. Resolution No. 23-027 Assessing the Real Property 519 East 12th Street for the cost of Nuisance Abatement
- D. Resolution No. 23-028 Assessing the Real Property Located at 757 Pleasant Court West the costs of Nuisance Abatement
- E. Resolution No. 23-029 Assessing the Real Property Located at 3223 West 7th Street the costs of Nuisance Abatement
- F. Resolution No. 23-030 Assessing the Real Property Located at 1406 East 14th Street the costs of Nuisance Abatement
- G. Resolution No. 23-032 Assessing the Real Property Located at 809 East 7th Street the costs of Nuisance Abatement
- H. Resolution No. 23-031 Concurring with the Mayor's Appointment of Jayme Reineccius to the Traffic Safety Commission; and Allyson Schock to the City Budget Committee

9. PUBLIC HEARINGS

- A. Public Hearing to Receive Testimony Regarding Formation of Reimbursement District for East 9th Street Sanitary Sewer Main
 - i. Resolution No. 23-033 A Resolution Authorizing the Formation of a Reimbursement District for the East 9th Street Sewer Main Improvements and Setting an Effective Date
- B. Public Hearing to Receive Testimony Regarding Formation of Reimbursement District for Water Main Installed on East 9th Street
 - i. Resolution No. 23-022 A Resolution Authorizing the Formation of a Reimbursement District for the East 9th Street Water Main Improvements and Setting an Effective Date
- C. General Ordinance No. 23-1400 An Ordinance Amending The Dalles Municipal Code Title 10 (Land Use and Development), Including Ensuring Consistent Terminology, Adapting to Modern Technology, Maintaining Clear and Objective Housing Standards, Updating Review Procedures, and Consistency with State Law

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles."

10. EXECUTIVE SESSION

In accordance with ORS 192.660(2)(e) to consult deliberations with persons you have designated to negotiate real property transactions; and

In accordance with ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

- A. Recess Open Session
- B. Reconvene Open Session [Return to Open Session with Zoom Login above](#)
- C. Decision, if any

11. ADJOURNMENT

This meeting conducted VIA Zoom

Prepared by/
Amie Ell
City Clerk



AGENDA STAFF REPORT

AGENDA LOCATION: Item #8 A-H

MEETING DATE: September 11, 2023

TO: Honorable Mayor and City Council

FROM: Izetta Grossman, CMC, City Clerk

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

- A. **ITEM:** Approval of the July 24, 2023 Regular City Council meeting minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the July 24, 2023 Regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the July 24, 2023 Regular City Council meeting minutes.

- B. **ITEM:** Resolution No. 23-026 Assessing the Real Property Located at 823 East 7th Street the cost of Nuisance Abatement
- C. **ITEM:** Resolution No. 23-027 Assessing the Real Property 519 East 12th Street for the cost of Nuisance Abatement
- D. **ITEM:** Resolution No. 23-028 Assessing the Real Property Located at 757 Pleasant Court West the costs of Nuisance Abatement
- E. **ITEM:** Resolution No. 23-029 Assessing the Real Property Located at 3223 West 7th Street the costs of Nuisance Abatement

- F. **ITEM:** Resolution No. 23-030 Assessing the Real Property
 Located at 1406 East 14th Street the costs of Nuisance Abatement
- G. **ITEM:** Resolution No. 23-032 Assessing the Real Property
 Located at 809 West 7th Street the costs of Nuisance Abatement

BUDGET IMPLICATIONS: None. Any funds received reimburse the City for the cost of abatements.

SYNOPSIS: The Codes Enforcement Officer properly noticed the abatements. The City Clerk sent the cost of abatement notice. None of the property owners paid the assessment within the required time limit.

RECOMMENDATION: Approve Resolutions No. 23-026 through 23- 030, and 23-032 assessing real property for the cost of abatements.

- H. **ITEM:** Resolution No. 23-031 Concurring with the Mayor's
 Appointment of Jayme Reineccius to the Traffic Safety Commission; and
 Allyson Schock to the City Budget Committee

BUDGET IMPLICATIONS: None

SYNOPSIS: Mayor Mays has interviewed the proposed appointments and recommends approval of the resolution.

RECOMMENDATION: Approve Resolution No. 23-031 Concurring with the Mayor's Appointment of Jayme Reineccius to the Traffic Safety Commission; and Allyson Schock to the City Budget Committee.

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CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
JULY 24, 2023
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Darcy Long, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Izetta Grossman, Public Works Director Dave Anderson, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler, Human Resources Director Daniel Hunter, Executive Assistant Amie Ell

CALL TO ORDER

The meeting was called to order by Mayor Mays at 5:30 p.m.

ROLL CALL OF COUNCIL

Roll Call was conducted by Executive Assistant Amie Ell. Councilors Long, McGlothlin, Randall, Richardson, Runyon present.

PLEDGE OF ALLEGIANCE

Mayor Mays asked Councilor Richardson to lead the Pledge of Allegiance.

Councilor Richardson invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Long and seconded by Randall to approve the agenda as submitted. The motion

carried 5 to 0; Long, Randall, Runyon, Richardson, McGlothlin voting in favor; none opposed.

AUDIENCE PARTICIPATION

Connie Krummrich, former member of The Dalles Beautification Committee presented her recommendations to Council regarding the litter campaign. (see attached)

Russ Brown, citizen, reported the District Attorney had been less than forthcoming with requests for information on the results of arrests for vandalism, stolen property, assault cases. He said without prosecution the laws have no bite.

He said he was unable to get copies of the exit interviews from police officers. He said he hoped the Council was getting the information.

Mayor Mays said he understood Human Resources denying the request. He said he had been updated on the exit interviews.

Runyon clarified Brown was requesting information regarding the consequences of arrests from the District Attorney.

City Manager Klebes had requested information from the District Attorney and would follow up on the request.

He said exit interviews were voluntarily given. He reminded Brown that the City Manager oversees all City staff; Council were policy makers.

Bob Kenyon, citizen, reported attending a Traffic Safety Commission meeting, where he recommended discontinuing the flashing yellow lights at night and weekend in the downtown corridor. He said with the increased traffic to the river and drivers not paying attention the street were unsafe for pedestrians and cyclists.

Richard Wolf, citizen, said he had a report from Mid-Columbia Fire and Rescue regarding the 4th of July fireworks and number of calls over the last 10 years.

He said Human Resources refused to give him the qualifications of the new Project Manager. He said he was concerned they weren't qualified.

He said trees were dying downtown due to exposed roots and steel grates.

Wolf said the Community Development Director and the City Attorney were rude and interrupted

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citizens at a recent Planning Commission meeting.

CITY MANAGER REPORT

City Manager Matthew Klebes introduced the new Economic Development Director, Daniel Spatz.

CITY COUNCIL REPORTS

Councilor Long reported:

- Meeting with City Manager
- No Urban Renewal meeting

Councilor McGlothlin reported:

- Airport Board – fuel sales going up; significant military/jet traffic
- Met with Scenic neighbors/Airbnb owner
- Annex Open House

Mayor Mays reported:

- Community/Government Affairs with City Manager
- Sally Johnson, The Dalles Art Center new Director
- Underliner ribbon cutting
- KODL
- Community Outreach Tour
- Swearing in of Officer Green
- Annex Open House

CONSENT AGENDA

It was moved by McGlothlin and seconded by Randall to approve the Consent Agenda as presented. The motion carried 5 to 0, McGlothlin, Randall, Runyon, Richardson, Long voting in favor; none opposed.

Items approved on the consent agenda were: A. Approval of the July 10, 2023 Regular City Council Meeting Minutes B. Authorization to Surplus 10,000 rounds of 40 caliber ammunition C. Authorization to Surplus Police Vehicles D. Authorization to Surplus 36 Glock .40 caliber handguns E. Resolution No. 23-025 Designating the Vertical Housing Manager for the City of The Dalles.

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PUBLIC HEARING

Public Hearing to receive public comment on the close-out of Community Development Block Grant Project No. H20012, providing home repair for eligible households

Mayor Mays read the process for Public Hearings then opened the Public Hearing

Mayor Mays asked for the staff report.

Community Development Director, Joshua Chandler introduced Saldavar Torres Cruz as the translator if one was needed. Chandler reviewed the staff report and all findings.

Mayor Mays asked for testimony.

Hearing none he closed the Public Hearing at 6:13 p.m.

Runyon said unused funds would be returned to the State. He asked if that would affect ability to receive funding in the future.

Chandler said he had asked the State that questions and they said it would not affect future funding.

Chandler said the Community Development Block Grant rotates with cities taking turns facilitating the grant. He said it was likely that the grant would not go through the city on the next round.

ACTION ITEMS

General Ordinance No. 23-1399 Amending Various Provisions of The Dalles Municipal Code Title 5 (Offences) and Title 6 (Traffic)

City Attorney Jonathan Kara asked Codes Enforcement Officer Nikki Lesich to come forward to answer questions.

Kara reviewed the staff report, adding Tree of Heaven to the noxious vegetation list (photo attached).

Kara said best practice would be to ask for comments from the audience on the ordinance.

Rodger Nichols, citizen, asked if the ordinance would require residents to remove Tree of

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Heaven from their property.

Kara said it would not.

McGlothlin asked if the rooster ban would be phased in.

Codes Enforcement Officer Nikki Lesich said she would work with the owner.

Kara said Codes Enforcement would do outreach before implementation.

Long clarified noxious vegetation in the right of way or over property lines.

She asked for clarification on “used by trespassers for habitation”.

Kara said it meant inhabiting. He said the ordinance gives the City the opportunity to remove brush or tall grasses.

Richardson asked for description of RV permit program. He asked if 24 hours was enough time for owner to move the vehicle.

Lesich said originally the RV permits were for citizens to park their RV in front of their home to service, clean and pack the RV. She said people are using the permit incorrectly, and are living in the RV.

Lesich said almost all the RV tows were abandoned vehicles.

Mayor Mays asked if any councilor wished to have the ordinance read in full. None requested the ordinance read in full.

Mayor Mays asked the City Clerk to read the ordinance by title only.

Executive Assistant Amie Ell read the ordinance by title only.

It was moved by Richardson and seconded by McGlothlin to adopt General Ordinance No. 23-1399 Amending Various Provisions of The Dalles Municipal Code Title 5 (Offences) and Title 6 (Traffic), adding the Tree of Heaven (*ailanthus altissima*) to the noxious vegetation list, by title only. The motion carried 5 to 0; Richardson, McGlothlin, Long, Runyon, Randall in favor; none opposed.

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General Ordinance No. 23-1398 Amending The Dalles Municipal Code Title 6 (Traffic) by Creating Chapter 6.02 (Overnight Parking in City-Owned Parking Lots)

City Manager Matthew Klebes asked Police Chief Tom Worthy to join the upcoming conversations. Klebes reviewed the staff report.

Richardson asked if there were complaints on 1st Street.

Chief Worthy said the complaints were lack of safety, trash, and vehicles that weren't running.

Richardson asked if staff had seen people in the 1st Street lot move to other locations.

Chief Worthy said staff had noted people moving from one location to another.

Mayor Mays asked if any councilor wished to have the ordinance read in full. None requested the ordinance read in full.

Mayor Mays asked the City Clerk to read the ordinance by title only.

Executive Assistant Amie Ell read the ordinance by title only.

It was moved by Randall and seconded by Long to adopt General Ordinance No. 23-1398 Amending The Dalles Municipal Code Title 6 (Traffic) by Creating Chapter 6.02 (Overnight Parking in City-Owned Parking Lots), by title only. The motion carried 5 to 0; Randall, Long, McGlothlin, Richardson, Runyon in favor; none opposed.

McGlothlin excused himself at 7:26 p.m. and returned at 7:30 p.m.

DISCUSSION ITEMS

Nuisance Crime and Community Livability

City Manager Klebes reviewed the staff report.

Mayor Mays suggesting going through the items in order.

A. Owner Authorization to Enforce the Law

City Attorney Kara said the form stemmed from an incident with absentee owner and hazardous conditions. He said he worked with the District Attorney to create the form that preauthorizes The Dalles Police and Wasco County District Attorney to enforce

trespass and other property crimes occurring on property owner's property without the property owner being present.

B. Volunteer Security Camera Registry

It was the consensus of the Council for staff to proceed with the initiative.

C. Creation and Updating of Information Resources for Community

Council was in favor of the toolkit and posting resources on the City's website.

D. Mid-Columbia Center for Living Pilot Community Outreach Service Program

Chief Worthy spoke in favor of the pilot program. He said police would be on hand if needed.

City Manager Matthew Klebes said if Council was interested he would bring back more information. He said he was looking into using the opioid funds to support the effort.

Runyon asked what would be the next option if opioid funds weren't available.

Klebes said he would work with the Finance Director to find other General Fund resources.

E. Watershed Position Changes

Runyon asked when the position would start.

City Manager Klebes said it would take a budget amendment for the current fiscal year.

He said there would be an interfund transfer from Public Works to the Police Department to pay for the Watershed Patrol portion of the full time position.

F. Police "Overfill" Position

Council was in favor of the position.

G. Purchase and Installation of a New 24-hour Bathroom Facility

McGlothlin said he was not in favor of restroom on Arco Parking Lot. He said there was a better use of funds.

Runyon said he was devastated at the condition of the restroom at the Veteran's Services Center. He said he was not in favor of any restroom at the Arco Parking Lot. He said it should first be discussed with St. Peter's Landmark (across the street).

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McGlothlin suggested:

- Annex parking lot
- Lewis & Clark Park – with a caretaker
- Mill Creek walk way

Long said the discussion item was to give staff direction on the desire to have a 24 hour restroom. She asked how much time and funds had already been spent on trying to address the issue of no downtown restrooms. She said the restroom wasn't just for the homeless.

Long was in favor of a Loo type restroom. She said it had been used in various cities, was easy to clean.

Randall said the downtown needed one or two restrooms. He said the question was, where was the best place to locate restrooms.

Richardson said he would like to see more research.

Mayor Mays said there was a need for a facility.

City Manager Klebes said for many years the City had provided 24 hour restrooms at Lewis and Clark Park. He said now those restrooms were only open dawn to dusk, and for events.

Klebes said he had talked to business owners. He said some are in favor, others are concerned about the unknown. He said the main concern was proximity to their business.

He said the Arco Parking Lot had been identified in the past as a location, he would continue to identify other possible locations.

Long asked what the concerns were. She said visibility was good at the Arco Parking Lot.

Klebes said the restroom at the Veteran's Service Center had become a campsite, blocking the sidewalk, with vandalism. He said it was closed for a period of time for repairs. He said during that time staff was able to have conversations about keeping it clean. Klebes said since the reopening from dawn to dusk there had been less issues.

Klebes said he spoke with Astoria regarding their Loo. He reported they has some issues, but not more issues.

Mayor Mays said the Arco Parking Lot was good option, 3rd Street being a one way street located 2 blocks from the Police Station.

City Manager Klebes said staff would continue due diligence on the concept of a 24 hours restroom.

Mayor Mays asked if anyone in the audience wished to comment on the subject.

Lisa Farquharson, The Dalles Area Chamber of Commerce said the Mayor and City Manager had come to her office to talk about the issues before Council.

She had the following comments:

- A. Works, Chamber uses it
- B. Security camera registry, good idea
- C. Tool kits, great job – businesses were looking for this
- D. Outreach, in favor of people on the ground to help with addiction or mental health issues; allows police department to focus on other issues
- E. No comment
- F. No comment
- G. Loo – need something safe, well lit, as indestructible as possible. Arco Parking Lot – hesitant but hopeful.

She said she had just seen photos of art work on Loo's – looked great.

She Thanked staff for all the ideas, very thoughtful.

Abandoned Shopping Carts

City Manager Matthew Klebes reviewed the staff report.

City Manager Matthew Klebes reviewed the staff report.

McGlothlin said it was theft when someone took a shopping cart off the property of the store. He said the police needed to do something. He suggested stopping people and issue a warning to return the shopping cart.

City Clerk Grossman noted the time was 8:25 p.m. She said a motion was needed to continue the meeting past 8:30 p.m.

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It was moved by Richardson and seconded by Randall to extend the meeting to finish the discussion. The motion carried 5 to 0; Richardson, Randall, Long, McGlothlin, Runyon in favor; none opposed.

City Manager Klebes said staff currently picks up and returns some carts. The ordinance requires retailers to go and pick up their carts that have been reported. He said larger retailers have been using anti-theft devices.

City Attorney Jonathan Kara said his research on the ordinance included: letters going out to 20 retailers, State Statute allows the ordinance, speaking with North West Grocery Association. He said Amanda Dalton from the association was in attendance.

Amanda Dalton said the State Statute was 10 years old. She said the association wanted to be partner's with cities. She asked that the City give grocers grace to implement.

McGlothlin said Captain Carrico had told him at a Community Clean up items that can be used for survival cannot be taken. He also noted that the problem isn't as bad as it could be, because Donny Lewis picks up carts and returns them to the stores.

Amanda Dalton said they provide contract services to pick up and return carts. She said the most effective sweeps are in conjunction with a community clean up.

Cody Miller, The Dalles Grocery Outlet said he received the letter from the City. He said at the end of the day the carts are stolen property. He said it didn't make sense to fine the stores because someone stole the cart.

City Manager Klebes said the ORS allows a fine. He said the City would work on compliance, not fines.

City Attorney Kara said the ORS says the retailer must retrieve the cart within 72 hours of receiving notice of an abandoned cart. He said if the retailer goes to retrieve the cart and it was full of personal belongings the fine would not apply.

It was the consensus of the Council to have staff bring something back to Council in September.

City Manager Klebes noted that staff works very hard to keep the Council Agendas manageable.

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ADJOURNMENT

Being no further business, the meeting adjourned at 8:52 p.m.

Submitted by/
Izetta Grossman, CMC
City Clerk

SIGNED:

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC City Clerk

RESOLUTION NO. 23-026

A RESOLUTION ASSESSING THE REAL PROPOERTY LOCATED AT 823 EAST 7TH STREET THE COST OF NUISANCE ABATEMENT

WHEREAS, the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below:

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
823 East 7 th Street	IN 13E 3 CA 1700	June 12, 2023

WHEREAS, according to Wasco County real property records, the following persons are the owners of record for tax purposes of the following listed property:

<u>Property</u>	<u>Owner</u>
823 East 7 th Street	Gary Everest

WHEREAS, the Notice to Abate Nuisance required the removal of noxious vegetation and/or junk from the listed property pursuant to the provisions of Section 5.24.040 of The Dalles Municipal Code;

WHEREAS, the Notice to Abate Nuisance further provided if the nuisance conditions were not abated the City would hire a contractor to abate the nuisance conditions, and the costs of the abatement would be charged to the owner of the property, and become a lien upon the property;

WHEREAS, as a result of the owners' failure to abate the nuisance conditions on the property, the City hired the following listed contractor, who abated the nuisance conditions on the dates listed below, for the costs listed below:

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
823 East 7 th Street	G.V.V. Lawn Care, LLC	July 3, 2023	\$1,600.00

WHEREAS, pursuant to Section 5.24.070 of The Dalles Municipal Code, on July 25, 2023, the City Clerk sent a Notice of Assessment by certified mail to Gary Everest advising them the total cost of the assessment for the property was \$1,600.00, and the listed sum would become a lien upon the property if the amount was not paid by July 25, 2023, or the assessment was not protested by July 17, 2023 by Gary Everest;

WHEREAS, Gary Everest failed to file any objection by the stated deadline and failed to pay the balance of the assessment by the deadline listed in the Notices of Assessment, and the City Council finds the statement of the amount of the proposed assessments is correct and no

reason exists to justify any delay in proceeding with the imposition of a lien upon the properties for the cost of the assessments.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
RESOLVES AS FOLLOWS:**

Section 1. Assessment. The cost of the abatements of the nuisance conditions noxious weeds and vegetation for the following property:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Gary Everest 1408 15 th Street Hood River, OR 97031	IN 13E 3 CA 1700	\$1,600.00

The legal description for the properties is shown in the list of descriptions attached to and made part of this Resolution as Exhibit “A”.

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the following information shall be entered into the City Electronic Lien Docket:

- a. The foregoing legal description of the property assessed.
- b. The names of the owners or a statement the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by Oregon law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF SEPTEMBER 2023.

Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

Exhibit "A"

LEGAL DESCRIPTION OF 823 East 7th STREET

All of Lot 3 in Block 13 of LAUGHLIN'S BLUFF ADDITION TO DALLES CITY, Oregon, and ALSO that part of LAUGHLIN'S DONATION LAND CLAIM lying immediately North of said lot and being between the North end of said lot and the South side of the alley of Block 12 in LAUGHLIN'S BLUFF ADDITION TO DALLES CITY, said property being the same property described in that certain deed recorded in Book 93 at Page 258 of the Deed Records of Wasco County, Oregon;

All of Lot 2 in Block 13 of LAUGHLIN'S BLUFF ADDITION TO DALLES CITY, SAVE AND EXCEPT the Southerly 100 feet thereof, said property being the same property described in that certain deed recorded in Book 96, page 442 of the Deed Records of Wasco County, Oregon.

ALSO the right to use for road purposes the tract described as:

Beginning at the Southwest corner of Lot 2, Block 13, LAUGHLIN'S BLUFF ADDITION TO DALLES CITY; thence East 10 feet; thence North 100 feet; thence West 10 feet to the West line of said lot; thence South along the West line of said lot 100 feet to the point of beginning, said property being located in Wasco County, Oregon.

Lots 4 and 5, Block 13, LAUGHLIN'S BLUFF ADDITION TO DALLES CITY, in Dalles City, in the County of Wasco and State of Oregon, EXCEPTING the South 120 feet of said Lot 5; TOGETHER WITH the following described adjoining premises:

Commencing at the Northeast corner of Lot 4, Block 13, LAUGHLIN'S BLUFF ADDITION TO DALLES CITY, running thence Northerly to within 10 feet of the Southeast boundary of Jefferson Street; thence Westerly 90 feet; thence Southerly to the Northwest corner of Lot 5, of said Block 13, thence Easterly to the point of beginning; EXCEPT the portion conveyed to Charles R. Carter and Regina A. Carter, husband and wife, by deed dated May 15, 1957 and recorded May 15, 1957 in Deed Book 135, Page 16.

06/29/2023



RESOLUTION NO. 23-027

A RESOLUTION ASSESSING THE REAL PROPOERTY LOCATED AT 519 EAST 12th STREET THE COST OF NUISANCE ABATEMENT

the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below:

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
519 East 12 th Street	1N 13E 3 CC 1900	June 30, 2023

WHEREAS, according to Wasco County real property records, the following persons are the owners of record for tax purposes of the following listed property:

<u>Property</u>	<u>Owner</u>
519 East 12 th Street	Georgia Goudy

WHEREAS, the Notice to Abate Nuisance required the removal of noxious vegetation and/or junk from the listed property pursuant to the provisions of Section 5.24.040 of The Dalles Municipal Code;

WHEREAS, the Notice to Abate Nuisance further provided if the nuisance conditions were not abated the City would hire a contractor to abate the nuisance conditions, and the costs of the abatement would be charged to the owner of the property, and become a lien upon the property;

WHEREAS, as a result of the owners' failure to abate the nuisance conditions on the property, the City hired the following listed contractor, who abated the nuisance conditions on the dates listed below, for the costs listed below:

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
519 East 12 th Street	Rod's Get 'R Done	July 24, 2023	\$1,100.00

WHEREAS, pursuant to Section 5.24.070 of The Dalles Municipal Code, on July 27, 2023, the City Clerk sent a Notice of Assessment by certified mail to Georgia Goudy advising them the total cost of the assessment for the property was \$1,100.00, and the listed sum would become a lien upon the property if the amount was not paid by August 11, 2023, or the assessment was not protested by August 1, 2023 by Georgia Goudy;

WHEREAS, Georgia Goudy failed to file any objection by the stated deadline and failed to pay the balance of the assessment by the deadline listed in the Notices of Assessment, and the City Council finds the statement of the amount of the proposed assessments is correct and no

reason exists to justify any delay in proceeding with the imposition of a lien upon the properties for the cost of the assessments.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
RESOLVES AS FOLLOWS:**

Section 1. Assessment. The cost of the abatements of the nuisance conditions for the following property:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Georgia Goudy	1N 13E 3 CC 1900	\$1,100.00

The legal description for the properties is shown in the list of descriptions attached to and made part of this Resolution as Exhibit “A”.

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the following information shall be entered into the City Electronic Lien Docket:

- a. The foregoing legal description of the property assessed.
- b. The names of the owners or a statement the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by Oregon law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF SEPTEMBER 2023.

Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

Exhibit “A”

LEGAL DESCRIPTION OF 519 EAST 12th STREET

Beginning at the Southwest corner of Lot 8, Block 27, BIGELOW'S BLUFF ADDITION TO DALLES CITY, running thence North 24° 23' East along the westerly line of said Lot 8, a distance of 121.3 feet to the Northwest corner thereof; thence South 65° 30' East along the northerly line of said Lot 8, 12.2 feet; thence South 24° 23' West 29.4 feet; thence South 26° 42' East 38.7 feet; thence South 25° 14' West 68.0 feet to the southerly line of said Lot 8; thence North 65° 30' West along said line 41.65 feet to the point of beginning, in the County of Wasco and State of Oregon.

07/24/2023 519 East 12th Street PROPERTY ABATMENT GOUDY BEFORE



RESOLUTION NO. 23-028

A RESOLUTION ASSESSING THE REAL PROPOERTY LOCATED AT 757 PLEASANT COURT THE COST OF NUISANCE ABATEMENT

the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below:

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
757 Pleasant Court West	2N 13E 29 DD 3100	June 30, 2023

WHEREAS, according to Wasco County real property records, the following persons are the owners of record for tax purposes of the following listed property:

<u>Property</u>	<u>Owner</u>
757 Pleasant Court West	David Miles

WHEREAS, the Notice to Abate Nuisance required the removal of noxious vegetation and/or junk from the listed property pursuant to the provisions of Section 5.24.040 of The Dalles Municipal Code;

WHEREAS, the Notice to Abate Nuisance further provided if the nuisance conditions were not abated the City would hire a contractor to abate the nuisance conditions, and the costs of the abatement would be charged to the owner of the property, and become a lien upon the property;

WHEREAS, as a result of the owners' failure to abate the nuisance conditions on the property, the City hired the following listed contractor, who abated the nuisance conditions on the dates listed below, for the costs listed below:

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
757 Pleasant Court West	F.L.I. Landscape	July 27, 2023	\$1,845.00

WHEREAS, pursuant to Section 5.24.070 of The Dalles Municipal Code, on July 31, 2023, the City Clerk sent a Notice of Assessment by certified mail to David Miles advising them the total cost of the assessment for the property was \$1,845.00, and the listed sum would become a lien upon the property if the amount was not paid by August 15, 2023, or the assessment was not protested by August 7, 2023 by David Miles;

WHEREAS, David Miles failed to file any objection by the stated deadline and failed to pay the balance of the assessment by the deadline listed in the Notices of Assessment, and the City Council finds the statement of the amount of the proposed assessments is correct and no

reason exists to justify any delay in proceeding with the imposition of a lien upon the properties for the cost of the assessments.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
RESOLVES AS FOLLOWS:**

Section 1. Assessment. The cost of the abatements of the nuisance conditions for the following property:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
David Miles	2N 13E 29 DD 3100	\$1,845.00

The legal description for the properties is shown in the list of descriptions attached to and made part of this Resolution as Exhibit “A”.

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the following information shall be entered into the City Electronic Lien Docket:

- a. The foregoing legal description of the property assessed.
- b. The names of the owners or a statement the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by Oregon law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF SEPTEMBER 2023.

Richard A. Mays, Mayor

ATTEST:

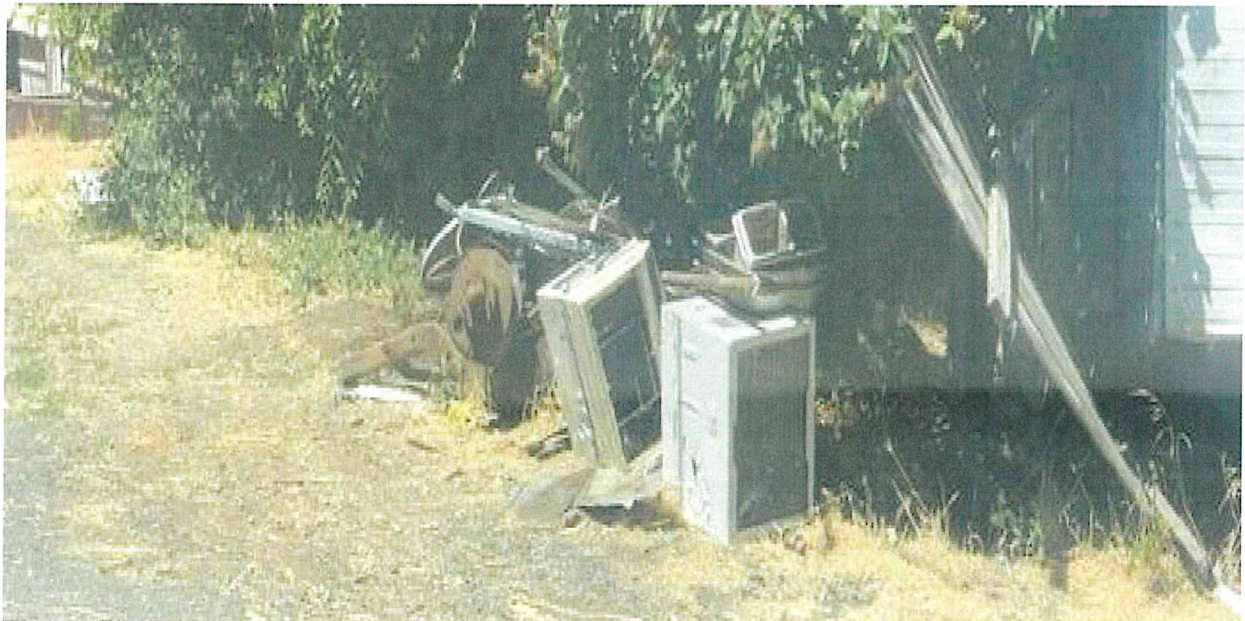
Amie Ell, City Clerk

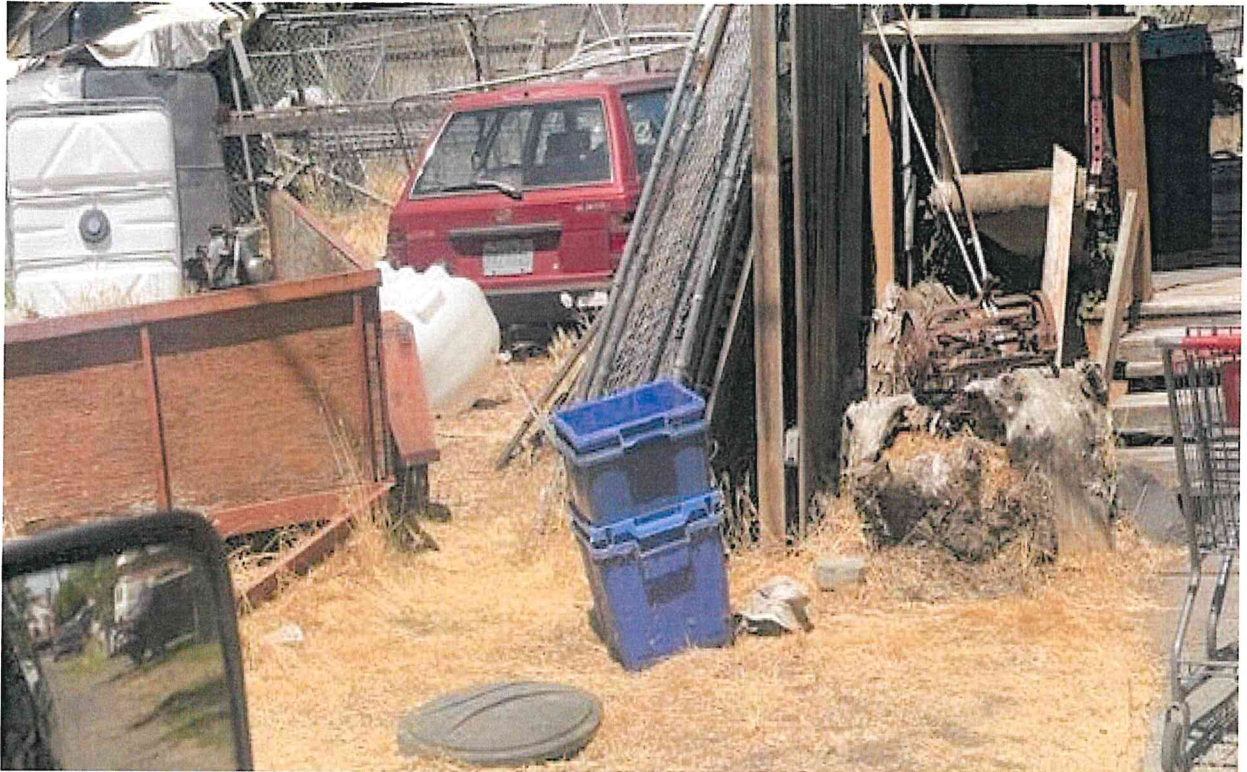
Exhibit “A”

LEGAL DESCRIPTION OF 757 PLEASANT COURT WEST

The South 70 feet of the following described Tract:

Beginning on the North boundary line of Tract 12 of SNIPES ACRES, Wasco County, Oregon, at a point 337 feet 6 inches East of the Northwest corner of said Tract 12; thence East 62 feet 6 inches along the North boundary line of said Tract 12 and the South boundary line of Hostetler Way; thence South 156 feet, parallel with the West boundary line of said Tract 12; thence West 62 feet 6 inches, parallel with the North boundary line of said Tract 12 and along the North boundary line of Pleasant Court; thence North 156 feet to the point of beginning.





RESOLUTION NO. 23-029

A RESOLUTION ASSESSING THE REAL PROPOERTY LOCATED AT 3223 WEST 7TH STREET THE COST OF NUISANCE ABATEMENT

WHEREAS, the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below:

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
3223 West 7th Street	21N 13E 10 AA 1300	July 11, 2023

WHEREAS, according to Wasco County real property records, the following persons are the owners of record for tax purposes of the following listed property:

<u>Property</u>	<u>Owner</u>
3223 West 7th Street	Sara Watson

WHEREAS, the Notice to Abate Nuisance required the removal of noxious vegetation and/or junk from the listed property pursuant to the provisions of Section 5.24.040 of The Dalles Municipal Code;

WHEREAS, the Notice to Abate Nuisance further provided if the nuisance conditions were not abated the City would hire a contractor to abate the nuisance conditions, and the costs of the abatement would be charged to the owner of the property, and become a lien upon the property;

WHEREAS, as a result of the owners' failure to abate the nuisance conditions on the property, the City hired the following listed contractor, who abated the nuisance conditions on the dates listed below, for the costs listed below:

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
3223 West 7th Street	Get 'R Done	August 2, 2023	\$1600.00 Includes \$500 admin fee

WHEREAS, pursuant to Section 5.24.070 of The Dalles Municipal Code, on August 3, 2023, the City Clerk sent a Notice of Assessment by certified mail to Sara Watson advising them the total cost of the assessment for the property was \$1600.00, this included a \$500 administrative fee, and the listed sum would become a lien upon the property if the amount was not paid by August 18, 2023, or the assessment was not protested by August 8, 2023 by Sara Watson;

WHEREAS, Sara Watson failed to file any objection by the stated deadline and failed to pay the balance of the assessment by the deadline listed in the Notices of Assessment, and the City Council finds the statement of the amount of the proposed assessments is correct and no reason exists to justify any delay in proceeding with the imposition of a lien upon the properties for the cost of the assessments.

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

Section 1. Assessment. The cost of the abatements of the nuisance conditions noxious weeds and vegetation for the following property:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Sara Watson 3223 West 7th Street The Dalles, OR 97058	21N 13E 10 AA 1300	\$1600.00

The legal description for the properties is shown in the list of descriptions attached to and made part of this Resolution as Exhibit "A".

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the following information shall be entered into the City Electronic Lien Docket:

- a. The foregoing legal description of the property assessed.
- b. The names of the owners or a statement the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by Oregon law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF SEPTEMBER 2023.

Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

Exhibit “A”

LEGAL DESCRIPTION OF 3223 WEST 7th STREET

The West 75 feet of the North 91 feet 8½ inches of the South 183 feet 5 inches, EXCEPTING the West 5 feet, in Lot 13, SNIPES ACRES, Wasco County, State of Oregon.

07/25/2023 ABATEMENT PICTURES FOR WARRANT SARA WATSON 3223 WEST 7TH STREET



RESOLUTION NO. 23-030

A RESOLUTION ASSESSING THE REAL PROPOERTY LOCATED AT 1406 EAST 14TH STREET THE COST OF NUISANCE ABATEMENT

WHEREAS, the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below:

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
1406 East 14 th Street	1N 13E 10 AA 1300	June 30, 2023

WHEREAS, according to Wasco County real property records, the following persons are the owners of record for tax purposes of the following listed property:

<u>Property</u>	<u>Owner</u>
1406 East 14 th Street	Chester Hall

WHEREAS, the Notice to Abate Nuisance required the removal of noxious vegetation and/or junk from the listed property pursuant to the provisions of Section 5.24.040 of The Dalles Municipal Code;

WHEREAS, the Notice to Abate Nuisance further provided if the nuisance conditions were not abated the City would hire a contractor to abate the nuisance conditions, and the costs of the abatement would be charged to the owner of the property, and become a lien upon the property;

WHEREAS, as a result of the owners' failure to abate the nuisance conditions on the property, the City hired the following listed contractor, who abated the nuisance conditions on the dates listed below, for the costs listed below:

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
1406 East 14 th Street	F.L.I. Landscaping	August 3, 2023	\$2150.00 Includes \$500 admin fee

WHEREAS, pursuant to Section 5.24.070 of The Dalles Municipal Code, on August 3, 2023, the City Clerk sent a Notice of Assessment by certified mail to Chester Hall advising them the total cost of the assessment for the property was \$2150.00, this included a \$500 administrative fee, and the listed sum would become a lien upon the property if the amount was not paid by August 18, 2023, or the assessment was not protested by August 8, 2023 by Chester Hall;

WHEREAS, Chester Hall failed to file any objection by the stated deadline and failed to pay the balance of the assessment by the deadline listed in the Notices of Assessment, and the City Council finds the statement of the amount of the proposed assessments is correct and no reason exists to justify any delay in proceeding with the imposition of a lien upon the properties for the cost of the assessments.

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

Section 1. Assessment. The cost of the abatements of the nuisance conditions noxious weeds and vegetation for the following property:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Chester Hall 1406 East 14 th Street The Dalles, OR 97058	1N 13E 10 AA 1300	\$2150.00

The legal description for the properties is shown in the list of descriptions attached to and made part of this Resolution as Exhibit "A".

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the following information shall be entered into the City Electronic Lien Docket:

- a. The foregoing legal description of the property assessed.
- b. The names of the owners or a statement the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by Oregon law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF SEPTEMBER 2023.

Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

Exhibit “A”

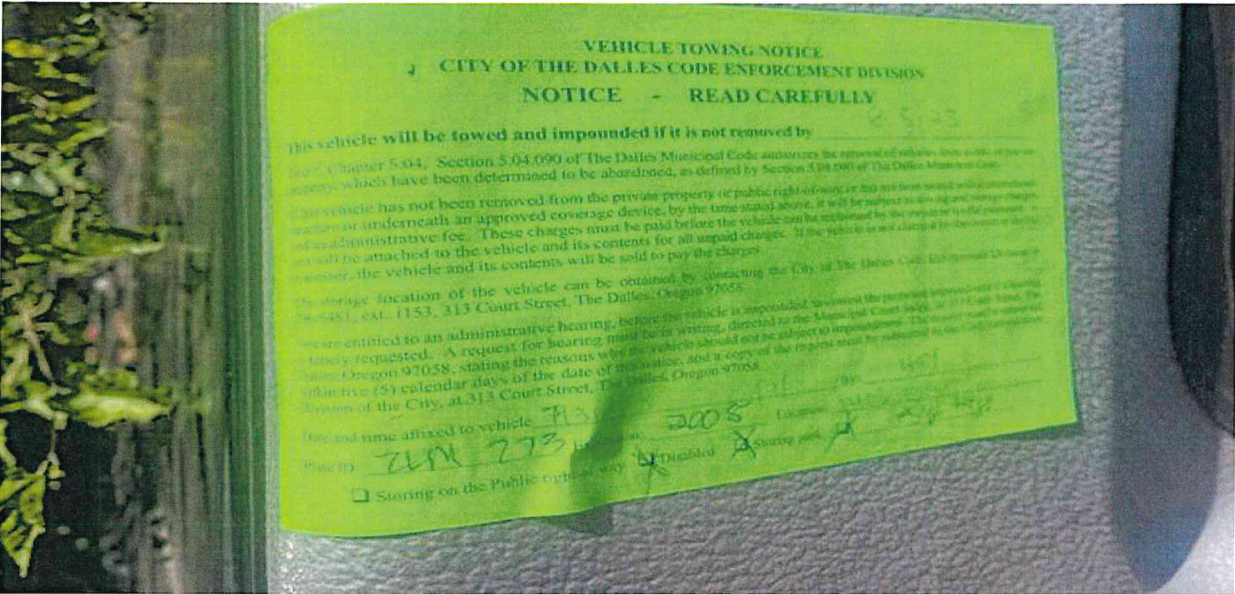
LEGAL DESCRIPTION OF 1406 EAST 14th STREET

Lot 6, Block 2, ANDERSON’S SECOND ADDITION TO DALLES CITY, in City of The Dalles, County of Wasco and State of Oregon.

07/31/2023 1406 East 14th Street







RESOLUTION NO. 23-032

A RESOLUTION ASSESSING THE REAL PROPOERTY LOCATED AT 809 EAST 7TH STREET THE COST OF NUISANCE ABATEMENT

WHEREAS, the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below:

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
809 East 7 th Street	1N 13E 3 CA 1800	June 12, 2023

WHEREAS, according to Wasco County real property records, the following persons are the owners of record for tax purposes of the following listed property:

<u>Property</u>	<u>Owner</u>
809 East 7 th Street	Federal National Mortgage Association

WHEREAS, the Notice to Abate Nuisance required the removal of noxious vegetation and/or junk from the listed property pursuant to the provisions of Section 5.24.040 of The Dalles Municipal Code;

WHEREAS, the Notice to Abate Nuisance further provided if the nuisance conditions were not abated the City would hire a contractor to abate the nuisance conditions, and the costs of the abatement would be charged to the owner of the property, and become a lien upon the property;

WHEREAS, as a result of the owners' failure to abate the nuisance conditions on the property, the City hired the following listed contractor, who abated the nuisance conditions on the dates listed below, for the costs listed below:

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
809 East 7 th Street	Get'R Done	July 5, 2023	\$600.00

WHEREAS, pursuant to Section 5.24.070 of The Dalles Municipal Code, on July 10, 2023, the City Clerk sent a Notice of Assessment by certified mail to Federal National Mortgage Association advising them the total cost of the assessment for the property was \$600.00, and the listed sum would become a lien upon the property if the amount was not paid by July 25, 2023, or the assessment was not protested by July 17, 2023 by Federal National Mortgage Association;

WHEREAS, Federal National Mortgage Association failed to file any objection by the stated deadline and failed to pay the balance of the assessment by the deadline listed in the Notices of Assessment, and the City Council finds the statement of the amount of the proposed assessments is correct and no reason exists to justify any delay in proceeding with the imposition of a lien upon the properties for the cost of the assessments.

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

Section 1. Assessment. The cost of the abatements of the nuisance conditions noxious weeds and vegetation for the following property:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Federal National Mortgage Association 5600 Granite Parkway Plano, TX 75024	IN 13E 3 CA 1800	\$600.00

The legal description for the properties is shown in the list of descriptions attached to and made part of this Resolution as Exhibit "A".

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the following information shall be entered into the City Electronic Lien Docket:

- a. The foregoing legal description of the property assessed.
- b. The names of the owners or a statement the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by Oregon law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF SEPTEMBER 2023.

ATTEST:

Richard A. Mays, Mayor

Amie Ell, City Clerk

Exhibit "A"

LEGAL DESCRIPTION OF 809 EAST 7th STREET

Parcel 4: The south 120 feet of Lot 5, Block 13, Laughlin's Bluff Addition to Dalles City, in City of The Dalles, County of Wasco and State of Oregon

06/29/2023

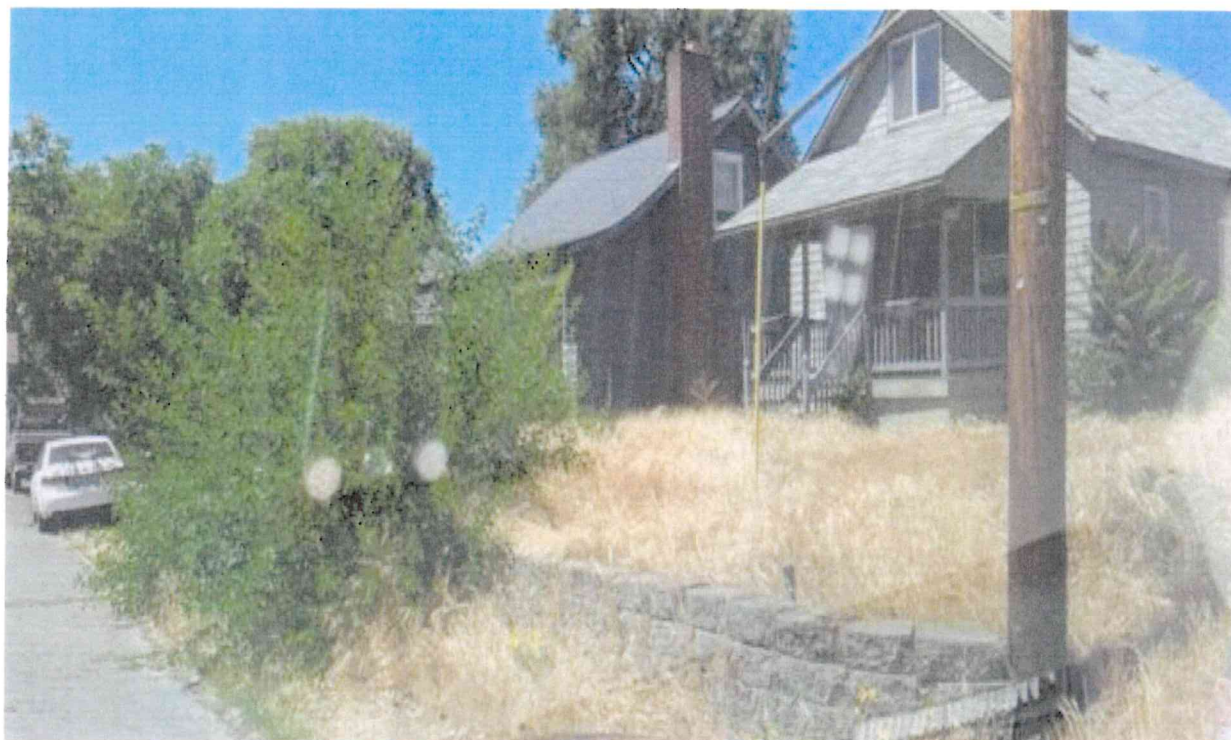


EXHIBIT B

RESOLUTION NO. 23-031

**A RESOLUTION CONCURRING WITH THE
MAYOR'S APPOINTMENTS OF JAYME REINECCIUS TO THE TRAFFIC SAFETY
COMMISSION; AND ALLYSON SCHOCK TO THE CITY BUDGET COMMITTEE**

WHEREAS, there are vacant positions on the Traffic Safety Commission and the City Budget Committee; and

WHEREAS, the Mayor has elected to appoint Jayme Reineccius to the Traffic Safety Commission and Allyson Schock to the City Budget Committee.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS
FOLLOWS:**

Section 1. The City Council concurs with the appointment of:

Jayme Reineccius to the Traffic Safety Commission; with term expiring April 30, 2027;
and Allyson Schock to the City Budget Committee; with term expiring June 30, 2026.

Section 2. This Resolution shall be effective September 11, 2023.

PASSED AND ADOPTED THIS 11th DAY OF SEPTEMBER, 2023.

Voting Yes, Councilors:	_____
Voting No, Councilors:	_____
Absent, Councilors:	_____
Abstaining, Councilors:	_____

AND APPROVED BY THE MAYOR THIS 11th DAY OF SEPTEMBER, 2023.

SIGNED:

ATTEST:

Richard A. Mays, Mayor

Amie Ell, City Clerk



AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #9A

MEETING DATE: August 29, 2023

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

ISSUE: Receive Testimony Regarding Formation of a Reimbursement District for Sanitary Sewer Main Installed on East 9th Street

BACKGROUND: The City Council previously authorized a process whereby developers can recover the costs of constructing water and sanitary sewer system improvements that can benefit properties other than their own when it adopted Resolution No. 16-003 on February 8, 2016. The process for recovering these costs, now codified as Chapter 2.12 of The Dalles Municipal Code, involves the creation of a reimbursement district which requires City Council approval.

City staff previously informed the Council about the need to install water and sanitary sewer system improvements in East 9th Street, extending eastward from its intersection with Quinton Street, during discussions about removing a house improperly located within the East 9th Street right-of-way. Since then, the house has been removed and the project to install the sanitary sewer main, needed to support development of vacant and under-developed residential properties, is currently underway by the City.

The estimated cost to complete construction of the sanitary sewer main is \$254,236.75. The sanitary sewer main was designed by Public Works Engineering staff and is being constructed by the City's Wastewater Collection crews. While it is uncertain exactly how residential properties along East 9th Street will partition and develop in the future, staff's professional judgement identified that the new sewer main could serve 67 new sanitary sewer services as well as 15 existing services. The connection of existing sewer services to the new sewer main were considered as "maintenance" to the system and therefore no reimbursement fees are to be assessed for pre-existing services. New services are proposed to be charged a reimbursement fee of \$3,100.44 each as their share of the new sanitary sewer main. If the City had not constructed the sewer main, any new development in the area would have been required to construct a sanitary sewer main that met City standards to their property as a condition of approval. A Public Works

Director's Report has been prepared to present information relevant to the proposed reimbursement district and fees.

The Dalles Municipal Code Section 2.12.050(A) requires that a public hearing is to be conducted, for informational purposes only, to allow for public comment on the proposed reimbursement district. Following the public hearing, the City Council may approve, reject or modify the recommendations contained in the Public Works Director's Report and may decide to form the reimbursement district. All affected property owners were notified of the scheduled public hearing at least 10 days in advance of the public hearing. Following conclusion of the informational hearing, if Council so desires, the attached Resolution No. 23-033 can be adopted which finalizes the process of forming the reimbursement district for the City by establishing the reimbursement fee. Once formed, a reimbursement district exists for 15 years.

The formation of reimbursement districts has normally included the establishment of an annual interest rate that is to be applied to the reimbursement fee, and historically the federal prime interest rate at the time of the writing of the Public Works Director's report has been used to set that interest rate. The current federal prime interest rate is uncharacteristically high at eight and one-half percent (8.5%). At this interest rate, calculated annually as simple interest on the initial fee (does not compound), the reimbursement fee would double in just over 11 years which could make the reimbursement fee unaffordable. Most of the interest rates established for recent prior reimbursement districts has ranged from 3.25% to 5.00%. Due to the unusually high prime interest rate and a desire to maintain affordability of the reimbursement fee, it is recommended that the interest rate to be applied to the unpaid reimbursement fee for this district be fixed at one-half the current federal prime interest rate - four and one-quarter percent (4.25%).

BUDGET IMPLICATIONS: If formation of the reimbursement district is approved, the City Wastewater Fund will receive \$3,100.44 plus interest for each new sanitary sewer service connected within the reimbursement district over the next 15 years to help offset the costs incurred by the City to construct the new sewer main in East 9th Street. These reimbursement fees are in addition to any System Development Charges and Connection Fees that may be in effect at the time.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** Move to adopt Resolution No. 23-033 authorizing formation of the East 9th Street Sanitary Sewer Main Improvements Reimbursement District as presented in the Public Works Director's report dated August 25, 2023.
2. Modify the recommendations in the Public Works Director's report dated August 25, 2023 and authorize formation of the East 9th Street Sanitary Sewer Main Improvements Reimbursement District as amended.
3. Deny authorization to form the reimbursement district and provide additional direction to staff.

RESOLUTION NO. 23-033

A RESOLUTION AUTHORIZING THE FORMATION OF A REIMBURSEMENT DISTRICT FOR THE EAST 9TH STREET SANITARY SEWER MAIN IMPROVEMENTS AND SETTING AN EFFECTIVE DATE

WHEREAS, the City Council adopted General Ordinance No. 06-1275 (codified as Chapter 2.12 of The Dalles Municipal Code) on December 11, 2006, authorizing the creation of reimbursement districts for the purpose of making water system and sanitary sewer system public improvements;

WHEREAS, the City is undertaking a project to construct sanitary sewer system improvements in East 9th Street, extending east from Quinton Street, which is eligible for formation of a Reimbursement District and the costs of construction are yet to be finalized;

WHEREAS, the improvements can benefit properties other than those owned by the City when they develop in the future;

WHEREAS, the Public Works Director has reviewed and evaluated the application submitted by the City, serving as the Developer, and has submitted a written report to the City Council;

WHEREAS, the City mailed notice of the proposed reimbursement district to all owners of property within the proposed district; and

WHEREAS, the City Council conducted an informational public hearing on September 11, 2023, to consider the Public Works Director's report dated August 25, 2023, and to allow any interested person an opportunity to comment on formation of the proposed reimbursement district.

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

Section 1. Report Approved. The Public Works Director's report dated August 25, 2023, attached to and made part of this Resolution as Exhibit "A" is hereby approved.

Section 2. District Established. The Reimbursement District for the construction of a sanitary sewer main in East 9th Street, extending easterly from Quinton Street, is hereby established. The Reimbursement District shall include the properties described in Section 5 of the Public Works Director's report as provided in Exhibit "A" hereto.

Section 3. Reimbursement Fee. Payment of the applicable reimbursement fee of \$3,100.44 per new sanitary sewer service connection, as specified in the Public Works Director's

report, is a precondition of receiving City permits applicable to the development of parcels located within the Reimbursement District pursuant to The Dalles Municipal Code 2.12.100.

Section 4. Administration Charge. The administration charge shall be waived.

Section 5. Interest Rate. The interest rate to be applied to the reimbursement fee shall be 4.25% per year.

Section 6. Agreement with Developer. The City Council hereby waives The Dalles Municipal Code Section 2.12.060(C)'s requirement the City enter into an agreement with the Developer because the City itself is the Developer as authorized by The Dalles Municipal Code Section 2.12.010.

Section 7. Effective Date. This Resolution is effective upon its adoption.

PASSED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023

Voting Yes, Councilor: _____
Voting No, Councilor: _____
Absent, Councilor: _____
Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF SEPTEMBER, 2023.

Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

Exhibit A
PUBLIC WORKS DIRECTOR'S REPORT
August 25, 2023

In Response to an Application submitted by City of The Dalles (City) for Establishment of a Reimbursement District for the East 9th Street Sanitary Sewer Main Improvements in the Proposed Amount of \$254,236.75.

SECTION 1: CONTENT OF PUBLIC WORKS DIRECTOR'S REPORT

This report follows the criteria established in General Ordinance 06-1275 which was approved by City Council on December 11, 2006; the terms of that ordinance are now included in Municipal Code 2.12. This written report considers and makes a recommendation concerning each of the following factors:

- A. The project for which an application has been made for formation of a reimbursement district, the reasons for the cost distribution proposal, and an evaluation of the public interest served by the project.
- B. The actual or estimated cost of the public improvement serving the area of the proposed reimbursement district and the portion of the public improvement cost that is reimbursable.
- C. The boundary and size of the reimbursement district.
- D. A methodology for spreading the cost among the properties within the reimbursement district and, where appropriate, defining a "unit" for applying the reimbursement fee to property which may, with City approval, be partitioned, subdivided, altered or modified at some future date.
- E. The amount to be charged by the City for an administration fee for the reimbursement agreement. The administration fee shall be fixed by the City Council and will be included in the resolution approving and forming the reimbursement district. The administration fee is due and payable to the City at the time the agreement is signed.
- F. Whether the public improvements will or have met City standards.

SECTION 2: APPLICATION FOR ESTABLISHMENT OF REIMBURSEMENT DISTRICT

City has made application for the establishment of a reimbursement district for public improvements as outlined in Chapter 2.12 of The Dalles Municipal Code. The project is:

- o The construction of approximately 875 lineal feet an 8-inch diameter gravity sanitary sewer main, and approximately 760 lineal feet of 3-inch diameter pressurized sanitary sewer main, all extending eastward in East 9th Street from the intersection of East 9th and Quinton Streets, including all appurtenances to make complete systems. The project will serve residential properties yet to be developed or connected to the City sanitary sewer system in the area as well as some existing developed properties. Construction of the project was funded by City and the application and administrative fees were waived accordingly.

I have read the project description in the application, reviewed project plans and inspection reports, and reviewed the project with technical staff which indicated that the East 9th Street Sanitary Sewer Main improvements were designed and are being constructed to comply with city standards and provide safe and effective sanitary sewer service to the affected area. The project is currently under construction with substantial completion estimated to occur by December 15, 2023.

The concept of financing this type of project utilizing a Reimbursement District has been acceptable to the City Council, as indicated by the adoption of General Ordinance 06-1275. These improvements have been determined to be important and beneficial to the identified properties in the area if they develop or connect to the City sanitary sewer systems and, therefore, cost sharing conditions are proposed on those properties prior to their development or connection.

The need for this project was discussed with the City Council numerous times prior to its construction during deliberations related to the removal of a legacy house that was located in the East 9th Street right-of-way.

SECTION 3: FINANCING FOR THE EAST 9TH STREET SANITARY SEWER MAIN REIMBURSEMENT DISTRICT

The City funded the construction cost of the East 9th Street Sanitary Sewer Main improvements, and the services provided by these public improvements are available to properties other than those owned by the City.

SECTION 4: COST OF THE PUBLIC IMPROVEMENT SERVING THE PROPOSED REIMBURSEMENT DISTRICT

The total construction cost of the project is projected to be about \$254,236.75. The project was designed by Public Works Engineers, the City is constructing the sanitary sewer project with its in-house crews from the Wastewater Collection Division, and all purchase of materials and rental of equipment for the project utilized Wastewater Funds. Based upon the estimated cost of construction, it is recommended that the reimbursable costs be preliminarily established at \$254,236.75. The reimbursable costs and reimbursement fees shall be finalized by City Council at a future meeting following completion of the project.

SECTION 5: BOUNDARY AND SIZE OF THE REIMBURSEMENT DISTRICT

In accordance with General Ordinance 06-1275, now The Dalles Municipal Code Section 2.12, the reimbursement district provides a mechanism whereby both previously conditioned properties and future developable properties will share in the costs of the public improvements that have been funded by City. By resolution, properties owned by or dedicated to the City or the State of Oregon are excluded from any reimbursement district.

There are certain undeveloped and under-developed properties not currently connected to the City sanitary sewer system located along East 9th Street, east of Quinton Street, that will benefit from the improvements when they are developed or connected in the future.

The following reimbursement district properties are to be considered as part of the reimbursement agreement for the East 9th Street Sanitary Sewer Main improvements:

1. Tax Lot 1N 13E 2CA 700 (map 1N13E2CA revised 3-11-21) owned by Jim & Lee Olheiser

2. Tax Lot 1N 13E 2CA 800 (map 1N13E2CA revised 3-11-21) owned by Jim Olheiser
 3. Tax Lot 1N 13E 2CA 1000 (map 1N13E2CA revised 3-11-21) owned by Jim Olheiser
 4. Tax Lot 1N 13E 2CA 1100 (map 1N13E2CA revised 3-11-21) owned by Scott Gayer
 5. Tax Lot 1N 13E 2CA 1200 (map 1N13E2CA revised 3-11-21) owned by Wasco County
 6. Tax Lot 1N 13E 2CA 1300 (map 1N13E2CA revised 3-11-21) owned by Elvarardo & Carmen De La Torre
 7. Tax Lot 1N 13E 2DB 2800 (map 1N13E2DB revised 2-14-22) owned by Iesey Pustovit
 8. Tax Lot 1N 13E 2DB 2400 (map 1N13E2DB revised 2-14-22) owned by Max Sams
 9. Tax Lot 1N 13E 2DB 1900 (map 1N13E2DB revised 2-14-22) owned by Max Sams
 10. Tax Lot 1N 13E 2DB 3100 (map 1N13E2DB revised 2-14-22) owned by Jesse & Lisa White
 11. Tax Lot 1N 13E 2DB 3000 (map 1N13E2DB revised 2-14-22) owned by Dan Garcia
 12. Tax Lot 1N 13E 2DB 2900 (map 1N13E2DB revised 2-14-22) owned by Jeremy Robertson
 13. Tax Lot 1N 13E 2CA 1400 (map 1N13E2CA revised 3-11-21) owned by Nancy Drake
 14. Tax Lot 1N 13E 2CA 1500 (map 1N13E2CA revised 3-11-21) owned by Maira Juarez
 15. Tax Lot 1N 13E 2CA 1800 (map 1N13E2CA revised 3-11-21) owned by Luminous Enterprises
 16. Tax Lot 1N 13E 2CA 2100 (map 1N13E2CA revised 3-11-21) owned by Rick & Bobbi Harrington
 17. Tax Lot 1N 13E 2CA 2200 (map 1N13E2CA revised 3-11/21) owned by Ebbert Family Trust
 18. Tax Lot 1N 13E 2CA 2300 (map 1N13E2CA revised 3-11-21) owned by Douglas Powell
- These properties are outlined in the map included as Attachment "A".

SECTION 6: METHODOLOGY FOR REIMBURSEMENT FEE ALLOCATION TO REIMBURSEMENT DISTRICT

The reimbursement district for the East 9th Street Sanitary Sewer Main improvements includes property that is residentially zoned. All of the reimbursement district properties are located within the City Limits.

There are a number of methods that could be used for apportionment of costs for a reimbursement agreement for sanitary sewer system improvements: linear frontage, lot size or area, or number of lots. The lots proposed for this reimbursement district are of various sizes and some will likely partition into smaller lots as they develop. It is not possible to predict with certainty how they may be developed in the future. Neither the linear frontage nor the area of these lots realistically reflects the relative value of the improvement to each lot.

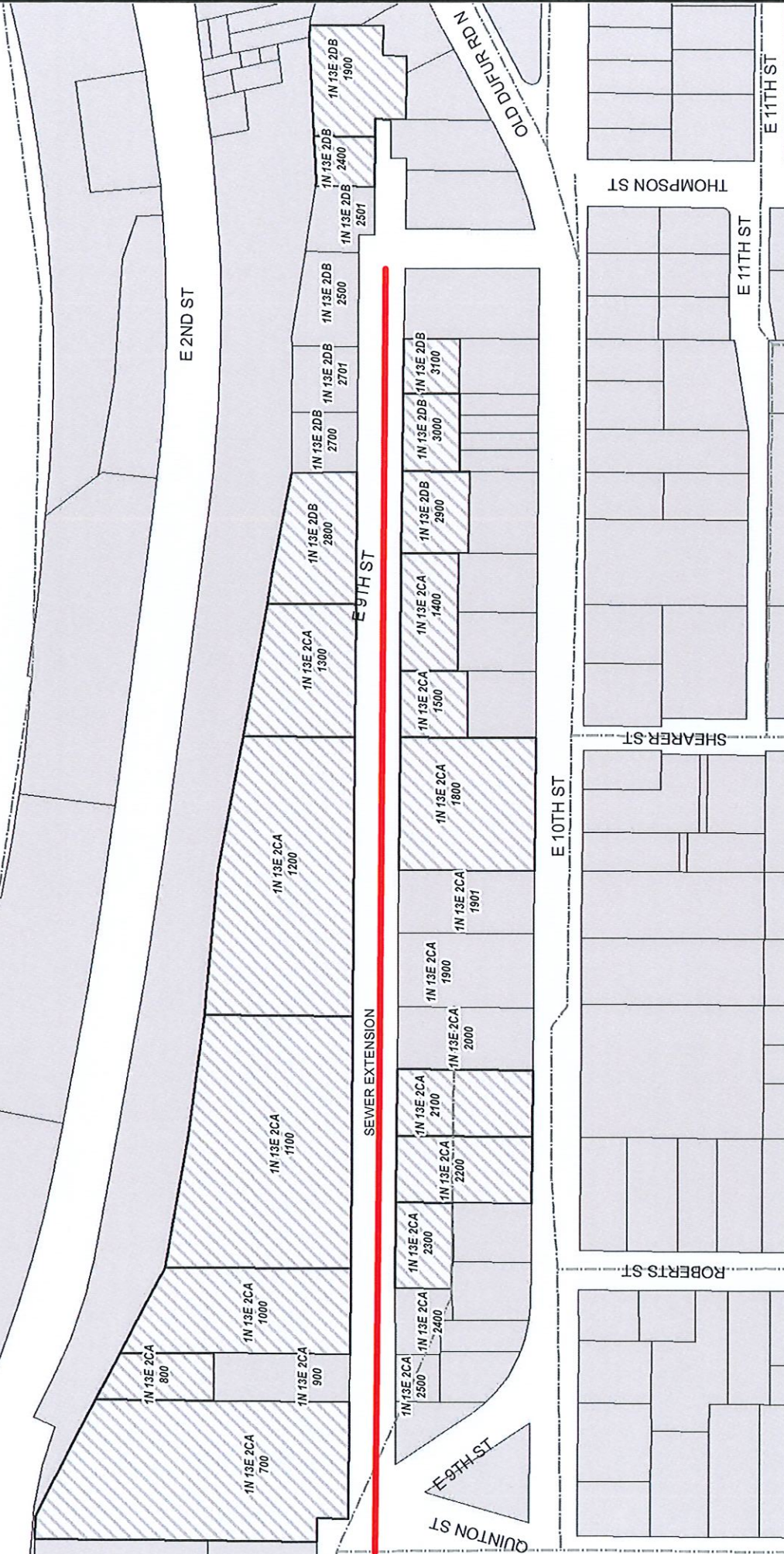
The number of potential lots, and therefore number of potential future sewer connections, most closely represents the potential value each property may receive from the improvements. Therefore, the method proposed for apportionment of costs for this reimbursement district is the number of potential lots. Staff used professional judgement considering location, development trends, topography, and zoning, to estimate how the various properties in the district may partition and develop over time. This analysis led to an estimate that the new sewer main could support 67 new sewer service connections. In addition, 15 existing sewer utility services were connected to the new sewer main; existing sewer utility customers will not be assessed a reimbursement fee for their pre-existing services. The cost of the new sewer main was divided by the total number of lots that it is anticipated to serve to calculate the reimbursement fee per new connection that is to be assessed.

Utilizing the methodology outlined above, a district with a total of 67 anticipated potential new sanitary sewer services is proposed. It is recommended that the reimbursement fee be established at \$3,100.44 per new sanitary sewer service connection.

SECTION 7: ADMINISTRATIVE FEE AND INTEREST RATE TO BE APPLIED TO REIMBURSEMENT DISTRICT

- A. It is recommended that the administration fee as outlined in The Dalles Municipal Code Section 2.12.030(E) shall be waived since the City is the developer.
- B. Traditionally, an annual interest rate has been applied to unpaid reimbursement fees; that interest rate has usually been set at the federal prime interest rate at the time of the Public Works Director's Report. The current federal prime interest rate is uncharacteristically high at eight and one-half percent (8.5%). At this interest rate, calculated annually as simple interest on the initial fee (does not compound), the reimbursement fee would double in just over 11 years which could make the reimbursement fee unaffordable. Due to the unusually high prime interest rate, it is recommended that the interest rate to be applied to the unpaid reimbursement fee be fixed at one-half the current federal prime interest rate - four and one-quarter percent (4.25%).

ATTACHMENT A



LEGEND

- PARCELS
- EXISTING SEWER MAIN
- NEW SEWER MAIN
- FUTURE SEWER CONNECTION

SEWER CONNECTIONS

CITY OF THE DALLES
1215 WEST 1ST STREET
THE DALLES, OR 97058

City of The Dalles Public Works Department

EAST 9TH STREET

REIMBURSEMENT DISTRICT

T. STEPHENS

DATE: 7 / 10 / 2023



AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #9B

MEETING DATE: August 29, 2023

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

ISSUE: Receive Testimony Regarding Formation of a Reimbursement District for Water Main Installed on East 9th Street

BACKGROUND: The City Council previously authorized a process whereby developers can recover the costs of constructing water and sanitary sewer system improvements that can benefit properties other than their own when it adopted Resolution No. 16-003 on February 8, 2016. The process for recovering these costs, now codified as Chapter 2.12 of The Dalles Municipal Code, involves the creation of a reimbursement district which requires City Council approval.

City staff previously informed the Council about the need to install water and sanitary sewer system improvements in East 9th Street, extending eastward from its intersection with Quinton Street, during discussions about removing a house improperly located within the East 9th Street right-of-way. Since then, the house has been removed and the project to install the water main, needed to support development of vacant and under-developed residential properties, has been completed by the City.

The water main construction project was completed in May 2023 at a cost of \$224,208. The water main was designed by Public Works Engineering staff and constructed using the services of a competitively-selected contractor. While it is uncertain exactly how residential properties along East 9th Street will partition and develop in the future, staff's professional judgement identified that the new water main could serve 53 new water services as well as 10 existing services. The connection of existing water services from the old under-sized and deteriorated piping to the new water main were considered as "maintenance" to the system and therefore no reimbursement fees are to be assessed for pre-existing services. New services are proposed to be charged a reimbursement fee of \$3,558.86 each as their share of the new water main. If the City had not constructed the water main, any new development in the area would have been required to construct a

water main that met City standards to their property as a condition of approval. A Public Works Director's Report has been prepared to present information relevant to the proposed reimbursement district and fees.

The Dalles Municipal Code Section 2.12.050(A) requires that a public hearing is to be conducted, for informational purposes only, to allow for public comment on the proposed reimbursement district. Following the public hearing, the City Council may approve, reject or modify the recommendations contained in the Public Works Director's Report and may decide to form the reimbursement district. All affected property owners were notified of the scheduled public hearing at least 10 days in advance of the public hearing. Following conclusion of the informational hearing, if Council so desires, the attached Resolution No. 23-022 can be adopted which finalizes the process of forming the reimbursement district for the City by establishing the reimbursement fee. Once formed, a reimbursement district exists for 15 years.

The formation of reimbursement districts has normally included the establishment of an annual interest rate that is to be applied to the reimbursement fee, and historically the federal prime interest rate at the time of the writing of the Public Works Director's report has been used to set that interest rate. The current federal prime interest rate is uncharacteristically high at eight and one-half percent (8.5%). At this interest rate, calculated annually as simple interest on the initial fee (does not compound), the reimbursement fee would double in just over 11 years which could make the reimbursement fee unaffordable. Most of the interest rates established for recent prior reimbursement districts has ranged from 3.25% to 5.00%. Due to the unusually high prime interest rate and a desire to maintain affordability of the reimbursement fee, it is recommended that the interest rate to be applied to the unpaid reimbursement fee for this district be fixed at one-half the current federal prime interest rate - four and one-quarter percent (4.25%).

BUDGET IMPLICATIONS: If formation of the reimbursement district is approved, the City Water Fund will receive \$3,558.86 plus interest for each new water service connected within the reimbursement district over the next 15 years to help offset the costs incurred by the City to construct the new water main in East 9th Street. These reimbursement fees are in addition to any System Development Charges and Connection Fees that may be in effect at the time.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** Move to adopt Resolution No. 23-022 authorizing formation of the East 9th Street Water Main Improvements Reimbursement District as presented in the Public Works Director's report dated August 25, 2023.
2. Modify the recommendations in the Public Works Director's report dated August 25, 2023 and authorize formation of the East 9th Street Water Main Improvements Reimbursement District as amended.
3. Deny authorization to form the reimbursement district and provide additional direction to staff.

RESOLUTION NO. 23-022

A RESOLUTION AUTHORIZING THE FORMATION OF A REIMBURSEMENT DISTRICT FOR THE EAST 9TH STREET WATER MAIN IMPROVEMENTS AND SETTING AN EFFECTIVE DATE

WHEREAS, the City Council adopted General Ordinance No. 06-1275 (codified as Chapter 2.12 of The Dalles Municipal Code) on December 11, 2006, authorizing the creation of reimbursement districts for the purpose of making water system and sanitary sewer system public improvements;

WHEREAS, the City has completed a project to construct water system improvements in East 9th Street, extending east from Quinton Street, which is eligible for formation of a Reimbursement District and the costs of construction have been finalized;

WHEREAS, the improvements can benefit properties other than those owned by the City when they develop in the future;

WHEREAS, the Public Works Director has reviewed and evaluated the application submitted by the City, serving as the Developer, and has submitted a written report to the City Council;

WHEREAS, the City mailed notice of the proposed reimbursement district to all owners of property within the proposed district; and

WHEREAS, the City Council conducted an informational public hearing on September 11, 2023, to consider the Public Works Director's report dated August 25, 2023, and to allow any interested person an opportunity to comment on formation of the proposed reimbursement district.

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

Section 1. Report Approved. The Public Works Director's report dated August 25, 2023, attached to and made part of this Resolution as Exhibit "A" is hereby approved.

Section 2. District Established. The Reimbursement District for the construction of a water main in East 9th Street, extending easterly from Quinton Street, is hereby established. The Reimbursement District shall include the properties described in Section 5 of the Public Works Director's report as provided in Exhibit "A" hereto.

Section 3. Reimbursement Fee. Payment of the applicable reimbursement fee of \$3,558.86 per new water service connection, as specified in the Public Works Director's report, is a precondition of receiving City permits applicable to the development of parcels located within the Reimbursement District pursuant to The Dalles Municipal Code 2.12.100.

Section 4. Administration Charge. The administration charge shall be waived.

Section 5. Interest Rate. The interest rate to be applied to the reimbursement fee shall be 4.25% per year.

Section 6. Agreement with Developer. The City Council hereby waives The Dalles Municipal Code Section 2.12.060(C)'s requirement the City enter into an agreement with the Developer because the City itself is the Developer as authorized by The Dalles Municipal Code Section 2.12.010.

Section 7. Effective Date. This Resolution is effective upon its adoption.

PASSED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023

Voting Yes, Councilor: _____

Voting No, Councilor: _____

Absent, Councilor: _____

Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF SEPTEMBER, 2023.

Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

Exhibit A
PUBLIC WORKS DIRECTOR'S REPORT
August 25, 2023

In Response to an Application submitted by City of The Dalles (City) for Establishment of a Reimbursement District for the East 9th Street Water Main Improvements in the Proposed Amount of \$224,208.00.

SECTION 1: CONTENT OF PUBLIC WORKS DIRECTOR'S REPORT

This report follows the criteria established in General Ordinance 06-1275 which was approved by City Council on December 11, 2006; the terms of that ordinance are now included in Municipal Code 2.12. This written report considers and makes a recommendation concerning each of the following factors:

- A. The project for which an application has been made for formation of a reimbursement district, the reasons for the cost distribution proposal, and an evaluation of the public interest served by the project.
- B. The actual or estimated cost of the public improvement serving the area of the proposed reimbursement district and the portion of the public improvement cost that is reimbursable.
- C. The boundary and size of the reimbursement district.
- D. A methodology for spreading the cost among the properties within the reimbursement district and, where appropriate, defining a "unit" for applying the reimbursement fee to property which may, with City approval, be partitioned, subdivided, altered or modified at some future date.
- E. The amount to be charged by the City for an administration fee for the reimbursement agreement. The administration fee shall be fixed by the City Council and will be included in the resolution approving and forming the reimbursement district. The administration fee is due and payable to the City at the time the agreement is signed.
- F. Whether the public improvements will or have met City standards.

SECTION 2: APPLICATION FOR ESTABLISHMENT OF REIMBURSEMENT DISTRICT

City has made application for the establishment of a reimbursement district for public improvements as outlined in Chapter 2.12 of The Dalles Municipal Code. The project is:

- The construction of approximately 1200 lineal feet of 6-inch diameter water main, extending eastward in East 9th Street from the intersection of East 9th and Quinton Streets, including all appurtenances to make complete systems. The project will serve residential properties yet to be developed or connected to the City water systems in the area as well as some existing developed properties. Construction of the project was funded by City and the application and administrative fees were waived accordingly.

I have reviewed the project description, project plans and inspection reports, and discussed the project with technical staff which indicated that the East 9th Street Water Main improvements were designed and constructed to comply with City standards and provide safe and effective water service to the affected area. The project was accepted at complete on May 17, 2023.

The concept of financing this type of project utilizing a Reimbursement District has been acceptable to the City Council, as indicated by the adoption of General Ordinance 06-1275. These improvements have been determined to be important and beneficial to the identified properties in the area if they develop or connect to the City water systems and, therefore, cost sharing conditions are proposed on those properties prior to their development or connection.

The need for this project was discussed with the City Council numerous times prior to its construction during deliberations related to the removal of a legacy house that was located in the East 9th Street right-of-way.

SECTION 3: FINANCING FOR THE EAST 9TH STREET WATER MAIN REIMBURSEMENT DISTRICT

The City funded the construction cost of the East 9th Street Water Main improvements, and the services provided by these public improvements are available to properties other than those owned by the City.

SECTION 4: COST OF THE PUBLIC IMPROVEMENT SERVING THE PROPOSED REIMBURSEMENT DISTRICT

The total construction cost of the project was \$224,208.00 which was spent from the Water Reserve Fund. The project was designed by Public Works Engineers and construction was completed by a competitively-selected contractor. Based upon the actual cost of construction, it is recommended that the reimbursable costs be established at \$224,208.00.

SECTION 5: BOUNDARY AND SIZE OF THE REIMBURSEMENT DISTRICT

In accordance with General Ordinance 06-1275, now The Dalles Municipal Code Section 2.12, the reimbursement district provides a mechanism whereby both previously conditioned properties and future developable properties will share in the costs of the public improvements that have been funded by City. By resolution, properties owned by or dedicated to the City or the State of Oregon are excluded from any reimbursement district.

There are certain undeveloped and under-developed properties and properties not currently connected to the City water system located along East 9th Street, east of Quinton Street, that will benefit from the improvements when they are developed or connected in the future; these properties will be included in the reimbursement district. Additionally, several developed properties which were previously connected to the City's water system with deteriorated or under-sized piping, were connected to the new water main as "system maintenance" work; while the value of the improvements for these properties was considered in the calculation of the reimbursement fee, these properties were not included in the district or assessed reimbursement fees.

The following reimbursement district properties are to be considered as part of the reimbursement agreement for the East 9th Street Water Main improvements:

1. Tax Lot 1N 13E 2CA 700 (map 1N13E2CA revised 3-11-21) owned by Jim & Lee Olheiser

2. Tax Lot 1N 13E 2CA 800 (map 1N13E2CA revised 3-11-21) owned by Jim Olheiser
 3. Tax Lot 1N 13E 2CA 1000 (map 1N13E2CA revised 3-11-21) owned by Jim Olheiser
 4. Tax Lot 1N 13E 2CA 1100 (map 1N13E2CA revised 3-11-21) owned by Scott Gayer
 5. Tax Lot 1N 13E 2CA 1200 (map 1N13E2CA revised 3-11-21) owned by Wasco County
 6. Tax Lot 1N 13E 2CA 1300 (map 1N13E2CA revised 3-11-21) owned by Elvarardo & Carmen De La Torre
 7. Tax Lot 1N 13E 2CA 1500 (map 1N13E2CA revised 3-11-21) owned by Maira Juarez
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 9. Tax Lot 1N 13E 2CA 2100 (map 1N13E2CA revised 3-11-21) owned by Rick & Bobbi Harrington
 10. Tax Lot 1N 13E 2CA 2200 (map 1N13E2CA revised 3-11/21) owned by Ebbert Family Trust
 11. Tax Lot 1N 13E 2CA 2300 (map 1N13E2CA revised 3-11-21) owned by Douglas Powell
- These properties are outlined in the map included as Attachment "A".

SECTION 6: METHODOLOGY FOR REIMBURSEMENT FEE ALLOCATION TO REIMBURSEMENT DISTRICT

The reimbursement district for the East 9th Street Water Main improvements includes property that is residentially zoned. All of the reimbursement district properties are located within the City Limits.

There are a number of methods that could be used for apportionment of costs for a reimbursement agreement for water system improvements: linear frontage, lot size or area, or number of lots. The lots proposed for this reimbursement district are of various sizes and some will likely partition into smaller lots as they develop. It is not possible to predict with certainty how they may be developed in the future. Neither the linear frontage nor the area of these lots realistically reflects the relative value of the improvement to each lot.

The number of potential lots, and therefore number of potential future water connections, most closely represents the potential value each property may receive from the improvements. Therefore, the method proposed for apportionment of costs for this reimbursement district is the number of potential lots. Staff used professional judgement considering location, development trends, topography, and zoning, to estimate how the various properties in the district may partition and develop over time. This analysis led to an estimate that the new water main could support 53 new water service connections. In addition, 10 existing water utility services were connected to the new water main; existing water utility customers will not be assessed a reimbursement fee for any pre-existing water utility connections. The cost of the new water main was divided by the total number of lots that it is anticipated to serve to calculate the reimbursement fee per new connection that is to be assessed.

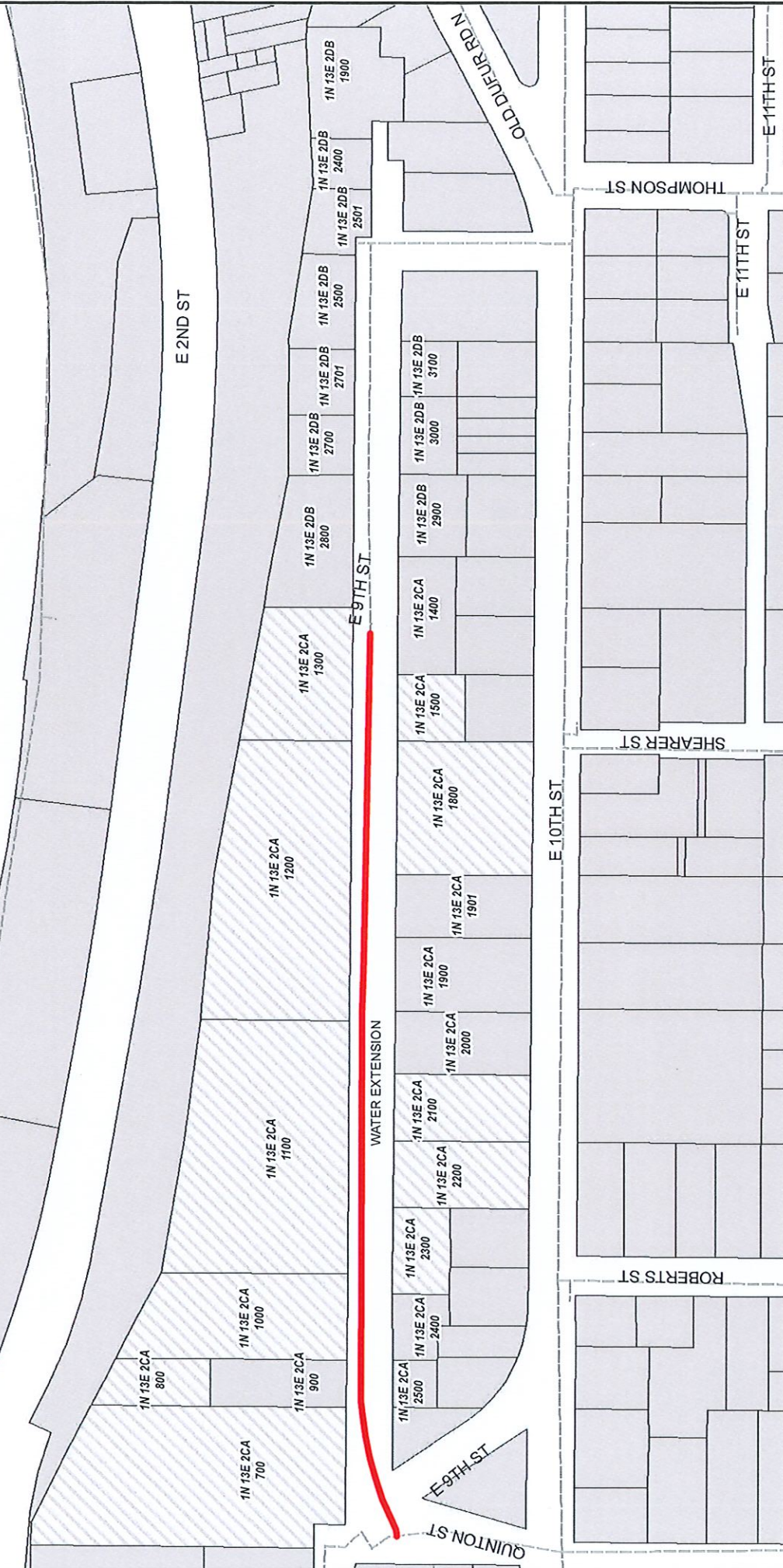
Utilizing the methodology outlined above, a district with a total of 53 anticipated potential new water services is proposed. It is recommended that the reimbursement fee be established at \$3,558.86 per new water service connection.

SECTION 7: ADMINISTRATIVE FEE AND INTEREST RATE TO BE APPLIED TO REIMBURSEMENT DISTRICT

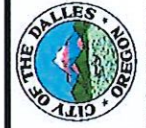
- A. It is recommended that the administration fee as outlined in The Dalles Municipal Code Section 2.12.030(E) shall be waived since the City is the developer.
- B. Traditionally, an annual interest rate has been applied to unpaid reimbursement fees; that interest rate has usually been set at the federal prime interest rate at the time of the Public Works

Director's Report. The current federal prime interest rate is uncharacteristically high at eight and one-half percent (8.5%). At this interest rate, calculated annually as simple interest on the initial fee (does not compound), the reimbursement fee would double in just over 11 years which could make the reimbursement fee unaffordable. Due to the unusually high prime interest rate, it is recommended that the interest rate to be applied to the unpaid reimbursement fee be fixed at one-half the current federal prime interest rate - four and one-quarter percent (4.25%).

ATTACHMENT A



WATER CONNECTIONS



CITY OF THE DALLES
1215 WEST 1ST STREET
THE DALLES, OR 97058

City of The Dalles Public Works Department

EAST 9TH STREET

REIMBURSEMENT DISTRICT

T. STEPHENS

DATE: 7 / 10 / 2023



AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #9C

MEETING DATE: September 11, 2023

TO: Honorable Mayor and City Council

FROM: Kaitlyn Cook, Senior Planner

ISSUE: General Ordinance No. 23-1400 An Ordinance Amending The Dalles Municipal Code Title 10 (Land Use and Development), Including Ensuring Consistent Terminology, Adapting to Modern Technology, Maintaining Clear and Objective Housing Standards, Updating Review Procedures, and Consistency with State Law

BACKGROUND: The Dalles Municipal Code (TDMC) provides the framework for land use and development within the City's Urban Growth Boundary, used to implement the goals and policies of the City's Comprehensive Plan. TDMC, adopted in 1998, may be amended over time to address the current needs and issues of the community.

DISCUSSION: These proposed amendments have been previously compiled by CDD staff over the last few years and include a myriad of objectives, including ensuring consistent terminology, adapting to modern technology, maintaining clear and objective housing standards, updating review procedures, and consistency with state law. Many of these amendments were recommended for approval by the Planning Commission at the April 20, 2023 Commission meeting. After this meeting, Staff expanded on this list of minor amendments and presented them for consideration at the July 20, 2023 Commission meeting. The Commission recommended approval to City Council of the proposed amendments, as presented in **Exhibit B** attached. A brief synopsis of the main components of these amendments is provided below.

- **Review Procedures**
Proposed amendments include removal of the 45-day timeline for Administrative and Quasi-Judicial actions. Instead, all actions will be processed consistent with the "120-Day" rule, per State ORS 227.178 (2).

In addition, proposed amendments include reducing the number of paper copies to encourage electronic submission, as well as establish standard requirements for site, landscaping, and construction plans included with all applications.

- Entrance Standards

Proposed amendments include provisions for promoting flexibility of building orientation and entrance standards. These revised standards will allow primary entrances to be located on the front and side building faces, while preserving the neighborhood characteristics with required pedestrian walkways to the street/sidewalk. These amendments will allow for greater housing options on small and narrow lots.

- Temporary Use of Intermodal Containers

Currently TDMC does not define the duration of “temporary” as it pertains to intermodal containers (shipping containers). Proposed amendments will establish a 30-day “temporary” duration for siting intermodal containers without an approved building (permit?) in select zoning districts.

- Childcare Centers

Proposed amendments will include removing childcare centers as conditional uses in all zoning districts, and permitting the uses outright in each zone. These changes were made in order to comply with Oregon House Bill 3109.

Planning Commission:

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on April 5, 2023, more than ten days prior to the April 20, 2023 Commission hearing. Notice of the public hearing was sent to all local news media, Wasco County Planning, and posted on the City’s website on April 5, 2023. All City Council and Commission meetings are open to the public and allow the opportunity to provide testimony on all proposed amendments. Additionally, a notice of the proposed amendments were submitted to the Department of Land Conversation and Development on March 15, 2023, more than 35 days prior to the April 20, 2023 hearing.

Notification:

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on August 23, 2023, more than ten days prior to the September 11, 2023 Commission hearing. Notice of the public hearing was sent to all local news media, Wasco County Planning, and posted on the City’s website on August 23, 2023.

Additionally, the proposed amendments were provided to the Wasco County Planning Department on April 28, 2023 and later discussed with the Board County of Commissioners on May 17, 2023.

Comments:

No comment received as of the date this report was published (August 30, 2023).

Findings:

See *Exhibit A*.

Proposed Amendments:

See *Exhibit B*.

BUDGET IMPLICATIONS: None.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to adopt General Ordinance No. 23-1400 An Ordinance Amending The Dalles Municipal Code Title 10 (Land Use and Development), Including Ensuring Consistent Terminology, Adapting to Modern Technology, Maintaining Clear and Objective Housing Standards, Updating Review Procedures, and Consistency with State Law*
2. Decline adoption of Ordinance No. 13-1400.
3. Provide additional direction to staff

ATTACHMENTS:

- Attachment #1 – General Ordinance 13-1400
- Attachment #2 – **Exhibit A:** *Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 108-23.*
- Attachment #3 – **Exhibit B:** *Proposed Zoning Ordinance Amendment 108-23.*
- Attachment #4 – Planning Commission Resolution No. 616-23
- Attachment #5 – Planning Commission minutes, April 20, 2023, pages 1-3 of 30

GENERAL ORDINANCE NO. 23-1400

GENERAL ORDINANCE NO. 23-1400 AN ORDINANCE AMENDING THE DALLES MUNICIPAL CODE TITLE 10 (LAND USE AND DEVELOPMENT), INCLUDING ENSURING CONSISTENT TERMINOLOGY, ADAPTING TO MODERN TECHNOLOGY, MAINTAINING CLEAR AND OBJECTIVE HOUSING STANDARDS, UPDATING REVIEW PROCEDURES, AND CONSISTENCY WITH STATE LAW

WHEREAS, an application was submitted for Zoning Ordinance Amendment 108-23 proposing minor changes to The Dalles Municipal Code, Title 10 Land Use and Development;

WHEREAS, on April 20, 2023, Community Development Department staff presented those various minor changes for Planning Commission consideration and the Planning Commission adopted Resolution No. PC 615-23 to recommend City Council approval them;

WHEREAS, following the Planning Commission's adoption of Resolution No. PC 615-23, the Community Development Department recommended including additional proposed amendments to Zoning Ordinance Amendment 108-23 for legal sufficiency and compliance with Oregon law;

WHEREAS, the Planning Commission conducted another noticed public hearing at its regular July 20, 2023 meeting to take public testimony on the proposed amendments to Zoning Ordinance Amendment 108-23;

WHEREAS, the Planning Commission considered the public testimony and reviewed the proposed amendments set forth in ZOA 108-23, voted to adopt PC Resolution No. 616-23, and recommend the proposed amendments be forwarded to the City Council for its review and adoption; and

WHEREAS, on September 11, 2023, the City Council conducted another public hearing to consider the public testimony and review the proposed amendments set forth in ZOA 108-23 and, based upon the proposed findings of fact and conclusions of law in the staff report and testimony presented during the hearing, incorporated herein by this reference, the City Council voted to approve the proposed amendments.

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

Section 1. The City Council hereby approves and adopts the findings of fact and conclusions of law connected with **Zoning Ordinance Amendment No. 108-23**, attached to and made part of this Ordinance as Exhibit "A", consistent with the Planning Commission's recommendation.

Section 2. The City Council hereby approves and adopts the proposed amendments detailed in **Zoning Ordinance Amendment No. 108-23**, attached to and made part of this Ordinance as Exhibit "B", consistent with the Planning Commission's recommendation.

Section 3. This Ordinance shall be effective 30 days after adoption.

PASSED AND ADOPTED THIS 11th DAY OF SEPTEMBER, 2023,

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF SEPTEMBER, 2023.

Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

EXHIBIT A

Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 108-23

City of The Dalles Municipal Code, Title 10 Land Use and Development

Section 10.3.110.030 Review Criteria.

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules, including the State Transportation Planning Rule OAR 660-012-0060. Proposed text amendments shall be consistent with the adopted Transportation System Plan and the planned function, capacity, and performance standards of the impacted facility or facilities. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.

FINDING #1: Staff will address consistency with the Comprehensive Plan, State Laws, and Administrative Rules in subsequent findings. **Criterion met.**

City of The Dalles Comprehensive Plan

Goal #1. Citizen Involvement. *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

Policy 3. *The land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land.*

FINDING #2: Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on July 5, 2023, more than ten days prior to the July 20, 2023 Commission hearing. Notice of the public hearing was sent to all local news media, Wasco County Planning, and posted on the City's website on July 5, 2023. All City Council and Commission meetings are open to the public and allow the opportunity to provide testimony on all proposed amendments. Additionally, a notice of the proposed amendments were submitted to the Department of Land Conversation and Development on March 15, 2023, more than 35 days prior to the July 20, 2023 hearing. To date, no comment was received. **Criterion met.**

Goal #2. Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Policy 6. *Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.*

FINDING #3: The proposed amendments implementation process is consistent with the legislative application process outlined in TDMC 10.3.110.030 and follows proper noticing requirements of TDMC 10.3.020.060. These amendments aim to encourage

more administrative approval authority by removing ambiguity and discretionary language. **Criterion met.**

Policy 8. Implementing ordinances shall be consistent with this plan.

FINDING #4: See Finding #3.

Goal #10. Housing. *To provide for the housing needs of citizens of the state.*

Policy 8. Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.

FINDING #5: The proposed amendments will modify the existing residential zoning district development standards to allow for more flexibility with building orientation and entrance standards. By allowing more flexibility with building and orientation standards, single-family residential development may be built on narrow lots to accommodate infill development and additional housing options. **Criterion met.**

Policy 13. Residential manufactured housing shall be allowed in individual lots on par with site-built single-family homes, subject to design standards authorized by State statute. Manufactured dwelling parks shall be allowed in the Medium Density Residential district, subject to specific siting requirements.

FINDING #6: Currently, the minimum lot width in the High and Medium Density Residential zoning districts are 25 feet for corner lots and 20 feet for interior lots. However, this minimum lot width can create narrow lots, posing a challenge for siting site-built and manufactured homes alike.

A typical design for manufactured homes is with the front door located on the longest building face. This design feature further exacerbates the challenge of accommodating manufactured homes on narrow lots. To address this issue, the proposed building orientation amendments remove the front door requirement from the front building line and requires a pedestrian connection to the right-of-way. By doing so, it will remove barriers to residential development on narrow lots, particularly for manufactured homes.

Policy 16. Development standards in all density areas shall be revised in order to permit more flexibility in site planning and development. New standards shall consider flexibility for lot sizes, setbacks, accessory residential uses on the same lot, parking, alleyways and other development features.

FINDING #7: The development standards in all residential zones shall permit more flexibility for building orientation and entrance standards. These revised standards will allow primary entrances to be located on the front and side building faces, while requiring a pedestrian walkway. This proposed amendment will allow for greater housing options on narrow lots. **Criterion met.**

Policy 17. Development compatibility standards shall be implemented for all density areas. Compatibility standards are intended to ensure that new development is compatible with its surroundings and enhances the character it is located within. New standards shall consider landscape, building setback, building height and bulk, main entrance, parking, building design and additional standards applicable in historic districts.

FINDING #8: The proposed building entrance and orientation standards shall affect the primary entrance standards to provide greater flexibility in housing types for narrow lots. These proposed amendments are compatible with the residential neighborhood surroundings as they will require a pedestrian connection from the primary entrance to the street/sidewalk. **Criterion met.**

Oregon Revised Statute (ORS)

ORS 197.307(4)

A local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

- a) May include, but are not limited to, one or more provisions regulating the density or height of a development.*
- b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

FINDING #9: The proposed amendments aim to remove ambiguous and inconsistent terminology used throughout the code relating to housing. None of the proposed amendments discourage housing through unreasonable cost or delay. **Criterion met.**

Oregon Administrative Rules (OAR)

OAR 660-012-0060

FINDING #10: Staff found that the proposed changes do not affect an existing or planned transportation facility; therefore OAR 660-012-0060 is not applicable to this zoning ordinance amendment. **Criterion not applicable.**

EXHIBIT B
Proposed Amendments
Zoning Ordinance Amendment 109-23

The Dalles Municipal Code

10.3.020.010 Purpose

- A. This Article describes the review procedures required to make final decisions regarding applications for ministerial actions, ~~planning administrative~~ actions, and legislative actions, and to provide for appeals from aggrieved persons or parties.

#

10.3.010.040 Applications

Application for ministerial, ~~planning administrative~~, and legislative actions shall be made on forms provided by the Director, comply with all applicable sections of this Title, and, where applicable, meet the following criteria:

#

10.3.010.035 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. ~~One electronic copy~~ ~~Eighteen Copies~~ of the application and site plan are required.

#

10.3.020.030 Ministerial Actions

- C. Time Limits. The Director shall approve or deny an application for a ministerial action within 21 days of ~~accepting~~ the application ~~being deemed complete~~ unless the time limit is extended with the consent of the applicant.

#

10.3.020.040 Administrative Actions

~~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.~~

#

10.3.020.050 Quasi-Judicial Actions

- 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.~~

- ~~1. 2.~~ Hearings on applications for quasi-judicial actions shall be conducted per the procedures in Section 10.3.020.070: Public Hearings.
- ~~2. 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
- ~~3. 4.~~ The hearings body shall hold at least one public hearing on a complete application.
- ~~4. 5.~~ The burden of proof is placed on the applicant seeking a planning action.
- ~~5. 6.~~ The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.
- ~~6. 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.

#

10.3.030.020 Review Procedures

- B. Applications. In addition to the requirements of Article 3.010: Application Procedures, site plan review applications shall be accompanied by one electronic copy of plans consistent with Article 6.180. The City, at its discretion, may require the application include a paper copy of the one or more of the plans described in Article 6.180 Required Plans. 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 10.3.030.030: Required Plans. When plans are drawn using CAD software, 1 digital disc copy shall be submitted in addition to the required hard copies.

#

10.3.030.030 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 1 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 Article 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 1 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 stormwater 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.~~

#

10.3.030.050 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~~ ensure full and faithful performance on making those required public improvements, including a private street per the provisions of Section 10.9.040.060(I): Performance Guarantee of this Title.

#

10.3.050.030 Review Procedures

A. Applications. In addition to the requirements of Article 3.010: Application Procedures, conditional use permit applications shall be accompanied by one electronic copy of plans

~~consistent with Article 6.180. The City, at its discretion, may require the application include a paper copy of the one or more of the plans described in Article 6.180 Required Plans. at least 15 copies of a concept site plan, and, when required, 2 copies of the detailed landscape and construction/design plans, per the provisions of Article 3.030: Site Plan Review.~~

B. Review.

1. Conditional use permits shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: 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 ~~Article 6.180: Required Plans 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 subsection C of this section.
3. The Commission may require a performance guarantee, per the provisions of Section 10.9.040.060(I): Performance Guarantee to ensure compliance with any conditions of approval.

#

10.3.050.050 Zone Specific Review Criteria

C. Conditional Uses. The standards shall apply to the following conditional uses in the RL zone:

- ~~1. Child care centers;~~
- ~~1. 2.~~ Funeral and interment services (interring and cemeteries only);
- ~~2. 3.~~ Community facilities; and
- ~~3. 4.~~ Digital signs in residential zones or overlay zones.

#

10.3.070.040 Conditions of Approval

In granting the variance, the Commission may attach any reasonable conditions deemed necessary to ~~insure ensure that~~ the review criteria are met.

#

10.3.080.050 Conditions of Approval

In granting the adjustment, the approving authority may attach any reasonable conditions deemed necessary to ~~insure ensure that~~ the review criteria are met.

#

10.3.086.040 Lot Coverage

Lot coverage is limited to no more than 50% impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not allow rain to percolate into the soil.

NOTE: Un-compacted gravel surfaces or pervious pavers may be demonstrated to be partially pervious using a professionally accepted methodology. If this calculation is prepared by the applicant's engineer and approved by the City Public Works Director, the graveled or permeable paved surface shall be counted in the lot coverage figure in accordance with its relative permeability (e.g., if a graveled path is demonstrated to be 15% permeable then 85% of the graveled path area would be counted in the impervious surface calculation).

The purpose of this requirement is to help ~~insure~~ ensure that surface and stormwater are contained on site. Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall also be employed. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees. Aggressive employment of stormwater low impact development techniques may allow for additional lot coverage if an applicant develops a project design that demonstrates the ability to handle surface and stormwater in common areas without limiting the community or public benefits of the established common areas. Private areas may also be relied on for stormwater infiltration if determined to be adequately protected by easement to ensure the continued availability of these areas as infiltration areas.

#

10.3.010.030 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~~ Ensure that the application is consistent with the substantive and procedural requirements of this Title and the applicable elements of The Comprehensive Plan.

#

10.5.010.020 Permitted Uses

4. Other use types:
 - a. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
 - b. Residential care home, as defined in Chapter 10.2 - Definitions.
 - c. Child care center, as defined in Chapter 10.2 - Definitions

#

10.5.010.030 Conditional Uses

The following conditional uses are allowed subject to review and approval per the provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits.

~~A. Child care center, as defined in Chapter 10.2 – Definitions.~~

A. ~~B.~~ Community facilities, subject to the provisions of Article 5.100: Community Facilities Overlay District.

B. ~~C.~~ Funeral and interment services (interring and cemeteries only), subject to the provisions of Article 5.100: Community Facilities Overlay District.

C. ~~D.~~ Planned development, subject to the provisions of Article 9.050: Planned Development.

D. ~~E.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.

E. ~~F.~~ Adult Business. An application for an adult business shall also comply with the following criteria:

#

10.5.010.060 Development Standards

<u>Setback</u>	
<u>Side yard (exterior)</u>	8 ft., except 20 ft. for garage entrance
Building Orientation	The front building line shall be <u>building shall be oriented</u> 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. <u>Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on the rear building face is prohibited. Front building orientation cannot be modified from its original design to meet this criteria.</u>

#

10.5.020.020 Permitted Uses

4. Care facility use types: ~~, subject to the provisions of Article 3.030: Site Plan Review:~~

a. Child care center, as defined in Chapter 10.2 - Definitions.

~~b.~~ Residential care home, as defined in Chapter 10.2 - Definitions.

~~b.c.~~ Residential care facility, as defined in Chapter 10.2 – Definitions, ~~, subject to the provisions of Article 3.030: Site Plan Review.~~

5. Other Use types:

- a. Wireless communication facilities, subject to the provisions of Article 6.140:
Wireless Communication Equipment.

~~b. Residential care home, as defined in Chapter 10.2 - Definitions.~~

#

10.5.020.060 Development Standards

RH High Density Residential	Standard			
	Single-Family Attached, Row Houses, or Townhomes (3 or more units)	One and Two Dwelling Units per Lot (Single-Family Detached and Duplex)	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	1,500 sq. ft. per dwelling unit	2,500 sq. ft.	1,500 sq. ft. per dwelling unit	1,500 sq. ft. per dwelling unit

Building Orientation	The front building line shall be building shall be oriented 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. Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on the rear building face is prohibited. Front building orientation cannot be modified from its original design to meet this criteria.
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10.5.030.020 Permitted Uses

4. Care facility use types: ~~subject to the provisions of Article 3.030: Site Plan Review:~~

- a. Child care center, as defined in Chapter 10.2 - Definitions.

~~b. Residential care home, as defined in Chapter 10.2 - Definitions.~~

~~b-c. Residential care facility, as defined in Chapter 10.2 – Definitions;~~ subject to the provisions of Article 3.030: Site Plan Review.

5. Other Use types:

- a. Wireless communication facilities, subject to the provisions of Article 6.140:
Wireless Communication Equipment.

~~b. Residential care home, as defined in Chapter 10.2 - Definitions.~~

#

10.5.030.060 Development Standards

RM Medium Density Residential	Standard			
	Single-Family Attached, Row Houses, or Townhomes (3 or ore units)	One and Two Dwelling Units per Lot (Single-Family Detached and Duplex)	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	2,000 sq. ft. per dwelling unit	4,000 sq. ft.	2,000 sq. ft. per dwelling unit	2,000 sq. ft. per dwelling unit

Building Orientation	The front building line shall be <u>building shall be oriented</u> 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. <u>Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on the rear building face is prohibited. Front building orientation cannot be modified from its original design to meet this criteria.</u>
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10.5.030.070 Design Standards

- E. Multiple Buildings Dwelling Units and Detached Dwellings (3+) on One Lot—Separation Between Buildings Dwelling Units, Three or More Detached Dwellings Per Lot, 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 Dwelling Units~~ with windowed walls facing buildings with windowed walls: 10 feet of separation.
 2. ~~Buildings Dwelling Units~~ with windowed walls facing buildings with a blank wall: 10 feet of separation.
 3. ~~Buildings Dwelling Units~~ with opposing blank walls: 10 feet of separation.
 4. ~~Buildings Dwelling Units~~ separation shall also apply to building projections such as balconies, bay windows, and room projections.
 5. ~~Buildings Dwelling Units~~ with courtyards shall maintain separation of opposing walls as listed in paragraphs 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:

- ~~8.~~ 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.

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10.5.030.060 Development Standards

Side Yard (interior)	5 ft. minimum, except where dwelling has a zero setback on opposite side, including end unit of townhome dwelling units, and 10 ft. separation between buildings dwelling units.
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10.5.030.070 Design Standards

E. Multiple Buildings and Detached Dwellings (3+) on One Lot—Separation Between ~~Buildings~~ dwelling units, Three or More Detached Dwellings per lot, 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~~ Dwelling Units with windowed walls facing buildings with windowed walls: 10 feet ~~of~~ separation.
2. ~~Buildings~~ Dwelling Units with windowed walls facing buildings with a blank wall: 10 feet ~~of~~ separation.
3. ~~Buildings~~ Dwelling Units with opposing blank walls: 10 feet ~~of~~ separation.
4. ~~Buildings~~ Dwelling Units separation shall also apply to building projections such as balconies, bay windows, and room projections.
5. ~~Buildings~~ Dwelling Units with courtyards shall maintain separation of opposing walls as listed in paragraphs 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

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10.5.050.030 Permitted Uses

- A. Primary Uses. ~~Permitted Outright. The following primary uses shall be subject to the provisions of Article 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 Title 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 [10.2](#) - 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, and Medical Marijuana Dispensaries. An application for a medical marijuana dispensary shall also comply with the following criteria:
 - a. The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
 - b. The medical marijuana dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the

property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:

- i. A public or private elementary, secondary or career school attended primarily by minors.
 - ii. A public library.
 - iii. 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.
- c. The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.
 - d. The dispensary facility shall not have a drive-up use.
 - e. The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.
 - f. The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
 - g. The hours of operation for the dispensary facility shall be no earlier than 10:00 a.m. and no later than 6:00 p.m.
- 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 [10.7](#) - 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 Section [10.5.050.040](#): 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. Sub-districts 1 and 3:
 - i. All existing dwellings built prior to the adoption of this title.
 - ii. Duplex and single-family attached.

- iii. Attached town houses (zero lot line, 3 to 8 unit clusters).
 - iv. Multifamily dwelling.
- b. Sub-district 2: All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
- 20. Residential care facility, as defined in Chapter [10.2](#) - Definitions, and subject to the limitations on residential uses specified in subsection (A)(19).
- 21. Residential care home, as defined in Chapter [10.2](#) - Definitions, and subject to the limitations on residential uses specified in subsection (A)(19).
- 22. Retail uses.
- 23. Wireless communication facilities, subject to the provisions of Article [6.140](#): Wireless Communication Equipment.
- 24. Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:
 - a. The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.
 - b. The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:
 - i. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 - ii. A public library.
 - iii. A public park.
 - iv. A recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 - v. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.
 - c. The retail facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
 - d. The retail facility shall not have a drive-up use.
 - e. The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.

- f. The retail facility's license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission, and the retail facility must comply with all applicable laws and regulations administered by the respective State agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.
 - g. The hours of operation for the retail facility shall be no earlier than 10:00 a.m. and no later than 8:00 p.m.
 - h. The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.
 - i. No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by State law.
 - j. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
 - k. A licensed retail facility may register with the Oregon Liquor Control Commission (OLCC) to engage in the same retail license activity for specified medical marijuana purposes, as allowed by the OLCC.
25. Other uses determined by the Director to be similar to the above uses.

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10.5.060.020 Permitted Uses

- A. Primary Uses. ~~Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, and all other applicable requirements of this Title 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 Section [10.5.070.030](#): Conditional Uses of this Article). Uses are allowed only on site except during community events.
 - 3. Child care center, as defined in Chapter [10.2](#) - 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, Clinics, Laboratories, and Medical Marijuana Dispensaries. An application for a medical marijuana dispensary shall also comply with the following criteria:
 - a. The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
 - b. The medical marijuana dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:
 - i. A public or private elementary, secondary or career school attended primarily by minors.
 - ii. A public library.
 - iii. 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.
 - c. The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.
 - d. The dispensary facility shall not have a drive-up use.
 - e. The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.
 - f. The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
 - g. The hours of operation for the dispensary facility shall be no earlier than 10:00 a.m. and no later than 6:00 p.m.
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 [10.7](#) - 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 of Section [10.5.060.030](#): Conditional Uses below).
19. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters (including multiplex cinemas), and game rooms.
20. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
21. Recreational vehicle parks, in accordance with Chapter [10.12](#) - Recreational Vehicle Parks.
22. Residential care facility, as defined in Chapter [10.2](#) - Definitions, and subject to the limitations on residential uses specified in subsection (A)(20).
23. Assisted living facility, subject to the limitations on residential uses specified in subsection (A)(20).
24. Residential care home, as defined in Chapter [10.2](#) - Definitions, and subject to the limitations on residential uses specified in subsection (A)(20).
25. Retail uses, including shopping centers, markets, grocery stores, agricultural sales and service, feed and seed stores, garden centers, and landscape supplies.
26. Wholesale uses.
27. Wireless communication facilities, subject to the provisions of Article [6.140](#): Wireless Communication Equipment.
28. Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:
 - a. The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.
 - b. The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:
 - i. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 - ii. A public library.
 - iii. A public park.
 - iv. A recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

- v. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.
 - c. The retail facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
 - d. The retail facility shall not have a drive-up use.
 - e. The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.
 - f. The retail facility's license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission, and the retail facility must comply with all applicable laws and regulations administered by the respective State agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.
 - g. The hours of operation for the retail facility shall be no earlier than 10:00 a.m. and no later than 8:00 p.m.
 - h. The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.
 - i. No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by State law.
 - j. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
 - k. A licensed retail facility may register with the Oregon Liquor Control Commission (OLCC) to engage in the same retail license activity for specified medical marijuana purposes, as allowed by the OLCC.
29. Shelter housing.
- a. Established and seasonal shelters. Established and seasonal shelters shall:
 - i. Provide sleeping and restroom facilities for clients;
 - ii. Comply with State Building Code standards; and
 - iii. Be operated by one or more of the following:
 - (A) A local government as defined in ORS 174.116;
 - (B) An organization with at least two years' experience operating low-income housing programs or reasonable equivalent and is:

- (1) A local housing authority as defined in ORS 456.375,
 - (2) A religious corporation as defined in ORS 65.001, or
 - (3) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless prevention and has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code for at least three years prior to submitting its application for a seasonal shelter; or
- (C) A nonprofit corporation partnering with any other entity described in this subsection.
- iv. The shelter shall maintain a written operational plan shall include the following information:
 - (A) Description of purpose and scope of services of the shelter;
 - (B) Bed capacity for guests;
 - (C) Hours of operation, if applicable; and
 - (D) Twenty-four-hour staffing and emergency contact.
- v. Setbacks. Setbacks shall be the same as setbacks required by the zone district.
- vi. Access.
 - (A) Access shall be from an arterial or collector street, or shall be from a street with sufficient width and ease of access to allow any vehicle to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case-by-case basis to determine if access is adequate for the type of vehicles anticipated to enter into, and exit from, the site. The evaluation will include on-street parking allowances and the condition of the street.
 - (B) In order to facilitate ease of entry and exit, the Planning Director may authorize a wider driveway entrance than is otherwise provided for in this Title.
 - (C) Site access connections to public streets shall meet the requirements of Article 10.6.050: Access Management.
- vii. Screening. Except for the access roadway into the shelter, the shelter shall be screened per Section [10.6.010.050](#).
- viii. Bicycle parking for residents shall be installed to be consistent with Article 10.7.040: Bicycle Parking Design Standards, and Section [10.7.060.010](#): Minimum and Maximum Off-Street Parking Requirements.
- b. Established shelters, additional requirements.
 - i. Surfacing. All areas used for vehicular and required pedestrian walkways shall be paved with asphalt, concrete or similar material, and be designed to provide for the control of runoff or surface water.

- ii. Parking requirement. There shall be a minimum of 1 parking space per every 10 beds and a maximum of 1 parking space per shelter unit. Parking areas shall meet all of the requirements of Article 10.7.030: General Design Standards for Surface Parking Lots.
 - iv. Bicycle parking requirement. There shall be a minimum of 1 bicycle parking space per every 5 beds. Bicycle Parking shall meet all the requirements of Article 7.040: Bicycle Parking Standards.
 - iv. Landscaping. All areas not occupied by buildings, walkways, parking, streets, and shelters shall be landscaped per the provisions of Article 10.6.010: Landscaping. A landscape plan is required prior to the City signing a building permit application. The landscaping plan shall include internal shade trees.
 - v. Shelter maintenance and storage. Each shelter shall at all times keep a neat appearance. All storage shall be contained in a building or enclosed shed. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the shelter or to any of the guests.
 - vi. Services incidental to established and seasonal shelter, including, but not limited to, the provision of utilities, showering or bathing facilities, laundry services, bedding, security, transportation, sustenance, low-impact recreation areas, case management and social welfare services, storage sheds or lockers, and minor repairs undertaken specifically to make suitable space available for shelter.
30. Other uses determined by the Director to be similar to the above uses.

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10.5.070.020 Permitted Uses

- A. Primary Uses. ~~Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, and all other applicable requirements of this Title 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 10.2 - 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, Laboratories, and Medical Marijuana Dispensaries. An application for a medical marijuana dispensary shall also comply with the following criteria:
 - a. The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
 - b. The medical marijuana dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:
 - i. A public or private elementary, secondary or career school attended primarily by minors.
 - ii. A public library.
 - iii. 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.
 - c. The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.
 - d. The dispensary facility shall not have a drive-up use.
 - e. The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.
 - f. The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
 - g. The hours of operation for the dispensary facility shall be no earlier than 10:00 a.m. and no later than 6:00 p.m.
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 of Section 10.5.070.030: Conditional Uses of this Article).
19. Public and private parking lots, subject to the provisions of Chapter 10.7 - 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 multiplexes, 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 Article 6.140: Wireless Communication Equipment.
25. Warehousing, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities.
26. Wholesale uses.
27. Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:
 - a. The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.
 - b. The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:
 - i. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(a)(a).
 - ii. A public library.
 - iii. A public park.
 - iv. A recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 - v. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.

- c. The retail facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
 - d. The retail facility shall not have a drive-up use.
 - e. The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.
 - f. The retail facility's license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission, and the retail facility must comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.
 - g. The hours of operation for the retail facility shall be no earlier than 10:00 a.m. and no later than 8:00 p.m.
 - h. The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.
 - i. No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by state law.
 - j. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
 - k. A licensed retail facility may register with the Oregon Liquor Control Commission (OLCC) to engage in the same retail license activity for specified medical marijuana purposes, as allowed by the OLCC.
28. Shelter housing.
- a. Established and seasonal shelters. Established and seasonal shelters shall:
 - i. Provide sleeping and restroom facilities for clients;
 - ii. Comply with State Building Code standards; and
 - iii. Be operated by one or more of the following:
 - (A) A local government as defined in ORS 174.116;
 - (B) An organization with at least two years' experience operating low-income housing programs or reasonable equivalent and is:
 - (1) A local housing authority as defined in ORS 456.375,
 - (2) A religious corporation as defined in ORS 65.001, or

- (3) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless prevention and has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code for at least three years prior to submitting its application for a seasonal shelter; or
 - (C) A nonprofit corporation partnering with any other entity described in this subsection.
 - iv. The shelter shall maintain a written operational plan shall include the following information:
 - (A) Description of purpose and scope of services of the shelter;
 - (B) Bed capacity for guests;
 - (C) Hours of operation, if applicable; and
 - (D) Twenty-four-hour staffing and emergency contact.
 - v. Setbacks. Setbacks shall be the same as the setbacks required by the zone district.
 - vi. Access.
 - (A) Access shall be from an arterial or collector street, or shall be from a street with sufficient width and ease of access to allow any vehicle to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case-by-case basis to determine if access is adequate for the type of vehicles anticipated to enter into, and exit from, the site. The evaluation will include on-street parking allowances and the condition of the street.
 - (B) In order to facilitate ease of entry and exit, the Planning Director may authorize a wider driveway entrance than is otherwise provided for in this Title.
 - (C) Site access connections to public streets shall meet the requirements of Article 10.6.050: Access Management.
 - vii. Screening. Except for the access roadway into the shelter, the shelter shall be screened per Section [10.6.010.050](#).
 - viii. Bicycle parking for residents shall be installed to be consistent with Article 10.7.040: Bicycle Parking Design Standards, and Section [10.7.060.010](#): Minimum and Maximum Off-Street Parking Requirements.
- c. Established shelters, additional requirements.
 - i. Surfacing. All areas used for vehicular and required pedestrian walkways shall be paved with asphalt, concrete or similar material and be designed to provide for the control of runoff or surface water.
 - ii. Parking requirement. There shall be a minimum of 1 parking space per every 10 beds and a maximum of 1 parking space per shelter unit. Parking areas

shall meet all of the requirements of Article 10.7.030: General Design Standards for Surface Parking Lots.

- iii. Bicycle parking requirement. There shall be a minimum of 1 bicycle parking space per every 5 beds. Bicycle Parking shall meet all the requirements of Article 7.040: Bicycle Parking Standards.
- iv. Landscaping. All areas not occupied by buildings, walkways, parking, streets, and shelters shall be landscaped per the provisions of Article 10.6.010: Landscaping. A landscape plan is required prior to the City signing a building permit application. The landscaping plan shall include internal shade trees.
- v. Shelter maintenance and storage. Each shelter shall at all times keep a neat appearance. All storage shall be contained in a building or enclosed shed. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the shelter or to any of the guests.

29. Other uses determined by the Director to be similar to the above uses.

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10.5.080.020 Permitted Uses

A. Primary Uses. ~~Permitted Outright. The following primary uses shall be processed per the provisions of Article 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 Title, 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 10.7 - 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 Section 10.5.080.030: Conditional Uses below).
- 11. Recreational vehicle parks, in accordance with Chapter 10.12 - Recreational Vehicle Parks.
- 12. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.

~~12.~~ 13. Child care center, as defined in Chapter 10.2 - Definitions.

~~13.~~14. Other uses determined by the Director to be similar to the above uses.

10.5.080.030 Conditional Uses

The following conditional uses are allowed subject to review and approval per the provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits.

~~A. Child care center, as defined in Chapter 10.2 - Definitions.~~

~~B.A.~~ Community facilities, subject to the provisions of Article 5.100: Community Facilities Overlay District.

~~C.B.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.

~~D.C.~~ Other uses determined by the Director to be similar to the above uses.

~~E.D.~~ Adult Business. An application for an adult business shall also comply with the following criteria:

~~F.E.~~ Planned development, subject to the provisions of Article 9.050: Planned Development.

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10.5.090.020 Permitted Uses

~~A. Primary Uses. Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, and all other applicable requirements of this Title and other City ordinances:~~

~~1.~~ Auto body shops, auto painting, and machine shops.

~~2.~~ Child care center, as defined in Chapter 10.2 - Definitions.

~~2.3.~~ Circus or like activity (limited to 4 events per year per site).

~~3.4.~~ Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per Section 10.5.090.030: Conditional Uses of this Article) located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.

~~4.5.~~ Food production and manufacturing.

~~5.6.~~ Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).

~~6.7.~~ Heavy equipment sales and service, on site only.

~~7.8.~~ Laundry and cleaning service industries.

~~8.9.~~ 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).

~~9.10.~~ Printing and publishing.

~~10.11.~~ Public and private parking lots.

- ~~11~~.12. Public and private vehicle servicing and fueling stations.
- ~~12~~.13. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.090.030: Conditional Uses of this Article).
- ~~13~~.14. Railroad yards and spurs, shipyards, and commercial docking facilities.
- ~~14~~.15. Rock, sand, and gravel cleaning, crushing, processing, and assaying.
- ~~15~~.16. Rodeo grounds.
- ~~16~~.17. Storage and maintenance yards.
- ~~17~~.18. Transportation facilities.
- ~~18~~.19. Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.
- ~~19~~.20. Veterinary services, kennels, and fish hatcheries.
- ~~20~~.21. Warehouses.
- ~~21~~.22. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~22~~.23. Other uses determined by the Director to be similar to the above uses.

#

10.5.090.030 Conditional Uses

The following conditional uses are allowed subject to review and approval, per the appropriate provisions of either Article 3.050: Conditional Use Permits or Article 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 10.2 – Definitions.~~
- ~~D~~.C. Collection, packaging, storage and reprocessing of recyclable materials, so long as the market area is more than 50% from the local area.
- ~~E~~.D. Junkyards and automotive wrecking yards enclosed within a view obscuring fence or wall.
- ~~F~~.E. Recreation facilities (commercial - outdoor), including golf courses and shooting ranges.
- ~~G~~.F. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~H~~.G. Other uses determined by the Director to be similar to the above uses.
- ~~I~~.H. Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- ~~J~~.I. The production, processing, storage, and wholesaling of recreational or medical marijuana, including a non-personal medical marijuana grow operation. An application for a marijuana

production, processing, storage, wholesaling facility, or non-personal medical marijuana grow operation shall also comply with the following criteria:

#

10.5.110.010 Purpose

This district implements the P/OS - Parks and Open Space Comprehensive Plan Designation and is intended to ~~insure~~ ensure 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.

#

10.5.080.010 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~~ ensure 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.

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10.6.010.020 Definition

~~B. Single family dwellings, including manufactured homes;~~ All residential developments shall landscape the undeveloped portions of the front yard, as defined in this Title, within the first 6 months after occupancy. For purposes of this Article, landscaping may be live plant material, dry landscaping, or a combination of live plant material and dry landscaping.

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10.6.010.030 General Provisions

B. Landscaping Plans. Where landscaping is required by this Title, 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 10.3.030.030(B);~~ Article 6.180 Required Plans(B). 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 Article.

#

10.6.010.070 Required Landscaping by Zone

ZONE	SITE REQUIREMENT
RL <u>1 and 2 Dwelling units</u>	Site landscaped according to Article 6.010
RH	-

ZONE	SITE REQUIREMENT
1, 2, 3, or 4 Family 5+ Family	Site landscaped according to Article 6.010 Equal to 1.5 times the first floor area of all structures minimum
RM 1,2,3, or 4 Family Dwelling units 5+ Family Dwelling units	Site landscaped according to Article 6.010 Equal to first floor area of all structures minimum
RH 1, 2, 3, or 4 Dwellings units 5+ Dwelling units	Site landscaped according to Article 6.010 Equal to 1.5 times the first floor area of all structures minimum
NC	
1, 2, 3, or 4 Family Residential Only Dwelling units	Site landscaped according to Article 6.010
5+ Family Residential Only Dwelling units	Equal to the first floor area of all structures minimum
Commercial Only	Equal 10% of the first floor area of all structures minimum
Mixed Residential/Commercial	Equal to 0.5 times the first floor area of all structures minimum

#

10.6.020.010 Purpose

- B. This Article seeks to ~~insure~~ ensure 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.

#

10.6.010.050 Screening – Hedges, Fences, Walls other than Retaining Walls, Berms

1. Residential ~~Areas~~ Zones.
2. Commercial and Industrial ~~Areas~~ Zones. Barbed wire may be allowed above the fence or wall height requirement.

#

10.6.090.010 Height Limitation Exceptions

- B. Airport Protection. In order to ~~insure~~ ensure 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.

#

10.6.120.030 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.~~
 - 1. Bare metal siding and roofing is prohibited.
 - ~~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.

#

10.6.120.040 Manufactured ~~Homes~~ Dwellings

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.E.~~ Landscaping. Landscaping shall meet the requirements of Article 6.010. (Ord. 21-1384)

#

10.6.160.010 Uses Allowed

- C. Temporary Use. Intermodal cargo containers are allowed for a maximum duration of 30 days temporarily in all zones without having to comply with subsection B of this section. Intermodal cargo containers are exempt from Section 10.6.160.010 (B).

#

~~10.3.030.030 Required plans~~

Article 6.180 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 1 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 Article 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 1 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 stormwater 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.

#

10.9.050.040 Conceptual Development Plan Applications

B. Graphics. A conceptual development plan application shall include all of the requirements of ~~Section 10.3.030.030(A): Site Plan~~ **Article 6.180 Required Plans** as part of the site plan review requirements for a conditional use, and all of the following graphic information where applicable:

#

10.9.040.030 Subdivision Applications

- 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 10.3.030.030(f)~~ Article 6.180 Required Plans apply here also.

#

10.11.060 Development Standards

- 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~~

#

10.11.050 Park Perimeter Screening

- B. Perimeter Screening Adjacent to Public Streets. ~~Applicants may chose one of the following options for screening adjacent to public streets~~ 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:

~~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:~~

- ~~i.~~ 1. Fencing. Any fence shall have an average 15-foot setback from the public right-of-way and shall meet the requirements of Article 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.
- ~~ii.~~ 2. Berms. Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 feet in 2 years. This combination is subject to the following standards:
 - ~~i.~~ a. 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.
 - ~~ii.~~ b. At least one row of deciduous and/or evergreen shrubs spaced not more than 5 feet apart shall be planted on the berm.
 - ~~iii.~~ c. Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

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10.13.050.030 Freestanding and Projecting Signs

- E. To ~~insure~~ ensure traffic safety, signs shall be located in accordance with the "clear vision area" provisions of this Title.

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10.13.060.030 Clearance and Safeguard

To ~~insure~~ ensure public safety, the installation and maintenance of all signs shall be subject to the following provisions.

- B. All freestanding 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~~ ensure clearance from underground utilities.

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10.6.140.060 Review Criteria

- G. Federal Aviation Administration (FAA) Requirements. In order to ~~insure~~ ensure 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.

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10.9.040.060 Final Subdivision Plat Review

- 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-ensure~~ complete monumentation at a later date.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

RESOLUTION NO. PC 616-23

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING
CITY COUNCIL APPROVAL OF VARIOUS MINOR AMENDMENTS TO
THE DALLES MUNICIPAL CODE, TITLE 10 – LAND USE AND
DEVELOPMENT AND REPEALING THE PREVIOUS RESOLUTION NO.
PC 615-23

WHEREAS, an application was submitted for Zoning Ordinance Amendment 108-23 proposing minor changes to The Dalles Municipal Code, Title 10 Land Use and Development;

WHEREAS, on April 20, 2023, Community Development Department staff presented those various minor changes for Planning Commission consideration and the Planning Commission adopted Resolution No. PC 615-23 to recommend City Council approval them;

WHEREAS, following the Planning Commission's adoption of Resolution No. PC 615-23, the Community Development Department recommended including additional proposed amendments to Zoning Ordinance Amendment 108-23 for legal sufficiency and compliance with Oregon law;

WHEREAS, the Planning Commission conducted another noticed public hearing at its regular July 20, 2023 meeting to take public testimony on the proposed amendments to Zoning Ordinance Amendment 108-23; and

WHEREAS, the Planning Commission has considered the public testimony and reviewed the proposed amendments set forth in Zoning Ordinance Amendment 108-23 and, based upon the proposed findings of fact and conclusions of law in the staff report, and testimony presented during the hearing (incorporated herein by this reference), the Planning Commission voted to recommend the amendments be forwarded to the City Council for their review and adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:


Section 1. The Planning Commission hereby repeals the previous iteration of Resolution No. PC 615-23 it adopted on April 20, 2023.

Section 2. The Planning Commission recommends the proposed Zoning Ordinance Amendment 108-23, attached to and made part of this Resolution as Exhibit "B", be approved and forwarded to City Council for its review and adoption.

Section 3. This Resolution shall be effective upon its passage and approval.

Section 4. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and transmit a copy of the Resolution to the Applicant.

APPROVED AND ADOPTED THIS 20TH DAY OF JULY, 2023.



Cody Cornett, Chair
Planning Commission


I, Joshua Chandler, Community Development Director for the City of The Dalles, hereby certify the foregoing was duly moved and adopted at a regular meeting of the Planning Commission held on the 20th day of July, 2023.

AYES: Case, Cornett, Grant, Pena, Pappoff, Portela

NAYS: _____

ABSENT: Mascher

ABSTAIN: _____

ATTEST: 

Joshua Chandler, Director
Community Development Department

MINUTES

PLANNING COMMISSION MEETING

April 20, 2023
5:30 p.m.

City Hall Council Chambers
313 Court Street, The Dalles, Oregon 97058
Via Zoom / Livestream via City Website

PRESIDING: Cody Cornett, Chair
COMMISSIONERS PRESENT: Addie Case, John Grant, Philip Mascher, Mark Poppoff
COMMISSIONERS ABSENT: Maria Pena, Nik Portela
STAFF PRESENT: Director Joshua Chandler, City Attorney Jonathan Kara,
Associate Planner Kaitlyn Cook, Secretary Paula Webb

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:30 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Poppoff and seconded by Case to approve the agenda as submitted. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

APPROVAL OF MINUTES

It was moved by Mascher and seconded by Poppoff to approve the minutes of April 6, 2023 as submitted. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

PUBLIC COMMENT

None.

QUASI-JUDICIAL PUBLIC HEARING

CUP 204-22, Maul, Foster & Alongi, Inc., 2650 River Road, 2N 13E 33 tax lot 200
Request: Applicant is requesting approval to site and construct a municipal water pump station. Once completed, these improvements will be owned and maintained by the City of The Dalles.

MINUTES

Planning Commission Meeting

April 20, 2023

Page 2 of 30

Approval of the Conditional Use Permit (CUP) will establish a Community Facilities Overlay (CFO) on a proposed future parcel.

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest, or bias which would prevent an impartial decision. Hearing none, he opened the public hearing at 5:37 p.m.

Associate Planner Cook provided the staff report and presentation, Attachment 1.

Planner Cook noted the property does not abut the right-of-way. Right-of-way improvements would be addressed with Parcels 2 and 3, as they abut rights-of-way. Plans for Parcels 2 and 3 have not yet been submitted.

Cem Gokcora, Senior Engineer, Maul Foster & Alongi for Design, LLC, 6074 NW Tollbridge Road, Portland, Oregon 97229

Mr. Gokcora stated his team has coordinated with Public Works and the City Engineer. The final design will follow all applicable regulations.

Heather Hafey, Portfolio Manager, Design, LLC, 5105 West Street, Oakland, California 94608

Ms. Hafey stated she was happy to provide answers to any questions.

There were no proponents or opponents.

The public hearing closed at 5:52 p.m.

It was moved by Grant and seconded by Mascher to approve Conditional Use Permit 204-22, with the proposed Conditions of Approval included with this report, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

LEGISLATIVE PUBLIC HEARING

ZOA 108-23, City of The Dalles

Request: Approval of proposed changes to The Dalles Municipal Code (Code), Title 10 Land Use and Development. The amendment purpose is to maintain clear terminology, adapt to modern technology, increase flexibility in housing development, and reassign plan requirements.

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest, or bias which would prevent an impartial decision. Hearing none, he opened the hearing at 5:55 p.m.

Associate Planner Cook provided the staff report and presentation, Attachment 2.

There were no proponents or opponents.

The public hearing closed at 6:07 p.m.

It was moved by Mascher and seconded by Poppoff to recommend to City Council the approval of Zoning Ordinance Amendment 108-23, adopting amendments and findings attached herein. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

PLANNING COMMISSION

RESOLUTION

Resolution PC 614-23: Adoption of Resolution PC 614-23 for approval to site and construct a municipal water pump station.

It was moved by Case and seconded by Poppoff to adopt Resolution PC 614-23 as stated. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

Resolution PC 615-23, Approval of ZOA 108-23, City of The Dalles

It was moved by Grant and seconded by Case to adopt Resolution PC 615-23 as written. The motion carried 5/0; Case, Cornett, Grant, Mascher, and Poppoff voting in favor, none opposed, Pena and Portela absent.

DISCUSSION ITEM

Second discussion and review of Land Use and Development Ordinance (LUDO) text amendments to The Dalles Municipal Code regulating Recreational Vehicle (RV) Parks. Clarifications were requested by the Planning Commission in February, 2023.

Director Chandler stated at the February 16, 2023 Planning Commission meeting, Staff facilitated a discussion regarding proposed amendments for Recreational Vehicle (RV) Parks. This discussion was requested by the Commission at the January 5, 2023 meeting, following approval of recent RV Park proposals.

Director Chandler summarized the proposed amendments:

- Zoning – Amendments include the prohibition of RV Parks within all residential zoning districts. New RV Parks may be permitted only within the General Commercial, Commercial Light Industrial, Recreational Commercial and Industrial zones.
- Review Process – RV Parks will be processed as a Site Plan Review rather than a Conditional Use Permit. There is also a provision for quasi-judicial review through the Conditional Use Permit in the event there are stays longer than one year.
- Development Standards additions:
 - Prohibited siting – RV spaces and park buildings may not be located in the flood plain, stream corridors or wetlands.
 - Screening – Expanded to clearly define requirements for surfacing, parking, landscaping, minimum shade tree requirement, pedestrian circulation, lighting, and garbage collection.
- Park Operations – Includes requirement for an on-site park host, hours of operation, quiet hours, the prohibition of outside storage, and noise impacts.
- Length of Stay – Amendments include expanding length of stay provisions with the addition of utility calculations, transient room taxes, and annual reporting requirements.