

AGENDA**REGULAR CITY COUNCIL MEETING****JULY 14, 2025****5:30 p.m.****CITY HALL COUNCIL CHAMBER****313 COURT STREET****&****LIVE STREAMED****https://www.thedalles.org/Live_Streaming**

To speak online, register with the City Clerk no later than noon the day of the council meeting. When registering include: your full name, city of residence, and the topic you will address.

Upon request, the City will make a good faith effort to provide an interpreter for the deaf or hard of hearing at regular meetings if given 48 hours' notice. To make a request, please contact the City Clerk and provide your full name, sign language preference, and any other relevant information.

Contact the City Clerk at (541) 296-5481 ext. 1119 or amell@ci.the-dalles.or.us.

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS

A. Plastic Pollution and Recycling Modernization Act – Waste Connections
District Manager, Jim Winterbottom

6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Up to three 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.

7. CITY MANAGER REPORT
8. CITY COUNCIL REPORTS

CITY OF THE DALLES

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

9. 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 June 23, 2025 Regular City Council Meeting Minutes
- B. Authorization to Purchase Three Engineered Metal Buildings for Public Works Fleet Vehicles Covered Storage
- C. Authorization to Declare Surplus of Two Police Vehicles
- D. Resolution No. 25-031 Concurring with The Mayor’s Appointments to The Historic Landmarks Commission and Federal Street Plaza Ad Hoc Committee
- E. Resolution No. 25-030 Concurring with The Mayor’s Appointment to Columbia Cascade Housing Corporation (CCHC) Board of Directors

10. PUBLIC HEARINGS

- A. Legislative Public Hearing – Consideration of General Ordinance No. 25-1414, Amending The Dalles Comprehensive Plan and Title 10 of The Dalles Municipal Code to Comply with FEMA’s 2024 Pre-Implementation Compliance Measures (PICM) Mandate and Updated Floodplain Development Standards

11. CONTRACT REVIEW BOARD ACTIONS

- A. Authorizing the City Manager to Execute Contract No. 2025-009, a Professional Services Agreement with Walker Macy, LLC, for the Federal Street Plaza Project

12. ADJOURNMENT

This meeting conducted VIA Zoom

Prepared by/
Amie Ell
City Clerk

CITY OF THE DALLES

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



Oregon Adopted Recycling Acceptance Lists

Updated January 2024




Beginning July 2025, all Oregon community members and businesses throughout the state can recycle a consistent set of materials. The Oregon Environmental Quality Commission adopted the following recycling acceptance lists on Nov. 16, 2023. These lists may change over time. For example, producer responsibility organizations may propose to add materials to the Uniform Statewide Collection List in their program plans.











Local government acceptance lists

DEQ requires local governments to collect the following materials under their Opportunity to Recycle obligations in the modernized system.



Uniform Statewide Collection List

To be collected at depots and on-route collection, and suitable for commingled collection:

<p>Corrugated cardboard (uncoated and recycle-compatible coated; clean pizza boxes OK)</p> 	<p>All kraft paper (brown paper bags, mailers)</p> 
<p>Paperboard packaging (e.g., cereal, cracker and medicine boxes)</p> 	<p>Molded pulp packaging (e.g., egg cartons, but not food serviceware or flower pots)</p> 
<p>Polycoated cartons (e.g., milk cartons), aseptic cartons.</p> 	<p>Tissue paper used as packaging (not facial or sanitary tissue)</p> 
<p>Non-metalized gift wrap (no ribbons or bows)</p> 	<p>High-grade office paper (e.g., white and colored ledger)</p> 



Newspaper/newsprint		Magazines, catalogs and similar glossy paper	
Telephone directories		Other printing and writing paper (e.g., envelopes, "junk mail", cards)	
Paperback books		Aluminum food and beverage cans	
Steel cans, including empty/dry paint cans		Scrap metal less than 10 pounds in weight and 18 inches in length; excluding sharp items and "tanglers" (e.g., bicycle chains, wire)	
Plastic tubs (e.g., cottage cheese) larger than 2 inches in two dimensions. made of PET (#1), HDPE (#2), or polypropylene (#5)		Plastic bottles larger than 2 inches in two dimensions, made of clear PET (#1), natural or colored HDPE (#2) or clear or colored polypropylene (#5) (caps OK if screwed on)	
Plastic buckets, pails, storage containers and other bulky HDPE (#2) or polypropylene (#5) plastic packaging that fit loosely in the provided on-route collection container		Nursery (plant) packaging: HDPE (#2) and PP (#5) only	

Only at depots and collected segregated from other materials (not commingled):

Motor oil		Scrap metal including large appliances and other items not on the Uniform Statewide Collection List	
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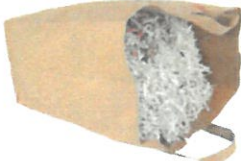

Metro region only:




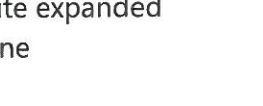
This fact sheet refers to mandates in rule only. Local governments outside the Metro region may collect glass and yard debris on-route without a regulatory requirement.

Glass packaging (bottles, jars): non-residential on-route only	
Yard debris	

PRO acceptance list

DEQ requires producer responsibility organizations to provide for the recycling of the following materials:

Steel and aluminum aerosol packaging		Single-use liquid fuel canisters and other pressurized cylinders	
Aluminum foil and pressed foil products		Glass packaging (e.g., bottles and jars)	
Shredded paper		Polyethylene film	

<p>Plastic buckets and other bulky HDPE (#2) or polypropylene (#5) packaging</p> 	<p>HDPE package handles (such as 6-pack handles)</p> 
<p>Polyethylene and polypropylene lids</p> 	<p>Block white expanded polystyrene</p> 

Translation or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

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DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).

The Plastic Pollution and Recycling Modernization Act will update Oregon's outdated recycling system by building on local community programs and leveraging the resources of producers to create an innovative system that works for everyone. The Oregon legislature passed the Recycling Modernization Act (Senate Bill 582) during the 2021 legislative session. The new law became effective Jan. 1, 2022 and recycling program changes will start in July 2025.

About the new law

This system-wide update will make recycling easier for the public to use, expand access to recycling services, upgrade the facilities that sort recyclables, and create environmental benefits while reducing social and environmental harms, such as plastic pollution. Producers and manufacturers of packaged items, paper products and food serviceware will pay for many of these necessary improvements and help ensure recycling is successful in Oregon.



State of Oregon
Department of
Environmental Quality
700 NE Multnomah St., Suite 600
Portland, OR 97232

Opportunities for local governments

Under the new law, DEQ will assess local interest in expanding collection options and recycling depots. Look for a needs assessment survey from DEQ contractor, Eunomia Research & Consulting, in early 2023 asking how your community would like to expand recycling services.

Those who complete the needs assessment survey and express interest in expanding recycling services will be eligible to receive funding under this new system beginning in 2025.

Expansion of services will begin in 2025 after the PROs work with participating local governments and service providers to determine what service expansions will be funded.

Examples of services expansion include but are not limited to:

- **new or expanded curbside collection** of covered recyclable materials including roll carts, educational materials and collection trucks;
- **new or expanded depots** for covered recyclable products including containers, equipment, and new staff;
- **new recycling reload facilities** if needed. For example, compactors, containers, or other equipment; and
- **other system improvements** to be determined



Plastic Pollution and Recycling Modernization Act

There are BIG changes coming to recycling in Oregon!

What local governments and service providers need to know:

There are changes coming to Oregon's recycling system relevant to the communities you serve. This mailer contains information and resources about how these changes will impact your community.

The Plastic Pollution and Recycling Modernization Act updates Oregon's recycling system by building on local community programs and leveraging resources from producers, creating a system where everyone in Oregon has the same opportunities to recycle. The law requires producers of packaging, printing and writing paper and food serviceware to share responsibility for the effective, responsible handling of their products after use.

The new law became effective Jan. 1, 2022, and program implementation begins in July 2025. RMA builds on existing standards and requirements from Oregon's Opportunity to Recycle Act, or OTR. The new law creates:

- **Many benefits for local governments**, including funding to expand recycling opportunities and to help reduce contamination in the recycling system.
- **Some new requirements for cities with populations over 4,000**, the areas within their urban growth boundaries and all cities in the Metro Regional Service District.
- **Many benefits and opportunities to expand recycling with very few requirements for cities with populations under 4,000.**

HOW IT WILL WORK



Producers

Will join a Producer Responsibility Organization and pay fees based on the products they sell in Oregon

Producer Responsibility Organizations

Will use the fees to fund and reimburse various local recycling service expenses



Recycling Processing Facilities

Will establish new permit and certification requirements

Uniform Statewide Collection List

Will establish a uniform list of materials that are recyclable across Oregon



Local Governments

Will receive financial support to expand recycling services and address contamination

RecyclingAct.Oregon.gov

Producers and Producer Responsibility Organizations

Producers:
Companies identified as 'Producers' are required to join and pay fees to a Producer Responsibility Organization, or PRO.

Producer Responsibility Organization:
A PRO is a non-profit organization and will be established to administer the statewide program for the management of the covered products. The PRO will use the fees to fund recycling system improvements in communities across Oregon.

Local governments

The RMA creates new funding mechanisms for local governments, who will continue overseeing collection and will receive financial support to expand recycling services and address contamination. The law includes funding to support the creation of:

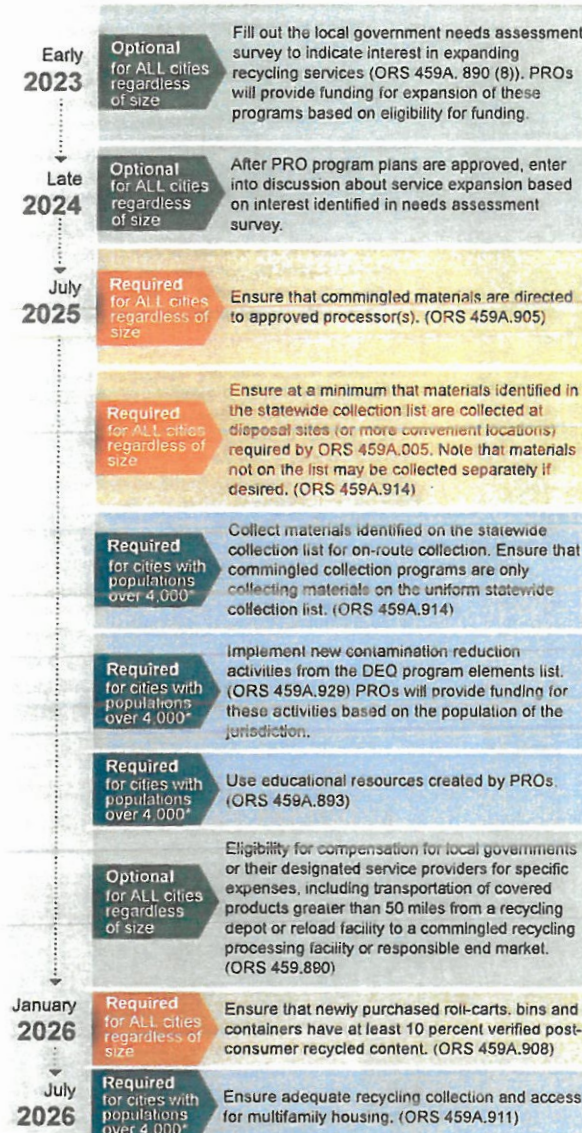
- New resources to reduce contamination found in the commingled recycling stream.
- New educational resources about the uniform statewide collection list that are culturally responsive and available in multiple languages
- Opportunities to improve and expand existing recycling services and to implement recycling services for communities that do not currently have on-route collection or depot collection.

Collection and processing

Under the new law:

- DEQ will publish a uniform statewide collection list for commingled recyclable material, allowing residents and businesses to recycle the same material, regardless of location.
- PRO funding will cover the costs of transporting collected recyclables from communities currently 50+ miles from the nearest commingled recycling processing facility or responsible end market.
- Commingled recycling processing facilities will meet new performance standards for material quality, reporting, and providing a living wage and supportive benefits to workers, among other things.

Local government requirements



*Including areas within the urban growth boundary of those cities, cities in the Metro Regional Service District.

How you can learn more

RecyclingAct.Oregon.gov



Scan the QR code to sign up for email updates and view DEQ's presentation on local government requirements and opportunities for recycling service expansion.

For general questions, email RethinkRecycling@deq.oregon.gov or reach out to one of the DEQ specialists in your area:

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Version 2, Updated January 2023

Stay tuned!

In fall 2022, DEQ hosted informational sessions with local governments, service providers and other interested parties across Oregon. The presentation recording and slides can be viewed at RecyclingAct.Oregon.gov. Below is the roadmap for the service expansion needs assessment:





AGENDA STAFF REPORT

AGENDA LOCATION: Item #9 A - E

MEETING DATE: July 14, 2025

TO: Honorable Mayor and City Council

FROM: Amie Ell, City Clerk

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

- A. **ITEM:** Approval of the June 23, 2025 Regular City Council meeting minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the June 23, 2025 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 June 23, 2025 Regular City Council meeting minutes.

- B. **ITEM:** Authorization to purchase three (3) engineered metal buildings to provide covered storage for Public Works fleet vehicles.

BUDGET IMPLICATIONS: The adopted FY2025-26 budget includes \$89,000 in line 005-0500-000.72-20 of the Street Fund, \$89,000 in line 051-5100-000.72-20 of the Water Distribution Fund, and \$89,000 in line 055-5500-000.72-20 of the Wastewater Collection Fund, for a total of \$267,000, allocated for metal covered buildings at Public Works.

SYNOPSIS: Currently, most of the City's Public Works fleet is stored outdoors, subject to continuous exposure to sun, rain, and snow. This exposure leads to accelerated deterioration, increased maintenance costs, and reduced service life of essential equipment. It is particularly important to protect vehicles from snow accumulation during the winter months, as keeping them covered improves

emergency response times by eliminating the need to clear snow and ice before deployment. To address this issue, staff proposes the purchase and installation of three covered storage buildings within the Public Works yard.

The structures are engineered steel buildings designed specifically for vehicle and equipment storage. The purchase includes custom beam design and engineering for all three buildings. Public Works crews will erect the buildings in-house, significantly reducing overall project costs. The largest of the three buildings is designed to accommodate future solar panel installation, which would support energy-efficient plug-in stations for engine block heaters and battery tenders during winter months.

This purchase will be made through Sourcewell, a cooperative purchasing program that allows municipalities to leverage pre-negotiated contracts for better pricing and procurement efficiency. Cooperative purchasing streamlines the procurement process by eliminating the need for a separate competitive bidding process, while remaining fully compliant with Oregon public contracting rules. ClearSpan Structures, the selected vendor, holds a current Sourcewell contract for engineered metal buildings and offers an industry-leading 50-year warranty on the building frames. The total quoted purchase price through the Sourcewell contract is \$170,366.42.

RECOMMENDATION: Move to authorize the expenditures for the purchase of three (3) engineered metal buildings to provide storage for Public Works fleet vehicles not to exceed \$170,366.42.

C. **ITEM:** Authorization to declare surplus of two Police vehicles, one marked police car and one unmarked police car.

- 2021 Ford Explorer pursuit (VIN 1FM5K8AC3MGC31216). Marked Patrol Unit known as Shop 4.
- 2011 Dodge Charger (VIN 2B3CL3CG5BH545710). Unmarked Police car currently used by Code Enforcement known as Shop 9.

BUDGET IMPLICATIONS: Funds from the sale (or trade) of the listed vehicles will be used towards the purchase of budgeted replacement vehicles for fiscal year 2025-2026.

SYNOPSIS: The two police vehicles have reached their end of life period for The Dalles Police Department. The Police Department budgeted for the purchase of two marked police vehicles and one unmarked police vehicle for fiscal year 2025-2026.

RECOMMENDATION: Declare these two vehicles as surplus and authorize their sale or trade.

D. **ITEM:** A Resolution Concurring with The Mayor's Appointments to The Historic Landmarks Commission and Federal Street Plaza Ad Hoc Committee.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The Mayor has met with the applicants and recommends appointment.

RECOMMENDATION: City Council concurs with the Mayor's appointments to the Historic Landmarks Commission and Federal Street Plaza Ad Hoc Committee; and approves Resolution No. 25-031.

- E. **ITEM:** A Resolution Concurring with The Mayor's Appointment to Columbia Cascade Housing Corporation (CCHC) Board of Directors.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The Mayor has met with the applicants and recommends appointment.

RECOMMENDATION: City Council concurs with the Mayor's appointment to Columbia Cascade Housing Corporation (CCHC) Board of Directors; and approves Resolution No. 25-030.

MINUTES

CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
JUNE 23, 2025
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

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

COUNCIL ABSENT: Ben Wring

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Amie Ell, Public Works Director Dale McCabe, Police Chief Tom Worthy, Community Development Director Joshua Chandler, Assistant City Manager/HR Director Brenda Fahey

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 City Clerk Ell. McGlothlin, Runyon, Randall, Richardson, Mays present. Wring absent.

PLEDGE OF ALLEGIANCE

Mayor Mays asked Councilor McGlothlin to lead the Pledge of Allegiance. Councilor McGlothlin invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Richardson and seconded by Randall to approve the agenda as submitted. The motion carried 4 to 0, Richardson, Randall, Runyon, McGlothlin voting in favor; none opposed; Wring absent.

PRESENTATIONS

Waste Water Treatment Plant Annual Report, Jacobs

Dale McCabe Public Works Director introduced the wastewater treatment plant manager Oscar Farris and area manager Jeff Houchin from Jacobs.

Farris reviewed the Jacobs 2023-2024 Annual Waste Water Treatment Plant Report.

Farris provided the following updates in response to additional questions from the City Council:

- The department had been short one mechanic for approximately eight months. Several candidates had applied, but none were a fit. Staff had worked together to cover the gap.
- The lab and Industrial Pretreatment role had been filled. A new operator-in-training had taken over safety duties, completed CDL school, and gained driving experience.
- Regarding the E. coli graph in the report, he noted seasonal spikes had remained below the 406 ppm permit limit and represented monthly highs, not averages.
- The methane gas system installed in 2019 had underperformed. The City would evaluate biogas production and explore upgrades as part of the upcoming Wastewater Treatment Master Plan update.

Houchin shared that Jacobs had recently recognized three project managers nationwide for outstanding performance. Farris was selected through a competitive process for his strong project involvement, team leadership, and positive impact in the City.

Annual Insurance Update

Scott Reynier of Columbia River Insurance provided an annual update on the City's insurance coverage. Most of the City's property and casualty insurance was managed through City/County Insurance Services (CIS), the sole provider in Oregon, with workers' compensation through SAIF Corporation and a few smaller policies for areas like the airport and cyber liability. He noted a positive trend in the insurance market, reporting this was the first time in several years rate increases had flattened, which would aid in budgeting despite no projected rate reductions.

Reynier reported municipal insurance rate stability was supported by improved statewide performance and stronger reinsurance results. He noted that the City's rates were primarily influenced by local loss experience. A six-year loss report (see attached) showed the City maintained loss ratios under 50% in all but one category, with a higher property insurance ratio due to a 2023–24 claim. Overall, the City's performance was considered strong and supported a favorable internal rating with CIS. He added that some Oregon insurers were facing challenges due to high combined ratios and wildfire-related losses.

AUDIENCE PARTICIPATION

There was none.

CITY MANAGER REPORT

City Manager Matthew Klebes reported on City involvement in the response to the Rowena Fire;

- An incident management team was established to coordinate recovery efforts, including volunteers, donations, and aid.
- Initial City response included assistance from Police and Public Works with traffic control during Route 30 and I-84 closures, as well as evacuation support.
- City leadership and staff participated in coordination meetings and connected with the Red Cross to support the emergency evacuation center.
- The City accepted and processed approximately 36,000 gallons of septic materials from damaged septic tanks and facilities.
- The recently upgraded City Wi-Fi system, developed in partnership with Q Life, played a key role during the event by helping maintain connectivity when cell service was unreliable due to high call volumes.
- Ongoing updates would be coming from Wasco County Public Information Officer Stephanie Krell regarding recovery efforts.

CITY COUNCIL REPORTS

Councilor Runyon reported;

- Participated in the Fallen Soldiers cart stop in The Dalles during its route to Boise for the respectful transfer of military remains.
- Praised The Dalles Police for escorting the cart and over 40 Patriot Guard Riders to the Oregon Veterans Home, where officers engaged with residents and staff.
- Attended Rowena Fire community meeting at The Dalles High School.

Councilor Richardson reported;

- Federal Street Plaza subcommittee had transitioned from the design phase into preliminary implementation.

Councilor McGlothlin reported;

- Cancellations of the June Airport Board and Urban Renewal Agency meetings.
- Attended police shooter response training at The Dalles High School.
- Attended Rowena Fire community meeting at The Dalles High School.
- Met with County officials on June 23 to discuss post-fire planning and accepted the role to lead rebuilding efforts, coordinating financial and donation activities.
- County officials and the Executive Board of The Dalles Lions Club would be meeting to explore a partnership for rebuilding support, leveraging the Lions' 501(c)(3) status and

volunteer base.

Councilor Randall reported;

- Nothing to report

Mayor Mays reported;

- Attended wildfire briefings at the Mid-Columbia Fire and Rescue station, the community meeting at The Dalles High School, and visited the Red Cross shelter at the middle school multiple times.
- Observed strong cooperation among eight to ten agencies, including approximately 580 firefighters from across the country assisting with the wildfire response.
- Participated in an interview on KODL.
- Visited Adventist's Celilo Cancer Center, noting their work with a public relations firm to develop a promotional video featuring a brief interview with the Mayor.
- Escorted about 50 visitors from Troutdale on a tour of local murals.
- Attended the well-attended and successful Dalles Art Center fundraising auction.

McGlothlin noted the destruction from the fire was very serious and expressed appreciation for the individuals who supported the community, including both incoming and local firefighters.

CONSENT AGENDA

It was moved by Randall and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 4 to 0, Randall, McGlothlin, Runyon, Richardson voting in favor; none opposed; Wring absent.

Items approved on the consent agenda were: 1) The minutes of the June 2, 2025 Special City Council Meeting; 2) The minutes of the June 9, 2025 Regular City Council Meeting; 3) Authorization of Expenditures for Contract No. 2025-007: Annual Water Treatment Chemical Supply Contract; and 4) Resolution No. 25-029 Concurring with the Mayor's Appointments to the Historic Landmarks Commission

CONTRACT REVIEW BOARD ACTIONS

Authorization of Annual Amendment to Wastewater Treatment Plant Operations Contract – Amendment No. 2

Dale McCabe Public Works Director reviewed the staff report.

It was moved by McGlothlin and seconded by Richardson to authorize the City Manager to sign Amendment No. 2 to the OMI agreement in an amount not to exceed \$1,498,464. The motion

carried 4 to 0, McGlothlin Richardson, Randall, Runyon voting in favor; none opposed; Wring absent.

ACTION ITEMS

Resolution No. 25-028 Adopting a Supplemental Budget for Fiscal Year 2024/2025, Making Appropriations and Authorizing Expenditures from and within Various Funds of the City of The Dalles Adopted Budget

Matthew Klebes City Manager reviewed the staff report.

When asked to provide an update on the progress of a Joint Operating Agreement (JOA), Klebes reported meetings had occurred with Klickitat County representatives, including Commissioner Zoller and legal counsel. They were considering a co-ownership intergovernmental agreement similar to Q Life's structure. This would maintain joint airport ownership while establishing a shared governance model. He noted positive initial feedback but emphasized the need for further coordination with the Board of County Commissioners, the Airport Board, and other stakeholders before moving forward.

In response to a question about an unanticipated \$50,000 allocation to parks, Klebes under the prior ordinance, 2% of collected Transient Lodging Tax (TLT) was allocated to Parks and Recreation. This distribution was being completed for the current year, after which allocations would follow the revised ordinance.

Mayor Mays asked if there was anyone in the audience who wished to address City Council on the supplemental budget resolution.
There was none.

It was moved by Richardson and seconded by McGlothlin to adopt Resolution No. 25-028 Adopting a Supplemental Budget for Fiscal Year 2024/2025, Making Appropriations and Authorizing Expenditures within Various Funds of The Dalles Adopted Budget. The motion carried 4 to 0, Richardson, McGlothlin, Runyon, Randall voting in favor; none opposed; Wring absent.

Mayor Mays asked if there was any other business to come before Council.

Runyon asked about the insurance coverage for the airport involving two states, the City, and the County.

Insurance agent Reynier explained that City/County Insurance Services (CIS) provided property coverage for hangars and other airport property. Liability coverage was provided through a specialized airport program serving five Northwest states. This program was renewed every three years, managed by aviation experts, and considered the most successful municipal aviation

MINUTES
City Council Meeting
June 23, 2025
Page 6

insurance program in the region.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:28 p.m.

Submitted by/
Amie Ell, City Clerk

SIGNED:

Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

City of The Dalles Loss Ratio Summary

Last Five Full Fiscal Years Plus Current at 5/31/2025

* = For confidentiality, financials on any open employment claims (in parentheses in claims column) are removed from totals. Financials on closed employment claims are included.



General Liability

Coverage Year	Premium	Losses	Claims*	Loss Ratio	
2019-2020	\$190,668	\$43,065	(0) 4	23%	<div></div>
2020-2021	\$198,333	\$291,731	(0) 49	147%	<div></div>
2021-2022	\$228,447	\$155,115	(0) 7	68%	<div></div>
2022-2023	\$293,045	\$6,000	(0) 2	2%	
2023-2024	\$338,861	\$0	(0) 2	0%	
2024-2025	\$368,849	\$11,071	(0) 4	3%	<div></div>
Totals:	\$1,618,205	\$506,983	(0) 68	31%	

Overall Loss Ratio:

31%

Average Claim Cost:

\$7,456

Auto Liability

Coverage Year	Premium	Losses	Claims	Loss Ratio	
2019-2020	\$26,474	\$9,052	2	34%	<div></div>
2020-2021	\$25,041	\$0	2	0%	
2021-2022	\$29,510	\$0	1	0%	
2022-2023	\$32,835	\$7,527	3	23%	<div></div>
2023-2024	\$38,583	\$0	0	0%	
2024-2025	\$42,588	\$5,000	1	12%	<div></div>
Totals:	\$195,032	\$21,579	9	11%	

Overall Loss Ratio:

11%

Average Claim Cost:

\$2,398

Auto Physical Damage

Coverage Year	Premium	Losses	Claims	Loss Ratio	
2019-2020	\$22,502	\$5,686	1	25%	<div></div>
2020-2021	\$20,686	\$2,890	8	14%	<div></div>
2021-2022	\$21,760	\$0	1	0%	
2022-2023	\$24,132	\$0	1	0%	
2023-2024	\$30,829	\$47,089	2	153%	<div></div>
2024-2025	\$37,340	\$0	0	0%	
Total:	\$157,248	\$55,665	13	35%	

Overall Loss Ratio:

35%

Average Claim Cost:

\$4,282

Property

Coverage Year	Premium	Losses	Claims	Loss Ratio	
2019-2020	\$109,902	\$0	2	0%	
2020-2021	\$119,685	\$0	0	0%	
2021-2022	\$132,406	\$0	0	0%	
2022-2023	\$166,926	\$0	0	0%	
2023-2024	\$204,290	\$697,000	1	341%	<div></div>
2024-2025	\$237,099	\$135,912	3	57%	<div></div>
Totals:	\$970,307	\$832,912	6	86%	

Overall Loss Ratio:

86%

Average Claim Cost:

\$138,819

All Lines of Coverage

Coverage Year	Premium	Losses	Claims*	Loss Ratio	
2019-2020	\$349,546	\$57,803	(0) 9	17%	<div></div>
2020-2021	\$363,746	\$294,621	(0) 59	81%	<div></div>
2021-2022	\$412,123	\$155,115	(0) 9	38%	<div></div>
2022-2023	\$516,938	\$13,527	(0) 6	3%	
2023-2024	\$612,563	\$744,089	(0) 5	121%	<div></div>
2024-2025	\$685,876	\$151,983	(0) 8	22%	<div></div>
Totals:	\$2,940,792	\$1,417,139	(0) 96	48%	

Overall Loss Ratio:

48%

Average Claim Cost:

\$14,762



Corporate
703 Hebron Avenue, Floor 3, Glastonbury, CT 06033
p: 1.860.760.0046 • f: 1.888.958.1393 • www.clearspan.com



Customer ID: 5585352
Quote Number: 1157325

QUOTE

Sourcewell Contract #: 071223-CSS
110822-CSS
Page: 1 of 2

Quote To:

THE DALLES CITY OF
1215 W 1ST ST
THE DALLES OR 97058-3542
UNITED STATES

Phone: 0

Sales Person: BRAD WILLIAMS
Office Phone: 800-603-4445 x1241
BWILLIAMS@CLEARSPAN.COM

Ship To:

THE DALLES CITY OF
1215 W 1ST ST

THE DALLES, OR 97058-3542

Date: 6/11/2025 Valid for 10 Days

Quote Total 170,366.42

USD

Line	Part	Description	Expected Qty	Unit Price	Ext. Price
1	100110	44W BY 216L PEMB MONOSLOPE 15'6" EAVE 2/12 PITCH - OPEN ALL 4 SIDES	1.00	76,574.00	76,574.00
2	700011	CUSTOM BEAM DESIGN AND ENGINEERING BUILDING	1.00	3,750.00	3,750.00
3	100110	.	1.00	0.00	0.00
4	100110	25W BY 150L PEMB MONOSLOPE 15'6" LOW EAVE 2/12 PITCH -OPEN ALL SIDES	1.00	36,111.00	36,111.00
5	700011	CUSTOM BEAM DESIGN AND ENGINEERING BUILDING B	1.00	3,750.00	3,750.00
6	100110	.	1.00	0.00	0.00
7	100110	25W BY 50L PEMB MONOSLOPE 15'6" LOW EAVE 2/12 PITCH -OPEN ALL SIDES	1.00	14,676.00	14,676.00
8	700011	CUSTOM BEAM DESIGN AND ENGINEERING BUILDING	1.00	3,750.00	3,750.00

QUOTE - Miscellaneous Charge -

Description	Ext. Price
1.) Freight	31,755.42

Proposal reflects Sourcewell Pricing. Only available through the purchasing CoOp. PO must state Sourcewell contract # to qualify.



Corporate
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Customer ID: 5585352
Quote Number: 1157325

QUOTE

Sourcewell Contract #: 071223-CSS
110822-CSS
Page: 2 of 2

Please Note:

**Additional Sales Tax will apply for materials and installation if the project is not tax exempt.*

**Freight Rate shown is estimated. Buyer is responsible for final freight charges that are calculated at time of shipment*

**Anchor Hardware not included for Designed and Engineered Structures unless listed on the quote. Customer may provide the anchor bolts or ClearSpan will quote them once engineering is completed*

Disclaimer: *Payment & Performance Bonds and Builders Risk Insurance are not included in this quote unless explicitly stated otherwise. If required, these items must be requested and will be quoted separately.*

Lines Total	138,611.00
Line Miscellaneous Charges	0.00
Quote Miscellaneous Charges	31,755.42
Quote Total	170,366.42

RESOLUTION NO. 25-025

**A RESOLUTION CONCURRING WITH THE
MAYOR'S APPOINTMENTS TO THE
HISTORIC LANDMARKS COMMISSION AND
FEDERAL STREET PLAZA AD HOC COMMITTEE**

WHEREAS, there are vacant positions on the Historic Landmarks Commission and Federal Street Plaza Ad Hoc Committee, and

WHEREAS, the Mayor has elected to appoint Tom Giamei to the Historic Landmarks Commission and Jorge Barragan Jr. to the Federal Street Plaza Ad Hoc Committee.

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

Section 1. The City Council concurs with the appointments of: Tom Giamei to the Historic Landmarks Commission; term expiring April 30, 2029 and Jorge Barragan Jr. to the Federal Street Plaza Ad Hoc Committee: term expiring upon project completion.

Section 2. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 14th DAY OF JULY, 2025.

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

AND APPROVED BY THE MAYOR THIS 14th DAY OF JULY, 2025.

SIGNED:

ATTEST:

Richard A. Mays, Mayor

Amie Ell, City Clerk

RESOLUTION NO. 25-030

**A RESOLUTION CONCURRING WITH THE
MAYOR’S APPOINTMENT TO THE
COLUMBIA CASCADE HOUSING CORPORATION BOARD**

WHEREAS, the Columbia Cascade Housing Corporation (CCHC) Board of Directors has a vacant position designated for a representative from the City Council;

WHEREAS, the City’s Housing Needs Analysis identifies a significant shortage of housing in The Dalles, particularly for low- and moderate-income households;

WHEREAS, addressing housing needs is a priority of the City Council and supports its adopted goals;

WHEREAS, the Mayor has elected to appoint Councilor Dan Richardson to serve as the City’s representative on CCHC’s Board of Directors; and

WHEREAS, the City Council finds the appointment of a City Councilor to serve as the City’s representative on CCHC’s Board of Directors to support the public health, safety, and welfare.

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

Section 1. The City Council concurs with the appointment of Councilor Dan Richardson to the Columbia Cascade Housing Corporation Board of Directors, with a term expiring August 1, 2027.

Section 2. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 14TH DAY OF JULY, 2025,

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

AND APPROVED BY THE MAYOR THIS 14TH DAY OF JULY, 2025.

SIGNED:

ATTEST:

Richard A. Mays, Mayor

Amie Ell, City Clerk



AGENDA STAFF REPORT

AGENDA LOCATION: Item #10A

MEETING DATE: July 14, 2025

TO: Honorable Mayor and City Council

FROM: Joshua Chandler, Community Development Director

ISSUE: Legislative Public Hearing – Consideration of General Ordinance No. 25-1414, an ordinance amending The Dalles Comprehensive Plan and Title 10 of The Dalles Municipal Code to comply with FEMA’s 2024 Pre-Implementation Compliance Measures (PICM) mandate and updated floodplain development standards

BACKGROUND: In July 2024, Federal Emergency Management Agency (FEMA) Region 10 issued a mandate for National Flood Insurance Program (NFIP) participating jurisdictions to implement one of three Pre-Implementation Compliance Measures (PICM) by July 31, 2025, a mandate impacting 239 Oregon communities within 31 counties. The purpose of the PICM is to support ongoing survival of threatened or endangered species in accordance with the Endangered Species Act (ESA).

In 2009, environmental groups sued FEMA for failing to consult with the National Marine Fisheries Service (NMFS) about the NFIP’s impact on endangered species. FEMA settled those cases by consulting NMFS, which issued a 2016 Biological Opinion (BiOp) finding the NFIP threatens several ESA-listed species and included mitigation recommendations. In 2023, environmental groups again filed a lawsuit over FEMA’s slow progress in implementing the BiOp. In response, FEMA announced PICM in 2024 to bridge the gap until it can fully implement its plan (slated for 2027).

Accordingly, FEMA required all impacted jurisdictions, including the City, to select one of the three PICM options no later than December 1, 2024:

1. *Model Ordinance.* Adopt a model ordinance incorporating the ESA requirements into the City’s Land Use and Development Ordinance.
2. *Permit-by-permit.* Require permit applicants proposing development in the floodplain to complete a *Floodplain Habitat Assessment and Mitigation Plan*

documenting how their proposed development in the Special Flood Hazard Area (SFHA) will achieve “no net loss.”

3. *Prohibit all new development in the floodplain.* A complete ban on development in designated floodplain areas of the City.

At the November 25, 2024, regular City Council meeting, Community Development Department (CDD) staff recommended, and City Council moved to direct staff to notify FEMA Region 10 of the City’s intent to select the Model Ordinance Option (**Model Ordinance**) no later than December 1, 2024. On December 1, 2024, CDD submitted to FEMA Region 10 the City’s intent to proceed with adoption of the Model Ordinance in order to implement these amendments no later than July 31, 2025. For reference, the Model Ordinance referred to herein includes FEMA’s model flood control provision regulations implemented in 2020, as well as the recent addition of “no net loss” standards implemented in 2024.

In addition to the PICM requirements, FEMA has been working on updating the original 1984 flood maps for our region. That process began in 2014 and is expected to be completed by 2026. Until the new Flood Insurance Rate Maps (**FIRM**) are finalized, federal law requires the City to continue using the 1984 FIRM for assessing floodplain-related activities. The City had planned amendments to its flood control provisions to align with the anticipated FIRM updates currently under FEMA review, originally planned for adoption in 2024. However, due to delays in FEMA’s map update and the introduction of the PICM mandate, these amendments are occurring sooner than expected.

To ensure transparency and compliance with Oregon Revised Statutes (**ORS**) and FEMA’s directives, the City issued Ballot Measure-56 notices on May 16, 2025, to all property owners currently located within the 1984 FIRM designated floodplain, as well as those potentially affected by the proposed updates to the SFHA. These notifications were intended to inform residents of forthcoming PICM requirements and potential changes to their property’s floodplain status.

DISCUSSION: The proposed amendments to the City’s Comprehensive Plan and Title 10 of The Dalles Municipal Code (**TDMC**) are necessary for the City to comply with FEMA’s newly mandated flood control provisions. Specifically, Comprehensive Plan Amendment **CPA 56-25** and Zoning Ordinance Amendment **ZOA 110-25** update the Comprehensive Plan and TDMC to align with the Model Ordinance. These amendments revise standards for development within the floodplain to meet federal requirements and ensure The Dalles remains a participating jurisdiction in the NFIP.

Proposed Comprehensive Plan Amendments

Various goals and policies in the Comprehensive Land Use Plan are being amended to ensure that Title 10 of TDMC incorporates methods and requirements for reducing flood losses, as outlined in the Model Ordinance. The State of Oregon delegates responsibility to local governmental jurisdictions to adopt floodplain management regulations which are designed to promote public health, safety, and general welfare of its citizens. The following list identifies the Comprehensive Plan goals, policies, and implementation measures included with this proposed amendment.

- Goal 5 Policies

- Goal 7 Implementation Measures
- Goal 9 Policies
- Goal 11 Policies

Proposed The Dalles Municipal Code Amendments

The following summarizes key amendments to specific chapters of the TDMC to ensure consistency with updated federal floodplain regulations and terminology, particularly those outlined in the Model Ordinance.

- Chapter 10.2 Definitions. Amendments include updated floodplain terminology consistent with current federal standards as depicted in the Model Ordinance. This updated terminology will ensure cohesion with federal standards as well as throughout TMDC.
- Chapter 10.3, Article 3.070 Variances. The proposed amendments establish a distinct variance application process for properties located within the SFHA, as detailed in Chapter 10.8. While Article 10.3.070 currently governs general variance procedures, the revised language will reference and defer to the specific floodplain variance criteria codified in Article 10.8.030 for developments within the SFHA.
- Chapter 10.5, Article 5.130 Stream Corridor District. Removal of reference to “100-year flood elevation” and replaced with “Special Flood Hazard Area.”
- Chapter 10.6, Article 6.170 Density. Removal of reference to “100-year floodplain” and replaced with “Special Flood Hazard Area.”
- Chapter 10.8, Article 8.030 Flood Control Provisions. The proposed amendments will repeal existing floodplain regulations and replace them with updated provisions consistent with the Model Ordinance. The changes are intended to improve regulatory clarity, consistency, and compliance with federal standards. Key elements of the amendments include clearly defined administrative roles and responsibilities, permitting requirements, enforcement provisions for noncompliance, updated submittal requirements for development applications, and revised development standards within SFHAs. The amendments also establish more detailed procedures for reviewing and granting variances. Additionally, in order to address “no net loss” standards of the 2024 PICM (discussed further below), applicants will be required to submit a floodplain mitigation assessment prepared by a qualified professional to demonstrate that the proposed development will not result in adverse impacts to the floodplain. Where such an assessment is required, the applicant must also confirm that all recommended mitigation measures will be incorporated into the final project design.
- Chapter 10.12 Recreational Vehicle Parks. Removal of reference to “100-year floodplain” and replaced with “Special Flood Hazard Area.”

No Net Loss Standards

The 2024 PICM addition to the Model Ordinance was introduced with limited coordination with Oregon state agencies and does not fully align with Oregon's land use framework, particularly the statutory requirement that standards for residential development be "clear and objective." These inconsistencies have generated significant concern across the state, particularly around the potential for regulatory takings claims and the impact on housing development.

To navigate these legal and procedural challenges, CDD staff consulted with outside legal counsel at Beery, Elsner & Hammond, LLP – a law firm with extensive experience advising Oregon jurisdictions. The firm has represented the City in numerous land use matters over the years and has also assisted communities statewide in implementing recent PICM mandates. Through this collaboration, the City identified a path forward that balances FEMA's requirement to maintain "no net loss" of floodplain functions, with the need to ensure local land use regulations remain legally defensible and consistent with state mandates.

Following the advice of the City's Legal Department, CDD Staff moved forward with incorporation of an alternative regulatory approach, referred to herein as **Option 2**. Unlike FEMA's 2024 Model Ordinance, which places the burden of environmental impact analysis on local governments, Option 2 shifts this responsibility to applicants. Applicants must demonstrate compliance with the ESA and the BiOp by meeting one of four defined pathways, such as providing a mitigation assessment. The City's role is limited to verifying whether an applicant has submitted adequate documentation, ensuring the standards applied are clear, objective, and legally enforceable under Oregon law. A similar process currently outlined in TDMC is the requirement of a Geologic Impact Study prepared by a geotechnical engineer or engineering geologist for applicable properties within one of the City's five recognized geologic hazard zones.

Option 2 offers several advantages. It aligns with state legal requirements, reducing the likelihood of a successful appeal under the Land Use Board of Appeals (LUBA). It also lessens administrative and financial burdens on the City by delegating environmental compliance obligations to applicants. Importantly, it retains the conservation goals outlined in FEMA's BiOp. However, uncertainty remains. While the Department of Land Conservation and Development (DLCD) has expressed no opposition, FEMA has not formally approved this alternative, and future amendments to federal regulations could impose more restrictive standards. Moreover, the added costs to applicants may present challenges for certain development types, particularly housing.

To mitigate these risks, the City has notified FEMA of its intent to implement a compliant code by the required deadlines and will continue enforcing current regulations until the new code is locally adopted. Staff have coordinated with both DLCD and FEMA to ensure proper notice and review of the proposed amendments. The required notice was submitted to DLCD on May 1, 2025, and a complimentary notice to FEMA on May 15, 2025. To date, neither agency has provided comment. Looking ahead, the City anticipates further revisions to FEMA's federal regulations in the coming years, and will remain prepared to update TDMC as needed to maintain NFIP eligibility and compliance with federal environmental requirements.

For reference, Option 2 is included in TDMC 10.8.030.110(C).

Discussion with Planning Commission

At the June 5, 2025 Planning Commission hearing on proposed code amendments ZOA 110-25 and CPA 56-25, both public testimony and commissioner discussion reflected a wide range of concerns related to the economic, procedural, and implementation challenges posed by the updated floodplain regulations. Members of the public expressed concern about the financial implications of the new standards, especially for smaller property owners who may face additional costs related to habitat assessments and permitting requirements. Commenters also noted the difficulty of interpreting the proposed amendments, particularly the “no net loss” standard, and pointed to a lack of accessible outreach and communication, which left many without clear guidance.

Several individuals urged the City to delay adoption until FEMA finalizes its updated FIRMs and provides more definitive guidance. Others supported stronger environmental protections and emphasized the need for clear, accessible information to help the community understand and comply with the new development standards. In addition, requests for better access to technical resources and simpler permitting instructions, especially for those unfamiliar with regulatory processes.

Planning Commissioners echoed many of these concerns, particularly regarding the uncertainty around FEMA’s expectations for local implementation of PICM mandate. They acknowledged the challenges that property owners will face in securing professional evaluations and the potential financial strain those requirements may create. While recognizing the urgency of preserving the City’s eligibility under the NFIP, commissioners questioned whether the current timeline and lack of finalized federal direction support an orderly and effective rollout. Commissioners also noted the general public confusion surrounding the changes and encouraged staff to consider how other communities are assisting residents through similar transitions, highlighting the need to balance compliance with minimizing disruption.

In response, staff acknowledges that concerns about economic impacts, clarity of standards, and public outreach are both valid and expected given the pace and complexity of the federal mandate. Despite limited guidance from FEMA, due in part to federal staffing and resource constraints, City staff made every effort to keep information current and accessible. A comprehensive floodplain information webpage was launched on the City’s website, providing detailed overviews of the proposed code changes, FIRM update timelines, development guidance aligned with the new standards, a list of qualified professionals for required assessments, and background materials on PICM implementation, including communications from state and federal agencies.

Although the project timeline has been compressed, City staff has remained available to answer questions, clarify expectations, and assist property owners in navigating the proposed changes. To promote transparency, the City exceeded the state’s minimum notification requirements. In addition to contacting current floodplain property owners, the City also notified those likely to be affected by FEMA’s anticipated 2026 map updates. While this proactive outreach resulted in some residents receiving multiple or unexpected notices, the goal was to provide early awareness and more time to prepare.

Staff also acknowledges that the proposed requirements, such as habitat assessments and the potential need for Letters of Map Amendment (LOMAs) until the updated FIRMs are finalized, will result in higher upfront costs. However, these measures are necessary to maintain the City’s standing in the NFIP. Without adoption of the amendments, both current and future development could lose access to federally backed flood insurance or

face significantly increased premiums.

The introduction of the “no net loss” standard and other PICM-related provisions marks a shift from past review practices. The City’s goal has been to adopt these changes in a way that limits disruption while meeting federal compliance obligations. Moving forward, staff is evaluating ways to expand technical support, improve guidance materials, and increase engagement opportunities to help residents and developers adjust to the new regulatory framework.

For reference, minor clerical edits were made to the Planning Commission materials prior to City Council adoption to ensure consistency in internal references and terminology.

NOTIFICATION:

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on June 25, 2025, more than ten days prior to the July 14, 2025 City Council meeting. Notice of the public hearing was sent to all local news media, Wasco County, and posted on the City’s website on July 7, 2025. All City Council and Commission meetings are open to the public and allow the opportunity to provide testimony on all proposed amendments.

A notice of public hearing was published in the Columbia Gorge News on May 16, 2025, more than ten days prior to the June 5, 2025, Planning Commission hearing. In addition, a Ballot Measure 56 Notice was sent to all affected and potentially affected property owners on May 16, 2025, more than 20 days prior to the June 5, 2025, Planning 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 May 29, 2025. All City Council and Planning 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 was submitted to the Department of Land Conversation and Development on May 1, 2025, more than 35 days prior to the June 5, 2023 hearing. A copy of the proposed amendments was provided to FEMA Region 10 on May 15, 2025. To date, no comments were received.

COMMENTS:

No comments have been received as of the date this report was published (July 7, 2025).

In addition to those made during the Planning Commission meeting on June 5, 2025, one written comment was submitted in advance of the meeting, on June 4, 2025. This comment is included as ***Exhibit F***.

REVIEW:

See ***Exhibit A***.

PROPOSED AMENDMENTS:

The proposed amendments for Zoning Ordinance Amendment 110-25 are included as ***Exhibit B***; proposed amendments for Comprehensive Plan Amendments are included as ***Exhibit C***. Draft edits of the proposed amendments are included as ***Exhibit D*** (ZOA 110-25) and ***Exhibit E*** (CPA 56-25). All proposed amendments are subject to

revision or deletion. The Planning Commission will forward a recommendation on the amendments to the City Council. Final decision for all proposed amendments will be made by the City Council.

BUDGET IMPLICATIONS: None.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** *Move to adopt General Ordinance No. 25-1414, an ordinance amending The Dalles Comprehensive Plan and Title 10 of The Dalles Municipal Code to comply with FEMA's 2024 Pre-Implementation Compliance Measures (PICM) mandate and updated floodplain development standards, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report, by title only, as presented.*
2. Make modifications to then move to adopt General Ordinance No. 25-1414, as amended.
3. Decline formal action and provide Staff additional direction.

ATTACHMENTS:

- **Exhibit A:** *Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 110-25 and Comprehensive Plan Amendment 56-25.*
- **Exhibit B:** *Proposed Zoning Ordinance Amendment 110-25.*
- **Exhibit C:** *Proposed Comprehensive Plan Amendment CPA 56-25*
- **Exhibit D:** *Draft Edits of the Proposed Amendments for Zoning Ordinance Amendment 110-25.*
- **Exhibit E:** *Draft Edits of the Proposed Amendments for Comprehensive Plan Amendment 56-25.*
- **Exhibit F:** *Comment Received, dated June 4, 2025 | Kristin Stilton, 131 Southshore Lane*
- **Exhibit G:** *Planning Commission Meeting Minutes, June 5, 2025 (DRAFT)*
- **Exhibit H:** *PC Resolution 629-25*

GENERAL ORDINANCE NO. 25-1414

AN ORDINANCE AMENDING THE DALLES COMPREHENSIVE PLAN AND TITLE 10 OF THE DALLES MUNICIPAL CODE TO COMPLY WITH FEMA’S 2024 PRE-IMPLEMENTATION COMPLIANCE MEASURES (PICM) MANDATE AND UPDATED FLOODPLAIN DEVELOPMENT STANDARDS

WHEREAS, in July 2024, the Federal Emergency Management Agency (**FEMA**) Region 10 issued a mandate requiring National Flood Insurance Program (**NFIP**) participating jurisdictions, including the City, to implement one of three Pre-Implementation Compliance Measures (**PICMs**) by July 31, 2025, in order to ensure compliance with the Endangered Species Act (**ESA**); and

WHEREAS, in response to litigation and a 2016 Biological Opinion issued by the National Marine Fisheries Service, FEMA directed participating jurisdictions to mitigate impacts to ESA-listed species ahead of full implementation of NFIP reforms slated for 2027;

WHEREAS, at its November 25, 2024, regular meeting, the City Council directed the Community Development Department (**CDD**) to proceed with FEMA’s “Model Ordinance” PICM Option and on December 1, 2024, the City formally submitted its intent to FEMA Region 10 to adopt said Model Ordinance by the mandated July 31, 2025, deadline;

WHEREAS, the proposed amendments to the City’s Comprehensive Plan and Title 10 of The Dalles Municipal Code (**TDMC**) incorporate updated federal floodplain standards and “no net loss” requirements consistent with FEMA’s 2024 Model Ordinance and are necessary to preserve the City’s eligibility for continued participation in the NFIP;

WHEREAS, on May 16, 2025, the City mailed Ballot Measure 56 notices to affected and potentially affected property owners and published legal notices in accordance with TDMC 10.3.020.060 and applicable Oregon statutes to ensure public awareness and legal compliance;

WHEREAS, at its June 5, 2025, regular meeting, the Planning Commission held a duly noticed public hearing to receive testimony on Comprehensive Plan Amendment 56-25 and Zoning Ordinance Amendment 110-25 then subsequently voted to unanimously recommend approval of both amendments and forward them to the City Council for adoption; and

WHEREAS, at its July 14, 2025, regular meeting, the City Council held a legislative public hearing on the proposed amendments set forth in Comprehensive Plan Amendment 56-25 and Zoning Ordinance Amendment 110-25 and, based upon the proposed findings of fact and conclusions of law in the Staff Report and testimony and other evidence contained in the hearing record (all of which is incorporated herein by this reference), the City Council voted to adopt the subject amendments.

//

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

Section 1. Findings Adopted. The City Council hereby approves and adopts the findings of fact and conclusions of law connected with *Comprehensive Plan Amendment No. 56-25* and *Zoning Ordinance Amendment No. 110-25*, attached to and made part of this Ordinance as its **Exhibit A**.

Section 2. Amendments Approved. The City Council hereby approves and adopts the proposed amendments detailed in *Comprehensive Plan Amendment No. 56-25* and *Zoning Ordinance Amendment No. 110-25*, attached to and made part of this Ordinance as its **Exhibit B** and **Exhibit C**, respectively, consistent with the Planning Commission’s recommendation.

Section 3. Emergency. To ensure the City’s compliance with federal law and continued status as an NFIP participating jurisdiction, the City Council hereby finds this Ordinance necessary to take near-immediate effect for the preservation of the peace, health, and safety of the City, all as consistent with Section 31 of the 2020 City of The Dalles Charter.

Section 4. Effective Date. This Ordinance is effective August 1, 2025.

PASSED AND ADOPTED THIS 14TH DAY OF JULY, 2025,

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

AND APPROVED BY THE MAYOR THIS 14TH DAY OF JULY, 2025.

Richard A. Mays, Mayor

ATTEST:

Amie Ell, City Clerk

EXHIBIT A

Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 110-25 Comprehensive Plan Amendment 56-25

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 The Dalles Municipal Code (TDMC) 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on May 16, 2025, more than ten days prior to the June 5, 2025 Commission hearing. In addition, a Ballot Measure 56 Notice was sent to all affected and potentially affected property owners on May 16, 2025, more than 20 days prior to the June 5, 2025 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 May 29, 2025. All City Council and Planning 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 was submitted to the Department of Land Conversation and Development on May 1, 2025, more than 35 days prior to the June 5, 2023 hearing. To date, no comments were 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 #5 Open Spaces, Scenic and Historic Areas and Natural Resources. *To conserve open space and protect natural and scenic resources.*

Policy 3. Require that legislative and quasi-judicial actions affecting areas of significant environmental concern meet all applicable local, State and Federal regulations.

FINDING #5: The proposed amendments to the City's Comprehensive Plan and Title 10 of TDMC are necessary for the City to comply with FEMA's newly mandated flood control provisions. Specifically, these updates align with FEMA's 2020 Model Code and the 2024 Pre-Implementation Compliance Measures (PICM) mandate. These amendments revise standards for development within the floodplain to meet federal requirements and ensure The Dalles remains a participating jurisdiction in the National Flood Insurance Program (NFIP). Therefore, Staff finds these amendments meet all applicable local, State and Federal regulations relating to floodplain management. **Criterion met.**

Policy 4. Encourage the use of vegetative coverings for property to control soil erosion, reduce airborne dust, and improve the aesthetic quality of the urban environment; also providing habitat for nongame wildlife habitat such as birds and squirrels.

FINDING #6: The proposed amendments to the City's floodplain regulations meet this criterion by promoting the preservation and use of native vegetation within the Special Flood Hazard Area (SFHA). Development applications must include a statement confirming compliance with one of several review pathways, many of which incorporate vegetation-based mitigation to maintain floodplain functions. As a condition of development within the SFHA, floodplain mitigation assessments must identify measures such as vegetative buffers, native plantings, and habitat restoration that help stabilize soils, reduce airborne dust, enhance urban aesthetics, and provide ecological benefits. The proposed code amendments also supports low-impact activities like weed removal and native replanting, encouraging long-term stewardship of vegetated areas.

Additionally, the amendments align with the 2024 PICM, which was developed to protect habitat for Endangered Species Act (ESA) listed species. Although focused on endangered species, the PICM's emphasis on riparian vegetation, natural hydrology, and enhanced ecosystem functions also supports nongame wildlife, that depend on vegetated areas for food, nesting, and shelter.

Criterion met.

Goal #7. Natural Hazards. *To protect life and property from natural disasters and hazards.*

Policy 1. Land designated on the official flood plain maps shall be subject to the regulations of the Flood Damage Prevention sections of the City's implementing ordinances. The City will work with flood management agencies to determine more

specifically the areas susceptible to flash flooding and apply the flood damage prevention provisions to areas not already regulated.

FINDING #7: The proposed amendments implement Policy 1 by ensuring that all land designated on official floodplain maps is regulated under the City’s updated Flood Control Provisions in TDMC. These amendments repeal outdated language and adopt new standards consistent with FEMA’s 2020 Model Code and the 2024 PICM, providing clear permitting requirements, performance standards, and enforcement tools to protect floodplain functions and public safety.

The City will also continue to coordinate with state and federal flood management agencies to refine mapping and identify areas vulnerable to flash flooding. The updated code requires site-specific floodplain mitigation assessments and applies a “no net loss” standard for floodplain function, helping ensure that flood-prone areas are appropriately evaluated and regulated.

While FEMA's updated Flood Insurance Rate Maps (**FIRMs**) are still in development and expected by 2026, federal law requires continued use of the 1984 FIRMs. Although the City initially planned to update TDMC following the release of the new maps, these amendments were advanced to meet the more urgent PICM mandate. To ensure transparency and compliance with state and federal law, Ballot Measure 56 notices were sent on May 16, 2025, to affected property owners currently located within the 1984 floodplain, as well as those whose properties are expected to fall within the 2026 SHFA boundaries. These efforts demonstrate the City’s ongoing commitment to responsible floodplain management and risk reduction. **Criteria met.**

***Policy 2.** The City shall continue to meet participation requirements for national flood insurance and make flood hazard areas eligible for the program.*

FINDING #8: The City of The Dalles is actively working to maintain its participation in the NFIP and ensure that properties within identified flood hazard areas remain eligible for federal flood insurance coverage. To achieve this, the City has committed to complying with FEMA Region 10’s July 2024 mandate requiring all NFIP-participating jurisdictions to implement one of three PICM by July 31, 2025. On December 1, 2024, the City formally notified FEMA of its intent to adopt the Model Ordinance option, which integrates Endangered Species Act (**ESA**) protections and aligns with FEMA’s 2020 Model Code. This strategic choice ensures continued program compliance while enabling regulated development within the floodplain under revised and ecologically responsible standards.

The City’s proposed floodplain ordinance amendments incorporate PICM requirements, including mandatory floodplain habitat assessments and mitigation planning to achieve “no net loss” of floodplain function. These measures preserve eligibility for NFIP coverage by meeting federal standards and addressing environmental concerns raised in the 2016 Biological Opinion (**BiOp**) issued by the National Marine Fisheries Service. Furthermore, the City has proactively issued Ballot Measure 56 notifications to affected property owners and continues to use the current 1984 Flood Insurance Rate Maps (**FIRMs**) as required until updated FIRMs are released. These efforts demonstrate the City’s ongoing commitment to NFIP compliance, minimize risk of suspension, and protect the community’s access to affordable flood insurance and federal disaster relief. **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 City’s approach to implementing FEMA’s 2024 PICM was shaped through extensive consultation with legal counsel at Beery, Elsner & Hammond, LLP (**BEH**), a law firm with deep expertise in Oregon land use law and long-standing experience advising jurisdictions on complex regulatory compliance. Recognizing the legal and procedural inconsistencies between FEMA’s 2024 PICM and Oregon’s statutory framework, which requires “clear and objective” standards for residential development, CDD staff sought legal guidance to ensure the City’s response would be both federally compliant and legally defensible under state law.

BEH advised that none of the three PICM options originally presented by FEMA – complete development prohibition, case-by-case review, or adoption of the Model Ordinance – were compatible with Oregon’s land use requirements. Specifically, a prohibition on all new development in the floodplain would expose the City to potential regulatory takings claims, while both the case-by-case and Model Ordinance options lacked the clear and objective standards required for residential applications under ORS. Applying either of those approaches could result in land use decisions being reversed or remanded by the Land Use Board of Appeals (**LUBA**).

To resolve these conflicts, BEH helped craft an alternative regulatory framework (referred to as **Option 2**), that draws from FEMA’s 2024 Model Ordinance and the 2016 BiOp, but reframes them to meet Oregon’s legal standards. Under this approach, the responsibility for demonstrating ESA and BiOp compliance is placed squarely on the applicant. The City’s role is limited to confirming whether adequate documentation has been submitted, avoiding discretionary judgments by local officials that could be deemed subjective or unclear under state law. This structure aligns with existing models used within TDMC for natural hazard review (e.g., geologic hazard zones). **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 Text Amendments (*Clean Copy*) Zoning Ordinance Amendment 110-25

Chapter 10.2 Definitions

10.2.010. Meaning of Words Generally.

All words and terms used in this Title have their commonly accepted, dictionary meaning unless they are specifically defined in this Title, or the context in which they are used clearly indicates to the contrary.

10.2.020. Meaning of Common Words.

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. The word "shall" is mandatory and the word "may" is permissive.
- D. The word "building" includes the word "structure."
- E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- F. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

10.2.030. Meaning of Specific Words and Terms.

The listed specific words and terms are defined as follows:

Abutting Lots. Two or more lots joined by a common boundary line or point.

Access, Accessway, Access Drive. The means and right to cross between public and/or private property so that persons and/or vehicles may enter and leave private property.

Accessory Dwelling Unit (ADU). A smaller, independent residential dwelling unit located on the same lot as a standalone (i.e., detached) single-family home or duplex. For purposes of calculating minimum density, accessory dwelling units are counted as 1 dwelling unit; for purposes of calculating maximum density, accessory dwelling units are counted as zero dwelling units.

Accessory Structure. A structure incidental and subordinate to the main use of property and located on the same lot as the main use; freestanding and structurally separated from the main use.

Accessory Use. A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

Adult Business. Any person group, firm, business, or organization (except non-profit corporations which are not open to the general public) which prohibits admission to the entire portion of the premises to any persons younger than 18 years of age, and which is restricted by State law from furnishing to, sending, exhibiting an obscene performance to, or displaying obscene material to a minor, which is defined as an unmarried person under the age of 18 years.

Adult Use. A use of whatever character, conducted on the premises of an adult business, which use is conducted in the area in which any persons under 18 years of age are prohibited.

Agriculture. Nursery activity, horticulture and similar activities for the cultivation of commercial crops in addition to pasturing, breeding, dairying, and similar uses of animals, poultry for commercial use; does not include processing, slaughtering, and similar uses, or forestation.

Airport. The Columbia Regional airport, located in Klickitat County, Washington.

Alley. Public or private right-of-way designed and intended to serve as secondary access to the side or rear of those properties whose principal access is from a street.

Alteration. A change, addition, or modification in construction or occupancy of a building or structure.

Apartment. A dwelling unit located within a multifamily dwelling. ("Multifamily Dwelling" is defined under "Building Types.")

Appeal. A request for a review of the interpretation of any provision of this ordinance or a request for a variance. Subject to 10.3.020.080 Appeal Procedures.

Applicant. The property owner(s) or legal agent or representative of the property owner(s).

Application. For purposes of this Title, application is defined as materials submitted or to be submitted.

Approving Authority. The Director, in the case of ministerial and administrative decisions; the Commission, in the case of Commission quasi-judicial hearings and decisions; and the Council, in the case of Council quasi-judicial and legislative hearings and decisions.

Area of Shallowing Flooding. A designated Zone AO, AH, AR/AO or AR/AH on the City's FIRM with a 1 percent or greater annual chance of flooding (characterized by ponding or sheet flow) to an average depth of 1 to 3 feet (a) where a clearly defined channel does not exist, (b) where the path of flooding is unpredictable, and (c) where velocity flow may be evident.

Area of Special Flood Hazard. The land in the floodplain within the City's planning jurisdiction subject to a 1 percent or greater chance of flooding in any given year, shown on the City's FIRM as Zone A, AO, AH, A1-30, AE, A99, and AR (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard."

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). The elevation to which floodwater is anticipated to rise during the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

BCA. Building Codes Agency or other agency charged with administering the State Building Codes in The Dalles.

Block. A tract of land bounded by a street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, watercourses or unsubdivided land.

Bond. Any form of security (including a cash deposit surety bond, collateral, property, or instrument of credit) in an amount and form satisfactory to the City.

Buffer. An area designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce impacts of adjacent development.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Buildable Lot Area. That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces; and which is available for siting and constructing a building or buildings.

Building Height. See "Height of Buildings" definition in Section 10.6.070.050. Also see height exceptions in Article 6.090 for nonresidential structures.

Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by this Title between the property line abutting a street and the closest point of the foundation of any building or structure related thereto.

Building Official. The person or persons so designated by the Community Development Director.

Calendar Year. The yearly period beginning on January 1st and ending on December 31st.

Carport. A stationary, roofed structure or a portion of a building open on two or more sides primarily used for the parking of motor vehicles.

Cemetery. Land used or intended to be used for the burial of the dead and related cemetery activities, including: columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Child Care Center. An institution, establishment, or place that commonly receives at one time more than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of board, care, or training apart from their parents or guardians for compensation or reward in accordance with ORS 657A. (Note: For in-home family day care see definition for "Family Day Care.")

Church. A permanently located, fully enclosed building primarily used for religious worship.

City. The City of The Dalles, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context, or where the context does not clearly indicate a specific officer, department, or agency, then the City Manager of the City.

Commission. The duly appointed City of The Dalles Planning Commission.

Community Event. Periodic or annual special events involving community wide interest, usually sponsored by a nonprofit entity, such as, but not limited to, events like the Cherry Festival, Rodeo, Neon Nights, Jamming July Street Fest, sanctioned bike races, Historic The Dalles Days, parades, and circuses. Activities directly associated with community events are considered part of the event and not as a separate use of the property and as such are exempt from the provisions of the LUDO during the days of the event.

Conceptual Plan. A general plan of development which is final for such issues as uses and densities. A conceptual plan requires one or more detailed applications prior to construction. Review of detailed applications is based on regulations in effect at time of submittal of conceptual plan application. A conceptual plan may also be a master plan.

Condominium. A single dwelling unit in a multiunit development that is separately owned or may be combined with an undivided interest in the common areas and facilities of the property.

Contiguous. Shall mean the same as abutting.

Cottage Cluster Development. A development with 4 or more detached dwelling units with common area developed under a unified site plan that is approved pursuant to Article 3.086 Cottage Cluster Development. See also, Dwelling, Multifamily.

Council. The duly elected City Council of the City of The Dalles.

Day Care Facility. See definition for "Child Care Facility."

Day Care, Family. See definition for "Family Day Care."

Density. The number of dwelling units per acre.

Department. The Community Development Department of the City of The Dalles.

Developer. Any person, firm, corporation or government agency undertaking any development, either as owner, builder, or through the services of employees, agents, or independent contractors.

Development. Making a material change in the use or appearance of a structure (internal and external) or land, creation of 3 or more units of land on a single parcel or adjoining pieces of property in a calendar year, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development. Development includes any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

Development Site. A legally established lot(s) or parcel(s) of land occupied or capable of being occupied by a building or group of buildings and/or other development, including accessory structure(s) and accessory use(s), together with the yards, open spaces, and setback areas required by this Title, and having frontage or access to a public right-of-way as required by this Title.

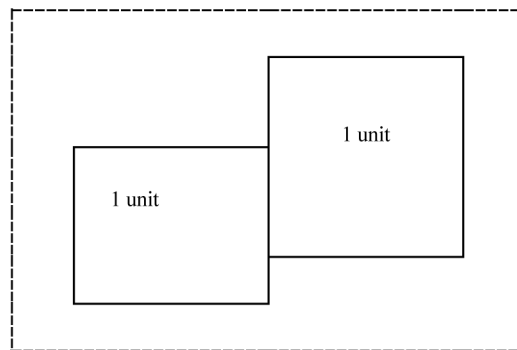
Director. The Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this Title.

Discontinued Use. Unless otherwise clearly specified in this Title, discontinued use shall mean non-use and shall not require a determination of the voluntary or involuntary non-use or intent to resume use.

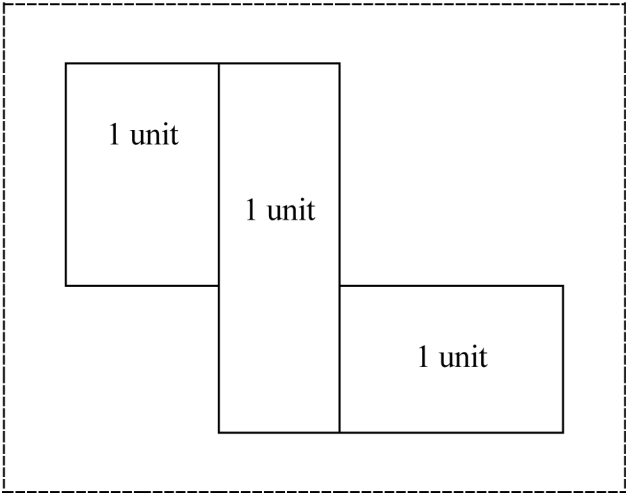
Drainageway. A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

Dwelling, Cottage Cluster. A detached dwelling unit in a development with 4 or more detached dwelling units, developed under a unified site plan that is approved pursuant to Article 3.086 Cottage Cluster Development.

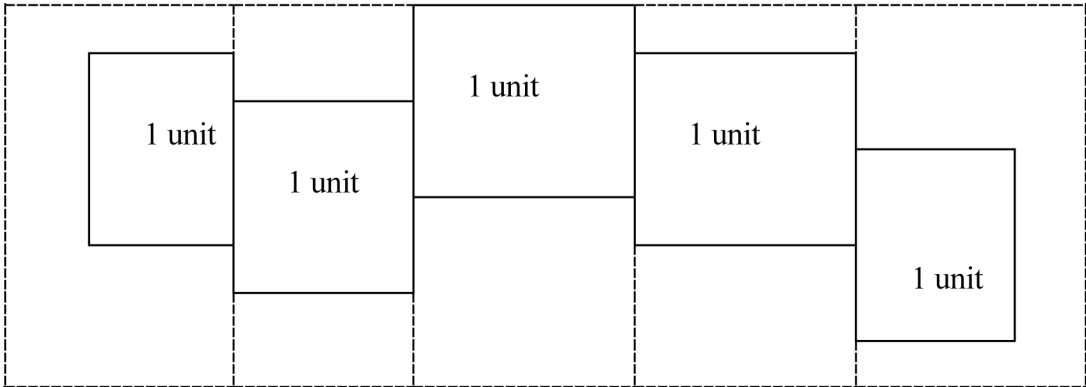
Dwelling, Duplex. Two dwelling units located on a single lot or development site, placed either so some structural parts are in common (attached), or so the units are physically separate structures (detached). For purposes of calculating minimum density, duplexes are counted as 2 dwelling units; for purposes of calculating maximum density, duplexes are counted as 1 dwelling unit.



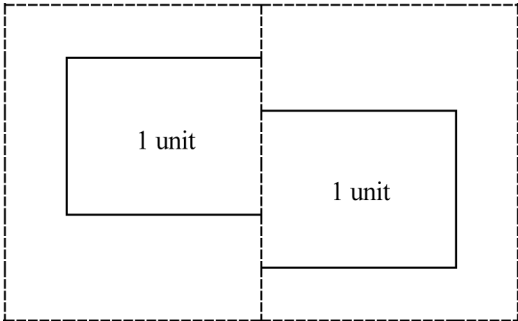
Dwelling, Multifamily. A structure or development containing at least 3 dwelling units in any vertical or horizontal arrangement, located on a single lot. See also, Cottage Cluster Development.



Dwelling, Single Attached (Townhouse). More than 2 dwelling units, each located on its own lot, placed side by side, and sharing some structural parts at a common property line.

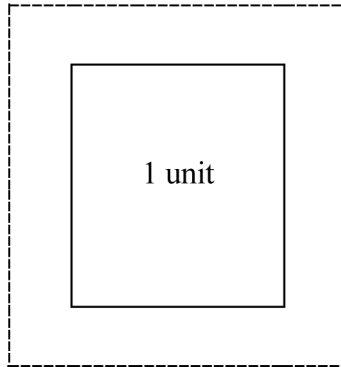


Dwelling, Single Attached (Zero Lot Line). Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.

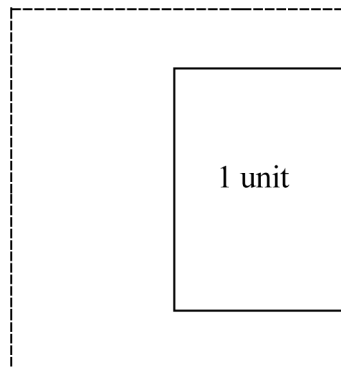


Dwelling, Single Detached. One dwelling unit, freestanding and structurally separated from the other.

any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this Chapter.



Dwelling, Single Detached (Zero Lot Line). A single detached structure with no setback from one lot line.



Dwelling Unit. One or more rooms, with bathroom and kitchen facilities, designed for occupancy by one family.

Easement. The grant of a right to use someone's property for a specific purpose, such as for access or for utilities.

Excavation. The process of mechanically altering or changing the natural grade (elevation) by cutting and or filling the earth.

Family. An individual or 2 or more persons related by blood, adoption or marriage, or a group of not more than 5 adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Title, "family" also refers to unrelated physically or mentally handicapped, elderly, or drug or alcohol dependent persons receiving treatment, and resident staff persons engaged in their care.

Family Day Care. "Babysitting," care of 12 or fewer children either full or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the normal requirements of the residential zone. Family day care is not subject to the definition of "home business."

Fill. Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."

Final Decision. The decision made by the approving authority approving, approving with conditions, or denying an application for a ministerial, administrative, quasi-judicial, or legislative action as specified in this Title.

Flag Lot. A lot that has access by means of a narrow strip of land. Also referred to as "rear lot."

Flood or Flooding:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters;
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source; and,
 - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM). The City's official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). See "Flood elevation study."

Floodplain. See Floodway.

Floodplain functions. Flood storage, water quality, and riparian vegetation conditions.

Floodplain storage capacity. The volume of floodwater that an area of floodplain can hold during

the 1-percent annual chance flood.

Floodplain mitigation assessment. An assessment of the portions of a site that are within the special flood hazard area, performed by a qualified professional, that identifies existing site conditions before development occurs, describes the impact the proposed development would have on existing floodplain functions within the applicable portion of the existing site, and identifies the mitigation needed for the proposed development to result in no net loss of those floodplain functions. The City's website includes guidance prepared by the Federal Emergency Management Agency for preparation of a floodplain mitigation assessment.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Footprint. The existing measurements of the structure related to the three floodplain functions and their proxies. The footprint related to floodplain storage refers to the volumetric amount of developed space measured from the existing ground level to the Base Flood Elevation, and the footprint related to water quality refers to the area of impervious surface that the structure creates.

Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Front Building Line. The building line which fronts on the street.

Frontage. That portion of a development site that abuts a public or private street.

Grade. Given in reference to the slope of land, or in reference to construction, grade is the lowest point of elevation of the finished or existing surface of the ground, paving, construction, or sidewalk.

Gross. When referring to area, the total area of land located within lot lines proposed for use or development.

Gross Density. The total number of dwelling units per gross acre.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

Habitat Restoration Activities. Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures (e.g., storage shed for maintenance equipment), must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

Hazard Trees. Standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction

next to the proposed walls of a structure.

Historic structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior;
or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program (as determined by the Secretary of the Interior) or directly by the Secretary of the Interior.

Home Business. A lawful commercial activity commonly carried on within a dwelling and/or accessory dwelling(s), provided the residential character of the property is maintained and the activity does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. See Article 6.020: Home Businesses.

Homegrown or Homemade. Grown or made by a person 21 years of age or older for noncommercial purposes.

Homegrown Recreational Marijuana Grow Site. The production of marijuana at a household that does not exceed 4 marijuana plants at a time.

Homeless. An individual, group, or population lacking a fixed, regular, and/or adequate nighttime residence in accordance with and as classified under OAR Chapter 813 Division 240 State Homeless Assistance Program.

Homeowners Association. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Household. A housing unit and any place in or around a housing unit at which the occupants of the housing unit are producing, processing, or storing homegrown marijuana or homemade cannabinoid products or cannabinoid extracts.

Housing Unit. A house, an apartment or a mobile home, or a group of rooms or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and that has direct access from the outside of the building or through a common hall.

Intermodal Cargo Container. Large, reusable containers without wheels used for shipping in intermodal transportation.

Impervious Surface. A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff.

Kennel. Any lot or premises on which 5 or more dogs or cats at least 5 months of age are kept, boarded, or trained.

Kennels, Breeding. Any premises where 4 or more dogs, cats, or other animals or fowl are maintained for breeding purposes.

Laydown Yard. A temporary off-site storage area for equipment and useable materials to be used for maintenance or construction.

Landscaping. Landscaping is defined in Article 6.010: Landscaping Standards.

Lot. A unit of land owned or under lawful control and in the lawful possession of one distinct ownership and intended as a unit for the purpose, whether immediate or future, of transfer of ownership and/or for development.

Lot Area. The total horizontal area within the lot lines of a lot.

Lot, Corner. A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Coverage. Unless otherwise specified in this Title, percent of a development site covered by paved surface areas and buildings.

Lot Depth. The distance from the midpoint of the front lot line to the midpoint of the rear lot line. **Lot, Interior.** A lot other than a corner or reversed corner lot.

Lot Frontage. See "frontage."

Lot Line. The property line bounding a lot.

Lot Line Adjustment. The relocation of a common property boundary wherein an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable development district regulation.

Lot Line, Exterior. The side lot line abutting a street.

Lot Line, Front. In the case of an interior lot, a property line that abuts the street. In the case of a corner lot, the front line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address.

Lot Line, Interior. The side lot line abutting another lot line.

Lot Line, Rear. The record lot line or lines most distant from and generally opposite the front lot line.

Lot Line, Side. Any lot boundary not a front or rear lot line.

Lot of Record. A lot or parcel created through the applicable land division regulations at the time the lot was created.

Lot, Reversed Corner. A corner lot whose rear line borders the side yard of another lot, whether

or not separated by an alley.

Lot, Tax. One parcel of real property shown on the County Assessor's map, and identified by a tax lot number. A tax lot may not necessarily be a lot of record. A tax lot may contain more than one platted legal lot of record.

Lot, Through. A lot of record whose front and rear lot lines both abut streets. **Lot Width.** The distance between the midpoints of the side lot lines.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements.

LUBA. The State of Oregon Land Use Board of Appeals.

Manufactured Dwelling. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with manufactured home, mobile home, or residential trailer as defined by this Chapter.

Manufactured Dwelling Park or Manufactured Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Manufactured Home. A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standards.

Manufactured Home Space. Any portion of a manufactured dwelling park (see definition for "Manufactured Dwelling Park") which is designated or used for occupancy of one manufactured home, mobile home, or residential trailer, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.

Manufactured Home Stand. That portion of the manufactured home space reserved for the location of the manufactured home or mobile home structure.

Marijuana. Means all parts of the plant cannabis family moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana Items. Means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

Master Plan. An overall plan for a development site which may be built in phases. A master plan may be conceptual or detailed which is final for such issues as uses and densities. If conceptual, separate and more detailed applications will be required for each phase. Review of detailed application is based on regulations in effect at time of submittal of original plan application.

Material Storage Yard. Any lot or parcel of property, or portion thereof, where any of the following takes place, except when the following occur in a walled and roofed building:

1. The storage or dismantling of used or discarded manufacturing apparatus, lumber, building materials, equipment, scrap metals and any other item associated with the building trades, whether or not for purposes of sale.
2. The salvaging, dismantling, wrecking, reassembling or burning of any of the items in paragraph 1 above.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which Base Flood Elevations shown on the City's FIRM are referenced.

Medical Care Facility. An institution providing in-patient and/or out-patient health services for the medical, psychiatric, or surgical care of the sick or injured; includes related facilities such as laboratories, training facilities, services and staff offices related to the institution.

Medical Marijuana Dispensary. Any facility registered by the Oregon Health Authority under ORS 475.300 to 475.346, as now constituted, that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

Medical Marijuana Processing. The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Health Authority.

Medical Marijuana Wholesaling. The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Health Authority.

Minor Partition. Dividing a legal lot of record into 3 or fewer conforming lots within a calendar year.

Mobile Home. A residential structure intended for permanent human occupancy and constructed for movement on the public highways, constructed prior to adoption of June 15, 1976 U.S. Housing and Urban Development (HUD) standards, but meeting the requirements of Oregon's mobile home laws in effect between January 1, 1962 and June 15, 1976.

Mobile Home Park. See "Manufactured Dwelling Park or Manufactured Subdivision."

Modular Structure. A structure not built on-site, but which is placed on a permanent foundation and meets the State Building Code standards.

Motor Home. See "Recreational Vehicle."

Motor Vehicle. Every vehicle that is self-propelled, including tractors, fork-lift trucks,

motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

National Geodetic Vertical Datum. An elevation reference mark used in determining a flood boundary and floodway maps, formerly referred to as Mean Sea Level.

Net. When referring to area, the total area of land proposed for use or development after excluding: public rights-of-way existing or anticipated to exist; land constrained by slopes of 25% or greater; land located within the Special Flood Hazard Area (SFHA) identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps for the City of The Dalles (unless an application includes either a FEMA-approved Letter of Map Amendment or Letter of Map Revision Based on Fill); lands determined by the Oregon Department of State Lands (DSL) to be wetlands (unless an application includes a DSL-approved Removal-Fill Permit); land within stream corridors (as defined in Article 5.130); land designated open space or parkland and anticipated to be publicly owned; land designated open space owned in common by owners within a residential development; and land encumbered by public utility easements.

Net Density. The total number of dwelling units per net acre.

New Construction. For floodplain management purposes only, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

No Net Loss. Means adverse impacts to floodplain functions are avoided or offset so that there is no net change in the applicable floodplain functions from the existing condition when a development application is submitted to the City as further described in NMFS Consultation No. NWR-2011-3197).

Nonconforming Development. A lawful existing structure, use, or legal parcel of land that does not conform to requirements of the zone district where it is located, but which was already in existence at the time this Title or any amendment to it became effective.

Non-Personal Medical Marijuana Grow Operation. Any grow site registered with the Oregon Health Authority under ORS 475B.420 for the planting, cultivating, growing, trimming or harvesting marijuana, or drying marijuana leaves or flowers, but excluding a personal medical marijuana grow site.

Office. A place where the following civic and commercial use types, as described in this Title, are conducted: administrative services; business support services; financial, insurance and real estate services; medical services; professional and research services.

Open Space. Areas intended for common use either privately owned and maintained or dedicated to the City, designed for outdoor living and recreation or the retention of an area in its natural state, and normally including swimming pools, recreation courts, patios, open landscaped areas, including rooftop patios or terraces for multifamily dwellings (must be accessible to all residents), and greenbelts with pedestrian, equestrian, and bicycle trails. Does not include off-street parking or loading areas or driveways.

ORS. Oregon Revised Statutes.

Person. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, 2 or more people having a joint or common interest, or any other legal entity.

Personal Medical Marijuana Grow Site. A marijuana grow site registered with the Oregon Health Authority at the location where the holder of a registry identification card lives. Notwithstanding the number of grow sites registered by the Oregon Health Authority at the location, or the number of persons with a registry identification card at the location, a personal medical marijuana grow site shall lose that designation if more than 6 mature medical marijuana plants are growing at such location.

Pervious Surface. Surfaces that allow rain and snowmelt to seep into the soil and gravel below. “Pervious surface” may also be referred to as “permeable surface”.

Planned Development. A land development project comprehensively planned as an entity via a unified site plan that permits flexibility in building siting, mixtures of building types and land uses, usable open spaces, and the preservation of significant natural features.

Plat. Refers to a final subdivision plat, replat or partition plat.

Plat, Partition. A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Plat, Subdivision. A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Porch. A covered shelter projecting from the front entrance of a building with a minimum width of 12 feet and depth of 6 feet.

Public House. A facility open to the public licensed to serve alcohol.

Public Improvements. Those improvements necessary to serve a development and/or required by the approving authority in conjunction with development. Such public improvements may include, but are not limited to: streets, curb, gutter, sidewalk, drive approaches, storm system, trails, paths, bridges, sanitary system, water system, fire protection system, structures, street lights, traffic signals, traffic signs, etc. To qualify as public improvements, such work must be:

1. Designed and constructed in accordance with applicable standards.
2. Located inside the City's urban growth boundary, or on property which has been or will be dedicated or deeded to the public or a public agency, or in an appropriate and properly recorded easement to the public or a public agency.
3. Owned, operated or maintained by a public agency.

Qualified Professional. A person who:

1. Has attained a minimum educational level of a bachelor’s degree in wildlife or fisheries habitat biology, or a related degree in a biological field from an accredited

college or university and with a minimum of four years' experience as a practicing fish or wildlife habitat biologist; or

2. Is listed on the Oregon Department of Transportation's official list of consultants qualified to provide Endangered Species Act Documentation.

Recreational Marijuana Processing. The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission.

Recreational Marijuana Production. The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission.

Recreational Marijuana Retailing. The sale of marijuana items to a consumer, provided the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

Recreational Marijuana Wholesaling. The purchase of marijuana items for resale to a person other than a consumer, provided the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

Recreational Vehicle (RV). A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park (RV Park). A lot or tract of land where the primary use is for temporary parking, on a fee or other basis, of occupied recreational vehicles.

Recycling Center. A place of business engaged in the receiving of waste materials, such as, but not limited to, glass, cans, paper, and plastics, and the temporary storage of such waste materials until they are removed to another site for processing.

Replat, Major. The reconfiguring of lots in a recorded subdivision plat that results in either the creation of 4 or more additional lots or deletion of 4 or more lots.

Replat, Minor. The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 or fewer lots being created or deleted within a 12-month period.

Reserve Strip. A narrow strip of land overlaying a dedicated street reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

Residential Care Facility. A residential care, treatment or training facility duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 6 to 15 individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be

related to each other or the residents. A facility with over 15 patients does not qualify as a residential care facility.

Residential Care Home. A residential treatment or training home, or an adult foster home duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 5 or fewer individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is used for residential purposes, and that was constructed prior to January 1, 1962.

Right-of-Way. A public way dedicated for vehicular, bicycle or pedestrian use.

Riparian. Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

Riverine: Of or produced by a river. Riverine floodplains have readily identifiable channels. Floodway maps can only be prepared for riverine floodplains. All floodplains within The Dalles are considered to be riverine.

Setback. The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this Title shall be the property line unless otherwise excepted, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Title.

Shade Trees: A tree that matures with a height of more than 40 feet whose primary role is to provide shade in the surrounding environment with a distinct canopy.

Shelter, Established. A building or group of buildings permanently used or intended for providing homeless shelter and incidental services.

Shelter, Seasonal. A building or group of buildings temporarily used or intended for providing homeless transitional or emergency shelter and incidental services for a maximum of 6 months.

Sign. Any device or medium affixed to property (including its structure, lighting, materials, and component parts) which by reason of its form, color, wording, symbol, design, and illumination visually communicates, identifies, advertises, informs, announces, or attracts attention to the subject thereof.

Silviculture. The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

Special District. A development district created by ordinance in recognition of an area's unique characteristics such as environmental or historic resources, natural hazards, or an identified need for certain development or redevelopment.

Special flood hazard area. See “Area of special flood hazard” for this definition.

Staff. The administrative officers responsible for the operation and management of the various City departments and divisions.

Start of construction, Special Flood Hazard areas. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair,

reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. "Permanent construction" does not include: land preparation (e.g., clearing, grading, and filling); the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation of accessory buildings (e.g., garages or sheds not occupied as dwelling units or not part of the main structure). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, irrespective of whether that alteration affects the external dimensions of the building.

Street. A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, or to which a right of public use has otherwise been attached, which affords the principal means of access to abutting property. Street does not include "alley," but does include avenue, place, way, drive, land, boulevard, highway, road, and any other thoroughfare unless otherwise specifically excluded by this Title.

Street, Private. A right-of-way or easement used for vehicular, bicycle or pedestrian traffic which is privately owned and maintained.

Structure. Anything constructed or portable, the use of which requires a location on a parcel of land, including a movable structure, while it is located on the land and used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, and a manufactured dwelling.

Structure Height. The height of structures is determined per the appropriate provisions in Article 6.070: Measurements.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Tourist Oriented Destination. A business that is a cultural, historical, recreational, educational,

or entertaining activity, or unique commercial activity whose major portion of income or visitors is derived from visitors not residing in The Dalles.

Townhouse. See "Dwelling, Single Attached."

Violation. For floodplain management purposes, the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided to the City.

Yard. An open space unobstructed from the ground upward except as otherwise provided in this Title.

Yard, Exterior Side. A yard extending from the front yard to the rear lot line on the street side of a corner lot.

Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.

Yard, Rear. A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.

Yard, Side. A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

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Chapter 10.3 Application Review Procedures

10.3.070.020 Review Procedures.

- A. Applications. In addition to the requirements of Article 3.010: Application Procedures, variance applications shall be accompanied by at least 15 copies of a concept site plan, per the provisions of Article 3.030: Site Plan Review, and a written statement which specifically addresses the review criteria as described in Section 10.3.070.030: Review Criteria.
- B. Review. Variance applications shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.
- C. Floodplain Management. Variance requests from floodplain management regulations shall be subject to Section 10.8.030.130.

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Chapter 10.5 Zone District Restrictions

10.5.130.060. Site Plan Required.

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the SCW Overlay District, the property owner shall submit a scaled site plan to the City that shows:

- A. Topographic contours at 2-foot intervals;
- B. The stream top-of-bank;
- C. Special Flood Hazard Area (SFHA) elevation;
- D. The required riparian setback;
- E. Existing vegetative cover and type;
- F. Existing and proposed site improvements; and
- G. A riparian restoration plan if development is proposed within 50 feet of the stream top-of-bank.

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Chapter 10.6 General Regulations

10.6.170.020. Calculating Density.

- A. Density Denominator. Density is determined on an individual development proposal basis. For developments including multiple lots or parcels, the overall density of the entire proposed development site is calculated.
- B. Gross and Net Density.
 - 1. When determining minimum required density of an individual development, net density is used for calculations.
 - 2. When determining maximum allowed density of an individual development, gross density is used for calculations.
- C. Deductions to Calculate Net Area. Net area is the total area of land within an individual development, excluding the following areas (measured in square feet):
 - 1. Right-of-way dedications for new rights-of-way or expansions of existing rights-of-way;
 - 2. Land constrained by slopes of 25% or greater;
 - 3. Special Flood Hazard Area (SFHA), as determined by the Federal Emergency Management Agency;
 - 4. Wetlands, as determined by the Oregon Department of State Lands;
 - 5. Stream corridors, as defined in Article 5.130;

6. Open space or parkland and anticipated to be publicly owned;
7. Open space owned in common by owners within a residential development; and
8. Public utility easements.

D. Density Calculations.

1. Minimum Density. The minimum number of dwelling units required is calculated by dividing the net area (pursuant to TDMC Section 10.6.170.020(C)) by 43,560 square feet to convert the area to acres, then by multiplying the resulting acreage by the most restrictive minimum required dwelling unit density applicable to the project's zone district. See TDMC Section 10.6.070.020 for fractional rounding.
2. Maximum Density. The maximum number of dwelling units permitted is calculated by dividing the gross area by 43,560 square feet to convert the area to acres, then by multiplying the resulting acreage by the least restrictive maximum required dwelling unit density applicable to the project's zone district. See TDMC Section 10.6.070.020 for fractional rounding.

E. Density Fractional Rounding. If after a calculation the result applied is a rounded whole number which would result in a total number of dwelling units exceeding the maximum Comprehensive Plan density range, the development shall be permitted no more than 1 dwelling unit greater than the density range (e.g., an RL-zoned development with a maximum density of 8.65 may be rounded up to 9, thus exceeding the 8.712 maximum allowed density of the RL zoning district).

F. Minimum Lot Allowances.

1. Regardless of the density calculation described above, any residentially zoned lot of record is allowed at least 1 dwelling unit.
2. Any residentially zoned lot of record has a density of at least 1 dwelling unit.

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Chapter 10.8 Physical and Environmental Constraints

10.8.020.010. Permit Requirements.

- A. Physical Constraints Permit. A physical constraints permit shall be required for all development:
1. in areas within all Special Flood Hazard areas on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for the City of The Dalles;
 2. in areas identified as natural drainage ways;
 3. in areas of the 2010 Geologic Hazards Study prepared by Mark Yinger designated within Zones 1 and 4, or land in Zone 3 which is located in areas of groundwater discharge;

4. in slopes greater than 20% where utility extensions are required, and 25% in all other cases;
 5. which includes grading, filling, cutting, or other earth-moving activity involving more than 50 cubic yards of material on any lot or parcel of land or which includes areas of highly erosive soils;
 6. in areas designated as flowage easements by the Army Corps of Engineers; or
 7. in areas where the groundwater table is less than 10 feet below grade.
- B. Consolidation. Where the development is also subject to a site plan review, conditional use permit, subdivision, partition, planned development, or other planning action, the physical constraints permit may, at the request of the applicant, be processed simultaneously with the planning action at no additional charge. Consolidated applications may submit one plan showing all information required by this Title.

10.8.020.020. Abrogation.

Abrogation. This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10.8.020.030. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- A. considered as minimum requirements;
- B. liberally construed in favor of the governing body; and
- C. deemed neither to limit nor repeal any other powers granted under state statutes.

10.8.020.040. Applications.

In addition to the requirements of Article 3.010: Application Procedures, all applications for a physical constraints permit shall be accompanied by at least 3 copies of a site plan. Site plan requirements are detailed in Section 10.8.020.050.

10.8.020.050. Required Plans.

The following plans shall be required for any development requiring a physical constraints permit:

- A. Site Plan. A site plan clearly showing the following:
 1. Project name.
 2. Vicinity map.

3. Scale (the scale shall be at least 1 inch equals 50 feet or larger).
 4. North arrow.
 5. Date.
 6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
 7. Lot layout with dimensions for all lot lines.
 8. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
 9. Location and size of all public utilities affected by the proposed development.
 10. Location of drainage ways or public utility easements in and adjacent to the proposed development.
 11. A topographic map(s) of the site at a contour interval of 5 feet or less showing existing and proposed ground contours.
 12. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation.
 13. Locations of all existing natural features, including, but not limited to, all trees of a caliper greater than 12 inches in diameter, natural drainage or creeks on the site, faults, and rock outcroppings. Indicate any contemplated modifications to a natural feature.
 14. The proposed method of erosion control, water runoff control, and tree protection for the development.
 15. Building envelopes for all existing and proposed new parcels.
- B. Additional Plans and Studies. The Director may waive any of the above site plan elements, or require additional plans and studies necessary to evaluate the application.

10.8.020.060. Review Procedures.

Applications for physical constraint permits shall be reviewed and decided by the Director per the provisions of Section 10.3.020.030: Ministerial Actions.

10.8.020.070. Review Criteria.

Physical constraint permits shall be issued by the approving authority when the applicant has demonstrated the following:

- A. Hazards. The development will not cause damage or hazard to persons or property upon or adjacent to the area of development.

- B. Mitigation. The applicant has considered the potential hazards that the development may create and implemented reasonable measures to mitigate the potential hazards caused by the development.
- C. Impact. The applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The approving authority shall consider the existing development of the surrounding area, and the maximum permitted development permitted by this Title.
- D. Compliance. The development is in compliance with the requirements of this Chapter and all other applicable City ordinances and state and federal regulations.

10.8.020.080. Changes to Plans.

The approving authority has the power to amend plans to include one or both of the following conditions if it is deemed necessary to mitigate any potential negative impact caused by the development:

- A. Natural Features. Require the retention and/or addition of trees and other vegetation, rocks, ponds, water courses and other natural features.
- B. Plan Changes. Require plan revision or modification to mitigate possible negative or irreversible effects upon the topography or natural features that the proposed development may cause.

10.8.020.090. Permit Denial.

The approving authority may deny the physical constraint permit if, in its opinion, one or more of the following is found to apply:

- A. The proposed development will have a detrimental effect on the lands regulated and protected by this Chapter.
- B. The proposed development is inconsistent with the Comprehensive Plan.
- C. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.

10.8.030.010 Statutory Authorization.

ORS 197.175 (*Cities' and counties' planning responsibilities*), as may be amended or superseded, delegates the State of Oregon's responsibility to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry to local governmental units.

10.8.030.020. Purpose.

It is the purpose of this Article to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in Special Flood Hazard areas by provisions

designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Preserve natural and beneficial floodplain functions;
- D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- E. Minimize prolonged business interruptions;
- F. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Special Flood Hazard areas;
- G. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- H. Notify potential buyers that the property is in a Special Flood Hazard area;
- I. Notify those who occupy Special Flood Hazard areas that they assume responsibility for their actions; and
- J. Participate in and maintain eligibility for flood insurance and disaster relief.

10.8.030.030 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Article includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

10.8.030.040 Findings of Fact.

- A. The flood hazard areas of The Dalles preserve the natural and beneficial values served by floodplains but are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services,

extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- B. These flood losses may be caused by the cumulative effect of obstructions in Special Flood Hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

10.8.030.050. Applicability.

This Article shall apply to all Special Flood Hazard areas within the jurisdiction of the City.

10.8.030.060 Basis for Establishing the Special Flood Hazard Areas

The Special Flood Hazard areas identified by the Federal Insurance Administrator in the most current flood insurance study applicable to the City (FIS), with accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted by reference and declared to be a part of this Article. The FIS and FIRM panels are on file at The Dalles Community Development Department located in The Dalles City Hall at 313 Court Street, The Dalles, OR 97058.

10.8.030.070. Coordination with State of Oregon Specialty Codes.

The Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard areas and this Article is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

10.8.030.080. Compliance and Penalties for Noncompliance.

- A. Compliance. All development within Special Flood Hazard areas is subject to the terms of this Article and required to comply with its provisions and all other applicable regulations.
- B. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Violations of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation subject to the provisions of Chapter 10.15. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

10.8.030.090. Warning and Disclaimer of Liability

- A. Warning. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of Special Flood Hazard areas or uses permitted within such areas will be free from flooding or flood damages.

- B. Disclaimer of Liability. This Article shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

10.8.030.100. Administration.

- A. Designation of the Floodplain Administrator. The Director is hereby appointed to administer, implement, and enforce this Article by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

- B. Duties and Responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator, or their designee, shall include, but are not limited to:

1. Permit Review. Review all development permits to:
 - a. Determine that the permit requirements of this ordinance have been satisfied;
 - b. Determine that all other required local, state, and federal permits have been obtained and approved;
 - c. Determine whether the proposed development is located in a floodway:
 - i. If located in the floodway, ensure the floodway provisions of Section 10.8.030.140(G) are met;
 - ii. Determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the FIS or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of Section 10.8.030.120(A)(7); and
 - iii. Provide to building officials the BFE to any building requiring a development permit.
 - d. Determine if the proposed development qualifies as a substantial improvement;
 - e. Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions of Section 10.8.030.120(A)(1); and
 - f. Determine if the proposed development activity includes the placement of fill or excavation.
2. Information to be Obtained and Maintained. The following information shall be obtained and maintained consistent with the Oregon Secretary of State's records retention requirements or other applicable law:

- a. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 10.8.030.120(A)(7).
- b. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections 10.8.030.100(B)(1)(b) and 10.8.030.140(G) are adhered to.
- c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- d. Where BFE data is utilized, as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- e. Maintain all Elevation Certificates submitted to the City.
- f. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures, where allowed under this Chapter and where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 10.8.030.120(A)(7) .
- g. All floodproofing certificates required under this Chapter.
- h. All variance actions, including justification for their issuance.
- i. All hydrologic and hydraulic analyses performed as required under Section 10.8.030.140(G).
- j. All Substantial Improvement and Substantial Damage calculations and determinations as required under Section 10.8.030.100(B)(5).
- k. All other records submitted in connection with the provisions of this Chapter.

3. Requirements to Notify Other Entities and Submit New Technical Data.

- a. City Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the City have been modified by annexation or the City has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and FIRMs accurately represent the City's boundaries. Such notification shall include a copy of a map of the City suitable for reproduction and clearly delineating the new corporate limits or

new area for which the City has assumed or relinquished floodplain management regulatory authority.

- b. Watercourse Alterations. Notify Wasco County, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:
 - i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
 - ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.
- c. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 10.8.030.100(B)(4). Ensure compliance with all applicable requirements in Sections 10.8.030.100(B)(4) and 10.8.030.120(A)(1).

4. Requirement to Submit New Technical Data

- a. The City's BFEs may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, the City shall notify the Federal Insurance Administrator of such changes by submitting technical or scientific data in accordance with 44 C.F.R. 65.3. The City may require the applicant to submit such data and review fees required for compliance with this Section through the applicable FEMA Letter of Map Change (LOMC) process.
- b. The Floodplain Administrator shall require a CLOMR prior to the issuance of a floodplain development permit for:
 - i. Proposed floodway encroachments that increase the BFE; and
 - ii. Proposed development which increases the BFE by more than one foot in areas where FEMA has provided BFEs but no floodway.
- c. An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a CLOMR from FEMA. This notification to FEMA shall be provided as a LOMR.

5. Substantial Improvement and Substantial Damage Assessments and Determinations.

- a. Conduct substantial improvement reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 10.8.030.150(B) .

- b. Conduct substantial damage assessments when structures are damaged due to a natural hazard event or other causes. Make substantial damage determinations whenever structures within the Special Flood Hazard area are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

10.8.030.110. Permit Requirements.

- A. Physical Constraints Permit Required. A physical constraints permit shall be obtained before construction or development begins within any area horizontally within the Special Flood Hazard area. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, including fill and other development activities.
- B. Application for Physical Constraints Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required with all physical constraints:
 - 1. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the requirements of Section 10.8.030.150(B).
 - 2. Existing lowest floor elevation (in relation to sea level).
 - 3. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
 - 4. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any structure meet the floodproofing criteria for non-residential and residential structures in Section 10.8.030.140(D).
 - 5. Description of the extent to which any watercourse will be altered or relocated.
 - 6. BFE data for subdivision proposals or other development when required and consistent with Sections 10.8.030.100(B)(1) and 10.8.030.120(A)(6).
 - 7. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
 - 8. The amount and location of any fill or excavation activities proposed.

C. Development Statement.

- 1. Application for permits to develop in the Special Flood Hazard area must also include:
 - a. Either:

- i. A statement confirming that the applicant has obtained a floodplain mitigation assessment of the proposed development performed by a qualified professional;
- ii. A statement that, in addition to being covered by the consultation and biological opinion issued by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) for the Federal Emergency Management Agency's implementation of the National Flood Insurance Program in Oregon (NMFS Consultation No. NWR-2011-3197), the development proposed by the application is a project or project action that is covered by another formal consultation with NMFS or the United States Fish and Wildlife Service, pursuant to Section 4(d), 7, or 10 of the Endangered Species Act of 1973;
- iii. A statement that the development proposed by the application fits within the nature and scope of the project types that are addressed in an existing full programmatic habitat assessment of all current and reasonably foreseeable future conditions; or
- iv. A statement that the development proposed by the application is exempt from the requirement for a floodplain mitigation assessment because it is one or more of the following activities:
 - a) Normal maintenance, repairs, or remodeling of structures, such as re-roofing and replacing siding, that does not (1) alter the footprint or expand the roof of the structure or (2) constitute a substantial improvement or repair of substantial damage (meaning the work must be less than 50 percent of the market value of the structure(s)).
 - b) Routine maintenance of streets, sidewalks, paths and roads (including but not limited to filling potholes, repaving, and installing signs and traffic signals) that does not alter contours or culverts, that is less than six inches above grade, and that does not expand paved areas;
 - c) Routine maintenance of landscaping that does not include grading, excavation, or filling;
 - d) Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration and that removes all spoils from the Special Flood Hazard area or tills spoils into fields as a soil amendment;
 - e) Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal with root balls left in place;
 - f) Removal of noxious weeds and hazard trees or replacement of non-native vegetation with native vegetation;

- g) Normal maintenance of above and below ground utilities and facilities, such as replacing downed power lines and utility poles that does not result in a net change in footprint;
 - h) Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility (this does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor);
 - i) Habitat restoration activities;
 - j) Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas, provided the activities meet federal and state standards and do not include structures, grading, fill, or impervious surfaces;
 - k) Repair to onsite septic systems, provided ground disturbance is the minimal necessary and best management practices are utilized to prevent stormwater runoff and soil erosion; and
 - l) Pre-emptive removal of documented susceptible trees to manage the spread of invasive species.
- b. If the applicant has confirmed that it has obtained a floodplain mitigation assessment under (2)(i)(1) above, a statement confirming that the proposed development activities, as shown on the design plans and drawings submitted with the application, include measures to incorporate all mitigation identified in the floodplain mitigation assessment as needed for no net loss of floodplain functions.
2. The City will deny a permit to develop in the Special Flood Hazard area unless the applicant submits a statement meeting the requirements of Section 10.8.030.110(C)(1).

10.8.030.120 Provisions for Flood Hazard Reduction.

- A. General Standards. In all Special Flood Hazard areas the following standards shall be adhered to:
- 1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 10.8.030.100(B)(3)(b) and 10.8.030.100(B)(4).
 - 2. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All manufactured dwellings shall be anchored consistent with Section 10.8.030.140(D).

3. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. Utilities and Equipment

a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems

- i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

b. Electrical, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a substantial improvement shall meet all the requirements of this section.

5. Tanks

- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- b. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. Subdivision Proposals and Other Proposed Developments

- a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or five (5) acres, whichever is the lesser, shall include within such proposals BFE data.
- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - i. Be consistent with the need to minimize flood damage.
 - ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - iii. Have adequate drainage provided to reduce exposure to flood hazards.

7. Use of Other Base Flood Elevation Data

- a. When BFE data has not been provided in accordance with Section 10.8.030.060, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data available from a federal, state, or other source to administer Section 10.8.030.120. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 10.8.030.120(A)(6).
- b. BFEs shall be determined for development proposals that are five (5) acres or more in size or are 50 lots or more, whichever is lesser, in any A Zone that does not have an established BFE. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available. The elevation of residential structures and non-residential structures that are not dry floodproofed must be two (2) feet above highest adjacent grade. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

8. Structures Located in Multiple or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

- a. When a structure is located in multiple flood zones on the City's FIRM, the provisions for the more restrictive flood zone shall apply.
- b. When a structure is partially located in a Special Flood Hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

10.8.030.130 Specific Standards for Riverine (Including All Non-Coastal) Flood Zones.

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 10.8.030.120 Provisions for Flood Hazard Reduction (A) of this ordinance.

A. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.

Enclosed areas below the BFE, including crawl spaces shall:

1. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
2. Be used solely for parking, storage, or building access;
3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - a. A minimum of two (2) openings;
 - b. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
 - c. The bottom of all openings shall be no higher than one (1) foot above grade;
 - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and,
 - e. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.
4. Garages
 - a. Attached garages may be constructed with the garage floor slab below the BFE in riverine flood zones, if the following requirements are met:
 - i. If located within a floodway the proposed garage must comply with the requirements of Section 10.8.030.140(G);
 - ii. The floors are at or above grade on not less than one side;
 - iii. The garage is used solely for parking, building access, and/or storage;
 - iv. The garage is constructed with flood openings in compliance with Section 10.8.030.130(A) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;

- v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - vi. The garage is constructed in compliance with the standards in Section 10.8.030.120(A); and
 - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for accessory structures in Section 10.8.030.140(F) or non-residential structures in Section 10.8.030.140(D) depending on the square footage of the garage.

10.8.030.140 For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations

In addition to the general standards listed in Section 10.8.030.120(A), the following specific standards shall apply in Riverine (non-coastal) Special Flood Hazard areas with BFE: Zones A1-A30, AH, and AE.

- A. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City and will not result in the net loss of flood storage volume.
- B. Residential Construction
 - 1. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated 1 foot above the BFE.
 - 2. Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 10.8.030.130(A).
- C. Non-Residential Construction
 - 1. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - c. Have the lowest floor, including basement elevated at or above the BFE; or
 - d. Together with attendant utility and sanitary facilities:

- i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Section 10.8.030.100(B)(2).
2. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 10.8.030.130(A).
3. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

D. Manufactured Dwellings

1. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with Section 10.8.030.130(A);
2. The bottom of the longitudinal chassis frame beam shall be at or above BFE;
3. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
4. Electrical crossover connections shall be a minimum of one (1) foot above BFE.

E. Recreational Vehicles

1. Recreational vehicles placed on sites are required to be on the site for fewer than 180 consecutive days and:
 - a. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

- b. Meet the requirements of Section 10.8.030.140(D), including the anchoring and elevation requirements for manufactured dwellings.
- F. Accessory Structures. Relief from elevation or floodproofing requirements for residential and non- residential structures in Riverine (Non-Coastal) flood zones may be granted for accessory structures that meet the following requirements:
 - 1. Accessory structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section 10.8.030.140(G);
 - 2. Accessory structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
 - 3. In compliance with State of Oregon Specialty Codes, accessory structures on properties that are zoned residential are limited to one- story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed accessory structure will be located a minimum of 20 feet from all property lines. Accessory structures on properties that are zoned as non-residential are limited in size to 120 square feet;
 - 4. The portions of the accessory structure located below the BFE must be built using flood resistant materials;
 - 5. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
 - 6. The accessory structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 10.8.030(A);
 - 7. Accessory structures shall be located and constructed to have low damage potential;
 - 8. Accessory structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 10.8.030.120(A)(5); and
 - 9. Accessory structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- G. Floodways. Located within the Special Flood Hazard areas established in Section 10.8.030.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - a. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the City during the occurrence of the base flood discharge; or
 - b. The City may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs.
 2. If the requirements of Section 10.8.030.140(G) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 10.8.030.120.
- H. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with BFEs. For AO zones, the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
1. Standards for AH Zones. Development within AH Zones must comply with the standards in Sections 10.8.030.140(G) and 10.8.030.140(A).
 2. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in Sections 10.8.030.140(G) and 10.8.030.140(H):
 - a. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
 - b. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
 - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified); or

- ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect consistent with Section 10.8.030.140(D).
- c. Recreational vehicles placed on sites within AO Zones on the City's FIRM shall be on the site for fewer than 180 consecutive days and either:
 - i. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - ii. Meet the elevation requirements of Section 10.8.030.140(H) and the anchoring and other requirements for manufactured dwellings of Section 10.8.030.140(D).
- d. In AO zones, new and substantially improved accessory structures must comply with the standards in Section 10.8.030.140(F).
- e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 10.8.030.130(A).

10.8.030.150. Variance Procedure.

The issuance of a variance under this Article is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance. Variance applications unrelated to floodplain standards described in this Article shall be processed and reviewed consistent with Section 10.3.070.

A. Conditions for Variances

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, consistent with the provisions of Sections 10.8.030.150(A)(3) and (5) and (B). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
5. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Section 10.8.030.150(2) and (4) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

B. Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance and that such construction below the BFE increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 10.8.030.150(B).

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Chapter 10.12 Recreational Vehicle Parks

10.12.050. Development Standards.

- A. Laws and Regulations. All the requirements of Federal, State, and local laws and regulations shall be met. Refer to Oregon Revised Statutes Section 455.680 and Oregon Administrative Rules Chapter 918, Division 650 for State of Oregon requirements for RV parks.
- B. Hazards to Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas prone to erosion or exposed to objectionable smoke, noise, odors, or other adverse influences.
- C. Prohibited Siting. No RV spaces or park building may be located within the following areas:
 1. Special Flood Hazard Area (as determined by the Federal Emergency Management Agency).
 2. Stream corridors (as defined in Article 5.130).

3. Wetlands (as determined by the Oregon Department of State Lands).
- D. Park Building Setbacks. Setbacks shall be the same as the setbacks required by the zone district.
- E. Spacing. RV spaces must be no less than 10 feet from one another. No RV space may be located less than 10 feet from neighboring property lines and 15 feet from the public right-of-way.
- F. Access.
 1. Access to an RV park shall be from an arterial or collector street.
 2. In order to facilitate ease of entry and exit, the Planning Commission may authorize a wider driveway entrance than is otherwise provided for in this Title.
 3. Park access connections to public streets shall meet the requirements of Article 6.050: Access Management.
 4. For RV parks of 10 or more spaces, at least two vehicular access points shall be provided. Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
 5. All Plan Sets must include functional turning templates/turning radii which demonstrate entry and exit into the park and spaces specifically designed to accommodate the anticipated types of RVs within the park.
- G. Screening. Park perimeter screening shall meet the applicable requirements of Section 10.6.010.050: Screening—Hedges, Fences, Walls other than Retaining Walls, Berms, and the following provisions; provided, however, the following provisions control in the event of any inconsistency with the requirements specified in Section 10.6.010.050:
 1. Perimeter Screening Adjacent to Abutting Properties. A sight-obscuring fence, wall, evergreen hedge, or combination of screening/planting shall surround each RV park, except as specified in subsection G.2 below for parks adjacent to public streets, and shall meet the following requirements:
 - a. Perimeter screening shall not be placed in any residential setbacks.
 - b. Landscaping consistent with Article 6.010 shall be provided in the required setbacks areas, and shall be used to reinforce perimeter screening.
 - c. Walls or fences shall be 6 feet in height. Evergreen hedge plantings shall be at least 6 feet in height at time of planting, and be maintained in a healthy, living condition.
 2. Perimeter Screening Adjacent to Public Streets. A 6-foot high sight-obscuring screen shall be provided using fencing and vegetation and/or an earthen berm and vegetation as follows:
 - a. Fencing. Any fence shall have an average 15-foot setback from the public right-of-way and shall meet the requirements of Article 6.100: Vision Clearance. Fencing closer than 15 feet to the public right-of-way shall

conform to the subject zoning district's restrictions on front yard fencing. Fences and walls over 100 feet in length (of a single run) shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.

- b. Berms. Earthen berms up to 6 feet in height may be used to comply with screening requirements. The slope of the berm may not exceed 2:1, the top of the berm shall be relatively flat, and the faces of the slope shall be planted with ground cover, shrubs, and trees.
- H. Surfacing. All RV parks must be surfaced per the following standards:
 - 1. RV spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
 - 2. Non-recreational vehicle parking, internal roadways, and vehicle maneuvering areas must be paved with asphalt, concrete, or similar material.
 - 3. All areas must be designed to provide for the control of runoff, surface water, dust, and mud.
- I. Non-Recreational Vehicle Parking Requirement. In addition to the number of parking spaces required for park administration, there shall be a minimum of 0.5 and a maximum of 1.5 parking spaces per RV space. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.
- J. Landscaping. All areas not occupied by park buildings, streets, RV spaces, non-recreational vehicle parking spaces, outdoor patios, and common areas shall be landscaped per the provisions of Article 6.010: Landscaping. A landscape plan shall be included with the Plan Set and must include internal shade trees at a rate of 1 tree per 5 RV spaces.
- K. Pedestrian Circulation. To ensure pedestrian connectivity, all RV parks must include an internal pedestrian walkway connecting to the adjacent public sidewalk. The walkway must be separated from vehicle parking and maneuvering areas by grade, different paving material, or landscaping throughout the park.
- L. Utilities. All RV parks may establish and maintain a private utility system for all park utilities. Each RV space may be provided water and electrical connections; however, no sewer connections may be provided to any RV space. RV parks must provide ADA accessible communal restroom and shower facilities.
- M. Lighting. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way or adjacent property.
- N. Refuse Collection.
 - 1. Minimum Requirements. RV parks must provide and make available a minimum of one 30-gallon refuse container for each four RV spaces and each refuse container shall be located within 300 feet of each RV space.
 - 2. Screening. Refuse storage facilities shall be screened by a solid wall, fence,

evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from public streets and adjacent properties.

3. Placement. All refuse collection containers shall be placed on concrete pads. Pads shall have a positive surface drainage.

EXHIBIT C
Proposed Amendments
Comprehensive Plan Amendment 56-25

Goal 5 Policies

1. Link and integrate the protection and enhancement of Open Space into Goal 8, Recreation.
2. Develop and maintain a current map and inventory of historic landmarks as approved by the Historical Landmarks Commission.
3. Require that legislative and quasi-judicial actions affecting areas of significant environmental concern meet all applicable local, State and Federal regulations.
4. Encourage the use of vegetative coverings for property to control soil erosion, reduce airborne dust, and improve the aesthetic quality of the urban environment; also providing habitat for nongame wildlife habitat such as birds and squirrels.
5. Maintain updated landscaping standards.
6. Protect and enhance Mill Creek, Chenoweth Creek, Fifteen Mile Creek and Three Mile Creek for their natural and recreational values.
7. Protect wetlands that appear on the National Wetlands Inventory (NWI), by referring proposals to fill within such sites to the Department of State Lands (DSL) in accordance with ORS 227.350. The City shall coordinate with DSL in requiring a site-specific wetlands analysis (delineation) prior to construction.
8. Seek grant funding to prepare a Local Wetland Inventory (LWI).
 - a. The LWI will be prepared using the standards and procedures of OAR 141-086-0110 through 141-086-0240.
 - b. The inventory of locally significant wetlands will be adopted as part of the Comprehensive Plan as required by ORS 197.279.
 - c. In 2011, the City adopted a program to protect fish bearing streams pursuant to OAR 660-023- 090, until such time as the City can adopt permanent wetland regulations pursuant to the Goal 5 Rule.
9. Encourage enhancement of the Columbia River and its tributaries, consistent with The Dalles Riverfront Master Plan. See Goal 8, Recreation.
10. Promote the development of a linear park system and nature trail along Mill and Chenoweth Creeks and a multipurpose trail along the Columbia River consistent with Goals 8 and 12 and The Dalles Riverfront Master Plan.
11. Enforce the weed abatement ordinances to ensure maintenance of all private and public property to avoid the spread of noxious weeds.

12. Identify and protect feasible renewable energy resources (see Goal #13: Energy).
13. Encourage urban area building owners to improve the appearance of the rear of their buildings and develop alleys as attractive avenues to access shops.
14. Identify and protect key viewing areas of the City such as Sorosis Park, and other panoramic vistas from visual blocking.
15. To comply with the Columbia Gorge National Scenic Area Act, the City shall identify and map scenic, natural and cultural resources for alternative UGB expansion areas to address NSAA requirements.
16. Owners of historical buildings and sites that have been identified by the Historical Landmarks Commission or the State Inventory of Historic Properties shall be encouraged to maintain the historical integrity of their properties. Exterior alterations to designated local Historic Landmarks shall require review by the Historical Landmarks Commission.
 - a. Encourage the restoration and sympathetic renovation of historic properties throughout the City, and preserve the historic integrity of the community.
 - b. Document, protect, and preserve significant archaeological sites within the City.
 - c. Encourage the adoption of additional local and National Register Historic Districts.
17. Encourage stream enhancement programs through coordination between civic, school, and natural resource agencies.
18. Preserve natural and beneficial floodplain functions.
19. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

Goal 7 Implementation Measures

- Low density and open space uses that are least subject to loss of life or property damage shall be preferred in flood plain areas, specifically in the flood way fringe.
- A flood damage prevention section in The Dalles Municipal Code shall be maintained as part of the City's implementing ordinances to regulate the use of land within flood plains and to enforce measures to reduce flood dangers in other areas.
- Participate in and maintain eligibility for flood insurance and disaster relief.
- Control filling, grading, dredging, and other development which may increase flood damage.
- Require development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

- Restrict or prohibit development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- The implementing ordinances shall include provisions to require a statement of disclosure by applicants concerning flooding or landslide potential on the property in question. Street layout and storm sewer designs in newly developing areas shall be placed with consideration for landslides, flooding and surface water run-off potential.
- Development in areas designated as zone A1 in the 1991 Landslide Hazard study, or on land with 25% or greater slope, shall meet the following conditions:
 - Prior to the issuance of any permits for development or construction, the Developer shall submit for the City's review, a site-specific geologic impact statement that has been prepared by a Qualified Geotechnical or Geological Consultant.
- Prior to the issuance of any permits for construction, the Developer shall submit to the City a statement prepared by a Qualified Geotechnical or Geological Consultant certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and that the proposed construction will not adversely affect the site and adjacent properties.

Goal 9 Policies

1. Encourage the siting and growth of employers which pay family wages as identified in The Dalles Economic Opportunities Analysis (EOA).
2. To the extent possible, designate within the existing UGB suitable land with site size and locational characteristics required by targeted employment as set forth in the 2010 Economic Opportunities Analysis (BOA).
3. Identify industrial sites that are immediately available and serviceable for industrial development consistent with the Goal 9 rule. Request Oregon Economic and Community Development Department (OECDD) certification for "shovel ready" industrial sites pursuant to Executive Order 03-02.
4. Coordinate with property owners to retain large commercial and industrial sites identified in the EOA for their intended commercial and industrial uses through zoning and master planning.
5. Actively support redevelopment efforts for underutilized commercial and industrial sites within The Dalles UGB, recognizing that the Northwest Aluminum site provides the large industrial sites required by targeted employers during the 20-year planning period.
6. Protect large Northwest Aluminum redevelopment sites for their intended industrial uses as identified in the EOA as set forth in Table 9-4.

7. Commercial and service uses in the City's industrial zones should be limited to small-scale retail and service uses that cater primarily to local area employees and customers.
8. Plan for and make prudent public investments to meet the future demands of industrial, commercial, and residential growth in The Dalles.
9. Encourage investment in The Dalles Central Business District, and support project activities in the Columbia Gateway/Downtown Urban Renewal Plan.
10. Encourage tourism-related services as an element in the diversification of the community's economy.
11. Encourage the development of the Mid-Columbia Medical Center and other health services as an important resource to the economic base of The Dalles, and as an important element in extending the perimeter of The Dalles' trade area.
12. Maintain The Dalles' position as a primary agribusiness trade center by encouraging the growth of those businesses providing agricultural supplies and services, and those processing and marketing agricultural products.
13. Support the forest products industry as an element of the economy.
14. Encourage the start-up and growth of small to medium sized businesses providing family wage jobs. Develop reasonable standards to allow home business start-ups.
15. Encourage siting of new industries in The Dalles and encourage existing industries to maintain high environmental standards.
16. Reserve industrial zones for industrial uses and uses compatible with industry.
17. Review and revise administrative policies and procedures to streamline the planning process and reduce delays in obtaining development approvals.
18. Coordinate economic planning and development with industrial development at Dallesport.
19. Encourage educational, cultural, social and employment opportunities to enhance the quality of life in The Dalles for all age and income groups.
20. Plan appealing streetscapes that encourage personal interaction, accommodate public gatherings, and enhance the experience of shoppers and workers.
21. Encourage cooperation between public and private sectors to support economic growth.
22. Make prudent investments in The Columbia Gorge Regional Airport as needed to accommodate airport development.
23. Minimize prolonged business interruptions due to natural hazards.
24. Minimize expenditure of public money for costly flood control projects.

Goal 11 Policies

1. Encourage the development of the public and private facilities that meet the community's economic, social, cultural, health, and educational needs.
2. Require all future urban level development to be served by public sanitary sewer and water systems.
3. Plan and provide an orderly and efficient arrangement of public facilities and services, consistent with an adopted schedule and approved Public Facilities Plan.
4. Transmission lines should be located within existing corridors, which shall be utilized for multiple purposes to the greatest extent possible.
5. Substations and power facilities shall be landscaped, and the site plan shall be approved by the Planning Commission.
6. The City, County and State should attempt to locate agencies in the central core area through new construction and efficient utilization of existing buildings.
7. Public facilities and services shall be provided to permit the development of an adequate housing supply.
8. The D-21 School District Board shall coordinate proposals for school sites and school facilities with the City for review and comment.
9. Development and siting in locations without fire protection service shall be contingent upon the developer providing the services or the subsidizing of those services.
10. Sewerage systems and solid waste disposal sites shall be located, operated, and maintained in a manner that will not adversely affect environmental quality.
11. High quality water supply and distribution systems shall be maintained to meet current and future domestic and industrial needs. The City will encourage coordination of water supply planning between the City and other water districts and private water systems.
12. Minimize damage to public facilities and utilities located in special flood hazard areas, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges.

EXHIBIT D

Proposed Text Amendments (Redline) Zoning Ordinance Amendment 110-25

Chapter 10.2 Definitions

10.2.010. Meaning of Words Generally.

All words and terms used in this Title have their commonly accepted, dictionary meaning unless they are specifically defined in this Title, or the context in which they are used clearly indicates to the contrary.

10.2.020. Meaning of Common Words.

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. The word "shall" is mandatory and the word "may" is permissive.
- D. The word "building" includes the word "structure."
- E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- F. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

10.2.030. Meaning of Specific Words and Terms.

The listed specific words and terms are defined as follows:

Abutting Lots. Two or more lots joined by a common boundary line or point.

Access, Accessway, Access Drive. The means and right to cross between public and/or private property so that persons and/or vehicles may enter and leave private property.

Accessory Dwelling Unit (ADU). A smaller, independent residential dwelling unit located on the same lot as a standalone (i.e., detached) single-family home or duplex. For purposes of calculating minimum density, accessory dwelling units are counted as 1 dwelling unit; for purposes of calculating maximum density, accessory dwelling units are counted as zero dwelling units.

Accessory Structure. A structure incidental and subordinate to the main use of property and located on the same lot as the main use; freestanding and structurally separated from the main use.

Accessory Use. A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

Adult Business. Any person group, firm, business, or organization (except non-profit

corporations which are not open to the general public) which prohibits admission to the entire portion of the premises to any persons younger than 18 years of age, and which is restricted by State law from furnishing to, sending, exhibiting an obscene performance to, or displaying obscene material to a minor, which is defined as an unmarried person under the age of 18 years.

Adult Use. A use of whatever character, conducted on the premises of an adult business, which use is conducted in the area in which any persons under 18 years of age are prohibited.

Agriculture. Nursery activity, horticulture and similar activities for the cultivation of commercial crops in addition to pasturing, breeding, dairying, and similar uses of animals, poultry for commercial use; does not include processing, slaughtering, and similar uses, or forestation.

Airport. The Columbia Regional airport, located in Klickitat County, Washington.

Alley. Public or private right-of-way designed and intended to serve as secondary access to the side or rear of those properties whose principal access is from a street.

Alteration. A change, addition, or modification in construction or occupancy of a building or structure.

Apartment. A dwelling unit located within a multifamily dwelling. ("Multifamily Dwelling" is defined under "Building Types.")

Appeal. A request for a review of the interpretation of any provision of this ordinance or a request for a variance. Subject to 10.3.020.080 Appeal Procedures.

Applicant. The property owner(s) or legal agent or representative of the property owner(s).

Application. For purposes of this Title, application is defined as materials submitted or to be submitted.

Approving Authority. The Director, in the case of ministerial and administrative decisions; the Commission, in the case of Commission quasi-judicial hearings and decisions; and the Council, in the case of Council quasi-judicial and legislative hearings and decisions.

Area of Shallowing Flooding. A designated Zone AO, AH, AR/AO or AR/AH on the City's FIRM with a 1 percent or greater annual chance of flooding (characterized by ponding or sheet flow) to an average depth of 1 to 3 feet (a) where a clearly defined channel does not exist, (b) where the path of flooding is unpredictable, and (c) where velocity flow may be evident.

Area of Special Flood Hazard. The land in the floodplain within the City's planning jurisdiction subject to a 1 percent or greater chance of flooding in any given year, shown on the City's FIRM as Zone A, AO, AH, A1-30, AE, A99, and AR (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard."

Base Flood. ~~Inundation during periods of higher than normal stream flow that has a 1% chance of being equaled or exceeded in any given year. This area is commonly referred to as the 100-year floodplain~~ The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). The elevation to which floodwater is anticipated to rise during the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

BCA. Building Codes Agency or other agency charged with administering the State Building Codes in The Dalles.

Block. A tract of land bounded by a street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, watercourses or unsubdivided land.

Bond. Any form of security (including a cash deposit surety bond, collateral, property, or instrument of credit) in an amount and form satisfactory to the City.

Buffer. An area designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce impacts of adjacent development.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Buildable Lot Area. That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces; and which is available for siting and constructing a building or buildings.

Building Height. See "Height of Buildings" definition in Section 10.6.070.050. Also see height exceptions in Article 6.090 for nonresidential structures.

Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by this Title between the property line abutting a street and the closest point of the foundation of any building or structure related thereto.

Building Official. The person or persons so designated by the Community Development Director.

Calendar Year. The yearly period beginning on January 1st and ending on December 31st.

Carport. A stationary, roofed structure or a portion of a building open on two or more sides primarily used for the parking of motor vehicles.

Cemetery. Land used or intended to be used for the burial of the dead and related cemetery activities, including: columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Child Care Center. An institution, establishment, or place that commonly receives at one time more than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of board, care, or training apart from their parents or guardians for compensation or reward in accordance with ORS 657A. (Note: For in-home family day care see definition for "Family Day Care.")

Church. A permanently located, fully enclosed building primarily used for religious worship.

City. The City of The Dalles, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context, or where the context does not clearly indicate a specific officer, department, or agency, then the City Manager of the City.

Commission. The duly appointed City of The Dalles Planning Commission.

Community Event. Periodic or annual special events involving community wide interest, usually sponsored by a nonprofit entity, such as, but not limited to, events like the Cherry

Festival, Rodeo, Neon Nights, Jamming July Street Fest, sanctioned bike races, Historic The Dalles Days, parades, and circuses. Activities directly associated with community events are considered part of the event and not as a separate use of the property and as such are exempt from the provisions of the LUDO during the days of the event.

Conceptual Plan. A general plan of development which is final for such issues as uses and densities. A conceptual plan requires one or more detailed applications prior to construction. Review of detailed applications is based on regulations in effect at time of submittal of conceptual plan application. A conceptual plan may also be a master plan.

Condominium. A single dwelling unit in a multiunit development that is separately owned or may be combined with an undivided interest in the common areas and facilities of the property.

Contiguous. Shall mean the same as abutting.

Cottage Cluster Development. A development with 4 or more detached dwelling units with common area developed under a unified site plan that is approved pursuant to Article 3.086 Cottage Cluster Development. See also, Dwelling, Multifamily.

Council. The duly elected City Council of the City of The Dalles.

Day Care Facility. See definition for "Child Care Facility."

Day Care, Family. See definition for "Family Day Care."

Density. The number of dwelling units per acre.

Department. The Community Development Department of the City of The Dalles.

Developer. Any person, firm, corporation or government agency undertaking any development, either as owner, builder, or through the services of employees, agents, or independent contractors.

Development. Making a material change in the use or appearance of a structure (internal and external) or land, creation of 3 or more units of land on a single parcel or adjoining pieces of property in a calendar year, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development. Development includes any man-made change to improved or unimproved real estate, including but ~~is~~ not limited to, ~~constructing buildings or other structures, mining, dredging,~~ filling, grading, paving, ~~excavating, and~~ excavation, or drilling- operations or storage of equipment or materials.

Development Site. A legally established lot(s) or parcel(s) of land occupied or capable of being occupied by a building or group of buildings and/or other development, including accessory structure(s) and accessory use(s), together with the yards, open spaces, and setback areas required by this Title, and having frontage or access to a public right-of-way as required by this Title.

Director. The Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this Title.

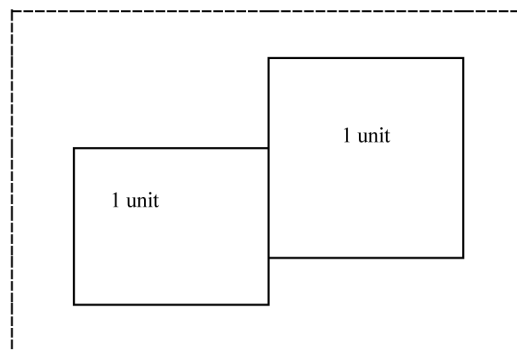
Discontinued Use. Unless otherwise clearly specified in this Title, discontinued use shall mean non-use and shall not require a determination of the voluntary or involuntary non-use or intent

to resume use.

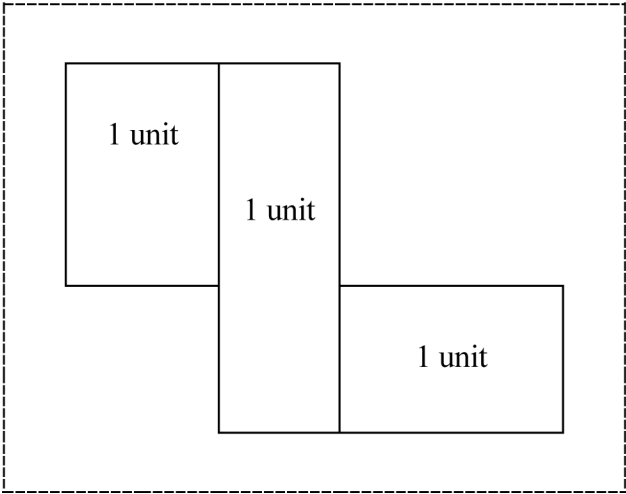
Drainageway. A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

Dwelling, Cottage Cluster. A detached dwelling unit in a development with 4 or more detached dwelling units, developed under a unified site plan that is approved pursuant to Article 3.086 Cottage Cluster Development.

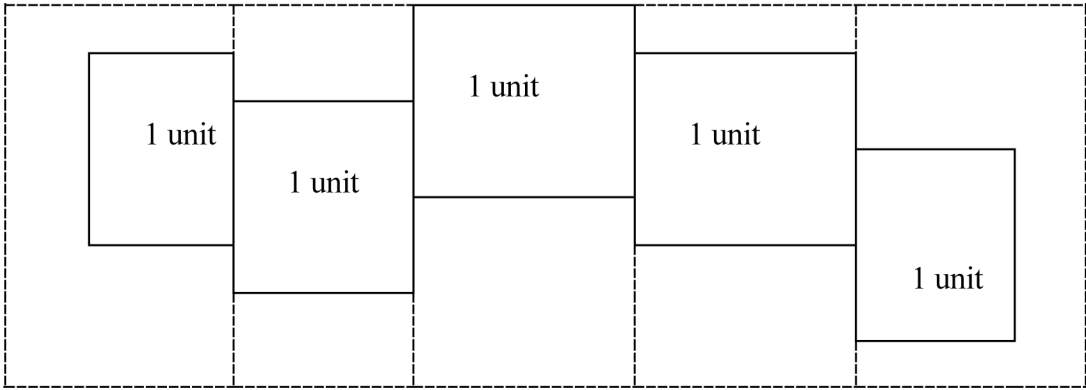
Dwelling, Duplex. Two dwelling units located on a single lot or development site, placed either so some structural parts are in common (attached), or so the units are physically separate structures (detached). For purposes of calculating minimum density, duplexes are counted as 2 dwelling units; for purposes of calculating maximum density, duplexes are counted as 1 dwelling unit.



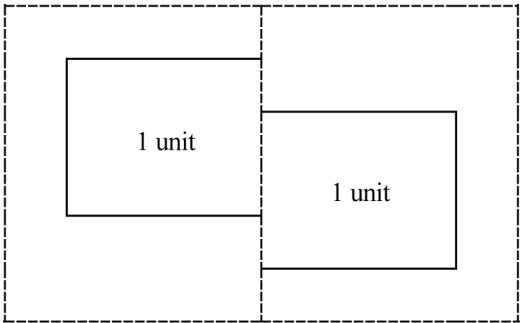
Dwelling, Multifamily. A structure or development containing at least 3 dwelling units in any vertical or horizontal arrangement, located on a single lot. See also, Cottage Cluster Development.



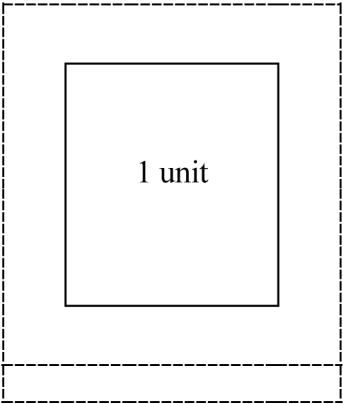
Dwelling, Single Attached (Townhouse). More than 2 dwelling units, each located on its own lot, placed side by side, and sharing some structural parts at a common property line.



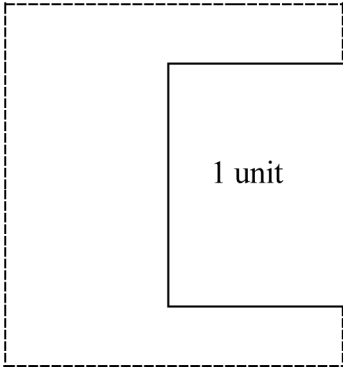
Dwelling, Single Attached (Zero Lot Line). Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.



Dwelling, Single Detached. One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this Chapter.



Dwelling, Single Detached (Zero Lot Line). A single detached structure with no setback from one lot line.



Dwelling Unit. One or more rooms, with bathroom and kitchen facilities, designed for occupancy by one family.

Easement. The grant of a right to use someone's property for a specific purpose, such as for access or for utilities.

Excavation. The process of mechanically altering or changing the natural grade (elevation) by cutting and or filling the earth.

Family. An individual or 2 or more persons related by blood, adoption or marriage, or a group of not more than 5 adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Title, "family" also refers to unrelated physically or mentally handicapped, elderly, or drug or alcohol dependent persons receiving treatment, and resident staff persons engaged in their care.

Family Day Care. "Babysitting," care of 12 or fewer children either full or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the normal requirements of the residential zone. Family day care is not subject to the definition of "home business."

Fill. Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."

Final Decision. The decision made by the approving authority approving, approving with conditions, or denying an application for a ministerial, administrative, quasi-judicial, or legislative action as specified in this Title.

Flag Lot. A lot that has access by means of a narrow strip of land. Also referred to as "rear lot."

Flood or Flooding:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source; and,
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM). The City's official map on which the Federal ~~Emergency Management Agency (FEMA)~~ Insurance Administrator has delineated ~~areas of both the special flood hazards~~ hazard areas and the risk premium zones applicable to ~~portions of the community~~ the City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). See “Flood elevation study.”

Floodplain. ~~The area adjoining a stream that is subject to inundation by a base flood.~~

See Floodway.

Floodplain functions. Flood storage, water quality, and riparian vegetation conditions.

Floodplain storage capacity. The volume of floodwater that an area of floodplain can hold during the 1-percent annual chance flood.

Floodplain mitigation assessment. An assessment of the portions of a site that are within the special flood hazard area, performed by a qualified professional, that identifies existing site conditions before development occurs, describes the impact the proposed development would have on existing floodplain functions within the applicable portion of the existing site, and identifies the mitigation needed for the proposed development to result in no net loss of those floodplain functions. The City’s website includes guidance prepared by the Federal Emergency Management Agency for preparation of a floodplain mitigation assessment.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~0.2 feet~~a designated height. Also referred to as "Regulatory Floodway."

Footprint. The existing measurements of the structure related to the three floodplain functions and their proxies. The footprint related to floodplain storage refers to the volumetric amount of developed space measured from the existing ground level to the Base Flood Elevation, and the footprint related to water quality refers to the area of impervious surface that the structure creates.

Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Front Building Line. The building line which fronts on the street.

Frontage. That portion of a development site that abuts a public or private street.

Grade. Given in reference to the slope of land, or in reference to construction, grade is the lowest point of elevation of the finished or existing surface of the ground, paving, construction, or sidewalk.

Gross. When referring to area, the total area of land located within lot lines proposed for use or development.

Gross Density. The total number of dwelling units per gross acre.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

Habitat Restoration Activities. Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary

structures (e.g., storage shed for maintenance equipment), must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

Hazard Trees. Standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior;
or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either By an approved state program (as determined by the Secretary of the Interior) or directly by the Secretary of the Interior.

Home Business. A lawful commercial activity commonly carried on within a dwelling and/or accessory dwelling(s), provided the residential character of the property is maintained and the activity does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. See Article 6.020: Home Businesses.

Homegrown or Homemade. Grown or made by a person 21 years of age or older for noncommercial purposes.

Homegrown Recreational Marijuana Grow Site. The production of marijuana at a household that does not exceed 4 marijuana plants at a time.

Homeless. An individual, group, or population lacking a fixed, regular, and/or adequate nighttime residence in accordance with and as classified under OAR Chapter 813 Division 240 State Homeless Assistance Program.

Homeowners Association. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Household. A housing unit and any place in or around a housing unit at which the occupants of the housing unit are producing, processing, or storing homegrown marijuana or homemade cannabinoid products or cannabinoid extracts.

Housing Unit. A house, an apartment or a mobile home, or a group of rooms or a single room

that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and that has direct access from the outside of the building or through a common hall.

Intermodal Cargo Container. Large, reusable containers without wheels used for shipping in intermodal transportation.

Impervious Surface. A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff.

Kennel. Any lot or premises on which 5 or more dogs or cats at least 5 months of age are kept, boarded, or trained.

Kennels, Breeding. Any premises where 4 or more dogs, cats, or other animals or fowl are maintained for breeding purposes.

Laydown Yard. A temporary off-site storage area for equipment and useable materials to be used for maintenance or construction.

Landscaping. Landscaping is defined in Article 6.010: Landscaping Standards.

Lot. A unit of land owned or under lawful control and in the lawful possession of one distinct ownership and intended as a unit for the purpose, whether immediate or future, of transfer of ownership and/or for development.

Lot Area. The total horizontal area within the lot lines of a lot.

Lot, Corner. A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Coverage. Unless otherwise specified in this Title, percent of a development site covered by paved surface areas and buildings.

Lot Depth. The distance from the midpoint of the front lot line to the midpoint of the rear lot line. Lot, Interior. A lot other than a corner or reversed corner lot.

Lot Frontage. See "frontage."

Lot Line. The property line bounding a lot.

Lot Line Adjustment. The relocation of a common property boundary wherein an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable development district regulation.

Lot Line, Exterior. The side lot line abutting a street.

Lot Line, Front. In the case of an interior lot, a property line that abuts the street. In the case of a corner lot, the front line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address.

Lot Line, Interior. The side lot line abutting another lot line.

Lot Line, Rear. The record lot line or lines most distant from and generally opposite the front lot line.

Lot Line, Side. Any lot boundary not a front or rear lot line.

Lot of Record. A lot or parcel created through the applicable land division regulations at the time the lot was created.

Lot, Reversed Corner. A corner lot whose rear line borders the side yard of another lot, whether or not separated by an alley.

Lot, Tax. One parcel of real property shown on the County Assessor's map, and identified by a tax lot number. A tax lot may not necessarily be a lot of record. A tax lot may contain more than one platted legal lot of record.

Lot, Through. A lot of record whose front and rear lot lines both abut streets. Lot Width. The distance between the midpoints of the side lot lines.

Lowest Floor. The lowest floor of the lowest enclosed area ~~in a building, (including a basement).~~ An unfinished, ~~non-habitable enclosed floor area useable~~ or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area ~~shall~~ is not ~~be~~ considered ~~the buildings a building's~~ lowest floor. provided that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements.

LUBA. The State of Oregon Land Use Board of Appeals.

Manufactured Dwelling. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with manufactured home, mobile home, or residential trailer; ~~mobile home, or manufactured home~~ as defined ~~in~~ by this Chapter.

Manufactured Dwelling Park. ~~A place where four or more manufactured or mobile homes are located within 500 feet of one another on a lot, tract, or~~ Manufactured Subdivision. A parcel (or contiguous parcels) of land under the same ownership, the primary purpose of which is to divided into two or more manufactured dwelling lots for rent or ~~keep space for rent or to offer space free in connection with securing the trade or patronage of such persons~~ sale.

Manufactured Home. A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standards.

Manufactured Home Space. Any portion of a manufactured dwelling park (see definition for "Manufactured Dwelling Park") which is designated or used for occupancy of one manufactured home, mobile home, or residential trailer, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.

Manufactured Home Stand. That portion of the manufactured home space reserved for the location of the manufactured home or mobile home structure.

Marijuana. Means all parts of the plant cannabis family moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative,

mixture or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana Items. Means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

Master Plan. An overall plan for a development site which may be built in phases. A master plan may be conceptual or detailed which is final for such issues as uses and densities. If conceptual, separate and more detailed applications will be required for each phase. Review of detailed application is based on regulations in effect at time of submittal of original plan application.

Material Storage Yard. Any lot or parcel of property, or portion thereof, where any of the following takes place, except when the following occur in a walled and roofed building:

1. The storage or dismantling of used or discarded manufacturing apparatus, lumber, building materials, equipment, scrap metals and any other item associated with the building trades, whether or not for purposes of sale.
2. The salvaging, dismantling, wrecking, reassembling or burning of any of the items in paragraph 1 above.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which Base Flood Elevations shown on the City's FIRM are referenced.

Medical Care Facility. An institution providing in-patient and/or out-patient health services for the medical, psychiatric, or surgical care of the sick or injured; includes related facilities such as laboratories, training facilities, services and staff offices related to the institution.

Medical Marijuana Dispensary. Any facility registered by the Oregon Health Authority under ORS 475.300 to 475.346, as now constituted, that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

Medical Marijuana Processing. The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Health Authority.

Medical Marijuana Wholesaling. The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Health Authority.

Minor Partition. Dividing a legal lot of record into 3 or fewer conforming lots within a calendar year.

Mobile Home. A residential structure intended for permanent human occupancy and constructed for movement on the public highways, constructed prior to adoption of June 15, 1976 U.S. Housing and Urban Development (HUD) standards, but meeting the requirements

of Oregon's mobile home laws in effect between January 1, 1962 and June 15, 1976.

Mobile Home Park. See "Manufactured Dwelling Park [or Manufactured Subdivision](#)."

Modular Structure. A structure not built on-site, but which is placed on a permanent foundation and meets the State Building Code standards.

Motor Home. See "Recreational Vehicle."

Motor Vehicle. Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

National Geodetic Vertical Datum. An elevation reference mark used in determining a flood boundary and floodway maps, formerly referred to as Mean Sea Level.

Net. When referring to area, the total area of land proposed for use or development after excluding: public rights-of-way existing or anticipated to exist; land constrained by slopes of 25% or greater; land located within the ~~100-year floodplain~~ [Special Flood Hazard Area \(SFHA\)](#) identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps for the City of The Dalles (unless an application includes either a FEMA-approved Letter of Map Amendment or Letter of Map Revision Based on Fill); lands determined by the Oregon Department of State Lands (DSL) to be wetlands (unless an application includes a DSL-approved Removal-Fill Permit); land within stream corridors (as defined in Article 5.130); land designated open space or parkland and anticipated to be publicly owned; land designated open space owned in common by owners within a residential development; and land encumbered by public utility easements.

Net Density. The total number of dwelling units per net acre.

[New Construction. For floodplain management purposes only, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.](#)

[No Net Loss. Means adverse impacts to floodplain functions are avoided or offset so that there is no net change in the applicable floodplain functions from the existing condition when a development application is submitted to the City as further described in NMFS Consultation No. NWR-2011-3197\).](#)

Nonconforming Development. A lawful existing structure, use, or legal parcel of land that does not conform to requirements of the zone district where it is located, but which was already in existence at the time this Title or any amendment to it became effective.

Non-Personal Medical Marijuana Grow Operation. Any grow site registered with the Oregon Health Authority under ORS 475B.420 for the planting, cultivating, growing, trimming or harvesting marijuana, or drying marijuana leaves or flowers, but excluding a personal medical marijuana grow site.

Office. A place where the following civic and commercial use types, as described in this Title, are conducted: administrative services; business support services; financial, insurance and real

estate services; medical services; professional and research services.

Open Space. Areas intended for common use either privately owned and maintained or dedicated to the City, designed for outdoor living and recreation or the retention of an area in its natural state, and normally including swimming pools, recreation courts, patios, open landscaped areas, including rooftop patios or terraces for multifamily dwellings (must be accessible to all residents), and greenbelts with pedestrian, equestrian, and bicycle trails. Does not include off-street parking or loading areas or driveways.

ORS. Oregon Revised Statutes.

Person. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, 2 or more people having a joint or common interest, or any other legal entity.

Personal Medical Marijuana Grow Site. A marijuana grow site registered with the Oregon Health Authority at the location where the holder of a registry identification card lives. Notwithstanding the number of grow sites registered by the Oregon Health Authority at the location, or the number of persons with a registry identification card at the location, a personal medical marijuana grow site shall lose that designation if more than 6 mature medical marijuana plants are growing at such location.

Pervious Surface. Surfaces that allow rain and snowmelt to seep into the soil and gravel below. “Pervious surface” may also be referred to as “permeable surface”.

Planned Development. A land development project comprehensively planned as an entity via a unified site plan that permits flexibility in building siting, mixtures of building types and land uses, usable open spaces, and the preservation of significant natural features.

Plat. Refers to a final subdivision plat, replat or partition plat.

Plat, Partition. A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Plat, Subdivision. A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Porch. A covered shelter projecting from the front entrance of a building with a minimum width of 12 feet and depth of 6 feet.

Public House. A facility open to the public licensed to serve alcohol.

Public Improvements. Those improvements necessary to serve a development and/or required by the approving authority in conjunction with development. Such public improvements may include, but are not limited to: streets, curb, gutter, sidewalk, drive approaches, storm system, trails, paths, bridges, sanitary system, water system, fire protection system, structures, street lights, traffic signals, traffic signs, etc. To qualify as public improvements, such work must be:

1. Designed and constructed in accordance with applicable standards.
2. Located inside the City's urban growth boundary, or on property which has been or

will be dedicated or deeded to the public or a public agency, or in an appropriate and properly recorded easement to the public or a public agency.

3. Owned, operated or maintained by a public agency.

Qualified Professional. A person who:

1. Has attained a minimum educational level of a bachelor's degree in wildlife or fisheries habitat biology, or a related degree in a biological field from an accredited college or university and with a minimum of four years' experience as a practicing fish or wildlife habitat biologist; or
2. Is listed on the Oregon Department of Transportation's official list of consultants qualified to provide Endangered Species Act Documentation.

Recreational Marijuana Processing. The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission.

Recreational Marijuana Production. The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission.

Recreational Marijuana Retailing. The sale of marijuana items to a consumer, provided the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

Recreational Marijuana Wholesaling. The purchase of marijuana items for resale to a person other than a consumer, provided the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

Recreational Vehicle (RV). ~~A travel trailer, truck camper, van, tent trailer, motor home, or other unit that is transportable over public highways and may or may not contain facilities for sleeping, food preparation, or waste disposal. Such a vehicle is not designed for attachment to the land.~~ A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park (RV Park). A lot or tract of land where the primary use is for temporary parking, on a fee or other basis, of occupied recreational vehicles.

Recycling Center. A place of business engaged in the receiving of waste materials, such as, but not limited to, glass, cans, paper, and plastics, and the temporary storage of such waste materials until they are removed to another site for processing.

Replat, Major. The reconfiguring of lots in a recorded subdivision plat that results in either the creation of 4 or more additional lots or deletion of 4 or more lots.

Replat, Minor. The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 or fewer lots being created or deleted within a 12-month period.

Reserve Strip. A narrow strip of land overlaying a dedicated street reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

Residential Care Facility. A residential care, treatment or training facility duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 6 to 15 individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. A facility with over 15 patients does not qualify as a residential care facility.

Residential Care Home. A residential treatment or training home, or an adult foster home duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 5 or fewer individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is used for residential purposes, and that was constructed prior to January 1, 1962.

Right-of-Way. A public way dedicated for vehicular, bicycle or pedestrian use.

Riparian. Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

Riverine: Of or produced by a river. Riverine floodplains have readily identifiable channels. Floodway maps can only be prepared for riverine floodplains. All floodplains within The Dalles are considered to be riverine.

Setback. The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this Title shall be the property line unless otherwise excepted, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Title.

Shade Trees: A tree that matures with a height of more than 40 feet whose primary role is to provide shade in the surrounding environment with a distinct canopy.

Shelter, Established. A building or group of buildings permanently used or intended for providing homeless shelter and incidental services.

Shelter, Seasonal. A building or group of buildings temporarily used or intended for providing homeless transitional or emergency shelter and incidental services for a maximum of 6 months.

Sign. Any device or medium affixed to property (including its structure, lighting, materials, and component parts) which by reason of its form, color, wording, symbol, design, and illumination visually communicates, identifies, advertises, informs, announces, or attracts attention to the subject thereof.

Silviculture. The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

Special District. A development district created by ordinance in recognition of an area's unique characteristics such as environmental or historic resources, natural hazards, or an identified need for certain development or redevelopment.

Special flood hazard area. See “Area of special flood hazard” for this definition.

Staff. The administrative officers responsible for the operation and management of the various City departments and divisions.

Start of construction, Special Flood Hazard areas. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. “Permanent construction” does not include: land preparation (e.g., clearing, grading, and filling); the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation of accessory buildings (e.g., garages or sheds not occupied as dwelling units or not part of the main structure). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, irrespective of whether that alteration affects the external dimensions of the building.

Street. A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, or to which a right of public use has otherwise been attached, which affords the principal means of access to abutting property. Street does not include "alley," but does include avenue, place, way, drive, land, boulevard, highway, road, and any other thoroughfare unless otherwise specifically excluded by this Title.

Street, Private. A right-of-way or easement used for vehicular, bicycle or pedestrian traffic which is privately owned and maintained.

Structure. Anything constructed or portable, the use of which requires a location on a parcel of land, including a movable structure, while it is located on the land and used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, and a manufactured dwelling.

Structure Height. The height of structures is determined per the appropriate provisions in Article 6.070: Measurements.

~~Substantial Improvement. Unless otherwise specified, damage. Damage of any repair, reconstruction, or improvement of origin sustained by a structure, whereby the cost of which equals or exceeds restoring the structure to its before damaged condition would equal or exceed 50% percent of the assessed valuation market value of the structure. The term exempts before the following: damage occurred.~~

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have

incurred "substantial damage," regardless of the actual repair work performed. The term does not include either:

- A. Any project for improvement of a structure to ~~improve a structure to comply with correct~~ existing violations of state or local health, sanitary, or safety regulations that is code specifications which have been identified by the local code enforcement official and which are the minimum necessary ~~solely~~ to assure safe living conditions; or
- B. Any alteration of a ~~structure listed on the National Register of Historic Places~~ historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Tourist Oriented Destination. A business that is a cultural, historical, recreational, educational, or entertaining activity, or unique commercial activity whose major portion of income or visitors is derived from visitors not residing in The Dalles.

Townhouse. See "Dwelling, Single Attached."

Violation. For floodplain management purposes, the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided to the City.

Yard. An open space unobstructed from the ground upward except as otherwise provided in this Title.

Yard, Exterior Side. A yard extending from the front yard to the rear lot line on the street side of a corner lot.

Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.

Yard, Rear. A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.

Yard, Side. A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

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Chapter 10.3 Application Review Procedures

10.3.070.020 ~~Review~~ Review Procedures.

- A. Applications. In addition to the requirements of Article 3.010: Application Procedures, variance applications shall be accompanied by at least 15 copies of a concept site plan,

per the provisions of Article 3.030: Site Plan Review, and a written statement which specifically addresses the review criteria as described in Section 10.3.070.030: Review Criteria.

- B. Review. Variance applications shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.

C. Floodplain Management. Variance requests from floodplain management regulations shall be subject to Section 10.8.030.130.

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Chapter 10.5 Zone District Restrictions

10.5.130.060. Site Plan Required.

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the SCW Overlay District, the property owner shall submit a scaled site plan to the City that shows:

- A. Topographic contours at 2-foot intervals;
- B. The stream top-of-bank;
- C. ~~The 100-year flood~~ Special Flood Hazard Area (SFHA) elevation;
- D. The required riparian setback;
- E. Existing vegetative cover and type;
- F. Existing and proposed site improvements; and
- G. A riparian restoration plan if development is proposed within 50 feet of the stream top-of-bank.

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Chapter 10.6 General Regulations

10.6.170.020. Calculating Density.

- A. Density Denominator. Density is determined on an individual development proposal basis. For developments including multiple lots or parcels, the overall density of the entire proposed development site is calculated.
- B. Gross and Net Density.
 - 1. When determining minimum required density of an individual development, net density is used for calculations.
 - 2. When determining maximum allowed density of an individual development, gross density is used for calculations.
- C. Deductions to Calculate Net Area. Net area is the total area of land within an individual

development, excluding the following areas (measured in square feet):

1. Right-of-way dedications for new rights-of-way or expansions of existing rights-of-way;
2. Land constrained by slopes of 25% or greater;
3. ~~100-year floodplains~~, Special Flood Hazard Area (SFHA), as determined by the Federal Emergency Management Agency;
4. Wetlands, as determined by the Oregon Department of State Lands;
5. Stream corridors, as defined in Article 5.130;
6. Open space or parkland and anticipated to be publicly owned;
7. Open space owned in common by owners within a residential development; and
8. Public utility easements.

D. Density Calculations.

1. Minimum Density. The minimum number of dwelling units required is calculated by dividing the net area (pursuant to TDMC Section 10.6.170.020(C)) by 43,560 square feet to convert the area to acres, then by multiplying the resulting acreage by the most restrictive minimum required dwelling unit density applicable to the project's zone district. See TDMC Section 10.6.070.020 for fractional rounding.
2. Maximum Density. The maximum number of dwelling units permitted is calculated by dividing the gross area by 43,560 square feet to convert the area to acres, then by multiplying the resulting acreage by the least restrictive maximum required dwelling unit density applicable to the project's zone district. See TDMC Section 10.6.070.020 for fractional rounding.

E. Density Fractional Rounding. If after a calculation the result applied is a rounded whole number which would result in a total number of dwelling units exceeding the maximum Comprehensive Plan density range, the development shall be permitted no more than 1 dwelling unit greater than the density range (e.g., an RL-zoned development with a maximum density of 8.65 may be rounded up to 9, thus exceeding the 8.712 maximum allowed density of the RL zoning district).

F. Minimum Lot Allowances.

1. Regardless of the density calculation described above, any residentially zoned lot of record is allowed at least 1 dwelling unit.
2. Any residentially zoned lot of record has a density of at least 1 dwelling unit.

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Chapter 10.8 Physical and Environmental Constraints

10.8.020.010. Permit Requirements.

A. Physical Constraints Permit. A physical constraints permit shall be required for all

development:

1. in areas ~~identified within the 100-year flood boundary~~ all Special Flood Hazard areas on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for the City of The Dalles;
 2. in areas identified as natural drainage ways;
 3. in areas of the 2010 Geologic Hazards Study prepared by Mark Yinger designated within Zones 1 and 4, or land in Zone 3 which is located in areas of groundwater discharge;
 4. ~~On~~ in slopes greater than 20% where utility extensions are required, and 25% in all other cases;
 5. which includes grading, filling, cutting, or other earth-moving activity involving more than 50 cubic yards of material on any lot or parcel of land or which includes areas of highly erosive soils;
 6. in areas designated as flowage easements by the Army Corps of Engineers; or
 7. in areas where the groundwater table is less than 10 feet below grade.
- B. Consolidation. Where the development is also subject to a site plan review, conditional use permit, subdivision, partition, planned development, or other planning action, the physical constraints permit may, at the request of the applicant, be processed simultaneously with the planning action at no additional charge. Consolidated applications may submit one plan showing all information required by this Title.

10.8.020.020. ~~Greater Restrictions~~ Abrogation.

Abrogation. This ~~Chapter~~ Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ~~Title~~ ordinance and ~~any other City~~ another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10.8.020.030. Interpretation.

In the interpretation and application of this ~~Chapter~~ Article, all provisions shall be:

A. considered as minimum requirements;

~~A-B.~~ liberally construed; in favor of the governing body; and

~~B-C.~~ deemed neither to limit nor repeal any other powers granted under state statutes.

10.8.020.040. Applications.

In addition to the requirements of Article 3.010: Application Procedures, all applications for a physical constraints permit shall be accompanied by at least 3 copies of a site plan. Site plan

requirements are detailed ~~below~~ in Section 10.8.020.050.

10.8.020.050. Required Plans.

The following plans shall be required for any development requiring a physical constraints permit:

A. Site Plan. A site plan clearly showing the following:

1. Project name.
2. Vicinity map.
3. Scale (the scale shall be at least 1 inch equals 50 feet or larger).
4. North arrow.
5. Date.
6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
7. Lot layout with dimensions for all lot lines.
8. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
9. Location and size of all public utilities affected by the proposed development.
10. Location of drainage ways or public utility easements in and adjacent to the proposed development.
11. A topographic map(s) of the site at a contour interval of 5 feet or less showing existing and proposed ground contours.
12. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation.
13. Locations of all existing natural features, including, but not limited to, all trees of a caliper greater than 12 inches in diameter, natural drainage or creeks on the site, faults, and rock outcroppings. Indicate any contemplated modifications to a natural feature.
14. The proposed method of erosion control, water runoff control, and tree protection for the development.
15. Building envelopes for all existing and proposed new parcels.

B. Additional Plans and Studies. The Director may waive any of the above site plan elements, or require additional plans and studies necessary to evaluate the application.

10.8.020.060. Review Procedures.

~~Ministerial Actions.~~ Applications for physical constraint permits ~~which are not part of a planning action~~ shall be reviewed and decided by the Director per the provisions of Section 10.3.020.030: Ministerial Actions.

~~A. Planning Actions. Physical constraint permits which are part of either an administrative or quasijudicial planning action shall be reviewed and decided by the approving authority per the appropriate provisions of either Section 10.3.020.040: Administrative Actions or Section 10.3.020.050: Quasi-Judicial Actions.~~

10.8.020.070. Review Criteria.

Physical constraint permits shall be issued by the approving authority when the applicant has demonstrated the following:

- A. Hazards. The development will not cause damage or hazard to persons or property upon or adjacent to the area of development.
- B. Mitigation. The applicant has considered the potential hazards that the development may create and implemented reasonable measures to mitigate the potential hazards caused by the development.
- C. Impact. The applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The approving authority shall consider the existing development of the surrounding area, and the maximum permitted development permitted by this Title.
- D. Compliance. The development is in compliance with the requirements of this Chapter and all other applicable City ordinances and state and federal regulations.

10.8.020.080. Changes to Plans.

The approving authority has the power to amend plans to include one or both of the following conditions if it is deemed necessary to mitigate any potential negative impact caused by the development:

- A. Natural Features. Require the retention and/or addition of trees and other vegetation, rocks, ponds, water courses and other natural features.
- B. Plan Changes. Require plan revision or modification to mitigate possible negative or irreversible effects upon the topography or natural features that the proposed development may cause.

10.8.020.090. Permit Denial.

The approving authority may deny the physical constraint permit if, in its opinion, one or more of the following is found to apply:

- A. The proposed development will have a detrimental effect on the lands regulated and protected by this Chapter.

- B. The proposed development is inconsistent with the Comprehensive Plan.
- C. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.

10.8.030.010 Statutory Authorization.

ORS 197.175 (Cities' and counties' planning responsibilities), as may be amended or superseded, delegates the State of Oregon's responsibility to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry to local governmental units.

10.8.030.020. Purpose.

It is the purpose of this Article to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in Special Flood Hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Preserve natural and beneficial floodplain functions;
- D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- E. Minimize prolonged business interruptions;
- F. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Special Flood Hazard areas;
- G. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- H. Notify potential buyers that the property is in a Special Flood Hazard area;
- I. Notify those who occupy Special Flood Hazard areas that they assume responsibility for their actions; and
- J. Participate in and maintain eligibility for flood insurance and disaster relief.

10.8.030.030 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Article includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses,

be protected against flood damage at the time of initial construction;

- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

10.8.030.040 Findings of Fact.

- A. The flood hazard areas of The Dalles preserve the natural and beneficial values served by floodplains but are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in Special Flood Hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

10.8.030.050. Applicability.

This Article shall apply to all Special Flood Hazard areas within the jurisdiction of the City.

10.8.030.060 Basis for Establishing the Special Flood Hazard Areas

The Special Flood Hazard areas identified by the Federal Insurance Administrator in the most current flood insurance study applicable to the City (FIS), with accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted by reference and declared to be a part of this Article. The FIS and FIRM panels are on file at The Dalles Community Development Department located in The Dalles City Hall at 313 Court Street, The Dalles, OR 97058.

10.8.030.070. Coordination with State of Oregon Specialty Codes.

The Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard areas and this Article is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

10.8.030.080. Compliance and Penalties for Noncompliance.

- A. Compliance. All development within Special Flood Hazard areas is subject to the terms of this Article and required to comply with its provisions and all other applicable regulations.
- B. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and

other applicable regulations. Violations of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation subject to the provisions of Chapter 10.15. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

10.8.030.090. Warning and Disclaimer of Liability

- A. Warning. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of Special Flood Hazard areas or uses permitted within such areas will be free from flooding or flood damages.
- B. Disclaimer of Liability. This Article shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

10.8.030.100. Administration.

- A. Designation of the Floodplain Administrator. The Director is hereby appointed to administer, implement, and enforce this Article by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator, or their designee, shall include, but are not limited to:
 - 1. Permit Review. Review all development permits to:
 - a. Determine that the permit requirements of this ordinance have been satisfied;
 - b. Determine that all other required local, state, and federal permits have been obtained and approved;
 - c. Determine whether the proposed development is located in a floodway:

If located in the floodway, ensure the floodway provisions of Section 10.8.030.140(G) ~~These flood control provisions are intended to reduce flood damage and loss of life in areas subject to periodic flooding. They are also intended to protect open, natural streams and drainage ways as an integral part of the City environment and to maintain both hydrological and biological functions of open drainage systems. This is important in order to manage stormwater runoff and drainage, minimize maintenance costs, protect properties adjacent to drainage ways, improve water quality and protect riparian plant and animal habitats.~~

~~§ 10.8.030.020. Applicability.~~

~~These provisions apply to areas in the 100-year floodplain as identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps (FIRMs) for the City of The Dalles.~~

~~§ 10.8.030.030. Disclaimer of Liability.~~

~~§ 10.8.030.040. Permit Requirements.~~

~~A physical constraints permit shall be required for all structures and other development activities located in the floodplain or adjoining a natural drainage area, per the requirements of Article 8.020: Review Procedures. The following shall also be required as part of the physical constraints permit:~~

~~A. Additional Site Plan Requirements.~~

- ~~1. Location and description of proposed fill, retaining walls, materials storage, and drainage facilities.~~
- ~~2. Elevation of the lowest floor (including basement) of all new or substantially improved structures in relation to the National Geodetic Vertical Datum (NGVD).~~
- ~~3. Elevation in relation to the NGVD to which any new or substantially improved structure has been or is proposed to be floodproofed, per the criteria in Section 10.8.030.060 of this Article.~~

~~B. Other Requirements.~~

- ~~1. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.~~
- ~~2. Certification by a licensed professional engineer or architect that the floodproofing criteria of Section 10.8.030.060 of this Article have been met.~~
- ~~3. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all required permits have been obtained.~~

~~§ 10.8.030.050. Interpretation of Flood Insurance Rate Map Boundaries.~~

~~A. When there appears to be a conflict between a mapped boundary and actual field conditions, the Director shall interpret the exact location of the boundaries of the floodplain. Where FEMA base flood elevation data is not available for flood hazard areas, the Director shall use other available data as a basis for applying standards in the floodplain and floodway.~~

i. ~~§ 10.8.030.060. Floodplain Development~~ are met;

ii. Determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the FIS or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of Section 10.8.030.120(A)(7); and

- iii. Provide to building officials the BFE to any building requiring a development permit.
 - d. Determine if the proposed development qualifies as a substantial improvement;
 - e. Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions of Section 10.8.030.120(A)(1); and
 - f. Determine if the proposed development activity includes the placement of fill or excavation.
- 2. Information to be Obtained and Maintained. The following information shall be obtained and maintained consistent with the Oregon Secretary of State's records retention requirements or other applicable law:
 - a. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 10.8.030.120(A)(7).
 - b. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections 10.8.030.100(B)(1)(b) and 10.8.030.140(G) are adhered to.
 - c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
 - d. Where BFE data is utilized, as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
 - e. Maintain all Elevation Certificates submitted to the City.
 - f. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures, where allowed under this Chapter and where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 10.8.030.120(A)(7) .
 - g. All floodproofing certificates required under this Chapter.
 - h. All variance actions, including justification for their issuance.
 - i. All hydrologic and hydraulic analyses performed as required under Section 10.8.030.140(G).

j. All Substantial Improvement and Substantial Damage calculations and determinations as required under Section 10.8.030100(B)(5).

k. All other records submitted in connection with the provisions of this Chapter.

3. Requirements to Notify Other Entities and Submit New Technical Data.

a. City Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the City have been modified by annexation or the City has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and FIRMs accurately represent the City's boundaries. Such notification shall include a copy of a map of the City suitable for reproduction and clearly delineating the new corporate limits or new area for which the City has assumed or relinquished floodplain management regulatory authority.

b. Watercourse Alterations. Notify Wasco County, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

c. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 10.98.030.100(B)(4). Ensure compliance with all applicable requirements in Sections 10.98.030.100(B)(4) and 10.8.030.120(A)(1).

4. Requirement to Submit New Technical Data

a. The City's BFEs may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, the City shall notify the Federal Insurance Administrator of such changes by submitting technical or scientific data in accordance with 44 C.F.R. 65.3. The City may require the applicant to submit such data and review fees required for compliance with this Section through the applicable FEMA Letter of Map Change (LOMC) process.

b. The Floodplain Administrator shall require a CLOMR prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the BFE; and
- ii. Proposed development which increases the BFE by more than one foot in areas where FEMA has provided BFEs but no floodway.

c. An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a CLOMR from FEMA. This notification to FEMA shall be provided as a LOMR.

5. Substantial Improvement and Substantial Damage Assessments and Determinations.

a. Conduct substantial improvement reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 10.8.030.150(B) .

b. Conduct substantial damage assessments when structures are damaged due to a natural hazard event or other causes. Make substantial damage determinations whenever structures within the Special Flood Hazard area are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

10.8.030.110. Permit Requirements.

A. Physical Constraints Permit Required. A physical constraints permit shall be obtained before construction or development begins within any area horizontally within the Special Flood Hazard area. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, including fill and other development activities.

B. Application for Physical Constraints Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required with all physical constraints:

- 1. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the requirements of Section 10.8.030.150(B).
- 2. Existing lowest floor elevation (in relation to sea level).
- 3. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- 4. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any structure meet the floodproofing criteria for non-residential and residential structures in Section

10.8.030.140(D).

5. Description of the extent to which any watercourse will be altered or relocated.
6. BFE data for subdivision proposals or other development when required and consistent with Sections 10.98.030.100(B)(1) and 10.8.030.120(A)(6).
7. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
8. The amount and location of any fill or excavation activities proposed.

C. Development Statement.

1. Application for permits to develop in the Special Flood Hazard area must also include:

a. Either:

- i. A statement confirming that the applicant has obtained a floodplain mitigation assessment of the proposed development performed by a qualified professional;
- ii. A statement that, in addition to being covered by the consultation and biological opinion issued by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) for the Federal Emergency Management Agency's implementation of the National Flood Insurance Program in Oregon (NMFS Consultation No. NWR-2011-3197), the development proposed by the application is a project or project action that is covered by another formal consultation with NMFS or the United States Fish and Wildlife Service, pursuant to Section 4(d), 7, or 10 of the Endangered Species Act of 1973;
- iii. A statement that the development proposed by the application fits within the nature and scope of the project types that are addressed in an existing full programmatic habitat assessment of all current and reasonably foreseeable future conditions; or
- iv. A statement that the development proposed by the application is exempt from the requirement for a floodplain mitigation assessment because it is one or more of the following activities:
 - a) Normal maintenance, repairs, or remodeling of structures, such as re-roofing and replacing siding, that does not (1) alter the footprint or expand the roof of the structure or (2) constitute a substantial improvement or repair of substantial damage (meaning the work must be less than 50 percent of the market value of the structure(s)).
 - b) Routine maintenance of streets, sidewalks, paths and roads (including but not limited to filling potholes, repaving, and installing signs and traffic signals) that does not alter contours or

culverts, that is less than six inches above grade, and that does not expand paved areas;

- c) Routine maintenance of landscaping that does not include grading, excavation, or filling;
- d) Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration and that removes all spoils from the Special Flood Hazard area or tills spoils into fields as a soil amendment;
- e) Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal with root balls left in place;
- f) Removal of noxious weeds and hazard trees or replacement of non-native vegetation with native vegetation;
- g) Normal maintenance of above and below ground utilities and facilities, such as replacing downed power lines and utility poles that does not result in a net change in footprint;
- h) Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility (this does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor);
- i) Habitat restoration activities;
- j) Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas, provided the activities meet federal and state standards and do not include structures, grading, fill, or impervious surfaces;
- k) Repair to onsite septic systems, provided ground disturbance is the minimal necessary and best management practices are utilized to prevent stormwater runoff and soil erosion; and
- l) Pre-emptive removal of documented susceptible trees to manage the spread of invasive species.

- b. If the applicant has confirmed that it has obtained a floodplain mitigation assessment under (2)(i)(1) above, a statement confirming that the proposed development activities, as shown on the design plans and drawings submitted with the application, include measures to incorporate all mitigation identified in the floodplain mitigation assessment as needed for no net loss of floodplain functions.

- 2. The City will deny a permit to develop in the Special Flood Hazard area unless the applicant submits a statement meeting the requirements of Section

10.8.030.110(C)(1).

10.8.030.120 Provisions for Flood Hazard Reduction.

General Standards.

- A. ~~Development within the floodplain (Zones A, AH, A1-A30, AE, and AO on the Flood Insurance Rate Maps), including residential and nonresidential structures and the public and private facilities serving these structures, shall be constructed so as to minimize damage from flooding. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~ In all Special Flood Hazard areas the following standards shall apply to all development within the floodplain be adhered to:

1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 10.98.030.100 Administration (B)-(3)-(b) and 10.98.030.100 Administration (B)-(4).

1.2. Anchoring:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All ~~residential trailers/mobile and~~ manufactured ~~homes~~ dwellings shall be anchored consistent with Section 10.8.030.140(D).

3. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. Utilities and Equipment

- a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

b. Electrical, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air- conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a substantial improvement shall meet all the requirements of this section.

5. Tanks

a. Underground tanks shall be anchored to prevent flotation, collapse, ~~or~~ and lateral movement, ~~and~~ under conditions of the base flood.

b. Above-ground tanks shall be installed ~~using methods~~ at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. Subdivision Proposals and ~~practices that~~ Other Proposed Developments

a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or five (5) acres, whichever is the lesser, shall include within such proposals BFE data.

b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

i. Be consistent with the need to minimize flood damage. ~~Anchoring methods~~

ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

iii. Have adequate drainage provided to reduce exposure to flood hazards.

7. Use of Other Base Flood Elevation Data

a. When BFE data has not been provided in accordance with Section 10.8.030.060, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data available from a federal, state, or other source to administer Section 10.8.030.120. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling

parcs and subdivisions) must meet the requirements of Section 10.8.030.120(A)(6).

- b. BFEs shall be determined for development proposals that are five (5) acres or more in size or are 50 lots or more, whichever is lesser, in any A Zone that does not have an established BFE. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available. The elevation of residential structures and non-residential structures that are not dry floodproofed must be two (2) feet above highest adjacent grade. Failure to elevate at least two (2) feet above grade in these zones may ~~include, but are not limited to, use of over the top or frame ties to ground anchors as approved by~~ result in higher insurance rates.

8. Structures Located in Multiple or Partial Flood Zones

In coordination with the State ~~Building~~ of Oregon Specialty Codes ~~official~~. (Reference FEMA's "Manufactured Home Installation in:

- a. When a structure is located in multiple flood zones on the City's FIRM, the provisions for the more restrictive flood zone shall apply.
- b. When a structure is partially located in a Special Flood Hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

10.8.030.130 Specific Standards for Riverine (Including All Non-Coastal) Flood Zones.

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 10.8.030.120 Provisions for Flood Hazard Reduction (A) of this ordinance.

- A. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the BFE, including crawl spaces shall:

1. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
2. Be used solely for parking, storage, or building access;
3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - a. A minimum of two (2) openings;
 - b. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;

- c. The bottom of all openings shall be no higher than one (1) foot above grade;
- d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and,
- e. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

4. Garages

- a. Attached garages may be constructed with the garage floor slab below the BFE in riverine flood zones, if the following requirements are met:
 - i. If located within a floodway the proposed garage must comply with the requirements of Section 10.8.030.140(G);
 - ii. The floors are at or above grade on not less than one side;
 - iii. The garage is used solely for parking, building access, and/or storage;
 - iv. The garage is constructed with flood openings in compliance with Section 10.8.030.130(A) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
 - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - vi. The garage is constructed in compliance with the standards in Section 10.8.030.120(A); and
 - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for accessory structures in Section 10.8.030.140(F) or non-residential structures in Section 10.8.030.140(D) depending on the square footage of the garage.

10.8.030.140 For Riverine (Non-Coastal) Special Flood Hazard Areas"-guidebook for additional techniques-) with Base Flood Elevations

In addition to the general standards listed in Section 10.8.030.120(A), the following specific standards shall apply in Riverine (non-coastal) Special Flood Hazard areas with BFE: Zones A1-A30, AH, and AE.

A. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City and will not result in the net loss of flood storage volume.

A.B. Residential ~~Development~~ Construction

1. New construction, conversion to, and substantial improvement of any residential structure, ~~including residential trailers/mobile homes and manufactured homes,~~ shall have the lowest floor, including basement, elevated ~~to a minimum of~~ 1 foot above ~~base flood elevation~~ the BFE.
- ~~1. Accessory structures and fully enclosed non-habitable areas below the lowest floor that are subject to flooding are prohibited, unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be certified by a licensed professional engineer or architect, and shall meet or exceed the following minimum criteria:~~
 - ~~a. A minimum of 2 openings having a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding shall be provided.~~
 - ~~b. The bottom of all openings shall be no higher than 1 foot above grade.~~
 - ~~c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.~~
- ~~2. Structures placed on existing lots that have buildable land both inside and outside the floodplain shall be located outside the floodplain, unless 50% or more of the lot is within the floodplain. Where more than 50% of the existing lot is within the floodplain, structures may be located on that portion of the floodplain that is outside of the floodway and 3 feet or less below the flood elevations noted on the FEMA maps. Construction shall be subject to the requirements of paragraphs 1 and 2 above.~~
- ~~3. Basements are subject to the following:~~
 - ~~a. Habitable basements are not permitted for new residential structures or additions located within the floodplain.~~
 - ~~b. Non-habitable basements, used for storage, parking, and similar uses are permitted for residential structures but must be floodproofed to state and federal standards and the standards in this Title.~~
2. Nonresidential Development. Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 10.8.030.130(A).

C. Non-Residential Construction

1. New construction, conversion to, and substantial improvement of any commercial, industrial, or other ~~nonresidential~~non-residential structure shall ~~either~~:

c. Have the lowest floor, including basement, elevated ~~1 foot~~at or above the ~~level of the base flood elevation, or BFE; or~~

b.d. Together with attendant utility and sanitary facilities, ~~shall~~:

- i. Be floodproofed so that below the base flood level the structure is watertight ~~1 foot above the base flood level~~with walls substantially impermeable to the passage of water;
- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; ~~and,~~
- iii. Be certified by a ~~licensed~~registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this ~~subsection~~section based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Section 10.98.030.100(B)(2).

~~1.2. Nonresidential~~Non-residential structures that are elevated, not floodproofed, ~~must meet~~shall comply with the ~~same~~ standards for ~~space~~enclosed areas below the lowest floor ~~as described in paragraph (B)(2) of this section~~in Section 10.8.030.130(A).

4. ~~Applicants proposing to floodproof nonresidential~~floodproofing non-residential buildings shall be notified that ~~the~~ flood insurance premiums ~~shall~~will be based on rates ~~for structures with a lowest floor that is~~ that are one (1) foot below the floodproofed level.

~~2.3. No new habitable basements lower than 2 feet below~~ (e.g. a building floodproofed to the base flood elevation shall be permitted on any existing or new nonresidential structure level will be rated as one (1) foot below.

B. ~~All Development.~~

1. ~~All lots modified by lot line adjustments, or new lots created from lots which contain floodplain land must contain a building envelope on a buildable area of sufficient size to accommodate the uses permitted in the underling zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.~~
2. ~~Bulk storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted on floodplain lands.~~

C. ~~Fill. The amount of fill in the floodplain shall be kept to a minimum, shall be designed~~

~~per the requirements of Article 8.050: Erosion, Slope Failure, and Cuts and Fill, and shall meet the following minimum standards:~~

- ~~1. The toe of the fill shall be kept at least 10 feet outside of the floodway channel.~~
- ~~2. US Army Corps of Engineers and Oregon Division of State Lands permit cut, fill and other activities displacing 50 or more cubic yards of material in any bed, bank, or water of the State of Oregon.~~
- ~~3. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:~~
 - ~~a. Poured concrete and other structural building materials necessary to build permitted structures on the lot.~~
 - ~~b. Aggregate base and paving materials.~~
 - ~~c. Plants and other landscaping material.~~
 - ~~d. A total of 50 cubic yards of other imported fill material, or 300 cubic yards for each acre. These amounts are the maximum cumulative fill that can be imported onto a site, regardless of the number of permits issued.~~
- ~~4. If any additional fill is necessary beyond the permitted amounts in paragraph 2 above, the material must be obtained from floodplain lands on the subject lot only to the extent necessary to create an elevated site for the permitted development~~
- ~~5. Adequate drainage shall be provided to ensure the stability of the fill.~~
- ~~6. Fill used to raise elevations for a building site shall be located as close as possible to the outside edge of floodplain.~~

~~D. Streets and Utilities.~~

- ~~1. Local street and utility connections to developments in and adjacent to the floodplain shall be located outside the floodplain, except for crossing the floodplain by the shortest possible route.~~

D. All new and Manufactured Dwellings

- ~~2. Manufactured dwellings to be placed (new or replacement water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and/or discharge from the systems into floodwaters.~~
- ~~3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~E. Fences. Fences) or substantially improved that are supported on solid foundation walls shall be constructed in the floodplain within 20 feet of the floodway shall be limited to wire or electric fencing (excluding wire mesh and chain link) or similar fence that will not collect debris or obstruct floodwaters.~~

1. ~~§~~with flood openings that comply with Section 10.8.030.070. **Floodway Standards.**130(A);
2. ~~New construction, substantial improvements, and encroachments~~ (The bottom of the longitudinal chassis frame beam shall be at or above BFE;
3. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
4. Electrical crossover connections shall be a minimum of ~~twelve (12) inches~~one (1) foot above BFE.

E. Recreational Vehicles

1. Recreational vehicles placed on sites are required to be on the site for fewer than 180 consecutive days and:
 - a. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - b. Meet the requirements of Section 10.8.030.140(D), including ~~fill, excluding riprap and other channel linings~~ are prohibitedthe anchoring and elevation requirements for manufactured dwellings.

F. Accessory Structures. Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for accessory structures that meet the following requirements:

1. Accessory structures located partially or entirely within the floodway must comply with requirements for development ~~within the floodway. The floodway is the portion of the floodplain where high volumes of moving water flow through stream or drainage ways as determined by the most recent data. Nonstructural development, such as~~ a floodway found in Section 10.8.030.140(G);
2. Accessory structures must only be used for ~~parking lots, may be permitted,~~ access, and/or storage and shall not be used for human habitation;
3. In compliance with State of Oregon Specialty Codes, accessory structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed accessory structure will be located a minimum of 20 feet from all property lines. Accessory structures on properties that are zoned as non-residential are limited in size to 120 square feet;

4. The portions of the accessory structure located below the BFE must be built using flood resistant materials;
5. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
6. The accessory structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 10.8.030(A);
7. Accessory structures shall be located and constructed to have low damage potential;
8. Accessory structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 10.8.030.120(A)(5); and
9. Accessory structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the floodway when components during conditions of the base flood.

G. Floodways. Located within the Special Flood Hazard areas established in Section 10.8.030.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - a. Certification by a registered professional civil engineer ~~certifies that encroachments will~~ is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels and/or flood hazard within the City during the occurrence of the base flood discharge; or
 - b. The City may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs.
2. If the requirements of Section 10.8.030.140(G) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 10.8.030.120.

H. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with BFEs. For AO zones, the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

1. Standards for AH Zones. Development within AH Zones must comply with the standards in Sections 10.8.030.140(G) and 10.8.030.140(A).

2. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in Sections 10.8.030.140(G) and 10.8.030.140(H):

a. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

b. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:

i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified); or

ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect consistent with Section 10.8.030.140(D).

c. Recreational vehicles placed on sites within AO Zones on the City's FIRM shall be on the site for fewer than 180 consecutive days and either:

i. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick

disconnect type utilities and security devices, and has no permanently attached additions; or

ii. Meet the elevation requirements of Section 10.8.030.140(H) and the anchoring and other requirements for manufactured dwellings of Section 10.8.030.140(D).

d. In AO zones, new and substantially improved accessory structures must comply with the standards in Section 10.8.030.140(F).

e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 10.8.030.130(A).

10.8.030.150. Variance Procedure.

The issuance of a variance under this Article is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance. Variance applications unrelated to floodplain standards described in this Article shall be processed and reviewed consistent with Section 10.3.070.

A. Conditions for Variances

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, consistent with the provisions of Sections 10.8.030.150(A)(3) and (5) and (B). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
5. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Section 10.8.030.150(2) and (4) are met,

and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

B. Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance and that such construction below the BFE increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 10.8.030.150(B).

#

Chapter 10.12 Recreational Vehicle Parks

10.12.050. Development Standards.

- A. Laws and Regulations. All the requirements of Federal, State, and local laws and regulations shall be met. Refer to Oregon Revised Statutes Section 455.680 and Oregon Administrative Rules Chapter 918, Division 650 for State of Oregon requirements for RV parks.
- B. Hazards to Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas prone to erosion or exposed to objectionable smoke, noise, odors, or other adverse influences.
- C. Prohibited Siting. No RV spaces or park building may be located within the following areas:
 - 1. ~~100-year floodplain~~ Special Flood Hazard Area (as determined by the Federal Emergency Management Agency).
 - 2. Stream corridors (as defined in Article 5.130).
 - 3. Wetlands (as determined by the Oregon Department of State Lands).
- D. Park Building Setbacks. Setbacks shall be the same as the setbacks required by the zone district.
- E. Spacing. RV spaces must be no less than 10 feet from one another. No RV space may be located less than 10 feet from neighboring property lines and 15 feet from the public right- of-way.
- F. Access.
 - 1. Access to an RV park shall be from an arterial or collector street.
 - 2. In order to facilitate ease of entry and exit, the Planning Commission may authorize a wider driveway entrance than is otherwise provided for in this Title.
 - 3. Park access connections to public streets shall meet the requirements of Article 6.050: Access Management.
 - 4. For RV parks of 10 or more spaces, at least two vehicular access points shall be

- provided. Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
5. All Plan Sets must include functional turning templates/turning radii which demonstrate entry and exit into the park and spaces specifically designed to accommodate the anticipated types of RVs within the park.
- G. Screening. Park perimeter screening shall meet the applicable requirements of Section 10.6.010.050: Screening—Hedges, Fences, Walls other than Retaining Walls, Berms, and the following provisions; provided, however, the following provisions control in the event of any inconsistency with the requirements specified in Section 10.6.010.050:
1. Perimeter Screening Adjacent to Abutting Properties. A sight-obscuring fence, wall, evergreen hedge, or combination of screening/planting shall surround each RV park, except as specified in subsection G.2 below for parks adjacent to public streets, and shall meet the following requirements:
 - a. Perimeter screening shall not be place in any residential setbacks.
 - b. Landscaping consistent with Article 6.010 shall be provided in the required setbacks areas, and shall be used to reinforce perimeter screening.
 - c. Walls or fences shall be 6 feet in height. Evergreen hedge plantings shall be at least 6 feet in height at time of planting, and be maintained in a healthy, living condition.
 2. Perimeter Screening Adjacent to Public Streets. A 6-foot high sight-obscuring screen shall be provided using fencing and vegetation and/or an earthen berm and vegetation as follows:
 - a. Fencing. Any fence shall have an average 15-foot setback from the public right-of- way and shall meet the requirements of Article 6.100: Vision Clearance. Fencing closer than 15 feet to the public right-of-way shall conform to the subject zoning district's restrictions on front yard fencing. Fences and walls over 100 feet in length (of a single run) shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.
 - b. Berms. Earthen berms up to 6 feet in height may be used to comply with screening requirements. The slope of the berm may not exceed 2:1, the top of the berm shall be relatively flat, and the faces of the slope shall be planted with ground cover, shrubs, and trees.
- H. Surfacing. All RV parks must be surfaced per the following standards:
1. RV spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
 2. Non-recreational vehicle parking, internal roadways, and vehicle maneuvering areas must be paved with asphalt, concrete, or similar material.
 3. All areas must be designed to provide for the control of runoff, surface water, dust, and mud.

- I. Non-Recreational Vehicle Parking Requirement. In addition to the number of parking spaces required for park administration, there shall be a minimum of 0.5 and a maximum of 1.5 parking spaces per RV space. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.
- J. Landscaping. All areas not occupied by park buildings, streets, RV spaces, non-recreational vehicle parking spaces, outdoor patios, and common areas shall be landscaped per the provisions of Article 6.010: Landscaping. A landscape plan shall be included with the Plan Set and must include internal shade trees at a rate of 1 tree per 5 RV spaces.
- K. Pedestrian Circulation. To ensure pedestrian connectivity, all RV parks must include an internal pedestrian walkway connecting to the adjacent public sidewalk. The walkway must be separated from vehicle parking and maneuvering areas by grade, different paving material, or landscaping throughout the park.
- L. Utilities. All RV parks may establish and maintain a private utility system for all park utilities. Each RV space may be provided water and electrical connections; however, no sewer connections may be provided to any RV space. RV parks must provide ADA accessible communal restroom and shower facilities.
- M. Lighting. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way or adjacent property.
- N. Refuse Collection.
 - 1. Minimum Requirements. RV parks must provide and make available a minimum of one 30-gallon refuse container for each four RV spaces and each refuse container shall be located within 300 feet of each RV space.
 - 2. Screening. Refuse storage facilities shall be screened by a solid wall, fence, evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from public streets and adjacent properties.
 - 3. Placement. All refuse collection containers shall be placed on concrete pads. Pads shall have a positive surface drainage.

EXHIBIT E

Proposed Amendments, *Draft Edits* Comprehensive Plan Amendment 56-25

Goal 5 Policies

1. Link and integrate the protection and enhancement of Open Space into Goal 8, Recreation.
2. Develop and maintain a current map and inventory of historic landmarks as approved by the Historical Landmarks Commission.
3. Require that legislative and quasi-judicial actions affecting areas of significant environmental concern meet all applicable local, State and Federal regulations.
4. Encourage the use of vegetative coverings for property to control soil erosion, reduce airborne dust, and improve the aesthetic quality of the urban environment; also providing habitat for nongame wildlife habitat such as birds and squirrels.
5. Maintain updated landscaping standards.
6. Protect and enhance Mill Creek, Chenoweth Creek, Fifteen Mile Creek and Three Mile Creek for their natural and recreational values.
7. Protect wetlands that appear on the National Wetlands Inventory (NWI), by referring proposals to fill within such sites to the Department of State Lands (DSL) in accordance with ORS 227.350. The City shall coordinate with DSL in requiring a site-specific wetlands analysis (delineation) prior to construction.
8. Seek grant funding to prepare a Local Wetland Inventory (LWI).
 - a. The LWI will be prepared using the standards and procedures of OAR 141-086-0110 through 141-086-0240.
 - b. The inventory of locally significant wetlands will be adopted as part of the Comprehensive Plan as required by ORS 197.279.
 - c. In 2011, the City adopted a program to protect fish bearing streams pursuant to OAR 660-023- 090, until such time as the City can adopt permanent wetland regulations pursuant to the Goal 5 Rule.
9. Encourage enhancement of the Columbia River and its tributaries, consistent with The Dalles Riverfront Master Plan. See Goal 8, Recreation.
10. Promote the development of a linear park system and nature trail along Mill and Chenoweth Creeks and a multipurpose trail along the Columbia River consistent with Goals 8 and 12 and The Dalles Riverfront Master Plan.
11. Enforce the weed abatement ordinances to ensure maintenance of all private and public property to avoid the spread of noxious weeds.
12. Identify and protect feasible renewable energy resources (see Goal #13: Energy).
13. Encourage urban area building owners to improve the appearance of the rear of their

buildings and develop alleys as attractive avenues to access shops.

14. Identify and protect key viewing areas of the City such as Sorosis Park, and other panoramic vistas from visual blocking.
15. To comply with the Columbia Gorge National Scenic Area Act, the City shall identify and map scenic, natural and cultural resources for alternative UGB expansion areas to address NSAA requirements.
16. Owners of historical buildings and sites that have been identified by the Historical Landmarks Commission or the State Inventory of Historic Properties shall be encouraged to maintain the historical integrity of their properties. Exterior alterations to designated local Historic Landmarks shall require review by the Historical Landmarks Commission.
 - a. Encourage the restoration and sympathetic renovation of historic properties throughout the City, and preserve the historic integrity of the community.
 - b. Document, protect, and preserve significant archaeological sites within the City.
 - c. Encourage the adoption of additional local and National Register Historic Districts.
17. Encourage stream enhancement programs through coordination between civic, school, and natural resource agencies.

18. Preserve natural and beneficial floodplain functions.

19. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

Goal 7 Implementation Measures

- Low density and open space uses that are least subject to loss of life or property damage shall be preferred in flood plain areas, specifically in the flood way fringe.
- ~~The flood way portion shall be given special attention to avoid development that is likely to cause an impediment to the flow of the flood waters.~~
- A flood damage prevention section in The Dalles Municipal Code shall be maintained as part of the City's implementing ordinances to regulate the use of land within flood plains and to enforce measures to reduce flood dangers in other areas.
- Participate in and maintain eligibility for flood insurance and disaster relief.
- Control filling, grading, dredging, and other development which may increase flood damage.
- Require development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- Restrict or prohibit development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- The implementing ordinances shall include provisions to require a statement of disclosure

by applicants concerning flooding or landslide potential on the property in question. Street layout and storm sewer designs in newly developing areas shall be placed with consideration for landslides, flooding and surface water run-off potential.

- Development in areas designated as zone A1 in the 1991 Landslide Hazard study, or on land with 25% or greater slope, shall meet the following conditions:
 - Prior to the issuance of any permits for development or construction, the Developer shall submit for the City's review, a site-specific geologic impact statement that has been prepared by a Qualified Geotechnical or Geological Consultant.
- Prior to the issuance of any permits for construction, the Developer shall submit to the City a statement prepared by a Qualified Geotechnical or Geological Consultant certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and that the proposed construction will not adversely affect the site and adjacent properties.

Goal 9 Policies

1. Encourage the siting and growth of employers which pay family wages as identified in The Dalles Economic Opportunities Analysis (EOA).
2. To the extent possible, designate within the existing UGB suitable land with site size and locational characteristics required by targeted employment as set forth in the 2010 Economic Opportunities Analysis (BOA).
3. Identify industrial sites that are immediately available and serviceable for industrial development consistent with the Goal 9 rule. Request Oregon Economic and Community Development Department (OECDD) certification for "shovel ready" industrial sites pursuant to Executive Order 03-02.
4. Coordinate with property owners to retain large commercial and industrial sites identified in the EOA for their intended commercial and industrial uses through zoning and master planning.
5. Actively support redevelopment efforts for underutilized commercial and industrial sites within The Dalles UGB, recognizing that the Northwest Aluminum site provides the large industrial sites required by targeted employers during the 20-year planning period.
6. Protect large Northwest Aluminum redevelopment sites for their intended industrial uses as identified in the EOA as set forth in Table 9-4.
7. Commercial and service uses in the City's industrial zones should be limited to small-scale retail and service uses that cater primarily to local area employees and customers.
8. Plan for and make prudent public investments to meet the future demands of industrial, commercial, and residential growth in The Dalles.
9. Encourage investment in The Dalles Central Business District, and support project activities in the Columbia Gateway/Downtown Urban Renewal Plan.

10. Encourage tourism-related services as an element in the diversification of the community's economy.
11. Encourage the development of the Mid-Columbia Medical Center and other health services as an important resource to the economic base of The Dalles, and as an important element in extending the perimeter of The Dalles' trade area.
12. Maintain The Dalles' position as a primary agribusiness trade center by encouraging the growth of those businesses providing agricultural supplies and services, and those processing and marketing agricultural products.
13. Support the forest products industry as an element of the economy.
14. Encourage the start-up and growth of small to medium sized businesses providing family wage jobs. Develop reasonable standards to allow home business start-ups.
15. Encourage siting of new industries in The Dalles and encourage existing industries to maintain high environmental standards.
16. Reserve industrial zones for industrial uses and uses compatible with industry.
17. Review and revise administrative policies and procedures to streamline the planning process and reduce delays in obtaining development approvals.
18. Coordinate economic planning and development with industrial development at Dallesport.
19. Encourage educational, cultural, social and employment opportunities to enhance the quality of life in The Dalles for all age and income groups.
20. Plan appealing streetscapes that encourage personal interaction, accommodate public gatherings, and enhance the experience of shoppers and workers.
21. Encourage cooperation between public and private sectors to support economic growth.
22. Make prudent investments in The Columbia Gorge Regional Airport as needed to accommodate airport development.
23. Minimize prolonged business interruptions due to natural hazards.
24. Minimize expenditure of public money for costly flood control projects.

Goal 11 Policies

1. Encourage the development of the public and private facilities that meet the community's economic, social, cultural, health, and educational needs.
2. Require all future urban level development to be served by public sanitary sewer and water systems.
3. Plan and provide an orderly and efficient arrangement of public facilities and services, consistent with an adopted schedule and approved Public Facilities Plan.
4. Transmission lines should be located within existing corridors, which shall be utilized for multiple purposes to the greatest extent possible.
5. Substations and power facilities shall be landscaped, and the site plan shall be approved

by the Planning Commission.

6. The City, County and State should attempt to locate agencies in the central core area through new construction and efficient utilization of existing buildings.
7. Public facilities and services shall be provided to permit the development of an adequate housing supply.
8. The D-21 School District Board shall coordinate proposals for school sites and school facilities with the City for review and comment.
9. Development and siting in locations without fire protection service shall be contingent upon the developer providing the services or the subsidizing of those services.
10. Sewerage systems and solid waste disposal sites shall be located, operated, and maintained in a manner that will not adversely affect environmental quality.
11. High quality water supply and distribution systems shall be maintained to meet current and future domestic and industrial needs. The City will encourage coordination of water supply planning between the City and other water districts and private water systems.
12. Minimize damage to public facilities and utilities located in special flood hazard areas, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges.

Crystal Sayre

Subject: FW: COMMENT: Ordinance 25-1414 and Municipal Code Title 10 Article 10.3.020.060

From: Kristin Stilton <kristin.stilton@gmail.com>

Sent: Wednesday, June 04, 2025 6:03 PM

To: Sandy Freund <sfreund@ci.the-dalles.or.us>; Joshua Chandler <jchandler@ci.the-dalles.or.us>

Subject: COMMENT: Ordinance 25-1414 and Municipal Code Title 10 Article 10.3.020.060

WARNING: Email from external source. Links and attachments could pose security risks. Investigate sender and think before you click.

Dear Josh and Sandy,

I believe your Notification Requirements as summarized as having occurred for the Hearing June 5th, 2025, have not been met. I suggest you consult with your 'experts' and consider delaying this hearing until affected parties can actually review and comment. I will be at the supposed hearing in person to speak on the issue.

Reasons:

- We received BOTH generic hearing notices May 21st (you have conveniently dated the letters May 16th, 20 days before the hearing). My receipt was not 20+ days prior to the hearing as you state.
- Per direction in those notices, I searched for more information at the provided site: www.thedalles.org/CommunityDevelopment. There was no detail for me to review on this site nor any searches at this site. I also searched FEMA, the ordinance number, municipal code, and no detail was found specific to this hearing or any changes.
- As an affected party, in order to provide any comment, I would need to know the specifics of proposed changes and how I might be affected.
- On May 23rd, I called The Dalles Planning Department, twice. The second time, I left a message for "Sandy" per the staff referral to her box. I requested details or how to find them. I left my contact info/phone.
- I received no return call. The following week, there was still no link nor information on your site as your letter suggested, even as I checked regularly.
- On Wednesday May 28th, I called again asking for Josh or Sandy or a planner. I was told Sandy was out, Josh was out.
- Later on Wednesday, May 28th I went to the Planning Department personally to review **Ordinance Number 25-1414 as was stated to be available for both my inspection and copy per that hearing notice letter dated May 16th.**
- No such ordinance was available. Staff didn't know how to help, and in fact the very nice staff who was there implied much was still being worked out and that I would need to speak with Sandy. ***I am unable to comment on something of which I have no way to view/read/understand.***
- On May 29th, I received a phone call from Sandy, who claims she never received my prior voice messages. She shared much was still in working stages, and a meeting was happening Friday (30th) to iron out the details.
- Later that same day, by email Sandy provided me with draft changes to verbiage, but no details nor background, no way to ask her any questions
- While on the phone with Sandy 29th, I shared specifics to our Lone Pine neighborhood, and she used a FEMA map that showed 1984 versus new (non-official) designations to "agree" with me that as it stands, unbuilt lots near us would not be buildable at all under 1984 map.
- Only yesterday, June 3, and today, June 4th, have I been able to delve into the 173-page "packet" to the Planning Commissioners (noting that the 'Hearing' starts page 61)

- This potential ordinance change creates an exceptional hardship to new Lone Pine applicants who paid over \$200K for some lots with the assumption they are buildable.
- Empty lots negatively affect the entire neighborhood, so this is not just about those owners.
- Assuming a new FEMA map to be adopted 2026 or later (per letter) delays the next step of hurdles, and leaves many empty lots where homeowners bought what was advertised as buildable lots. NOTE: the two biggest end lots off Southshore Lane just went on the market for \$600K yet under this ordinance are fully unbuildable (per 1984 map and new ordinance language).
- Additionally: the details for "Habitat Assessments" are not specific, not clear and objective, and not cross-referenced with FEMA and/or biological opinion details of what that means. The stated standard of "no net loss" is not specific, not clear, not objective.
- If I have a qualified biologist: where would I tell him to go or what criteria would he be asked to follow in doing an acceptable assessment? And then, per the Ordinance, it seems Josh would now be the Flood Director to decide if this report is acceptable? Where does Josh go in order to determine that?

As I am reviewing the entire packet to the Planning Commission I absolutely disagree with this (copied). Sending a generic letter dated within your required time frame does not release you of the obligation to allow aggrieved parties to review and comment on details of the issue:

NOTIFICATION:

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on May 16, 2025, more than ten days prior to the June 5, 2025, Planning Commission hearing. In addition, a Ballot Measure 56 Notice was sent to all affected and potentially affected property owners on May 16, 2025, more than 20 days prior to the June 5, 2025, Planning 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 May 29, 2025. All City Council and Planning 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 was submitted to the Department of Land Conversation and Development on May 1, 2025, more than 35 days prior to the June 5, 2023 hearing. A copy of the proposed amendments was provided to FEMA Region 10 on May 15, 2025. To date, no comments were received.

COMMENTS:

No comments have been received as of the date this report was published (May 29, 2025).

Yes, I have comments! I was unable to even access the basics of this hearing until now, 2 days before the hearing. All stated avenues for reviewing or copying the proposed changes were broken, and even a personal visit and a personal phone call did not provide the required information nor answer questions.

Understanding you are being pushed by FEMA and biological opinion (which seems to have been neglected for some years), there is still a big concern with lack of details, timing and other issues that affect me and my community. One of my many outstanding questions: Can variances be granted outside of FEMA, or does FEMA ordinance language trump that? Can lot-owners sue the City or FEMA for illegal taking if they are now not able to build?

Best regards,

Kristin Stilton
131 Southshore Ln
The Dalles

MINUTES

PLANNING COMMISSION MEETING

June 5, 2025
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 (left at 5:34 p.m.), Carrie Pipinich, Vice Chair

COMMISSIONERS PRESENT: Addie Case, Cody Cornett, John Grant, Steve Light, and Carrie Pipinich

COMMISSIONERS ABSENT: Maria Peña and Nik Portela

STAFF PRESENT: Community Development Director Joshua Chandler, City Attorney Jonathan Kara, Senior Planner Sandy Freund, Planning Technician Paula Webb, Administrative Assistant Crystal Sayre

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 Commissioner Grant and seconded by Commissioner Pipinich to approve the agenda as submitted. The motion carried 5/0: Case, Cornett, Grant, Light, and Pipinich voting in favor, none opposed, Peña and Portela absent.

APPROVAL OF MINUTES

It was moved by Commissioner Light and seconded by Commissioner Pipinich to approve the minutes of the April 17, 2025 meeting as presented. The motion carried 5/0: Case, Cornett, Grant, Light, and Pipinich voting in favor, none opposed, Peña and Portela absent.

MINUTES
Planning Commission Meeting
June 5, 2025
Page 2 of 6

It was moved by Commissioner Grant and seconded by Commissioner Case to approve the minutes of the May 15, 2025 meeting as presented. The motion carried 5/0: Case, Cornett, Grant, Light, and Pipinich voting in favor, none opposed, Peña and Portela absent.

PUBLIC COMMENT

None.

QUASI-JUDICIAL PUBLIC HEARING

ZOA 110-25 and CPA 56-25, City of the Dalles

Request: Recommendation to City Council for Adoption of Amendments to the Comprehensive Plan and Title 10 of The Dalles Municipal Code to Comply with FEMA's 2024 Pre-Implementation Compliance Measures (PICM) Mandate and Updated Floodplain Development Standards.

Chair Cornett recused himself due to a potential conflict of interest. He disclosed that his real estate license is held with Copper West Real Estate, which currently has several active listings in the area under discussion, including a land listing, a home under construction, a pre-construction home, and multiple commercial lots. He also noted involvement in a separate transaction within the nearby Columbia Shores area. While not personally listing the properties, he cited the brokerage's proximity to the project and recent public comments as reasons to avoid the appearance of a conflict. Chair Cornett left the meeting at 5:34 p.m.

Vice Chair Pipinich read the rules of a public hearing. She then asked if any remaining Commissioners had ex parte contact, conflict of interest, or bias which would preclude an impartial decision. Hearing none, Pipinich opened the public hearing at 5:38 p.m.

STAFF REPORT

Community Development Director Joshua Chandler presented the staff report (Attachment1), which proposes updates to the City's floodplain regulations to comply with FEMA's Pre-Implementation Compliance Measures (PICM). The amendments apply to all properties within the Urban Growth Boundary located in a Special Flood Hazard Area and are necessary to maintain the City's participation in the National Flood Insurance Program (NFIP).

Chandler explained that FEMA issued the PICM mandate in 2024 following legal action related to compliance with the Endangered Species Act (ESA). The City Council selected the Model Ordinance path in November 2024, meeting FEMA's December 1 deadline.

The amendments would replace outdated floodplain development standards, update terminology, establish new permitting and variance requirements, and introduce a no net loss standard for development in the floodplain. Chandler noted that the term "100-year floodplain" would be replaced throughout the code with "Special Flood Hazard Area."

He also addressed FEMA's ongoing update to the City's Flood Insurance Rate Maps (FIRMs). While preliminary maps were issued in 2023, the 1984 maps remain in effect until the new maps

MINUTES
Planning Commission Meeting
June 5, 2025
Page 3 of 6

are finalized, expected in 2026. In anticipation of the changes, Ballot Measure 56 notices were sent to both currently mapped and future-impacted properties.

Chandler described “Option 2,” a compliance strategy developed with legal counsel that shifts the responsibility for ESA compliance to applicants, similar to the City's existing geologic hazard review process. This approach minimizes the City's administrative burden and legal risk, though FEMA has not formally approved it.

He concluded by outlining the adoption timeline, with a City Council hearing tentatively scheduled for July 14, and emphasized that timely adoption is critical to avoid jeopardizing NFIP eligibility. Staff recommended approval of the proposed amendments.

QUESTIONS TO STAFF

Commissioner Light asked which agency would be responsible for reviewing mitigation plans for ESA and BiOp requirements under Option 2, should that path be accepted by FEMA.

Community Development Director Chandler responded that such reviews would ultimately fall under FEMA’s authority in the event of an audit. Under Option 2, the City's role would be limited to verifying that the required documentation had been submitted, without conducting substantive review.

Vice Chair Pipinich inquired about the typical number of floodplain-related permit applications processed by the City each year.

Director Chandler stated that housing activity in floodplain areas has slowed overall, though Lone Pine remains a relatively active area. Based on the 1984 FEMA map, most homes in Lone Pine are within the mapped floodplain, though some have obtained Letters of Map Amendment (LOMAs). He estimated the City processes approximately two to four such permits per year in recent years.

Vice Chair Pipinich asked whether the types of professionals needed to prepare required mitigation documentation—such as reports from biologists—were readily accessible to developers.

Director Chandler explained that staff would assist by providing references to qualified professionals, similar to the City's approach with geologic hazard studies. He noted the importance of offering multiple referrals to avoid favoritism.

Attorney Josh Soper added that two categories of professionals would qualify under the requirements: (1) those meeting specific education and experience criteria, and (2) those already included on a pre-approved list maintained by ODOT.

Vice Chair Pipinich asked whether other Oregon communities were taking similar approaches in adopting floodplain compliance measures.

Director Chandler stated that communities have taken varied approaches. Some, such as Tillamook County, opted not to adopt any measures. Others are proceeding with the Model Code's Section 6. The Option 2 path was developed in consultation with attorneys and represents

MINUTES
Planning Commission Meeting
June 5, 2025
Page 4 of 6

a legally sound alternative. Chandler emphasized the importance of maintaining community eligibility for flood insurance and noted that failure to act could put that at risk.

Attorney Soper noted that some of the firm's other municipal clients are also in the process of adopting similar code updates, although few have finalized adoption at this point.

PUBLIC TESTIMONY

Brad Nicholson, 3705 Klindt Drive, The Dalles

Mr. Nicholson emphasized the importance of balancing environmental compliance with practical implementation. He recommended the City provide technical support for applicants navigating the new requirements. He suggested Staff provide clearer guidance on the physical constraints permit process. He also suggested public workshops to improve community understanding.

Anne Anderson, 143 Southshore Avenue, The Dalles

Ms. Anderson expressed concern about the economic impact of the proposed floodplain regulations, particularly on smaller property owners. She urged the Commission to consider potential costs associated with engineering studies and permitting requirements. Ms. Anderson made a second comment later in the hearing. She proposed that the comparison to geo-hazard zones is not accurate as the current discussion is not about hazards. Director Chandler clarified that the application procedure parallels that of the geo-hazard zone, not that the floodplain will be treated as a geo-hazard zone.

Debbie Hendrickx, 3713 Klindt Drive, The Dalles

Ms. Hendrickx spoke in support of stronger protections for floodplain areas, referencing increased flood events and damage in the region. She encouraged the City to lead by example in implementing resilient development practices.

Kristin Stilton, 131 Southshore Lane, The Dalles

Ms. Stilton opposed adoption of the ordinance, citing inadequate notice and a lack of access to materials prior to the hearing, referencing her prior comment (Attachment 2). She expressed concern that, under the 1984 FEMA floodplain map, several Lone Pine lots are fully within the floodplain and would be unbuildable under the proposed "no net loss" standard. She questioned the practicality and clarity of the habitat assessment requirements, suggested a subdivision-wide Letter of Map Amendment (LOMA), and urged the City to delay adoption until more specific guidance is provided for affected properties.

Tom Peters, 115 East 2nd Street, The Dalles

Mr. Peters testified in opposition, stating that FEMA had not provided adequate outreach or scientific evidence justifying the changes. He questioned the accuracy of projected floodplain maps and called for a delay until new FIRMs are finalized. He also expressed concern about additional restrictions for properties near Mill Creek and the lack of clear FEMA maps, and urged a delay in adoption until the full BiOp is implemented.

COMMISSION DELIBERATION

Vice Chair Pipinich opened Commission deliberations and invited final questions and comments.

City Attorney Kara asked Special Counsel Josh Soper to explain the potential consequences of inaction. Soper stated that failure to meet FEMA's July 31, 2025 deadline could result in the City being removed from the National Flood Insurance Program (NFIP), making flood insurance unavailable to affected property owners. While FEMA has not clarified whether it would enforce this consequence, the risk remains significant.

Several Commissioners, including Commissioners Case, Light, and Grant, expressed concern over the lack of clarity from FEMA, the cost burdens of compliance, and the limited time remaining before the federal deadline. They acknowledged the difficulty of making a decision with incomplete information but also recognized that delaying action would not likely provide further clarity.

Vice Chair Pipinich emphasized that the Commission's role was to make a recommendation to City Council, and while the situation was far from ideal, the potential loss of access to flood insurance would have substantial consequences for property owners and future development.

Director Chandler and Senior Planner Freund clarified the distinction between the floodplain code amendments and FEMA's ongoing map update process. Chandler confirmed that development costs would increase due to the requirement for habitat assessments, and that the City's approach under "Option 2" was designed to comply with FEMA mandates while aligning with Oregon land use law.

The Commission briefly discussed whether other communities had subsidized habitat assessments for property owners. Chandler responded that the City had not explored this option, as it mirrored the City's existing approach to geologic hazard studies, where applicants bear the cost.

After further discussion, Commissioners agreed that delaying action would not resolve the uncertainties, and acknowledged that additional questions would remain regardless of timing.

RESOLUTION

Resolution PC 629-25: A Resolution of the Planning Commission Recommending City Council Approval of Zoning Ordinance Amendment No. 110-25 and Comprehensive Plan Amendment No. 56-25 to Adopt Amendments to the Comprehensive Plan and Title 10 of The Dalles Municipal Code to Comply with FEMA's 2024 Pre-Implementation Compliance Measures (PICM) Mandate and Updated Floodplain Development Standards

It was moved by Commissioner Light and seconded by Commissioner Case to adopt Resolution PC 629-25 to recommend approval of the proposed code amendments to City Council. The motion carried 4/0: Case, Grant, Light, and Pipinich voting in favor, none opposed, Cornett, Peña, and Portela absent.

MINUTES
Planning Commission Meeting
June 5, 2025
Page 6 of 6

STAFF COMMENTS / PROJECT UPDATES

Director Chandler reminded the Commission that the regularly scheduled meeting for June 19, 2025 will be canceled for the Juneteenth holiday. The next regularly scheduled meeting is to be on Thursday July 3, 2025.

Chandler mentioned that the Alford Subdivision will be moving forward as no notification was received from LUBA.

COMMISSIONER COMMENTS / QUESTIONS

None.

ADJOURNMENT

There being no further business, Vice Chair Pipinich adjourned the meeting at 7:22 p.m.

Submitted by/
Crystal Sayre, Administrative Assistant
Community Development Department

SIGNED: _____

Carrie Pipinich, Vice Chair

ATTEST: _____

Crystal Sayre, Administrative Assistant
Community Development Department



CITY of THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

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

RESOLUTION NO. PC 629-25

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 110-25 AND COMPREHENSIVE PLAN AMENDMENT NO. 56-25 TO ADOPT AMENDMENTS TO THE COMPREHENSIVE PLAN AND TITLE 10 OF THE DALLES MUNICIPAL CODE TO COMPLY WITH FEMA'S 2024 PRE-IMPLEMENTATION COMPLIANCE MEASURES (PICM) MANDATE AND UPDATED FLOODPLAIN DEVELOPMENT STANDARDS

WHEREAS, in July 2024, the Federal Emergency Management Agency (**FEMA**) Region 10 issued a mandate requiring National Flood Insurance Program (**NFIP**) participating jurisdictions, including the City of The Dalles, to implement one of three Pre-Implementation Compliance Measures (**PICM**) by July 31, 2025, in order to ensure compliance with the Endangered Species Act (**ESA**); and

WHEREAS, in response to litigation and a 2016 Biological Opinion (**BiOp**) issued by the National Marine Fisheries Service, FEMA has directed participating jurisdictions to mitigate impacts to ESA-listed species, pending full implementation of NFIP reforms in 2027; and

WHEREAS, on November 25, 2024, the City Council directed the Community Development Department (**CDD**) to proceed with FEMA's "Model Ordinance" PICM Option, and on December 1, 2024, the City formally submitted its intent to FEMA Region 10 to adopt said Model Ordinance by the mandated July 31, 2025, deadline; and

WHEREAS, the proposed amendments to the City's Comprehensive Plan and Title 10 of The Dalles Municipal Code (**TDMC**) incorporate updated federal floodplain standards and "no net loss" requirements consistent with FEMA's 2024 Model Ordinance and are necessary to preserve the City's eligibility for continued participation in the NFIP; and

WHEREAS, on May 16, 2025, the City mailed Ballot Measure 56 notices to affected and potentially affected property owners and published legal notices in accordance with TDMC 10.3.020.060 and applicable Oregon statutes, thereby ensuring public awareness and legal compliance; and

WHEREAS, at its June 5, 2025, regular meeting, the Planning Commission conducted a noticed public hearing to take public testimony on the proposed Comprehensive Plan Amendment 56-25 and Zoning Ordinance Amendment 110-25; and

WHEREAS, the Planning Commission considered the public testimony and reviewed the proposed amendments set forth in Comprehensive Plan Amendment 56-25 and Zoning Ordinance Amendment 110-25 and, based upon the proposed findings of fact and conclusions of law in the staff report, testimony presented during the hearing, and all other substantial evidence reflected in the record, the Planning Commission voted to recommend the amendments be forwarded to the City Council for its review and adoption.


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

Section 1. The Planning Commission recommends the proposed Comprehensive Plan Amendment 56-25 and Zoning Ordinance Amendment 110-25, attached to and made part of this Resolution as Exhibit "B", be approved and forwarded to City Council for its review and adoption.

Section 2. This Resolution shall be effective upon its passage and approval.


Section 3. 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 5TH DAY OF JUNE, 2025.


~~Cody Cornett, Chair~~ CARRIE PIPINICH, VICE CHAIR
 Planning Commission

I, Joshua Chandler, Community Development Director for the City of The Dalles, hereby certify the foregoing was duly moved and recommended for adoption at a regular meeting of the Planning Commission held on the 5th day of June, 2025.

AYES: CASE, GRANT, LIGHT, PIPINICH
 NAYS: NONE
 ABSENT: PENIA, FORTELA
 ABSTAIN: _____

ATTEST: 
 Joshua Chandler, Director
 Community Development Department



AGENDA STAFF REPORT

AGENDA LOCATION: Item # 11A

MEETING DATE: July 14, 2025

TO: Honorable Mayor and City Council

FROM: Matthew Klebes, City Manager

ISSUE: Authorizing the City Manager to execute Contract No. 2025-009, a Professional Services Agreement with Walker Macy, LLC, for the Federal Street Plaza Project

BACKGROUND: The City has completed the necessary groundwork to begin the design, engineering, architectural, and related services for the development of the Federal Street Plaza Project (**Project**).

Staff solicited a proposal from Walker Macy, who is the consultant previously engaged by the City for conceptually designing the Project in close collaboration with the City's ad-hoc Federal Street Plaza Committee (**Committee**) created by Resolution No. 24-020. Included in your packet is their proposal, draft timeline, and list of lead staff for each involved entity. Staff and the Committee reviewed the proposal and recommended approval of the scope of work, pending final revisions and cost refinement, to the City Council.

All City procurements are subject to the provisions of the Oregon Public Contracting Code and the City's Local Contract Review Board (**LCRB**) Rules. Rule V(D) requires the City to apply the Oregon Public Contracting Code and Oregon Attorney General's *Model Rules Consultant Selection* (**AG Rules**, OAR Chapter 137, Division 48) when procuring professional and related services and, when selecting the most qualified consultant to perform those services, the AG Rules require the City to follow some listed selection procedures that include direct appointment in some cases.

In this case, the AG Rules authorize the City to directly appoint a consultant when continuing a project if: (1) the services consist of or are related to professional services for the same project that have been previously studied in an earlier contract with the same consultant, (2) the City used the selection procedure applicable to the selection of the consultant at the time of their original selection for that previous contract, and (3) the

City makes certain written findings.

Here, staff recommends the City Council (as the City's LCRB) authorize direct award of a professional services agreement with Walker Macy, LLC.

First, the professional and related services now required here consist of or are otherwise related to the professional services Walker Macy has already provided the City for the Project through its October 21, 2024, professional services agreement for design and engineering services for the Project.

Second, when the City engaged Walker Macy for that conceptual design work, the Project was in the exploratory phase and it was not known at that time whether the Project would materialize and move forward—since the value of that contract was less than \$100,000, the City used the selection procedure articulated in AG Rule 0200(b) to directly award that contract to Walker Macy.

Third, Rule I(A) declares the City's policy "is to utilize public contracting and purchasing practices and methods maximizing the efficient use of City resources and the purchasing power of the City". If the City adopts the proposed findings detailed below, Oregon law authorizes the City to award this Professional Services Agreement to Walker Macy for the Project.

Finding #1

Entering a Professional Services Agreement for Professional and Related Services with Walker Macy for the Project will promote the efficient use of public funds and resources and result in substantial cost savings to the City, as supported by the following:

- Walker Macy's architects, engineers, designers, and planners are intimately familiar with the Project—which they conceptually designed—so there is no learning curve or "explore and discover phase" (and associated time and costs) the City might otherwise be likely to expect if it solicited and contracted with a new architectural firm for this special project. The same lead architect who has overseen the design of the Federal Street Plaza plans under our previous agreement would lead this Project. Walker Macy already has all the drawings and plans associated with the Project. Walker Macy's demonstrated competency and efficiency with conceptually designing the Project should translate into less time spent to implement the actual architectural design, engineering, and construction of the Project—all of which should result in significant cost savings to the City.
- The City's prior experience with the Walker Macy team has been extremely efficient and successful, which is indicative of anticipated future excellent performance.
- Walker Macy has successfully completed numerous other similar projects in Oregon and Washington; they have learned the hard lessons and developed viable project sequencing to create urban plazas—that experience is critical to the success of the City's Project and should help avoid potential "trial and error"

costs. They are also familiar with our region as shown by their involvement with the Columbia Gorge Discovery Center and Museum and the Goldendale Observatory

- The City should plainly benefit from the lower Project costs that Walker Macy would pass through to the City (through discounted rates and/or decreased mark-ups), including their avoided costs from not having to respond to a competitive RFP.
- The City should avoid the time, internal administrative and opportunity costs, and Staff efforts to develop and administer a competitive qualification-based RFP, which typically include development of contract documents and detailed project specifications, review and evaluation of numerous proposals, and possibly conducting interviews to determine the best-qualified proposer. Authorization for direct award here will save the City well over 50 hours of Staff time (involving some of the City's higher-paid positions) in coordinating a qualifications-based RFP.
- Time efficiencies and project familiarity should also yield additional benefits and savings by allowing the Project to move forward to bidding and construction during the 2026 construction season. This also aligns with the 1st St. Streetscaping project, which is adjacent to the Plaza site, resulting in staff efficiencies with project and contractor coordination.

Finding #2

Entering a Professional Services Agreement for Professional and Related Services with Walker Macy for the Project will protect the integrity of the public contracting process and the competitive nature of the procurement by not encouraging favoritism or substantially diminishing competition in the award of the contract, as supported by the following:

- As mentioned above, the City utilized the formal selection procedure authorized by OAR 137-048-0200(b) (i.e., direct appointment) when it awarded the conceptual design Professional Services Agreement to Walker Macy—since it is expressly authorized by the Oregon Public Contracting Code, that procedure has been determined by the Oregon Legislature and Oregon Attorney General to not encourage favoritism or substantially diminish competition in the award of the contract.
- Exempting award of this contract from competitive solicitation and negotiating directly with Walker Macy is not anticipated to encourage favoritism or diminish competition since the alternative (i.e., issuing a competitive RFP) would be qualification-based—Walker Macy's familiarity and experience with this specialized project and similar projects with other municipalities suggests they would clearly be one of the most or (more likely) the most qualified proposer. It seems reasonably unlikely a competing firm could demonstrate better qualifications than Walker Macy to implement architectural plans conceptually designed by Walker Macy.

It is also important to note that continuity with Walker Macy also supports consistent engagement with the community stakeholders who participated in the earlier conceptual design phase.

BUDGET ALLOCATION: The FY 25/26 budget includes an allocation of \$4,915,899 for the design and construction costs of the Federal Street Plaza. This allocation relies on several anticipated grants that have yet to be awarded. There are sufficient resources to support this contract.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** *Move to adopt the Proposed Findings presented herein and authorize the City Manager to enter a Professional Services Agreement for Professional and Related Services with Walker Macy for the Federal Street Plaza Project in an amount not to exceed \$619,212.00, as presented.*
2. Make modifications to the Proposed Findings then authorize the City Manager to enter a Professional Services Agreement for Professional and Related Services with Walker Macy for the Federal Street Plaza Project in an amount not to exceed \$619,212.00, as modified.
3. Decline formal action and provide Staff additional direction.

July 2, 2025

Matthew Klebes
City Manager
City of The Dalles
313 Court St, The Dalles, OR 97058

RE: REVISED Professional Services Proposal
Federal Street Plaza

Dear Matthew,

We are excited to collaborate with you, the city, and the Ad Hoc Committee to complete the design, document, and support implementation of Federal Street Plaza in The Dalles. The following is a revised scope of work for the design and documentation of the plaza based on our understanding of the project and recent information provided from the City of The Dalles regarding how it intends to conduct the effort.

PROJECT UNDERSTANDING AND TEAM ROLES:

1. The project includes a new public plaza located in the public Right-of-Way on Federal Street between 2nd and 1st streets, with an interactive fountain, shade structures, lighting, seating, and a variety of other public amenities as shown in the June 16, 2025, attached plan. This effort will also include interior renovations of the existing Transportation Building to include, mechanical equipment room for the fountain, and storage for the plaza. The project also includes curb extensions on 2nd street and circulation adjustments to adjacent parking areas to accommodate the new plaza and paving north of the Transportation Bldg. in coordination with the 1st St improvements.
2. Walker Macy proposes the following consultant team to assist us on the project. Specific team members are included a separate the attachment.
 - Architect: JTRA
 - Civil Engineers: KPFF
 - MEP Engineers: SDC
 - Structural Engineers: Grummel Engineering
 - Cost Consulting: DCW
 - Fountain Designer: STO
 - Lighting Designer: LUMA
 - Irrigation Consultant: LandARC Associates
3. Walker Macy's role will be to provide the following:
 - Detailed design for the plaza and related site improvements. The design of the plaza will be based on the schematic plans and construction budget established in the prior conceptual design phase, as confirmed by the City Council in April 2025.
 - We will work directly with the City of The Dalles, the Ad Hoc Committee and the design team during the effort to ensure a comprehensive approach to the work.
 - Walker Macy, in collaboration with the design team, will document demolition, tree protection, and surface improvements including paving in pedestrian areas, planting, grading, irrigation, and site furnishings for areas within the scope area scope.

4. The team's civil engineer will document all subsurface utilities, roadway, vehicular improvements, and any work within the public right-of-way. The team will collaborate on the design of roadway improvements, parking, and site design. The civil engineer will document all erosion and sedimentation control.
5. The team's architect will design and document the interior improvements to the Transportation Bldg. including development of a new pump room for the plaza fountain and irrigation controller, and a storage area for plaza furnishings.
6. The team's electrical engineer will document all lighting and electrical services. Walker Macy will collaborate with the team's lighting designer and City of The Dalles to select and locate site lighting fixtures.
7. The team's cost estimating consultant will provide statements of probable costs.
8. The team's fountain designer will design and document the in-ground spray fountain and mechanical equipment.
9. The team's Mechanical, Electrical and Plumbing engineers will design and document the systems within the renovated Transportation Building and the site electrical systems.
10. The team's irrigation designer will document a new automatic irrigation system for the plaza and the adjoining parking lot planters.
11. The City of The Dalles will provide the following:
 - Topographic survey with utilities and property lines as noted in the assumptions.
 - Geotechnical study from the site or nearby locations
 - Hazardous materials study of the Transportation Building
 - Design direction of the on-site sanitary sewer and storm sewer upgrades
 - Management of public art process and installation
 - Interface and management of future tenants of the Transportation Building. The intent is to modify the building to accommodate the new pump room and storage and not to provide tenant improvements specific to the future users.
 - Division one specifications in CSI format, bid form, and construction contract.
 - Management of bidding process and award of construction contract.
 - Daily management of the construction process including contractor interface, budget and contract management, materials testing, pay requests.
 - All fees necessary to obtain permits will be by the City of The Dalles. Walker Macy will provide drawings and specifications for inclusion in the permit applications. Preparing additional documents that are specific to permitting is not included in this proposal. We assume the 100% Construction Documents set will be used for permitting.

SCOPE OF WORK:

Based on our understanding of the project, and the information provided, we propose the following scope of work:

1. Design Development (DD)

- 1.1 Meet with city and design team to review the previously completed conceptual design phase, discuss construction budget for the site and building improvements, design development goals and schedule.
- 1.2 Begin Design Development. Develop plaza design, including material selections, furnishings, light fixtures, preliminary fountain design, site grading. Evaluate stormwater management, emergency and maintenance access, and other technical requirements. Develop design for the interior improvements of the Transportation Building.
- 1.3 Attend two review meetings with Ad Hoc Committee and incorporate review meeting comments into advancement of the plaza and building interior design.
- 1.4 Meet with the Craig Building owners to discuss their plans for renovation and how the plaza will interface with the current condition as well as the future condition. Adjust the plaza plans to accommodate the building modification approach.
- 1.5 Meet with the team proposing the new building on the Tony's site and discuss interface of the plaza with their future plans.
- 1.6 Coordinate outreach to city departments.
- 1.7 Develop estimate of probable construction costs
- 1.8 Deliverables at 100% Design Development:
 - Site Demolition Plans
 - Grading Plans
 - Materials Plans
 - Irrigation Conceptual Zone Plans (includes point of connection, mainline routing, and irrigation value locations).
 - Planting Area Plans noting plant types and locations (e.g., tree, shrub, groundcover not specific plant species).
 - Fountain Plans including Site Plan, Layout Plan, Equipment Room Plan, Surge Tank Plan and Fountain Sections
 - Site Utility Plans
 - Site Lighting Plans
 - Site Details
 - Transportation Building: Architectural Plans, Elevations and Details of interior modifications
- 1.9 Meetings:
 - (1) Initial kickoff meeting with city and team (on site).
 - (2) Committee review meetings (virtual).
 - Bi-weekly meetings with city to coordinate the effort. (virtual)
 - (2) meetings with adjoining property owners and potential developers (1 each virtual)
 - (2) architectural evaluation visits of Transportation Building (in person).
 - (4) consultant coordination meetings (virtual).

2. Construction Documentation (CD)

- 2.1 Attend coordination meetings with the city and design team.
- 2.2 Respond to comments regarding the DD submission and incorporate this information into the construction documentation. Review the construction budget, schedule, and milestones. Attain approval to proceed with Construction Documentation.
- 2.3 Produce and submit 75% and 100% Construction Documents.
- 2.4 Provide cost estimates for city's review at 75% and 100% submittal.
- 2.5 Attend virtual meetings with design team and city for review and coordination.
- 2.6 Incorporate review comments following 75% submittal.
- 2.7 Deliverables 75% and 100% completion:
 - Site Demolition Plans
 - Site Utility Demolition Plans
 - Site Erosion & Sediment Control Plans
 - Site Utility Plans
 - Drainage Plans
 - Grading Plans
 - Site Layout Plans
 - Site Materials Plans
 - Irrigation plans and Details
 - Planting Plans and Details
 - Fountain Plans, Details and Electrical Schematics
 - Site Electrical & Lighting Plans
 - Site Construction Details
 - Transportation Building: Architectural Demolition Plans
 - Transportation Building: Architectural Plans and Details
 - Transportation Building: Structural Plans, Details and Calculations
 - Transportation Building: Mechanical, Electrical and Plumbing Plans and Details
 - Specifications in CSI format. Walker Macy to provide standard specification format template to Design Team. City of The Dalles to provide Division 01 specifications, bid form and contact for inclusion.
- 2.8 Meetings:
 - Bi-weekly city coordination meetings with city.
 - CD phase kickoff and review of 100% DD submittal meeting
 - Review meeting of 75% CD submittal
 - Architectural Building reviews.
 - Coordination meeting with city departments.
 - (8) Consultant coordination meetings (virtual).

3. Permitting

- 3.1 Provide final stamped and signed documents as required for permitting. The city will develop applications and manage the permitting process including correspondence and meetings with permitting agencies.

3.2 The permits currently anticipated for this project are:

- a. Site Plan Review (City of The Dalles)
- b. Fountain Review (OHA)
- c. Building Permit (Wasco County)
- d. Historic Landmark Commission Approval

3.3 Respond to permit comments during permitting.

3.4 Revise drawings and resubmit to the permitters if required.

4. Bidding

- 4.1 Utilize 100% Construction Documents for bidding.
- 4.2 Attend pre-bid conference(virtual).
- 4.3 Prepare addenda during bid period, as necessary.
- 4.4 Assist in review of bids.
- 4.5 Attend city review meeting (virtual)

5. Services During Construction

- 5.1 Develop "For Construction" set of Construction Documents.
- 5.2 Attend (1) pre-construction meeting.
- 5.3 Review product submittals and shop drawings; respond to requests for information, produce change orders and clarification drawings as needed.
- 5.4 Attend monthly project meetings and Construction Observation site visits. This proposal assumes a 6-month construction period.
 - a. Attend technical site observation visits to review critical items such as: the fountain system installation, interior building modifications, specialty pavement, arbors and seating, planting, and irrigation installation.
 - b. Technical site observations will be coordinated with monthly on-site meetings whenever possible.
- 5.5 Attend bi-weekly virtual project meetings on an alternating schedule from the site visits.
- 5.6 Attend (1) substantial completion walk-through and develop a punch list.
- 5.7 Attend (1) final acceptance walk-through to review completion of the punch list.

6. Project Closeout

- 6.1 Prepare record documents (digital) for all work within our scope based on contractor provided record drawings in CAD format.
- 6.2 Provide a binder with the fountain operational information and conduct an informational training session with city personnel during the construction phase.

FEES:

We propose the following fees:

1. Design Development	\$ 181,756.00
2. Construction Documents	\$ 269,301.00
3. Permitting	\$ 28,050.00
4. Bidding	\$ 13,650.00
5. Service During Construction	\$ 109,905.00
6. Project Close-Out	<u>\$ 6,500.00</u>
Total Fees:	\$ 609,162.00
Anticipated Expenses:	<u>\$ 10,050.00</u>
Total Project:	\$ 619,212.00

We propose to bill monthly on a percentage of completion per phase. Expenses are additional and will be billed at cost.

ASSUMPTIONS:

- Our proposal is based on the above scope of work, attached limit of work and approved concept design from recently completed Conceptual Design phase. The proposal is based on an estimated project construction budget of \$4,100,000.00.
- A detailed site survey in AutoCAD 2010 drawing format (or earlier), suitable for construction documentation, will be available for our use. Survey will include detailed spot elevations of all material transitions and site elements. Survey will include locations of all site features, structures, building foundations, curbs, hardscape areas, vegetation, underground utilities, and pavement markings. Survey will include all applicable property lines and easements.
- A geotechnical report of the project site will be available for our use.
- A hazardous materials report of the existing Transportation Building will be available for our use.
- Construction Documentation will be provided or based upon Walker Macy's standards.
- Revisions to the construction documents due to value engineering which occur after 75% submittal reconciliation will require Walker Macy to evaluate potential impact to fees.
- City of The Dalles will provide complete Division One specifications, Bid Form and Construction Contract. The city will manage the submittal and RFI process during construction. Walker Macy to assist in the coordination of the team in these efforts.
- The Walker Macy team will attend all meetings outlined in the scope of work. Meetings beyond those noted will be additional services and will be billed as time and materials.
- This proposal assumes the project will be constructed in one phase. If the project is broken into multiple design or construction phases, scope and fees will be re-evaluated.
- Project is scheduled to be completed by October 31, 2026. If project extends substantially beyond the scheduled date additional scope and fees will be re-evaluated.
- LEED documentation is not currently a part of the proposed scope of services.
- Walker Macy is not responsible for verifying the accuracy of Contractors' record documents.
- Walker Macy will provide CSI-formatted technical specifications.

Please contact me or Reif Larsen if you have any questions, require clarification, or if we can be of further assistance. We look forward to collaborating with you on Federal Street Plaza.

FEDERAL STREET PLAZA

July 2, 2025

Page 7 of 7

Sincerely,

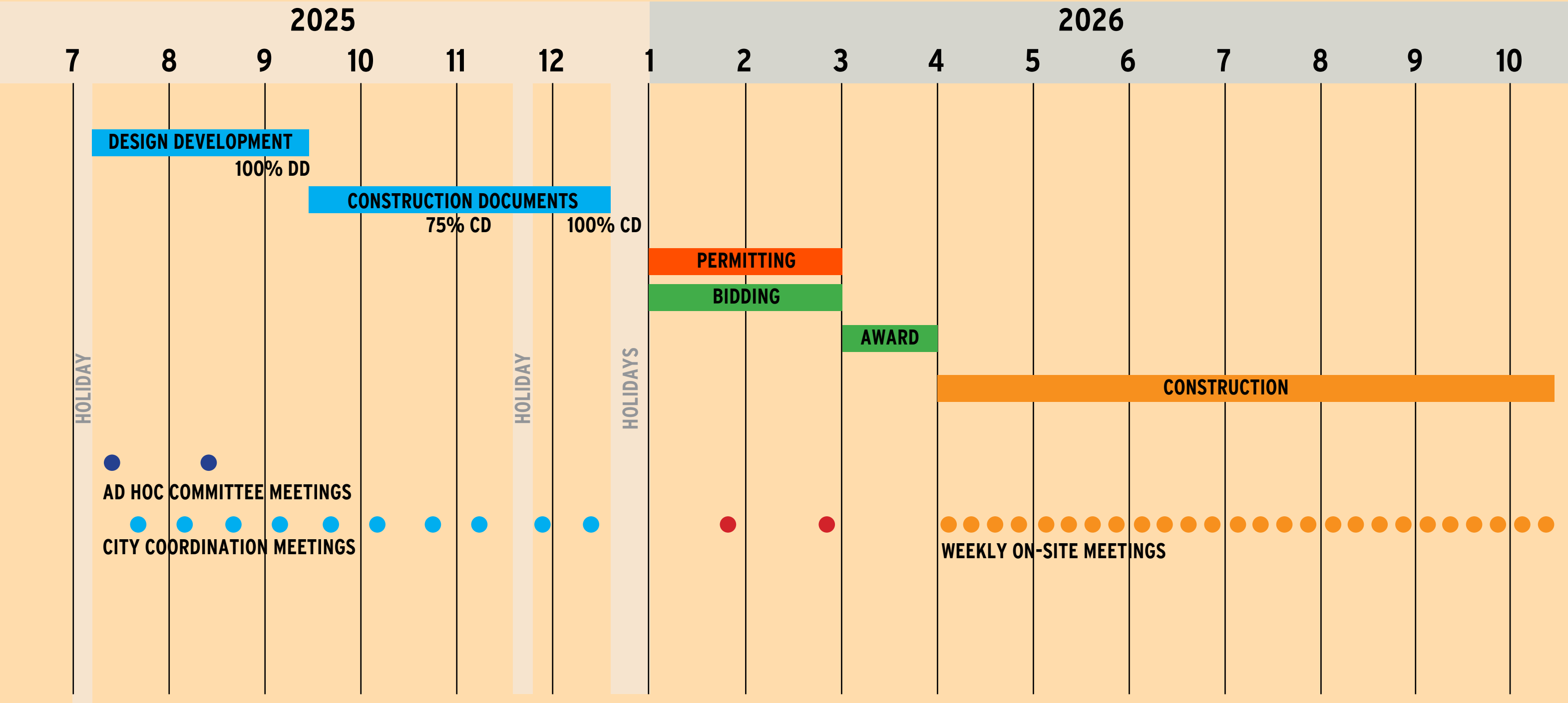
WALKER MACY

Michael W. Zilis

Principal

(mzilis@walkermacy.com)

SCHEDULE



Federal Street Plaza

Team Members

7/2/2025

Walker Macy:

- Principal: Mike Zilis
- PM: Reif Larsen

JTRA:

- Principal & PM: Tim Richard

KPFF:

- Principal: Peter Craig
- PM: Paul Schmidtke

Grummel Engineering:

- Principal & PM: Alex Grummel

SDC:

- Principal & PM: Jeffrey Davis

LUMA:

- Principal: Brock Soderberg
- PM: John Cumiskey

STO:

- Principal & PM: Ken McPhie

DCW:

- Principal: Trish Drew
- PM: Bryan Baldwin

LandArc:

- Principal & PM: Scott Fornaciari

PROFESSIONAL SERVICES AGREEMENT

Contractor	Walker Macy, LLC
Consideration	NTE \$619,212.00
Effective Date	July __, 2025
Completion Date	October 31, 2026
Project/Services	<i>Professional and Related Services – Federal Street Plaza Project No. 2025-009</i>

This PROFESSIONAL SERVICES AGREEMENT (**Agreement**) is entered by the City of The Dalles, an Oregon municipal corporation (**City**) and Walker Macy, LLC, an Oregon limited liability company (**Contractor**), for Contractor's provision of professional and related services to support the City's Federal Street Plaza Project.

WHEREAS, the City requires performance of certain professional services; and

WHEREAS, Contractor desires to perform those certain professional services pursuant to the compensation and conditions set forth herein.

NOW, THEREFORE, in consideration of both the provisions set forth herein and other good and valuable consideration, the receipt and sufficiency of which is here acknowledged, the Parties agree:

A. Contractor's Duties

1. Scope of Work. Contractor agrees, at its expense, to furnish all labor, equipment, materials, expertise, tools, supplies, insurance, licenses, subcontractors approved under this Agreement, and provide any equipment necessary to perform all tasks described in Contractor's June 16, 2025 scope of work, attached to and made part of this Agreement as **Exhibit A (Work)**. The Parties agree the Work shall be interpreted broadly to the City's benefit: Contractor agrees to perform all subordinate tasks not explicitly referenced in **Exhibit A** but necessary to fully and effectively perform those specifically listed tasks.
2. Standard of Care. Contractor agrees the standard of care applicable to its provision of the Work will be the degree of skill and diligence normally employed by professional engineers or consultants performing the same or similar Work at the time of performance. Contractor agrees to re-perform any Work not meeting this standard without additional compensation.
3. Examination. Contractor agrees it examined the project site prior to its submittal of its proposal. The Parties agree Contractor's submission of a proposal for this Agreement's award is expressly considered prima facie evidence Contractor made such an examination and is satisfied as to the conditions to be encountered in its performance of the Work. Contractor agrees to protect itself in the unit prices or the lump sum proposed on the Work. Contractor agrees its failure to visit or thoroughly familiarize itself with the labor, equipment, and material required, the difficulty of the conditions involved, or the scope of the project or the Work shall neither relieve Contractor of its obligation to complete the Work and perform under this Agreement for the price proposed nor entitle Contractor to a price adjustment.



4. Insurance and Indemnity.

- a. Insurance. Contractor agrees, at its expense, to carry and maintain in effect throughout the Contract Term statutory **Workers' Compensation** coverage, **Comprehensive General Liability** insurance in the amount of \$1,000,000 (per occurrence) and \$2,000,000 (in aggregate), **Professional Liability** insurance in the amount of \$2,000,000, and **Commercial Automobile Liability** insurance (including coverage for all owned, hired, and non-owned vehicles) with a combined single limit per occurrence of \$1,000,000.
- b. Certificates. Except for Professional Liability and Workers' Compensation insurance, Contractor agrees to provide the City with certificates of insurance naming the *City of The Dalles* as an additional insured prior to commencement of the Work performed under this Agreement and to further provide the City 30 days' notice before cancelling or reducing any insurance policy contemplated by this Agreement.
- c. Workers' Compensation. Contractor agrees it is solely responsible for maintaining proper and adequate Workers' Compensation coverage. If Contractor's insurance does not cover each and every subcontractor, certificates of insurance issued on policies covering each and every subcontractor shall be filed with the City prior to commencement of the Work, including any subcontract operations. Contractor shall provide the City with evidence it is either a *self-insured employer* or a *carrier-insured employer* for Workers' Compensation pursuant to ORS Chapter 656 prior to commencing any Work.
- d. Indemnity. Contractor agrees to indemnify, defend, and hold harmless the City (including its officers, agents, and employees) against all liability, loss, and costs arising from actions, suits, claims, or demands to the proportionate extent of the negligent acts or omissions of Contractor (including its officers, agents, and employees) in its performance of this Agreement. Further, in accordance with the Oregon Tort Claims Act and the Oregon Constitution, the City agrees to indemnify, defend, and hold harmless Contractor (including its officers, agents, and employees) against all liability, loss, and costs arising from actions, suits, claims, or demands to the proportionate extent of the negligent acts or omissions of the City (including its officers, agents, and employees) in its performance of this Agreement.

5. Payments.

- a. Prompt Payment. Contractor agrees to promptly pay as due all persons supplying labor or materials for the prosecution of services or Work arising from this Agreement: if Contractor fails, neglects, or refuses to make prompt payment of any claim for labor or services furnished to Contractor (including subcontractors), the City may pay such a claim and charge the amount of its payment against funds actually or expectedly due from Contractor. The Parties agree payment of any claim in this manner shall not relieve Contractor or its surety from any obligations with respect to any unpaid claims.



- b. Industrial Accident Fund. Contractor agrees to pay all contributions or amounts due the Industrial Accident Fund from the Contractor or subcontractors incurred in the performance of this Agreement.
- c. Labor Hours. Contractor agrees to pay all employees at least time and half pay for all overtime worked in excess of 40 hours in any one work week, except for excluded individuals pursuant to ORS 653.010 to 653.261 or 29 U.S.C. 201 to 209.
- d. Medical Care. Contractor agrees to promptly pay as due all persons, co-partnerships, associations, or corporations furnishing medical, surgical, hospital care, or other needed care and attention incident to sickness or injury to Contractor's employees, or all sums which Contractor agrees to pay for such services, and all moneys and sums which Contractor collected or deducted from the wages of its employees pursuant to any law or contract for the purpose of providing or paying for such service.
- e. No Liens. Contractor shall not permit any lien or claim to be filed or prosecuted against the City on account of any Work (including labor or materials) furnished under this Agreement.
- f. Employee Withholdings. Contractor agrees to pay to the Oregon Department of Revenue all sums withheld from its employees pursuant to ORS 316.167.

B. City's Duties

1. Compensation.

- a. Total. The City agrees to compensate Contractor for the Work in an amount not to exceed **\$619,212.00**. Contractor agrees its provision of a completed Form W-9 to the City is a condition precedent to the City's payment obligations under this Agreement.
- b. Progress Payments. The City agrees to make payment upon Contractor's completion of the Work and delivery of an invoice detailing the Work, subject to the City's approval and no more frequently than monthly. Payment shall be made in net 30 days only for Work actually completed as of the invoice date.
- c. Satisfaction. Contractor agrees the City's payment of an invoice releases the City from any further obligation to compensate Contractor for the Work (including expenses) incurred as of the invoice date. The Parties agree payment shall not be considered acceptance or approval of the Work or waiver of any defects therein.
- d. Public Budgeting. The City certifies sufficient funds are available and authorized for expenditure to finance the costs of this Agreement during the current fiscal year. The Parties agree appropriations for future fiscal years are subject to budget approval by the City Council.



C. Special Conditions

1. Acceptance. Contractor agrees to timely notice the City in writing when it believes it has completed the Work so the City can undertake a final inspection. The City agrees to inspect the Work (and all records generated by Contractor relating to the Work) within fifteen (15) days of its receipt of Contractor's completion notice. The City agrees to either accept the Work or notice Contractor of any defects or remaining performance necessary to fully complete the Work. The City agrees to provide Contractor its final acceptance of the Work once it determines all of the Work has been performed satisfactorily.

D. General Conditions

1. Time. The Parties agree time is of the essence to this Agreement's performance: Contractor's prosecution of the Work shall begin without undue delay on or after the Effective Date and shall be completed before or on the Completion Date; provided, however, the Parties agree to equitably adjust Contractor's performance schedule subject to excuses for performance associated with impossibility, impracticability, and unforeseeable factors or events beyond Contractor's control (such as acts of God).
2. Termination. This Agreement's term expires naturally upon the Parties' full performance or on the Completion Date (whichever first) unless sooner modified pursuant to this Agreement. The Parties agree the City may terminate this Agreement with seven (7) days' notice and Contractor may terminate this Agreement with thirty (30) days' notice, both without penalty. The City agrees to compensate Contractor for all approved services rendered prorated to the date the City notices its intent to terminate.
3. Tax Currency. Contractor agrees (and by executing this Agreement, certifies under penalty of perjury) it is, to the best of its knowledge, not in violation of any tax laws described in ORS 305.380.
4. Full Integration/Modification. This Agreement contains the Parties' entire understanding and intent and supersedes all prior negotiations, representations, or other written or oral agreements on this matter. The Parties agree this Agreement may only be modified by a written instrument duly executed by the Parties.
5. Independent Contractor. The Parties agree Contractor is an *independent contractor* as defined by ORS 670.600(2) and as interpreted by regulations promulgated by the Oregon Bureau of Labor and Industries. Neither the terms of this Agreement nor the course of its performance by the Parties shall be construed as implicating an employer-employee relationship. Contractor expressly warrants its exclusive agency free from City direction and control over the means and manner of completing the Work.
6. Assignment/Delegation. The Parties agree no Party shall assign or transfer an interest or duty under this Agreement without the other Party's written consent and any attempted assignment or delegation without written consent shall be invalid.



7. Subcontractors. Contractor agrees to provide the City with a list of proposed subcontractors within ten (10) calendar days of this Agreement's mutual execution and before awarding any subcontract connected with the Work or this Agreement, and shall not retain any subcontractor the City reasonably objects to as incompetent or unfit. Contractor agrees it is as fully responsible to the City for its subcontractors' and employees' (whether directly or indirectly employed) negligent acts and omissions as it is for its employees' negligent acts and omissions. The Parties agree nothing in this Agreement is intended to or shall create any contractual privity between the City and any subcontractor.
8. Enforceability. The Parties agree all disputes connected with this Agreement or its performance shall be heard in the Circuit Court of the State of Oregon for the County of Wasco and any resolutions shall be construed under the laws of the State of Oregon. If any provision of this Agreement is held invalid and unenforceable, the remaining provisions shall be valid and binding upon the Parties.
9. Waiver. The Parties agree a Party's failure to insist upon strict adherence to a provision of this Agreement on any occasion shall not be considered a waiver of the Party's rights or deprive the Party of the right to thereafter insist upon strict adherence to the provision or any other provision of this Agreement.

Continues on next.



10. Notices. All notices required or permitted to be given under this Agreement shall be deemed given and received two (2) days after deposit in the United States Mail, certified or registered form, postage prepaid, return receipt requested, and addressed:

To the City: City Manager
City of The Dalles
313 Court Street
The Dalles, OR 97058

To Contractor: Michael W. Zilis
Walker Macy, LLC
419 SW 11th Avenue, Suite 200
Portland, OR 97205

IN WITNESS WHEREOF, the Parties duly execute this **PROFESSIONAL SERVICES AGREEMENT** this _____ day of _____, 2025.

CITY OF THE DALLES

CONTRACTOR

Matthew B. Klebes, City Manager

Michael Zilis, Principal

ATTEST:

Amie Ell, City Clerk

Approved as to form:

Jonathan M. Kara, City Attorney

