

**AGENDA****PLANNING COMMISSION**

December 18, 2025

5:30 p.m.

City Hall Council Chambers  
313 Court Street, The Dalles, Oregon

Via Zoom<https://us06web.zoom.us/j/82327794645?pwd=c1d2UGhUb1BoVithR0tFUzZcWtXQT09>Meeting ID: **823 2779 4645** Passcode: **001537**

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1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES – December 4, 2025
6. PUBLIC COMMENT – During this portion of the meeting, anyone may speak on any subject that does not later appear on the agenda. Five minutes per person will be allowed.
7. LEGISLATIVE PUBLIC HEARING

ZOA 111-25 and CPA 57-25, 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 Implement a Hearings Officer System, Update Planning Commission Roles and Procedures, and Revise Housing, Design, and Definitions Standards for Clarity, Consistency, and Compliance with State Law

**CITY OF THE DALLES**

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

8. RESOLUTION

Resolution PC 630-25: A Resolution of The Planning Commission Recommending City Council Approval of Zoning Ordinance Amendment No. 111-25 and Comprehensive Plan Amendment No. 57-25 to Adopt Amendments to the Comprehensive Plan and Title 10 of The Dalles Municipal Code to Implement a Hearings Officer System, Update Planning Commission Roles and Procedures, and Revise Housing, Design, and Definitions Standards for Clarity, Consistency, and Compliance with State Law

9. STAFF COMMENTS / PROJECT UPDATES

10. COMMISSIONER COMMENTS / QUESTIONS

11. ADJOURNMENT

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Meeting conducted in a room in compliance with ADA standards.

Prepared by/  
Crystal Sayre, Administrative Assistant  
Community Development Department

**MINUTES**

**PLANNING COMMISSION MEETING**

December 4, 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

**COMMISSIONERS PRESENT:** Maria Peña, Melissa Alvarado, John Grant (via Zoom)

**COMMISSIONERS ABSENT:** Steve Light, Carrie Pipinich

**STAFF PRESENT:** Director Joshua Chandler, City Attorney Jonathan Kara,  
Administrative Assistant Crystal Sayre

**CALL TO ORDER**

The meeting was called to order by Chair Cornett at 5:32 p.m.

**PLEDGE OF ALLEGIANCE**

Chair Cornett led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

It was moved by Peña and seconded by Alvarado to approve the agenda as submitted. The motion carried 4/0; Alvarado, Cornett, Grant, and Peña voting in favor, none opposed, Light and Pipinich absent.

**APPROVAL OF MINUTES**

A. October 23, 2025, Planning Commission Special Meeting

It was moved by Alvarado and seconded by Peña to approve the minutes of October 23, 2025, as submitted. The motion carried 4/0; Alvarado, Cornett, Grant, and Peña voting in favor, none opposed, Light and Pipinich absent.

**PUBLIC COMMENT**

None.

## **DISCUSSION ITEM**

### **A. 2025/ 2026 Review and Outlook**

Director Joshua Chandler presented the Community Development Department’s annual recap, noting this meeting served as an informal opportunity for the Commission to discuss completed work, ongoing projects, and future priorities. Chandler summarized the April 2025 discussions regarding reducing Planning Commission meetings to one meeting per month and transitioning quasi-judicial applications to a Hearings Officer. He explained that Phase 1—amending TDMC 11.04 regarding Commission operations—had been adopted, and that Phase 2 would involve extensive code amendments, including the introduction of the Hearings Officer model and various refinements to parking, landscaping, and other development standards. Chandler noted that the December 18, 2025, meeting would include a very large, redlined code amendment packet for Commission recommendation to City Council.

Chair Cornett questioned whether City Council had already approved the Hearings Officer and sought clarification on implementation timelines. Chandler explained the phased approach and confirmed that Council would consider Phase 2 in January 2026.

### **Residential & Multifamily Development Activity**

Chandler reviewed 2025 residential development statistics, noting the approval of 34 new dwelling units through 26 permits, including 20 single-family homes, three duplexes, and two replacement homes. He highlighted the absence of ADUs, suggesting that recent code allowances for detached duplexes offered more flexibility and may be influencing applicant choices. He also reported the approval of a 76-unit multifamily land use application on Chenoweth Loop Road, though building permits had not yet been filed. He explained that there have been no new multi-family housing developments in The Dalles since 2019.

### **Land Division Activity**

Chandler summarized partitions, subdivisions, and the City’s first middle-housing land division (MHLD). He explained the difference between parcels and lots, and how “new units of land” are calculated. In 2025 two minor partitions created three additional parcels, two subdivisions created 56 additional lots, and the MHLD created an additional five lots, resulting in 64 new units of land being approved. Chandler also clarified the circumstances that led to the MHLD at East Ninth Street. Chandler also noted a typographical error in the memorandum presented to the Commission: For 2024, the number of minor partitions was nine, not two as the document suggested. 2024 saw a total of 26 units of land approved.

### **Long-Range Planning Projects & Code Updates**

Chandler described several long-range planning efforts now taking shape as the Commission transitions away from quasi-judicial review:

#### **FEMA Code & Map Updates**

Chandler summarized the extensive FEMA Pre-Implementation Compliance Measures adopted in July 2025 and explained that the City had fully replaced its former floodplain code. He also discussed the long-delayed FEMA Flood Insurance Rate Map update and its new 90-day appeal

period, clarifying that some areas—such as Lone Pine—may see reduced floodplain extents, while properties along Mill Creek and Chenowith Creek may see increases.

Commissioners raised several questions about the accuracy of new floodplain modeling, especially regarding Mill Creek’s 1996 flood behavior. Chandler responded with detailed explanations about tunnel capacity, debris assumptions, and the engineering behind the updated maps. Peña sought confirmation that flooding was driven primarily by Mill Creek backing up, which Chandler affirmed by explaining that the size of the pipe was not taken into consideration for the modeling of the 1984 map.

#### Urban Renewal & Major Capital Projects

Chandler provided an update on Urban Renewal projects, particularly the First Street Streetscape Project and the Federal Street Plaza. He noted that First Street construction would begin in early 2026 and require full street closure for up to 18 months.

Commissioner Peña expressed concern about impacts to the Cherry Festival, stating that road closures could significantly affect its location and operations. Chandler confirmed that the festival would be relocated for the next two years, though the new site had not yet been finalized.

#### Housing Production Strategy Implementation

Chandler outlined early work toward implementing the City’s Housing Production Strategy, including research into multi-unit property tax exemption, development of pre-approved housing plans, and upcoming middle housing code amendments to include potential expansion of triplexes, quad-plexes, and cottage clusters into the Low-Density Residential zone.

#### West Side Renaissance Master Plan

Chandler briefed the Commission on the Transportation & Growth Management (TGM) grant-funded West Side Renaissance Master Plan. He described the initial study area and mentioned previous delays in the statewide program.

Chair Cornett asked for clarification on the geographic boundaries of “West Side.” Chandler explained that the scoping process would refine boundaries but that initial maps extended roughly along Cherry Heights Road, included areas outside the UGB, and encompassed industrial land.

#### Development Review Audit

Chandler discussed the upcoming Development Review Audit funded through the Housing Accountability and Production Office, noting that the project will examine and modernize internal workflows, provide technology recommendations, and likely result in future code amendments

### **COMMISSIONER COMMENTS/ QUESTIONS**

Peña inquired about whether the Sixth Street widening project was funded through ODOT; City Attorney Kara responded that he would investigate the issue and follow up with the Commission if ODOT funds were involved.

Chandler informed the Commission that Commissioner Nik Portela had stepped down and that the mayor would soon recommend a new appointee who previously completed Local Government Academy and served on the Budget Committee.

**ADJOURNMENT**

There being no further business, Chair Cornett adjourned the meeting at 6:18 p.m.

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Submitted by/  
Crystal Sayre, Administrative Assistant  
Community Development Department

SIGNED:

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Cody Cornett, Chair

ATTEST:

\_\_\_\_\_  
Crystal Sayre, Administrative Assistant  
Community Development Department

DRAFT



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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

# STAFF REPORT

Zoning Ordinance Amendment 111-25  
Comprehensive Plan Amendment 57-25

**HEARING DATE:** December 18, 2025

**HEARING BODY:** Planning Commission

**PROCEDURE TYPE:** Legislative

**REQUEST:** Recommendation to City Council for Adoption of Amendments to the Comprehensive Plan and Title 10 of The Dalles Municipal Code to Implement a Hearings Officer System, Update Planning Commission Roles and Procedures, and Revise Housing, Design, and Definitions Standards for Clarity, Consistency, and Compliance with State Law

**PROPERTIES:** All properties located within the Urban Growth Boundary

**APPLICANT:** City of The Dalles, Community Development Department

**PREPARED BY:** Joshua Chandler, Director

**BACKGROUND:** In April 2025, Community Development staff presented updates to modernize department operations in an effort to further distinguish between “Current Planning” and “Long-Range Planning” functions. Current Planning handles day-to-day review of development applications, permits, and code compliance to ensure projects meet existing regulations. Long-Range Planning addresses future growth and broader policy issues, including updates to The Dalles Municipal Code (TDMC), the Comprehensive Plan, zoning strategies, housing initiatives, and community goals. Under the proposed structure, Current Planning functions will largely be handled by the Hearings Officer, allowing the Planning Commission to focus on long-range policy and legislative matters.

Two key options were discussed: targeted amendments to Planning Commission procedures under TDMC Title 11, Chapter 11.04 to improve efficiency, including reducing Planning Commission meetings from twice to once per month; and establishing a Hearings Officer to

handle certain land use actions. These concepts evolved into a two-phase effort to update department structure and procedures.

**Phase 1: Planning Commission Procedural Updates:**

Phase 1 amended TDMC Title 11, Chapter 11.04 to improve Planning Commission operations, clarify administrative procedures, and ensure compliance with state law. Changes addressed attendance and quorum requirements, membership qualifications, quasi-judicial responsibilities, hearing procedures, ethics, and general housekeeping.

Beginning January 2026, Commission meetings will be held on the first Thursday of each month, focusing on legislative items, study sessions, and work sessions, while Hearings Officer meetings are anticipated on the third Thursday, following adoption. Meetings falling on holidays will move to the following Thursday. Phase 1 was adopted by City Council as General Ordinance 25-1422 on November 24, 2025, effective January 1, 2026.

**Phase 2: Amendments:**

Phase 2 focuses on implementing the Hearings Officer system, which will assume responsibility for Current Planning functions, including review of development applications, permits, and code compliance. This allows the Planning Commission to focus on long-range legislative and policy matters. Establishing the Hearings Officer requires specific amendments to TDMC Title 10 and the Comprehensive Plan to delegate authority, clarify responsibilities, and ensure legal compliance. Following adoption, the City will initiate the Hearings Officer selection process, with full implementation expected in April 2026.

In addition to the Hearings Officer-related amendments, Phase 2 advances broader updates to TDMC Title 10. These changes aim to improve clarity, consistency, and usability for staff, applicants, and the public, and streamline review processes. Bundling these updates with the Hearings Officer program reduces the number of legislative meetings required to implement both initiatives, supports predictable development outcomes, and ensures consistency across TDMC, the Comprehensive Plan, and Planning Commission Bylaws.

**DISCUSSION:** The Phase 2 amendment package is extensive in length, primarily due to the repeated integration of Hearings Officer provisions throughout multiple sections. While the package appears large, much of the text is unchanged from the current code. Sections are presented in full to maintain context and demonstrate how specific modifications relate to the overall code structure. This ensures that readers can clearly identify where substantive updates occur and understand their effect within the broader regulatory framework. Key revisions include:

**Proposed The Dalles Municipal Code Amendments**

- **Hearings Officer Implementation**

The proposed amendments implement a Hearings Officer system, an impartial contracted land use professional, as the primary mechanism for reviewing quasi-judicial applications and escalated administrative decisions, including Conditional Use Permits, Variances, Quasi-Judicial Zone Changes, and administrative appeals. Implementing the Hearings Officer required concurrent amendments to TDMC Title 10 and the Comprehensive Plan to delegate authority, codify procedures, and ensure legally compliant review. The City Council retains final decision authority on any appeals of the Hearings Officer's

decisions. Legislative actions, including TDMC and Comprehensive Plan amendments, remain under the Planning Commission and City Council. Hearings remain publicly accessible, with virtual participation options, and all materials and decisions are shared with the Planning Commission for discussion and oversight.

- **Procedures and Noticing (Section 10.3.020)**

The proposed amendments clarify administrative procedures to improve efficiency, transparency, and consistency. Noticing requirements are revised to ensure timely and accurate notifications to the public and relevant agencies. Application submittal procedures and public hearing protocols are clarified, and appeal processes are updated to reflect current state law. Key changes include increasing the notice period for evidentiary hearings before the Hearings Officer from 10 to 20 days and extending the timeline for submitting a notice of appeal from 10 to 12 days, both to comply with state law. The amendments follow TDMC noticing and public hearing procedures, ensuring transparency and opportunities for public participation.

- **Mandatory Housing Adjustments (Section 10.3.080)**

The proposed amendments incorporate Senate Bill 1537 (2024) mandatory housing adjustment provisions, establishing a ministerial review process for minor adjustments not already addressed through administrative or quasi-judicial review. Approval criteria for all adjustment types are clearly defined, and discretionary steps for mandatory adjustments are removed to align with state requirements. These changes streamline minor housing adjustments, provide predictability for applicants, reduce staff interpretation, and support diverse housing types and densities. Adjustments are integrated into TDMC Article 3.080, providing a self-contained review pathway without requiring separate reference to state law.

- **Affordable Housing Provisions (Article 10.5)**

The proposed amendments add affordable housing as an outright permitted use in all residential and mixed-use zones, including publicly owned, nonprofit, or religious-owned lands within the UGB, regardless of existing zoning. Updated definitions, clear and objective development standards, and long-term affordability covenants ensure compliance with Senate Bill 8 (2023), ORS 197A.470, and Statewide Planning Goal 10. Codifying this requirement directly into Title 10 provides a legally defensible framework, eliminates reliance on external statutes, and reduces uncertainty for staff and applicants. These amendments promote housing production, improve predictability, support equitable access to housing, and align with Comprehensive Plan policies on housing choice, inclusivity, and fair housing compliance.

- **Residential Care Facilities (Section 10.5.010.020)**

The proposed amendments included the allowance of Residential Care Facilities serving six to 15 residents in the Low Density Residential (**RL**) zone, in addition to the existing Medium (**RM**) and High Density (**RH**) zones, fully aligning with ORS 197.667. Definitions and review criteria for both residential care facilities and homes (one to five residents) are also being updated.

- **Definitions (Section 10.2)**

Code definitions are modernized to reduce ambiguity and improve consistency. Updates

include affordable housing, Hearings Officer, care facilities, marijuana-related uses, and the Standard Industrial Classification (SIC), as described below. A key addition is the definition of kitchen/cooking facilities, which clarifies what constitutes a dwelling unit for review purposes—resolving a long-standing source of ambiguity across multiple communities.

- **Permitted and Conditional Use Updates**

The proposed amendments modify most permitted and conditional use lists across TDMC zoning districts. Aside from adding Residential Care Facilities in the RL district and expanding affordable housing allowances throughout most zones, no new uses are introduced. Outdated Bed and Breakfast and Vacation Rental references were removed following Short-Term Rental adoption, along with non-use appurtenances such as benches and bus stops. Marijuana facility and transitional housing provisions were reorganized into two new sections; requirements for these uses remain unchanged, but the restructuring provides general cleanup. Overall, use tables are clarified, consolidated, and redundant language removed to ensure internal code consistency.

- **Standard Industrial Classification (SIC) Introduction**

The proposed amendments adopt the Standard Industrial Classification (SIC) system to standardize commercial and industrial uses. Currently, if a proposed use is not explicitly listed in a zoning district, the Community Development Director evaluates its similarity to existing uses to determine whether it may be permitted or conditionally permitted. The amendments formalize this process by referencing established industry-standard SIC codes, providing a consistent, objective framework for evaluating unlisted uses, improving clarity for applicants, and streamlining staff interpretation.

- **Parking Exemptions (Section 10.7.020.040(D))**

The proposed amendments establish mandatory off-street parking exemptions for properties in the Downtown Parking District and CBC-2 zones, replacing prior discretionary language. Historically, properties in parking assessment districts received automatic waivers, while CBC-2 properties required individual review, creating inconsistencies and uncertainty for developers. The amendments codify full waivers for both areas, providing clear, objective standards that reflect the pedestrian-oriented historic downtown core and support redevelopment and adaptive reuse. These changes align with Comprehensive Plan Policy 9, promote downtown reinvestment, and remove regulatory barriers that previously impeded redevelopment.

- **Street Standards (Section 10.10.060(K))**

The proposed amendments update the street standards matrix to align with the 2017 Transportation System Plan.

- **Fencing in Front Yard Setbacks (Schools, Section 10.6.010.050)**

The proposed amendments increase the maximum fence height to six feet within front yard setbacks on school properties in residential zones, while maintaining driveway vision clearance. This change enhances safety and security for students, staff, and visitors, preserves pedestrian visibility, and maintains compatibility with surrounding neighborhoods. Many existing school sites already feature similar fencing, and the amendments codify these standards to provide clarity and consistency.

- **Laydown Yards Expansion**

The proposed amendments expand zoning allowances for laydown yards to all nonresidential and park zones, including Central Business Commercial (CBC), General Commercial (CG), and Recreational Commercial (CR) districts. Laydown yards are intended solely for construction equipment and materials in active use on off-site projects. This expansion accommodates staging, storage, and temporary construction needs on adjacent properties during redevelopment, supporting efficient project implementation. Off-site laydown yards in the Industrial (I) and Commercial/Light Industrial (CLI) zones remain allowed without additional land use approval.

**Proposed Comprehensive Plan Amendments**

The Comprehensive Plan will be updated to reflect changes in Planning Commission authority and the delegation of certain land use responsibilities to the Hearings Officer. Updates are intended to ensure consistency with Title 11 and the Planning Commission Bylaws, clarify roles and responsibilities for staff and the public, and make targeted adjustments to Goal 2 policies, Goal 5 implementation measures, Goal 11 and Goal 14 policies, and Appendix B guidelines for Land Use Plan Map classifications.

**Related Implementation Actions**

**Hearings Officer Implementation**

Following adoption of the proposed amendments, Staff will begin the Hearings Officer selection process in accordance with the City’s Local Contract Review Board rules, with the process expected to take one to two months in early 2026. Full implementation is anticipated by April 2026, at which point Hearings Officer-led hearings will commence. Until then, the Planning Commission may continue to oversee quasi-judicial applications and administrative appeals as needed.

**Planning Commission Bylaws Updates**

The Planning Commission Bylaws will be updated to incorporate Hearings Officer responsibilities, revised meeting schedules, and procedural coordination, providing clear operational guidance for Commissioners.

**NOTIFICATION:**

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on December 3, 2025, more than ten days prior to the December 18, 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 December 11, 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 November 13, 2025, more than 35 days prior to the December 18, 2025 hearing.

**COMMENTS:**

No comments have been received as of the date this report was published (December 11, 2025).

## **REVIEW:**

See *Exhibit A*.

## **PROPOSED AMENDMENTS:**

The proposed amendments for Zoning Ordinance Amendment 111-25 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 111-25) and *Exhibit E* (CPA 57-25). 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.

## **RECOMMENDATION:**

1. ***Staff recommendation:*** *Move to recommend to the City Council the approval of Zoning Ordinance Amendment 111-25 and Comprehensive Plan Amendment 57-25, adopting amendments and findings attached herein.*
2. Move to recommend to the City Council the approval of a modified Comprehensive Plan Amendment 57-25 and Zoning Ordinance Amendment 111-25, after adopting any changed amendments or findings discussed at the regular December 18, 2025, Planning Commission meeting.
3. Decline adoption and provide additional direction.

## **ATTACHMENTS:**

- **Exhibit A:** *Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 111-25 and Comprehensive Plan Amendment 57-25.*
- **Exhibit B:** *Proposed Zoning Ordinance Amendment 111-25.*
- **Exhibit C:** *Proposed Comprehensive Plan Amendment CPA 57-25*
- **Exhibit D:** *Draft Edits of the Proposed Amendments for Zoning Ordinance Amendment 111-25.*
- **Exhibit E:** *Draft Edits of the Proposed Amendments for Comprehensive Plan Amendment 57-25.*

## EXHIBIT A

### Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 111-25 Comprehensive Plan Amendment 57-25

#### 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.**

*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 December 3, 2025, more than ten days prior to the December 18, 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 December 11, 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 November 13, 2025, more than 35 days prior to the December 18, 2025 hearing. To date, no comments have been received. **Criterion met.**

##### **Goal #2. Land Use Planning.**

*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 #9 Economic Development.**

*Policy 9. Encourage investment in The Dalles Central Business District, and support project activities in the Columbia Gateway/Downtown Urban Renewal Plan.*

**FINDING #5:** The proposed amendments to TDMC 10.7.020.040(D) aim to clarify and standardize off-street parking waiver provisions within The Dalles Central Business District. As defined within TDMC, two categories of properties *may* have off-street parking requirements waived: 1) properties within legally adopted parking assessment districts, which were granted full parking waivers based on individual lot inclusion pursuant to ordinances and resolutions adopted in the mid-1980s, and 2) properties within the Central Business Commercial (CBC)-2 Subdistrict, with no documented outright waiver, but rather received through discretionary approval. This dual system has created inconsistencies and uncertainty for developers, as the assessment districts provided automatic waivers while CBC-2 required individual review by the approving authority. Both areas constitute the historic downtown core, developed primarily in the mid-to-late 1800s prior to the advent of the automobile. These areas were designed for pedestrian-oriented development, with zero maximum setbacks on front and corner side yards, no lot coverage restrictions, and limited space for off-street parking. Strict application of contemporary parking standards in these areas is impractical and discourages redevelopment or adaptive reuse of existing buildings.

In spring 2024, the City initiated a Downtown Parking Assessment, which included a comprehensive inventory, data analysis, and policy review to evaluate current and future parking needs. The assessment found generally low occupancy for both on- and off-street parking, with many off-street spaces remaining unoccupied during peak periods. On-street spaces had relatively short average stays, allowing for turnover, though some vehicles remained for extended periods, likely reflecting employee or resident use. These findings indicate that the downtown core has sufficient parking to support current development and that additional investment and redevelopment could occur without creating significant parking impacts. The assessment also provided the City with a comprehensive toolkit to manage the parking system effectively in the coming years.

The proposed amendments replace discretionary language permitting parking waivers with mandatory language (“may” replaced with “shall”), thereby codifying a full parking waiver for all properties within the assessment districts and the CBC-2 Subdistrict. By removing ambiguity and establishing clear, objective standards, the amendments support consistent administration, encourage reinvestment, and reduce regulatory barriers that have historically impeded redevelopment. This approach aligns with Comprehensive Plan Goal 9 Policy 9, which promotes investment in the downtown core and supports project activities in the Columbia Gateway/ Downtown Urban Renewal Plan. Staff finds that these amendments will enhance opportunities for downtown redevelopment. **Criterion met.**

*Policy 17. Review and revise administrative policies and procedures to streamline the planning process and reduce delays in obtaining development approvals.*

**FINDING #6:** The proposed amendments revise key administrative procedures within TDMC Title 10 to improve clarity, efficiency, and predictability in the development review process.

Application review procedures are clarified to define completeness, submittal timelines, and revised application handling, reducing ambiguity and aligning with statutory requirements. Public hearing procedures are updated to strengthen written testimony deadlines, ex parte disclosure, and order of testimony, ensuring transparency and consistency.

Appeal procedures are refined to provide clear, consistent pathways for all administrative and quasi-judicial decisions, reducing procedural uncertainty and aligning with state law. The amendments implement a Hearings Officer system to handle quasi-judicial actions and escalated applications, centralizing review and promoting timely, consistent decision-making. Mandatory housing adjustments under SB 1537 (2024) are clarified, providing predictable, ministerial pathways where strict compliance would preclude development. Expiration, time extension, and final decision provisions are also clarified, further streamlining the review process.

Collectively, these amendments streamline processes, reduce lead times, and enhance predictability for applicants, staff, and the public, fulfilling Comprehensive Plan Goal 9 Policy 17. **Criterion met.**

**Goal #10. Housing.**

*Policy 9. Maintain flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options, while ensuring that development standards are clear and objective.*

**FINDING #7:** The proposed amendments implement a streamlined adjustments process within TDMC consistent with Senate Bill 1537 (2024) and ORS 197.478 and 197.485. Adjustments allow modifications to development standards where strict compliance would preclude development or make development impracticable due to unusual site conditions. TDMC Article 3.080 currently provides both administrative and quasi-judicial adjustments for standards such as setbacks, lot dimensions, off-street parking reductions, lot coverage, and accessory building height, using a discretionary review process.

SB 1537 was designed to accelerate housing production by requiring cities to implement a clear-and-objective, non-discretionary pathway for certain adjustments. The proposed amendments clarify criteria for these mandatory adjustments, integrate them into the existing tiered adjustment process, and eliminate discretionary steps, ensuring alignment with state law and DLCDC rules. By embedding the adjustments within Article 3.080, the code provides a predictable, self-contained review pathway without requiring separate reference to state law.

These amendments support infill development and a variety of housing types and densities while maintaining clear and objective standards consistent with Comprehensive Plan Goal 10 Policy 9. The streamlined process reduces unnecessary delays and costs, facilitates staff and applicant understanding through cross-references within the code, and supports the development of needed and affordable housing. Overall, the amendments fulfill statutory requirements, advance housing choice and equity, and create a predictable, efficient, and legally defensible review process for adjustments. **Criteria met.**

*Policy 14. Development standards in residential and mixed use areas shall provide for flexibility in site planning and development. Standards shall consider flexibility for lot sizes, setbacks, accessory residential uses on the same lot, parking, alleyways and other development features.*

**FINDING #8:** The proposed amendments increase the maximum fence height for school properties located within residential zones. Although this amendment is not housing-specific, it aligns with Comprehensive Plan Goal 10 Policy 14, which encourages flexibility in development standards in residential areas. The amendment permits fences up to six feet within front yard setbacks, provided driveway vision clearance is maintained. This modification enhances safety and security for students, staff, and visitors while preserving pedestrian visibility and maintaining compatibility with the surrounding neighborhood. Many existing school sites already feature similar fencing, and the amendments codify these standards, providing clarity and consistency. Because schools are permitted uses within residential zones, allowing reasonable increases in fence height supports functional site design without negatively impacting residential development capacity or neighborhood compatibility. These amendments reflect the Comprehensive Plan’s intent to accommodate essential community facilities within residential neighborhoods while maintaining adaptable development standards. **Criterion met.**

*Policy 15. Clear and objective development standards shall be implemented for all density areas.*

**FINDING #9:** See Findings 5, 6, and 7. **Criterion met.**

*Policy 22. Employ strategies that support the Fair Housing Act and affirmatively further fair housing.*

**FINDING #10:** The proposed amendments add affordable housing as an outright permitted use in all residential and mixed-use zones, consistent with Senate Bill 8 (2023), ORS 197A.470, and Statewide Planning Goal 10. Although state law already requires local governments to allow affordable housing, this requirement is not currently reflected in the City’s development code. This creates avoidable uncertainty for staff and applicants and increases the risk of incorrect or inconsistent application of state law during permit review.

Codifying the state mandate directly into Title 10 provides a clear, objective, and legally defensible framework regarding where affordable housing is allowed. This eliminates the need for staff or applicants to rely on external statutory interpretation and ensures that local review procedures do not inadvertently preclude or delay qualifying affordable housing projects. The amendments improve predictability, support equitable access to housing, and maintain alignment with Comprehensive Plan policies related to housing choice, inclusivity, and fair housing compliance. **Criterion met.**

### **Oregon Revised Statute (ORS)**

#### ***ORS 197A.400***

*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 #11:** See Findings #7 and #10. ORS 197A.400 requires that local governments adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing, including needed housing, and that such standards do not discourage needed housing through unreasonable cost or delay. The proposed amendments address this by systematically removing ambiguous, discretionary, or inconsistent language throughout TDMC, particularly in sections governing care homes and facilities, adjustments, and affordable housing.

By codifying specific criteria, procedural steps, and ministerial pathways, the amendments provide clarity for applicants and staff while ensuring that projects comply with statutory requirements. The amendments also enhance predictability by aligning local review processes with state law, eliminating discretionary terminology that could create delays or uncertainty, and maintaining transparent notice and appeal procedures. The amendments additionally refine certain definitions, including the definition of kitchen/cooking facilities, which helps more accurately identify dwelling units for review purposes.

Collectively, these revisions aim to ensure that housing development is neither delayed nor discouraged and that the City’s review process remains fully consistent with ORS 197A.400. Staff finds that the amendments meet the intent of the statute and maintain clear and objective standards throughout the code. **Criterion met.**

***ORS 197A.445, ORS 197A.460 and ORS 197A.470 – Affordable Housing***

**FINDING #12:** See Finding #10. **Criterion met.**

***ORS 197.667 – Residential Care Facilities***

**FINDING #13:** ORS 197.667 requires that residential care facilities serving six to 15 unrelated residents be permitted in any zone that allows multifamily housing and allows cities to extend this use to additional residential zones, including single-family areas. Under current TDMC standards, these facilities are allowed in the Medium Density (**RM**) and High Density (**RH**) zones. The proposed amendments add the Low Density (**RL**) zone to this list, bringing the code into full alignment with state allowances and expanding where such facilities may be sited. In all applicable zones, residential care facilities will continue to be processed as administrative land use actions.

The amendments also update definitions and clarify review criteria for residential care facilities and residential care homes (one to five residents). Staff finds that the amendments comply with ORS 197.667, maintain clear and objective standards, and appropriately expand siting opportunities for residential care facilities without creating conflicts with surrounding development. **Criterion met.**

***ORS 329A.250 and ORS 329A.440 – Child Care Facilities***

**FINDING #14:** ORS 329A.250 and 329A.440 establish the statutory framework for siting and regulating child care facilities in alignment with state law. The proposed amendments update TDMC definitions for child care facilities, centers, and family day care homes, clarify applicable review procedures, and ensure consistency with zoning standards. These revisions provide clear, objective criteria and administrative review pathways, maintain neighborhood compatibility, and support the development of licensed child care facilities. Staff finds the amendments satisfy ORS 329A.250 and 329A.440 and align with Comprehensive Plan policies promoting access to essential community facilities. **Criterion met.**

***ORS 227.165 – Hearings Officer***

**FINDING #15:** ORS 227.165 authorizes a city to appoint one or more Planning and Zoning Hearings Officers to conduct hearings on applications for classes of permits and zone changes designated by the council. The proposed amendments implement this authority in TDMC Title 10, assigning appropriate applications to an impartial Hearings Officer and codifying hearing procedures, notice requirements, and appeal rights. Staff finds that the amendments satisfy ORS 227.165 and establish a clear, legally authorized mechanism for quasi-judicial review and escalated administrative land use decisions. **Criterion met.**

**Oregon Administrative Rules (OAR)**

***OAR 660-012-0060***

**FINDING #16:** Staff found that the proposed changes do not affect an existing or planned transportation facility; therefore OAR 660-012-0060 is not applicable to these amendments. **Criterion not applicable.**

**Senate Bill (SB)**

***SB 1537 (2024), Section 38(3) – Mandatory Adjustments***

**FINDING #17:** See Finding #7. **Criterion met.**

**EXHIBIT B**  
Proposed Amendments  
Zoning Ordinance Amendment 111-25

**Chapter 10.1 General Provisions**

**10.1.090. Interpretation.**

- A. The provisions of this Title shall be liberally construed to effect its purpose. These provisions are declared to be the minimum requirements to fulfill the stated objectives in Section 10.1.020 above. When the requirements herein imposed are less restrictive than any other comparable requirements imposed by this Title, State or Federal Laws, or State or Federal Administrative Regulations, then the more restrictive shall govern.
- B. Where the code language is ambiguous or unclear the Director is authorized to interpret the code. Requests for interpretation shall be submitted in writing on a form provided by the City. The Director shall make a written determination and mail or deliver a copy to the party requesting the interpretation. Appeals of the Director's written interpretation shall be heard by the Hearings Officer according to the provisions of Section 10.3.020.080. Appeals of the Hearings Officer's decision on a Director's interpretation shall be heard by the City Council under Section 10.3.020.080.

#

**Chapter 10.2 Definitions**

**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 one 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.

**Affordable Housing.** Residential property that meets the definition of “affordable housing” in ORS 197A.445 (and any successor statute). Affordable housing includes housing developed or converted pursuant to ORS 197A.445 and 197A.460 and any state law authorizing height, density, or other regulatory incentives for affordable housing.

**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 Gorge 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 Title or a request for a variance. Subject to Section 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 Hearings Officer, in the case of quasi-judicial hearings and decisions and administrative appeals; 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 one percent or greater annual chance of flooding (characterized by ponding or sheet flow) to an average depth of one to three 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 one 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.

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

**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, other than a family child care home, that is certified under ORS 329A.280 and provides care, supervision, or training to children apart from their parents or guardians for compensation or reward. "Family child care home" and related terms have the meanings given in ORS 329A.250 and 329A.440 (and any successor statutes). Child care centers may include day nurseries, nursery schools, and similar facilities, but do not include programs that state law excludes from the definition of a child care facility under ORS 329A.250(5)..

**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 four 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 "Child Care Center" and "Family Day Care."

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

Density. The number of dwelling units per acre.

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

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

Development. Making a material change in the use or appearance of a structure (internal and external) or land, creation of three or more units of land on a single parcel or adjoining pieces of property in a calendar year, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development. Development includes 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.

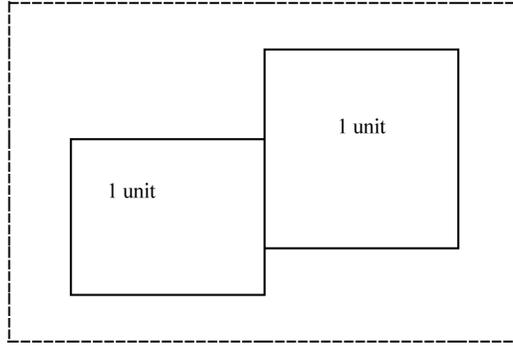
Director. The Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this Title.

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.

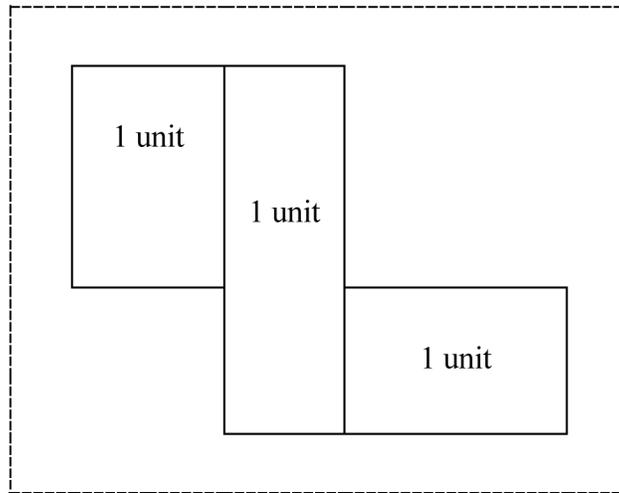
Drainageway. A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

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.

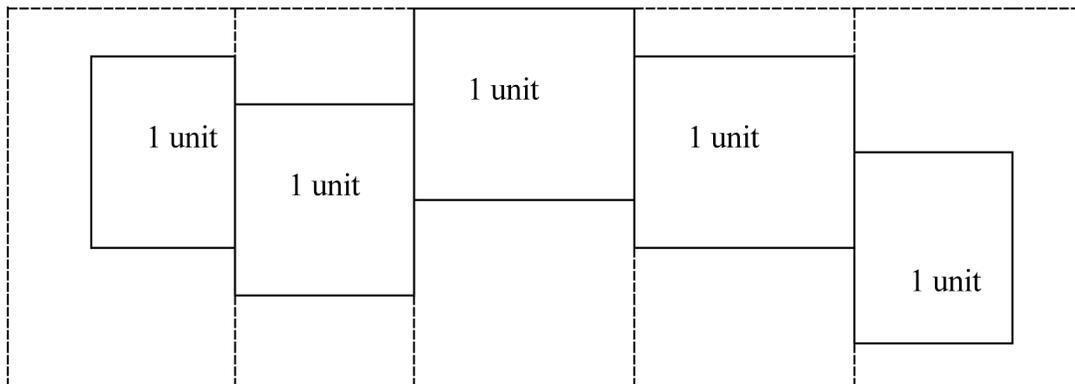
Dwelling, Duplex. Two dwelling units located on a single lot or development site, placed either so some structural parts are in common (attached), or so the units are physically separate structures (detached). For purposes of calculating minimum density, duplexes are counted as two dwelling units; for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



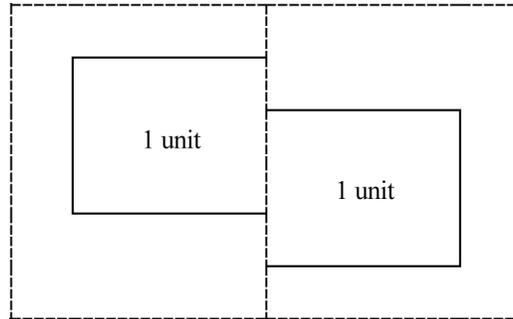
Dwelling, Multifamily. A structure or development containing at least three dwelling units in any vertical or horizontal arrangement, located on a single lot. See also, Cottage Cluster Development.



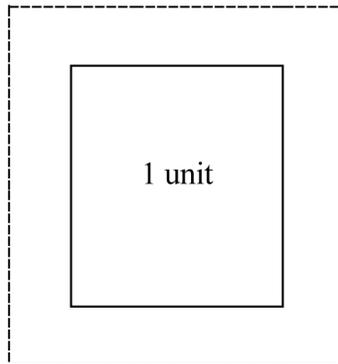
Dwelling, Single Attached (Townhouse). More than two dwelling units, each located on its own lot, placed side by side, and sharing some structural parts at a common property line.



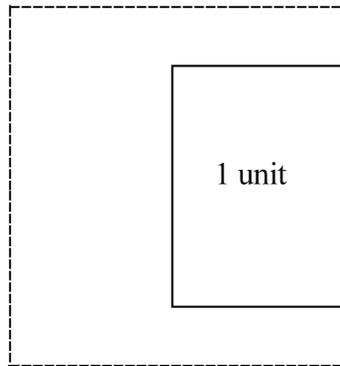
Dwelling, Single Attached (Zero Lot Line). Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.



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 two or more persons related by blood, adoption or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this 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.** Also “family child care home.” Care of not more than 16 children, including resident family members, provided either full-time or part-time in the provider’s dwelling and permitted as an accessory use to that dwelling. A Family Day Care Home must be certified under ORS 329A.280 or registered under ORS 329A.330, as applicable. Consistent with ORS 329A.440 (and any successor statute), Family Day Care Homes are considered a residential use of property for zoning purposes, are a permitted use in all areas zoned for residential or commercial purposes (including areas zoned for single-family dwellings), and are not subject to the definition or standards of a “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 Local Decision.** The City’s final decision after exhaustion of local appeals, as defined in ORS 197.015 and subject to ORS 197.830..

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

**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."

## Flood or Flooding.

1. 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 subsection (1)(b) 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.
2. 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 subsection (1)(a) of this definition.

Floodplain. See "Floodway."

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

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.

Floodplain Storage Capacity. The volume of floodwater that an area of floodplain can hold during the one-percent annual chance flood.

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

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.

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.

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.

Hearings Officer. A neutral decision-maker appointed by the City Council to conduct land use hearings and issue decisions on applications as authorized by this Title. If, for any reason, no such decision-maker is then available to act on a matter, 'Hearings Officer' means the Planning Commission for that matter. See ORS 227.165.

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:

1. 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;
2. 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;
3. 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
4. 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 four 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.

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

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

Kitchen/Cooking Facility. A space within a structure designed or equipped to prepare food. A space contains kitchen facilities if it includes three or more of the following: (1) cooking appliances or connections for ovens, stoves, grills, hot plates, or induction units, including gas or 240-volt (including legacy 220-volt) service; (2) a sink other than a bathroom lavatory with an opening greater than 16 inches in length or width; (3) built-in cabinetry or countertops exceeding six linear feet; (4) a refrigerator or refrigerator space exceeding five cubic feet in capacity, or wiring/space capable of accommodating such; or (5) mechanical exhaust hood or dedicated ventilation capable of serving a cooking appliance. Wet bars, laundry rooms, garages, workshops, and outdoor cooking areas open on at least two sides are not kitchen facilities. For this definition, a wet bar has a sink under 16 inches, a refrigerator five cubic feet or less, no cooking appliance or ventilation, and no 240-volt (including legacy 220-volt) or gas connection.

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

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

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

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

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 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.

City of The Dalles – ZOA 111-25

Proposed Amendments

Page 10 of 94

**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 Width.** The distance between the midpoints of the side lot lines.

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

**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.

**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.** 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.** 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 subsection 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 475C.833 to 475C.853 and OAR 333-008 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 Processing Site.** A site registered by the Oregon Health Authority under ORS 475C.815.

**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 three or fewer conforming lots within a calendar year.

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

**Mobile Home Park.** See "Manufactured Dwelling Park 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).

Medical Marijuana Grow Site. A location registered by the Oregon Health Authority under ORS 475C.792 where marijuana is produced for use by a registry identification cardholder. See ORS 475C.792 and OAR 333-008.

Marijuana, OLCC license types. "Marijuana producer," "marijuana processor," "marijuana wholesaler," and "marijuana retailer" have the meanings given in ORS 475C.009 and are licensed by the Oregon Liquor and Cannabis Commission under ORS 475C.065 (producer), ORS 475C.085 (processor), ORS 475C.093 (wholesaler), and ORS 475C.097 (retailer), and OAR 845-025.

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.

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.

OHA. The State of Oregon Health Authority.

OLCC. The State of Oregon Liquor and Cannabis Commission.

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

Person Responsible for a Marijuana Grow Site (PRMG). The person registered by the Oregon Health Authority for a medical marijuana grow site as provided in ORS 475C.792 and OAR 333-008-0010.

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 six 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 six 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 and Cannabis Commission (OLCC) under ORS Chapter 475C or OAR 845-025.

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

Recreational Marijuana Retailing. The sale of marijuana items to a consumer, provided the marijuana retailer is licensed by the OLCC.

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 OLCC.

Recreational Vehicle (RV). A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. 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 four or more additional lots or deletion of four or more lots.

Replat, Minor. The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in three 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 six to 15 individuals who need not be related, consistent with ORS 197.660. 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 residents 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 five or fewer individuals who need not be related, consistent with ORS 197.660 and ORS 443.400.

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 six 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."

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

**Standard Industrial Classification (SIC).** The federal Standard Industrial Classification system developed and maintained by the United States Office of Management and Budget, or any successor federal industry classification system (such as the North American Industry Classification System), as amended from time to time. References in this Title to an SIC code refer to the version of that classification system in effect when the application is deemed complete.

**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

City of The Dalles – ZOA 111-25

Proposed Amendments

Page 16 of 94

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% 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% 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:

1. 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
2. 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 Title 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.

(Ord. 19-1373; Ord. 21-1384; Ord. 22-1388; Ord. 23-1395; Ord. 24-1405; Ord. 25-1414, 7/14/2025)

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### **Chapter 10.3 Application Review Procedures**

#### ***Article 3.010 Application Procedures***

##### **10.3.010.040. Applications.**

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

- A. Acceptance. All applications shall be accepted by the Department during normal working hours, and date stamped on the day received in the Department office.
- B. Completeness. An application shall be considered complete when it contains the information required by this Title, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 10.1.120: Fees. Complete applications shall be signed and dated by the Director.
- C. Commission or Council Initiated Actions. The Council or Commission may initiate a ministerial, planning, or legislative action by a duly adopted motion which designates the appropriate City department to complete and file the application. The City Manager shall waive application fees for City projects on City-owned property or in the public right-of-way without resolution or other approval of the City Council.
- D. Resubmittal of Applications. Applications which are denied, or denied on appeal, shall not be eligible for resubmittal for 1 year of date of denial, unless evidence is submitted which, in the opinion of the Director, demonstrates that conditions, the application, or the project design have changed to the extent that further consideration is warranted.
- E. Applications for Planning Actions. A planning action may be initiated by the Director, the Commission, the Council, or at the request of the applicant. A complete application shall be submitted to the Department in order to initiate a planning action.
  1. Complete applications shall include:
    - a. The name and address of the applicant(s) and recorded land owner(s).
    - b. The County Assessor's property description—Township, range, section, and tax lot(s).
    - c. All of the information required by this Title for the specific action requested.

- d. An application form completely filled out and signed by one or more of the property owners for which the action is being requested.
  - 2. The Director shall review each application for completeness, notify the applicant of exactly what information is missing within 30 days of receipt of application, and allow the applicant to submit the missing information. The application shall be considered complete for processing when the Director receives the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the 31st day after the application was first received, in accordance with ORS 227.178(2), "Final action on certain applications required within 120 days."
  - 3. Once an application has been accepted as complete, any revisions to the application proposed by the applicant shall be regarded as a new application, restarting the procedure in paragraph 2 above. New applications which result from revisions or modifications to applications previously considered complete may require additional filing fees per the provisions of Section 10.1.120: Fees.
- F. Applications for Legislative Actions. A legislative action may be initiated by the Director, the Historic Landmarks Commission, the Planning Commission, the Council, or at the request of an applicant or resident of the City.
- 1. Complete applications shall include:
    - a. The name and address of the applicant(s), and, if applicable, the name and address of recorded land owner(s).
    - b. Where applicable, the County Tax Assessors property description—Township, range, section, tax lot(s).
    - c. A brief description of any applicable Comprehensive Plan policies, Statewide Planning Goals, Oregon Administrative Rules and Oregon Revised Statutes.
    - d. Other information as specifically required by this Title.
    - e. Signature of applicant(s), and where applicable, signature of recorded land owner(s) or their authorized agent.
  - 2. The provisions concerning application completeness in paragraphs (E)(2) and (E)(3) of this section shall apply. Legislative actions are processed under Section 10.3.020.060, including public hearings under Section 10.3.020.070 and appeals under Section 10.3.020.080.
- G. Plans by Professionals Required. Unless waived by the Director, applications for multifamily, mixed-use, and nonresidential developments shall include a site plan drawn by an architect, surveyor, engineer, or other professional person licensed by the State of Oregon to prepare plans. (Ord. 23-1400)

### **Article 3.020 Review Procedures**

#### **10.3.020.020. Procedures and Decision Types.**

- A. Ministerial Actions. The Director shall have the authority to review and approve or deny ministerial actions. Ministerial actions are not land use decisions or limited land use decisions as defined by ORS197.015(12) and (10). Ministerial actions do not require public notice, public hearing, or decision notice. Ministerial actions are final decisions at the local level.

- B. Land Use Actions. Administrative actions and quasi-judicial actions are both planning actions. Planning actions may be appealed per the provisions of Section 10.3.020.080: Appeal Procedures.
  - 1. Administrative Actions. The Director shall have the authority to review and approve, approve with conditions, or deny applications subject to processing as administrative actions. Decisions on administrative actions shall be based on the applicable clear and objective standards contained in this Title. The Director shall provide notice of application to all affected persons, allow an opportunity for written comment prior to final decision, and provide notice of decision to applicant and all parties of record, in accordance with Section 10.3.020.040: Administrative Actions and ORS 197.195, "Limited land use decisions; procedures."
  - 2. Quasi-Judicial Actions. The Hearings Officer has the authority to review and approve, approve with conditions, or deny applications subject to processing as quasi-judicial planning actions after public hearing under Section 10.3.020.070. City Council hears appeals on the record under Section 10.3.020.080. All quasi-judicial actions shall be reviewed through the public hearing process described in Section 10.3.020.070: Public Hearings, and in accordance with ORS 197.797, including notice to affected persons and the procedural requirements specified therein.
- C. Legislative Actions. Legislative actions are typically those which involve the implementation of land use policy, and include, but are not limited to, the decision types specified in Section 10.3.020.060: Legislative Actions. The Planning Commission, and where appropriate, the Historic Landmarks Commission, shall review all requests processed as legislative actions and make a recommendation to Council to approve, approve with conditions, or deny the request. The Council shall make a final decision per the provisions of Section 10.3.020.060: Legislative Actions. Judicial review is as provided in Sections 10.3.020.060(H) and 10.3.020.080(J).
- D. Expiration and Extension.
  - 1. Expiration. Except for City building permits, which are addressed in Section 10.3.020.010, development must begin within one year of the notice of decision for the land use permit to remain valid, unless specific provisions for a different time period are provided for in other code sections. If development has not begun within the time period, expiration is automatic and no notice is required. Unless a more specific time limit is provided elsewhere in this Title, this section controls.
  - 2. Extension. The Director may grant an extension for up to one year upon receipt of a request in writing. The request must be received in the Community Development Department one week prior to the expiration date. The provisions of LUDO Section 10.3.030.070(B) shall apply to all requests for extensions. If a more specific extension standard applies in a particular chapter, that specific standard controls.

**10.3.020.040. Administrative Actions.**

- A. Option to Process as Quasi-Judicial Action. At the discretion of the Director or the applicant, an administrative action may be processed as a quasi-judicial action, per the provisions of Section 10.3.020.050: Quasi- Judicial Actions.
- B. Decision Types. Administrative actions include, but are not limited to, Site Plan Reviews; Administrative Adjustments; Home Business Permits; Minor Partitions; Subdivisions;

Manufactured Dwelling Parks; Recreational Vehicle Parks; Cottage Cluster Developments; and other administrative permits expressly assigned to the Director by this Title.

C. Notice of Application.

1. Within 10 days after receipt of a complete application for administrative action, notice of the request shall be mailed to:
  - a. The applicant and owners of record of property on the most recent property tax assessment within 100 feet of subject property.
  - b. Any affected governmental agency, department, or public district within whose boundaries the subject property lies.
2. The notice provided by the Department shall:
  - a. Explain the nature of the application and the proposed use or uses which could be authorized.
  - b. Set forth the street address or other easily understood geographical reference to the subject property.
  - c. Provide a 14-day comment period, from the day notice mailed, for submission of written comments prior to the decision.
  - d. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Hearings Officer on that issue.
  - e. List by commonly used citation the applicable criteria for the decision.
  - f. State the place, date, and time that comments are due.
  - g. State that a copy of the application, all documents and evidence submitted by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
  - h. Include the name and telephone number of the Department to contact for additional information.
3. The failure of a property owner to receive notice as provided in this Article shall not invalidate such proceedings if the Department can show that such notice was given.

D. Staff Report. Administrative decisions shall be signed by the Director, and based upon and accompanied by a staff report that includes:

1. An explanation of the criteria and standards considered relevant to the decision.
2. A statement of basic facts relied upon in rendering the decision.
3. Findings which explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.

E. Final Decision. The approval, approval with conditions, or denial of an administrative action constitutes the City's final decision for administrative purposes, but may be appealed to the Hearings Officer in accordance with Section 10.3.020.080 Appeal Procedures.

- F. Notice of Decision. Decision notice shall be provided to the applicant, the Hearings Officer, the Commission, and any party of record. The decision notice shall include:
  - 1. A brief summary of the decision and the decision making process.
  - 2. An explanation of appeal rights and requirements.
- G. Effective Date of Decision. A final decision on administrative actions is effective on the date notice of the decision is mailed to the applicant and parties of record, unless appealed in accordance with Section 10.3.020.080 Appeal Procedures.
- H. Appeal. Administrative actions may be appealed to the Hearings Officer, per the provisions of Section 10.3.020.080: Appeal Procedures.

(Ord. 19-1373; Ord. 23-1400)

**10.3.020.050. Quasi-Judicial Actions.**

- A. Decision Types. Quasi-judicial actions include, but are not limited to, the following:
  - 1. Conditional Use Permits (Article 3.050).
  - 2. Nonconforming Uses (Article 3.090).
  - 3. Planned Developments (Article 9.050)
  - 4. Quasi-Judicial Adjustments (Article 3.080).
  - 5. Variances (Article 3.070).
  - 6. Zone Changes (Article 3.100).
- B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.
- C. Public Hearings.
  - 1. Hearings on applications for quasi-judicial actions shall be conducted per the procedures in Section 10.3.020.070: Public Hearings.
  - 2. Unless otherwise ordered by the hearings body (i.e., the decision-maker authorized by this Title: Hearings Officer for quasi-judicial and the City Council on appeal), the Director shall take complete applications for quasi-judicial actions in the order in which they are filed.
  - 3. The hearings body shall hold at least one public hearing on a complete application.
  - 4. The burden of proof is placed on the applicant seeking a planning action.
  - 5. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.
  - 6. Prior to the public hearing the applicant is recommended, but not required, to conduct an outreach meeting with nearby residents and others who may be affected by the development.

- D. Notice of Hearing. At least 20 days before the initial evidentiary hearing on a quasi-judicial action, notice of the hearing shall be mailed to:
1. The applicant and owners of record of property on the most recent property tax assessment roll within 300 feet of the subject property.
  2. Any affected governmental agency, department, or public district whose boundaries include the subject property.
  3. Any neighborhood or community organization recognized by the Department and whose boundaries include the subject property.
  4. The notice provided by the Department shall:
    - a. Explain the nature of the application and the proposed use or uses which could be authorized.
    - b. Set forth the street address or other easily understood geographical reference to the subject property.
    - c. Written comments on the application may be submitted to the City at any time prior to the close of the public hearing. Comments submitted prior to issuance of the staff report are encouraged to allow staff adequate time to address them in the analysis. Oral and written testimony will also be accepted during the public hearing.
    - d. State that failure to raise an issue in writing within the comment period, or at the public hearing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to LUBA on that issue.
    - e. List by commonly used citation the applicable criteria for the decision.
    - f. State the place, date, and time of the hearing.
    - g. State that a copy of the application, all documents and evidence submitted by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
    - h. State that a copy of the staff report will be available for inspection at no cost and will be provided at a reasonable cost at least 7 days prior to the hearing.
    - i. Include the name and telephone number of the Department to contact for additional information.
    - j. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
  5. The failure of a property owner to receive notice as provided in this Article shall not invalidate such proceedings if the Department can show that such notice was given.
- E. Decision on Quasi-Judicial Actions. The decision of the Hearings Officer shall be adopted by resolution, signed by the presiding officer, and based upon and accompanied by a brief statement that includes:
1. An explanation of the criteria and standards considered relevant to the decision.
  2. A statement of basic facts relied upon in rendering the decision.

3. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards and basic facts set forth.
- F. Final Decision. The approval, approval with conditions, or denial of a quasi-judicial action constitutes the City's final decision for quasi-judicial purposes, but may be appealed to the City Council in accordance with Section 10.3.020.080, Appeal Procedures.
- G. Notice of Decision. Decision notice shall be mailed to the applicant and all participating parties within 5 working days of the date of the signed resolution. The decision notice shall include the following:
  1. The date of decision.
  2. A brief description of the action taken.
  3. The place where, and time when decision may be reviewed.
  4. An explanation of appeal rights and requirements.
- H. Effective Date of Decision. A final decision on quasi-judicial actions is effective on the date notice of the decision is mailed to the applicant and parties of record, unless appealed in accordance with Section 10.3.020.080 Appeal Procedures.
- I. Appeal. Quasi-judicial actions may be appealed to the City Council, per the provisions of Section 10.3.020.080: Appeal Procedures.

### **10.3.020.060. Legislative Actions.**

- A. Decision Types. Legislative actions include, but are not limited to, the following:
  1. Annexations (Chapter 10.14).
  2. Comprehensive Plan amendments.
  3. Comprehensive Plan map amendments.
  4. Zone Changes (Article 3.100).
  5. Zoning Ordinance amendments (Article 3.110).
  6. Urban Growth Boundary amendments.
- B. Public Hearings.
  1. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.
  2. The Council shall hold a legislative hearing on applications for legislative actions within 60 days of the date of the Planning Commission resolution, or, where appropriate, the Historic Landmarks Commission resolution, recommending approval, conditional approval, or denial of the request.
  3. Legislative hearings shall be conducted per the procedures of Section 10.3.020.070: Public Hearings.
  4. Unless otherwise ordered by the Commission or Council, the Director shall take completed applications for legislative actions in the order in which they are filed.

5. The burden of proof is placed on the applicant seeking a legislative action.
  6. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.
- C. Notice of Hearing. At least 10 days before the legislative hearings of the Historic Landmarks Commission, the Planning Commission, or the Council, notice of the hearing shall be published in a newspaper of general circulation. Such notice shall:
1. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized.
  2. List the applicable ordinance standards and/or criteria, Comprehensive Plan policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, Oregon Revised Statutes, and Secretary of the Interior's Standards for Rehabilitation that apply to the particular application.
  3. Set forth the geographical reference to the subject area.
  4. State that in order to preserve any potential appeal rights to LUBA, persons must participate either orally or in writing in the legislative action proceeding in question.
  5. Include the name and telephone number of the Director to contact for additional information.
- D. Decision on Legislative Actions. The Council's decision shall be an ordinance adopted by majority vote, signed by the Mayor, and based upon and accompanied by a brief statement that includes:
1. An explanation of the criteria, standards, policies, and laws considered relevant to the decision.
  2. A statement of basic facts relied upon in rendering the decision.
  3. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards, policies, laws, and basic facts set forth.
- E. Final Decision. The Council's decision on legislative actions shall be the City's final decision.
- F. Notice of Decision. Decision notice shall be mailed to all participating parties within 5 working days of the date of the ordinance is adopted by the Council and signed by the Mayor. The decision notice shall include the following:
1. The date of decision.
  2. A brief description of the action taken.
  3. The place where, and time when the decision may be reviewed.
  4. An explanation of appeal rights and requirements.
- G. Effective Date of Decision. A final decision on legislative actions shall be effective 30 days after the day the ordinance is adopted by the Council and signed by the Mayor, unless the decision is adopted as an emergency ordinance, in which case the decision may take effect as soon as adopted.
- H. Judicial Review. The City Council's decision on legislative actions is the City's final local decision. Judicial review is as provided in Section 10.3.020.080(J).

### 10.3.020.070. Public Hearings.

- A. Quasi-Judicial Hearing Procedure. All quasi-judicial hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, "Public Meetings."
1. Opening Statement. At the commencement of a quasi-judicial hearing a statement shall be made to those in attendance that:
    - a. Lists the applicable substantive criteria.
    - b. States that evidence and testimony must be directed toward the listed applicable substantive criteria, or other criteria in the Comprehensive Plan or this Title which the person believes to apply to the decision.
    - c. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to LUBA based on that issue.
    - d. States that failure to participate in the public hearing, either orally or in writing, precludes appeal to LUBA.
    - e. Includes other general rules of conduct for the public hearing as deemed necessary by the hearings body.
  2. Ex-parte, Conflict of Interest, and Bias.
    - a. After the opening statement required by paragraph (A)(1) of this section has been read, members of the hearings body shall declare any actual or potential conflicts of interest, any ex parte contacts, including the substance of those contacts and any conclusions the member reached because of those contacts, and any bias.
    - b. No member shall serve on any proceeding in which such member has an actual conflict of interest; in which the member, or those persons or businesses described in ORS 244.135, "Method of handling conflicts by planning commission members," has a direct or substantial financial interest; or in which the member has a bias.
    - c. If the member refuses to disqualify him or herself for conflict of interest, ex parte contact, or bias, the hearings body shall have the power to remove such member, by majority vote of those present, for that proceeding.
    - d. The public may challenge any member of the hearings body on conflict of interest, ex parte contact, or bias for any public hearing. The challenge must be supported by evidence and made before the hearing begins. All parties shall be advised that they have the right to rebut such challenges.
  3. Staff Report. A staff report shall be presented which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.
  4. Testimony and Evidence.
    - a. All testimony and evidence must be based on the criteria contained in this Title or the Comprehensive Plan which the person believes applies to the final decision.
    - b. The failure to raise an issue precludes appeal to LUBA on that issue.

- c. Oral and written testimony shall be taken first from the applicant, then from proponents of the action, followed by testimony from opponents, and finally from other interested parties. Proponents will then have an opportunity for rebuttal.
  - d. Members of the hearings body may ask questions of staff, proponents, opponents, and other interested parties at any time.
  - e. Each person's testimony may be limited to 5 minutes or less.
  - f. Submission of Written Testimony:
    - i. Signed written testimony may be submitted prior to the hearing by mail or personal delivery. Faxes and emails will only be accepted if sent to the location specified by the Community Development Department.
    - ii. All written testimony must include the name and either the mailing or email address of the person submitting the testimony. Electronic notice is sufficient for any person who provides an email address..
    - iii. Written testimony received at least 5 working days prior to the hearing shall be distributed to the hearing body prior to the hearing. Written testimony received by 5:00 p.m. on the day of the hearing shall be presented to the hearing body at the time of the hearing.
    - iv. Written and verbal testimony may also be presented in person at the hearing.
  - 5. Continuance. Prior to the conclusion of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Hearings Officer shall grant such request by continuing the public hearing or leaving the record open for additional evidence or testimony in accordance with the provisions of ORS 197.797 "Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures."
  - 6. Final Decision. The Hearings Officer's final decision shall be based on adequate findings of fact presented during the hearing.
- B. Legislative Hearing Procedure. The Historic Landmarks Commission, Planning Commission, and Council each have the authority to hold legislative hearings. All legislative hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, "Public Meetings."
- 1. Conflict of Interest. At the start of each public hearing on legislative actions, the presiding officer shall ask if any member of the hearings body wishes to make any disclosure, or abstain from participating or voting on the matter being heard because of possible financial gain resulting from the legislative action.

### **10.3.020.080. Appeal Procedures.**

The following procedures apply to the appeals of final decisions on administrative planning actions made by the Director, and final decisions on quasi-judicial planning actions made by the Hearings Officer. Final decisions on legislative actions and appeal decisions made by the Council may all be appealed to the LUBA, subject to ORS 197.830, "Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation."

## A. Appeal Body and Scope.

1. **Administrative Permit Decisions (Without a Hearing).** An appeal of an administrative permit decision that was made without an evidentiary hearing shall be heard de novo in an evidentiary hearing. The de novo appeal is the initial evidentiary hearing required by state law and shall be conducted in accordance with ORS 197.797 (or successor statute). At the de novo hearing: (a) the applicant and other parties shall have the same opportunity to present testimony, arguments, and evidence as would have been allowed had a hearing occurred in the first instance; and (b) the presentation of testimony, arguments, and evidence is not limited to issues identified in the notice of appeal. See ORS 227.175(10)(a)(D)–(E).
2. **Quasi-Judicial Decisions (With a Hearing).** An appeal to the City Council is on the record. The Council shall hold a hearing at least for argument and shall consider the record of the prior proceeding. No new issues, evidence, or arguments not previously presented shall be accepted, except that the Council may, in its discretion, accept additional evidence solely to correct a procedural error in the prior proceeding or to consider evidence that could not reasonably have been presented earlier despite due diligence. See ORS 227.180. Any allowance for new evidence under this subsection must remain consistent with ORS 227.175(10) and the hearing procedures in ORS 197.797. Consistent with ORS 197.195 issue-preservation requirements and ORS 197.797 hearing procedures, on-the-record appeals are limited to issues raised with sufficient specificity below.
3. **Limited Land Use Decisions.** A local appeal of a limited land use decision is on the record unless the City elects to allow new evidence. If the City allows new evidence, the appeal hearing shall comply with the local quasi-judicial hearing procedures in ORS 197.797 and functions as the initial evidentiary hearing for that matter. See ORS 197.195(5). On-the-record appeals under this subsection are limited to issues raised with sufficient specificity below, consistent with ORS 197.195(6).

## B. Right to Appeal Decisions. The following may file an appeal to decisions resulting from planning actions described in this section:

1. Any party of record to the particular action.
2. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if notice is not received.
3. The Historic Landmarks Commission, the Planning Commission, or the Council by majority vote. No fee is required for an appeal under this section.
4. The City Manager. No fee is required for an appeal under this section.
5. Notwithstanding subsections B(1) through (4), for decisions on mandatory adjustments made under Section 10.3.080.030(A), only the applicant may file a local or Land Use Board of Appeals appeal, consistent with Section 38(3) of Oregon Senate Bill 1537 (2024) and any successor statute.

## C. Filing Appeals.

1. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Department. The standard appeal fee shall be required as part of the notice of appeal.
2. The notice of appeal and appeal fee must be received at the Community Development Department office no later than 5:00 p.m. on the 12th day following the date of the mailing

of the notice of decision. (See Section 10.1.110: Computation of Time for an explanation of how days are counted).

3. Notices of appeal shall not be accepted by fax, email, or telephone.

D. Notice of Appeal. Every notice of appeal shall include:

1. Appellant's name and address, and a statement describing how the appellant qualifies as a party.
2. The date and a brief description of the decision being appealed.
3. The specific grounds why the decision should be reversed or modified, based on the applicable criteria or procedural error.
4. The standard appeal fee.

E. Jurisdictional Defects.

1. Any notice of appeal which is filed after the deadline set forth in paragraph (C)(2) of this section, or which is not accompanied by the required fee set forth in paragraph (D)(4) of this section, shall not be accepted for filing.
2. Except as provided in this paragraph, the failure to comply with any other provision of subsection C or D of this section may be treated as a procedural defect. A procedural defect may be grounds to dismiss an appeal that is not subject to the de novo hearing requirements of ORS 227.175(10). For appeals of permit decisions made without an evidentiary hearing, the City shall not deny the de novo appeal required by ORS 227.175(10)(a) solely because the notice of appeal does not identify specific issues, and the presentation of testimony, arguments, and evidence at the de novo hearing shall not be limited to issues raised in the notice of appeal. Determination of whether an appeal is procedurally sufficient shall be made by the Director, with the advice of the City Attorney, after the expiration of the applicable appeal period described in subsection C(2). Any such determination shall be reflected in the record of the appealed decision and may be considered in any subsequent review under ORS 197.830 to 197.845.

F. Consolidation of Appeals.

1. If more than one party files a notice of appeal on a planning action decision, the appeals shall be consolidated, and noticed and heard as one proceeding.
2. To the extent the Department's anticipated costs are more than covered by multiple appeals fees received when multiple appeals are filed, the Director may authorize a refund of a portion of the appeal fees to the appellants in an equitable manner.

G. Notification of Appeal Hearing. The notice of appeal, together with notice of the date, time, and place of the appeal hearing shall be mailed to all parties at least 14 days prior to the hearing.

H. Decision of Appeal.

1. The Hearings Officer or Council may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.
2. The Hearings Officer or Council shall make findings and conclusions, and make a decision based on the hearing record.

3. A notice of appeal decision shall be sent to all parties participating in the appeal.
- I. Refund of Appeal Fee. An applicant can request a refund of an appeal fee by letter submitted to the Community Development Department within 10 days after the appeal is determined. The letter shall state in detail the reason for the requested refund. Staff shall prepare a report and send the letter and report to the City Manager. The City Manager may consider the letter, the staff report, and any other factors in making a recommendation. The City Manager's recommendation shall be submitted for action on the City Council's consent agenda. No public hearing is required. Final action on the request shall be taken by the City Council.
- J. Final Local Decision and Judicial Review. The City Council's decision on an appeal under this section, and the City Council's decision on a legislative action under Section 10.3.020.060, are the City's final local decisions. To the extent a decision constitutes a land use decision or a limited land use decision under ORS 197.015, judicial review is by the Land Use Board of Appeals under ORS 197.830 to 197.845. For other decisions, judicial review is as provided by state law.

### **10.3.020.090. Affordable Housing.**

- A. Permitted Use.
  1. ORS 197A.445 (Allowed Outright). Affordable housing is permitted outright on qualifying properties as provided in ORS 197A.445(2), including property owned by a public body, a religious nonprofit corporation, a qualifying public benefit nonprofit corporation whose primary purpose is the development of affordable housing, a housing authority, or a manufactured dwelling park nonprofit cooperative, subject to the locational and infrastructure limitations in ORS 197A.445(4)–(7). No zone change or conditional use permit shall be required where ORS 197A.445 applies.
  2. ORS 197A.460 (Commercial Lands). Within the UGB, on lands zoned to allow only commercial uses and not industrial uses, residential or mixed-use structures that meet the affordability covenants under ORS 456.270 to 456.295 are allowed as provided in ORS 197A.460, and shall be reviewed under the clear and objective standards applicable to the most comparable residential zone pursuant to ORS 197A.200 and 197A.400.
- A. Final Action Timeline. For applications that qualify under ORS 197A.470 (multifamily or multiunit developments of five or more units with at least 50 percent of the units affordable as defined in ORS 197A.470), the City shall take final action, including resolution of all local appeals, within 100 days after the application is deemed complete, consistent with ORS 197A.470. For other applications, final action timelines are as provided in ORS 227.178 and this Title. The Director is designated Permit Coordinator and will expedite and assist in the approval of all local permits for applications qualifying under ORS 197A.470.

## ***Article 3.050 Conditional Use Permits***

### **10.3.050.030. Review Procedures.**

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

consistent with Article 6.180. The City, at its discretion, may require the application include a paper copy of one or more of the plans described in Article 6.180: Required Plans.

B. Review.

1. Conditional use permits shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, and approved or denied by the Hearings Officer.
2. Site plan approval, and when required, detailed landscape plan and detailed construction design plan approval, per the provisions of Article 6.180: Required Plans, shall always be a condition of conditional use approval. Concept site plans can be submitted for review by the Hearings Officer in lieu of the detailed site plan required for building permit approval. See subsection C of this section.
3. The Hearings Officer may require a performance guarantee, per the provisions of Section 10.9.040.060(I): Performance Guarantee, to ensure compliance with any conditions of approval.

C. Concept Review.

1. The City offers a two-stage concept approval process for conditional uses. The applicant may request initial concept approval using the quasi-judicial process. If approval of the concept is granted, the applicant must then submit a detailed site plan and get final approval through the site plan review process.
2. Applicants choosing the concept option must provide sufficient information in the form of site plans, narratives, or other documents to allow the Hearings Officer to make an initial decision.
3. The Hearings Officer may impose conditions or require performance guarantees on concept approval in the same manner as for regular conditional use applications.

(Ord. 23-1400)

**10.3.050.040. Review Criteria.**

A conditional use permit shall be granted if the Hearings Officer finds that the proposed use conforms with, or can be made to conform with through added conditions, any related requirements of this and other City ordinances and all of the following criteria:

- A. Permitted Conditional Use. The proposed use is conditionally permitted in the zone district where it is proposed to be located.
- B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this Title, and any other statutes, ordinances, or policies that may be applicable.
- C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this Article. Impacts caused by the construction of the conditional use shall not be considered regarding a decision on the validation of the application.

1. Noise impacts across the property line shall not exceed 60 decibels. Noise related to traffic impacts shall not be included in this determination. Nothing in this Article shall modify other noise ordinance standards as adopted by the City.
2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)
3. Dust and other particulate matter shall be confined to the subject property.
4. The following odors shall be completely confined to subject property:
  - a. Industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;
  - b. Fuels; and
  - c. Fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.
5. Vibrations shall not be felt across the property line.
6. The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are limited to:
  - a. Street designation and capacities;
  - b. On-street parking impacts;
  - c. Bicycle safety and connectivity;
  - d. Pedestrian safety and connectivity; and
  - e. Transit capacity and efficiency.
7. In areas designated as Historic Districts, proposed development and redevelopment shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of Chapter 11.12 - Historic Resources.

#### **10.3.050.060. Conditions.**

The Hearings Officer may approve a conditional use permit subject to any and all conditions the Hearings Officer deems necessary to satisfy the review criteria and mitigate identified impacts, provided such conditions are related to the proposed development or to the operational characteristics of the proposed use.

#### **10.3.050.070. Time Limits and Extensions.**

Conditional use permits shall be void 12 months from the date the approving authority signs the decision, or less than 12 months if a shorter time limit is specified as a condition of approval, unless a building permit has been issued and substantial construction has taken place. An extension of time may be granted twice, for up to 12 months per extension, upon written request filed before the approval expires. An extension shall be approved only upon a showing of good cause and a demonstration that

applicable standards and criteria have not materially changed in a manner that would preclude approval. As a condition of granting an extension, the approving authority may impose additional reasonable conditions or require a performance guarantee, per the provisions of Section 10.9.040.060(I): Performance Guarantee, which may require that any and all security be forfeited to the City in the event that substantial progress on the proposed development has not been made by the end of the extension period. Where another section of this Title specifies a different time limit or extension standard for a particular use or approval, the more specific section controls.

### **10.3.050.090. Revocation.**

The Director may initiate modification or revocation proceedings at any time while the conditional use permit remains in effect upon reasonable grounds of noncompliance. The Director may institute a proceeding before the Hearings Officer to revoke an approved conditional use permit, when reasonable grounds exist that one or more of the following events have occurred:

- A. Failure to Meet Conditions. Any conditions of approval are not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all of the approved plans.
- C. Erroneous Information. The permit was issued on the basis of erroneous or misleading information or a material misrepresentation.
- D. Notice and Opportunity to Cure. Before scheduling a hearing, the Director shall issue a written notice describing the alleged noncompliance and providing a reasonable cure period of not less than 14 days. If the violation is cured within the cure period and the use returns to and maintains compliance, the Director may close the proceeding.

The Director shall submit a report to the City Attorney and request that a notice of violation be sent pursuant to Chapter 10.15 - Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within a reasonable time period after the notice of violation, then revocation procedures may be stayed. If the alleged noncompliance is not cured within the cure period, the Director shall schedule a hearing before the hearings body using the same notice requirements and process as for an original conditional use application. After the hearing, the hearings body may continue the approval with additional or revised conditions to achieve compliance, modify the approval, or revoke the approval. Proceedings under this section are in addition to, and do not limit, enforcement under Chapter 10.15. Expiration under Section 10.3.050.070 is a separate remedy and does not preclude initiation of proceedings under this section while the approval remains in effect.

### **10.3.050.110. Major Modifications to Approved Conditional Uses.**

- A. Threshold. An application for a major modification of a conditional use shall be required when one or more of the following thresholds apply:
  - 1. Any increase in the gross floor area on properties located in a residential zoning district or within 50 feet of a residential zoning district.

2. An increase in the gross floor area by more than 10% or in excess of 1,000 square feet for properties not located in a residential zoning district and which are located more than 50 feet from a residential zoning district.

3. A change in use.

B. Approval. Approval of a major modification is by the Hearings Officer.

C. Approval Criteria. To approve a major modification, the Hearings Officer shall consider the application the same as a new conditional use permit request.

D. Conditions of Approval. The Hearings Officer may approve a major modification subject to any and all conditions the Hearings Officer deems necessary to satisfy the review criteria and mitigate identified impacts.

### **Article 3.070 Variances**

#### **10.3.070.040. Conditions of Approval.**

In granting the variance, the Hearings Officer may attach any reasonable conditions deemed necessary to ensure the review criteria are met.

(Ord. 23-1400)

#### **10.3.070.050. Time Limits.**

An approved variance shall be void 12 months from the date the approving authority signs the decision, or less than 12 months if a shorter time limit is specified as a condition of approval, unless a building permit has been issued and substantial construction has taken place. An extension of time may be granted twice, for up to 12 months per extension, upon written request filed before the approval expires. An extension shall be approved only upon a showing of good cause and a demonstration that applicable standards and criteria have not materially changed in a manner that would preclude approval. As a condition of granting an extension, the approving authority may impose additional reasonable conditions or require a performance guarantee, per the provisions of Section 10.9. 040.060(I): Performance Guarantee, which may require that any and all security be forfeited to the City in the event that substantial progress on the proposed development has not been made by the end of the extension period. Where another section of this Title specifies a different time limit or extension standard for a particular use or approval, the more specific section controls.

### **Article 3.080 Adjustments**

#### **10.3.080.010. Purpose.**

The regulations of Title 10 are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply City-wide, but because of the City's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in Title 10 may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of Title 10 regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations

and allow for alternative ways to meet the purposes of the code, while allowing Title 10 to continue to provide certainty and rapid processing for land use applications.

Mandatory adjustments required under Section 38 of Oregon Senate Bill 1537 (2024) and any successor statutes or DLCDC rules implementing mandatory adjustments are incorporated into this Article. Decisions on such mandatory adjustments are limited land use decisions under Section 38(3) of Senate Bill 1537 and ORS 197.195 and, under this Title, are processed using a ministerial procedure without a local evidentiary hearing or mailed notice to persons other than the applicant, and are appealable only by the applicant as provided in state law. Where any conflict arises between this Article and state law, the state provisions shall control. .

(Ord. 19-1373)

### **10.3.080.020. Applicability.**

- A. Unless listed in subsection B of this section, all regulations in Title 10 may be modified using the adjustment review process.
- B. Adjustments are prohibited for the following items:
  - 1. To allow a primary or accessory use that is not allowed by the regulations;
  - 2. As an exception to any restrictions on uses or development which contain the word "prohibited";
  - 3. As an exception to a threshold for a review. An example is Section 10.3.050.110. That provision states that an increase in the gross floor area of more than 10% or in excess of 1,000 square feet requires a major modification process. An adjustment could not be granted to allow an increase of 1,100 square feet as a minor modification;
  - 4. As an exception to a definition or classification. An example is a family day care which is defined as care of 16 or fewer children. An adjustment could not be granted to change the number of children within that definition to be 17;
  - 5. As an exception to the procedural steps of a procedure or to change assigned procedure;
- C. Ministerial SB 1537 Adjustments. The ministerial adjustment procedure described in this subsection may be used to modify the following development standards and requirements for qualifying residential development under Section 10.3.080.030(A):
  - 1. General Applicability. Mandatory housing adjustments under Section 38 of Oregon Senate Bill 1537 and any subsequently codified statutes or DLCDC rules implementing mandatory adjustments apply in addition to the existing administrative and quasi-judicial adjustment processes and are available for eligible housing developments meeting the criteria below.
  - 2. Eligible Applicants and Developments

An application qualifies for a mandatory SB 1537 adjustment only if all of the following are met:

- a. The application is for a building permit or a quasi-judicial, limited, or ministerial land use decision.

- b. The proposed development is on lands zoned for residential uses, including mixed-use residential, at densities of at least six (6) dwelling units per net residential acre, consistent with ORS 197A.420(2).
  - c. The development is within an urban growth boundary, excluding lands that have not been annexed by a city.
  - d. The development consists of net new housing units in new construction projects, including:
    - i. Single-family dwellings
    - ii. Middle housing as defined in ORS 197A.420
    - iii. Multifamily dwellings
    - iv. Mixed-use residential developments where at least 75% of floor area is residential
    - v. Manufactured dwelling parks
    - vi. Accessory dwelling units
  - e. The application requests no more than 10 distinct adjustments to eligible development or design standards. For purposes of this section, a ‘distinct adjustment’ means an adjustment to one of the listed development standards. Where a standard includes multiple component standards, each discrete adjustment to a component shall count as a separate distinct adjustment.
3. Eligible Adjustments of Development Standards. The City shall grant an adjustment to the following development standards. All numeric adjustments in this section, including setbacks, lot sizes, lot widths and depths, lot coverage, parking, and building height, shall be rounded consistent with Section 10.6.070.020.
- a. Up to 10% reduction of side and rear setbacks.
  - b. Up to 25% reduction of common area, open space, or landscaping for an individual development project.
  - c. Full adjustment of parking minimums.
  - d. Up to 10% reduction of minimum lot sizes, widths, and depths.
  - e. Up to 10% adjustment of maximum lot sizes, widths, and depths, if it increases dwelling units and does not reduce density below the minimum.
  - f. Up to 10% adjustment in building lot coverage.

- g. For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential housing
    - i. Requirements for bicycle parking that establish:
      - 1. The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; *or*
      - 2. The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development.
    - ii. For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height maximums that:
      - 1. Are in addition to existing applicable height bonuses, if any; and
      - 2. Are not more than an increase of the greater of:
        - a. One story; or
        - b. A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any;
  - h. Prohibitions, for the ground floor of a mixed-use building, against:
    - i. Residential uses except for one face of the building that faces the street and is within 20 feet of the street;.
    - ii. Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments.
4. Eligible Adjustments of Design Standards. The City shall grant an adjustment to the following design standards:
- a. Facade materials, color or pattern.
  - b. Facade articulation.
  - c. Roof forms and materials.
  - d. Entry and garage door materials.
  - e. Garage door orientation, unless the building is adjacent to or across from a school or public park.
  - f. Window materials, except for bird-safe glazing requirements.

- g. Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.
- h. For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential:
  - i. Building orientation requirements, not including transit street orientation requirements.
  - ii. Building height transition requirements, not more than a 50 percent adjustment from the base zone.
  - iii. Requirements for balconies and porches.
  - iv. Requirements for recesses and offsets

5. Eligibility Based on Housing Affordability or Features

The application must demonstrate at least one of the following, as defined in ORS 456.270:

- a. Adjustments make development feasible by reducing cost or delay.
- b. Adjustments reduce the sale or rental prices per unit.
- c. Adjustments increase the number of housing units.
- d. All units are subject to affordable housing covenants for moderate income households for at least 30 years.
- e. At least 20% of units are affordable to low income households under covenant for at least 60 years.
- f. Adjustments enable accessibility or visitability features not otherwise feasible.
- g. All units are part of zero, limited, or shared equity ownership models, including resident-owned cooperatives or community land trusts, for at least 90 years.

6. Application and Review

- a. The completeness of the application is determined consistent with ORS 197A.420 and may be concurrent with other building or land use permits.
- b. A decision on a ministerial SB 1537 adjustment is appealable only by the applicant. If the application is denied, no notice of decision is required other than notice to the applicant. Mandatory housing adjustment decisions are appealable only by the applicant.
- c. Denials must include a brief written statement referencing relevant criteria, facts relied upon, and justification..

D. The administrative adjustment procedure may be used to change the following:

1. Up to 33% reduction of standard setback requirements.
  2. Up to 10% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
  3. Up to 10% reduction in required minimum lot area.
  4. Up to 10% increase in the maximum lot coverage area.
  5. Up to 10% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
  6. Up to 25% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
  7. Up to 20% adjustment to a standard in Section 10.3.030.040(E)(3): Multifamily design standards.
- E. The quasi-judicial adjustment process may be used to change the following items:
1. Up to 50% reduction in standard setback requirements.
  2. Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
  3. Up to 20% reduction in required minimum lot area.
  4. Up to 20% increase in the maximum lot coverage area.
  5. Up to 20% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
  6. Up to 50% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
  7. One- and two-family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Section 10.5.010.060. Factors to be considered include the following: lots exceeding the minimum size; difference in elevation between building site and street; slope of lot; setback from street; difficult access from the street, and other relevant factors. If approved, the Hearings Officer may require additional landscaping, among other conditions, to reduce the effect on the view from the street.
  8. Adjustment of more than 20% to a standard in Section 10.3.030.040(E)(3): Multifamily design standards.

(Ord. 19-1373; Ord. 21-1384)

### **10.3.080.030. Review Procedures.**

- A. **Mandatory Adjustments Under State Law.** The City shall approve an adjustment to the development and design standards listed in this Article for qualifying residential development where required by Section 38 of Oregon Senate Bill 1537 (2024) and any successor statutes or DLCDC rules, upon demonstration that the application meets the applicability and eligibility criteria set forth in this Title and state law. A decision on such an application is a limited land use decision under Section 38(3) of Senate Bill 1537 and ORS 197.195, is processed using the ministerial adjustment procedure in Section 10.3.080.020(C), and is appealable only by the applicant. The

City may process such decisions without a local evidentiary hearing or mailed notice to persons other than the applicant. A denial shall include a brief written statement of the relevant criteria, the facts relied upon, and the justification for denial.

- B. Administrative and Quasi-Judicial Adjustments. Administrative adjustment review procedures shall be the same as those specified for administrative actions in Section 10.3.020.020(B)(1). Quasi-judicial adjustment review procedures shall be the same as those for quasi-judicial actions in Section 10.3.020.020(B)(2).

### **10.3.080.040. Review Criteria.**

- A. A mandatory adjustment under Section 10.3.080.030(A) shall be approved upon demonstration that the application meets the applicability and eligibility standards of Section 10.3.080.020, this section, and applicable state law. A denial shall include a brief written statement of the relevant criteria, the facts relied upon, and the justification for denial. Decisions are appealable only by the applicant, consistent with Section 38(3) of Senate Bill 1537 (2024) and any successor statute.
- B. An administrative adjustment will be approved if the review body finds that the applicant has shown that approval criteria 1 through 9 below, has been met.
  - 1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area; and
  - 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
  - 3. City-designated scenic resources and historic resources are preserved; and
  - 4. Any impacts resulting from the adjustment are mitigated to the extent practical; and
  - 5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable; and
  - 6. Provide adequate provisions of light, air, and privacy to adjoining property;
  - 7. Provide for accessibility, including emergency vehicles, per City standards;
  - 8. Result in a development that conforms to the general character of the neighborhood or zone district;
  - 9. If a reduced number of parking is requested, provide adequate parking based on a parking demand analysis, or supplement on-site parking with joint use agreements.
- C. A quasi-judicial adjustment will be approved if the review body finds that the applicant has shown that approval criteria 1 through 7 below, has been met.
  - 1. Application of the regulation in questions would preclude all reasonable economic use of the site; and
  - 2. Granting the adjustment is the minimum necessary to allow the use of the site; and
  - 3. Any impacts resulting from the adjustment are mitigated to the extent practical.
  - 4. Provide adequate provisions of light, air, and privacy to adjoining property;
  - 5. Provide for accessibility, including emergency vehicles, per City standards;

6. Result in a development that conforms to the general character of the neighborhood or zone district;
7. If a reduced number of parking is requested, provide adequate parking based on a parking demand analysis, or supplement on-site parking with joint use agreements.

#### **10.3.080.050. Conditions of Approval.**

- A. **Mandatory Adjustments Under State Law.** Conditions of approval for mandatory adjustments under Section 10.3.080.030(A) shall be limited to clear and objective conditions necessary to ensure compliance with the applicable development standards and with Section 38 of Oregon Senate Bill 1537 (2024) and any successor statutes or DLCDC rules. Conditions shall not impose discretionary requirements that would conflict with the clear-and-objective approval standards required for housing under ORS 197A.400.
- B. **Administrative and Quasi-Judicial Adjustments.** In granting the adjustment, the approving authority may attach any reasonable conditions deemed necessary to ensure the review criteria are met.

(Ord. 23-1400)

#### **10.3.080.060. Time Limits.**

Mandatory adjustments processed concurrently with other permits or land use decisions shall follow the same final-action timelines that apply to the primary permit or decision under ORS 227.178 or ORS 197A.470, as applicable, including the time needed to resolve all local appeals. An adjustment shall be void 12 months from the date signed by the approving authority, or less than 12 months from the issue date if such time limit is specified as a condition of approval, unless a building permit has been issued and substantial construction has taken place.

### ***Article 3.086 Cottage Cluster Development***

#### **10.3.086.110. Alternative Cottage Cluster Designs.**

An applicant may request adjustment to the standards contained in this Chapter during development review. A specific request for adjustment within a cottage development is not subject to variance criteria. Only the Hearings Officer may approve an adjustment, upon finding that the specific adjustment requested provides for an equal or better way to meet the purpose and intent in Section 10.3.086.010. Applications processed under this Article remain subject to the limitations and inapplicability provisions of Section 10.3.080.020(B). (Ord. 19-1373)

### ***Article 3.100 Zone Changes***

#### **10.3.100.020. Review Procedures.**

- A. **Applications.** Applications for zone changes shall be made in accordance with the provisions of Article 3.010: Application Procedures.
- B. **Review.** Requests for zone changes shall be processed as either quasi-judicial or legislative actions, and approved or denied by the Council.

1. **Quasi-Judicial Zone Changes.** A quasi-judicial zone change is a site-specific zone map amendment affecting a finite number of properties and is processed pursuant to Section 10.3.020.020(B)(2). Applications for quasi-judicial zone changes shall first be reviewed by the Hearings Officer using the quasi-judicial hearing procedure in Section 10.3.020.070(A) and in accordance with ORS 197.797. The Hearings Officer shall make a recommendation to approve or deny the zone change and that recommendation will be made part of the staff report prepared for the Council’s quasi-judicial hearing of the application. The Council shall approve or deny quasi-judicial zone change applications per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.
  2. **Legislative Zone Changes.** The Council shall approve or deny legislative zone change applications, per the provisions of Section 10.3.020.060: Legislative Actions of this Chapter.
- C. **Adoption by Ordinance.** Approved zone changes shall be adopted by ordinance per the provisions of Chapter VIII, Ordinances, of the City Charter.
- D. **Zoning Map Amendment.** Approved zone changes shall automatically amend the official zoning map in order to reflect the change(s).
- E. **Comprehensive Plan Map Amendments.** Approved Comprehensive Plan map amendments shall automatically effect zone changes and zoning map amendments.

**Article 3.110 Ordinance Amendments**

**10.3.110.020. Review Procedure.**

- A. **Applications.** Applications for ordinance amendments shall be made in accordance with the provisions of Article 3.010: Application Procedures.
- B. **Review.** Text amendments shall be processed as legislative actions in accordance with Section 10.3.020.060: Legislative Actions, with the following addition: the Historic Landmarks Commission shall review requests for text amendments concerning historic resources, and make a recommendation to the Planning Commission either supporting or opposing the request. This recommendation shall be made a part of the Planning Commission's review of the proposed text amendment.

#

**Chapter 10.5 Zone District Regulations**

**Article 5.010 RL Low Density Residential District**

**10.5.010.020. Permitted Uses.**

- A. **Primary Uses Permitted Outright.**
  1. Residential use types: single-family.
  2. Residential building types:
    - a. Single-family detached.
    - b. Single-family detached (zero lot line) when used in a cluster of zero lot line lots or when a 10-foot easement is obtained from the owner of the property adjacent to the zero-foot

setback. If a zero lot line is used, the opposite side yard setback is a minimum of 8 feet unless the entire yard is used, as in a cluster of townhouses.

- c. Duplex and two-unit condominiums.
  - d. Affordable housing allowed pursuant to ORS 197A.445, subject to applicable clear-and-objective standards and any required recorded affordability covenants.
  3. Civic use types: public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.010.030: Conditional Uses of this Article).
  4. Care facility use types:
    - a. Residential care home, as defined in Chapter 10.2 – Definitions, subject to ministerial review.
    - b. Child care center, as defined in Chapter 10.2 – Definitions, subject to the provisions of Article 3.030: Site Plan Review.
    - c. Residential care facility (up to 15 residents), as defined in Chapter 10.2 – Definitions and ORS 197.660, subject to the provisions of Article 3.030: Site Plan Review.
  5. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
  6. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.
- B. Accessory Uses Permitted Outright.
1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development.
  2. Accessory structures customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.
  3. Family day care, as defined in Chapter 10.2 - Definitions.
  4. Home business, subject to the provisions of Article 6.020: Home Businesses. (Ord. 19-1373; Ord. 23-1400)

### ***Article 5.020 RH High Density Residential District***

#### **10.5.020.020. Permitted Uses.**

- A. Primary Uses Permitted Outright.
1. Residential use types:
    - a. Single-family.
    - b. Multifamily.
    - c. Cottage cluster development.
  2. Residential building types:
    - a. Single-family detached subject to ministerial review (Article 3.020).

- b. Single-family detached (zero lot line) subject to ministerial review (Article 3.020).
  - c. Duplex and single-family attached (zero lot line, 2 units) subject to ministerial review (Article 3.020).
  - d. Single-family attached (townhouses) subject to site plan review.
  - e. Multifamily dwelling subject to site plan review (Article 3.030).
  - f. Cottage cluster dwelling subject to site plan review (Article 3.030).
  - g. Affordable housing allowed pursuant to ORS 197A.445, subject to applicable clear-and-objective standards and any required recorded affordability covenants.
3. Civic use types: public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per Section 10.5.020.030: Conditional Uses).
  4. Care facility use types:
    - a. Child care center, as defined in Chapter 10.2 – Definitions, subject to the provisions of Article 3.030: Site Plan Review.
    - b. Residential care home, as defined in Chapter 10.2 - Definitions, subject to ministerial review.
    - c. Residential care facility, as defined in Chapter 10.2 - Definitions, subject to the provisions of Article 3.030: Site Plan Review.
  5. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
  6. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.
- B. Accessory Uses Permitted Outright.
1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development.
  2. Accessory structures customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.
  3. Family day care, as defined in Chapter 10.2 - Definitions.
  4. Home business, subject to the provisions of Article 6.020: Home Businesses. (Ord. 19-1373; Ord. 21-1384; Ord. 23-1400)

**Article 5.030 *RM Medium Density Residential District***

**10.5.030.020. Permitted Uses.**

- A. Primary Uses Permitted Outright.
1. Residential use types:
    - a. Single-family.
    - b. Multifamily.

- c. Manufactured dwelling park, subject to the provisions of Chapter 10.11 – Manufactured Dwelling Parks.
  - d. Cottage cluster development.
2. Residential building types:
- a. Single-family detached subject to ministerial review (Article 3.020).
  - b. Single-family detached (zero lot line) subject to ministerial review (Article 3.020).
  - c. Duplex and single-family attached (zero lot line, 2 units) subject to ministerial review (Article 3.020).
  - d. Single-family attached (townhouses) subject to site plan review.
  - e. Multifamily dwelling subject to site plan review (Article 3.030).
  - f. Cottage cluster dwelling subject to site plan review (Article 3.030).
  - g. Affordable housing allowed pursuant to ORS 197A.445, subject to applicable clear-and-objective standards and any required recorded affordability covenants.
3. Civic use types, subject to the provisions of Article 3.030: Site Plan Review: public parks and open space (excluding spectator and participant sports facilities, which shall always be processed as community facilities sites per Section 10.5.030.030: Conditional Uses).
4. Care facility use types:
- a. Child care center, as defined in Chapter 10.2 - Definitions subject to the provisions of Article 3.030: Site Plan Review.
  - b. Residential care home, as defined in Chapter 10.2 – Definitions, subject to ministerial review.
  - c. Residential care facility, as defined in Chapter 10.2 - Definitions, subject to the provisions of Article 3.030: Site Plan Review.
5. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
6. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.
- B. Accessory Uses Permitted Outright.
- 1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development.
  - 2. Accessory structures customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.
  - 3. Family day care, as defined in Chapter 10.2 - Definitions.
  - 4. Home business, subject to the provisions of Article 6.020: Home Businesses. (Ord. 19-1373; Ord. 21-1384; Ord. 23-1400)

### **Article 5.040 NC Neighborhood Center Overlay**

#### **10.5.040.020. Permitted Uses.**

A. Primary Uses Permitted Outright.

1. Residential use types:
  - a. Single-family.
  - b. Multifamily.
2. Residential building types:
  - a. Single-family detached (excluding mobile homes) subject to ministerial review (Article 3.020).
  - b. Single-family detached (zero lot line) subject to ministerial review (Article 3.020).
  - c. Duplex and single-family attached (zero lot line, 2 units) subject to ministerial review (Article 3.020).
  - d. Single-family attached (townhouses) subject to site plan review (Article 3.030).
  - e. Multifamily dwelling subject to site plan review (Article 3.030).
  - f. Affordable housing allowed pursuant to ORS 197A.445 and ORS 197A.460, subject to applicable clear-and-objective standards and any required recorded affordability covenants.
3. Commercial use types, subject to the provisions of Article 3.030: Site Plan Review:
  - a. Child care center, as defined in Chapter 10.2 - Definitions.
  - b. Financial institutions (excluding drive-through windows).
  - c. Food services (including restaurants which may or may not serve alcoholic beverages, cafeterias, bakeries, catering, and take-out operations, excluding drive-through windows).
  - d. Indoor commercial amusements including bowling alleys with no more than 12 lanes, billiard halls with no more than 6 tables, and game rooms with no more than 20 mechanical or electrical games, or any combination thereof.
  - e. Indoor pet stores.
  - f. Indoor small animal veterinary.
  - g. Laundromats and dry cleaners.
  - h. Light manufacture, assembly, or packaging (generates no nuisance conditions, conducted entirely within the building).
  - i. Markets and grocery stores (20,000 square foot maximum).
  - j. Medical and dental offices, clinics, and laboratories.
  - k. Personal care services such as barber shops and salons.
  - l. Professional and administrative offices.
  - m. Public and private parking lots and parking structures, subject to the provisions of Chapter 10.7 - Parking Standards.
  - n. Repair services (excluding automobile repair).
  - o. Residential care facility, as defined in Chapter 10.2 - Definitions.

- p. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
  - q. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.
4. Civic use types, subject to the provisions of Article 3.030: Site Plan Review:
    - a. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per Section 10.5.040.030 Conditional Uses below).
  5. Other use types:
    - a. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
    - b. Residential care home, as defined in Chapter 10.2 - Definitions.
- B. Accessory Uses Permitted Outright.
1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development. Must be accessory to a permitted single-family residential use.
  2. Accessory uses and structures, not otherwise prohibited, and customarily incidental to the primary use subject to the provisions of Article 6.030: Accessory Development.
  3. Family day care, as defined in Chapter 10.2 - Definitions.
  4. Home business, subject to the provisions of Article 6.020: Home Businesses. Must be accessory to a permitted residential use.

(Ord. 19-1373; Ord. 23-1395)

### **Article 5.050 CBC Central Business Commercial District**

#### **10.5.050.030. Permitted Uses.**

##### A. Primary Uses.

1. Agricultural sales, including feed and seed and equipment but excluding heavy equipment.
2. Animal sales and services (pet stores, grooming, kennels, veterinary).
3. Automobile and equipment repair (excluding heavy equipment), sales and services, rental agencies on site only except during community events. Except for replacement of minor parts, all auto repair work shall be conducted inside a building.
4. Child care center, as defined in Chapter 10.2 - Definitions.
5. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
6. Hotels and motels.
7. Laundromats and dry cleaners (commercial operations only).
8. Liquor stores, public house, taverns, lounges and bars.

9. Lodges, fraternal and civic assembly.
10. Markets and grocery stores.
11. Medical and Dental Offices, Clinics, and Laboratories.
12. Medical Marijuana Dispensaries, per the provisions of Article 6.190.
13. Mortuaries and funeral homes.
14. Personal care services such as barber shops and salons.
15. Printing and publishing.
16. Professional and administrative offices and services.
17. Public and private parking lots and structures, see also the provisions of Chapter 10.7 - Parking Standards.
18. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions Section 10.5.050.040: Conditional Uses below).
19. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, theaters (more than two screens are a multi-plex cinema and are processed as a conditional use), and game rooms.
20. Residential uses as follows:
  - a. Sub-districts 1 and 3:
    - i. All existing dwellings built prior to the adoption of this Title.
    - ii. Duplex and single-family attached.
    - iii. Attached town houses (zero lot line, 3 to 8 unit clusters).
    - iv. Multifamily dwelling.
  - b. Sub-district 2: All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
21. Residential care facility, as defined in Chapter 10.2 - Definitions, and subject to the limitations on residential uses specified in subsection (A)(20).
22. Residential care home, as defined in Chapter 10.2 - Definitions, and subject to the limitations on residential uses specified in subsection (A)(20).
23. Retail uses.
24. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
25. Recreational Marijuana Retail Facilities, per the provisions of Article 6.190, licensed by OLCC.
26. Affordable housing allowed pursuant to ORS 197A.445 and ORS 197A.460, subject to applicable clear-and-objective standards and any required recorded affordability covenants.
27. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

**B. Accessory Uses Permitted Outright.**

1. Accessory dwellings, per the provisions of Article 6.030: Accessory Development. Must be accessory to an allowed single-family residential use outside Sub-district CBC-2.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, per the provisions of Article 6.030: Accessory Development.
3. Family day care, as defined in Chapter 10.2 - Definitions.
4. Home business, subject to the provisions of Article 6.020: Home Businesses. Must be accessory to a permitted residential use.

(Ord. 19-1373; Ord. 21-1384; Ord. 23-1400)

**10.5.050.040. Conditional Uses.**

Conditional uses that have outdoor storage will screen the storage area to reduce as much as possible views from other properties. The following conditional uses are allowed subject to review and approval, per the appropriate provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits:

- M. Other uses determined by the Commission to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

**10.5.050.060. Development Standards.**

CBC Central Business Commercial	Standard		
	Sub-district 1 Historic Districts	Sub-district 2 Downtown Core	Sub-district 3 Downtown Fringe
Setbacks			
Front Yard and Corner Side Yard	0 ft. maximum, 10 ft. maximum where overlaps Sub-district 3 <sup>1</sup>	0 ft. maximum <sup>2</sup>	10 ft. maximum <sup>3</sup>
Side and Rear Yards	No minimum/maximum, except 15 ft. where shares lot line with residentially zoned property, unless there is a vertical grade change between adjacent zone districts greater than 20 feet		
Lot Size, Width, Depth	No minimum/one full City block maximum provided any public rights-of-way are maintained		
Building Height	55 ft. maximum, except 75 ft. maximum with a conditional use permit		

Building Orientation	New buildings and major remodels of existing buildings increasing floor area by more than 30% shall be oriented primarily toward a street or designated accessway rather than a parking area
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.050.070(C): Pedestrian Walkways
Off-Street Parking (Bicycles and Vehicles)	See Chapter 10.7 - Parking Standards
Landscaping	See Article 6.010: Landscaping Standards
Accessory Uses, Buildings and Structures	See Article 6.030: Accessory Development
Access Management	See Article 6.050: Access Management

- 1 Applicant may request up to 15-foot exception where outdoor seating for food service is proposed, subject to separate quasi-judicial approval of both the Historic Landmarks Commission and the Hearings Officer.
- 2 Applicant may request up to 15-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Hearings Officer.
- 3 Applicant may request up to 5-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Hearings Officer.

**Article 5.060 CG General Commercial District**

**10.5.060.020. Permitted Uses.**

- A. Primary Uses.
1. Animal sales and services (pet stores, grooming, veterinary).
  2. Automobile repair, sales and services, including rental agencies, service stations, and detailing (excluding body shops, auto painting, and machine shops which shall be processed as conditional uses per Section 10.5.070.030: Conditional Uses of this Article). Uses are allowed only on site except during community events.
  3. Child care center, as defined in Chapter 10.2 - Definitions.
  4. Conference, visitor, and convention centers.
  5. Equipment sales, service and repair, excluding heavy equipment.
  6. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
  7. Hotels and motels.
  8. Laundromats and dry cleaners.
  9. Light manufacture, assembly, or packaging (generates no nuisance conditions by commercial

- standards, conducted entirely within the building).
10. Liquor stores, public house, taverns, lounges and bars.
  11. Lodges, fraternal and civic assembly.
  12. Medical and Dental Offices, Clinics, and Laboratories.
  13. Medical Marijuana Dispensaries, per the provisions of Article 6.190.
  14. Mortuaries and funeral homes.
  15. Personal care services such as barber shops and salons.
  16. Printing and publishing houses.
  17. Professional and administrative offices and services.
  18. Public and private parking lots and structures, subject to the provisions of Chapter 10.7 - Parking Standards.
  19. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.060.030: Conditional Uses below).
  20. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters (including multiplex cinemas), and game rooms.
  21. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
  22. Recreational vehicle parks, in accordance with Chapter 10.12 - Recreational Vehicle Parks.
  23. Residential care facility, as defined in Chapter 10.2 - Definitions, and subject to the limitations on residential uses specified in subsection (A)(20).
  24. Assisted living facility, subject to the limitations on residential uses specified in subsection (A)(20).
  25. Residential care home, as defined in Chapter 10.2 - Definitions, and subject to the limitations on residential uses specified in subsection (A)(20).
  26. Retail uses, including shopping centers, markets, grocery stores, agricultural sales and service, feed and seed stores, garden centers, and landscape supplies.
  27. Wholesale uses.
  28. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
  29. Recreational Marijuana Retail Facilities, per the provisions of Article 6.190, licensed by OLCC.
  30. Shelter housing, per the provisions of Article 6.200.
  31. Affordable housing allowed pursuant to ORS 197A.445 and ORS 197A.460, subject to applicable clear-and-objective standards and any required recorded affordability covenants.
  32. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

**B. Accessory Uses Permitted Outright.**

1. Accessory dwellings, per the provisions of Article 6.030: Accessory Development. Must be accessory to an existing nonconforming single-family residential use.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.
3. Family day care, as defined in Chapter 10.2 - Definitions.
4. Home business, subject to the provisions of Article 6.020: Home Businesses. Must be accessory to an allowed residential use.

(Ord. 19-1373; Ord. 22-1388; Ord. 23-1400)

**10.5.060.030. Conditional Uses.**

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

- M. Other uses determined by the Commission to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

**Article 5.070 *CLI Commercial/Light Industrial District***

**10.5.070.020. Permitted Uses.**

**A. Primary Uses.**

1. Agricultural sales and service, including feed and seed stores, nurseries, greenhouses, landscape supplies, and garden centers.
2. Animal sales and services (pet stores, grooming, kennels, veterinary).
3. Automobile and heavy/light equipment repair, sales and services, including rental agencies, detailing, service stations, body shops, auto painting, and machine shops, on site only except during community events.
4. Child care center, as defined in Chapter 10.2 - Definitions.
5. Contractor shops, offices, and storage areas.
6. Engineering, research and development.
7. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
8. Hotels and motels.
9. Laundromats and dry cleaners, including industrial operations.
10. Light manufacture, assembly, and packaging of goods or products which can be performed with minimal adverse impact on, and poses no special hazard to, the environment and the community.
11. Liquor stores, taverns, lounges and bars.
12. Manufactured home sales, including demonstration units (not to be actual dwelling units).

13. Markets and grocery stores.
14. Medical and Dental Offices, Clinics, and Laboratories.
15. Medical Marijuana Dispensaries, per the provisions of Article 6.190.
16. Personal care services such as barber shops and salons.
17. Printing and publishing.
18. Professional and administrative offices and services.
19. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.070.030: Conditional Uses of this Article).
20. Public and private parking lots, subject to the provisions of Chapter 10.7 - Parking Standards.
21. Public and private transportation depots and terminals, passengers and freight.
22. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters including multiplexes, and game rooms.
23. Recreational vehicle parks, subject to the provisions of Chapter 10-12 - Recreational Vehicle Parks.
24. Residential dwelling for security and maintenance personnel, limit 1 dwelling per site.
25. Retail uses, including shopping centers.
26. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
27. Warehousing, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities.
28. Wholesale uses.
29. Recreational Marijuana Facilities, per the provisions of Article 6.190, licensed by OLCC.
30. Shelter Housing, per the provisions of Article 6.200.
31. Affordable housing allowed pursuant to ORS 197A.445 and ORS 197A.460, subject to applicable clear-and-objective standards and any required recorded affordability covenants.
32. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

**B. Accessory Uses Permitted Outright.**

1. Accessory dwellings, per the provisions of Article 6.030: Accessory Development. Must be accessory to an existing nonconforming single-family residential use.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.
3. Home business, subject to the provisions of Article 6.020: Home Businesses. Must be accessory to an existing nonconforming residential use.
4. Services incidental to established and seasonal shelter, including, but not limited to, the provision of utilities, showering or bathing facilities, laundry services, bedding, security,

transportation, sustenance, low-impact recreation areas, case management and social welfare services, storage sheds or lockers, and minor repairs undertaken specifically to make suitable space available for shelter.

(Ord. 22-1388; Ord. 23-1400; Ord. 24-1405)

### **10.5.070.030. Conditional Uses.**

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

- A. Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- B. The production, processing, storage, and wholesaling of recreational marijuana, per the provisions of Article 6.190, licensed by OLCC.
- C. Planned development, subject to the provisions of Article 9.050: Planned Development.
- D. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- E. Other uses determined by the Commission to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.
- F. Adult Business. An application for an adult business shall also comply with the following criteria:
  - 1. The adult business must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
    - a. A public school.
    - b. A public library.
    - c. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
- G. The production, processing, storage, and wholesaling of medical marijuana, including a medical marijuana grow site operation, per the provisions of Article 6.190.

### **Article 5.080 CR Recreational Commercial District**

#### **10.5.080.020. Permitted Uses.**

- A. Primary Uses.
  - 1. Retail uses, excluding shopping centers. If over 15,000 square feet must get a conditional use permit.
  - 2. Conference, visitors, and convention centers.
  - 3. Hotels, motels, and campgrounds.
  - 4. Light industrial (campus setting or compatible with commercial and recreational uses).

5. Recreational facilities.
6. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
7. Restaurants.
8. Service and administrative offices.
9. Public and private parking lots and structures, in accordance with Chapter 10.7 - Parking Standards.
10. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.080.030: Conditional Uses below).
11. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.
12. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
13. Child care center, as defined in Chapter 10.2 - Definitions.
14. Affordable housing allowed pursuant to ORS 197A.445 and ORS 197A.460, subject to applicable clear-and-objective standards and any required recorded affordability covenants.
15. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

**10.5.080.030. Conditional Uses.**

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

- C. Other uses determined by the Commission to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

**Article 5.090 I Industrial District**

**10.5.090.020. Permitted Uses.**

- A. Primary Uses.
  1. Auto body shops, auto painting, and machine shops.
  2. Child care center, as defined in Chapter 10.2 - Definitions.
  3. Circus or like activity (limited to 4 events per year per site).
  4. Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per Section 10.5.090.030: Conditional Uses of this Article) located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.
  5. Food production and manufacturing.

6. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
  7. Heavy equipment sales and service, on site only.
  8. Laundry and cleaning service industries.
  9. Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution, and storage uses (except manufacture of explosives, the slaughter of animals, and the rendering of fats).
  10. Printing and publishing.
  11. Public and private parking lots.
  12. Public and private vehicle servicing and fueling stations.
  13. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.090.030: Conditional Uses of this Article).
  14. Railroad yards and spurs, shipyards, and commercial docking facilities.
  15. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.
  16. Rock, sand, and gravel cleaning, crushing, processing, and assaying.
  17. Rodeo grounds.
  18. Storage and maintenance yards.
  19. Transportation facilities.
  20. Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.
  21. Veterinary services, kennels, and fish hatcheries.
  22. Warehouses.
  23. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
  24. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.
- B. Accessory Uses Permitted Outright.
1. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.
  2. Residential dwelling for security and/or caretaker and maintenance personnel, limit 1 dwelling per site.

### **10.5.090.030. Conditional Uses.**

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

- A. Agriculture and aqua-culture, excluding livestock and poultry operations.
- B. Bulk fuel stores (petroleum, methane, propane, and gasoline).
- C. Collection, packaging, storage and reprocessing of recyclable materials, so long as the market area is more than 50% from the local area.
- D. Junkyards and automotive wrecking yards enclosed within a view obscuring fence or wall.
- E. Recreation facilities (commercial - outdoor), including golf courses and shooting ranges.
- F. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- G. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.
- H. Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- I. The production, processing, storage, and wholesaling of recreational or medical marijuana, including a medical marijuana grow site . An application for a marijuana production, processing, storage, wholesaling facility, or medical marijuana grow site shall also comply with the provisions of Article 6.190.

**10.5.090.040. Development Standards.**

<b>I Industrial</b>	<b>Standard</b>
Lot Size	10,000 sq. ft. minimum or larger as necessary to meet Goal 9 large lot requirements.
Lot Width, Depth	No minimum/maximum
Setbacks—All Yards	No minimum except as follows: (A) 25 ft. from residential zone or community facilities overlay; (B) 10 ft. from a public right-of- way; (C) 30 ft. from the Columbia River to accommodate the Riverfront Trail and associated amenities.
Building Height*	55 ft. maximum; except 40 ft. maximum within 100 ft. of a residential zone
Pedestrian Access	Building entrances may be required to have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.090.050: Pedestrian Walkways of this Article.
Off-Street Parking	See Chapter 10.7 - Parking Standards
Landscaping	See Article 6.010: Landscaping Standards
Accessory Uses, Buildings and Structures	See Article 6.030: Accessory Development
Access Management	See Article 6.050: Access Management

- \* The 40-ft height limitation shall not apply where there is more than a 20-foot difference in elevation between the industrial lot and the residential zone district.

Large Industrial Sites:

- A. Four 20-acre sites shall be identified on a map in The Dalles Community Development Department in order to meet large site needs identified in The Dalles Economic Opportunities Analysis. The 4 sites shall be selected in cooperation and collaboration with the property owner.
- B. Once a large industrial user purchases or develops an identified site, or any 20-acre site, the number of required sites shall be reduced accordingly.
- C. The location of the identified 20-acre sites may be modified by the Community Development Department at any time, in collaboration with the property owner and approval by the Hearings Officer.
- D. The property owner may develop smaller lots on the property so long as a place for a large industrial site is retained on that property.
- E. In reviewing any development plan on a property with an identified site, the Community Development Department shall work with the property owner to identify a new location on that property.
- F. If the remainder of the property does not meet large industrial site requirements, the Community Development Department shall either identify another property that can accommodate a large site, or initiate an amendment to the Economic Opportunity Analysis and Comprehensive Plan.

**Article 5.100 CFO Community Facilities Overlay District**

**10.5.100.020. Allowed Uses.**

The following uses and their accessory uses are allowed in the Community Facilities Overlay Zone:

- A. Agricultural experimental facilities.
- B. Animal shelters.
- C. Churches and places of worship.
- D. Government public facilities.
- E. Historical landmarks.
- F. Libraries, museums, and cultural exhibits.
- G. Lodges, fraternal and civic assembly.
- H. The following public recreation facilities: parks, golf courses, golf driving ranges, swimming pools, tennis courts, zoos, marinas, docks, and other facilities.
- I. Medical care facilities.
- J. Public safety facilities.
- K. Public utility facilities.
- L. Public and private schools and facilities.

- M. Special district facilities.
- N. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

**Article 5.110 P/OS Parks and Open Space District**

**10.5.110.020. Allowed Uses.**

- A. Public parks—Day uses only.
- B. Playgrounds—Day uses only.
- C. Wading pools—Day uses only.
- D. Stream, creek, and river front greenways.
- E. Trails for biking, walking, and/or running, within a park or greenway area.
- F. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

**Article 5.130 Stream Corridor District**

**10.5.130.030. Determination and Modification of SC Overlay District Boundaries.**

The stream corridor setbacks shall be 50 feet from the top-of-bank as shown on The Dalles Stream Corridor Inventory. An applicant for development may rely on this map to determine how a stream corridor setback affects an individual property. However, this mapped setback may be modified in two ways:

- A. Stream Corridor Delineation Process. The Director may approve a modification stream top- of-bank ("bankfull stage" or the "two year recurrence flood elevation" defined in DSL Administrative Rules (OAR141-085-0510(5)), based on site survey prepared by a registered land surveyor. The required setback shall be revised accordingly.
- B. Hardship Adjustment. The Hearings Officer may approve a hardship adjustment to the stream setback provisions of this Chapter, without going through a formal variance process, under the following circumstances:
  - 1. Where application of the stream setback provisions of this Chapter makes it impossible to build a structure (including a building, required parking and access) otherwise permitted in the underlying zoning district, the Hearings Officer may allow reductions of the setback standards of the underlying zoning district by up to 40% to permit the siting of such structures to avoid infringing on the stream setback area.
  - 2. If, after considering the effect of hardship setback adjustments, it is still impossible to build a structure permitted in the underlying zoning district, the Hearings Officer may approve up to 500 square feet of impervious surface area within the required stream setback area, provided that:
    - a. The structure, parking and access area is located as far from the top of bank as reasonably possible; and

- b. The applicant submits a stream corridor restoration plan prepared by a wetland scientist, government agent, or other professional with expertise in riparian plans and restoration techniques acceptable to the Director. The stream corridor restoration plan shall:
  - i. Ensure removal of invasive plant species and replacement with suitable native plant species that will effectively shade the stream and minimize stream bank erosion; and
  - ii. Include provisions for monitoring and replacement of native plants over at least a three-year period.

(Ord. 22-1392)

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**Chapter 10.6 General Regulations**

**Article 6.010 *Landscaping Standards***

**10.6.010.030. General Provisions.**

- A. **Applicability.** The provisions of this Article shall apply to all applications for new development and to applications for additions or modifications to existing development which increases the building(s) combined total footprint area by more than 20%.
- B. **Landscaping Plans.** Where landscaping is required by this Title, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the site plan review process. Requirements for detailed landscape plans are listed in Article 6.180: Required Plans. Building permits shall not be issued until the approving authority has determined the landscape plans comply with both the purpose and specific requirements of this Article.
- C. **Completion Prior to Occupancy.** Except for landscaping for single-family homes and duplexes, all required landscaping and related improvements shall be completed, or financially guaranteed per the provisions of Section 10.9.040.060(I): Performance Guarantee prior to occupancy.
- D. **Planned Developments.** Required landscaping for planned developments shall be reviewed and approved by the Hearings Officer, and shall in no case be less than that required by this Article.
- E. **Maintenance.** Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent rights-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. All landscaping, buffering, and screening required by this Title shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind by the developer or the party responsible for removing the trees and/or plant material.
- F. **Parking Lot Landscaping.** The landscaping requirements for parking lots are described in Section 10.7.030.040: Landscaping Requirements. Parking lot landscaping shall be required in addition to the landscaping requirements described in this Article.
- G. **Trees in Public Rights-of-Way.** A City permit is required to plant, remove, significantly prune, top, or pollard any trees in a public right-of-way.

- H. Preservation of Significant Trees. Significant tree specimens should be preserved to the greatest extent practical, and integrated into the design of a development. Trees of 14 inches or greater diameter measured at a height of 5 feet above grade are considered significant. Trees to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5 feet outside the tree's drip line, or if a plan for tree protection recommended by a certified arborist is adhered to. In addition, the tree shall be protected from damage during construction by a construction fence located 5 feet outside the drip line.
- I. Planters and Screen/Buffer Areas. Planters and screen/buffer areas used for required plantings shall have a minimum width, or diameter, of 5 feet (2.5 feet radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or buffer area shall be a minimum width of 7.5 feet.
- J. Irrigation Systems. Irrigation systems shall be required where necessary to assure survival of plant materials.
- K. Vision Clearance. In no case shall site obscuring shrubs, landscape features, conifer trees, fences exceeding 24 inches in height, or other screening be permitted within vision clearance areas of street or alley intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. See Article 6.100: Vision Clearance.
- L. Fences. All fences over 4 feet in height shall require a permit.

(Ord. 21-1384)

**10.6.010.050. Screening—Hedges, Fences, Walls other than Retaining Walls, Berms.**

- A. General. Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. All screening shall comply with the provisions of Article 6.100: Vision Clearance.
- B. Fences and Walls. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, metal, or other commonly used fencing/wall materials. Acoustically designed fences and walls may also be used where noise pollution requires mitigation.
- C. Landscaping As Screening. Where landscaping is used for required screening, it shall be at least 6 feet in height and be at least 80% opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.
- D. Chain Link with Slats. A chain link fence with slats shall qualify for screening only if a landscape buffer is provided outside the fence. In this case, the landscape buffer shall have an average height of 50% of the height of the fence within 1 year of planting. (See Section 10.6.010.040: Buffering of this Article.)
- E. Height. The height of hedges, fences, walls, and berms shall be measured as provided for in Section 10.6.070.050(B), except where used to comply with screening requirements for parking, loading, storage, and similar areas. Hedges, fences, walls, and berms must comply with vision clearance requirements of Section 10.6.010.030(K). Height requirements for hedges, fences, and walls are as follows:

1. Residential Zones.
  - a. Hedges, fences, and walls shall not exceed 4 feet in height within a required front yard or in an exterior side yard within a 10-foot triangle adjacent to an alley or driveway.
  - b. Hedges, fences, and walls shall not exceed 6 feet in height within required side and rear yards, unless additional height is determined by the Director to be necessary for privacy screening from an adjacent use. In no case shall a fence or wall exceed 8 feet in height in a required side or rear yard.
  - c. Hedges, fences and walls not located in required yards may exceed the height standards listed above.
  - d. Notwithstanding any other provision of this section, hedges, fences, and walls on properties within residential zones that are owned, operated, or used for schools or similar institutions (having 17 or more students regularly attending or enrolled) may be constructed up to 6 feet in height within a required front yard so long as vision clearance at streets and driveways is maintained per Article 6.100: Vision Clearance. This exception applies only to the front-yard limitation in this subsection and does not modify the exterior side-yard triangle limitation adjacent to alleys or driveways.
2. Commercial and Industrial Zones. Barbed wire may be allowed above the fence or wall height requirement.
3. All Areas. Fences and walls over 4 feet in height (not counting any permitted barbed wire) shall require a building permit prior to construction.
- F. Berms. Earthen berms up to 6 feet in height may be used to comply with screening requirements. The slope of the berm may not exceed 2:1, the top of the berm shall be relatively flat, and the faces of the slope shall be planted with ground cover, shrubs, and trees.
- G. Design. Fences and walls over 200 feet in length (of a single run) shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping in all zone districts except the I - Industrial district.
- H. Visual Clearance. Screening is not permitted within vision clearance areas, as described in Article 6.100: Vision Clearance.
- I. Gates. Gates are required in rear yard fences on through lots for maintenance access to the area from curb to a proposed fence. (Gates shall not be used to make an access connection to the right-of way.)
- J. Service Facilities. Trash dumpsters, gas meters, ground level air conditioning units, and other service facilities shall be screened from off-site view with a fence, wall or plantings.
- K. Swimming Pools, Spas, and Hot Tubs. In addition to all other requirements in the Oregon Structural Specialty Code, swimming pools, spas and hot tubs more than 18 inches deep shall be surrounded and screened with a minimum 4-foot high secured fence or wall. Access to the secured area must have a self latching gate.

**10.6.010.070. Required Landscaping by Zone.**

Where required by this Title, landscaping shall be provided on site according to the following minimum requirements. Additional landscaping may be required by the approving authority as a condition of

approval in order to mitigate conflicts with neighboring uses and/or to provide adequate screening. Where the landscape requirement listed below is greater than the balance of the lot after lot coverage, the landscaping requirement shall be limited to the area of the lot not covered.

<b>ZONE</b>	<b>SITE REQUIREMENT</b>
<b>RL</b>	
1 and 2 Dwelling units	Site landscaped according to Article 6.010
<b>RM</b>	
1, 2, 3, or 4 Dwelling units	Site landscaped according to Article 6.010
5+ Dwelling units	Equal to first floor area of all structures minimum
<b>RH</b>	
1, 2, 3, or 4 Dwellings units	Site landscaped according to Article 6.010
5+ Dwelling units	Equal to 1.5 times the first floor area of all structures minimum
<b>NC</b>	
1, 2, 3, or 4 Dwelling units	Site landscaped according to Article 6.010
5+ Dwelling units	Equal to the first floor area of all structures minimum
Commercial	Equal 10% of the first floor area of all structures minimum
Mixed Residential/Commercial	Equal to 0.5 times the first floor area of all structures minimum
<b>CBC</b>	
Sub-district 1	Subject to requirements of Ordinance 96-1207, Design Guidelines for Historic Resources
Sub-district 2	None
Commercial in Area Outside Sub-district 2	None
Residential in Area Outside Sub-district 2	Lot area not built on shall be appropriately landscaped
Mixed Residential/Commercial in Area Outside Sub-district 2	Lot area not built on shall be appropriately landscaped
<b>CG</b>	Equal 20% of the first floor area of all structures minimum
<b>CLI</b>	Equal 15% of the first floor area of all structures minimum
<b>CR</b>	Equal 15% of the first floor area of all structures minimum
<b>I</b>	A 5-foot landscaping buffer adjacent to all public right-of-way, but limited to 10% of the area of the entire site. If a 5-foot buffer along the length of the right-of-way exceeds 10% of the entire site, the City Community Development

Department staff will indicate which portions of the right-of-way will have the buffer

**CFO**

Subject to underlying zone requirements, unless reduced or expanded by the Hearings Officer through the conditional use review process

**P/OS**

No requirement

(Ord. 19-1373; Ord. 21-1384; Ord. 23-1400)

### **Article 6.020 *Home Businesses***

#### **10.6.020.030. Review Procedures.**

- A. Applications. All applications shall meet the requirements of Article 3.010: Application Procedures. The approving authority may require additional site plan and/or vicinity plan information where necessary to adequately review the proposal and/or to determine the location and type of business, and the manner in which it will be conducted.
- B. Review. Applications for home businesses may be processed as administrative actions, per the provisions of Section 10.3.020.040: Administrative Actions. At the Director's or applicant's discretion, the application may be processed as a conditional use permit, per the provisions of Article 3.050: Conditional Use Permits.
- C. Permits. The Director shall issue a home business permit when the approving authority finds that the proposed home business complies with the requirements of this Article.

#### **10.6.020.040. Review Criteria.**

Home businesses shall be subject to the following criteria, unless amended, reduced, waived, or added to by the Hearings Officer through the conditional use review process:

- A. The Property.
  - 1. The home business must be subordinate to a dwelling's residential use.
  - 2. The home business, or portion of the home business conducted on the property, must be conducted entirely within the dwelling, garage(s), or accessory structure(s) of the person conducting the home business. Incidental loading and unloading is exempt from this requirement.
  - 3. The home business shall not result in any structural alterations or additions to the dwelling or accessory structure(s) that will change the primary residential use of the property.
  - 4. There shall be no display, other than the allowed sign and allowed business vehicles, of products or equipment that is visible from outside any buildings or structures.
- B. Storage.

1. There shall be no outside storage of home business materials or equipment that is visible from the public right-of-way or adjacent properties.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable materials) beyond that normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home business shall be allowed in the dwelling, garage(s), or accessory structure(s).

C. Employees.

1. At least 1 adult resident of the home shall be employed in the home business.
2. Other than dwelling residents, there shall be a maximum of 2 workers per home business.
3. Additional individuals may be employed by or associated with the home business, so long as they do not report to work at the home.
4. The home occupation site (the lot on which the home business is conducted) shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Signs. One non-illuminated 4 square foot wall sign shall be allowed for each approved home business site.

E. Addressing. There shall be no separate home business street address.

F. Hours of Operation, Automobiles, Parking, and Traffic.

1. Clients or customers are permitted at the home business site Monday through Sunday, between the hours of 7:00 a.m. and 7:00 p.m.
2. There shall be a limit of 2 business vehicles per home business. For the purposes of this Article, a business vehicle is any vehicle that is used in the conduct of the home business, or which has the name or logo of the home business displayed in any manner on the vehicle. At the Director's discretion, additional home business vehicles may be permitted, providing the intent of this Article is met. The business vehicle shall be of a size that shall not overhang into the public right-of-way when parked in a driveway or other location on the home business site.
3. Between the hours of 7:00 a.m. and 7:00 p.m. there shall be no more than 3 commercial pickup and/or deliveries at the home business site, and no commercial pickup and/or deliveries between the hours of 7:00 p.m. and 7:00 a.m.
4. In addition to the off-street parking required for the residential use, there shall be sufficient parking to accommodate all employee and business vehicles. A home business's street frontage, calculated at 20 feet/space excluding curb cuts and clear vision areas, may be considered in calculating the parking requirement. Where the Director determines that the business vehicle and the personal vehicle are the same, the business vehicle may use residential off-street parking requirement.

G. Off-Site Impacts. Any activity that generates excessive traffic or monopolizes available on-street parking, produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the home business site, or beyond allowable levels as determined by local, State, and Federal standards shall not be allowed.

- H. Retail Activity. Any activity involving on-site retail sales (except items that are incidental to the business use, including, but not limited to, beauty products, lesson books, sheet music, and computer software) shall not be allowed.
- I. Other Laws, Ordinances and Regulations. The issuance of a home business permit shall not relieve the applicant from the duty and responsibility to comply with all other rules, regulations, ordinances or other laws governing the use of premises and structures, including, but not limited to, building and fire codes. An existing violation of any rule, regulation, ordinance, or other law is grounds to deny or conditionally approve a home business permit application.

**10.6.020.050. Complaints and Revocation of Permits.**

- A. Complaints. A complaint concerning the operation of a home business shall be in written form and clearly state the nature of the objection(s) to the business. Upon receipt of a written complaint, the complaint shall be investigated by the Planning Department. The Director shall be authorized to visit the site of a permitted home business during normal business hours. If necessary, the Director is authorized to apply for an inspection warrant pursuant to the provisions of Chapter 1.12 in order to conduct an inspection of the premises. If the complaint is determined to be meritorious, a report shall be prepared for the Hearings Officer and the home business shall be notified.
- B. Public Hearing.
  - 1. A public hearing shall be scheduled before the Hearings Officer to consider whether the permit issued for the business should be revoked, modified, or remain in effect with no changes. Notice of the time and place of the hearing shall be provided to the person(s) filing the complaint, and the owner, or where appropriate, the manager of the facility.
  - 2. The City and the owner or owner's representative shall have the right to present oral or written testimony, and the right to cross examine witnesses presenting testimony adverse to their respective positions. The owner or owner's representative has the right to be represented by legal counsel at their own expense. Irrelevant or unduly repetitious evidence shall be excluded. Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the complaint more probable or less probable than it would be without the evidence. Hearsay evidence may be admissible for the purpose of supplementing or explaining any direct evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action in a court of competent jurisdiction in the State of Oregon.
- C. Permit Revocation. Grounds for which a permit may be revoked or modified include, but are not limited to, the following:
  - 1. Generation of excessive traffic (in excess of 20 trips per day).
  - 2. Monopolizing available on-street parking.
  - 3. Evidence establishing a violation of any provision of this Article, a condition of approval, or any other rule, regulation, ordinance or law, whether local, State or Federal.
- D. Final Decision. After the consideration of all relevant information and testimony presented, the Hearings Officer shall make its decision, based upon substantial evidence. The Hearings Officer's decision shall be supported by findings of fact, and shall constitute a final decision. The final decision is appealable per the provisions of Section 10.3.020.080: Appeal Procedures.

## **Article 6.140 *Wireless Communication Equipment***

### **10.6.140.040. Historic Districts and Structures.**

- A. Facilities Greater than 35 Feet in Height. Wireless communication facilities greater than 35 feet in height shall not be permitted within or adjacent to designated historic districts, nor on or adjacent to designated historic structures.
- B. Facilities Less than 35 Feet in Height. Wireless communication facilities less than or equal to 35 feet in height which are proposed to be placed within or adjacent to designated historic districts, or on or adjacent to designated historic structures shall be processed as follows:
  - 1. The application for the facility shall be a conditional use permit application, per Article 3.050: Conditional Use Permits.
  - 2. Prior to the Hearings Officer quasi-judicial hearing, the Historic Landmarks Commission shall first hold a public hearing to review the application and make a recommendation, with any conditions, to the Hearings Officer.
  - 3. The Historic Landmarks Commission's recommendation shall be included in the Department's staff report and shall become a part of the official record.

## **Article 6.160 *Limitation on Uses***

### **10.6.160.030. Laydown Yard.**

- A. Purpose. A laydown yard is intended for construction equipment and material only. It is different from a contractor storage yard in that all items are in active use on off-site projects. An off-site laydown yard, in addition to those on or adjacent to a construction site, is allowed in the CBC, CG, CLI, CR, and I zones without obtaining land use approval, so long as criteria in subsections B through G below are continually met.
- B. A proposed laydown yard shall be associated with one or more specific projects with an approved building permit issued for grading, construction, remodel or demolition, an approved land use decision, or pending application for a building permit or land use decision.
- C. A laydown yard is not a substitute for a contractor storage yard. At any time the property owner may convert the laydown yard to a contractor storage yard by obtaining a site plan review decision and completing the conditions of approval. If items are kept on site continuously for more than 8 months, the City may determine that a laydown yard no longer exists.
- D. Laydown yards shall be supervised by the property owner who will be responsible for enforcing compliance with these standards.
- E. Where curbs exist, the contractor shall be required to provide curb cuts for all egress or ingress areas onto a paved street. To prevent mud or dirt from transferring from vehicles and equipment onto the paved street the contractor shall install pavement or other surface treatment approved by the City Engineer at all egress and ingress points from the yard for a minimum of 50 feet to the street access. Dust and erosion control shall be in place to confine these materials to the subject property. Noise, vibration, dust, and odors cannot exceed local, state, or federal regulations.

- F. The owner of the property shall complete and file at the Community Development Department Office in City Hall a laydown yard report, on a form provided by the City, at the time of the start of the laydown yard, and on April 30th, August 31st, and December 31st of each year so long as the laydown yard continues.
- G. Notwithstanding the provisions of the ordinance adopting the Transportation System Development Charges (SDC), for this use only, the property owner shall pay annual Transportation SDC fees, at 5% of the full rate.

### **Article 6.190 *Marijuana Facility Regulations***

#### **10.6.190.010 Purpose**

The provisions in this article establish uniform development and operational standards for medical and recreational marijuana facilities in order to protect public health, safety, and welfare; ensure compatibility with surrounding land uses; and support compliance with state regulations administered by the OLCC and the OHA. The City’s review of marijuana facilities is limited to determining whether a proposed use complies with local zoning. All licensing and regulatory approvals for marijuana facilities are handled by OHA and OLCC.

#### **10.6.190.020 Applicability**

The provisions in this article apply to all marijuana-related uses permitted or conditionally permitted under this Title, including, but not limited to, medical marijuana dispensary facilities, recreational marijuana retail facilities, and marijuana production, processing, storage, and wholesaling facilities. In addition to the standards specified in this article, marijuana facilities must comply with applicable state statutes and administrative rules, including but not limited to ORS Chapter 475C, OAR 845-025 (OLCC recreational marijuana rules), and OAR 333-008 (OHA medical marijuana rules), and any successor statutes and rules. Where this article is silent, state law and administrative rules govern licensure and operational standards.

#### **10.6.190.030 General Standards (Applicable to All Marijuana Facilities)**

- A. Indoor Operation. All marijuana facilities shall operate entirely within a completely enclosed building. Greenhouses, intermodal cargo containers, motor vehicles, recreational vehicles, and residential trailers shall not be used for any marijuana activity.
- B. Outdoor Storage. Outdoor storage of marijuana, merchandise, materials, waste, or by-products is prohibited.
- C. Waste Disposal. Marijuana remnants or by-products shall not be placed in exterior refuse containers and shall be disposed of in a secure and lawful manner consistent with OLCC and OHA requirements.
- D. Odor Control. The marijuana facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.

- E. State Licensing. All marijuana facilities shall maintain state registration or licensure in good standing with the OLCC and/or OHA, and shall comply with all applicable state laws and administrative rules, including but not limited to those relating to security, labeling, testing, packaging, waste management, and employee training.
- F. Co-Location. Marijuana facilities shall not be located on the same lot or within the same building as any marijuana social club or marijuana smoking club.

**10.6.190.040 Medical Marijuana Dispensaries and Recreational Marijuana Retail Facilities**

- A. Permitted Zones. Marijuana dispensaries and retail facilities are permitted in the CBC, CG, and CLI Zones, subject to the provisions of this section.
- B. Location Buffers. The dispensary or retail facility must be located no closer than the following distances, measured in a straight line from the nearest property line of the subject site to the nearest property line of the referenced site:
  - 1. 500 feet from any property zoned RL, RM, or RH.
  - 2. 1,000 feet from the following:
    - a. A public or private elementary or secondary school as defined under ORS 339.020 or ORS 339.030(1)(a);
    - b. A public library;
    - c. A public park;
    - d. A recreational facility such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court; and
    - e. Any other recreational marijuana retail facility licensed by the OLCC. Nothing in this section alters or reduces state siting requirements for registered medical marijuana dispensaries under applicable OHA rules.
- C. Operational and Building Design Standards.
  - 1. Drive-up or walk-up service windows are prohibited.
  - 2. Hours of operation shall be limited to between 10:00 a.m. and 8:00 p.m.
  - 3. No person under the age of 21 shall be permitted within the building, except as allowed by state law.
  - 4. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed on the premises.
  - 5. Marijuana retailing shall not be co-located with any marijuana social or smoking club.
- D. Dual Registration. A licensed recreational marijuana retail facility may also register with the OLCC to engage in equivalent medical marijuana retail activity, as allowed by state law.

**10.6.190.050 Marijuana Production, Processing, Storage, and Wholesaling Facilities**

- A. Permitted Zones. Marijuana Production, Processing, Storage, and Wholesaling Facilities are permitted as conditional uses within the CLI and I Zones, subject to the standards of this section.

- B. School Buffer. The facility shall be located a minimum of 500 feet from any public or private elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial school teaching children as described in ORS 339.030(1)(a).
- C. Odor Control. A building used for marijuana production, processing, storage, or wholesaling or non-personal medical marijuana grow operation shall be equipped with a carbon filtration system for odor control.
  - 1. The system shall consist of one or more fans and filters.
  - 2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).
  - 3. The filter(s) shall be rated for the required CFM.
  - 4. The filtration system shall be maintained in working order and shall be in use.
  - 5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.
  - 6. All other odor control requirements shall be in accordance with Section 10.6.190.030.D.

**Article 6.200 Shelter Housing Regulations**

**10.6.200.010. Purpose.**

The purpose of this article is to establish standards for the location, operation, and development of established and seasonal shelters in the City, consistent with State law and City development standards.

**10.6.200.020. Applicability.**

This article applies to established and seasonal shelters as allowed in the CG and CLI Zones, subject to the provisions of this section. All shelters shall comply with State Building Code standards and the requirements of this article.

**10.6.200.030. Standards for Established and Seasonal Shelters.**

- A. Established and seasonal shelters shall:
  - 1. Provide sleeping and restroom facilities for clients;
  - 2. Comply with State Building Code standards; and
  - 3. Be operated by one or more of the following:
    - a. A local government as defined in ORS 174.116;
    - b. An organization with at least two years' experience operating low-income housing programs or reasonable equivalent and is:
      - i. A local housing authority as defined in ORS 456.375,

- ii. A religious corporation as defined in ORS 65.001, or
  - iii. A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless prevention and has been recognized as exempt from income tax under Section 501(a) of the Internal Revenue Code for at least three years prior to submitting its application for a seasonal shelter; or
  - c. A nonprofit corporation partnering with any other entity described in this subsection.
4. The shelter shall maintain a written operational plan that shall include:
    - a. Description of purpose and scope of services of the shelter;
    - b. Bed capacity for guests;
    - c. Hours of operation, if applicable; and
    - d. Twenty-four-hour staffing and emergency contact.
  5. Setbacks shall be the same as setbacks required by the zone district.
  6. Access.
    - a. Access shall be from an arterial or collector street, or from a street with sufficient width and ease of access to allow any vehicle to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case-by-case basis to determine adequacy.
    - b. The Planning Director may authorize a wider driveway entrance than otherwise provided for in this Title.
    - c. Site access connections to public streets shall meet the requirements of Article 6.050: Access Management.
  7. Screening. Except for the access roadway into the shelter, the shelter shall be screened per Section 10.6.010.050.
  8. Bicycle parking for residents shall be installed consistent with Article 7.040: Bicycle Parking Design Standards and Section 10.7.060.010: Minimum and Maximum Off-Street Parking Requirements.

B. Established shelters, additional requirements.

1. Surfacing. All areas used for vehicular and required pedestrian walkways shall be paved with asphalt, concrete or similar material and be designed to provide for the control of runoff or surface water.
2. Parking requirement. There shall be a minimum of 1 parking space per every 10 beds and a maximum of 1 parking space per shelter unit. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.
3. Bicycle parking requirement. There shall be a minimum of 1 bicycle parking space per every 5 beds. Bicycle parking shall meet all the requirements of Article 7.040: Bicycle Parking Design Standards.
4. Landscaping. All areas not occupied by buildings, walkways, parking, streets, and shelters shall be landscaped per the provisions of Article 6.010: Landscaping Standards. A landscape

plan is required prior to the City signing a building permit application. The landscaping plan shall include internal shade trees.

5. Shelter maintenance and storage. Each shelter shall at all times keep a neat appearance. All storage shall be contained in a building or enclosed shed. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the shelter or to any of the guests.
6. Services incidental to established and seasonal shelter, including, but not limited to, the provision of utilities, showering or bathing facilities, laundry services, bedding, security, transportation, sustenance, low-impact recreation areas, case management and social welfare services, storage sheds or lockers, and minor repairs undertaken specifically to make suitable space available for shelter.

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## **Chapter 10.7 Parking Standards**

### ***Article 7.020 General Provisions***

#### **10.7.020.040. Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions.**

- A. Right of Development. A reduction of up to 10% of the minimum off-street vehicle parking requirements established in Article 7.060: Minimum and Maximum Off-Street Parking Requirements is allowed as a right of development for all nonresidential uses.
- B. Reductions for Bicycle Parking. Off-street motor vehicle parking requirements for nonresidential uses established in Article 7.060: Minimum and Maximum Off-Street Parking Requirements may be reduced by 10% in addition to the reductions allowed in subsection A above, if replaced by bicycle parking over the amount required in Article 7.060: Minimum and Maximum Off-Street Parking Requirements, at the rate of 1 bicycle space for 1 vehicle space.
- C. Reductions for Existing Uses. Property owners of existing nonresidential development may take advantage of incentives to reduce vehicle parking below the minimum off-street vehicular parking standards established in Article 7.060: Minimum and Maximum Off-Street Parking Requirements as provided below:
  1. When expansion of floor area and/or redevelopment of the site necessitates or creates an opportunity to reconfigure existing parking, the owner may take advantage of applicable vehicle parking reductions provided in subsections A and B above.
  2. Where pre-existing development is unable to accommodate off-street parking that is required by a proposed use change and/or an addition or modification to existing building(s), the applicant may request a conditional use approval for a parking reduction providing each of the following conditions is met. The conditional use permit shall be processed per the provisions of Article 3.050: Conditional Use Permits.
    - a. The enlargement, modification or use change does not displace any existing off-street parking.
    - b. The proposal is not for an existing nonconforming use.
    - c. The applicant can demonstrate that an opportunity for shared or joint parking, as specified in this Chapter, is not reasonably available.

3. Even when no expansion or redevelopment of the site is proposed, the property owner may replace up to 10% of existing parking spaces with the following:
  - a. Additional landscaping equal to the square footage of the parking space reduction.
  - b. On-site, publicly accessible pedestrian plazas, seating areas, shelters and/or walkways (in addition to required walkways).
  - c. Bicycle parking in addition to the number of bicycle parking spaces required in Article 7.060: Minimum and Maximum Off-Street Parking Requirements. New bicycle parking shall conform to the design standards contained in Article 7.040: Bicycle Parking Design Standards.
  - d. Bus shelters and other pedestrian and transit amenities located adjacent to streets with existing or planned transit routes.
- D. Off-Street Parking Waiver. Minimum off-street parking spaces required by Article 7.060: Minimum and Maximum Off-Street Parking Requirements shall be waived for the following:
  1. The property is located within the boundaries of a legally adopted Parking Assessment District that provides district-wide parking facilities.
  2. The property is located within Sub-district CBC-2 in the Central Business Commercial district, as defined in Section 10.5.050.020: Sub-Districts.
- E. Non-Surface Lot Exemption. Motor vehicle parking located within, above, or beneath the building(s) it serves, or within a parking structure, is not counted toward the maximum parking limit, per Article 7.060: Minimum and Maximum Off-Street Parking Requirements, for the use served.
- F. Parking Management Plan. The off-street parking requirements in Article 7.060: Minimum and Maximum Off-Street Parking Requirements may be reduced or added to based on an approved parking management plan submitted by the applicant which adequately demonstrates that the plan will meet the parking needs of the proposed project without negative impact to adjacent uses. The approving authority shall approve, approve with conditions, or deny the parking management plan. The parking management plan must include the following and be prepared by a licensed professional engineer:
  1. A parking demand analysis for the project.
  2. A project vicinity off-street parking supply and demand analysis.
  3. A shared parking analysis.

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## **Chapter 10.9 Land Division Standards**

### ***Article 9.010 Background and Purpose***

#### **10.9.010.030. Applying for Subdivision.**

Applications for partitions and subdivision are processed as administrative actions, per the provisions of Section 10.3.020.040: Administrative Actions. Administrative actions are decided by the Director without a public hearing; however, administrative actions can be elevated to quasi-judicial review (by the Hearings

Officer at a public hearing) at the discretion of the Director or the applicant. Quasi-judicial actions are decided by the Hearings Officer after a public hearing. Both administrative and quasi-judicial actions are appealable per the provisions of Section 10.3.020.080: Appeal Procedures.

### ***Article 9.030 Partitions, Minor Replats, and Lot Line Adjustments***

#### **10.9.030.040. Partition Application Review.**

- A. Review Procedure. Partition applications shall be processed as administrative actions, per the provisions of Section 10.3.020.040: Administrative Actions. Where the Director determines that continuous partitioning of a tract of land may occur in subsequent years, potentially resulting in the need for new road(s), utilities, or stormwater drainage facilities to be constructed and unmitigated impacts to City services and surrounding property, the application shall be referred to the Hearings Officer, pursuant to Section 10.3.020.050: Quasi-Judicial Actions for a determination as to the applicability of the LUDO subdivision requirements.
- B. Review Criteria. Partition applications shall be reviewed to assure:
  - 1. The tentative plat meets the Wasco County recording requirements.
  - 2. The proposal is consistent with the purposes of this Chapter, relevant development standards of this Title, policies and density requirements of the Comprehensive Plan, public works standards and policies, and any other applicable policies and standards adopted by the City Council.
  - 3. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including provision of City services and access from a public street.
  - 4. The plans for public improvements meet the requirements contained in the provisions of Section 10.9.040.060(H): Installation of Required Improvements.
- C. Period of Approval. Approval of a partition application shall be valid for a period of 1 year from the effective approval date. Upon written request, filed with the Director prior to the expiration date, approvals may be extended annually 4 times provided the relevant provisions of this Title have not changed. If an approval is extended, any fees or charges will be assessed at the rate in existence at the time they are paid, not the rate in existence at the time of the original approval. If no final partition plat is submitted within 1 year, or within any timely extension, the partition application shall become void and a new application required.

### ***Article 9.040 Subdivisions and Major Replats***

#### **10.9.040.060. Final Subdivision Plat Review.**

- A. Application Requirements. Applications for final subdivision plat approval shall meet the following requirements:
  - 1. The final plat and 2 additional copies which meet Wasco County's survey and subdivision plat standards shall be submitted to the Director.

2. The final plat shall substantially conform to the approved tentative subdivision plat and construction drawings and specifications for public improvements, and shall conform with Article 9.020: Land Division Standards, except where modified by a planned development approval (see Article 9.050: Planned Development). The plat shall contain or be accompanied by the following information:
  - a. Name of the subdivision.
  - b. Date, north arrow, scale, legend, and existing features such as highways and railroads.
  - c. Legal description of subdivision boundaries.
  - d. Reference and bearings to adjoining recorded surveys.
  - e. Exact location and width of streets and easements intersecting the boundary of the subdivision.
  - f. Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:
    - i. Lot numbers shall begin with the number "1" and be numbered consecutively in each block. Number sequence are to generally follow the same system as sections are numbered in a township.
    - ii. Block numbers shall begin with the number "1" and be numbered consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate any figure. Block and lot numbers in an addition to a subdivision of the same name shall continue the numbering in the original subdivision. Block numbering sequence shall be the same system as sections are numbered in a township.
    - iii. Block numbers may be omitted where blocks are of irregular shape. When block numbers are omitted, lots shall be numbered consecutively throughout the subdivision. Lots in an addition to the subdivision of the same name shall continue the numbering of the original subdivision.
  - g. Street rights-of-way, center lines with dimensions to the nearest 0.01 ft, bearings or deflection angles, radii, arc, points of curvature, curve data, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds with basis for bearings.
  - h. Name and width of proposed and existing width of any existing right-of-way, and width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to center line dimensions, the radius and center angle shall be indicated.
  - i. Easements, denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. If an easement is not definitely located or recorded, there shall be a written statement of the easement. The easement's width, length, bearing, purpose and sufficient ties to locate it with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication. The City Attorney shall approve wording of all easements.

- j. Locations and widths of waterway and drainage ways, and other watercourses for review in accordance with Chapter 10.8 - Physical and Environmental Constraints.
  - k. Location and widths of railroad rights-of-way and reserve strips at the end of stub streets or along the edge of partial-width streets on the subdivision boundary.
  - l. Parcels to be dedicated shall be distinguished from lots intended for sale, with acreage and alphabetic symbols for each parcel.
  - m. Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
  - n. The following certificates, acknowledgments, and other requirements established by state law. Such certificates may be combined where appropriate:
    - i. Certificate, signed and acknowledged by the owner(s) of record of the land to be subdivided, offering for dedication of all parcels of land for public use; and offering for dedication of rights of access to and from prescribed streets, lots, and parcels of land.
    - ii. Certificate of the registered or licensed surveyor who prepared the survey and final subdivision plat.
    - iii. Certificate for execution by the Director or Hearings Officer as appropriate.
    - iv. Certificate for execution by the City Engineer.
    - v. Certificate for execution by the County Surveyor.
    - vi. Certificate for execution by the Wasco County Clerk, including available space for Clerk recording information.
    - vii. Certificate for execution by the Wasco County Assessor.
    - viii. Certificate for execution by the Wasco County Tax Collector.
    - ix. Certificate for execution by the Wasco County Court, where appropriate.
- B. Additional Materials. The following additional information shall be submitted to accompany the final subdivision plat:
1. Three copies of all proposed covenants, conditions, and restrictions (CC&Rs), or a written statement signed by the applicant that no such restrictions will be established.
  2. Title guarantee by a title company doing business in Wasco County, showing names of persons whose consent is necessary for preparation of the final plat and for any dedication to public use, and their interests therein. This guarantee shall certify, for benefit and protection of the City, that persons therein named are all of the persons necessary to give clear title to streets and other easements therein to be offered for dedication.
  3. Statement by the Postal Service to verify location of proposed mail delivery facilities as shown on the final subdivision plat or accompanying sheet, and location to be approved by the City Engineer.
  4. A description of the entity receiving a dedication for public use (City, County, homeowners association, special district, etc.). If a homeowners association is receiving the dedication, then articles of incorporation must be included.

C. Dedications and Public Utility Requirements.

1. The following items shall be offered for dedication for public use at the time the final subdivision plat is filed.
  - a. Parcels of land shown on the final subdivision plat as intended for public use.
  - b. Streets, pedestrian ways, drainage channels, easements, and other rights-of-way shown for public use on the final subdivision plat.
  - c. Rights of access to and from streets, lots, and parcels of land shown on the final subdivision plat as intended to be dedicated.
2. Evidence of unencumbered and clear title shall be submitted prior to approval of the final subdivision plat for all land proposed to be dedicated for public use, including, but not limited to, rights-of-way, drainage ways, open space, and easements.
3. Environmental assessments shall be conducted in accordance with Section 10.10.110(F): Environmental Assessments.

D. Designation and Conveyance of Reserve Strips. Reserve strips one-foot wide across the ends of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land may be required. These strips shall be designated on the final subdivision plat. The reserve strip shall be included in the dedication granting to the City right to control access over the reserve strip to assure continuation or completion of the street. These reserve strips shall overlay the dedicated street right-of-way.

E. Monumentation Requirements.

1. Monuments shall be set according to provisions of state law.
2. In making the survey, the surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to standards required by the County Surveyor. Setting of interior monuments may be delayed with approval of the approving authority as provided in paragraph 4 below.
3. The minimum requirements for monumentation and accuracy for a subdivision plat or partition plat shall comply with state law.
4. Interior "post monumentation" may be permitted by the approving authority at the time of approval of the tentative subdivision plat or upon special request prior to filing the final subdivision plat, provided that:
  - a. The applicant has shown it is necessary and practical to delay interior monumentation.
  - b. The applicant agrees to furnish a bond or cash deposit to the City in an amount equal to 150% of the estimated cost of performing the work for interior monuments.
  - c. The applicant signs an agreement with the project surveyor, County Surveyor and City Engineer. The agreement shall state the amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat, how the surveyor is to be paid for the work of establishing the interior monuments, and that the rules for post monumentation as provided in ORS Chapter 92 shall be followed; establishes a date when monumentation will be completed; and sets out other particulars that may be necessary to ensure complete monumentation at a later date.

- F. Review of Final Subdivision Plat Application. Within 14 days after receiving an application for final subdivision plat, the Director shall review it for compliance with the above submittal requirements. If an application is found incomplete, the Director shall notify the applicant and state what is needed for a complete application.
- G. Coordination by Director. The Director shall coordinate review of the final subdivision plat as required above. Upon notification by each agency that the final subdivision plat is satisfactory, the Director shall circulate the original copy of the final subdivision plat for the following signatures as appropriate: City Council, Hearings Officer, City Engineer, County Assessor, County Surveyor, County Clerk, County Tax Collector, County Treasurer, and County Court. The City Engineer may make field checks to verify that the map is sufficiently correct on the ground and may enter the property for this purpose.
- H. Installation of Required Public Improvements. Before the signature of the City Engineer is obtained, the applicant shall install required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of required public street, sanitary sewer, storm drainage, water, pedestrian way and bikeway improvements, electrical power, natural gas, cable television, telephone service, and other improvements required with the subdivision application approval. For purposes of this Chapter, required improvements mean those public improvements and private streets required to be installed as part of the approval of the development. This condition is required for acceptance and approval of the final subdivision plat. These procedures are more fully described as follows:
1. Install Improvements. The applicant may install the required improvements for the subdivision, in accordance with the requirements of Section 10.9.040.050: Construction Drawings and Specifications for Public Improvements and Chapter 10.10 - Improvements Required with Development prior to recording the final subdivision plat.
  2. Agree to Install Improvements. The applicant may execute and file an agreement with the City specifying the maximum period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the applicant. The agreement shall also provide a one-year guarantee to the City on all improvements. A performance guarantee, as provided in subsection I of this section, shall be required as part of the agreement. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions. Assurances shall be made that franchise utility service will be provided as required by subsection K of this section.
  3. Form Improvement District. The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. A performance guarantee, as provided below in subsection I, shall be required under the improvement district procedure.
- I. Performance Guarantee. Where required by the provisions of this Title, the applicant shall provide a performance guarantee to assure full and faithful performance thereof, in one of the following forms:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
2. In lieu of the surety bond, the applicant may:
  - a. Deposit with the City Finance Director cash money to be released only upon authorization of the City Engineer.
  - b. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer.
  - c. Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be utilized only upon authorization of the City Engineer.
  - d. Provide bonds in a form approved by the City Attorney.
3. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.
4. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference, plus the cost of collections.

- J. Public Improvements. See Section 10.9.030.050(C)(1): Final Partition Plat Review.
- K. Franchise Utility Service. Prior to approval of the final subdivision plat, the applicant shall install or provide financial assurances to the satisfaction of the Director that electrical power, natural gas, cable television, and telephone service is or will be provided for each lot unless specifically exempted during the review of the subdivision application.
- L. Removal of Existing Services. Existing public utilities or service connections not required, in the judgment of the City Engineer, for the proposed subdivision shall be removed prior to filing of the plat.
- M. Recording the Final Subdivision Plat. When all required signatures have been obtained on the final subdivision plat, the applicant shall record the subdivision plat and any required covenants with the Wasco County Clerk.
- N. Effective Date. Authorization of the final subdivision plat shall become legally effective when 2 copies of the recorded subdivision plat and any covenants, conditions and restrictions are received by the Department.

(Ord. 23-1400)

### **Article 9.050 *Planned Development***

#### **10.9.050.030. General Provisions.**

Planned development is an alternative development option which, where allowed in a zone district, is processed as a conditional use permit, per the provisions of Article 3.050: Conditional Use Permits. Where

land in a planned development is to be partitioned or subdivided, all the related requirements of this Chapter shall apply. Planned development proposals are subject to the following provisions:

- A. **Application Options.** Applicants for planned developments may submit development proposals under a detailed development plan (where sufficient information has been submitted) in accordance with Section 10.9.050.060: Detailed Development Plan Review Procedures, or request the approval of a conceptual development plan in accordance with Section 10.9.050.040: Conceptual Development Plan Applications and Section 10.9.050.050: Conceptual Development Plan Review, and later apply for detailed development plan approval. However, prior to issuing any building permits a detailed development plan and construction drawings and specifications must be approved by the Hearings Officer and the City Engineer as appropriate.
- B. **Zone Districts.** Planned development is an option limited to the residential and commercial areas designated on the Comprehensive Plan Map.
- C. **Mixed Use Projects.** Projects proposing to mix residential and commercial uses are limited to a maximum of 30% of the non-district use types in the total project. Example: In a residential zone, the commercial uses in a mixed-use planned development are limited to 30% of the total project.
- D. **Street Networks.** Planned developments shall conform to and, where possible, enhance existing or planned vehicle, pedestrian and bicycle networks, including connections and functionality.
- E. **Neighborhood Character.** Planned development shall be in keeping with the character of established neighborhoods.
- F. **Public Improvements.** All public improvements shall require a performance guarantee per the provisions of Section 10.9.040.060(I): Performance Guarantee, and shall be designed and constructed per the provisions of Chapter 10.10 - Improvements Required with Development.
- G. **Utilities.** All utilities shall be placed underground.
- H. **Owners/Tenants Association.** Any land and structures not dedicated to the public but reserved for the common use of the owners or tenants shall be subject to control by an association of owners or tenants created to form a non-profit association subject to the laws of the State of Oregon.
- I. **Impact Statement.** An impact statement containing an analysis of the social, environmental, and economic impact of the proposed development on the City shall accompany each application for planned development.
- J. **Open Space Requirement.** A minimum of 30% of a planned development site area shall be reserved as common space as follows: minimum 25% required as permanent open space and maximum 5% for areas of semi-public or public uses, such as recreation centers and laundry facilities.

#### **10.9.050.050. Conceptual Development Plan Review.**

- A. **Review Procedure.** Planned development conceptual development plans shall be reviewed by the Hearings Officer, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, as part of the conditional use permit.
- B. **Review Criteria.** Requests for approval of a conceptual development plan shall be reviewed to ensure consistency with the purposes of this Chapter, the Comprehensive Plan, the appropriate site plan review criteria, and applicable provisions of this Title and other City ordinances, policies and standards. In addition, the following compatibility factors shall be considered:

1. Basic site design (the organization of uses on a site).
  2. Visual elements (scale, structural design and form, materials, and so forth).
  3. Availability of, and impacts on existing infrastructure and utilities.
  4. Noise attenuation.
  5. Noxious odors.
  6. Surface water run-off and methods to control run-off.
  7. Lighting.
  8. Signage.
  9. Landscaping for buffering and screening.
  10. Traffic.
  11. Effects on off-site parking.
  12. Effects on air and water quality.
- C. Period of Approval and Extension. Approval of a conceptual development plan shall be valid for a one year period from the effective approval date. If the applicant has not submitted a detailed development plan for the planned development, or phases thereof, before the one-year effective period expires, the approval shall expire. The Director may grant a one-time extension not to exceed 2 additional years if, in the Director's opinion, conditions related to the project and surrounding area have not changed. Extension requests must be received by the Director at least 60 days prior to approval expiration.
- D. Modification of a Conceptual Development Plan. An applicant may request review of previously approved plans for purposes of modifying such plans, stating the reasons. The Hearings Officer, upon finding that the petition is reasonable and valid, may consider redesign in whole or in part of the original conceptual development plan. In reviewing a modification request, the Hearings Officer shall follow the procedures required for a conceptual development plan submittal. Decisions on modification requests must be consistent with the review criteria in subsection B of this section.

#### **10.9.050.060. Detailed Development Plan Review.**

- A. Application Requirements. Applications for detailed development plans shall meet the application and review requirements specified for conceptual development plans in Sections 10.9.050.040 and 10.9.050.050 of this Article, and include the following:
1. Graphic Requirements. The following graphic requirements are required in addition to those specified for a conceptual development plan:
    - a. Topographic contours at intervals appropriate to the size and scale of the map, with an accuracy of plus or minus 1 foot.
    - b. Drainage and Grading Plan. Where the grade of any part of the subdivision is less than 3% or exceeds 10%, or where the planned development abuts existing developed lots, a grading and drainage plan may be required to show features adjacent to or within a reasonable distance from the project that would affect or be effected by the project and adjacent areas.

The plan shall show how runoff or surface water from the project will be managed and ultimately disposed of. Permanent and temporary erosion control, and height and depth for all cuts and fills shall be clearly indicated.

- c. Location and floor area of existing and proposed structures and other at-grade and above grade improvements, easements and rights-of-way, and density per gross and net acre (for residential developments).
  - d. Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development.
  - e. Landscape plan drawn to scale showing location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and design of landscaped areas, varieties and sizes of trees and plant materials to be planted, other landscape features including walls and fences, and irrigation systems proposed to maintain plant materials.
  - f. Detailed utilities plan indicating how sanitary sewer, storm sewer, drainage, water systems, and street lighting will function.
  - g. Detailed plan showing street, driveway, parking area, service area, loading area, pedestrian way, and bikeway improvements and their materials and dimensions.
  - h. Location and dimensions of all areas proposed to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas, and a description of the entity receiving a dedication for public use (City, County, homeowners association, special district, etc.). If a homeowners association is receiving the dedication, then articles of incorporation must be included.
2. Narrative Requirements. In addition to the narrative requirements specified in Section 10.9.050.040: Conceptual Development, the detailed development plan shall include:
- a. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of off-street parking spaces to be provided (in ratio to gross floor area or number of units).
  - b. Detailed statement outlining timing, responsibilities, and performance guarantees for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance.
  - c. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.
3. Tentative Plat. If a planned development is intended to be subdivided, a tentative plat may also be submitted per the provisions of Section 10.9.040.030: Subdivision Applications to permit simultaneous review.
- B. Acceptance of Completed Applications. After applications for detailed development plans are accepted as complete, per the provisions of Section 10.3.010.040: Applications, any revisions shall be regarded as a new application, requiring additional filing fees and reprocessing as a new quasi-judicial action, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.
- C. Review Criteria for Determining Compliance with Conceptual Development Plan. Requests for approval of a detailed development plan shall be reviewed to determine substantial compliance

with the approved conceptual development plan. A detailed development plan is in substantial compliance with the conceptual development plan provided it is consistent with the review criteria in Section 10.9.050.050: Conceptual Development Plan Review, and does not involve changes to any of the following factors that constitute a major modification in the planned development:

1. Land use.
  2. Increase in dwelling unit density.
  3. Ratio of number of different types of dwelling units.
  4. Type of commercial structures.
  5. Street and utility systems impacts, such as the type and location of accessways and parking areas where off-site traffic would be affected.
  6. Increase in the floor area proposed for nonresidential use by more than 10% from what was previously specified.
  7. Reduction of more than 10% of the area reserved for common open space and/or usable open space from what was previously specified.
  8. Increase in the total ground area proposed to be covered by structures by more than 5% from what was previously specified.
  9. Reduction of specific setback requirements by more than 25% where previously specified.
  10. Reduction of project amenities provided such as recreational facilities, screening, and/or landscaping provisions by more than 10% from what was previously specified.
  11. Any other modification to specific requirements established at the time of conceptual development plan approval.
- D. Scope of Review. Where a conceptual development plan was previously approved, the Hearings Officer shall limit its review of the detailed development plan to those aspects of the development not previously reviewed.
- E. Major Modification(s) to Detailed Development Plan.
1. An applicant may petition for review of previously approved plans for purposes of modifying a planned development, stating reasons for the change.
  2. Where the Director determines that the proposed change is a major modification from one or more of the review criteria listed above in Section 10.9.050.060(C), the revised application shall be considered a new application, and processed as a new quasi-judicial action, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.
- F. Minor Modification(s) to Detailed Development Plan. A modification within the description of a major modification but which, in the Director's judgment, involves a change which does not alter the scope or character of the proposed project shall be considered a minor modification and may be approved, conditionally approved, or denied by the Director. Notice of the minor modification(s) shall be provided to all parties of record, and affected utilities and service providers. Notice is not required when a modification is determined by the Director to reduce the project's negative effects or to have no effect on the surrounding area. For example, a proposed reduction in density or increase in percentage of open space may be approved by the Director without mailing notice.

G. Appeals. In addition to the requirements specified in Section 10.3.020.080: Appeal Procedures, an appeal of a detailed development plan subsequent to conceptual development plan approval shall only be heard for those items specifically addressed by the Hearings Officer for the detailed development plan.

H. Period of Approval and Extension.

1. Approval of a detailed development plan shall be valid for a 3-year period from the date of approval. If the applicant has not begun construction within this time frame, all approvals shall expire. The Director may grant a one-time extension not to exceed 2 additional years if, in his or her opinion, conditions related to the project and surrounding area have not changed
2. A detailed development plan may be implemented in phases. All phasing shall occur within the time limits established in paragraph 1 above. Each phase shall require an adequate performance guarantee for public improvements per the provisions of Section 10.9.040.060(I): Performance Guarantee.

(Ord. 23-1395)

#### **10.9.050.090. Planned Development Nullification.**

- A. Application to Nullify. Property owner(s) or their authorized agents may apply to nullify an approved planned development by filing an application form provided by the Director. The Hearings Officer shall review the nullification application at a public hearing. Hearing notice and notice of decision shall be made per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.
- B. Burden of Proof. The burden of proof is placed on the applicant to justify nullification of the planned development designation, giving substantial evidence that:
  1. Developing the property under conventional district standards and regulations will not create nonconforming development.
  2. Special circumstances such as building relationships, drainage ways, public improvements, topography, and so forth that were to be responded to specifically through the planned development process can be dealt with as effectively with conventional standards.
  3. Conditions attached to the approved planned development by the Hearings Officer can be met or are no longer necessary.
  4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

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### **Chapter 10.10 Improvements Required with Development**

#### **10.10.060. Street Requirements.**

J. Location, Grades, Alignment and Widths. Location, grades, alignment, and widths for all public

streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely affected, and requests for exceptions are adequately justified and prepared and sealed by a licensed professional engineer. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in The Dalles Transportation Master Plan and/or provide for continuation of the existing street pattern or network in the surrounding area.
2. Grades shall not exceed 6% on arterial streets, 10% on collector streets, and 12% on local streets.
3. Centerline radii of curves shall not be less than 500 feet on arterial streets, 300 feet on collector streets, and 80 feet on local streets.
4. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
  - a. Alignment shall be as straight, and gradients as flat as practical. Substantial grade changes shall be avoided at intersections. Where conditions make the grade requirements in paragraphs b and c below cost prohibitive, the City Engineer may allow grades up to 6% with a corresponding adjustment in related design factors. Requests for such exceptions shall be accompanied by a justification prepared and sealed by a licensed professional engineer.
  - b. The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 2% in this area.
  - c. The intersection of a local street with another street shall have a minimum of 50 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 3% in this area.
  - d. Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum angle of 60 degrees and a corner radius of 20 feet along the right-of-way lines of the acute angle.
  - e. Intersections with arterial streets and established truck routes shall have a minimum curb corner radius of 20 ft.
  - f. All other intersections shall have a minimum curb corner radius of 15 feet.
5. Street right-of-way and improvement shall conform to the widths and standards in Table 6-1 of the Transportation System Plan (below), or as modified in paragraph 6 below. Streets designated in the Transportation System Plan as local and located in residential zones shall meet development standards as established by City Council resolution. A copy of the latest resolution can be obtained from the Planning Department.
6. Modification of right-of-way standards.
  - a. When new right-of-way is created adjacent to existing right-of-way that does not match

City standards, the City Engineer may modify the standard widths for safety purposes and to achieve the greatest consistency feasible. Primary goals are for safety of pedestrians and vehicles, connectivity, and smooth flow of traffic.

- b. In lieu of right-of-way standards set out in paragraph 5 above, when development occurs on a lot adjacent to existing right-of-way that does not have a full range of public improvements, the City Engineer in conjunction with the Community Development Director may:
  - i. Require the installation of public improvements as contained in paragraph 5 above; or
  - ii. Require payment into the improvement fund for missing improvements; or
  - iii. Allow a combination of paragraphs i and ii above; or
  - iv. Allow an alternative street design that meets the needs for pedestrian and vehicular safety. In selecting an alternate design the City Engineer may consider existing improvements, improvements on adjacent properties, topography, current and future street usage, cost, and other relevant factors.
- K. Transportation Improvements Permitted Outright. Except where otherwise specifically regulated by this Title, the following improvements are permitted outright:
  - 1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
  - 2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
  - 3. Projects that are consistent with projects identified and planned for in the Transportation System Plan.
  - 4. Landscaping as part of a transportation facility.
  - 5. Emergency measures necessary for the safety and protection of property.
  - 6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.
  - 7. Construction of a street or road as part of an approved subdivision or land partition consistent with the applicable land division ordinance.

	Arterial/State	Major Collector	Minor Collector	Local Street
Number of Vehicle Lanes	3	2	2	2
Lane Width	12	12'	12'	8'
	Note: On freight routes, lanes should be 14' wide or include a 2' striped buffer between the travel lane and the bicycle lane.			
Center Turn Lane Width	14'	N/A	N/A	N/A
Landscape Buffer Width	5'	5'	5'	4'
Shoulder, Bike Lane, and/or On-Street Parking Width	6' Bike Lane	6' Bike Lane	6' Bike Lane.	8' On-Street Parking
	Note: Provide a buffer between the travel lane and bike lane whenever possible.	Note: Replace the bicycle lane with 8' parking lane when adjacent to residential properties with primary access to the Major Collector. Consider curb bulb-outs at intersection corners with on-street parking areas to improve pedestrian visibility, and reduce roadway crossing widths.	Note: Exceptions are allowed to replace the bicycle lane with 8' on-street parking lane when adjacent to residential properties with primary access to Minor Collector	Note: The removal of the on-street parking lanes is allowed in industrial zones to accommodate two 16-foot travel lanes for heavy vehicles.
Shoulder Surface	Paved	Paved	Paved	Paved
Pavement Width	50'	36'	36'	32'
Minimum Sidewalk Width	5'	5'	5'	5'
	Note: 6' on State highways.		Note: Consider curb bulb-outs at intersection corners where on-street parking to improve pedestrian visibility, and	Note: Consider curb bulb-outs at intersection corners to define parking areas, improve pedestrian visibility, and reduce roadway crossing widths,

			reduce roadway crossing widths.	except in industrial areas.
Surface Type	Paved	Paved	Paved	Paved
Minimum ROW Width	90'	60'	60'	50'
Additional Notes	Provide on-street parking on the West side of 6th Street.	All major collectors, except for Webber Street and River Road are identified as Residential Network Streets and have specified cross-sectional standards.		
	Roadways that may require deviation from this standard are limited to US 30 and 2nd and 3rd Streets within the downtown couplet.	Widening for turn lanes at major intersections with other collector and arterial facilities should have a minimum of 12' lane width.		

Note: All streets in this matrix will be striped.

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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 Hearings Officer 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 six feet in height. Evergreen hedge plantings shall be at least six feet in height at time of planting, and be maintained in a healthy, living condition.
  2. Perimeter Screening Adjacent to Public Streets. A six-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 six 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 one tree per five 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.

(Ord. 24-1405; Ord. 25-1414, 7/14/2025)

**10.12.080. Revocation Process.**

The Director may institute a proceeding before the Hearings Officer to revoke an approved RV park when the Director has reasonable grounds to believe one or more of the following events have occurred or are occurring at the RV park:

- A. Failure to Meet Conditions. Any conditions of approval have not or are not being met.

- B. Failure to Build According to Plans. The project is not constructed in accordance with all approved plans.
- C. Erroneous Information. The City issued the permit on the basis of erroneous or misleading information or a material misrepresentation.

The Director shall submit a report to the City Attorney and request them to send a notice of violation pursuant to Chapter 10.15 - Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within the time period specified in the notice of violation, then revocation procedures may be stayed; otherwise, the Director may schedule a hearing before the Hearings Officer using the same notice requirements and process as the original RV park application.

(Ord. 24-1405)

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### **Chapter 10.13 Sign Regulations**

#### ***Article 13.010 General Provisions and Procedures***

##### **10.13.020.040. Permit Procedure.**

- A. Installer shall consult with the Director and where appropriate will be provided with a sign permit application.
- B. The completed application shall be submitted with the appropriate fee and drawings to indicate the dimension, location, and height of all existing and proposed signs for the subject business.
- C. Electric signs shall require notations to indicate capacity, power consumption, and shall bear U.L. approval labels. A permit for an electric sign will not be issued until an Oregon State Building Codes electrical permit is presented to the Director.
- D. The Director may require additional information, such as photographs, needed to determine whether the proposal meets the requirements of this section.
- E. The completed application shall include proof the installer is a licensed contractor with the State of Oregon Construction Contractor's Board.
- F. The Director will determine when the application is complete. The permit will be approved or denied within 15 days from the submittal date, unless referred to a Hearings Officer as herein provided. Variances and appeals will be processed as set forth in Section 10.13.070.100.
- G. When approved, a permit shall be issued by the Director with the name of the sign installer thereon. The sign installer shall retain the permit for inspection during construction.
- H. Sign applications shall expire 60 days after approval unless a sign permit has been issued. If signs are not installed within 60 days after issuance, the sign permit shall expire.

#### ***Article 13.030 Exempt, Temporary and Prohibited Signs***

##### **10.13.030.010. Exempt Signs.**

Unless determined by the Director to be a hazard to motorists, pedestrians, or property, the following signs are exempt from the permit process, but shall comply with the safe erection and maintenance standards of Article 13.060, and with all specified standards of this Chapter.

- A. ATM Sign. Unless otherwise allowed additional signage, each ATM shall be allowed 1 sign not to exceed 4 square feet.
- B. Benches with advertising thereon if approved by the Hearings Officer.
- C. Building directory signs are permitted in shopping centers and multi-tenant buildings.
- D. Christmas or seasonal decorations as customarily used.
- E. Construction signs of 32 square feet for nonresidential construction, and 16 square feet for nonresidential construction, and 16 square feet for residential construction, during construction from the time a building permit is issued to completion.
- F. Community interests may be identified by the City on a temporary or permanent basis. Such signs may promote, but are not limited to, the promotion of: community events, public parks, and points of interest that serve a substantial public purpose.
- G. Directional sign erected by public authority.
- H. Flags of the United States, State of Oregon, United States or State of Oregon Military Service, foreign countries, United Nations, or civic, fraternal, veterans, or charitable organizations.
- I. Garage/yard sale signs are allowed, 1 per calendar month to a premises, with a maximum of 3 square feet in area, and not to exceed 72 hours in duration.
- J. Historic landmark signs that are erected by the City or the owner of a historic building or placed in accordance with an official historic designation.
- K. House or building numbers limited to 6 inches in height for dwellings of 4 or less families and 1 foot in height for other buildings.
- L. Historic murals and murals not containing words or logos.
- M. Name signs denoting the name of the owner or occupant, limited to 2 square feet in sign area.
- N. Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum height of 4 feet and a sign area of 8 square feet, and prohibited in residential zones. Up to one quarter of the maximum of 8 square feet may be a logo or company name.
- O. Official sign, traffic sign, or traffic signal, including, but not limited to, a sign identifying a public building or use or erected by a public officer performing an official duty under law, court, or administrative officer.
- P. Permanent building identification limited to 24 square feet in a sign area and prohibited in residential zones.
- Q. Permanent political, ideological, religious signs which convey a message but which do not advertise a product or service for sale; provided such signs shall be subject to all sections and regulations concerning size, placement, materials, and the type and soundness of supporting structure.
- R. Signs located inside a building, unless such sign is prohibited under Section 10.13.030.030.
- S. Street banners approved by the City Manager advertising a public entertainment or event and conditioned upon safe erection and maintenance and such conditions as the City Manager may attach, including, but not limited to, insurance and bonding.

- T. For Sale Signs. A temporary "For Sale" sign not exceeding 6 square feet in area with a maximum height of 4 feet may be erected upon private residential property; provided that it advertises the sale, lease, or rental of the property upon which it is erected. One additional "For Sale" or "Open House" sign limited to the same size. On commercial property one "For Sale" sign not exceeding 32 square feet may be erected upon the property for sale.
- U. Political campaign signs shall be erected only on private property. Signs shall comply with the vision clearance provisions in Article 6.100. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Signs shall be removed not later than the fifth day following the election.
- V. Subdivision Signs. A temporary subdivision sign may be erected upon a tract of land designated as a subdivision advertising sale of the tract or lots in the tract. Such signs are only allowed for up to 5 years after approval of subdivision. Allow 32 square foot maximum for subdivision signs.
- W. Warning sign erected to warn the public of a danger on, or limiting access to, public and private property, limited to a maximum width dimension of 2 feet, a maximum sign area of 4 square feet, and maximum height of 6 feet.
- X. Tourist Oriented Destination (TOD) Signs. It is the purpose of this Chapter to allow signs for TODs not readily visible from public roads under the following set of criteria:
  1. Signs generally will be allowed at intersections only.
  2. Businesses must have permanent restroom facilities, a business telephone, drinking water, and adequate on-site parking.
  3. If the business is not open during normal business hours, the sign must indicate the hours it is open.
  4. Except as provided for in paragraph 3 above, only the business name, a directional arrow, and the distance to the site is allowed on the sign.
  5. If the business is seasonal, the sign may be covered during the off season.
  6. The number of signs is limited to the minimum necessary to adequately direct visitors similar to ODOT regulations.
  7. An application with fee is required.
  8. The business will be responsible for costs of installation, maintenance, and sign replacement, plus an annual fee.
  9. If businesses need multi-jurisdictional approvals for adequate signage, City approval is contingent on all approvals being granted.
  10. The sign may be up to 3 feet by 3 feet in size, and the design will be similar to that allowed by Wasco County for similar purposes.
- Y. One 20 square foot name sign in the CFO zone.
- Z. Window signs.
- AA. Ghost signs.

## **Article 13.070 *Inspection, Enforcement, and Variances***

### **10.13.070.060. Variances and Appeals.**

- A. The Hearings Officer of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the Director.
- B. The Hearings Officer shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to this Title.
- C. Except in the case of unsafe signs, no action shall be taken by the Director under this Chapter pending an appeal or variance request to the Hearings Officer and during any further appeal to the City Council.
- D. Appeals. Any person aggrieved by a determination of the Director may appeal to the Hearings Officer. Upon appeal, the Hearings Officer may affirm, reverse, or modify the Director's determination, which modification could include a determination of the suitability of alternative materials or methods of construction.
- E. In exercising its appeal or variance authority, the Hearings Officer may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 10.13.010.010 of this Title.

## **Article 13.080 *Special Provisions***

### **10.13.080.010. Districts of Special Control.**

The Hearings Officer shall have the authority to establish districts which must be at least one city block in length (or the equivalent thereof) that would allow for variance of sign sizes, types, heights, etc. when:

- A. The area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic, or historic area; or
- B. A group of commercial activities in an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the Hearings Officer. After approval by the Hearings Officer is received, the plan will be forwarded to the City Council to either: (1) by section designate the district as one of the special control; (2) return the petition to the Hearings Officer for correction or further study; or (3) reject the plan.
- C. Once approved, the plan shall govern sign design, location, number, and size within the special district. However, all other provisions of this Chapter, including, but not limited to, permitting, safety, inspection, and enforcement, shall have full force and effect.

**EXHIBIT C**  
Proposed Amendments  
Comprehensive Plan Amendment 57-25

**Part II Goals**

***Goal #2 Land Use Planning***

**2-8. Goal 2 Policies**

1. Assure that policies in this Plan are implemented.
2. Establish Plan review and revision procedures which include provisions for participation by citizens and affected governments and special districts.
3. Assure an adequate factual base for decisions and actions.
4. Formally review the Comprehensive Plan, and revise as necessary, according to the schedule for periodic review established by LCDC, or as determined by the City.
5. Evaluate proposed Comprehensive Plan amendments according to the following criteria:
  - a. Compliance with the Statewide land use goals and related administrative rules is demonstrated.
  - b. Conformance with the Comprehensive Plan goals, policies and implementation measures is demonstrated.
  - c. The change will not adversely affect the health, safety and welfare of the community.
  - d. Adequate public facilities, services and transportation networks are in place, or are planned to be provided with the proposed change.
  - e. Plan changes should be consistent with the current vision statement and action plan.
6. Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.
7. The Community Development Director shall have authority to elevate any administrative review request to the Hearings Officer for review and decision.
8. Implementing ordinances shall be consistent with this Plan.

***Goal #5 Open Spaces, Scenic and Historic Areas, and Natural Resources***

**5-6. Goal 5 Implementing Measures**

- A program of methods and incentives shall be prepared to preserve open spaces. For example, this program could include Planned Unit Developments (PUDs) and the "transfer of development rights."
- Establish adequate building setbacks from the Columbia River to assure construction of a multipurpose trail within a scenic open space corridor.
- The building setback shall apply to all development except for river-dependent, river-related, or trail-enhancing uses and structures.

- River-dependent uses are those which can be carried out only on, in, or adjacent to, a river because they require access to the river for waterborne transportation or recreation. River-dependent also includes development which by its nature can be built only on, in, or over a river.
- River-related uses are those which are not directly dependent upon access to a water body but which provide goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.
- Trail-enhancing uses may be granted a variance to the established setback, but to no less than 20 feet. Such variance will only be considered where it is demonstrated that the use is complementary to the trail and where significant improvements such as benches, landscaping, trail construction or interpretive signing is provided. It must also be shown that the variance will not hinder trail construction or safety.
- The riverfront building setback shall be established based on trail construction, safety, and aesthetic requirements. Property lines along the usable top of the river bank shall be denoted by the developer to ensure a usable setback area for establishment of the trail corridor. Where a property line is shown to be beyond the usable portion of land and falls along the steep bank, additional setback area may be required.
- Prepare development and landscape standards for areas of significant environmental concern.
- The City shall maintain an inventory and map related to these sites which delineate their boundaries and other data pertinent to the values of the identified areas.
- Review development proposals to minimize impacts on the "value factors" described in #9 below. Procedures shall be designed to mitigate any lost values to the greatest extent possible.
- Keep the local historic inventory current.
- Adopt design standards for use by the Hearings Officer and the Historical Landmark Commission to ensure that appropriate infill takes place in historic districts.
- Promote incentives, such as appropriate building code exemptions, to encourage historic preservation efforts throughout the community.
- Demonstrate the City's willingness to support the historical integrity of the community by applying for historical grants to study, maintain and enhance the community's history.
- Maintain the Certified Local Government Program as granted to the City by the State Historic Preservation Office and National Parks Service in 1992.
- Designate and map additional areas of significant environmental concern, areas having special public value (value factors) in terms of one or more of the following:
  - Economic value, e.g., a tourist attraction, agricultural business, job retention;
  - Recreation value, e.g., rivers, lakes, trails, wetlands, play fields;
  - Historic value, e.g., monuments, buildings, sites or landmarks;
  - Public safety, e.g., municipal water supply storage or watersheds, flood water

storage areas, vegetation necessary to stabilize river and creek banks and slopes;

- Scenic value, e.g., areas valued for their aesthetic appearance, and progression of building height to prevent visual obstruction (stepped building heights);
- Natural area value, e.g., areas valued for their fragile character or as for specific natural features;
- Archeological value, e.g., areas valued for their historical, scientific and cultural value.
- Develop a viewshed inventory and appropriate standards (i.e., building height limits) to ensure that significant scenic vistas are maintained for future generations. Promote the preservation of scenic vistas significant to residents of The Dalles.
- The City shall maintain, and update when necessary, landscape standards directed toward industrial, commercial and residential developments with provisions assuring that consideration is given to conservation aspects of proposed landscaping, including the alternatives of "wet" and "dry" landscaping.

### ***Goal #11 Public Facilities and Services***

#### **11-5. 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 Hearings Officer.
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.

(Amended by Ord. 25-1414)

### ***Goal #14 Urbanization***

#### **14-4. Goal 14 Policies**

1. Adopt as part of this Plan the Urban Growth Boundary shown on the Land Use Plan map.
2. Conduct a review of the Urban Growth Boundary at least every two years. This review shall include analysis of the following factors, and others as appropriate.
  - a. Determine the amount of buildable land which will be serviced in the near future within the Urban Growth Boundary.
  - b. Estimate of the average acreage in the serviced and non-serviced categories that was available on the market in the past year.
  - c. Review of the impact of the Urban Growth Boundary on land costs by comparing land values inside of and outside of the Urban Growth Boundary.
  - d. Evaluation of any major population increases or shifts which may affect Urban Growth Boundary location.
  - e. Review the factors in LCDC Goal #14 to assure continued compliance.
3. Recommend Urban Growth Boundary changes based on the above factors, and others, as appropriate.
4. Update and adopt an Urban Growth Management Agreement with Wasco County. The agreement shall outline how land within the UGB will be managed and who will administer land use and other decisions. The City will develop plan and zoning designations which will be adopted by Wasco County.
5. Changes to the Urban Growth Boundary shall be consistent with Statewide Planning Goal 14 (Urbanization), the Goal 14 Administrative Rule (OAR Chapter 660, Division 24), and the NSAA.
6. Encourage the orderly annexation of land within the Urban Growth Boundary to the City of The Dalles.
7. Adequate public utilities shall be planned or provided for, per local and State statutes, to service an area when annexation is considered. This includes, but is not limited to, storm sewers, sanitary sewer and water service.
8. Public facilities such as roads, water, sewer, and storm sewer will be required for development of the area in question and shall be subject to review prior to annexation and shall comply with The Dalles Transportation Systems Plan (TSP), Water Master Plan, Sewer Master Plan, and Storm Water Master Plan.
9. Upon annexation an official plat of the parcel(s) in question shall be filed if such document does not exist. Any plat shall be subject to review by the Planning Director, Hearings Officer and the City Council as set forth in the Subdivision Ordinance.
10. Conversion of urbanizable land to urban uses shall only occur upon demonstration that

public facilities and services will be provided in an orderly and economic manner through the City annexation process.

11. Zoning of newly annexed areas shall comply with the Comprehensive Plan Land Use Map and Development Guidelines.
12. Property owners developing land adjacent to the UGB should anticipate potential nuisance conditions resulting from accepted farm practices conducted outside the UGB. Nuisance complaints against farm uses outside the UGB will not be pursued by the City.
13. The Dalles will prepare public facilities and transportation plans for the UGB and URA once these boundaries have been established.

### **Appendix B Guidelines for Land Use Plan Map Classifications**

#### **B-3. Employment Designations**

The Dalles Comprehensive Land Use Plan includes five employment plan designations:

- Commercial
- Recreation Commercial
- Industrial
- Commercial/Light Industrial
- Central Business Commercial

In addition to complying with the Goal 9 element of this Plan, the following criteria shall be applied to applications for comprehensive plan amendments and zone changes.

Purpose: To provide for a wide range of retail, wholesale, and service businesses to serve the needs of the marketing region in locations compatible with the best interests of the community.

Standards:

- Paved, off-street parking areas shall be required of all business commensurate with the use generated by the business (exception may be made for the Central Business District — First Street on the North, a line running parallel with and 100 feet South of the south line of Fourth Street, Liberty Street on the West, and Madison Street on the East).
- Landscaping shall be required for all new constructions or major remodeling of existing buildings subject to review by the Hearings Officer.
- Utilities shall be buried or screened.
- Advertising signs shall be regulated in accordance with City Ordinance.

#### **Industrial**

Purpose: To establish and protect areas which provide for a variety of heavy commercial and light industrial uses which meet the public demand, fit into the pattern of development in the community. Such uses will provide for employment, a strong and diversified economic base, and an expanded taxing base in the Urban Area.

Policies: Policies and Implementing Measures regarding Industrial Areas are included in

the Goal 9 element of this Plan.

Standards:

- New residential and large-scale retail development shall be prohibited.
- Commercial uses shall support primary industrial uses identified in the EOA.
- Uses shall be of a relatively non-polluting nature.
- All Federal and State health and safety standards shall be met.
- All Planned Developments or Industrial Parks shall conform to City Ordinance addressing the same.
- Site Plan Review shall be conducted by the Hearings Officer.
- All uses should be designed to be compatible with maintenance of the community's quality of life with a minimum of conflict between industry and other land uses.
- Large sites shall be retained to meet site requirements of targeted employment, as identified in the Economic Opportunities Analysis (EOA).

## EXHIBIT D

### Proposed Amendments, *Draft Edits* Zoning Ordinance Amendment 111-25

#### **Chapter 10.1 General Provisions**

##### **10.1.090. Interpretation.**

- A. The provisions of this Title shall be liberally construed to effect its purpose. These provisions are declared to be the minimum requirements to fulfill the stated objectives in Section 10.1.020 above. When the requirements herein imposed are less restrictive than any other comparable requirements imposed by this Title, State or Federal Laws, or State or Federal Administrative Regulations, then the more restrictive shall govern.
- B. Where the code language is ambiguous or unclear the Director is authorized to interpret the code. Requests for interpretation shall be submitted in writing on a form provided by the City. The Director shall make a written determination and mail or deliver a copy to the party requesting the interpretation. Appeals [of the Director's written interpretation](#) shall be heard by the ~~Commission~~[Hearings Officer](#) according to the provisions of Section [10.3.020.080. Appeals of the Hearings Officer's decision on a Director's interpretation shall be heard by the City Council under Section 10.3.020.080.](#)

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#### **Chapter 10.2 Definitions**

##### **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 one 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.

[Affordable Housing. Residential property that meets the definition of “affordable housing” in ORS 197A.445 \(and any successor statute\). Affordable housing includes housing developed or converted pursuant to ORS 197A.445 and 197A.460 and any state law authorizing height, density, or other regulatory incentives for affordable housing.](#)

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 [Gorge](#) 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 Title or a request for a variance. Subject to Section 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 Hearings Officer](#), in the case of ~~Commission~~ quasi-judicial hearings and decisions [and administrative appeals](#); 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 one percent or greater annual chance of flooding (characterized by ponding or sheet flow) to an average depth of one to three 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 one 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.

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

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, other than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of board, care~~ family child care home, that is certified under ORS 329A.280 and provides care, supervision, or training to children apart from their parents or guardians for compensation or reward ~~in accordance with ORS 657A. (Note: For in-home family day care see, "Family child care home" and related terms have the meanings given in ORS 329A.250 and 329A.440 (and any successor statutes). Child care centers may include day nurseries, nursery schools, and similar facilities, but do not include programs that state law excludes from the definition for "Family Day Care.")~~ of a child care facility under ORS 329A.250(5).

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 four 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."~~ ["Center" and "Family Day Care."](#)

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

Density. The number of dwelling units per acre.

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

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

Development. Making a material change in the use or appearance of a structure (internal and external) or land, creation of three or more units of land on a single parcel or adjoining pieces of property in a calendar year, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development. Development includes 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.

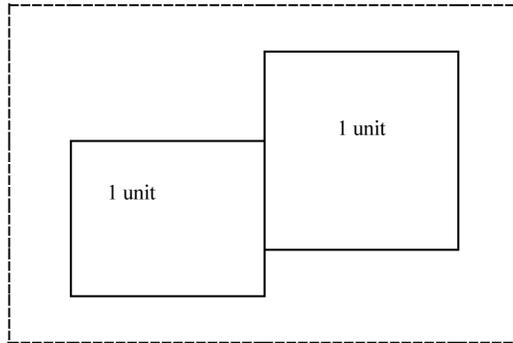
Discontinued Use. Unless otherwise clearly specified in this Title, "discontinued use" shall mean non-use and shall not require a determination of the voluntary or involuntary non-use or intent to resume use.

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

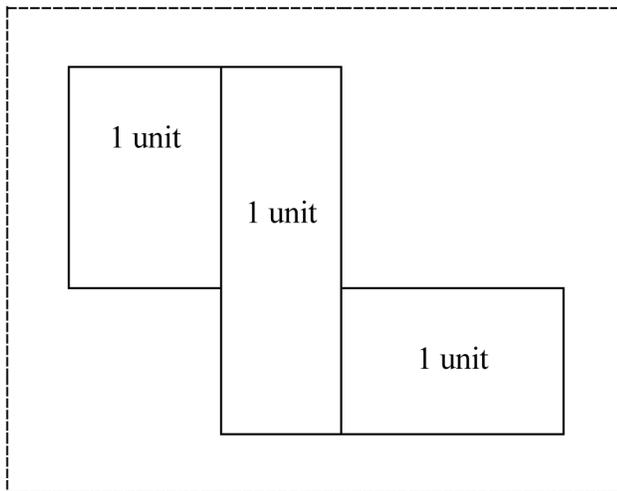
Dwelling, Cottage Cluster. A detached dwelling unit in a development with 4 or more detached dwelling units, developed under a unified site plan that is approved pursuant to Article 3.086 Cottage Cluster Development.

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

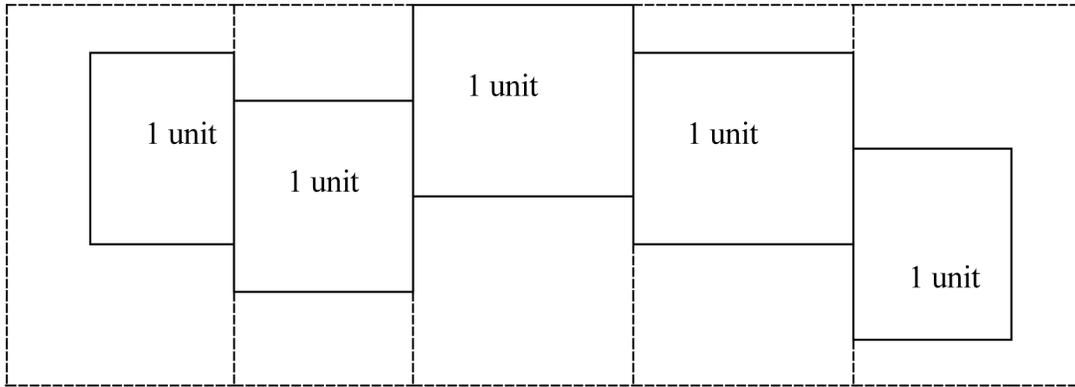
(detached). For purposes of calculating minimum density, duplexes are counted as two dwelling units; for purposes of calculating maximum density, duplexes are counted as one dwelling unit.



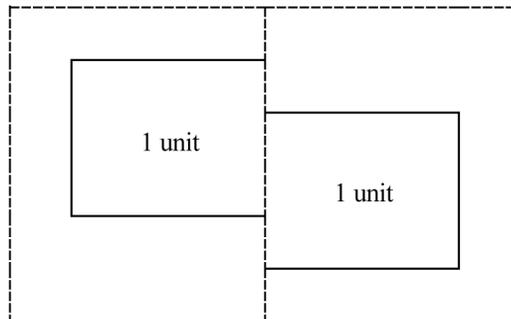
Dwelling, Multifamily. A structure or development containing at least three dwelling units in any vertical or horizontal arrangement, located on a single lot. See also, Cottage Cluster Development.



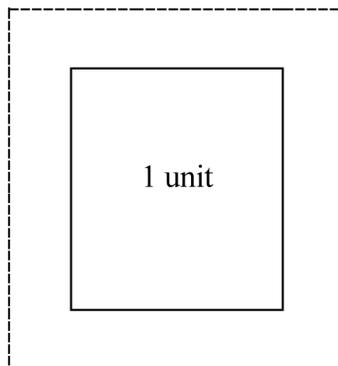
Dwelling, Single Attached (Townhouse). More than two dwelling units, each located on its own lot, placed side by side, and sharing some structural parts at a common property line.



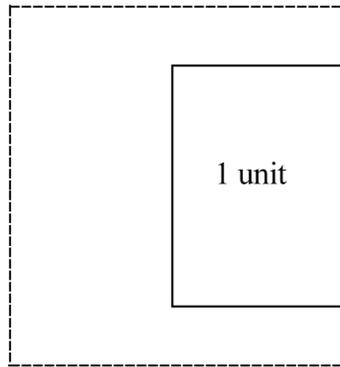
Dwelling, Single Attached (Zero Lot Line). Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.



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 two or more persons related by blood, adoption or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this 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,"~~ Also "family child care home." Care of ~~12 or fewer~~ not more than 16 children ~~either full or part time~~, including resident family members, provided either full-time or part-time in the provider's dwelling and permitted as an accessory use to that dwelling. A Family Day Care Home must be certified under ORS 329A.280 or registered under ORS 329A.330, as applicable. Consistent with ORS 329A.440 (and any successor statute), Family Day Care Homes are considered a residential use. ~~"Family day care" is subject to the normal requirements of the property for zoning purposes, are a permitted use in all areas zoned for residential zone. "Family day care" is or commercial purposes (including areas zoned for single-family dwellings), and are not subject to the definition or standards of "a "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 Local Decision. The City's final decision ~~made by the approving authority approving, approving with conditions, or denying an application for a ministerial, administrative, quasi-judicial, or legislative action~~ after exhaustion of local appeals, as ~~specified~~ defined in ~~this Title.~~ ORS 197.015 and subject to ORS 197.830.

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

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."

Flood or Flooding.

1. 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 subsection (1)(b) 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.
2. 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 subsection (1)(a) of this definition.

Floodplain. See "Floodway."

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

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.

Floodplain Storage Capacity. The volume of floodwater that an area of floodplain can hold during the one- percent annual chance flood.

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

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.

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.

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.

[Hearings Officer. A neutral decision-maker appointed by the City Council to conduct land use hearings and issue decisions on applications as authorized by this Title. If, for any reason, no such decision-maker is then available to act on a matter, 'Hearings Officer' means the Planning Commission for that matter. See ORS 227.165.](#)

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:

1. 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;
2. 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;
3. 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
4. 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 four 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.

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

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

[Kitchen/Cooking Facility. A space within a structure designed or equipped to prepare food. A space contains kitchen facilities if it includes three or more of the following: \(1\) cooking appliances or connections for ovens, stoves, grills, hot plates, or induction units, including gas or 240-volt \(including legacy 220-volt\) service; \(2\) a sink other than a bathroom lavatory with an opening greater than 16 inches in length or width; \(3\) built-in cabinetry or countertops exceeding six linear feet; \(4\) a refrigerator or refrigerator space exceeding five cubic feet in capacity, or wiring/space capable of accommodating such; or \(5\) mechanical exhaust hood or dedicated ventilation capable of serving a cooking appliance. Wet bars, laundry rooms, garages, workshops, and outdoor cooking areas open on at least two sides are not kitchen facilities. For this definition, a wet bar has a sink under 16 inches, a refrigerator five cubic feet or less, no cooking appliance or ventilation, and no 240-volt \(including legacy 220-volt\) or gas connection.](#)

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

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

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

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

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 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 Width. The distance between the midpoints of the side lot lines.

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

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.

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.** 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.** 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 subsection 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~~[475C.833](#) to ~~475.346, as now constituted,~~[475C.853](#) and [OAR 333-008](#) 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 [Processing Site. A site registered by the Oregon Health Authority under ORS 475C.815.](#)

[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 three or fewer conforming lots within a calendar year.

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

Mobile Home Park. See "Manufactured Dwelling Park 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).

~~Non-Personal~~ Medical Marijuana Grow ~~Operation. Any grow site~~Site. A location registered ~~with~~by the Oregon Health Authority under ORS ~~475B.420 for the planting, cultivating, growing, trimming or harvesting~~475C.792 where marijuana, ~~or drying~~ is produced for use by a registry identification cardholder. See ORS 475C.792 and OAR 333-008.

Marijuana, OLCC license types. "Marijuana producer," "marijuana ~~leaves or flowers, but excluding a personal medical~~ processor," "marijuana ~~grow site~~wholesaler," and "marijuana retailer" have the meanings given in ORS 475C.009 and are licensed by the Oregon Liquor and Cannabis Commission under ORS 475C.065 (producer), ORS 475C.085 (processor), ORS 475C.093 (wholesaler), and ORS 475C.097 (retailer), and OAR 845-025.

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.

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.

OHA. The State of Oregon Health Authority.

OLCC. The State of Oregon Liquor and Cannabis Commission.

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

Person Responsible for a Marijuana Grow Site (PRMG). The person registered by the Oregon Health Authority for a medical marijuana grow site as provided in ORS 475C.792 and OAR 333-008-0010.

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 six 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 six 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~~ and Cannabis Commission ([OLCC](#)) [under ORS Chapter 475C or OAR 845-025](#).

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~~ [OLCC](#).

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~~ [OLCC](#).

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~~[OLCC](#).

Recreational Vehicle (RV). A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. 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 four or more additional lots or deletion of four or more lots.

Replat, Minor. The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in three 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 six to 15 individuals who need not be related-, [consistent with ORS 197.660](#). 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 ~~pat~~[residents](#) 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 five or fewer individuals who need not be related-, [consistent with ORS 197.660 and ORS 443.400](#). 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 six 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."

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

[Standard Industrial Classification \(SIC\). The federal Standard Industrial Classification system developed and maintained by the United States Office of Management and Budget, or any successor federal industry classification system \(such as the North American Industry Classification System\), as amended from time to time. References in this Title to an SIC code refer to the version of that classification system in effect when the application is deemed complete.](#)

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% 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% 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:

1. 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
2. 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 Title 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.

(Ord. 19-1373; Ord. 21-1384; Ord. 22-1388; Ord. 23-1395; Ord. 24-1405; Ord. 25-1414, 7/14/2025)

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## **Chapter 10.3 Application Review Procedures**

### ***Article 3.010 Application Procedures***

#### **10.3.010.040. Applications.**

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

- A. Acceptance. All applications shall be accepted by the Department during normal working hours, and date stamped on the day received in the Department office.
- B. Completeness. An application shall be considered complete when it contains the information required by this Title, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 10.1.120: Fees. Complete applications shall be signed and dated by the Director.
- C. Commission or Council Initiated Actions. The Council or Commission may initiate a ministerial, planning, or legislative action by a duly adopted motion which designates the appropriate City department to complete and file the application. The City Manager ~~may~~ shall waive application fees for City projects on City-owned property or in the public right-of-way without resolution or other approval of the City Council.
- D. Resubmittal of Applications. Applications which are denied, or denied on appeal, shall not be eligible for resubmittal for 1 year of date of denial, unless evidence is submitted which, in the opinion of the Director, demonstrates that conditions, the application, or the project design have changed to the extent that further consideration is warranted.
- E. Applications for Planning Actions. A planning action may be initiated by the Director, the Commission, the Council, or at the request of the applicant. ~~Two copies of~~ A complete application shall be submitted to the Department in order to initiate a planning action.
  1. Complete applications shall include:
    - a. The name and address of the applicant(s) and recorded land owner(s).
    - b. The County Assessor's property description—Township, range, section, and tax lot(s).
    - c. All of the information required by this Title for the specific action requested.

- d. An application form completely filled out and signed by one or more of the property owners for which the action is being requested.
  - 2. The Director shall review each application for completeness, notify the applicant of exactly what information is missing within 30 days of receipt of application, and allow the applicant to submit the missing information. The application shall be considered complete for processing when the Director receives the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the 31st day after the application was first received, in accordance with ORS 227.178(2), "Final action on certain applications required within 120 days."
  - 3. Once an application has been accepted as complete, any revisions to the application proposed by the applicant shall be regarded as a new application, restarting the procedure in paragraph 2 above. New applications which result from revisions or modifications to applications previously considered complete may require additional filing fees per the provisions of Section 10.1.120: Fees.
- F. Applications for Legislative Actions. A legislative action may be initiated by the Director, the Historic Landmarks Commission, the Planning Commission, the Council, or at the request of an applicant or resident of the City.
- 1. Complete applications shall include:
    - a. The name and address of the applicant(s), and, if applicable, the name and address of recorded land owner(s).
    - b. Where applicable, the County Tax Assessors property description—Township, range, section, tax lot(s).
    - c. A brief description of any applicable Comprehensive Plan policies, Statewide Planning Goals, Oregon Administrative Rules and Oregon Revised Statutes.
    - d. Other information as specifically required by this Title.
    - e. Signature of applicant(s), and where applicable, signature of recorded land owner(s) or their authorized agent.
  - 2. The provisions concerning application completeness in paragraphs (E)(2) and (E)(3) of this section shall apply. [Legislative actions are processed under Section 10.3.020.060, including public hearings under Section 10.3.020.070 and appeals under Section 10.3.020.080.](#)
- G. Plans by Professionals Required. Unless waived by the Director, applications for [multifamily, mixed-use, and nonresidential structures developments](#) shall include a site plan drawn by an architect, surveyor, engineer, or other professional person licensed by the State of Oregon to prepare plans. (Ord. 23-1400)

### **Article 3.020 Review Procedures**

#### **10.3.020.020. ~~Procedure~~ [Procedures and Decision](#) Types.**

- A. Ministerial Actions. The Director shall have the authority to review and approve or deny ministerial actions. Ministerial actions are not land use decisions or limited land use decisions as defined by ORS197.015(12), ~~(10)~~, ~~"Definitions for ORS chapters 195, 196~~

~~and 197."~~) and (10). Ministerial actions do not require public notice, public hearing, or decision notice. Ministerial actions are final decisions at the local level.

B. Planning Land Use Actions. Administrative actions and quasi-judicial actions are both planning actions. Planning actions may be appealed per the provisions of Section 10.3.020.080: Appeal Procedures.

1. Administrative Actions. The Director shall have the authority to review and approve, approve with conditions, or deny applications subject to processing as administrative actions. Decisions on administrative actions shall be based on the applicable clear and objective standards contained in this Title. The Director shall provide notice of application to ~~adjacent and nearby landowners, provide for the~~all affected persons, allow an opportunity for written comment prior to final decision, and provide notice of decision ~~notice~~ to applicant and all parties of record ~~per the provisions of, in accordance with~~ Section 10.3.020.040: Administrative Actions; and ~~in accordance with~~ ORS 197.195, "Limited land use decisions; procedures."

2. Quasi-Judicial Actions. The ~~Commission and Council shall each have~~Hearings Officer has the authority to review and approve, approve with conditions, or deny applications subject to processing as quasi-judicial planning actions after public hearing under Section 10.3.020.070. City Council hears appeals on the record under Section 10.3.020.080. All quasi-judicial actions shall be reviewed through the public hearing process described in Section 10.3.020.070: Public Hearings, and in accordance with ORS 197.~~763, "Conduct of local quasi-judicial land use hearings; 797, including notice to affected persons and the procedural requirements; hearing procedures."~~specified therein.

C. Legislative Actions. Legislative actions are typically those which involve the implementation of land use policy, and include, but are not limited to, the decision types specified in Section 10.3.020.060: Legislative Actions. The Planning Commission, and where appropriate, the Historic Landmarks Commission, shall review all requests processed as legislative actions and make a recommendation to Council to approve, approve with conditions, or deny the request. The Council shall make a final decision per the provisions of Section 10.3.020.060: Legislative Actions. ~~Legislative actions may be appealed to the State Land Use Board of Appeals, subject to ORS 197.830, "Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation."~~Judicial review is as provided in Sections 10.3.020.060(H) and 10.3.020.080(J).

D. Expiration and Extension.

1. Expiration. Except for City building permits, which are ~~discussed~~addressed in Section 10.3.020.010, development must begin within one year of the notice of decision for the land use permit to remain valid, unless specific provisions for a different time period are provided for in other code sections. If development has not begun within the time period, expiration is automatic and no notice is required. Unless a more specific time limit is provided elsewhere in this Title, this section controls.

2. Extension. The Director may grant an extension for up to one year upon receipt of a request in writing. The request must be received in the Community Development Department one week prior to the expiration date. The provisions of LUDO Section

10.3.030.070(B) shall apply to all requests for extensions. If a more specific extension standard applies in a particular chapter, that specific standard controls.

#### 10.3.020.040. Administrative Actions.

- A. Option to Process as Quasi-Judicial Action. At the discretion of the Director, or ~~at the request the Commission, the applicant, or party(ies) of record who address legitimate criteria,~~ an administrative action may be processed as a quasi-judicial action, per the provisions of Section 10.3.020.050: Quasi- Judicial Actions.
- B. Decision Types. Administrative actions include, but are not limited to, the following: Site Plan Reviews; Administrative Adjustments; Home Business Permits; Minor Partitions; Subdivisions; Manufactured Dwelling Parks; Recreational Vehicle Parks; Cottage Cluster Developments; and other administrative permits expressly assigned to the Director by this Title.
- ~~C. Site Plan Review (Article 3.030).~~
- ~~D. Administrative Conditional Use Permit (Article 3.060).~~
- ~~E. Adjustments (Article 3.080).~~
- ~~F. Partition (Article 9.030).~~
- ~~G. Subdivisions (Article 9.040).~~
- ~~H. Manufactured Dwelling Parks (Chapter 10.11).~~
- ~~I. Extensions of time limits for approved planning actions.~~
- ~~J. Home Business Permits (Article 6.020).~~
- ~~K.~~ C. Notice of Application.

1. Within 10 days after receipt of a complete application for administrative action, notice of the request shall be mailed to:
  - a. The applicant and owners of record of property ~~within 100 feet of subject property. The list shall be compiled from on~~ the most recent property tax assessment ~~roll.~~ within 100 feet of subject property.
  - b. Any affected governmental agency, department, or public district within whose boundaries the subject property lies.
2. The notice provided by the Department shall:
  - a. Explain the nature of the application and the proposed use or uses which could be authorized.
  - b. Set forth the street address or other easily understood geographical reference to the subject property.
  - c. Provide a 14-day comment period, from the day notice mailed, for submission of written comments prior to the decision.
  - d. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an

opportunity to respond to the issue, precludes appeal to the ~~Commission~~Hearings Officer on that issue.

- e. List by commonly used citation the applicable criteria for the decision.
  - f. State the place, date, and time that comments are due.
  - g. State that a copy of the application, all documents and evidence submitted by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
  - h. Include the name and telephone number of the ~~Director~~Department to contact for additional information.
3. The failure of a property owner to receive notice as provided in this Article shall not invalidate such proceedings if the Department can show that such notice was given.

~~L.D.~~ Staff Report. Administrative decisions shall be signed by the Director, and based upon and accompanied by a staff report that includes:

1. An explanation of the criteria and standards considered relevant to the decision.
2. A statement of basic facts relied upon in rendering the decision.
3. Findings which explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.

~~M.E.~~ Final Decision. The approval, approval with conditions, or denial of an administrative action ~~shall be~~constitutes the City's final decision for administrative purposes, but may be appealed to the Hearings Officer in accordance with Section 10.3.020.080 Appeal Procedures.

~~N.F.~~ Notice of Decision. Decision notice shall be provided to the applicant, the Hearings Officer, the Commission, and any party of record. The decision notice shall include:

1. A brief summary of the decision and the decision making process.
2. An explanation of appeal rights and requirements.

~~O.G.~~ Effective Date of Decision. A final decision on administrative actions is effective on the date notice of the decision is mailed to the applicant and parties of record, unless appealed in accordance with Section 10.3.020.080 Appeal Procedures.

~~P.H.~~ Appeal. Administrative actions may be appealed to the ~~Commission~~Hearings Officer, per the provisions of Section 10.3.020.080: Appeal Procedures, ~~within 10 days of the effective date of decision. A Commission decision on appeal may be further appealed to the Council per the provisions of Section 10.3.020.080: Appeal Procedures, within 10 days of the effective date of the Commission's appeal decision.~~

(Ord. 19-1373; Ord. 23-1400)

### **10.3.020.050. Quasi-Judicial Actions.**

A. Decision Types. Quasi-judicial actions include, but are not limited to, the following:

- ~~1. Site Plan Review (Article 3.030).~~

~~2.1.~~ Conditional Use Permits (Article 3.050).

~~3.1.~~ Variances (Article 3.070).

~~4.2.~~ Nonconforming Uses (Article 3.090).

~~5.~~ Home Business Permits (Article 6.020).

~~6.3.~~ Subdivisions Planned Developments (Article 9.0450).

4. Quasi-Judicial Adjustments (Article 3.080).

5. Variances (Article 3.070).

~~7.6.~~ Zone Changes (Article 3.100).

~~8. Any public hearing of an administrative action at the request of the Commission, the Director, or the applicant, or parties of record raising legitimate criteria.~~

- B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.
- C. Public Hearings.
1. Hearings on applications for quasi-judicial actions shall be conducted per the procedures in Section 10.3.020.070: Public Hearings.
  2. Unless otherwise ordered by the hearings body, (i.e., the decision-maker authorized by this Title: Hearings Officer for quasi-judicial and the City Council on appeal), the Director shall take complete applications for quasi-judicial actions in the order in which they are filed.
  3. The hearings body shall hold at least one public hearing on a complete application.
  4. The burden of proof is placed on the applicant seeking a planning action.
  5. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.
  6. Prior to the public hearing the applicant is recommended, but not required, to conduct an outreach meeting with nearby residents and others who may be affected by the development.
- D. Notice of Hearing. At least ~~10~~20 days before the initial evidentiary hearing on a ~~scheduled~~ quasi-judicial public hearing action, notice of the hearing shall be mailed to:
1. The applicant and owners of record of property ~~within 300 feet of the subject property. The list shall be compiled from on~~ the most recent property tax assessment roll. within 300 feet of the subject property.
  2. Any affected governmental agency, department, or public district whose boundaries include the subject property.
  3. Any neighborhood or community organization recognized by the Department and whose boundaries include the subject property.
  4. The notice provided by the Department shall:

- a. Explain the nature of the application and the proposed use or uses which could be authorized.
  - b. Set forth the street address or other easily understood geographical reference to the subject property.
  - c. Written comments on the application may be submitted to the City at any time prior to the close of the public hearing. Comments submitted prior to issuance of the staff report are encouraged to allow staff adequate time to address them in the analysis. Oral and written testimony will also be accepted during the public hearing.
  - ~~e.~~d. State that failure to raise an issue in writing within the comment period, or at the public hearing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to LUBA on that issue.
  - ~~d.~~e. List by commonly used citation the applicable criteria for the decision.
  - ~~e.~~f. State the place, date, and time of the hearing.
  - ~~f.~~g. State that a copy of the application, all documents and evidence submitted by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
  - ~~g.~~h. State that a copy of the staff report will be available for inspection at no cost and will be provided at a reasonable cost at least 7 days prior to the hearing.
  - ~~h.~~i. Include the name and telephone number of the ~~Director~~Department to contact for additional information.
  - ~~i.~~j. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
5. The failure of a property owner to receive notice as provided in this Article shall not invalidate such proceedings if the Department can show that such notice was given.
- E. Decision on Quasi-Judicial Actions. The decision of the Hearings ~~body~~Officer shall be adopted by resolution, signed by the presiding officer, and based upon and accompanied by a brief statement that includes:
1. An explanation of the criteria and standards considered relevant to the decision.
  2. A statement of basic facts relied upon in rendering the decision.
  3. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards and basic facts set forth.
- F. Final Decision. The approval, approval with conditions, or denial of a quasi-judicial action ~~shall be~~constitutes the City's final decision for quasi-judicial purposes, but may be appealed to the City Council in accordance with Section 10.3.020.080, Appeal Procedures.
- G. Notice of Decision. Decision notice shall be mailed to the applicant and all participating parties within 5 working days of the date of the signed resolution. The decision notice shall include the following:

1. The date of decision.
2. A brief description of the action taken.
3. The place where, and time when decision may be reviewed.
4. An explanation of appeal rights and requirements.

H. Effective Date of Decision. A final decision on quasi-judicial actions is effective on the date notice of the decision is mailed to the applicant and parties of record, unless appealed in accordance with Section 10.3.020.080 Appeal Procedures.

~~I.~~—Appeal.

~~J.I. Commission decisions on~~ Quasi-judicial actions may be appealed to the City Council, per the provisions of Section 10.3.020.080: Appeal Procedures, ~~within 10 days of the date notice of decision is mailed to the applicant and all participating parties.~~

- ~~1. Council decisions on quasi-judicial actions may be appealed to LUBA subject to ORS 197.830, "Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation," within 21 days of the date notice of decision is mailed to the applicant and all participating parties. (Ord. 19-1373; Ord. 23-1400; Ord. 24-1405)~~

**10.3.020.060. Legislative Actions.**

A. Decision Types. Legislative actions include, but are not limited to, the following:

1. Annexations (Chapter 10.14).
2. Comprehensive Plan amendments.
3. Comprehensive Plan map amendments.
- ~~1.4.~~Zone Changes (Article 3.100).
- ~~2.~~5.Zoning Ordinance amendments (Article 3.110).
- ~~3. Comprehensive Plan map amendments.~~
- ~~4. Amendments to the Comprehensive Plan.~~
- ~~5.~~6.Urban Growth Boundary amendments.
- ~~6. Annexations.~~

B. Public Hearings.

1. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.
2. The Council shall hold a legislative hearing on applications for legislative actions within ~~30~~60 days of the date of the Planning Commission resolution, or, where appropriate, the Historic Landmarks Commission resolution, recommending approval, conditional approval, or denial of the request.

3. Legislative hearings shall be conducted per the procedures of Section 10.3.020.070: Public Hearings.
  4. Unless otherwise ordered by the Commission or Council, the Director shall take completed applications for legislative actions in the order in which they are filed.
  5. The burden of proof is placed on the applicant seeking a legislative action.
  6. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.
- C. Notice of Hearing. At least 10 days before the legislative hearings of the Historic Landmarks Commission, the Planning Commission, or the Council, notice of the hearing shall be published in a newspaper of general circulation. Such notice shall:
1. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized.
  2. List the applicable ordinance standards and/or criteria, Comprehensive Plan policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, ~~and~~ Oregon Revised Statutes, and Secretary of the Interior's Standards for Rehabilitation that apply to the particular application.
  3. Set forth the geographical reference to the subject area.
  4. State that in order to preserve any potential appeal rights to LUBA, persons must participate either orally or in writing in the legislative action proceeding in question.
  5. Include the name and telephone number of the Director to contact for additional information.
- D. Decision on Legislative Actions. The Council's decision shall be an ordinance adopted by majority vote, signed by the Mayor, and based upon and accompanied by a brief statement that includes:
1. An explanation of the criteria, standards, policies, and laws considered relevant to the decision.
  2. A statement of basic facts relied upon in rendering the decision.
  3. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards, policies, laws, and basic facts set forth.
- E. Final Decision. The Council's decision on legislative actions shall be the City's final decision.
- F. Notice of Decision. Decision notice shall be mailed to all participating parties within 5 working days of the date of the ordinance is adopted by the Council and signed by the Mayor. The decision notice shall include the following:
1. The date of decision.
  2. A brief description of the action taken.
  3. The place where, and time when the decision may be reviewed.
  4. An explanation of appeal rights and requirements.

- G. Effective Date of Decision. A final decision on legislative actions shall be effective 30 days after the day the ordinance is adopted by the Council and signed by the Mayor, unless the decision is adopted as an emergency ordinance, in which case the decision may take effect as soon as adopted.
- H. ~~Appeal. Decisions on legislative actions may be appealed to the Land Use Board of Appeals, subject to ORS 197.830, "Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation," within 21 days of the date notice of decision is mailed to participating parties.~~ Judicial Review. The City Council's decision on legislative actions is the City's final local decision. Judicial review is as provided in Section 10.3.020.080(J).

### **10.3.020.070. Public Hearings.**

- A. Quasi-Judicial Hearing Procedure. All quasi-judicial hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, "Public Meetings."
1. Opening Statement. At the commencement of a quasi-judicial hearing a statement shall be made to those in attendance that:
    - a. Lists the applicable substantive criteria.
    - b. States that evidence and testimony must be directed toward the listed applicable substantive criteria, or other criteria in the Comprehensive Plan or this Title which the person believes to apply to the decision.
    - c. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to LUBA based on that issue.
    - d. States that failure to participate in the public hearing, either orally or in writing, precludes appeal to LUBA.
    - e. Includes other general rules of conduct for the public hearing as deemed necessary by the hearings body.
  2. Ex-parte, Conflict of Interest, and Bias.
    - a. After the opening statement required by paragraph (A)(1) of this section has been read, members of the hearings body shall declare any actual or potential conflicts of interest, any ex parte contacts, including the substance of those contacts and any conclusions the member reached because of those contacts, and any bias.
    - b. No member shall serve on any proceeding in which such member has an actual conflict of interest; in which the member, or those persons or businesses described in ORS 244.135, "Method of handling conflicts by planning commission members," has a direct or substantial financial interest; or in which the member has a bias.
    - c. If the member refuses to disqualify him or herself for conflict of interest, ex parte contact, or bias, the hearings body shall have the power to remove such member, by majority vote of those present, for that proceeding.

- d. The public may challenge any member of the hearings body on conflict of interest, ex parte contact, or bias for any public hearing. The challenge must be supported by evidence and made before the hearing begins. All parties shall be advised that they have the right to rebut such challenges.
3. Staff Report. A staff report shall be presented which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.
  4. Testimony and Evidence.
    - a. All testimony and evidence must be based on the criteria contained in this Title or the Comprehensive Plan which the person believes applies to the final decision.
    - b. The failure to raise an issue precludes appeal to LUBA on that issue.
    - c. Oral and written testimony shall be taken first from the applicant, then from proponents of the action, followed by testimony from opponents, and finally from other interested parties. Proponents will then have an opportunity for rebuttal.
    - d. Members of the hearings body may ask questions of staff, proponents, opponents, and other interested parties at any time.
    - e. Each person's testimony may be limited to 5 minutes or less.
    - f. Submission of Written Testimony:
      - i. ~~Signed written **comments**testimony may be submitted prior to the hearing by mail or personal delivery. Faxes and emails will only be accepted if sent to the location specified by the Community Development Department. **All comments must include the name and address of the person making the comment. Comments will not be accepted if either the name or the address is missing. Comments for a quasi-judicial hearing which are longer than one side of one page shall be accepted only by mail or in person and only if 12 copies are presented for a Planning Commission hearing and 10 copies for a hearing before the City Council. Comments must be at least equal in size to 10 point-type. Comments**~~
      - ii. All written testimony must include the name and either the mailing or email address of the person submitting the testimony. Electronic notice is sufficient for any person who provides an email address..
      - iii. Written testimony received at least 5 working days prior to the hearing shall be distributed to the hearing body prior to the hearing. ~~Comments~~Written testimony received by 5:00 p.m. on the day of the hearing shall be presented to the hearing body at the time of the hearing.
      - iv. Written and verbal **comments**testimony may also be presented in person at the hearing.
  5. Continuance. Prior to the conclusion of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The ~~Commission~~Hearings Officer shall grant such request by continuing the public hearing or leaving the record open for additional evidence or testimony in

accordance with the provisions of ORS 197.~~763~~797 "Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures."

6. Final Decision. The ~~hearing body's~~Hearings Officer's final decision shall be based on adequate findings of fact presented during the hearing. ~~A majority of those members present must vote affirmatively on a motion for a decision in order to adopt findings. If a finding is challenged by a Commissioner, a vote may be taken on the finding singly, apart from the motion.~~

B. Legislative Hearing Procedure. The Historic Landmarks Commission, Planning Commission, and Council each have the authority to hold legislative hearings. All legislative hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, "Public Meetings."

1. Conflict of Interest. At the start of each public hearing on legislative actions, the presiding officer shall ask if any member of the hearings body wishes to make any disclosure, or abstain from participating or voting on the matter being heard because of possible financial gain resulting from the legislative action.

### 10.3.020.080. Appeal Procedures.

The following procedures apply to the appeals of final decisions on administrative planning actions made by the Director, and final decisions on quasi-judicial planning actions made by ~~either the Historic Landmarks Commission or the Planning Commission.~~Hearings Officer. Final decisions on legislative actions, ~~final decisions on quasijudicial planning actions made by the Council,~~ and appeal decisions made by the Council may all be appealed to the ~~State Land Use Board of Appeals (LUBA),~~ subject to ORS 197.830, "Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation."

- ~~1. De Novo. Appeals shall be a de novo evidentiary hearing. A De Novo hearing allows for the introduction of additional evidence on issues raised at a lower level and included in the notice of appeal, and for arguments or testimony based on those issues. It does not allow for new issues to be raised, nor does it allow for evidence, arguments or testimony to be presented on issues not raised in the appeal notice.~~

#### A. Appeal Body and Scope.

1. Administrative Permit Decisions (Without a Hearing). An appeal of an administrative permit decision that was made without an evidentiary hearing shall be heard de novo in an evidentiary hearing. The de novo appeal is the initial evidentiary hearing required by state law and shall be conducted in accordance with ORS 197.797 (or successor statute). At the de novo hearing: (a) the applicant and other parties shall have the same opportunity to present testimony, arguments, and evidence as would have been allowed had a hearing occurred in the first instance; and (b) the presentation of testimony, arguments, and evidence is not limited to issues identified in the notice of appeal. See ORS 227.175(10)(a)(D)–(E).
2. Quasi-Judicial Decisions (With a Hearing). An appeal to the City Council is on the record. The Council shall hold a hearing at least for argument and shall consider the record of the prior proceeding. No new issues, evidence, or arguments not previously presented shall be accepted, except that the Council may, in its discretion, accept

additional evidence solely to correct a procedural error in the prior proceeding or to consider evidence that could not reasonably have been presented earlier despite due diligence. See ORS 227.180. Any allowance for new evidence under this subsection must remain consistent with ORS 227.175(10) and the hearing procedures in ORS 197.797. Consistent with ORS 197.195 issue-preservation requirements and ORS 197.797 hearing procedures, on-the-record appeals are limited to issues raised with sufficient specificity below.

3. Limited Land Use Decisions. A local appeal of a limited land use decision is on the record unless the City elects to allow new evidence. If the City allows new evidence, the appeal hearing shall comply with the local quasi-judicial hearing procedures in ORS 197.797 and functions as the initial evidentiary hearing for that matter. See ORS 197.195(5). On-the-record appeals under this subsection are limited to issues raised with sufficient specificity below, consistent with ORS 197.195(6).

B. Right to Appeal Decisions. The following may file an appeal to decisions resulting from planning actions described in this section:

1. Any party of record to the particular action.
2. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if notice is not received.
3. The Historic Landmarks Commission, the Planning Commission, or the Council by majority vote. No fee is required for an appeal under this section.
4. The City Manager. No fee is required for an appeal under this section.

5. Notwithstanding subsections B(1) through (4), for decisions on mandatory adjustments made under Section 10.3.080.030(A), only the applicant may file a local or Land Use Board of Appeals appeal, consistent with Section 38(3) of Oregon Senate Bill 1537 (2024) and any successor statute.

C. Filing Appeals.

1. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Department. The standard appeal fee shall be required as part of the notice of appeal.
2. The notice of appeal and appeal fee must be received at the Community Development Department office no later than 5:00 p.m. on the ~~10th~~ 12th day following the date of the mailing of the notice of decision. (See Section 10.1.110: Computation of Time for an explanation of how days are counted).
3. Notices of appeal shall not be ~~received by facsimile machines~~ accepted by fax, email, or telephone.

D. Notice of Appeal. Every notice of appeal shall include:

1. Appellant's name and address, and a statement describing how the appellant qualifies as a party.
2. The date and a brief description of the decision being appealed.
3. The specific grounds why the decision should be reversed or modified, based on the applicable criteria or procedural error.

4. The standard appeal fee.

E. Jurisdictional Defects.

1. Any notice of appeal which is filed after the deadline set forth in paragraph (C)(2) of this section, or which is not accompanied by the required fee set forth in paragraph (D)(4) of this section, shall not be accepted for filing.
2. Except as provided in this paragraph, the failure to comply with any other provision of subsection C or D of this section ~~shall constitute~~ may be treated as a ~~jurisdictional~~ procedural defect. A ~~jurisdictional~~ procedural defect ~~means the~~ may be grounds to dismiss an appeal ~~is invalid and not~~ that is not subject to the de novo hearing requirements of ORS 227.175(10). For appeals of permit decisions made without an evidentiary hearing, the City shall not deny the de novo appeal hearing- will be held. ~~required by ORS 227.175(10)(a) solely because the notice of appeal does not identify specific issues, and the presentation of testimony, arguments, and evidence at the de novo hearing shall not be limited to issues raised in the notice of appeal.~~ Determination of ~~a jurisdictional defect~~ whether an appeal is procedurally sufficient shall be made by the Director, with the advice of the City Attorney, after the expiration of the ~~10-day~~ applicable appeal period described in ~~paragraph (subsection C)(2) of this section. The Director's).~~ Any such determination ~~may be subject to appeal to the State Land Use Board of Appeals (LUBA).~~ shall be reflected in the record of the appealed decision and may be considered in any subsequent review under ORS 197.830 to 197.845.

F. Consolidation of Appeals.

1. If more than one party files a notice of appeal on a planning action decision, the appeals shall be consolidated, and noticed and heard as one proceeding.
2. To the extent the Department's anticipated costs are more than covered by multiple appeals fees received when multiple appeals are filed, the Director may authorize a refund of a portion of the appeal fees to the appellants in an equitable manner.

G. Notification of Appeal Hearing. The notice of appeal, together with notice of the date, time, and place of the appeal hearing shall be mailed to all parties at least 14 days prior to the hearing.

H. Decision of Appeal.

1. The ~~Commission~~ Hearings Officer or Council may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.
2. The ~~Commission~~ Hearings Officer or Council shall make findings and conclusions, and make a decision based on the hearing record.
3. A notice of appeal decision shall be sent to all parties participating in the appeal.

I. Refund of Appeal Fee. An applicant can request a refund of an appeal fee by letter submitted to the Community Development Department within 10 days after the appeal is determined. The letter shall state in detail the reason for the requested refund. Staff shall prepare a report and send the letter and report to the City Manager. The City Manager may consider the letter, the staff report, and any other factors in making a

recommendation. The City Manager's recommendation shall be submitted for action on the City Council's consent agenda. No public hearing is required. Final action on the request shall be taken by the City Council.

J. Final Local Decision and Judicial Review. The City Council's decision on an appeal under this section, and the City Council's decision on a legislative action under Section 10.3.020.060, are the City's final local decisions. To the extent a decision constitutes a land use decision or a limited land use decision under ORS 197.015, judicial review is by the Land Use Board of Appeals under ORS 197.830 to 197.845. For other decisions, judicial review is as provided by state law.

### **10.3.020.090. ~~Expedited Permit Review for Qualifying Affordable Housing.~~**

~~A. All City permit applications for multifamily residential buildings that qualify for final action within the 100-day timeline, as established in ORS 197.311, shall be processed ahead of all other applications.~~

~~A. The Community Development Director of the City of The Dalles is hereby~~ Permitted Use.

1. ORS 197A.445 (Allowed Outright). Affordable housing is permitted outright on qualifying properties as provided in ORS 197A.445(2), including property owned by a public body, a religious nonprofit corporation, a qualifying public benefit nonprofit corporation whose primary purpose is the development of affordable housing, a housing authority, or a manufactured dwelling park nonprofit cooperative, subject to the locational and infrastructure limitations in ORS 197A.445(4)–(7). No zone change or conditional use permit shall be required where ORS 197A.445 applies.

2. ORS 197A.460 (Commercial Lands). Within the UGB, on lands zoned to allow only commercial uses and not industrial uses, residential or mixed-use structures that meet the affordability covenants under ORS 456.270 to 456.295 are allowed as provided in ORS 197A.460, and shall be reviewed under the clear and objective standards applicable to the most comparable residential zone pursuant to ORS 197A.200 and 197A.400.

A. Final Action Timeline. For applications that qualify under ORS 197A.470 (multifamily or multiunit developments of five or more units with at least 50 percent of the units affordable as defined in ORS 197A.470), the City shall take final action, including resolution of all local appeals, within 100 days after the application is deemed complete, consistent with ORS 197A.470. For other applications, final action timelines are as provided in ORS 227.178 and this Title. The Director is designated Permit Coordinator and will expedite and assist in the approval of all local permits for applications qualifying under ~~ORS 197.311~~ ORS 197A.470.

## **Article 3.050 Conditional Use Permits**

### **10.3.050.030. Review Procedures.**

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

consistent with Article 6.180. The City, at its discretion, may require the application include a paper copy of one or more of the plans described in Article 6.180: Required Plans.

B. Review.

1. Conditional use permits shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, and approved or denied by the ~~Commission~~Hearings Officer.
2. Site plan approval, and when required, detailed landscape plan and detailed construction design plan approval, per the provisions of Article 6.180: Required Plans, shall always be a condition of conditional use approval. Concept site plans can be submitted for review by the ~~Commission~~Hearings Officer in lieu of the detailed site plan required for building permit approval. See subsection C of this section.
3. The ~~Commission~~Hearings Officer may require a performance guarantee, per the provisions of Section 10.9.040.060(I): Performance Guarantee, to ensure compliance with any conditions of approval.

C. Concept Review.

1. The City offers a two-stage concept approval process for conditional uses. The applicant may request initial concept approval using the quasi-judicial process. If approval of the concept is granted, the applicant must then submit a detailed site plan and get final approval through the site plan review process.
2. Applicants choosing the concept option must provide sufficient information in the form of site plans, narratives, or other documents to allow the ~~Commission~~Hearings Officer to make an initial decision.
3. The ~~Commission~~Hearings Officer may impose conditions or require performance guarantees on concept approval in the same manner as for regular conditional use applications.

(Ord. 23-1400)

**10.3.050.040. Review Criteria.**

A conditional use permit shall be granted if the ~~Commission~~Hearings Officer finds that the proposed use conforms with, or can be made to conform with through added conditions, any related requirements of this and other City ordinances and all of the following criteria:

- A. Permitted Conditional Use. The proposed use is conditionally permitted in the zone district where it is proposed to be located.
- B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this Title, and any other statutes, ordinances, or policies that may be applicable.
- C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this Article. Impacts caused by the construction of the

conditional use shall not be considered regarding a decision on the validation of the application.

1. Noise impacts across the property line shall not exceed 60 decibels. Noise related to traffic impacts shall not be included in this determination. Nothing in this Article shall modify other noise ordinance standards as adopted by the City.
2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)
3. Dust and other particulate matter shall be confined to the subject property.
4. The following odors shall be completely confined to subject property:
  - a. Industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;
  - b. Fuels; and
  - c. Fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.
5. Vibrations shall not be felt across the property line.
6. The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are limited to:
  - a. Street designation and capacities;
  - b. On-street parking impacts;
  - c. Bicycle safety and connectivity;
  - d. Pedestrian safety and connectivity; and
  - e. Transit capacity and efficiency.
7. In areas designated as Historic Districts, proposed development and redevelopment shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of Chapter 11.12 - Historic Resources.

#### **10.3.050.060. Conditions.**

The ~~Commission~~[Hearings Officer](#) may approve a conditional use permit subject to any and all conditions the ~~Commission~~[Hearings Officer](#) deems necessary to satisfy the review criteria and mitigate identified impacts, provided such conditions are related to the proposed development or to the operational characteristics of the proposed use.

#### **10.3.050.070. Time Limits and Extensions.**

Conditional use permits shall be ~~valid for one year~~[void 12 months](#) from the date ~~granted by the Commission. If~~[approving authority signs the decision, or less than 12 months if a shorter time limit is specified as a condition of approval, unless a building permit has been issued and](#)

substantial construction ~~is commenced within this one-year period and is being pursued diligently toward completion, the conditional use permit has taken place.~~ An extension of time may be granted twice, for up to 12 months per extension, upon written request filed before the approval expires. An extension shall ~~stay~~ be approved only upon a showing of good cause and a demonstration that applicable standards and criteria have not materially changed ~~in full force for a manner that would preclude approval.~~ As a condition of granting an extension, the approving authority may impose additional ~~year.~~ ~~In the case of unavoidable delay or an extensive construction schedule, the Commission may extend the time limit for completion of the project. At such time an extension is granted, the Commission may~~ reasonable conditions or require a performance guarantee, per the provisions of Section 10.9.0540.060(I): Performance Guarantee, which may require that any and all security be forfeited to the City in the event that substantial progress on the proposed development has not been made by the end of the extension period. Where another section of this Title specifies a different time limit or extension standard for a particular use or approval, the more specific section controls.

### **10.3.050.090. Revocation.**

The Director may initiate modification or revocation proceedings at any time while the conditional use permit remains in effect upon reasonable grounds of noncompliance. The Director may institute a proceeding before the ~~Commission~~ Hearings Officer to revoke an approved conditional use permit, when reasonable grounds exist that one or more of the following events have occurred:

- A. Failure to Meet Conditions. Any conditions of approval are not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all of the approved plans.
- C. Erroneous Information. The permit was issued on the basis of erroneous or misleading information or a material misrepresentation.
- D. Notice and Opportunity to Cure. Before scheduling a hearing, the Director shall issue a written notice describing the alleged noncompliance and providing a reasonable cure period of not less than 14 days. If the violation is cured within the cure period and the use returns to and maintains compliance, the Director may close the proceeding.

The Director shall submit a report to the City Attorney and request that a notice of violation be sent pursuant to Chapter 10.15 - Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within a reasonable time period after the notice of violation, then revocation procedures may be stayed. If the alleged noncompliance is not, then cured within the cure period, the Director ~~may~~ shall schedule a hearing before the ~~Commission~~ hearings body using the same notice requirements and process as for an original conditional use application. After the hearing, the hearings body may continue the approval with additional or revised conditions to achieve compliance, modify the approval, or revoke the approval. Proceedings under this section are in addition to, and do not limit, enforcement under Chapter 10.15. Expiration under Section 10.3.050.070 is a separate remedy and does not preclude initiation of proceedings under this section while the approval remains in effect.

**10.3.050.110. Major Modifications to Approved Conditional Uses.**

- A. Threshold. An application for a major modification of a conditional use shall be required when one or more of the following thresholds apply:
  - 1. Any increase in the gross floor area on properties located in a residential zoning district or within 50 feet of a residential zoning district.
  - 2. An increase in the gross floor area by more than 10% or in excess of 1,000 square feet for properties not located in a residential zoning district and which are located more than 50 feet from a residential zoning district.
  - 3. A change in use.
- B. Approval. Approval of a major modification is by the [Commission Hearings Officer](#).
- C. Approval Criteria. To approve a major modification, the [Commission Hearings Officer](#) shall consider the application the same as a new conditional use permit request.
- D. Conditions of Approval. The [Commission Hearings Officer](#) may approve a major modification subject to any and all conditions the [Commission Hearings Officer](#) deems necessary to satisfy the review criteria and mitigate identified impacts.

**Article 3.070 Variances**

**10.3.070.040. Conditions of Approval.**

In granting the variance, the [Commission Hearings Officer](#) may attach any reasonable conditions deemed necessary to ensure the review criteria are met.

(Ord. 23-1400)

**10.3.070.050. Time Limits.**

An approved variance shall be void 12 months from the date ~~approved by the Commission and signed by approving authority signs~~ the [Chair decision](#), or less than 12 months ~~from the issue date~~ if ~~such a shorter~~ time limit is specified as a condition of approval, unless a building permit has been issued and substantial construction has taken place. An extension of time may be granted twice, for up to 12 months per extension, upon written request filed before the approval expires. An extension shall be approved only upon a showing of good cause and a demonstration that applicable standards and criteria have not materially changed in a manner that would preclude approval. As a condition of granting an extension, the approving authority may impose additional reasonable conditions or require a performance guarantee, per the provisions of Section 10.9.040.060(D): Performance Guarantee, which may require that any and all security be forfeited to the City in the event that substantial progress on the proposed development has not been made by the end of the extension period. Where another section of this Title specifies a different time limit or extension standard for a particular use or approval, the more specific section controls.

## Article 3.080 Adjustments

### 10.3.080.010. Purpose.

The regulations of Title 10 are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply City-wide, but because of the City's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in Title 10 may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of Title 10 regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing Title 10 to continue to provide certainty and rapid processing for land use applications.

Mandatory adjustments required under Section 38 of Oregon Senate Bill 1537 (2024) and any successor statutes or DLCDC rules implementing mandatory adjustments are incorporated into this Article. Decisions on such mandatory adjustments are limited land use decisions under Section 38(3) of Senate Bill 1537 and ORS 197.195 and, under this Title, are processed using a ministerial procedure without a local evidentiary hearing or mailed notice to persons other than the applicant, and are appealable only by the applicant as provided in state law. Where any conflict arises between this Article and state law, the state provisions shall control.

(Ord. 19-1373)

### 10.3.080.020. Applicability.

- A. Unless listed in subsection B of this section, all regulations in Title 10 may be modified using the adjustment review process.
- B. Adjustments are prohibited for the following items:
  1. To allow a primary or accessory use that is not allowed by the regulations;
  2. As an exception to any restrictions on uses or development which contain the word "prohibited";
  3. As an exception to a threshold for a review. An example is Section 10.3.050.110. That provision states that an increase in the gross floor area of more than 10% or in excess of 1,000 square feet requires a major modification process. An adjustment could not be granted to allow an increase of 1,100 square feet as a minor modification;
  4. As an exception to a definition or classification. An example is a family day care which is defined as care of ~~12~~16 or fewer children. An adjustment could not be granted to change the number of children within that definition to be ~~13~~17;
  5. As an exception to the procedural steps of a procedure or to change assigned procedure;
- ~~C. To allow an increase or decrease in density above or below the allowed density of the applicable zone.~~ Ministerial SB 1537 Adjustments. The ministerial adjustment procedure described in this subsection may be used to modify the following development standards and requirements for qualifying residential development under Section 10.3.080.030(A):

1. General Applicability. Mandatory housing adjustments under Section 38 of Oregon Senate Bill 1537 and any subsequently codified statutes or DLCD rules implementing mandatory adjustments apply in addition to the existing administrative and quasi-judicial adjustment processes and are available for eligible housing developments meeting the criteria below.

2. Eligible Applicants and Developments

An application qualifies for a mandatory SB 1537 adjustment only if all of the following are met:

- a. The application is for a building permit or a quasi-judicial, limited, or ministerial land use decision.
- b. The proposed development is on lands zoned for residential uses, including mixed-use residential, at densities of at least six (6) dwelling units per net residential acre, consistent with ORS 197A.420(2).
- c. The development is within an urban growth boundary, excluding lands that have not been annexed by a city.
- d. The development consists of net new housing units in new construction projects, including:
  - i. Single-family dwellings
  - ii. Middle housing as defined in ORS 197A.420
  - iii. Multifamily dwellings
  - iv. Mixed-use residential developments where at least 75% of floor area is residential
  - v. Manufactured dwelling parks
  - vi. Accessory dwelling units
- e. The application requests no more than 10 distinct adjustments to eligible development or design standards. For purposes of this section, a ‘distinct adjustment’ means an adjustment to one of the listed development standards. Where a standard includes multiple component standards, each discrete adjustment to a component shall count as a separate distinct adjustment.

3. Eligible Adjustments of Development Standards. The City shall grant an adjustment to the following development standards. All numeric adjustments in this section, including setbacks, lot sizes, lot widths and depths, lot coverage, parking, and building height, shall be rounded consistent with Section 10.6.070.020.

- a. Up to 10% reduction of side and rear setbacks.

- b. Up to 25% reduction of common area, open space, or landscaping for an individual development project.
- c. Full adjustment of parking minimums.
- d. Up to 10% reduction of minimum lot sizes, widths, and depths.
- e. Up to 10% adjustment of maximum lot sizes, widths, and depths, if it increases dwelling units and does not reduce density below the minimum.
- f. Up to 10% adjustment in building lot coverage.
- g. For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential housing
  - i. Requirements for bicycle parking that establish:
    - 1. The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; *or*
    - 2. The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development.
  - ii. For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height maximums that:
    - 1. Are in addition to existing applicable height bonuses, if any; and
    - 2. Are not more than an increase of the greater of:
      - a. One story; or
      - b. A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any;
- h. Prohibitions, for the ground floor of a mixed-use building, against:
  - i. Residential uses except for one face of the building that faces the street and is within 20 feet of the street;.
  - ii. Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments.

4. Eligible Adjustments of Design Standards. The City shall grant an adjustment to the following design standards:

- a. Facade materials, color or pattern.
- b. Facade articulation.
- c. Roof forms and materials.
- d. Entry and garage door materials.
- e. Garage door orientation, unless the building is adjacent to or across from a school or public park.
- f. Window materials, except for bird-safe glazing requirements.
- g. Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.
- h. For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential:
  - i. Building orientation requirements, not including transit street orientation requirements.
  - ii. Building height transition requirements, not more than a 50 percent adjustment from the base zone.
  - iii. Requirements for balconies and porches.
  - iv. Requirements for recesses and offsets

#### 5. Eligibility Based on Housing Affordability or Features

The application must demonstrate at least one of the following, as defined in ORS 456.270:

- a. Adjustments make development feasible by reducing cost or delay.
- b. Adjustments reduce the sale or rental prices per unit.
- c. Adjustments increase the number of housing units.
- d. All units are subject to affordable housing covenants for moderate income households for at least 30 years.
- e. At least 20% of units are affordable to low income households under covenant for at least 60 years.
- f. Adjustments enable accessibility or visitability features not otherwise feasible.
- g. All units are part of zero, limited, or shared equity ownership models, including resident-owned cooperatives or community land trusts, for at least 90 years.

## 6. Application and Review

- a. The completeness of the application is determined consistent with ORS 197A.420 and may be concurrent with other building or land use permits.
- b. A decision on a ministerial SB 1537 adjustment is appealable only by the applicant. If the application is denied, no notice of decision is required other than notice to the applicant. Mandatory housing adjustment decisions are appealable only by the applicant.
- c. Denials must include a brief written statement referencing relevant criteria, facts relied upon, and justification..

~~C~~D. The administrative adjustment procedure may be used to change the following:

1. Up to 33% reduction of standard setback requirements.
2. Up to 10% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
3. Up to 10% reduction in required minimum lot area.
4. Up to 10% increase in the maximum lot coverage area.
5. Up to 10% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
6. Up to 25% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
7. Up to 20% adjustment to a standard in Section 10.3.030.040(E)(3): Multifamily design standards.

~~D~~E. The quasi-judicial adjustment process may be used to change the following items:

1. Up to 50% reduction in standard setback requirements.
2. Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
3. Up to 20% reduction in required minimum lot area.
4. Up to 20% increase in the maximum lot coverage area.
5. Up to 20% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
6. Up to 50% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
7. One- and two-family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Section 10.5.010.060. Factors to be considered include the following: lots exceeding the minimum size; difference in elevation between building site and street; slope of lot; setback from street; difficult access from

the street, and other relevant factors. If approved, the ~~Planning Commission~~Hearings Officer may require additional landscaping, among other conditions, to reduce the effect on the view from the street.

8. Adjustment of more than 20% to a standard in Section 10.3.030.040(E)(3): Multifamily design standards.

(Ord. 19-1373; Ord. 21-1384)

### **10.3.080.030. Review Procedures.**

A. Mandatory Adjustments Under State Law. The City shall approve an adjustment to the development and design standards listed in this Article for qualifying residential development where required by Section 38 of Oregon Senate Bill 1537 (2024) and any successor statutes or DLCD rules, upon demonstration that the application meets the applicability and eligibility criteria set forth in this Title and state law. A decision on such an application is a limited land use decision under Section 38(3) of Senate Bill 1537 and ORS 197.195, is processed using the ministerial adjustment procedure in Section 10.3.080.020(C), and is appealable only by the applicant. The City may process such decisions without a local evidentiary hearing or mailed notice to persons other than the applicant. A denial shall include a brief written statement of the relevant criteria, the facts relied upon, and the justification for denial.

~~A.B. Administrative and Quasi-Judicial Adjustments.~~ Administrative adjustment review procedures shall be the same as those specified for administrative actions in Section 10.3.020.020(B)(1). Quasi-judicial adjustment review procedures shall be the same as those for quasi-judicial actions in Section 10.3.020.020(B)(2).

### **10.3.080.040. Review Criteria.**

A. A mandatory adjustment under Section 10.3.080.030(A) shall be approved upon demonstration that the application meets the applicability and eligibility standards of Section 10.3.080.020, this section, and applicable state law. A denial shall include a brief written statement of the relevant criteria, the facts relied upon, and the justification for denial. Decisions are appealable only by the applicant, consistent with Section 38(3) of Senate Bill 1537 (2024) and any successor statute.

~~A.B. An administrative~~ adjustment will be approved if the review body finds that the applicant has shown that ~~either~~ approval criteria 1 through ~~5 (Administrative Adjustment) or 6 through 8 (Quasi-Judicial Adjustment)~~9 below, has been met.

1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area; and
2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
3. City-designated scenic resources and historic resources are preserved; and
4. Any impacts resulting from the adjustment are mitigated to the extent practical; and
5. If in an environmental sensitive area, the proposal has as few detrimental environmental

- impacts on the resource and resource values as is practicable; ~~or~~ and
- 6. Provide adequate provisions of light, air, and privacy to adjoining property;
  - 7. Provide for accessibility, including emergency vehicles, per City standards;
  - 8. Result in a development that conforms to the general character of the neighborhood or zone district;
  - 9. If a reduced number of parking is requested, provide adequate parking based on a parking demand analysis, or supplement on-site parking with joint use agreements.
- C. A quasi-judicial adjustment will be approved if the review body finds that the applicant has shown that approval criteria 1 through 7 below, has been met.
- ~~6.1.~~ Application of the regulation in questions would preclude all reasonable economic use of the site; and
  - ~~7.2.~~ Granting the adjustment is the minimum necessary to allow the use of the site; and
  - ~~8.3.~~ Any impacts resulting from the adjustment are mitigated to the extent practical.
- ~~B. Additional Criteria. If the applicant meets the approval criteria of subsection A above, then the following criteria must also be met:~~
- ~~1.4.~~ Provide adequate provisions of light, air, and privacy to adjoining property;
  - ~~2.5.~~ Provide for accessibility, including emergency vehicles, per City standards;
  - ~~3.6.~~ Result in a development that conforms to the general character of the neighborhood or zone district;
  - ~~4.7.~~ If a reduced number of parking is requested, provide adequate parking based on a parking demand analysis, or supplement on-site parking with joint use agreements.

### **10.3.080.050. Conditions of Approval.**

- A. Mandatory Adjustments Under State Law. Conditions of approval for mandatory adjustments under Section 10.3.080.030(A) shall be limited to clear and objective conditions necessary to ensure compliance with the applicable development standards and with Section 38 of Oregon Senate Bill 1537 (2024) and any successor statutes or DLCD rules. Conditions shall not impose discretionary requirements that would conflict with the clear-and-objective approval standards required for housing under ORS 197A.400.
- ~~A.B. Administrative and Quasi-Judicial Adjustments.~~ In granting the adjustment, the approving authority may attach any reasonable conditions deemed necessary to ensure the review criteria are met.

(Ord. 23-1400)

### **10.3.080.060. Time Limits.**

- Mandatory adjustments processed concurrently with other permits or land use decisions shall follow the same final-action timelines that apply to the primary permit or decision under ORS 227.178 or ORS 197A.470, as applicable, including the time needed to resolve all local

appeals. An adjustment shall be void 12 months from the date signed by the approving authority, or less than 12 months from the issue date if such time limit is specified as a condition of approval, unless a building permit has been issued and substantial construction has taken place.

### **Article 3.086 Cottage Cluster Development**

#### **10.3.086.110. Alternative Cottage Cluster Designs.**

An applicant may request adjustment to the standards contained in this Chapter during development review. A specific request for adjustment within a cottage development is not subject to variance criteria. Only the ~~Planning Commission~~ Hearings Officer may approve an adjustment, upon finding that the specific adjustment requested provides for an equal or better way to meet the purpose and intent in Section 10.3.086.010. Applications processed under this Article remain subject to the limitations and inapplicability provisions of Section 10.3.080.020(B). (Ord. 19-1373)

### **Article 3.100 Zone Changes**

#### **10.3.100.020. Review Procedures.**

- A. Applications. Applications for zone changes shall be made in accordance with the provisions of Article 3.010: Application Procedures.
- B. Review. Requests for zone changes shall be processed as either quasi-judicial or legislative actions, and approved or denied by the Council.

- 1. Quasi-Judicial Zone Changes. A quasi-judicial zone change is a site-specific zone map amendment affecting a finite number of properties and is processed pursuant to Section 10.3.020.020(B)(2). Applications for quasi-judicial zone changes shall first be reviewed by the Hearings Officer using the quasi-judicial hearing procedure in Section 10.3.020.070(A) and in accordance with ORS 197.797. The Hearings Officer shall make a recommendation to approve or deny the zone change and that recommendation will be made part of the staff report prepared for the Council's quasi-judicial hearing of the application. The Council shall approve or deny quasi-judicial zone change applications, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, ~~with the following addition:~~

~~Applications for quasi-judicial zone changes shall be reviewed by the Commission, per the legislative hearing procedure of Section 10.3.020.070(B): Legislative Hearing Procedure. The Commission shall make a recommendation to approve or deny the zone change, and this recommendation will be made a part of the staff report prepared for the Council's quasi-judicial hearing of the application.~~

- 2. Legislative Zone Changes. The Council shall approve or deny legislative zone change applications, per the provisions of Section 10.3.020.060: Legislative Actions of this Chapter.

- C. Adoption by Ordinance. Approved zone changes shall be adopted by ordinance per the provisions of Chapter VIII, Ordinances, of the City Charter.

- D. Zoning Map Amendment. Approved zone changes shall automatically amend the official zoning map in order to reflect the change(s).
- E. Comprehensive Plan Map Amendments. Approved Comprehensive Plan map amendments shall automatically effect zone changes and zoning map amendments.

**Article 3.110 Ordinance Amendments**

**10.3.110.020. Review Procedure.**

- A. Applications. Applications for ordinance amendments shall be made in accordance with the provisions of Article 3.010: Application Procedures.
- B. Review. Text amendments shall be processed as legislative actions in accordance with Section 10.3.020.060: Legislative Actions, with the following addition: the Historical Landmarks Commission shall review requests for text amendments concerning historic resources, and make a recommendation to the Planning Commission either supporting or opposing the request. This recommendation shall be made a part of the Planning Commission's review of the proposed text amendment.

#

**Chapter 10.5 Zone District Regulations**

**Article 5.010 RL Low Density Residential District**

**10.5.010.020. Permitted Uses.**

- A. Primary Uses Permitted  
Outright.
  - 1. Residential use types: single-family.
  - 2. Residential building types:
    - a. Single-family detached.
    - b. Single-family detached (zero lot line) when used in a cluster of zero lot line lots or when a 10-foot easement is obtained from the owner of the property adjacent to the zero-foot setback. If a zero lot line is used, the opposite side yard setback is a minimum of 8 feet unless the entire yard is used, as in a cluster of townhouses.
    - c. Duplex and two-unit condominiums.
    - d. [Affordable housing allowed pursuant to ORS 197A.445, subject to applicable clear-and-objective standards and any required recorded affordability covenants.](#)
  - 3. Civic use types: public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.010.030: Conditional Uses of this Article).
  - 4. ~~Other~~ [Care facility](#) use types:
    - a. [Residential care home, as defined in Chapter 10.2 – Definitions, subject to ministerial review.](#)

- b. Child care center, as defined in Chapter 10.2 – Definitions, subject to the provisions of Article 3.030: Site Plan Review.
- c. Residential care facility (up to 15 residents), as defined in Chapter 10.2 – Definitions and ORS 197.660, subject to the provisions of Article 3.030: Site Plan Review.
- 5. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
  - ~~a. Residential care home, as defined in Chapter 10.2 – Definitions.~~
  - ~~b. Child care center, as defined in Chapter 10.2 – Definitions~~
- ~~6. Other uses determined by the Director to be similar to the above uses:~~
  - ~~A., as indicated by Accessory Uses Permitted Outright.~~
  - ~~7.6. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development~~ Standard Industrial Classification (SIC) code.
- B. Accessory Uses Permitted Outright.
  - 1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development.
  - 2. Accessory structures customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.
- ~~B. Accessory structures customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.~~
  - ~~1. Bed and breakfast and vacation rentals, subject to the provisions of Article 6.040: Bed and Breakfast and Vacation Rentals.~~
  - ~~2.3. Family day care, as defined in Chapter 10.2 - Definitions.~~
  - ~~3.4. Home business, subject to the provisions of Article 6.020: Home Businesses. (Ord. 19-1373; Ord. 23-1400)~~

**Article 5.020 RH High Density Residential District**

**10.5.020.020. Permitted Uses.**

- A. Primary Uses Permitted Outright.
  - 1. Residential use types:
    - a. Single-family.
    - b. Multifamily.
    - c. Cottage cluster development.
  - 2. Residential building types:
    - a. Single-family detached subject to ministerial review (Article 3.020).
    - b. Single-family detached (zero lot line) subject to ministerial review (Article 3.020).

- c. Duplex and single-family attached (zero lot line, 2 units) subject to ministerial review (Article 3.020).
  - d. Single-family attached (townhouses) subject to site plan review.
  - e. Multifamily dwelling subject to site plan review (Article 3.030).
  - f. Cottage cluster dwelling subject to site plan review (Article 3.030).
  - g. [Affordable housing allowed pursuant to ORS 197A.445, subject to applicable clear-and-objective standards and any required recorded affordability covenants.](#)
3. Civic use types: public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per Section 10.5.020.030: Conditional Uses).
  4. Care facility use types:
    - a. Child care center, as defined in Chapter 10.2 – Definitions, [subject to the provisions of Article 3.030: Site Plan Review.](#)
    - b. Residential care home, as defined in Chapter 10.2 - Definitions, [subject to ministerial review.](#)
    - c. Residential care facility, as defined in Chapter 10.2 - Definitions, subject to the provisions of Article 3.030: Site Plan Review.
- ~~5.—Other use types:~~
- ~~6.5.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~7.6.~~ Other uses determined by the Director to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code.](#)
- B. Accessory Uses Permitted Outright.
1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development.
  2. Accessory structures customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.
  - ~~3.—Bed and breakfast and vacation rentals, subject to the provisions of Article 6.040: Bed and Breakfast and Vacation Rentals.~~
  - ~~4.3.~~ Family day care, as defined in Chapter 10.2 - Definitions.
  - ~~5.4.~~ Home business, subject to the provisions of Article 6.020: Home Businesses. (Ord. 19-1373; Ord. 21-1384; Ord. 23-1400)

**Article 5.030 RM Medium Density Residential District**

**10.5.030.020. Permitted Uses.**

~~B.~~A. Primary Uses Permitted Outright.

1. Residential use types:

- a. Single-family.<sup>1</sup>
  - b. Multifamily.<sup>2</sup>
  - c. Manufactured dwelling park~~;~~<sup>3</sup>, [subject to the provisions of Chapter 10.11 – Manufactured Dwelling Parks.](#)
  - d. Cottage cluster development.
2. Residential building types:
- a. Single-family detached subject to ministerial review (Article 3.020).
  - b. Single-family detached (zero lot line) subject to ministerial review (Article 3.020).
  - c. Duplex and single-family attached (zero lot line, 2 units) subject to ministerial review (Article 3.020).
  - d. Single-family attached (townhouses) subject to site plan review.
  - e. Multifamily dwelling subject to site plan review (Article 3.030).
  - f. Cottage cluster dwelling subject to site plan review (Article 3.030).
  - [g. Affordable housing allowed pursuant to ORS 197A.445, subject to applicable clear-and-objective standards and any required recorded affordability covenants.](#)
3. Civic use types, subject to the provisions of Article 3.030: Site Plan Review: public parks and open space (excluding spectator and participant sports facilities, which shall always be processed as community facilities sites per Section 10.5.030.030: Conditional Uses).
4. Care facility use types:
- a. Child care center, as defined in Chapter 10.2 - Definitions [subject to the provisions of Article 3.030: Site Plan Review.](#)
  - b. Residential care home, as defined in Chapter 10.2 -- Definitions, [subject to ministerial review.](#)
  - c. Residential care facility, as defined in Chapter 10.2 - Definitions, subject to the provisions of Article 3.030: Site Plan Review.
  - ~~d. Other use types:~~
5. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
6. Other uses determined by the Director to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code.](#)

B. Accessory Uses Permitted Outright.

- [1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development.](#)
- [2. Accessory structures customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.](#)

~~C.A. Accessory Uses Permitted Outright.~~

~~1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development.~~

~~2.1. Accessory structures customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.~~

~~7. Bed and breakfast and vacation rentals, subject to the provisions of Article 6.040: Bed and Breakfast and Vacation Rentals.~~

8.3. Family day care, as defined in Chapter 10.2 - Definitions.

9.4. Home business, subject to the provisions of Article 6.020: Home Businesses. (Ord. 19-1373; Ord. 21-1384; Ord. 23-1400)

~~1.—~~

~~2.— Subject to the provisions of Article 3.030: Site Plan Review.~~

~~3.— Subject to the provisions of Chapter 10.11— Manufactured Dwelling Parks.~~

## Article 5.040 NC Neighborhood Center Overlay

### 10.5.040.020. Permitted Uses.

#### A. Primary Uses Permitted Outright.

##### 1. Residential use types:

- a. Single-family.<sup>1</sup>
- b. Multifamily.<sup>2</sup>

##### 2. Residential building types:

- a. Single-family detached (excluding mobile homes): [subject to ministerial review \(Article 3.020\)](#).
- b. Single-family detached (zero lot line) [subject to ministerial review \(Article 3.020\)](#).
- c. Duplex and single-family attached (zero lot line, 2 units) [subject to ministerial review \(Article 3.020\)](#).
- ~~d. Attached town houses (zero lot line, 3-8 unit clusters).~~
- [d. Single-family attached \(townhouses\) subject to site plan review \(Article 3.030\)](#).
- [e. Multifamily dwelling subject to site plan review \(Article 3.030\)](#).
- [e.f. Affordable housing allowed pursuant to ORS 197A.445 and ORS 197A.460, subject to applicable clear-and-objective standards and any required recorded affordability covenants.](#)

##### 3. Commercial use types, subject to the provisions of Article 3.030: Site Plan Review:

- a. Child care center, as defined in Chapter 10.2 - Definitions.
- b. Financial institutions (excluding drive-through windows).
- c. Food services (including restaurants which may or may not serve alcoholic beverages, cafeterias, bakeries, catering, and take-out operations, excluding drive-through windows).
- d. Indoor commercial amusements including bowling alleys with no more than 12 lanes, billiard halls with no more than 6 tables, and game rooms with no more than 20 mechanical or electrical games, or any combination thereof.
- e. Indoor pet stores.
- f. Indoor small animal veterinary.
- g. Laundromats and dry cleaners.
- h. Light manufacture, assembly, or packaging (generates no nuisance conditions, conducted entirely within the building).
- i. Markets and grocery stores (20,000 square foot maximum).
- j. Medical and dental offices, clinics, and laboratories.
- k. Personal care services such as barber shops and salons.

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~~1.—All forms of attached single family housing subject to the provisions of Article 3.030: Site Plan Review.~~

~~2.—Subject to the provisions of Article 3.030: Site Plan Review.~~

- l. Professional and administrative offices.
  - m. Public and private parking lots and parking structures, subject to the provisions of Chapter 10.7 - Parking Standards.
  - n. Repair services (excluding automobile repair).
  - o. Residential care facility, as defined in Chapter 10.2 - Definitions.
  - p. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
  - q. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.
4. Civic use types, subject to the provisions of Article 3.030: Site Plan Review:
- a. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per Section 10.5.040.030 Conditional Uses below).
5. Other use types:
- a. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
  - b. Residential care home, as defined in Chapter 10.2 - Definitions.

**B. Accessory Uses Permitted Outright.**

- 1. Accessory dwelling units, subject to the provisions of Article 6.030: Accessory Development. Must be accessory to a permitted single-family residential use.
- 2. Accessory uses and structures, not otherwise prohibited, and customarily incidental to the primary use subject to the provisions of Article 6.030: Accessory Development.
- ~~3. Bed and breakfast and vacation rentals, subject to the provisions of Article 6.040: Bed and Breakfast and Vacation Rentals. Must be accessory to a permitted single-family residential use.~~
- ~~4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.~~
- ~~5.3.~~ Family day care, as defined in Chapter 10.2 - Definitions.
- ~~6.4.~~ Home business, subject to the provisions of Article 6.020: Home Businesses. Must be accessory to a permitted residential use.

(Ord. 19-1373; Ord. 23-1395)

**Article 5.050 CBC Central Business Commercial District**

**10.5.050.030. Permitted Uses.**

**A. Primary Uses.**

- 1. Agricultural sales, including feed and seed and equipment but excluding heavy equipment.

2. Animal sales and services (pet stores, grooming, kennels, veterinary).
3. Automobile and equipment repair (excluding heavy equipment), sales and services, rental agencies on site only except during community events. Except for replacement of minor parts, all auto repair work shall be conducted inside a building.
4. Child care center, as defined in Chapter 10.2 - Definitions.
5. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
6. Hotels and motels.
7. Laundromats and dry cleaners (commercial operations only).
8. Liquor stores, public house, taverns, lounges and bars.
9. Lodges, fraternal and civic assembly.
10. Markets and grocery stores.

11. Medical and Dental Offices, Clinics, and Laboratories, ~~and Medical Marijuana Dispensaries. An application for a medical marijuana dispensary shall also comply with the following criteria:~~

- a. ~~The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.~~
- b. ~~The medical marijuana dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:~~
  - i. ~~A public or private elementary, secondary or career school attended primarily by minors.~~
  - ii. ~~A public library.~~
  - iii. ~~A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.~~
- c. ~~The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.~~
- d. ~~The dispensary facility shall not have a drive-up use.~~
- e. ~~The dispensary facility shall provide for secure disposal of marijuana remnants or byproducts; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.~~
- f. ~~The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS~~

~~475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333-  
Division 8 Medical Marijuana Facilities.~~

12. ~~The hours of operation for the dispensary facility shall be no earlier than 10:00 a.m. and no later than 6:00 p.m.~~ Dispensaries, per the provisions of Article 6.190.
13. Mortuaries and funeral homes.
14. Personal care services such as barber shops and salons.
15. Printing and publishing.
16. Professional and administrative offices and services.
17. Public and private parking lots and structures, see also the provisions of Chapter 10.7 - Parking Standards.
18. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions Section 10.5.050.040: Conditional Uses below).
19. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, theaters (more than two screens are a multi-plex cinema and are processed as a conditional use), and game rooms.
20. Residential uses as follows:
  - a. Sub-districts 1 and 3:
    - i. All existing dwellings built prior to the adoption of this Title.
    - ii. Duplex and single-family attached.
    - iii. Attached town houses (zero lot line, 3 to 8 unit clusters).
    - iv. Multifamily dwelling.
  - b. Sub-district 2: All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
21. Residential care facility, as defined in Chapter 10.2 - Definitions, and subject to the limitations on residential uses specified in subsection (A)(~~19~~20).
22. Residential care home, as defined in Chapter 10.2 - Definitions, and subject to the limitations on residential uses specified in subsection (A)(~~19~~20).
23. Retail uses.
24. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~25. Recreational Marijuana Retail Facilities. An application for a retail marijuana facility shall also comply with, per the following criteria:~~
- ~~26.~~25. ~~The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge~~ provisions ~~of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District~~ Article 6.190, licensed by OLCC.
- ~~a. The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility~~

is located:

- i. ~~A public elementary or secondary school for which attendance is compulsory under [Affordable housing allowed pursuant to ORS 339.020](#), or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).~~
  - ii. ~~A public library.~~
  - iii. ~~A public park.~~
  - iv. ~~A recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.~~
  - v. ~~Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.~~
- b. ~~The retail facility must be located in a building [197A.445](#) and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.~~
- c. ~~The retail facility shall not have a drive-up use.~~
- d. ~~The retail facility shall provide for secure disposal of marijuana remnants or by products; such remnants or by products shall not be placed in the retail facility's exterior refuse containers.~~
- e. ~~The retail facility's license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission, and the retail facility must comply with all [ORS 197A.460](#), subject to applicable laws [clear-and-objective standards](#) and regulations administered by the respective State agency, including, without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.~~
- f. ~~The hours of operation for the retail facility shall be no earlier than 10:00 a.m. and no later than 8:00 p.m.~~
- g. ~~The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. [Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.](#)~~
- h. ~~No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by State law.~~
- i. ~~Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.~~
- [27.26.](#) ~~A licensed retail facility may register with the Oregon Liquor Control Commission (OLCC) to engage in the same retail license activity for specified medical marijuana purposes, as allowed by the OLCC [required recorded affordability covenants](#).~~

~~28.27.~~ Other uses determined by the Director to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code.](#)

**B. Accessory Uses Permitted Outright.**

1. Accessory dwellings, per the provisions of Article 6.030: Accessory Development. Must be accessory to an allowed single-family residential use outside Sub-district CBC-2.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, per the provisions of Article 6.030: Accessory Development.
- ~~3. Bed and breakfast and vacation rentals, subject to the provisions of Article 6.040: Bed and Breakfast and Vacation Rentals. Must be accessory to a permitted single-family residential use outside Sub-district CBC-2.~~
- ~~4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.~~
- ~~5.3. Family day care, as defined in Chapter 10.2 - Definitions. Must be accessory to a permitted single-family residential use outside Sub-district CBC-2.~~
- ~~6.4. Home business, subject to the provisions of Article 6.020: Home Businesses. Must be accessory to a permitted residential use.~~

(Ord. 19-1373; Ord. 21-1384; Ord. 23-1400)

**10.5.050.040. Conditional Uses.**

Conditional uses that have outdoor storage will screen the storage area to reduce as much as possible views from other properties. The following conditional uses are allowed subject to review and approval, per the appropriate provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits:

M. Other uses determined by the Commission to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code.](#)

**10.5.050.060. Development Standards.**

CBC Central Business Commercial	Standard		
	Sub-district 1 Historic Districts	Sub-district 2 Downtown Core	Sub-district 3 Downtown Fringe
Setbacks			
Front Yard and Corner Side Yard	0 ft. maximum, 10 ft. maximum where overlaps Sub-district 3 <sup>1</sup>	0 ft. maximum <sup>2</sup>	10 ft. maximum <sup>3</sup>

Side and Rear Yards	No minimum/maximum, except 15 ft. where shares lot line with residentially zoned property, unless there is a vertical grade change between adjacent zone districts greater than 20 feet
Lot Size, Width, Depth	No minimum/one full City block maximum provided any public rights-of-way are maintained
Building Height	55 ft. maximum, except 75 ft. maximum with a conditional use permit
Building Orientation	New buildings and major remodels of existing buildings increasing floor area by more than 30% shall be oriented primarily toward a street or designated accessway rather than a parking area
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.050.070(C): Pedestrian Walkways
Off-Street Parking (Bicycles and Vehicles)	See Chapter 10.7 - Parking Standards
Landscaping	See Article 6.010: Landscaping Standards
Accessory Uses, Buildings and Structures	See Article 6.030: Accessory Development
Access Management	See Article 6.050: Access Management

- 1 Applicant may request up to 15-foot exception where outdoor seating for food service is proposed, subject to separate quasi-judicial approval of both the Historic Landmarks Commission and the Hearings Officer.
- 2 Applicant may request up to 15-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Hearings Officer.
- 3 Applicant may request up to 5-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Hearings Officer.

**Article 5.060 CG General Commercial District**

**10.5.060.020. Permitted Uses.**

A. Primary Uses.

1. Animal sales and services (pet stores, grooming, veterinary).
2. Automobile repair, sales and services, including rental agencies, service stations, and detailing (excluding body shops, auto painting, and machine shops which shall be processed as conditional uses per Section 10.5.070.030: Conditional Uses of this Article). Uses are allowed only on site except during community events.
3. Child care center, as defined in Chapter 10.2 - Definitions.
4. Conference, visitor, and convention centers.

5. Equipment sales, service and repair, excluding heavy equipment.
6. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
7. Hotels and motels.
8. Laundromats and dry cleaners.
9. Light manufacture, assembly, or packaging (generates no nuisance conditions by commercial standards, conducted entirely within the building).
10. Liquor stores, public house, taverns, lounges and bars.
11. Lodges, fraternal and civic assembly.
12. Medical and Dental Offices, Clinics, ~~Laboratories, and Medical Marijuana Dispensaries. An application for a medical marijuana dispensary shall also comply with the following criteria:~~and Laboratories.
- ~~13. The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.~~
- ~~14. The medical marijuana dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:~~
- ~~15. A public or private elementary, secondary or career school attended primarily by minors.~~
- ~~16. A public library.~~
- ~~17. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.~~
- ~~18. The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.~~
- ~~19. The dispensary facility shall not have a drive up use.~~
- ~~20. The dispensary facility shall provide for secure disposal of marijuana remnants or byproducts; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.~~
- ~~21. The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS~~
- ~~22. 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8-Medical Marijuana Facilities.~~
- ~~23.~~13. ~~The hours of operation for the dispensary facility shall be no earlier than 10:00 a.m. and no later than~~Dispensaries, per the provisions of Article 6:00 p.m.190.
- ~~24.~~14. Mortuaries and funeral homes.

- ~~25.~~15. Personal care services such as barber shops and salons.
- ~~26.~~16. Printing and publishing houses.
- ~~27.~~17. Professional and administrative offices and services.
- ~~28.~~18. Public and private parking lots and structures, subject to the provisions of Chapter 10.7 - Parking Standards.
- ~~29.~~19. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.060.030: Conditional Uses below).
- ~~30.~~20. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters (including multiplex cinemas), and game rooms.
- ~~31.~~21. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
- ~~32.~~22. Recreational vehicle parks, in accordance with Chapter 10.12 - Recreational Vehicle Parks.
- ~~33.~~23. Residential care facility, as defined in Chapter 10.2 - Definitions, and subject to the limitations on residential uses specified in subsection (A)(20).
- ~~34.~~24. Assisted living facility, subject to the limitations on residential uses specified in subsection (A)(20).
- ~~35.~~25. Residential care home, as defined in Chapter 10.2 - Definitions, and subject to the limitations on residential uses specified in subsection (A)(20).
- ~~36.~~26. Retail uses, including shopping centers, markets, grocery stores, agricultural sales and service, feed and seed stores, garden centers, and landscape supplies.
- ~~37.~~27. Wholesale uses.
- ~~38.~~28. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~39.~~29. Recreational Marijuana Retail Facilities. ~~An application for a retail marijuana facility shall also comply with the following criteria:~~ per the provisions of Article 6.190, licensed by OLCC.
- ~~40.~~ ~~The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.~~
- ~~41.~~ ~~The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:~~
- ~~30.~~ ~~A public elementary or secondary school for which attendance is compulsory under Shelter housing, per the provisions of Article 6.200.~~
- ~~42.~~ ~~Affordable housing allowed pursuant to ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).~~
- ~~43.~~ ~~A public library.~~

- ~~44. A public park.~~
- ~~45. A recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.~~
- ~~46. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.~~
- ~~47. The retail facility must be located in a building [197A.445](#) and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.~~
- ~~48. The retail facility shall not have a drive-up use.~~
- ~~49. The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.~~
- ~~50. The retail facility's license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission, and the retail facility must comply with all [ORS 197A.460](#), subject to applicable laws and regulations administered by the respective State agency, including, without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.~~
- ~~51. The hours of operation for the retail facility shall be no earlier than 10:00 a.m. and no later than 8:00 p.m.~~
- ~~52. The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.~~
- ~~53. No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by State law.~~
- ~~54. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.~~
- ~~55. A licensed retail facility may register with the Oregon Liquor Control Commission (OLCC) to engage in the same retail license activity for specified medical marijuana purposes, as allowed by the OLCC.~~
- ~~56. Shelter housing.~~
- ~~a. Established and seasonal shelters. Established and seasonal shelters shall:~~
- ~~i. Provide sleeping and restroom facilities for clients;~~
- ~~57. [31. Comply with State Building Code \[clear-and-objective\]\(#\) standards; and \[and any required recorded affordability covenants.\]\(#\)](#)~~
- ~~i. Be operated by one or more of the following:~~
- ~~(A) A local government as defined in ORS 174.116;~~
- ~~(B) An organization with at least two years' experience operating low-income housing~~

~~programs or reasonable equivalent and is:~~

~~(1) A local housing authority as defined in ORS 456.375,~~

~~(2) A religious corporation as defined in ORS 65.001, or~~

~~i. A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless prevention and has been recognized as exempt from income tax under Section 501(a) of the Internal Revenue Code for at least three years prior to submitting its application for a seasonal shelter; or~~

~~a. A nonprofit corporation partnering with any other entity described in this subsection.~~

~~ii. The shelter shall maintain a written operational plan that shall include the following information:~~

~~(A) Description of purpose and scope of services of the shelter;~~

~~(B) Bed capacity for guests;~~

~~(C) Hours of operation, if applicable; and~~

~~(D) Twenty four hour staffing and emergency contact.~~

~~2.1. Setbacks. Setbacks shall be the same as setbacks required by the zone district.~~

~~iii. Access:~~

~~(A) Access shall be from an arterial or collector street, or shall be from a street with sufficient width and ease of access to allow any vehicle to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case by case basis to determine if access is adequate for the type of vehicles anticipated to enter into, and exit from, the site. The evaluation will include on-street parking allowances and the condition of the street.~~

~~(B) In order to facilitate ease of entry and exit, the Planning Director may authorize a wider driveway entrance than is otherwise provided for in this Title.~~

~~a. Site access connections to public streets shall meet the requirements of Article 6.050: Access Management.~~

~~3.1. Screening. Except for the access roadway into the shelter, the shelter shall be screened per Section 10.6.010.050.~~

~~iv. Bicycle parking for residents shall be installed to be consistent with Article 7.040: Bicycle Parking Design Standards, and Section 10.7.060.010: Minimum and Maximum Off Street Parking Requirements.~~

~~b. Established shelters, additional requirements:~~

~~i. Surfacing. All areas used for vehicular and required pedestrian walkways shall be paved with asphalt, concrete or similar material, and be designed to provide for the control of runoff or surface water.~~

~~ii. Parking requirement. There shall be a minimum of 1 parking space per every 10 beds and a maximum of 1 parking space per shelter unit. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.~~

~~iii. Bicycle parking requirement. There shall be a minimum of 1 bicycle parking space per every 5 beds. Bicycle parking shall meet all the requirements of Article 7.040: Bicycle Parking~~

~~Design Standards.~~

- ~~iv. Landscaping. All areas not occupied by buildings, walkways, parking, streets, and shelters shall be landscaped per the provisions of Article 6.010: Landscaping Standards. A landscape plan is required prior to the City signing a building permit application. The landscaping plan shall include internal shade trees.~~
- ~~v. Shelter maintenance and storage. Each shelter shall at all times keep a neat appearance. All storage shall be contained in a building or enclosed shed. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the shelter or to any of the guests.~~
- ~~vi. Services incidental to established and seasonal shelter, including, but not limited to, the provision of utilities, showering or bathing facilities, laundry services, bedding, security, transportation, sustenance, low impact recreation areas, case management and social welfare services, storage sheds or lockers, and minor repairs undertaken specifically to make suitable space available for shelter.~~

~~58.32. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.~~

B. Accessory Uses Permitted Outright.

1. Accessory dwellings, per the provisions of Article 6.030: Accessory Development. Must be accessory to an existing nonconforming single-family residential use.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.

~~A. Accessory Uses Permitted Outright.~~

- ~~1. Accessory dwellings, per the provisions of Article 6.030: Accessory Development. Must be accessory to an existing nonconforming single-family residential use.~~
- ~~2.1. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.~~

~~59. Bed and breakfast and vacation rentals in allowed single-family residential dwellings, subject to the provisions of Article 6.040: Bed and Breakfast and Vacation Rentals.~~

~~60. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.~~

~~61.3. Family day care, as defined in Chapter 10.2 - Definitions. Must be accessory to an existing nonconforming single-family residential use.~~

~~62.4. Home business, subject to the provisions of Article 6.020: Home Businesses. Must be accessory to an allowed residential use.~~

(Ord. 19-1373; Ord. 22-1388; Ord. 23-1400)

**10.5.060.030. Conditional Uses.**

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

M. Other uses determined by the Commission to be similar to the above uses, as indicated by the Standard Industrial Classification (SIC) code.

## Article 5.070 *CLI Commercial/Light Industrial District*

### 10.5.070.020. Permitted Uses.

#### ~~B.A.~~ A. Primary Uses.

1. Agricultural sales and service, including feed and seed stores, nurseries, greenhouses, landscape supplies, and garden centers.
2. Animal sales and services (pet stores, grooming, kennels, veterinary).
3. Automobile and heavy/light equipment repair, sales and services, including rental agencies, detailing, service stations, body shops, auto painting, and machine shops, on site only except during community events.
4. Child care center, as defined in Chapter 10.2 - Definitions.
5. Contractor shops, offices, and storage areas.
6. Engineering, research and development.
7. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
8. Hotels and motels.
9. Laundromats and dry cleaners, including industrial operations.
10. Light manufacture, assembly, and packaging of goods or products which can be performed with minimal adverse impact on, and poses no special hazard to, the environment and the community.
11. Liquor stores, taverns, lounges and bars.
12. Manufactured home sales, including demonstration units (not to be actual dwelling units).
13. Markets and grocery stores.
14. Medical and Dental Offices, Clinics, ~~Laboratories, and Medical Marijuana Dispensaries. An application for a medical marijuana dispensary shall also comply with the following criteria:~~and Laboratories.
15. ~~The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.~~
16. ~~The medical marijuana dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:~~
17. ~~A public or private elementary, secondary or career school attended primarily by minors.~~
18. ~~A public library.~~
19. ~~A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.~~

- ~~20. The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.~~
- ~~21. The dispensary facility shall not have a drive up use.~~
- ~~22. The dispensary facility shall provide for secure disposal of marijuana remnants or byproducts; such remnants or by products shall not be placed in the dispensary facility's exterior refuse containers.~~
- ~~23. The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS~~
- ~~24. 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.~~
- ~~25.~~ 15. The hours of operation for the dispensary facility shall be no earlier than 10:00 a.m. and no later than Dispensaries, per the provisions of Article 6:00 p.m. 190.
- ~~26.~~ 16. Personal care services such as barber shops and salons.
- ~~27.~~ 17. Printing and publishing.
- ~~28.~~ 18. Professional and administrative offices and services.
- ~~29.~~ 19. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of ~~Section 10~~ Section 10.5.070.030: Conditional Uses of this Article).
- ~~30.~~ 20. Public and private parking lots, subject to the provisions of Chapter 10.7 - Parking Standards.
- ~~31.~~ 21. Public and private transportation depots and terminals, passengers and freight.
- ~~32.~~ 22. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters including multiplexes, and game rooms.
- ~~33.~~ 23. Recreational vehicle parks, subject to the provisions of Chapter 10-12 - Recreational Vehicle Parks.
- ~~34.~~ 24. Residential dwelling for security and maintenance personnel, limit 1 dwelling per site.
- ~~35.~~ 25. Retail uses, including shopping centers.
- ~~36.~~ 26. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~37.~~ 27. Warehousing, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities.
- ~~38.~~ 28. Wholesale uses.
- ~~39.~~ 29. Recreational Marijuana Facilities. ~~An application for a retail marijuana facility shall also comply with,~~ per the following criteria: provisions of Article 6.190, licensed by OLCC.
- ~~40. The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential~~

District:

- ~~41. The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:~~
- ~~30. A public elementary or secondary school for which attendance is compulsory under [Shelter Housing](#), per the provisions of [Article 6.200](#).~~
- ~~42. [Affordable housing allowed pursuant to ORS 339.020](#), or a private or parochial elementary or secondary school, teaching children as described in [ORS 339.030\(1\)\(a\)](#).~~
- ~~43. A public library.~~
- ~~44. A public park.~~
- ~~45. A recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.~~
- ~~46. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.~~
- ~~47. The retail facility must be located in a building [197A.445](#) and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.~~
- ~~48. The retail facility shall not have a drive-up use.~~
- ~~49. The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.~~
- ~~50. The retail facility's license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission, and the retail facility must comply with all [ORS 197A.460](#), subject to applicable [laws](#) [clear-and-objective standards](#) and regulations administered by the respective state agency, including, without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.~~
- ~~51. The hours of operation for the retail facility shall be no earlier than 10:00 a.m. and no later than 8:00 p.m.~~
- ~~52. The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.~~
- ~~53. No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by State law.~~
- ~~54. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.~~
- ~~55. A licensed retail facility may register with the Oregon Liquor Control Commission (OLCC) to engage in the same retail license activity for specified medical marijuana purposes, as allowed by the OLCC.~~

~~56. Shelter Housing.~~

~~A. Established and Seasonal Shelters. Established and seasonal shelters shall:~~

~~4.1. Provide sleeping and restroom facilities for clients;~~

~~5.1. Comply with State Building Code standards; and~~

~~6.1. Be operated by one or more of the following:~~

~~a. A local government as defined in ORS 174.116;~~

~~b.a. An organization with at least two years' experience operating low income housing programs or reasonable equivalent and is:~~

~~ii.i. A local housing authority as defined in ORS 456.375,~~

~~iii.i. A religious corporation as defined in ORS 65.001, or~~

~~(1) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless prevention and has been recognized as exempt from income tax under Section 501(a) of the Internal Revenue Code for at least three years prior to submitting its application for a seasonal shelter; or~~

~~(B) A nonprofit corporation partnering with any other entity described in this subsection.~~

~~ii. The shelter shall maintain a written operational plan shall include the following information:~~

~~a. Description of purpose and scope of services of the shelter;~~

~~b.a. Bed capacity for guests;~~

~~c.a. Hours of operation, if applicable; and~~

~~d.a. Twenty-four hour staffing and emergency contact.~~

~~57.31. Setbacks. Setbacks shall be the same as the setbacks any required by the zone district recorded affordability covenants.~~

~~i. Access.~~

~~(A) Access shall be from an arterial or collector street, or shall be from a street with sufficient width and ease of access to allow any vehicle to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case-by-case basis to determine if access is adequate for the type of vehicles anticipated to enter into, and exit from, the site. The evaluation will include on-street parking allowances and the condition of the street.~~

~~(B) In order to facilitate ease of entry and exit, the Planning Director may authorize a wider driveway entrance than is otherwise provided for in this Title.~~

~~(C) Site access connections to public streets shall meet the requirements of Article 6.050: Access Management.~~

~~ii. Screening. Except for the access roadway into the shelter, the shelter shall be screened per Section 10.6.010.050.~~

~~iii. Bicycle parking for residents shall be installed to be consistent with Article 7.040: Bicycle Parking Design Standards, and Section 10.7.060.010: Minimum and Maximum Off Street Parking Requirements.~~

~~B.A. Established shelters, additional requirements:~~

- ~~1. Surfacing. All areas used for vehicular and required pedestrian walkways shall be paved with asphalt, concrete or similar material and be designed to provide for the control of runoff or surface water.~~
- ~~2.1. Parking requirement. There shall be a minimum of 1 parking space per every 10 beds and a maximum of 1 parking space per shelter unit. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.~~
- ~~3.1. Bicycle parking requirement. There shall be a minimum of 1 bicycle parking space per every 5 beds. Bicycle parking shall meet all the requirements of Article 7.040: Bicycle Parking Design Standards.~~
- ~~4.1. Landscaping. All areas not occupied by buildings, walkways, parking, streets, and shelters shall be landscaped per the provisions of Article 6.010: Landscaping Standards. A landscape plan is required prior to the City signing a building permit application. The landscaping plan shall include internal shade trees.~~
- ~~5.1. Shelter maintenance and storage. Each shelter shall at all times keep a neat appearance. All storage shall be contained in a building or enclosed shed. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the shelter or to any of the guests.~~

~~58.32. Other uses determined by the Director to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code.](#)~~

B. Accessory Uses Permitted Outright.

1. Accessory dwellings, per the provisions of Article 6.030: Accessory Development. Must be accessory to an existing nonconforming single-family residential use.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.

~~B.A. Accessory Uses Permitted Outright.~~

- ~~1. Accessory dwellings, per the provisions of Article 6.030: Accessory Development. Must be accessory to an existing nonconforming single-family residential use.~~
- ~~2.1. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.~~

~~59. Bed and breakfast and vacation rentals in existing nonconforming residential dwellings, subject to the provisions of Article 6.040: Bed and Breakfast and Vacation Rentals.~~

~~60. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.~~

~~61.3. Home business, subject to the provisions of Article 6.020: Home Businesses. Must be accessory to an existing nonconforming residential use.~~

~~62.4. Services incidental to established and seasonal shelter, including, but not limited to, the provision of utilities, showering or bathing facilities, laundry services, bedding, security, transportation, sustenance, low-impact recreation areas, case management and social welfare services, storage sheds or lockers, and minor repairs undertaken specifically to make suitable space available for shelter.~~

### 10.5.070.030. Conditional Uses.

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

- A. Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- B. The production, processing, storage, and wholesaling of recreational marijuana, ~~subject to per the following additional provisions:~~ [of Article 6.190, licensed by OLCC.](#)
- ~~C. Activity shall occur only in a completely enclosed building. Greenhouses are not allowed.~~
- ~~D. A building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control.~~
- ~~E. The system shall consist of one or more fans and filters.~~
- ~~F. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).~~
- ~~G. The filter(s) shall be rated for the required CFM.~~
- ~~H. The filtration system shall be maintained in working order and shall be in use.~~
- ~~I. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.~~
- ~~J. The marijuana production, processing, storage, or wholesaling business's state licensing or authority must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agency, including, without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.~~
- ~~K. The recreational marijuana production, processing, storage, or wholesaling business must be located more than 500 feet from a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).~~
- ~~L.~~[C.](#) Planned development, subject to the provisions of Article 9.050: Planned Development.
- ~~M.~~[D.](#) Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~N.~~[E.](#) Other uses determined by the Commission to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code.](#)
- ~~O.~~[F.](#) Adult Business. An application for an adult business shall also comply with the following criteria:
  - 1. The adult business must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:

- a. A public school.
- b. A public library.
- c. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

~~P. The production, processing, storage, and wholesaling of medical marijuana, including a non-personal medical marijuana grow site operation, subject to per the following additional provisions:~~

~~Q.G. The facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the production, processing, storage or wholesaling facility is prohibited. Greenhouses are not allowed [Article 6.190](#).~~

~~R. The facility shall provide for secure disposal of marijuana remnants or by products; such remnants or by products shall not be placed in the facility's exterior refuse containers.~~

~~A. A building used for medical marijuana production, processing, storage, wholesaling or nonpersonal medical marijuana grow operation shall be equipped with a carbon filtration system for odor control.~~

~~1. The system shall consist of one or more fans and filters.~~

~~2.1. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space).~~

~~3.1. The filter(s) shall be rated for the required CFM.~~

~~4.1. The filtration system shall be maintained in working order and shall be in use.~~

~~S. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well, or better than, the carbon filtration system otherwise required.~~

~~T. The medical marijuana production, processing, storage, wholesaling business or non-personal medical marijuana grow operation's state licensing or authority must be in good standing with all rules of the State of Oregon, including the Oregon Health Authority and the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by any state agency, including, without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.~~

~~U. The medical marijuana production, processing, storage, wholesaling business, or non-personal medical marijuana grow operation must be located more than 500 feet from a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).~~

## **Article 5.080 CR Recreational Commercial District**

### **10.5.080.020. Permitted Uses.**

- A. Primary Uses.

1. Retail uses, excluding shopping centers. If over 15,000 square feet must get a conditional use permit.
2. Conference, visitors, and convention centers.
3. Hotels, motels, and campgrounds.
4. Light industrial (campus setting or compatible with commercial and recreational uses).
5. Recreational facilities.
6. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
7. Restaurants.
8. Service and administrative offices.
9. Public and private parking lots and structures, in accordance with Chapter 10.7 - Parking Standards.
10. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.080.030: Conditional Uses below).
11. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.
12. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
13. Child care center, as defined in Chapter 10.2 - Definitions.
- [14. Affordable housing allowed pursuant to ORS 197A.445 and ORS 197A.460, subject to applicable clear-and-objective standards and any required recorded affordability covenants.](#)
- ~~14.~~[15. Other uses determined by the Director to be similar to the above uses, as indicated by the Standard Industrial Classification \(SIC\) code.](#)

### **10.5.080.030. Conditional Uses.**

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

- C. Other uses determined by the Commission to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code.](#)

### **Article 5.090 I Industrial District**

#### **10.5.090.020. Permitted Uses.**

- A. Primary Uses.
  1. Auto body shops, auto painting, and machine shops.
  2. Child care center, as defined in Chapter 10.2 - Definitions.
  3. Circus or like activity (limited to 4 events per year per site).

4. Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per Section 10.5.090.030: Conditional Uses of this Article) located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.
5. Food production and manufacturing.
6. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
7. Heavy equipment sales and service, on site only.
8. Laundry and cleaning service industries.
9. Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution, and storage uses (except manufacture of explosives, the slaughter of animals, and the rendering of fats).
10. Printing and publishing.
11. Public and private parking lots.
12. Public and private vehicle servicing and fueling stations.
13. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.090.030: Conditional Uses of this Article).
14. Railroad yards and spurs, shipyards, and commercial docking facilities.
15. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.
16. Rock, sand, and gravel cleaning, crushing, processing, and assaying.
17. Rodeo grounds.
18. Storage and maintenance yards.
19. Transportation facilities.
20. Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.
21. Veterinary services, kennels, and fish hatcheries.
22. Warehouses.
23. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
24. Other uses determined by the Director to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code](#).

B. Accessory Uses Permitted Outright.

1. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of Article 6.030: Accessory Development.
- ~~2. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.~~
- ~~3.~~ 2. Residential dwelling for security and/or caretaker and maintenance personnel, limit 1 dwelling

per site.

**10.5.090.030. Conditional Uses.**

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

- A. Agriculture and aqua-culture, excluding livestock and poultry operations.
- B. Bulk fuel stores (petroleum, methane, propane, and gasoline).
- C. Collection, packaging, storage and reprocessing of recyclable materials, so long as the market area is more than 50% from the local area.
- D. Junkyards and automotive wrecking yards enclosed within a view obscuring fence or wall.
- E. Recreation facilities (commercial - outdoor), including golf courses and shooting ranges.
- F. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- G. Other uses determined by the Director to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code](#).
- H. Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- I. The production, processing, storage, and wholesaling of recreational or medical marijuana, including a ~~non-personal~~ medical marijuana grow ~~operation~~ [site](#) . An application for a marijuana production, processing, storage, wholesaling facility, or ~~non-personal~~ medical marijuana grow ~~operation~~ [site](#) shall also comply with the ~~following criteria:~~ [provisions of Article 6.190](#).
- ~~J. The facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the production, processing, storage or wholesaling facility is prohibited. Greenhouses are not allowed.~~
- ~~K. The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the facility's exterior refuse containers.~~
- ~~L. , and the business must comply with all applicable rules and regulations administered by any state agency, including, without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.~~

**10.5.090.040. Development Standards.**

<b>I Industrial</b>	<b>Standard</b>
Lot Size	10,000 sq. ft. minimum or larger as necessary to meet Goal 9 large lot requirements.
Lot Width, Depth	No minimum/maximum

Setbacks—All Yards	No minimum except as follows: (A) 25 ft. from residential zone or community facilities overlay; (B) 10 ft. from a public right-of-way; (C) 30 ft. from the Columbia River to accommodate the Riverfront Trail and associated amenities.
Building Height*	55 ft. maximum; except 40 ft. maximum within 100 ft. of a residential zone
Pedestrian Access	Building entrances may be required to have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.090.050: Pedestrian Walkways of this Article.
Off-Street Parking	See Chapter 10.7 - Parking Standards
Landscaping	See Article 6.010: Landscaping Standards
Accessory Uses, Buildings and Structures	See Article 6.030: Accessory Development
Access Management	See Article 6.050: Access Management

\* The 40-ft height limitation shall not apply where there is more than a 20-foot difference in elevation between the industrial lot and the residential zone district.

**Large Industrial Sites:**

- A. Four 20-acre sites shall be identified on a map in The Dalles Community Development Department in order to meet large site needs identified in The Dalles Economic Opportunities Analysis. The 4 sites shall be selected in cooperation and collaboration with the property owner.
- B. Once a large industrial user purchases or develops an identified site, or any 20-acre site, the number of required sites shall be reduced accordingly.
- C. The location of the identified 20-acre sites may be modified by the Community Development Department at any time, in collaboration with the property owner and approval by the **Planning Commission Hearings Officer**.
- D. The property owner may develop smaller lots on the property so long as a place for a large industrial site is retained on that property.
- E. In reviewing any development plan on a property with an identified site, the Community Development Department shall work with the property owner to identify a new location on that property.
- F. If the remainder of the property does not meet large industrial site requirements, the Community Development Department shall either identify another property that can accommodate a large site, or initiate an amendment to the Economic Opportunity Analysis and Comprehensive Plan.

**Article 5.100 CFO Community Facilities Overlay District**

**10.5.100.020. Allowed Uses.**

The following uses and their accessory uses are allowed in the Community Facilities Overlay Zone:

- A. Agricultural experimental facilities.
- B. Animal shelters.
- C. Churches and places of worship.
- D. Government public facilities.
- E. Historical landmarks.
- F. Libraries, museums, and cultural exhibits.
- G. Lodges, fraternal and civic assembly.
- H. The following public recreation facilities: parks, golf courses, golf driving ranges, swimming pools, tennis courts, zoos, marinas, docks, and other facilities.
- I. Medical care facilities.
- J. Public safety facilities.
- K. Public utility facilities.
- L. Public and private schools and facilities.
- M. Special district facilities.
- N. Other uses determined by the Director to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code](#).

**Article 5.110 P/OS Parks and Open Space District**

**10.5.110.020. Allowed Uses.**

- A. Public parks—Day uses only.
- B. Playgrounds—Day uses only.
- C. Wading pools—Day uses only.
- D. Stream, creek, and river front greenways.
- E. Trails for biking, walking, and/or running, within a park or greenway area.
- F. Other uses determined by the Director to be similar to the above uses, [as indicated by the Standard Industrial Classification \(SIC\) code](#).

**Article 5.130 Stream Corridor District**

**10.5.130.030. Determination and Modification of SC Overlay District Boundaries.**

The stream corridor setbacks shall be 50 feet from the top-of-bank as shown on The Dalles Stream Corridor Inventory. An applicant for development may rely on this map to determine how a stream corridor setback affects an individual property. However, this mapped setback may be modified in two ways:

- A. Stream Corridor Delineation Process. The ~~Planning~~ Director may approve a modification stream top- of-bank ("bankfull stage" or the "two year recurrence flood elevation" defined in DSL Administrative Rules (OAR141-085-0510(5)), based on site survey prepared by a registered land surveyor. The required setback shall be revised accordingly.

- B. Hardship Adjustment. The ~~Planning Commission~~Hearings Officer may approve a hardship adjustment to the stream setback provisions of this Chapter, without going through a formal variance process, under the following circumstances:
1. Where application of the stream setback provisions of this Chapter makes it impossible to build a structure (including a building, required parking and access) otherwise permitted in the underlying zoning district, the ~~Planning Commission~~Hearings Officer may allow reductions of the setback standards of the underlying zoning district by up to 40% to permit the siting of such structures to avoid infringing on the stream setback area.
  2. If, after considering the effect of hardship setback adjustments, it is still impossible to build a structure permitted in the underlying zoning district, the ~~Planning Commission~~Hearings Officer may approve up to 500 square feet of impervious surface area within the required stream setback area, provided that:
    - a. The structure, parking and access area is located as far from the top of bank as reasonably possible; and
    - b. The applicant submits a stream corridor restoration plan prepared by a wetland scientist, government agent, or other professional with expertise in riparian plans and restoration techniques acceptable to the ~~Planning~~ Director. The stream corridor restoration plan shall:
      - i. Ensure removal of invasive plant species and replacement with suitable native plant species that will effectively shade the stream and minimize stream bank erosion; and
      - ii. Include provisions for monitoring and replacement of native plans over at least a three-year period.

(Ord. 22-1392)

#

## **Chapter 10.6 General Regulations**

### **Article 6.010 Landscaping Standards**

#### **10.6.010.030. General Provisions.**

- A. Applicability. The provisions of this Article shall apply to all applications for new development and to applications for additions or modifications to existing development which increases the building(s) combined total footprint area by more than 20%.
- B. Landscaping Plans. Where landscaping is required by this Title, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the site plan review process. Requirements for detailed landscape plans are listed in Article 6.180: Required Plans. Building permits shall not be issued until the approving authority has determined the landscape plans comply with both the purpose and specific requirements of this Article.
- C. Completion Prior to Occupancy. Except for landscaping for single-family homes and duplexes, all required landscaping and related improvements shall be completed, or financially guaranteed per the provisions of Section 10.9.040.060(I): Performance Guarantee prior to occupancy.

- D. Planned Developments. Required landscaping for planned developments shall be reviewed and approved by the ~~Commission~~Hearings Officer, and shall in no case be less than that required by this Article.
- E. Maintenance. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent rights-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. All landscaping, buffering, and screening required by this Title shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind by the developer or the party responsible for removing the trees and/or plant material.
- F. Parking Lot Landscaping. The landscaping requirements for parking lots are described in Section 10.7.030.040: Landscaping Requirements. Parking lot landscaping shall be required in addition to the landscaping requirements described in this Article.
- G. Trees in Public Rights-of-Way. A City permit is required to plant, remove, significantly prune, top, or pollard any trees in a public right-of-way.
- H. Preservation of Significant Trees. Significant tree specimens should be preserved to the greatest extent practical, and integrated into the design of a development. Trees of 14 inches or greater diameter measured at a height of 5 feet above grade are considered significant. Trees to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5 feet outside the tree's drip line, or if a plan for tree protection recommended by a certified arborist is adhered to. In addition, the tree shall be protected from damage during construction by a construction fence located 5 feet outside the drip line.
- I. Planters and Screen/Buffer Areas. Planters and screen/buffer areas used for required plantings shall have a minimum width, or diameter, of 5 feet (2.5 feet radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or buffer area shall be a minimum width of 7.5 feet.
- J. Irrigation Systems. Irrigation systems shall be required where necessary to assure survival of plant materials.
- K. Vision Clearance. In no case shall site obscuring shrubs, landscape features, conifer trees, fences exceeding 24 inches in height, or other screening be permitted within vision clearance areas of street or alley intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. See Article 6.100: Vision Clearance.
- L. Fences. All fences over 4 feet in height shall require a permit. ~~Permits for fences 6 feet or under in height shall not require a permit fee.~~

(Ord. 21-1384)

**10.6.010.050. Screening—Hedges, Fences, Walls other than Retaining Walls, Berms.**

- A. General. Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. All screening shall comply with the provisions of Article 6.100: Vision Clearance.
- B. Fences and Walls. Fences and walls used for screening may be constructed of wood, concrete,

stone, brick, wrought iron, metal, or other commonly used fencing/wall materials. Acoustically designed fences and walls may also be used where noise pollution requires mitigation.

- C. Landscaping As Screening. Where landscaping is used for required screening, it shall be at least 6 feet in height and be at least 80% opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.
- D. Chain Link with Slats. A chain link fence with slats shall qualify for screening only if a landscape buffer is provided outside the fence. In this case, the landscape buffer shall have an average height of 50% of the height of the fence within 1 year of planting. (See Section 10.6.010.040: Buffering of this Article.)
- E. Height. The height of hedges, fences, walls, and berms shall be measured as provided for in Section 10.6.070.050(B), except where used to comply with screening requirements for parking, loading, storage, and similar areas. Hedges, fences, walls, and berms must comply with vision clearance requirements of Section 10.6.010.030(K). Height requirements for hedges, fences, and walls are as follows:
  - 1. Residential Zones.
    - a. Hedges, fences, and walls shall not exceed 4 feet in height within a required front yard or in an exterior side yard within a 10-foot triangle adjacent to an alley or driveway.
    - b. Hedges, fences, and walls shall not exceed 6 feet in height within required side and rear yards, unless additional height is determined by the Director to be necessary for privacy screening from an adjacent use. In no case shall a fence or wall exceed 8 feet in height in a required side or rear yard.
    - c. Hedges, fences and walls not located in required yards may exceed the height standards listed above.
    - d. Notwithstanding any other provision of this section, hedges, fences, and walls on properties within residential zones that are owned, operated, or used for schools or similar institutions (having 17 or more students regularly attending or enrolled) may be constructed up to 6 feet in height within a required front yard so long as vision clearance at streets and driveways is maintained per Article 6.100: Vision Clearance. This exception applies only to the front-yard limitation in this subsection and does not modify the exterior side-yard triangle limitation adjacent to alleys or driveways.
  - 2. Commercial and Industrial Zones. Barbed wire may be allowed above the fence or wall height requirement.
  - 3. All Areas. Fences and walls over 4 feet in height (not counting any permitted barbed wire) shall require a building permit prior to construction.
- F. Berms. Earthen berms up to 6 feet in height may be used to comply with screening requirements. The slope of the berm may not exceed 2:1, the top of the berm shall be relatively flat, and the faces of the slope shall be planted with ground cover, shrubs, and trees.
- G. Design. Fences and walls over 200 feet in length (of a single run) shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping in all zone districts except the I - Industrial district.
- H. Visual Clearance. Screening is not permitted within vision clearance areas, as described in Article 6.100: Vision Clearance.

- I. Gates. Gates are required in rear yard fences on through lots for maintenance access to the area from curb to a proposed fence. (Gates shall not be used to make an access connection to the right-of way.)
- J. Service Facilities. Trash dumpsters, gas meters, ground level air conditioning units, and other service facilities shall be screened from off-site view with a fence, wall or plantings.
- K. Swimming Pools, Spas, and Hot Tubs. In addition to all other requirements in the Oregon Structural Specialty Code, swimming pools, spas and hot tubs more than 18 inches deep shall be surrounded and screened with a minimum 4-foot high secured fence or wall. Access to the secured area must have a self latching gate.

**10.6.010.070. Required Landscaping by Zone.**

Where required by this Title, landscaping shall be provided on site according to the following minimum requirements. Additional landscaping may be required by the approving authority as a condition of approval in order to mitigate conflicts with neighboring uses and/or to provide adequate screening. Where the landscape requirement listed below is greater than the balance of the lot after lot coverage, the landscaping requirement shall be limited to the area of the lot not covered.

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

**CBC**

Sub-district 1 Subject to requirements of Ordinance 96-1207, Design Guidelines for Historic Resources

Sub-district 2 None

Commercial in Area Outside Sub-district 2 None

Residential in Area Outside Sub-district 2 Lot area not built on shall be appropriately landscaped

Mixed Residential/Commercial in Area Outside Sub-district 2 Lot area not built on shall be appropriately landscaped

**CG** Equal 20% of the first floor area of all structures minimum

**CLI** Equal 15% of the first floor area of all structures minimum

**CR** Equal 15% of the first floor area of all structures minimum

**I** A 5-foot landscaping buffer adjacent to all public right-of-way, but limited to 10% of the area of the entire site. If a 5-foot buffer along the length of the right-of-way exceeds 10% of the entire site, the City Community Development Department staff will indicate which portions of the right-of-way will have the buffer

**CFO** Subject to underlying zone requirements, unless reduced or expanded by the Hearings Officer through the conditional use review process

**P/OS** No requirement

(Ord. 19-1373; Ord. 21-1384; Ord. 23-1400)

**Article 6.020 Home Businesses**

**10.6.020.030. Review Procedures.**

- A. Applications. All applications shall meet the requirements of Article 3.010: Application Procedures. The approving authority may require additional site plan and/or vicinity plan information where necessary to adequately review the proposal and/or to determine the location and type of business, and the manner in which it will be conducted.
- B. Review. Applications for home businesses may be processed as administrative actions, per the provisions of Section 10.3.020.040: Administrative Actions. At the Director's or applicant's discretion, ~~or at the request of the Commission, the applicant or a party(ies) of record who address legitimate criteria~~, the application may be processed as a conditional use permit, per the provisions of Article 3.050: Conditional Use Permits.
- C. Permits. The Director shall issue a home business permit when the approving authority finds that the proposed home business complies with the requirements of this Article.

#### 10.6.020.040. Review Criteria.

Home businesses shall be subject to the following criteria, unless amended, reduced, waived, or added to by the ~~Commission~~Hearings Officer through the conditional use review process:

##### A. The Property.

1. The home business must be subordinate to a dwelling's residential use.
2. The home business, or portion of the home business conducted on the property, must be conducted entirely within the dwelling, garage(s), or accessory structure(s) of the person conducting the home business. Incidental loading and unloading is exempt from this requirement.
3. The home business shall not result in any structural alterations or additions to the dwelling or accessory structure(s) that will change the primary residential use of the property.
4. There shall be no display, other than the allowed sign and allowed business vehicles, of products or equipment that is visible from outside any buildings or structures.

##### B. Storage.

1. There shall be no outside storage of home business materials or equipment that is visible from the public right-of-way or adjacent properties.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable materials) beyond that normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home business shall be allowed in the dwelling, garage(s), or accessory structure(s).

##### C. Employees.

1. At least 1 adult resident of the home shall be employed in the home business.
2. Other than dwelling residents, there shall be a maximum of 2 workers per home business.
3. Additional individuals may be employed by or associated with the home business, so long as they do not report to work at the home.
4. The home occupation site (the lot on which the home business is conducted) shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

##### D. Signs. One non-illuminated 4 square foot wall sign shall be allowed for each approved home business site.

##### E. Addressing. There shall be no separate home business street address.

##### F. Hours of Operation, Automobiles, Parking, and Traffic.

1. Clients or customers are permitted at the home business site Monday through Sunday, between the hours of 7:00 a.m. and 7:00 p.m.
2. There shall be a limit of 2 business vehicles per home business. For the purposes of this Article, a business vehicle is any vehicle that is used in the conduct of the home business, or which has the name or logo of the home business displayed in any manner on the vehicle. At the Director's discretion, additional home business vehicles may be permitted, providing the intent of this

Article is met. The business vehicle shall be of a size that shall not overhang into the public right-of-way when parked in a driveway or other location on the home business site.

3. Between the hours of 7:00 a.m. and 7:00 p.m. there shall be no more than 3 commercial pickup and/or deliveries at the home business site, and no commercial pickup and/or deliveries between the hours of 7:00 p.m. and 7:00 a.m.
  4. In addition to the off-street parking required for the residential use, there shall be sufficient parking to accommodate all employee and business vehicles. A home business's street frontage, calculated at 20 feet/space excluding curb cuts and clear vision areas, may be considered in calculating the parking requirement. Where the Director determines that the business vehicle and the personal vehicle are the same, the business vehicle may use residential off-street parking requirement.
- G. Off-Site Impacts. Any activity that generates excessive traffic or monopolizes available on-street parking, produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the home business site, or beyond allowable levels as determined by local, State, and Federal standards shall not be allowed.
- H. Retail Activity. Any activity involving on-site retail sales (except items that are incidental to the business use, including, but not limited to, beauty products, lesson books, sheet music, and computer software) shall not be allowed.
- I. Other Laws, Ordinances and Regulations. The issuance of a home business permit shall not relieve the applicant from the duty and responsibility to comply with all other rules, regulations, ordinances or other laws governing the use of premises and structures, including, but not limited to, building and fire codes. An existing violation of any rule, regulation, ordinance, or other law is grounds to deny or conditionally approve a home business permit application.

#### **10.6.020.050. Complaints and Revocation of Permits.**

- A. Complaints. A complaint concerning the operation of a home business shall be in written form and clearly state the nature of the objection(s) to the business. Upon receipt of a written complaint, the complaint shall be investigated by the Planning Department. The Director shall be authorized to visit the site of a permitted home business during normal business hours. If necessary, the Director is authorized to apply for an inspection warrant pursuant to the provisions of Chapter 1.12 in order to conduct an inspection of the premises. If the complaint is determined to be meritorious, a report shall be prepared for the ~~Planning Commission~~[Hearings Officer](#) and the home business shall be notified.
- B. Public Hearing.
1. A public hearing shall be scheduled before the ~~Planning Commission~~[Hearings Officer](#) to consider whether the permit issued for the business should be revoked, modified, or remain in effect with no changes. Notice of the time and place of the hearing shall be provided to the person(s) filing the complaint, and the owner, or where appropriate, the manager of the facility.
  2. The City and the owner or owner's representative shall have the right to present oral or written testimony, and the right to cross examine witnesses presenting testimony adverse to their respective positions. The owner or owner's representative has the right to be represented by legal counsel at their own expense. Irrelevant or unduly repetitious evidence shall be excluded. Relevant evidence means evidence having any tendency to make the existence of any fact that

is of consequence to the determination of the complaint more probable or less probable than it would be without the evidence. Hearsay evidence may be admissible for the purpose of supplementing or explaining any direct evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action in a court of competent jurisdiction in the State of Oregon.

- C. Permit Revocation. Grounds for which a permit may be revoked or modified include, but are not limited to, the following:
1. Generation of excessive traffic (in excess of 20 trips per day).
  2. Monopolizing available on-street parking.
  3. Evidence establishing a violation of any provision of this Article, a condition of approval, or any other rule, regulation, ordinance or law, whether local, State or Federal.
- D. Final Decision. After the consideration of all relevant information and testimony presented, the ~~Planning Commission~~[Hearings Officer](#) shall make its decision, based upon substantial evidence. The ~~Planning Commission's~~[Hearings Officer's](#) decision shall be supported by findings of fact, and shall constitute a final decision. The final decision is appealable per the provisions of Section 10.3.020.080: Appeal Procedures.

#### **Article 6.140 *Wireless Communication Equipment***

##### **10.6.140.040. Historic Districts and Structures.**

- A. Facilities Greater than 35 Feet in Height. Wireless communication facilities greater than 35 feet in height shall not be permitted within or adjacent to designated historic districts, nor on or adjacent to designated historic structures.
- B. Facilities Less than 35 Feet in Height. Wireless communication facilities less than or equal to 35 feet in height which are proposed to be placed within or adjacent to designated historic districts, or on or adjacent to designated historic structures shall be processed as follows:
1. The application for the facility shall be a conditional use permit application, per Article 3.050: Conditional Use Permits.
  2. Prior to the ~~Planning Commission~~[Hearings Officer](#) quasi-judicial hearing, the Historic Landmarks Commission shall first hold a public hearing to review the application and make a recommendation, with any conditions, to the ~~Planning Commission~~[Hearings Officer](#).
  3. The Historic Landmarks Commission's recommendation shall be included in the Department's staff report and shall become a part of the official record.

#### **Article 6.160 *Limitation on Uses***

##### **10.6.160.030. Laydown Yard.**

- A. Purpose. A laydown yard is intended for construction equipment and material only. It is different from a contractor storage yard in that all items are in active use on off-site projects. An off-site laydown yard, in addition to those on or adjacent to a construction site, is allowed in the ~~I-Industrial and CLI-Commercial/Light Industrial~~[CBC, CG, CLI, CR, and I](#) zones without obtaining land use approval, so long as criteria in subsections B through G below are continually met.

- B. A proposed laydown yard shall be associated with one or more specific projects with an approved building permit issued for grading, construction, remodel or demolition, an approved land use decision, or pending application for a building permit or land use decision.
- C. A laydown yard is not a substitute for a contractor storage yard. At any time the property owner may convert the laydown yard to a contractor storage yard by obtaining a site plan review decision and completing the conditions of approval. If items are kept on site continuously for more than 8 months, the City may determine that a laydown yard no longer exists.
- D. Laydown yards shall be supervised by the property owner who will be responsible for enforcing compliance with these standards.
- E. Where curbs exist, the contractor shall be required to provide curb cuts for all egress or ingress areas onto a paved street. To prevent mud or dirt from transferring from vehicles and equipment onto the paved street the contractor shall install pavement or other surface treatment approved by the City Engineer at all egress and ingress points from the yard for a minimum of 50 feet to the street access. Dust and erosion control shall be in place to confine these materials to the subject property. Noise, vibration, dust, and odors cannot exceed local, state, or federal regulations.
- F. The owner of the property shall complete and file at the Community Development Department Office in City Hall a laydown yard report, on a form provided by the City, at the time of the start of the laydown yard, and on April 30th, August 31st, and December 31st of each year so long as the laydown yard continues.
- G. Notwithstanding the provisions of the ordinance adopting the Transportation System Development Charges (SDC), for this use only, the property owner shall pay annual Transportation SDC fees, at 5% of the full rate.

## Article 6.190 Marijuana Facility Regulations

### 10.6.190.010 Purpose

The provisions in this article establish uniform development and operational standards for medical and recreational marijuana facilities in order to protect public health, safety, and welfare; ensure compatibility with surrounding land uses; and support compliance with state regulations administered by the OLCC and the OHA. The City's review of marijuana facilities is limited to determining whether a proposed use complies with local zoning. All licensing and regulatory approvals for marijuana facilities are handled by OHA and OLCC.

### 10.6.190.020 Applicability

The provisions in this article apply to all marijuana-related uses permitted or conditionally permitted under this Title, including, but not limited to, medical marijuana dispensary facilities, recreational marijuana retail facilities, and marijuana production, processing, storage, and wholesaling facilities. In addition to the standards specified in this article, marijuana facilities must comply with applicable state statutes and administrative rules, including but not limited to ORS Chapter 475C, OAR 845-025 (OLCC recreational marijuana rules), and OAR 333-008 (OHA medical marijuana rules), and any successor statutes and rules. Where this article is silent, state law and administrative rules govern licensure and operational standards.

### 10.6.190.030 General Standards (Applicable to All Marijuana Facilities)

- A. Indoor Operation. All marijuana facilities shall operate entirely within a completely enclosed building. Greenhouses, intermodal cargo containers, motor vehicles, recreational vehicles, and residential trailers shall not be used for any marijuana activity.
- B. Outdoor Storage. Outdoor storage of marijuana, merchandise, materials, waste, or by-products is prohibited.
- C. Waste Disposal. Marijuana remnants or by-products shall not be placed in exterior refuse containers and shall be disposed of in a secure and lawful manner consistent with OLCC and OHA requirements.
- ~~A.~~D. Odor Control. The marijuana facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.
- E. State Licensing. All marijuana facilities shall maintain state registration or licensure in good standing with the OLCC and/or OHA, and shall comply with all applicable state laws and administrative rules, including but not limited to those relating to security, labeling, testing, packaging, waste management, and employee training.
- F. Co-Location. Marijuana facilities shall not be located on the same lot or within the same building as any marijuana social club or marijuana smoking club.

### 10.6.190.040 Medical Marijuana Dispensaries and Recreational Marijuana Retail Facilities

- A. Permitted Zones. Marijuana dispensaries and retail facilities are permitted in the CBC, CG, and CLI Zones, subject to the provisions of this section.
- B. Location Buffers. The dispensary or retail facility must be located no closer than the following distances, measured in a straight line from the nearest property line of the subject site to the nearest property line of the referenced site:
  - 1. 500 feet from any property zoned RL, RM, or RH.
  - 2. 1,000 feet from the following:
    - a. A public or private elementary or secondary school as defined under ORS 339.020 or ORS 339.030(1)(a);
    - b. A public library;
    - c. A public park;
    - d. A recreational facility such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court; and
    - e. Any other recreational marijuana retail facility licensed by the OLCC. Nothing in this section alters or reduces state siting requirements for registered medical marijuana dispensaries under applicable OHA rules.
- C. Operational and Building Design Standards.
  - 1. Drive-up or walk-up service windows are prohibited.

2. Hours of operation shall be limited to between 10:00 a.m. and 8:00 p.m.
  3. No person under the age of 21 shall be permitted within the building, except as allowed by state law.
  4. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed on the premises.
  5. Marijuana retailing shall not be co-located with any marijuana social or smoking club.
- D. Dual Registration. A licensed recreational marijuana retail facility may also register with the OLCC to engage in equivalent medical marijuana retail activity, as allowed by state law.

### **10.6.190.050 Marijuana Production, Processing, Storage, and Wholesaling Facilities**

- A. Permitted Zones. Marijuana Production, Processing, Storage, and Wholesaling Facilities are permitted as conditional uses within the CLI and I Zones, subject to the standards of this section.
- B. School Buffer. The facility shall be located a minimum of 500 feet from any public or private elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial school teaching children as described in ORS 339.030(1)(a).
- C. Odor Control. A building used for marijuana production, processing, storage, or wholesaling or non-personal medical marijuana grow operation shall be equipped with a carbon filtration system for odor control.
  1. The system shall consist of one or more fans and filters.
  2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).
  3. The filter(s) shall be rated for the required CFM.
  4. The filtration system shall be maintained in working order and shall be in use.
  5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.
  6. All other odor control requirements shall be in accordance with Section 10.6.190.030.D.

### **Article 6.200 Shelter Housing Regulations**

#### **10.6.200.010. Purpose.**

The purpose of this article is to establish standards for the location, operation, and development of established and seasonal shelters in the City, consistent with State law and City development standards.

#### **10.6.200.020. Applicability.**

This article applies to established and seasonal shelters as allowed in the CG and CLI Zones, subject to the provisions of this section. All shelters shall comply with State Building Code standards and the requirements of this article.

### 10.6.200.030. Standards for Established and Seasonal Shelters.

A. Established and seasonal shelters shall:

1. Provide sleeping and restroom facilities for clients;
2. Comply with State Building Code standards; and
3. Be operated by one or more of the following:
  - a. A local government as defined in ORS 174.116;
  - b. An organization with at least two years' experience operating low-income housing programs or reasonable equivalent and is:
    - i. A local housing authority as defined in ORS 456.375,
    - ii. A religious corporation as defined in ORS 65.001, or
    - iii. A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless prevention and has been recognized as exempt from income tax under Section 501(a) of the Internal Revenue Code for at least three years prior to submitting its application for a seasonal shelter; or
  - c. A nonprofit corporation partnering with any other entity described in this subsection.
4. The shelter shall maintain a written operational plan that shall include:
  - a. Description of purpose and scope of services of the shelter;
  - b. Bed capacity for guests;
  - c. Hours of operation, if applicable; and
  - d. Twenty-four-hour staffing and emergency contact.
5. Setbacks shall be the same as setbacks required by the zone district.
6. Access.
  - a. Access shall be from an arterial or collector street, or from a street with sufficient width and ease of access to allow any vehicle to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case-by-case basis to determine adequacy.
  - b. The Planning Director may authorize a wider driveway entrance than otherwise provided for in this Title.
  - c. Site access connections to public streets shall meet the requirements of Article 6.050: Access Management.
7. Screening. Except for the access roadway into the shelter, the shelter shall be screened per Section 10.6.010.050.

8. Bicycle parking for residents shall be installed consistent with Article 7.040: Bicycle Parking Design Standards and Section 10.7.060.010: Minimum and Maximum Off-Street Parking Requirements.

B. Established shelters, additional requirements.

1. Surfacing. All areas used for vehicular and required pedestrian walkways shall be paved with asphalt, concrete or similar material and be designed to provide for the control of runoff or surface water.
2. Parking requirement. There shall be a minimum of 1 parking space per every 10 beds and a maximum of 1 parking space per shelter unit. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.
3. Bicycle parking requirement. There shall be a minimum of 1 bicycle parking space per every 5 beds. Bicycle parking shall meet all the requirements of Article 7.040: Bicycle Parking Design Standards.
4. Landscaping. All areas not occupied by buildings, walkways, parking, streets, and shelters shall be landscaped per the provisions of Article 6.010: Landscaping Standards. A landscape plan is required prior to the City signing a building permit application. The landscaping plan shall include internal shade trees.
5. Shelter maintenance and storage. Each shelter shall at all times keep a neat appearance. All storage shall be contained in a building or enclosed shed. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the shelter or to any of the guests.
6. Services incidental to established and seasonal shelter, including, but not limited to, the provision of utilities, showering or bathing facilities, laundry services, bedding, security, transportation, sustenance, low-impact recreation areas, case management and social welfare services, storage sheds or lockers, and minor repairs undertaken specifically to make suitable space available for shelter.

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**Chapter 10.7 Parking Standards**

**Article 7.020 General Provisions**

**10.7.020.040. Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions.**

- A. Right of Development. A reduction of up to 10% of the minimum off-street vehicle parking requirements established in Article 7.060: Minimum and Maximum Off-Street Parking Requirements is allowed as a right of development for all nonresidential uses.
- B. Reductions for Bicycle Parking. Off-street motor vehicle parking requirements for nonresidential uses established in Article 7.060: Minimum and Maximum Off-Street Parking Requirements may be reduced by 10% in addition to the reductions allowed in subsection A above, if replaced by bicycle parking over the amount required in Article 7.060: Minimum and Maximum Off-Street Parking Requirements, at the rate of 1 bicycle space for 1 vehicle space.
- C. Reductions for Existing Uses. Property owners of existing nonresidential development may take advantage of incentives to reduce vehicle parking below the minimum off-street vehicular

parking standards established in Article 7.060: Minimum and Maximum Off-Street Parking Requirements as provided below:

1. When expansion of floor area and/or redevelopment of the site necessitates or creates an opportunity to reconfigure existing parking, the owner may take advantage of applicable vehicle parking reductions provided in subsections A and B above.
  2. Where pre-existing development is unable to accommodate off-street parking that is required by a proposed use change and/or an addition or modification to existing building(s), the applicant may request a conditional use approval for a parking reduction providing each of the following conditions is met. The conditional use permit shall be processed per the provisions of Article 3.050: Conditional Use Permits.
    - a. The enlargement, modification or use change does not displace any existing off-street parking.
    - b. The proposal is not for an existing nonconforming use.
    - c. The applicant can demonstrate that an opportunity for shared or joint parking, as specified in this Chapter, is not reasonably available.
  3. Even when no expansion or redevelopment of the site is proposed, the property owner may replace up to 10% of existing parking spaces with the following:
    - a. Additional landscaping equal to the square footage of the parking space reduction.
    - b. On-site, publicly accessible pedestrian plazas, seating areas, shelters and/or walkways (in addition to required walkways).
    - c. Bicycle parking in addition to the number of bicycle parking spaces required in Article 7.060: Minimum and Maximum Off-Street Parking Requirements. New bicycle parking shall conform to the design standards contained in Article 7.040: Bicycle Parking Design Standards.
    - d. Bus shelters and other pedestrian and transit amenities located adjacent to streets with existing or planned transit routes.
- D. Off-Street Parking Waiver. Minimum off-street parking spaces required by Article 7.060: Minimum and Maximum Off-Street Parking Requirements ~~may~~shall be waived for the following:
1. The property is located within the boundaries of a legally adopted Parking Assessment District that provides district-wide parking facilities.
  2. The property is located within Sub-district CBC-2 in the Central Business Commercial district, as defined in Section 10.5.050.020: Sub-Districts.
- E. Non-Surface Lot Exemption. Motor vehicle parking located within, above, or beneath the building(s) it serves, or within a parking structure, is not counted toward the maximum parking limit, per Article 7.060: Minimum and Maximum Off-Street Parking Requirements, for the use served.
- F. Parking Management Plan. The off-street parking requirements in Article 7.060: Minimum and Maximum Off-Street Parking Requirements may be reduced or added to based on an approved parking management plan submitted by the applicant which adequately demonstrates that the plan will meet the parking needs of the proposed project without negative impact to adjacent

uses. The approving authority shall approve, approve with conditions, or deny the parking management plan. The parking management plan must include the following and be prepared by a licensed professional engineer:

1. A parking demand analysis for the project.
2. A project vicinity off-street parking supply and demand analysis.
3. A shared parking analysis.

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## **Chapter 10.9 Land Division Standards**

### ***Article 9.010 Background and Purpose***

#### **10.9.010.030. Applying for Subdivision.**

Applications for partitions and subdivision are processed as administrative actions, per the provisions of Section 10.3.020.040: Administrative Actions. Administrative actions are decided by the Director without a public hearing; however, administrative actions can be elevated to quasi-judicial review (by the ~~Planning Commission~~Hearings Officer at a public hearing) at the discretion of the Director, or the applicant, ~~the Commission, or parties of record who address legitimate criteria.~~ Quasi-judicial actions are decided by the ~~Commission~~Hearings Officer after a public hearing. Both administrative and quasi-judicial actions are appealable per the provisions of Section 10.3.020.080: Appeal Procedures.

### ***Article 9.030 Partitions, Minor Replats, and Lot Line Adjustments***

#### **10.9.030.040. Partition Application Review.**

- A. Review Procedure. Partition applications shall be processed as administrative actions, per the provisions of Section 10.3.020.040: Administrative Actions. Where the Director determines that continuous partitioning of a tract of land may occur in subsequent years, potentially resulting in the need for new road(s), utilities, or stormwater drainage facilities to be constructed and unmitigated impacts to City services and surrounding property, the application shall be referred to the ~~Planning Commission~~Hearings Officer, pursuant to Section 10.3.020.050: Quasi-Judicial Actions for a determination as to the applicability of the LUDO subdivision requirements.
- B. Review Criteria. Partition applications shall be reviewed to assure:
  1. The tentative plat meets the Wasco County recording requirements.
  2. The proposal is consistent with the purposes of this Chapter, relevant development standards of this Title, policies and density requirements of the Comprehensive Plan, public works standards and policies, and any other applicable policies and standards adopted by the City Council.
  3. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including provision of City services and access from a public street.
  4. The plans for public improvements meet the requirements contained in the provisions of Section 10.9.040.060(H): Installation of Required Improvements.

- C. Period of Approval. Approval of a partition application shall be valid for a period of 1 year from the effective approval date. Upon written request, filed with the Director prior to the expiration date, approvals may be extended annually 4 times provided the relevant provisions of this Title have not changed. If an approval is extended, any fees or charges will be assessed at the rate in existence at the time they are paid, not the rate in existence at the time of the original approval. If no final partition plat is submitted within 1 year, or within any timely extension, the partition application shall become void and a new application required.

### **Article 9.040 Subdivisions and Major Replats**

#### **10.9.040.060. Final Subdivision Plat Review.**

- A. Application Requirements. Applications for final subdivision plat approval shall meet the following requirements:
1. The final plat and 2 additional copies which meet Wasco County's survey and subdivision plat standards shall be submitted to the Director.
  2. The final plat shall substantially conform to the approved tentative subdivision plat and construction drawings and specifications for public improvements, and shall conform with Article 9.020: Land Division Standards, except where modified by a planned development approval (see Article 9.050: Planned Development). The plat shall contain or be accompanied by the following information:
    - a. Name of the subdivision.
    - b. Date, north arrow, scale, legend, and existing features such as highways and railroads.
    - c. Legal description of subdivision boundaries.
    - d. Reference and bearings to adjoining recorded surveys.
    - e. Exact location and width of streets and easements intersecting the boundary of the subdivision.
    - f. Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:
      - i. Lot numbers shall begin with the number "1" and be numbered consecutively in each block. Number sequence are to generally follow the same system as sections are numbered in a township.
      - ii. Block numbers shall begin with the number "1" and be numbered consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate any figure. Block and lot numbers in an addition to a subdivision of the same name shall continue the numbering in the original subdivision. Block numbering sequence shall be the same system as sections are numbered in a township.
      - iii. Block numbers may be omitted where blocks are of irregular shape. When block numbers are omitted, lots shall be numbered consecutively throughout the subdivision. Lots in an addition to the subdivision of the same name shall continue the numbering of the original subdivision.

- g. Street rights-of-way, center lines with dimensions to the nearest 0.01 ft, bearings or deflection angles, radii, arc, points of curvature, curve data, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds with basis for bearings.
- h. Name and width of proposed and existing width of any existing right-of-way, and width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to center line dimensions, the radius and center angle shall be indicated.
- i. Easements, denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. If an easement is not definitely located or recorded, there shall be a written statement of the easement. The easement's width, length, bearing, purpose and sufficient ties to locate it with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication. The City Attorney shall approve wording of all easements.
- j. Locations and widths of waterway and drainage ways, and other watercourses for review in accordance with Chapter 10.8 - Physical and Environmental Constraints.
- k. Location and widths of railroad rights-of-way and reserve strips at the end of stub streets or along the edge of partial-width streets on the subdivision boundary.
- l. Parcels to be dedicated shall be distinguished from lots intended for sale, with acreage and alphabetic symbols for each parcel.
- m. Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
- n. The following certificates, acknowledgments, and other requirements established by state law. Such certificates may be combined where appropriate:
  - i. Certificate, signed and acknowledged by the owner(s) of record of the land to be subdivided, offering for dedication of all parcels of land for public use; and offering for dedication of rights of access to and from prescribed streets, lots, and parcels of land.
  - ii. Certificate of the registered or licensed surveyor who prepared the survey and final subdivision plat.
  - iii. Certificate for execution by the Director or ~~Chair of the Planning Commission~~ [Hearings Officer](#) as appropriate.
  - iv. Certificate for execution by the City Engineer.
  - v. Certificate for execution by the County Surveyor.
  - vi. Certificate for execution by the Wasco County Clerk, including available space for Clerk recording information.
  - vii. Certificate for execution by the Wasco County Assessor.
  - viii. Certificate for execution by the Wasco County Tax Collector.
  - ix. Certificate for execution by the Wasco County Court, where appropriate.

B. Additional Materials. The following additional information shall be submitted to accompany the final subdivision plat:

1. Three copies of all proposed covenants, conditions, and restrictions (CC&Rs), or a written statement signed by the applicant that no such restrictions will be established.
2. Title guarantee by a title company doing business in Wasco County, showing names of persons whose consent is necessary for preparation of the final plat and for any dedication to public use, and their interests therein. This guarantee shall certify, for benefit and protection of the City, that persons therein named are all of the persons necessary to give clear title to streets and other easements therein to be offered for dedication.
3. Statement by the Postal Service to verify location of proposed mail delivery facilities as shown on the final subdivision plat or accompanying sheet, and location to be approved by the City Engineer.
4. A description of the entity receiving a dedication for public use (City, County, homeowners association, special district, etc.). If a homeowners association is receiving the dedication, then articles of incorporation must be included.

C. Dedications and Public Utility Requirements.

1. The following items shall be offered for dedication for public use at the time the final subdivision plat is filed.
  - a. Parcels of land shown on the final subdivision plat as intended for public use.
  - b. Streets, pedestrian ways, drainage channels, easements, and other rights-of-way shown for public use on the final subdivision plat.
  - c. Rights of access to and from streets, lots, and parcels of land shown on the final subdivision plat as intended to be dedicated.
2. Evidence of unencumbered and clear title shall be submitted prior to approval of the final subdivision plat for all land proposed to be dedicated for public use, including, but not limited to, rights-of-way, drainage ways, open space, and easements.
3. Environmental assessments shall be conducted in accordance with Section 10.10.110(F): Environmental Assessments.

D. Designation and Conveyance of Reserve Strips. Reserve strips one-foot wide across the ends of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land may be required. These strips shall be designated on the final subdivision plat. The reserve strip shall be included in the dedication granting to the City right to control access over the reserve strip to assure continuation or completion of the street. These reserve strips shall overlay the dedicated street right-of-way.

E. Monumentation Requirements.

1. Monuments shall be set according to provisions of state law.
2. In making the survey, the surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to standards required by the County Surveyor. Setting of interior monuments may be delayed with approval of the approving authority as provided in paragraph 4 below.
3. The minimum requirements for monumentation and accuracy for a subdivision plat or partition plat shall comply with state law.

4. Interior "post monumentation" may be permitted by the approving authority at the time of approval of the tentative subdivision plat or upon special request prior to filing the final subdivision plat, provided that:
  - a. The applicant has shown it is necessary and practical to delay interior monumentation.
  - b. The applicant agrees to furnish a bond or cash deposit to the City in an amount equal to 150% of the estimated cost of performing the work for interior monuments.
  - c. The applicant signs an agreement with the project surveyor, County Surveyor and City Engineer. The agreement shall state the amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat, how the surveyor is to be paid for the work of establishing the interior monuments, and that the rules for post monumentation as provided in ORS Chapter 92 shall be followed; establishes a date when monumentation will be completed; and sets out other particulars that may be necessary to ensure complete monumentation at a later date.
- F. Review of Final Subdivision Plat Application. Within 14 days after receiving an application for final subdivision plat, the Director shall review it for compliance with the above submittal requirements. If an application is found incomplete, the Director shall notify the applicant and state what is needed for a complete application.
- G. Coordination by Director. The Director shall coordinate review of the final subdivision plat as required above. Upon notification by each agency that the final subdivision plat is satisfactory, the Director shall circulate the original copy of the final subdivision plat for the following signatures as appropriate: City Council, ~~Commission Chair~~ Hearings Officer, City Engineer, County Assessor, County Surveyor, County Clerk, County Tax Collector, County Treasurer, and County Court. The City Engineer may make field checks to verify that the map is sufficiently correct on the ground and may enter the property for this purpose.
- H. Installation of Required Public Improvements. Before the signature of the City Engineer is obtained, the applicant shall install required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of required public street, sanitary sewer, storm drainage, water, pedestrian way and bikeway improvements, electrical power, natural gas, cable television, telephone service, and other improvements required with the subdivision application approval. For purposes of this Chapter, required improvements mean those public improvements and private streets required to be installed as part of the approval of the development. This condition is required for acceptance and approval of the final subdivision plat. These procedures are more fully described as follows:
  1. Install Improvements. The applicant may install the required improvements for the subdivision, in accordance with the requirements of Section 10.9.040.050: Construction Drawings and Specifications for Public Improvements and Chapter 10.10 - Improvements Required with Development prior to recording the final subdivision plat.
  2. Agree to Install Improvements. The applicant may execute and file an agreement with the City specifying the maximum period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the applicant. The agreement shall also provide a one-year guarantee to the City on all improvements. A performance guarantee, as provided in subsection I of this section, shall be required as part of the agreement. The agreement may provide for the construction of the improvements in

increments and for an extension of time under specified conditions. Assurances shall be made that franchise utility service will be provided as required by subsection K of this section.

3. Form Improvement District. The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. A performance guarantee, as provided below in subsection I, shall be required under the improvement district procedure.
- I. Performance Guarantee. Where required by the provisions of this Title, the applicant shall provide a performance guarantee to assure full and faithful performance thereof, in one of the following forms:
    1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
    2. In lieu of the surety bond, the applicant may:
      - a. Deposit with the City Finance Director cash money to be released only upon authorization of the City Engineer.
      - b. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer.
      - c. Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be utilized only upon authorization of the City Engineer.
      - d. Provide bonds in a form approved by the City Attorney.
    3. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.
    4. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference, plus the cost of collections.
  - J. Public Improvements. See Section 10.9.030.050(C)(1): Final Partition Plat Review.
  - K. Franchise Utility Service. Prior to approval of the final subdivision plat, the applicant shall install or provide financial assurances to the satisfaction of the Director that electrical power, natural gas, cable television, and telephone service is or will be provided for each lot unless specifically exempted during the review of the subdivision application.
  - L. Removal of Existing Services. Existing public utilities or service connections not required, in the judgment of the City Engineer, for the proposed subdivision shall be removed prior to filing of the plat.

- M. Recording the Final Subdivision Plat. When all required signatures have been obtained on the final subdivision plat, the applicant shall record the subdivision plat and any required covenants with the Wasco County Clerk.
- N. Effective Date. Authorization of the final subdivision plat shall become legally effective when 2 copies of the recorded subdivision plat and any covenants, conditions and restrictions are received by the Department.

(Ord. 23-1400)

### **Article 9.050 Planned Development**

#### **10.9.050.030. General Provisions.**

Planned development is an alternative development option which, where allowed in a zone district, is processed as a conditional use permit, per the provisions of Article 3.050: Conditional Use Permits. Where land in a planned development is to be partitioned or subdivided, all the related requirements of this Chapter shall apply. Planned development proposals are subject to the following provisions:

- A. Application Options. Applicants for planned developments may submit development proposals under a detailed development plan (where sufficient information has been submitted) in accordance with Section 10.9.050.060: Detailed Development Plan Review Procedures, or request the approval of a conceptual development plan in accordance with Section 10.9.050.040: Conceptual Development Plan Applications and Section 10.9.050.050: Conceptual Development Plan Review, and later apply for detailed development plan approval. However, prior to issuing any building permits a detailed development plan and construction drawings and specifications must be approved by the ~~Commission~~[Hearings Officer](#) and the City Engineer as appropriate.
- B. Zone Districts. Planned development is an option limited to the residential and commercial areas designated on the Comprehensive Plan Map.
- C. Mixed Use Projects. Projects proposing to mix residential and commercial uses are limited to a maximum of 30% of the non-district use types in the total project. Example: In a residential zone, the commercial uses in a mixed-use planned development are limited to 30% of the total project.
- D. Street Networks. Planned developments shall conform to and, where possible, enhance existing or planned vehicle, pedestrian and bicycle networks, including connections and functionality.
- E. Neighborhood Character. Planned development shall be in keeping with the character of established neighborhoods.
- F. Public Improvements. All public improvements shall require a performance guarantee per the provisions of Section 10.9.040.060(I): Performance Guarantee, and shall be designed and constructed per the provisions of Chapter 10.10 - Improvements Required with Development.
- G. Utilities. All utilities shall be placed underground.
- H. Owners/Tenants Association. Any land and structures not dedicated to the public but reserved for the common use of the owners or tenants shall be subject to control by an association of owners or tenants created to form a non-profit association subject to the laws of the State of Oregon.
- I. Impact Statement. An impact statement containing an analysis of the social, environmental, and economic impact of the proposed development on the City shall accompany each application for planned development.

- J. Open Space Requirement. A minimum of 30% of a planned development site area shall be reserved as common space as follows: minimum 25% required as permanent open space and maximum 5% for areas of semi-public or public uses, such as recreation centers and laundry facilities.

#### **10.9.050.050. Conceptual Development Plan Review.**

- A. Review Procedure. Planned development conceptual development plans shall be reviewed by the [Commission Hearings Officer](#), per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, as part of the conditional use permit.
- B. Review Criteria. Requests for approval of a conceptual development plan shall be reviewed to ensure consistency with the purposes of this Chapter, the Comprehensive Plan, the appropriate site plan review criteria, and applicable provisions of this Title and other City ordinances, policies and standards. In addition, the following compatibility factors shall be considered:
  - 1. Basic site design (the organization of uses on a site).
  - 2. Visual elements (scale, structural design and form, materials, and so forth).
  - 3. Availability of, and impacts on existing infrastructure and utilities.
  - 4. Noise attenuation.
  - 5. Noxious odors.
  - 6. Surface water run-off and methods to control run-off.
  - 7. Lighting.
  - 8. Signage.
  - 9. Landscaping for buffering and screening.
  - 10. Traffic.
  - 11. Effects on off-site parking.
  - 12. Effects on air and water quality.
- C. Period of Approval and Extension. Approval of a conceptual development plan shall be valid for a one year period from the effective approval date. If the applicant has not submitted a detailed development plan for the planned development, or phases thereof, before the one-year effective period expires, the approval shall expire. The Director may grant a one-time extension not to exceed 2 additional years if, in the Director's opinion, conditions related to the project and surrounding area have not changed. Extension requests must be received by the Director at least 60 days prior to approval expiration.
- D. Modification of a Conceptual Development Plan. An applicant may request review of previously approved plans for purposes of modifying such plans, stating the reasons. The [Commission Hearings Officer](#), upon finding that the petition is reasonable and valid, may consider redesign in whole or in part of the original conceptual development plan. In reviewing a modification request, the [Commission Hearings Officer](#) shall follow the procedures required for a conceptual development plan submittal. Decisions on modification requests must be consistent with the review criteria in subsection B of this section.

### 10.9.050.060. Detailed Development Plan Review.

A. Application Requirements. Applications for detailed development plans shall meet the application and review requirements specified for conceptual development plans in Sections 10.9.050.040 and 10.9.050.050 of this Article, and include the following:

1. Graphic Requirements. The following graphic requirements are required in addition to those specified for a conceptual development plan:
  - a. Topographic contours at intervals appropriate to the size and scale of the map, with an accuracy of plus or minus 1 foot.
  - b. Drainage and Grading Plan. Where the grade of any part of the subdivision is less than 3% or exceeds 10%, or where the planned development abuts existing developed lots, a grading and drainage plan may be required to show features adjacent to or within a reasonable distance from the project that would affect or be effected by the project and adjacent areas. The plan shall show how runoff or surface water from the project will be managed and ultimately disposed of. Permanent and temporary erosion control, and height and depth for all cuts and fills shall be clearly indicated.
  - c. Location and floor area of existing and proposed structures and other at-grade and ~~abovegrade~~above grade improvements, easements and rights-of-way, and density per gross and net acre (for residential developments).
  - d. Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development.
  - e. Landscape plan drawn to scale showing location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and design of landscaped areas, varieties and sizes of trees and plant materials to be planted, other landscape features including walls and fences, and irrigation systems proposed to maintain plant materials.
  - f. Detailed utilities plan indicating how sanitary sewer, storm sewer, drainage, water systems, and street lighting will function.
  - g. Detailed plan showing street, driveway, parking area, service area, loading area, pedestrian way, and bikeway improvements and their materials and dimensions.
  - h. Location and dimensions of all areas proposed to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas, and a description of the entity receiving a dedication for public use (City, County, homeowners association, special district, etc.). If a homeowners association is receiving the dedication, then articles of incorporation must be included.
2. Narrative Requirements. In addition to the narrative requirements specified in Section 10.9.050.040: Conceptual Development, the detailed development plan shall include:
  - a. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of off-street parking spaces to be provided (in ratio to gross floor area or number of units).
  - b. Detailed statement outlining timing, responsibilities, and performance guarantees for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance.

- c. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.
  - 3. Tentative Plat. If a planned development is intended to be subdivided, a tentative plat may also be submitted per the provisions of Section 10.9.040.030: Subdivision Applications to permit simultaneous review.
- B. Acceptance of Completed Applications. After applications for detailed development plans are accepted as complete, per the provisions of Section 10.3.010.040: Applications, any revisions shall be regarded as a new application, requiring additional filing fees and reprocessing as a new quasi-judicial action, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.
- C. Review Criteria for Determining Compliance with Conceptual Development Plan. Requests for approval of a detailed development plan shall be reviewed to determine substantial compliance with the approved conceptual development plan. A detailed development plan is in substantial compliance with the conceptual development plan provided it is consistent with the review criteria in Section 10.9.050.050: Conceptual Development Plan Review, and does not involve changes to any of the following factors that constitute a major modification in the planned development:
  - 1. Land use.
  - 2. Increase in dwelling unit density.
  - 3. Ratio of number of different types of dwelling units.
  - 4. Type of commercial structures.
  - 5. Street and utility systems impacts, such as the type and location of accessways and parking areas where off-site traffic would be affected.
  - 6. Increase in the floor area proposed for nonresidential use by more than 10% from what was previously specified.
  - 7. Reduction of more than 10% of the area reserved for common open space and/or usable open space from what was previously specified.
  - 8. Increase in the total ground area proposed to be covered by structures by more than 5% from what was previously specified.
  - 9. Reduction of specific setback requirements by more than 25% where previously specified.
  - 10. Reduction of project amenities provided such as recreational facilities, screening, and/or landscaping provisions by more than 10% from what was previously specified.
  - 11. Any other modification to specific requirements established at the time of conceptual development plan approval.
- D. Scope of Review. Where a conceptual development plan was previously approved, the ~~Commission~~[Hearings Officer](#) shall limit its review of the detailed development plan to those aspects of the development not previously reviewed.
- E. Major Modification(s) to Detailed Development Plan.
  - 1. An applicant may petition for review of previously approved plans for purposes of modifying a planned development, stating reasons for the change.
  - 2. Where the Director determines that the proposed change is a major modification from one or more of the review criteria listed above in Section 10.9.050.060(C), the revised application shall

be considered a new application, and processed as a new quasi-judicial action, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.

- F. Minor Modification(s) to Detailed Development Plan. A modification within the description of a major modification but which, in the Director's judgment, involves a change which does not alter the scope or character of the proposed project shall be considered a minor modification and may be approved, conditionally approved, or denied by the Director. Notice of the minor modification(s) shall be provided to all parties of record, and affected utilities and service providers. Notice is not required when a modification is determined by the Director to reduce the project's negative effects or to have no effect on the surrounding area. For example, a proposed reduction in density or increase in percentage of open space may be approved by the Director without mailing notice.
- G. Appeals. In addition to the requirements specified in Section 10.3.020.080: Appeal Procedures, an appeal of a detailed development plan subsequent to conceptual development plan approval shall only be heard for those items specifically addressed by the ~~Commission~~Hearings Officer for the detailed development plan.
- H. Period of Approval and Extension.
  - 1. Approval of a detailed development plan shall be valid for a 3-year period from the date of approval. If the applicant has not begun construction within this time frame, all approvals shall expire. The Director may grant a one-time extension not to exceed 2 additional years if, in his or her opinion, conditions related to the project and surrounding area have not changed
  - 2. A detailed development plan may be implemented in phases. All phasing shall occur within the time limits established in paragraph 1 above. Each phase shall require an adequate performance guarantee for public improvements per the provisions of Section 10.9.040.060(I): Performance Guarantee.

(Ord. 23-1395)

#### **10.9.050.090. Planned Development Nullification.**

- A. Application to Nullify. Property owner(s) or their authorized agents may apply to nullify an approved planned development by filing an application form provided by the Director. The ~~Planning Commission~~Hearings Officer shall review the nullification application at a public hearing. Hearing notice and notice of decision shall be made per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.
- B. Burden of Proof. The burden of proof is placed on the applicant to justify nullification of the planned development designation, giving substantial evidence that:
  - 1. Developing the property under conventional district standards and regulations will not create nonconforming development.
  - 2. Special circumstances such as building relationships, drainage ways, public improvements, topography, and so forth that were to be responded to specifically through the planned development process can be dealt with as effectively with conventional standards.
  - 3. Conditions attached to the approved planned development by the ~~Commission~~Hearings Officer can be met or are no longer necessary.

4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

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### **Chapter 10.10 Improvements Required with Development**

#### **10.10.060. Street Requirements.**

- J. Location, Grades, Alignment and Widths. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely affected, and requests for exceptions are adequately justified and prepared and sealed by a licensed professional engineer. The following standards shall apply:
  1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in The Dalles Transportation Master Plan and/or provide for continuation of the existing street pattern or network in the surrounding area.
  2. Grades shall not exceed 6% on arterial streets, 10% on collector streets, and 12% on local streets.
  3. Centerline radii of curves shall not be less than 500 feet on arterial streets, 300 feet on collector streets, and 80 feet on local streets.
  4. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
    - a. Alignment shall be as straight, and gradients as flat as practical. Substantial grade changes shall be avoided at intersections. Where conditions make the grade requirements in paragraphs b and c below cost prohibitive, the City Engineer may allow grades up to 6% with a corresponding adjustment in related design factors. Requests for such exceptions shall be accompanied by a justification prepared and sealed by a licensed professional engineer.
    - b. The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 2% in this area.
    - c. The intersection of a local street with another street shall have a minimum of 50 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 3% in this area.
    - d. Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum angle of 60 degrees and a corner radius of 20 feet along the right-of-way lines of the acute angle.
    - e. Intersections with arterial streets and established truck routes shall have a minimum curb corner radius of 20 ft.

- f. All other intersections shall have a minimum curb corner radius of 15 feet.
5. Street right-of-way and improvement shall conform to the widths and standards in Table 6-1 of the Transportation System Plan; [\(below\)](#), or as modified in paragraph 6 below. Streets designated in the Transportation System Plan as local and located in residential zones shall meet development standards as established by City Council resolution. A copy of the latest resolution can be obtained from the Planning Department.
  6. Modification of right-of-way standards.
    - a. When new right-of-way is created adjacent to existing right-of-way that does not match City standards, the City Engineer may modify the standard widths for safety purposes and to achieve the greatest consistency feasible. Primary goals are for safety of pedestrians and vehicles, connectivity, and smooth flow of traffic.
    - b. In lieu of right-of-way standards set out in paragraph 5 above, when development occurs on a lot adjacent to existing right-of-way that does not have a full range of public improvements, the City Engineer in conjunction with the Community Development Director may:
      - i. Require the installation of public improvements as contained in paragraph 5 above; or
      - ii. Require payment into the improvement fund for missing improvements; or
      - iii. Allow a combination of paragraphs i and ii above; or
      - iv. Allow an alternative street design that meets the needs for pedestrian and vehicular safety. In selecting an alternate design the City Engineer may consider existing improvements, improvements on adjacent properties, topography, current and future street usage, cost, and other relevant factors.
- K. Transportation Improvements Permitted Outright. Except where otherwise specifically regulated by this Title, the following improvements are permitted outright:
1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
  2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
  3. Projects that are consistent with projects identified and planned for in the Transportation System Plan.
  4. Landscaping as part of a transportation facility.
  5. Emergency measures necessary for the safety and protection of property.
  6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.
  7. Construction of a street or road as part of an approved subdivision or land partition consistent with the applicable land division ordinance.

The Dalles Residential Street Standards Matrix					
Residential Street Type	Volume (Average Daily Trips)	Speed (MPH)	Street Width (Feet)	Sidewalk/Planter Strip (Includes Curb)	ROW (Feet)
Alley		15	18 (no parking)	None	20-25
Lane (limited to 16 or fewer lots and/or 440 linear feet)	0-150	20	28 (8+12+8 non-striped)	11 feet each side	50
Neighborhood Street (requires traffic study)	150-500	25	32 (8+16+8 non-striped)	11 feet each side	54
Residential Street	500-1,000	25	36 (8+10+10+8 striped)	11 feet each side	58
Minor Collector (Residential)	1,000-3,000	25-30	38-40 (8+11/12+11/12+8 striped)	12.5 feet each side	64
Private Road			20 (no parking)	11 feet each side	42

The Dalles Arterial, Collector and Industrial/Commercial Street Standards Matrix					
Street Type	Speed (MPH)	Bike Lanes	Street Width (Feet)	Sidewalk/Planter Strip	ROW (Feet)
Three Lane Arterial	25-35	Required (6+6)	50 (6+12+14+12+6 no parking) or 66 (8+6+12+14+12+6+8)	12-20 feet each side	90
One Way Arterial	25	Required (6)	46 (8+12+8+6+8)	10.5-15.5 feet each side	67-77
Major Collector	25-35	Required (6+6)	52 (8+6+12+12+6+8)	5.5-12 feet each side	63-76
Industrial Major Collector	25-35	Required (6+6)	40 (6+14+14+6 no parking)	10 feet each side (sidewalk may be one side only)	60
Minor Collector (and Commercial/Industrial Local)	25-30	None	38-40 (8+11/12+11/12+8)	10-11 feet each side	60

	<u>Arterial/State</u>	<u>Major Collector</u>	<u>Minor Collector</u>	<u>Local Street</u>
<u>Number of Vehicle Lanes</u>	<u>3</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>Lane Width</u>	<u>12</u>	<u>12'</u>	<u>12'</u>	<u>8'</u>
	<u>Note: On freight routes, lanes should be 14' wide or include a 2' striped buffer between the travel lane and the bicycle lane.</u>			
<u>Center Turn Lane Width</u>	<u>14'</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Landscape Buffer Width</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>4'</u>
<u>Shoulder, Bike Lane, and/or On-Street Parking Width</u>	<u>6' Bike Lane</u>	<u>6' Bike Lane</u>	<u>6' Bike Lane.</u>	<u>8' On-Street Parking</u>
	<u>Note: Provide a buffer between the travel lane and bike lane whenever possible.</u>	<u>Note: Replace the bicycle lane with 8' parking lane when adjacent to residential properties with primary access to the Major Collector. Consider curb bulb-outs at intersection corners with on-street parking areas to improve pedestrian visibility, and reduce roadway crossing widths.</u>	<u>Note: Exceptions are allowed to replace the bicycle lane with 8' on-street parking lane when adjacent to residential properties with primary access to Minor Collector</u>	<u>Note: The removal of the on-street parking lanes is allowed in industrial zones to accommodate two 16-foot travel lanes for heavy vehicles.</u>
<u>Shoulder Surface</u>	<u>Paved</u>	<u>Paved</u>	<u>Paved</u>	<u>Paved</u>
<u>Pavement Width</u>	<u>50'</u>	<u>36'</u>	<u>36'</u>	<u>32'</u>
<u>Minimum Sidewalk Width</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
	<u>Note: 6' on State highways.</u>		<u>Note: Consider curb bulb-outs at intersection corners where on-street parking to improve pedestrian visibility, and</u>	<u>Note: Consider curb bulb-outs at intersection corners to define parking areas, improve pedestrian visibility, and reduce roadway crossing widths.</u>

			<u>reduce roadway crossing widths.</u>	<u>except in industrial areas.</u>
<u>Surface Type</u>	<u>Paved</u>	<u>Paved</u>	<u>Paved</u>	<u>Paved</u>
<u>Minimum ROW Width</u>	<u>90'</u>	<u>60'</u>	<u>60'</u>	<u>50'</u>
<u>Additional Notes</u>	<u>Provide on-street parking on the West side of 6th Street.</u>	<u>All major collectors, except for Webber Street and River Road are identified as Residential Network Streets and have specified cross-sectional standards.</u>		
	<u>Roadways that may require deviation from this standard are limited to US 30 and 2nd and 3rd Streets within the downtown couplet.</u>	<u>Widening for turn lanes at major intersections with other collector and arterial facilities should have a minimum of 12' lane width.</u>		

Note: All streets in this matrix will be striped.

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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~~ 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~~[Hearings Officer](#) 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 six feet in height. Evergreen hedge plantings shall be at least six feet in height at time of planting, and be maintained in a healthy, living condition.
2. Perimeter Screening Adjacent to Public Streets. A six-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 six 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 one tree per five 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.

(Ord. 24-1405; Ord. 25-1414, 7/14/2025)

### **10.12.080. Revocation Process.**

The Director may institute a proceeding before the ~~Planning Commission~~[Hearings Officer](#) to revoke an approved RV park when the Director has reasonable grounds to believe one or more of the following events have occurred or are occurring at the RV park:

- A. Failure to Meet Conditions. Any conditions of approval have not or are not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all approved plans.
- C. Erroneous Information. The City issued the permit on the basis of erroneous or misleading information or a material misrepresentation.

The Director shall submit a report to the City Attorney and request them to send a notice of violation pursuant to Chapter 10.15 - Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within the time period specified in the notice of violation, then revocation procedures may be stayed; otherwise, the Director may schedule a hearing before the ~~Planning Commission~~[Hearings Officer](#) using the same notice requirements and process as the original RV park application.

(Ord. 24-1405)

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## **Chapter 10.13 Sign Regulations**

### ***Article 13.010 General Provisions and Procedures***

#### **10.13.020.040. Permit Procedure.**

- A. Installer shall consult with the Director and where appropriate will be provided with a sign permit application.
- B. The completed application shall be submitted with the appropriate fee and drawings to indicate the dimension, location, and height of all existing and proposed signs for the subject business.
- C. Electric signs shall require notations to indicate capacity, power consumption, and shall bear U.L. approval labels. A permit for an electric sign will not be issued until an Oregon State Building Codes electrical permit is presented to the Director.
- D. The Director may require additional information, such as photographs, needed to determine whether the proposal meets the requirements of this section.
- E. The completed application shall include proof the installer is a licensed contractor with the State of Oregon Construction Contractor's Board.
- F. The Director will determine when the application is complete. The permit will be approved or denied within 15 days from the submittal date, unless referred to a ~~City Commission~~[Hearings Officer](#) as herein provided. Variances and appeals will be processed as set forth in Section 10.13.070.100.
- G. When approved, a permit shall be issued by the Director with the name of the sign installer thereon. The sign installer shall retain the permit for inspection during construction.
- H. Sign applications shall expire 60 days after approval unless a sign permit has been issued. If signs are not installed within 60 days after issuance, the sign permit shall expire.

### ***Article 13.030 Exempt, Temporary and Prohibited Signs***

#### **10.13.030.010. Exempt Signs.**

Unless determined by the Director to be a hazard to motorists, pedestrians, or property, the following signs are exempt from the permit process, but shall comply with the safe erection and maintenance standards of Article 13.060, and with all specified standards of this Chapter.

- A. ATM Sign. Unless otherwise allowed additional signage, each ATM shall be allowed 1 sign not to exceed 4 square feet.
- B. Benches with advertising thereon if approved by the ~~Planning Commission~~[Hearings Officer](#).

- C. Building directory signs are permitted in shopping centers and multi-tenant buildings.
- D. Christmas or seasonal decorations as customarily used.
- E. Construction signs of 32 square feet for nonresidential construction, and 16 square feet for nonresidential construction, and 16 square feet for residential construction, during construction from the time a building permit is issued to completion.
- F. Community interests may be identified by the City on a temporary or permanent basis. Such signs may promote, but are not limited to, the promotion of: community events, public parks, and points of interest that serve a substantial public purpose.
- G. Directional sign erected by public authority.
- H. Flags of the United States, State of Oregon, United States or State of Oregon Military Service, foreign countries, United Nations, or civic, fraternal, veterans, or charitable organizations.
- I. Garage/yard sale signs are allowed, 1 per calendar month to a premises, with a maximum of 3 square feet in area, and not to exceed 72 hours in duration.
- J. Historic landmark signs that are erected by the City or the owner of a historic building or placed in accordance with an official historic designation.
- K. House or building numbers limited to 6 inches in height for dwellings of 4 or less families and 1 foot in height for other buildings.
- L. Historic murals and murals not containing words or logos.
- M. Name signs denoting the name of the owner or occupant, limited to 2 square feet in sign area.
- N. Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum height of 4 feet and a sign area of 8 square feet, and prohibited in residential zones. Up to one quarter of the maximum of 8 square feet may be a logo or company name.
- O. Official sign, traffic sign, or traffic signal, including, but not limited to, a sign identifying a public building or use or erected by a public officer performing an official duty under law, court, or administrative officer.
- P. Permanent building identification limited to 24 square feet in a sign area and prohibited in residential zones.
- Q. Permanent political, ideological, religious signs which convey a message but which do not advertise a product or service for sale; provided such signs shall be subject to all sections and regulations concerning size, placement, materials, and the type and soundness of supporting structure.
- R. Signs located inside a building, unless such sign is prohibited under Section 10.13.030.030.
- S. Street banners approved by the City Manager advertising a public entertainment or event and conditioned upon safe erection and maintenance and such conditions as the City Manager may attach, including, but not limited to, insurance and bonding.
- T. For Sale Signs. A temporary "For Sale" sign not exceeding 6 square feet in area with a maximum height of 4 feet may be erected upon private residential property; provided that it advertises the sale, lease, or rental of the property upon which it is erected. One additional "For Sale" or "Open House" sign limited to the same size. On commercial property one "For Sale" sign not exceeding 32 square feet may be erected upon the property for sale.

- U. Political campaign signs shall be erected only on private property. Signs shall comply with the vision clearance provisions in Article 6.100. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Signs shall be removed not later than the fifth day following the election.
- V. Subdivision Signs. A temporary subdivision sign may be erected upon a tract of land designated as a subdivision advertising sale of the tract or lots in the tract. Such signs are only allowed for up to 5 years after approval of subdivision. Allow 32 square foot maximum for subdivision signs.
- W. Warning sign erected to warn the public of a danger on, or limiting access to, public and private property, limited to a maximum width dimension of 2 feet, a maximum sign area of 4 square feet, and maximum height of 6 feet.
- X. Tourist Oriented Destination (TOD) Signs. It is the purpose of this Chapter to allow signs for TODs not readily visible from public roads under the following set of criteria:
  1. Signs generally will be allowed at intersections only.
  2. Businesses must have permanent restroom facilities, a business telephone, drinking water, and adequate on-site parking.
  3. If the business is not open during normal business hours, the sign must indicate the hours it is open.
  4. Except as provided for in paragraph 3 above, only the business name, a directional arrow, and the distance to the site is allowed on the sign.
  5. If the business is seasonal, the sign may be covered during the off season.
  6. The number of signs is limited to the minimum necessary to adequately direct visitors similar to ODOT regulations.
  7. An application with fee is required.
  8. The business will be responsible for costs of installation, maintenance, and sign replacement, plus an annual fee.
  9. If businesses need multi-jurisdictional approvals for adequate signage, City approval is contingent on all approvals being granted.
  10. The sign may be up to 3 feet by 3 feet in size, and the design will be similar to that allowed by Wasco County for similar purposes.
- Y. One 20 square foot name sign in the CFO zone.
- Z. Window signs.
- AA. Ghost signs.

**Article 13.070 *Inspection, Enforcement, and Variances***

**10.13.070.060. Variances and Appeals.**

- A. The ~~Planning Commission~~ [Hearings Officer](#) of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the Director.

- B. The ~~Planning Commission~~Hearings Officer shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to this Title.
- C. Except in the case of unsafe signs, no action shall be taken by the Director under this Chapter pending an appeal or variance request to the ~~Planning Commission~~Hearings Officer and during any further appeal to the City Council.
- D. Appeals. Any person aggrieved by a determination of the Director may appeal to the ~~Planning Commission~~Hearings Officer. Upon appeal, the ~~Commission~~Hearings Officer may affirm, reverse, or modify the Director's determination, which modification could include a determination of the suitability of alternative materials or methods of construction.
- E. In exercising its appeal or variance authority, the ~~Commission~~Hearings Officer may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 10.13.010.010 of this Title.

### **Article 13.080 Special Provisions**

#### **10.13.080.010. Districts of Special Control.**

The ~~Planning Commission~~Hearings Officer shall have the authority to establish districts which must be at least one city block in length (or the equivalent thereof) that would allow for variance of sign sizes, types, heights, etc. when:

- A. The area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic, or historic area; or
- B. A group of commercial activities in an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the ~~City Planning Commission~~Hearings Officer. After approval by the ~~Planning Commission~~Hearings Officer is received, the plan will be forwarded to the City Council to either: (1) by section designate the district as one of the special control; (2) return the petition to the ~~Planning Commission~~Hearings Officer for correction or further study; or (3) reject the plan.
- C. Once approved, the plan shall govern sign design, location, number, and size within the special district. However, all other provisions of this Chapter, including, but not limited to, permitting, safety, inspection, and enforcement, shall have full force and effect.

## **EXHIBIT E**

### Proposed Amendments, *Draft Edits* Comprehensive Plan Amendment 57-25

#### **Part II Goals**

##### ***Goal #2 Land Use Planning***

###### **2-8. Goal 2 Policies**

1. Assure that policies in this Plan are implemented.
2. Establish Plan review and revision procedures which include provisions for participation by citizens and affected governments and special districts.
3. Assure an adequate factual base for decisions and actions.
4. Formally review the Comprehensive Plan, and revise as necessary, according to the schedule for periodic review established by LCDC, or as determined by the City.
5. Evaluate proposed Comprehensive Plan amendments according to the following criteria:
  - a. Compliance with the Statewide land use goals and related administrative rules is demonstrated.
  - b. Conformance with the Comprehensive Plan goals, policies and implementation measures is demonstrated.
  - c. The change will not adversely affect the health, safety and welfare of the community.
  - d. Adequate public facilities, services and transportation networks are in place, or are planned to be provided with the proposed change.
  - e. Plan changes should be consistent with the current vision statement and action plan.
6. Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.
7. The Community Development Director shall have authority to elevate any administrative review request to the ~~Planning commission~~[Hearings Officer](#) for review and decision.
8. Implementing ordinances shall be consistent with this Plan.

##### ***Goal #5 Open Spaces, Scenic and Historic Areas, and Natural Resources***

###### **5-6. Goal 5 Implementing Measures**

- A program of methods and incentives shall be prepared to preserve open spaces. For example, this program could include Planned Unit Developments (PUDs) and the "transfer of development rights."
- Establish adequate building setbacks from the Columbia River to assure construction of a multipurpose trail within a scenic open space corridor.
- The building setback shall apply to all development except for river-dependent, river-related, or trail-enhancing uses and structures.

- River-dependent uses are those which can be carried out only on, in, or adjacent to, a river because they require access to the river for waterborne transportation or recreation. River-dependent also includes development which by its nature can be built only on, in, or over a river.
- River-related uses are those which are not directly dependent upon access to a water body but which provide goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.
- Trail-enhancing uses may be granted a variance to the established setback, but to no less than 20 feet. Such variance will only be considered where it is demonstrated that the use is complementary to the trail and where significant improvements such as benches, landscaping, trail construction or interpretive signing is provided. It must also be shown that the variance will not hinder trail construction or safety.
- The riverfront building setback shall be established based on trail construction, safety, and aesthetic requirements. Property lines along the usable top of the river bank shall be denoted by the developer to ensure a usable setback area for establishment of the trail corridor. Where a property line is shown to be beyond the usable portion of land and falls along the steep bank, additional setback area may be required.
- Prepare development and landscape standards for areas of significant environmental concern.
- The City shall maintain an inventory and map related to these sites which delineate their boundaries and other data pertinent to the values of the identified areas.
- Review development proposals to minimize impacts on the "value factors" described in #9 below. Procedures shall be designed to mitigate any lost values to the greatest extent possible.
- Keep the local historic inventory current.
- Adopt design standards for use by the ~~Planning commission~~[Hearings Officer](#) and the Historical Landmark Commission to ensure that appropriate infill takes place in historic districts.
- Promote incentives, such as appropriate building code exemptions, to encourage historic preservation efforts throughout the community.
- Demonstrate the City's willingness to support the historical integrity of the community by applying for historical grants to study, maintain and enhance the community's history.
- Maintain the Certified Local Government Program as granted to the City by the State Historic Preservation Office and National Parks Service in 1992.
- Designate and map additional areas of significant environmental concern, areas having special public value (value factors) in terms of one or more of the following:
  - Economic value, e.g., a tourist attraction, agricultural business, job retention;
  - Recreation value, e.g., rivers, lakes, trails, wetlands, play fields;
  - Historic value, e.g., monuments, buildings, sites or landmarks;

- Public safety, e.g., municipal water supply storage or watersheds, flood water storage areas, vegetation necessary to stabilize river and creek banks and slopes;
- Scenic value, e.g., areas valued for their aesthetic appearance, and progression of building height to prevent visual obstruction (stepped building heights);
- Natural area value, e.g., areas valued for their fragile character or as for specific natural features;
- Archeological value, e.g., areas valued for their historical, scientific and cultural value.
- Develop a viewshed inventory and appropriate standards (i.e., building height limits) to ensure that significant scenic vistas are maintained for future generations. Promote the preservation of scenic vistas significant to residents of The Dalles.
- The City shall maintain, and update when necessary, landscape standards directed toward industrial, commercial and residential developments with provisions assuring that consideration is given to conservation aspects of proposed landscaping, including the alternatives of "wet" and "dry" landscaping.

### ***Goal #11 Public Facilities and Services***

#### **11-5. 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~~[Hearings Officer](#).
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.

(Amended by Ord. 25-1414)

### ***Goal #14 Urbanization***

#### **14-4. Goal 14 Policies**

1. Adopt as part of this Plan the Urban Growth Boundary shown on the Land Use Plan map.
2. Conduct a review of the Urban Growth Boundary at least every two years. This review shall include analysis of the following factors, and others as appropriate.
  - a. Determine the amount of buildable land which will be serviced in the near future within the Urban Growth Boundary.
  - b. Estimate of the average acreage in the serviced and non-serviced categories that was available on the market in the past year.
  - c. Review of the impact of the Urban Growth Boundary on land costs by comparing land values inside of and outside of the Urban Growth Boundary.
  - d. Evaluation of any major population increases or shifts which may affect Urban Growth Boundary location.
  - e. Review the factors in LCDC Goal #14 to assure continued compliance.
3. Recommend Urban Growth Boundary changes based on the above factors, and others, as appropriate.
4. Update and adopt an Urban Growth Management Agreement with Wasco County. The agreement shall outline how land within the UGB will be managed and who will administer land use and other decisions. The City will develop plan and zoning designations which will be adopted by Wasco County.
5. Changes to the Urban Growth Boundary shall be consistent with Statewide Planning Goal 14 (Urbanization), the Goal 14 Administrative Rule (OAR Chapter 660, Division 24), and the NSAA.
6. Encourage the orderly annexation of land within the Urban Growth Boundary to the City of The Dalles.
7. Adequate public utilities shall be planned or provided for, per local and State statutes, to service an area when annexation is considered. This includes, but is not limited to, storm sewers, sanitary sewer and water service.
8. Public facilities such as roads, water, sewer, and storm sewer will be required for development of the area in question and shall be subject to review prior to annexation and shall comply with The Dalles Transportation Systems Plan (TSP), Water Master Plan, Sewer Master Plan, and Storm Water Master Plan.
9. Upon annexation an official plat of the parcel(s) in question shall be filed if such document does not exist. Any plat shall be subject to review by the Planning Director, ~~City Planning commission~~ [Hearings Officer](#) and the City Council as set forth in the

Subdivision Ordinance.

10. Conversion of urbanizable land to urban uses shall only occur upon demonstration that public facilities and services will be provided in an orderly and economic manner through the City annexation process.
11. Zoning of newly annexed areas shall comply with the Comprehensive Plan Land Use Map and Development Guidelines.
12. Property owners developing land adjacent to the UGB should anticipate potential nuisance conditions resulting from accepted farm practices conducted outside the UGB. Nuisance complaints against farm uses outside the UGB will not be pursued by the City.
13. The Dalles will prepare public facilities and transportation plans for the UGB and URA once these boundaries have been established.

### **Appendix B Guidelines for Land Use Plan Map Classifications**

#### **B-3. Employment Designations**

The Dalles Comprehensive Land Use Plan includes five employment plan designations:

- Commercial
- Recreation Commercial
- Industrial
- Commercial/Light Industrial
- Central Business Commercial

In addition to complying with the Goal 9 element of this Plan, the following criteria shall be applied to applications for comprehensive plan amendments and zone changes.

Purpose: To provide for a wide range of retail, wholesale, and service businesses to serve the needs of the marketing region in locations compatible with the best interests of the community.

Standards:

- Paved, off-street parking areas shall be required of all business commensurate with the use generated by the business (exception may be made for the Central Business District — First Street on the North, a line running parallel with and 100 feet South of the south line of Fourth Street, Liberty Street on the West, and Madison Street on the East).
- Landscaping shall be required for all new constructions or major remodeling of existing buildings subject to review by the ~~Planning commission~~ [Hearings Officer](#).
- Utilities shall be buried or screened.
- Advertising signs shall be regulated in accordance with City Ordinance.

#### **Industrial**

Purpose: To establish and protect areas which provide for a variety of heavy commercial and light industrial uses which meet the public demand, fit into the pattern of development in the community. Such uses will provide for employment, a strong and diversified

economic base, and an expanded taxing base in the Urban Area.

Policies: Policies and Implementing Measures regarding Industrial Areas are included in the Goal 9 element of this Plan.

Standards:

- New residential and large-scale retail development shall be prohibited.
- Commercial uses shall support primary industrial uses identified in the EOA.
- Uses shall be of a relatively non-polluting nature.
- All Federal and State health and safety standards shall be met.
- All Planned Developments or Industrial Parks shall conform to City Ordinance addressing the same.
- Site Plan Review shall be conducted by the ~~Planning commission~~[Hearings Officer](#).
- All uses should be designed to be compatible with maintenance of the community's quality of life with a minimum of conflict between industry and other land uses.
- Large sites shall be retained to meet site requirements of targeted employment, as identified in the Economic Opportunities Analysis (EOA).



## **RESOLUTION NO. PC 630-25**

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 111-25 AND COMPREHENSIVE PLAN AMENDMENT NO. 57-25 TO ADOPT AMENDMENTS TO THE COMPREHENSIVE PLAN AND TITLE 10 OF THE DALLES MUNICIPAL CODE TO IMPLEMENT A HEARINGS OFFICER SYSTEM, UPDATE PLANNING COMMISSION ROLES AND PROCEDURES, AND REVISE HOUSING, DESIGN, AND DEFINITIONS STANDARDS FOR CLARITY, CONSISTENCY, AND COMPLIANCE WITH STATE LAW

**WHEREAS**, in April 2025, Community Development Department staff proposed updates to modernize department operations, clarify Planning Commission roles, and introduce a Hearings Officer system in the land use process;

**WHEREAS**, these updates were organized as a two-phase process, with Phase 1 addressing Planning Commission procedural improvements and Phase 2 implementing the Hearings Officer system and associated code amendments;

**WHEREAS**, Phase 1 was adopted as General Ordinance No. 25-1422 by the City Council on November 24, 2025, amending The Dalles Municipal Code (**TDMC**) to improve Commission procedures, streamline meeting schedules, update quorum and membership rules, and establish a framework for delegating quasi-judicial duties to a Hearings Officer;

**WHEREAS**, Phase 2 establishes a Hearings Officer as an impartial, contracted land use professional responsible for reviewing quasi-judicial and escalated administrative applications, and the Phase 2 amendments implement the procedural, noticing, and code changes necessary to integrate the Hearings Officer system into TDMC Title 10 and the Comprehensive Plan;

**WHEREAS**, Phase 2 also includes other amendments not directly related to the Hearings Officer, including updates to housing and land use standards, administrative processes, TDMC definitions, safety and design standards, and other internal consistency measures, all intended to streamline review, support predictable development outcomes, improve usability for staff, applicants, and the public, and ensure compliance with state law;

**WHEREAS**, pursuant to TDMC 10.3.020.060 and 10.3.110.030, notice of a legislative public hearing on Comprehensive Plan Amendment 57-25 and Zoning Ordinance Amendment 111-25 was provided in accordance with local and state law;

**WHEREAS**, on December 18, 2025, the Planning Commission conducted a noticed legislative public hearing on Comprehensive Plan Amendment 57-25 and Zoning Ordinance Amendment 111-25, took public testimony, and closed the public hearing; and

**WHEREAS**, the Planning Commission considered the public testimony and reviewed the proposed amendments set forth in Comprehensive Plan Amendment 57-25 and Zoning Ordinance Amendment 111-25 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 that 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 that proposed Comprehensive Plan Amendment 57-25 and Zoning Ordinance Amendment 111-25, as described in the staff report and attached as Exhibits “D” and “E” (respectively) to this Resolution, be approved and forwarded to the 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 the adoption of this Resolution and transmit a copy of the Resolution and its exhibits to the City Council, through the City Clerk, for inclusion in the Council’s record on Comprehensive Plan Amendment 57-25 and Zoning Ordinance Amendment 111-25.

**APPROVED AND ADOPTED THIS 18<sup>TH</sup> DAY OF DECEMBER, 2025.**

\_\_\_\_\_  
Cody Cornett, Chair  
Planning Commission

I, Joshua Chandler, Community Development Director for the City of The Dalles, hereby certify the foregoing was duly moved and recommended for adoption at a regular meeting of the Planning Commission held on the 18<sup>th</sup> day of December, 2025.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Joshua Chandler, Director  
Community Development Department