



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/27/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Cascade Locks Plan Amendment
DLCD File Number 003-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 08, 2009

This amendment was not submitted to DLCD for review prior to adoption Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: John Morgan, City of Cascade Locks
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DEPT OF

APR 20 2009

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Cascade Locks**

Local file number:

Date of Adoption: **3/29/2009**

Date Mailed: **4/15/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/1/2008

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amending the Commerical zone to allow artisan foundries as a conditional use

Does the Adoption differ from proposal? No, no explanation is necessary

NOA - This was adopted by Ordinance 399 March 29, 2009, but Form 2 Notice of Adoption Claimed that a Notice of Proposed Amendment was sent on 10/01/2008. DLCD has no record of ever receiving that notice on 10/01/2008 or anytime before or after that date. LJF 04-22-2009

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 003-09 (17515) [15481] NOA

Please list all affected State or Federal Agencies, Local Governments or Special Districts.

Local Contact: **John Morgan**

Phone: **(503) 304-9401** Extension:

Address: **PO Box 308**

Fax Number: **503-304-9423**

City: **Cascade Locks**

Zip: **97014-**

E-mail Address: **john@morgancps.com**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 399

revised 3/30/09

**AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE AS
ADOPTED BY ORDINANCE NO. 350, BY AMENDING CHAPTER 8-6.70-DOWNTOWN (D)
ZONE AND CHAPTER 8-6.71-COMMERCIAL (C) ZONE**

WHEREAS, the City's existing Community Development Code Chapter needs to be amended to allow compatible uses that increase the economic viability of the downtown area and the entire community; and

WHEREAS, adding the opportunity to have foundries for artisan purposes will support the economic revitalization of the City by encouraging commerce; and

WHEREAS, the City held a Planning Commission Public Hearing on the issue of adopting the amendment to the Downtown Chapter of the Community Development Code; and

WHEREAS, the City's Planning Commission approved the draft language to amend the Community Development Code, and recommended adoption to the City council; and

WHEREAS, the City Council held a Public Hearing on the issue of adopting the Code amendment ordinance on March 9, 2009; and

WHEREAS, the City Council makes the following findings in accordance with the criteria of CDC 8-6.176.060:

- A. The proposal complies with the Statewide Planning Goals and administrative rules as they relate to the proposal:

FINDING: The proposed change complies with the relevant Goals and rules in the following ways:

Goal 1 – Citizen Involvement – the proposal was subject to a public hearing as required by the Community Development Code.

Goal 2 – Land Use Planning – the proposal was considered in accordance with the applicable procedures of the Community Development Code.

Goal 3 – Agriculture – the goal is not applicable because the land impacted by the Development Code is inside the City Limits.

Goal 4 – Forestry – the goal is not applicable because the land impacted by the Development Code is inside the City Limits.

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces – the goal is not applicable as the proposed text amendment does not directly impact any of the resources of the community

Goal 6 - Air, Water and Land Resources Quality – the goal is not applicable as the proposed text amendment does not directly impact any of the resources of the community other than potentially air quality and testimony was received by the Planning Commission indicating that the Oregon Department of Environmental Quality does not regulate artisan foundries as they are not known to emit any air pollution.

Goal 7 - Areas Subject to Natural Hazards - the goal is not applicable as the proposed text amendment does not directly impact any areas subject to mapped or identified natural hazards

Goal 8 – Recreational Needs - the goal is not applicable as the proposed text amendment does not directly impact recreational activities

Goal 9 – Economic Development – the goal is supported by the provision of a new economic tool supporting local artists and providing a service for artist on a regional basis.

Goal 10 – Housing – the goal is not applicable as the proposed text amendment does not relate to housing

Goal 11 - Public Facilities and Services – the goal is not applicable as the proposed text amendment does not relate to the provision of public facilities and services

Goal 12 – Transportation - the goal is not applicable as the proposed text amendment does not relate to the provision of transportation facilities and services

Goal 13 – Energy Conservation - the goal is not applicable as the proposed text amendment does not relate to the conservation of energy

Goal 14 – Urbanization – the goal is not applicable as the proposed text amendment does not relate to the urbanization policies of the City

Goals 15-19 – these goals are not applicable as they deal exclusively with other regions of the State

B. The proposal complies with the Comprehensive Plan goals, policies, and implementation strategies:

1 – Policies on Natural Resources and Hazards

FINDING: These policies are not applicable as the proposed text amendment does not deal with impact, nor is impacted by Natural Resources and Hazards

2 – Infrastructure and Public Services

FINDING: These policies are not applicable as the proposed text amendment does not deal with, impact, nor is impacted by Infrastructure and Public Services

3 – Economy (only relevant goals and policies are included. Others are found to be irrelevant because of the activities impacted by the text amendment.)

A. Commercial and Industrial Revitalization and Development

Goal - To promote a diversified city economy

FINDING – the proposed text amendment helps to provide land for facilities that will support a healthy economy

Policies

The city shall:

2. Provide sufficient quantities of appropriately located and zoned land for new businesses in the community.

FINDING – the proposed text amendment helps to assure there land available to support economic activity.

3. Provide facilities, services, and amenities to promote tourism.

FINDING – the proposed text amendment helps to support tourism by being an important tool to allow development of a local art based economy which will encourage tourism.

4. Promote the downtown as the primary commercial and service center of the city.

FINDING – the proposed text amendment helps to assure the prosperity of the Downtown district by supporting development of an art-based element of the local economy.

- C. Be internally consistent with related Comprehensive Plan or Development Code provisions

FINDING – The proposed amendment fits directly into the structure of the Development Code by adding a conditional use. It does not impact the balance of the Code or the Comprehensive Plan.

- D. Promote provision of adequate public facilities and services for the community

FINDING – This policy is not relevant as the proposed text amendment does not impact the provision of public facilities and services.

NOW THEREFORE:

THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, ORDAINS AS FOLLOWS:

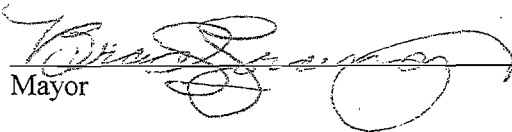
SECTION 1. Section 8-6.70. The Downtown (D) Zone and the Commercial (C) Zone of the Community Development Code are amended as presented in the attached Exhibit A.

SECTION 2. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance, or such portion thereof, was enacted.

SECTION 13. Effective Date. This ordinance shall become effective thirty (30) days after adoption by the City Council and approval by the Mayor.

ADOPTED by the City Council this 29th day of March, 2009.

APPROVED by the Mayor this 29th day of March, 2009.

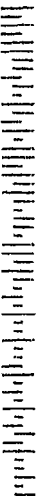

Mayor

ATTEST:

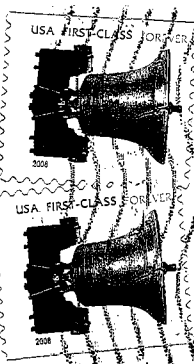

City Recorder

First Reading Approved: March 23, 2009; Ayes 6; Nays 1

Second Reading Approved: March 29, 2009; Ayes 4; Nays 3



PO Box
SANDERS OR 97014



SALEM, OR 973

FRI 17 APR 2009 PM

Paul Anderson Specialist

DLCD

635 CAPITAL STREET NE, SUITE 150

SALEM OR 97301-2540

