



Oregon

Theodore R. Kubongski, 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

4/26/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Cascade Locks Plan Amendment
DLCD File Number 006-09

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 07, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

APR 13 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Cascade Locks**

Local file number:

Date of Adoption: **April 12, 2010**

Date Mailed: **April 16, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

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".
Amendment of Development Code to require applicant sponsored public meetings

Does the Adoption differ from proposal? No

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
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 006-09 (17973) [16095]

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

None

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 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see [ORS 197.615](#)).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see [ORS 197.830 to 197.845](#)).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see [ORS 197.615](#)).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 405

revised 4/14/10

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODES AS ADOPTED BY ORDINANCE NO. 350, BY AMENDING CHAPTER 8-6.24-PROCESSING DEVELOPMENT ACTIONS.

WHEREAS, the City has prepared language to add provisions requiring an applicant in the case of a major proposal to hold a meeting with people surrounding the site of a potential application prior to that application being filed; and

WHEREAS, the City's Planning Commission held a Public Hearing on the issue of adopting the amendments to the Processing Development Actions 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 April 12, 2010; 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. The proposal helps frame how citizen involvement takes place as part of planning applications and expands the responsibility to engage the public in the design and intent of major projects.

Goal 2 – Land Use Planning – the proposal was considered in accordance with the applicable procedures of the Community Development Code. The proposal clarifies procedural requirements and brings the process into alignment with applicable state law.

Goal 3 – Agriculture – the goal is not applicable because the change deals with procedure, not with specific land uses.

Goal 4 – Forestry – the goal is not applicable because the change deals with procedure, not with specific land uses.

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces – the goal is not applicable as the change deals with procedure, not with specific land uses.

Goal 6 - Air, Water and Land Resources Quality – the goal is not applicable as the change deals with procedure, not with specific land uses.

Goal 7 - Areas Subject to Natural Hazards - the goal is not applicable as the change deals with procedure, not with specific land uses.

Goal 8 – Recreational Needs - the goal is not applicable as the change deals with procedure, not with specific land uses.

Goal 9 – Economic Development – the goal is not applicable as the change deals with procedure, not with specific land uses.

Goal 10 – Housing – the goal is not applicable as the change deals with procedure, not with specific land uses.

Goal 11 - Public Facilities and Services – the goal is not applicable as the change deals with procedure, not with specific land uses.

Goal 12 – Transportation - the goal is not applicable as the change deals with procedure, not with specific land uses.

Goal 13 – Energy Conservation - the goal is not applicable as the change deals with procedure, not with specific land uses.

Goal 14 – Urbanization – the goal is not applicable as the change deals with procedure, not with specific land uses.

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 change deals with procedure, not with specific land uses.

2 – Infrastructure and Public Services

FINDING: These policies are not applicable as the change deals with procedure, not with specific land uses.

3 – Economy –this goal is not applicable as the change deals with procedure, not with specific land uses.

- 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 language specific to the requirement for an applicant sponsored meeting prior to filing an application. 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 – The policy is not applicable as the change deals with procedure, not with specific land uses.

NOW THEREFORE:

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

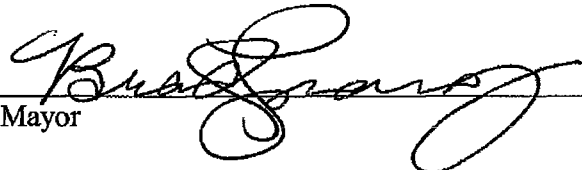
SECTION 1. Section 8-6.24.010. Chapter 8-6.24 of the Community Development Code is amended by adding a new Section 8-6.24.025 – Pre-Application Applicant Sponsored Public Meeting, as listed in Attachment A to this ordinance.

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 3. 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 12th day of April, 2010.

APPROVED by the Mayor this 12th day of April, 2010.



Mayor

ATTEST:



City Recorder

First-Reading Approved: April 12, 2010; Ayes 7 ; Nays 0

Second Reading Approved: April 12, 2010; Ayes 7 ; Nays 0

Chapter 8-6.24

PROCESSING DEVELOPMENT ACTIONS

Sections

8-6.24.010	Initiation and Withdrawal of Action
8-6.24.020	Pre-Application Conference
<u>8-6.24.025</u>	<u>Pre-Application Applicant Sponsored Public Meeting</u>
8-6.24.030	Application
8-6.24.040	Application Submittal and Acceptance
8-6.24.050	Notice of Development Actions
8-6.24.060	Staff Report
8-6.24.070	Decisions
8-6.24.080	Burden of Proof
8-6.24.090	Vested Rights

8-6.24.010 Initiation and Withdrawal of Action

- A. Development actions may be initiated only by:
1. Application by all the owners or all the contract purchasers of the subject property, or any person authorized in writing to act as agent of the owners or contract purchasers. Contract purchasers shall indicate in writing that the contract vendor(s) has been notified of the application;
 2. The City Council;
 3. The Planning Commission; or
 4. The City Administrator.
- B. No application shall be deemed complete and further processed if it is determined that any necessary authorization to file has not been obtained.
- C. The City Administrator may withdraw any application, petition for review, or motion for reconsideration at the request of the applicant or petitioner. Once accepted as complete, however, the applicant or petitions shall be entitled to withdraw by right only if the City Administrator determines that written consent to withdraw an application has been obtained from a majority of the owners or contract purchasers or the majority interest holders in the property, or all signers of the petition for review.
- D. If an application, petition for review, or motion for reconsideration is withdrawn after public notice has been provided and the approval authority has not rendered a decision, the City Administrator shall provide written notification of the withdrawal to all persons that were entitled to be mailed a public notice of pending review and all persons who submitted written comments.
- E. Fees for applications and petitions for review, withdrawn at the request of the applicant shall be refunded, less the actual costs incurred by the City.
- F. The city shall take final action on permit applications which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete. Any exceptions to this rule shall conform to state and local regulations.
- G. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included.

Proposed Code Amendment to Require Developer-Sponsored Public Meetings

The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

8-6.24.020 Pre-Application Conference

- A. No application for a City Administrator, Planning Commission, or City Council action shall be received by the Administrator unless the applicant or the applicant's representative has:
 - 1. Attended a pre-application conference with the City Administrator; or
 - 2. Signed a waiver, on a written statement prepared by the City Administrator, waiving the pre-application conference requirement.
- B. The purpose of the pre-application conference is to acquaint the applicant or representative with the requirements of this title, the Comprehensive Plan and other relevant criteria. It is designed to assist the applicant. The applicant assumes the risk for delays or other problems caused by failure to attend. It is impossible, however, for the conference to be an exhaustive review of all potential issues and failure of the City Administrator to provide any information required by this title shall not constitute a waiver of the policies, standards, or criteria relevant to the application.
- C. Pre-application conferences shall be scheduled by the City Administrator at the earliest reasonable time.
- D. Information given by the City Administrator and/or staff to the applicant during the preapplication conference is valid for no longer than 6 months. Another preapplication conference is required if an application is submitted more than 6 months after the preapplication conference is held.

8-6.24.025 Pre-Application Applicant Sponsored Public Meeting

- A. No application for a land use approval that requires a hearing and decision by the Planning Commission, not including action on appeal of a City Administrator decision, shall be received by the Administrator unless the applicant or the applicant's representative has held a public meeting inviting all property owners, residents, and business owners within the applicable notification area for the required public hearing. Pre-application public meetings will be held no more than six months in advance of the filing of the subject application.
- B. The purpose of the pre-application public meeting is to allow the applicant to present the proposed land use action to those owning or residing in the notification area, answer questions from those in attendance, learn from those in attendance about concerns, issues, and ideas about the proposed land use action, and work toward agreement on any points of concern. It is not a requirement of this Code Section to require agreement amongst the parties on points of concern, but rather to require that the meeting is held so the public and the applicant can understand the proposal and the issues.
- C. Written notification of the public meeting will be provided to all property owners, residents, and business owners within the applicable notification area for the required public hearing. The meeting must be open to all who choose to attend, including those outside the notification area. A written record of the major points of the discussion, along with a list of those in attendance, will be created and preserved. Copies of the Meeting Notice, distribution list for the notice, and Meeting Record will be submitted with the land use application.
- D. Pre-application public meetings will be held at a reasonable time and at a reasonable

Proposed Code Amendment to Require Developer-Sponsored Public Meetings

place so as to allow the greatest possibility of participation by those in the notification area. The City Administrator will judge the reasonableness of the timing and place of the meeting in reviewing the application for completeness and can reject the application if a finding is made demonstrating the lack of reasonableness in holding the meeting.

E. The applicant or applicant's representative will facilitate the public meeting. Nothing in this Code section precludes the applicant or applicant's representative from ejecting a participant who is disruptive to the ability of the rest of the participants to listen and participate.

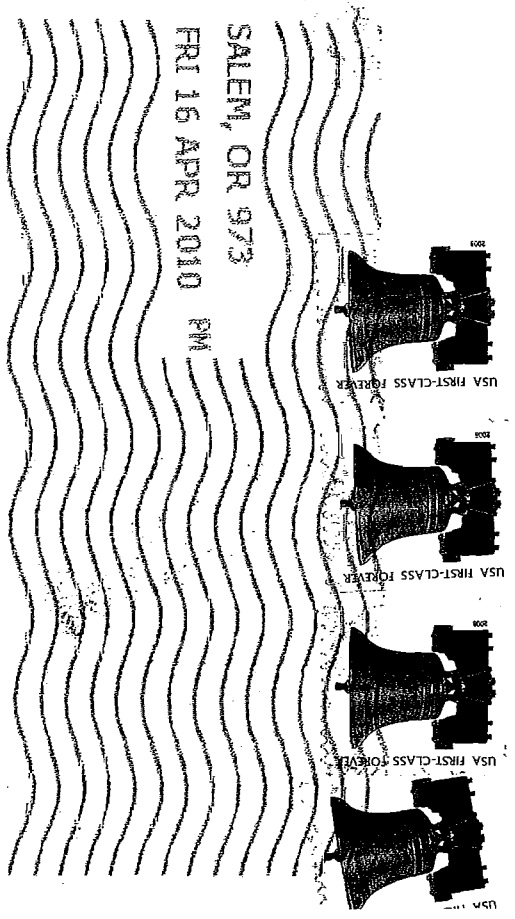
F. The City will have no role in sponsoring, convening, or facilitating a pre-application public meeting. City participation is at the discretion of the City Administrator. A pre-application public meeting is not an official part of the land use process.

8-6.24.030 Application

- A. Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the City Administrator.
- B. A complete application is one which contains the information required to address the relevant standards of the Comprehensive Plan and this title. It shall consist of the following:
1. A completed original application form, signed by all persons required for initiating an application under Section 8-6.24.010;
 2. A current Hood River County tax map(s) showing the subject property(ies) and all properties within 250 feet of the subject property;
 3. Relevant public facilities information;
 4. Additional information required by other provisions of this title and the Comprehensive Plan;
 5. Additional information directly related to the applicable standards of this title or the Comprehensive Plan as deemed essential by the City Administrator to evaluate adequately the specific application for compliance with those criteria and standards; and
 6. The applicable fees adopted by the City Council are hereby incorporated by reference as the fees herein. These fees may be amended by resolution and order by the Council.

WORKERS
1308 MARIGOLD ST NE
KEIZER OR 97303

ATTN: Paul Amundson Specialist
DLCD
635 CAPITAL ST NE Suite 150
SALEM OR 97301-2540



SALEM, OR 973
FRI 16 APR 2010 PM