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

12/29/2009

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 002-09

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: Tuesday, January 12, 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 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
      Gary Fish, DLCD Regional Representative

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FORM 2

DLCD HAND DELIVERED

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

DEPT OF

DEC 2 2 2009

**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only

Jurisdiction: **Cascade Locks**   Local file number:

Date of Adoption: **12/14/09**   Date Mailed: **12/21/09**

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

☐ Comprehensive Plan Text Amendment   ☐ Comprehensive Plan Map Amendment

x 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".

Amend development code to address drive-up windows in the Downtown zone

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
x	x	☐	☐	☐	☐	☐	☐	x	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?	x Yes	☐ No
If no, do the statewide planning goals apply?	☐ Yes	☐ No
If no, did Emergency Circumstances require immediate adoption?	☐ Yes	☐ No

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DLCD file No. 002-09 (17438) [15918]

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

None

Local Contact: **John Morgan**

Address: **PO Box 308**

City: **Cascade Locks**   Zip: **97014**

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

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

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, or by emailing **larry.french@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 **larry.french@state.or.us** - Attention: **Plan Amendment Specialist.**

Updated March 17, 2009

ORDINANCE NO. 403

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

WHEREAS, the City's existing Community Development Code Chapter needs to be amended to allow the use of drive-up windows in the Downtown when those facilities are important to economic development and when those facilities can be accommodated and designed in a way consistent with the Downtown zone; and

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

WHEREAS, the City Council held a Public Hearing on the issue of adopting the Code amendment ordinance on July 13, 2009; and

WHEREAS, the City Council remanded the matter back to the Planning Commission for further work; and

WHEREAS, the City's Planning Commission approved a concept for amending the Community Development Code, and recommended adoption to the City Council; 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

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 supported by the provision of more commerce for visitors which helps to support the recreational activities of the community

Goal 9 – Economic Development – the goals is supported by the provision of more flexibility for commercial design and uses in the Downtown zone which is an important element of the local economy

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. However, the proposed amendment includes provisions which allow a review of any drive-up facility to assure any impact it has on the street system is mitigated.

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 for a broader variety of commercial activities thereby helping to 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 is adequate and appropriately sized land zoned for all types of businesses.

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

FINDING – the proposed text amendment helps to assure there is adequate and appropriately sized land zoned for businesses which will support tourism.

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

FINDING – the proposed text amendment helps to assure there is adequate land zoned for all types of businesses in Downtown.

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.

NOW THEREFORE:

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

SECTION 1. **Section 8-6.70.** Downtown (D) Zone, of the Community Development Code is amended as presented in the attached Exhibit A.
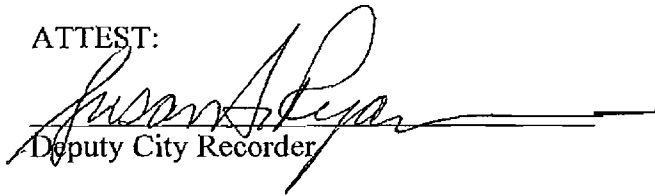
SECTION 2. **Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance, or any portion thereof, 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 14th day of December, 2009.

APPROVED by the Mayor this 14th day of December, 2009.

ATTEST:

Deputy City Recorder

Mayor

First Reading Approved: <u>December 14, 2009</u>;   Ayes <u>7</u>; Nays <u>0</u>

Second Reading Approved: <u>December 14, 2009</u>;   Ayes <u>7</u>; Nays <u>0</u>