



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

01/13/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of The Dalles Plan Amendment
DLCD File Number 001-13P

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. This is a partial adoption of the original proposal.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, January 28, 2014

This amendment was submitted to DLCD for review prior to adoption 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: Richard Gassman, City of The Dalles
Gordon Howard, DLCD Urban Planning Specialist

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-13P (19710)
[17728]
Received: 1/7/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of The Dalles

Local file no.: **ZOA 83-13 / General Ordinance 13-1331**

Date of adoption: 11/25/2013 Date sent: 1/7/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 2/25/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

The Notice included two proposed changes. The first change would have amended requirements to time of issuance of permit for a dwelling, or until a LID was formed. This change was withdrawn and Form 3 was submitted on 8/23/13. The second change modifying side yard setbacks was adopted.

Local contact (name and title): Richard Gassman, Planning Director

Phone: 541-296-5481

E-mail: rgassman@ci.the-dalles.or.us

Street address: 313 Court Street

City: The Dalles, OR

Zip: 97058-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

General Ordinance No. 13-1331: An ordinance approving zoning ordinance amendment no. 83-13 amending section 6.080(A)(2) of general ordinance no. 98-1222, the City's land use development ordinance.

The ordinance amendment modifies the side yard setback from 5 feet to 30 inches for structures that are open on three sides.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

A signed copy of General Ordinance No. 13-1331 is attached.

GENERAL ORDINANCE NO. 13-1331

COPY

**AN ORDINANCE APPROVING ZONING ORDINANCE
AMENDMENT NO. 83-13 AMENDING SECTION 6.080(A)(2)
OF GENERAL ORDINANCE NO. 98-1222, THE CITY'S
LAND USE AND DEVELOPMENT ORDINANCE**

WHEREAS, the City Planning Commission conducted a public hearing on April 4, 2013, concerning a proposed amendment to the City's Land Use and Development Ordinance relating to setback requirements for open sided structures; and

WHEREAS, following the public hearing, the Planning Commission voted to recommend approval of the proposed amendment; and

WHEREAS, on July 22, 2013, the City Council conducted a public hearing on the proposed amendment to the City's Land Use and Development Ordinance; and

WHEREAS, a staff report was presented to the City Council and public testimony was received at the public hearing; and

WHEREAS, following the close of the public hearing, the City Council deliberated and voted to approve the proposed amendment, based upon findings of fact and conclusions of law; and

WHEREAS, the City Council directed staff to prepare an ordinance setting forth proposed findings of fact and conclusions of law; and

WHEREAS, the City Council has reviewed the proposed findings of fact and conclusions of law, attached to this Ordinance as Exhibit "A", which is incorporated herein by this reference;

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

Section 1. Findings Adopted. The City Council hereby adopts and approves the findings of fact and conclusions of law set forth in Exhibit "A". Based upon these findings of fact and conclusions of law, the proposed amendment to Section 6.080(A)(2) of the Land Use and Development Ordinance concerning setback requirements for open sided structures is hereby approved.

Section 2. Ordinance Amendment. Section 6.080(A)(2) of General Ordinance No. 98-1222 shall be amended to read as follows:

2. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues may project up to 3 feet into a required yard, provided a 30 inch minimum setback is maintained from any property line. Structures that are open on three sides, with a minimal number of support beams, are subject only to the setback requirements of Section 6.080(A)(2), and are exempt from the provisions of Section 6.080(A)(3).

Section 3. Effective Date. This Ordinance shall be effective thirty (30) days after it's passage and approval.

PASSED AND ADOPTED THIS 25TH DAY OF NOVEMBER, 2013

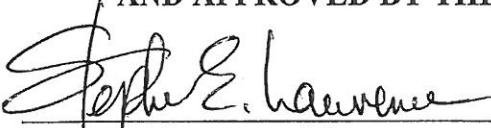
Voting, Yes, Councilors: Spatz, Wood, Dick, McGlothlin, Miller

Voting No, Councilors: None

Absent, Councilors: None

Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 25TH DAY OF NOVEMBER, 2013



Stephen E. Lawrence, Mayor

ATTEST:



Julie Krueger, MMC, City Clerk