

AGENDA**PLANNING COMMISSION**

June 5, 2025

5:30 p.m.

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

Via Zoom<https://us06web.zoom.us/j/82327794645?pwd=cld2UGhUb1BoVithR0tFUzZcWtXQT09>Meeting ID: **823 2779 4645** Passcode: **001537**

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Contact the City Clerk at (541) 296-5481 ext. 1119, or amell@ci.the-dalles.or.us.

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES – April 17, 2025 and May 15, 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 110-25 and CPA 56-25, 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 Comply with FEMA's 2024 Pre-Implementation Compliance Measures (PICM) Mandate and Updated Floodplain Development Standards

8. RESOLUTION (*Sent under separate cover.*)

Resolution PC 629-25: A Resolution of the Planning Commission Recommending City Council Approval of Zoning Ordinance Amendment No. 110-25 and Comprehensive

CITY OF THE DALLES

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

Plan Amendment No. 56-25 to Adopt Amendments to the Comprehensive Plan and Title 10 of The Dalles Municipal Code to Comply with FEMA's 2024 Pre-Implementation Compliance Measures (PICM) Mandate and Updated Floodplain Development Standards

9. STAFF COMMENTS / PROJECT UPDATES

10. COMMISSIONER COMMENTS / QUESTIONS

11. ADJOURNMENT

Meeting conducted in a room in compliance with ADA standards.

Prepared by/
Paula Webb, Planning Technician
Community Development Department

MINUTES

PLANNING COMMISSION MEETING

April 17, 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: Mark Poppoff, Maria Peña, Carrie Pipinich, Nik Portela
(Arrived at 5:37 p.m.)

COMMISSIONERS ABSENT: John Grant, Addie Case

STAFF PRESENT: Director Joshua Chandler, City Attorney Jonathan Kara,
Special Counsel Chris Crean, Associate Planner Cialita
Keys, Planning Technician Paula Webb, Administrative
Assistant Crystal Sayre

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:33 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

It was moved by Poppoff and seconded by Peña to approve the minutes of April 3, 2025 as submitted. The motion carried 4/0: Cornett, Peña, Pipinich and Poppoff voting in favor, none opposed, Case, Grant and Portela absent.

PUBLIC COMMENT

None.

QUASI-JUDICIAL PUBLIC HEARING

Appeal 38-26, Pam Danzer

Request: Appeal of the administrative approval of Subdivision (SUB) 86-24 on March 21, 2025, for the approval to site and develop a two-phase, single-family residential subdivision. Phase I will consist of 14 lots on 3.33 acres inside the City limits. The remainder will be annexed into the City and later divided into 15 lots.

The Commission held a quasi-judicial public hearing to consider Appeal No. 38-25, an appeal of the Administrative Approval of Subdivision Application No. 86-24, submitted by Pam Danzer. The subdivision involved a two-phase single-family residential development located behind Adventist Health Columbia Gorge, with Phase I consisting of 14 lots and Phase II of 15 lots. Phase II is located outside City limits but within the Urban Growth Boundary and required annexation.

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest, or bias which would preclude an impartial decision. Hearing none, Chair Cornett opened the public hearing at 5:40 p.m.

Director Chandler provided the staff report and presentation (Attachment 1). He described the project timeline, location, and scope. The appeal raised six primary issues: geologic hazards, development standards compliance, traffic and emergency access, infrastructure and utilities, neighborhood compatibility, and transparency in the review process.

Director Chandler detailed that:

- The site was not located within a City-identified geologic hazard zone, and a geologic impact study was not required under City Code.
- All lots, except one (Lot 11), met minimum frontage requirements. A condition of approval required expansion of Lot 11 to meet the standard.
- A Traffic Impact Study was conducted by a licensed traffic engineer and accepted by the City. No additional mitigation was required.
- Emergency access standards would be met with phased turnarounds or road extensions and sprinkler systems for all homes due to slope grades.
- Water pressure was confirmed to meet state standards. All utilities would be extended and installed at the developer's expense.
- The development met zoning and density requirements. Subjective criteria such as affordability and aesthetics were not applicable under state law.
- Public notice was properly issued, and all property ownership records were publicly accessible.

Director Chandler concluded by recommending denial of the appeal and affirmation of the subdivision approval, with conditions outlined in the staff report.

Commissioner Poppoff questioned the requirement for all runoff from houses and driveways to be directed into the storm sewer system, noting that rainfall on the site would not increase post-development. Director Chandler explained that all development must either retain water on site or connect to the storm system. Due to site topography, on-site retention could be difficult, and the developer was installing a full storm line system with laterals to each lot for roof drain connections. While infiltration trenches could be an option, engineering analysis would be needed, and a connection to the storm system remained the most feasible approach.

Chair Cornett inquired about the use of hazard maps. Director Chandler clarified that the City only uses its own hazard map developed in 2010, as neither county nor state maps are referenced in The Dalles Municipal Code.

Regarding the traffic impact study, Chair Cornett asked who performed the study and who was responsible for contracting it. Director Chandler stated that it was Ferguson and Associates, and that the developer is responsible for hiring and paying the traffic engineer. The City ensures the traffic engineer is licensed and meets with public works staff to determine the scope, including the specific intersections to be studied.

Chair Cornett also asked about road steepness in the existing subdivision. Director Chandler confirmed that one segment of East 21st Street is 16.5% in grade. The subdivision roads are slightly less steep and do not exceed 10%.

The distinction between the Comprehensive Plan and The Dalles Municipal Code was discussed. Chair Cornett emphasized that the Comprehensive Plan serves as a guideline and is not regulatory. Director Chandler agreed, noting the Comprehensive Plan includes goals and policies used to develop the Code, which contains the enforceable standards.

In regard to fire suppression, Chair Cornett asked if sprinkler systems were required for the proposed homes. Director Chandler confirmed this is a requirement of the Oregon Fire Code for properties accessed by roads exceeding a 10% grade. View Court, at 13.5%, triggers the requirement. A color-coded map is used by engineering staff to identify road grades, and the Fire Department will ensure final plans meet applicable codes.

Commissioner Peña inquired about anticipated home prices. Director Chandler referenced an estimate of around \$500,000 due to the complexity of construction on steep terrain, though this would be subject to market conditions.

Commissioner Poppoff asked about house sizes. Director Chandler stated that square footage is not part of subdivision approval criteria, and he did not recall if the developer had provided that information.

Applicant Testimony

Jason Alford, 219 State Route 115, Ocean Shores, Washington

Mr. Alford stated that his goal was to fulfill a longstanding family vision for the property. Darrin Eckman of AKS Engineering elaborated that:

- The lots were shaped to match the topography, requiring complex foundation designs.
- The average lot size exceeded 8,200 square feet, consistent with the neighborhood.
- Utilities and roads were designed to meet all engineering and safety standards.
- Storm water discharge would be accommodated either on-site or through the planned storm system.

Appellant Testimony

Pam Danzer, 2100 Claudia Way, The Dalles

Ms. Danzer stated that she was serving as the neighborhood spokesperson and that the Appeal had been filed under her name for that reason. She indicated she would be presenting the neighborhood's concerns.

Ted Valkov, 2102 Claudia Lane, The Dalles

Mr. Valkov, speaking as a resident of the neighborhood, clarified that while a formal neighborhood association had not yet been established, the slides submitted (Attachment 2) reflected input from multiple neighbors. He emphasized that many residents felt excluded from the process and were concerned about both the pace of the development and its implications. He expressed appreciation for being allowed to speak and acknowledged the long-standing local history of the area.

Mr. Valkov raised concerns about the adequacy of the public process, stating that the review had focused heavily on code compliance without addressing real-world impacts. He cautioned that the subdivision would be constructed on steep, unstable slopes composed of Type C soils, similar to areas in California that have experienced landslides despite extensive code compliance. He contended that altering site hydrology through grading and development could destabilize the hillside and create serious geotechnical risks.

He reviewed grading plans and aerial photos, arguing that the development would involve building homes on engineered fill placed on or near the scarp slope. He noted the absence of comprehensive geotechnical or hydrological analysis in the application and pointed out recent visible slippage on the slope as evidence of instability.

Mr. Valkov asserted that Smith Ridge is a dynamic slope covered with native vegetation that offers limited erosion protection during winter storms. He described observed runoff issues and warned that without adequate drainage planning, the development could channel stormwater into neighboring properties, increasing erosion risk and potentially causing damage.

Traffic safety was another significant concern. He shared personal observations and photos showing poor visibility and steep road conditions on East 21st Street and View Court, noting that the roads become dangerous or inaccessible during winter weather. He questioned how new residents unfamiliar with local conditions would safely navigate the area.

Mr. Valkov also raised fire safety issues. He emphasized the inability to effectively clear vegetation on the scarp due to unstable soils, noting that this vegetation could fuel a wildfire that might endanger nearby infrastructure, including the BPA transmission corridor. He argued that mandatory residential sprinkler systems would not be effective in such a scenario.

He concluded that many hazards—geotechnical, fire, and traffic-related—had been overlooked or inadequately addressed due to a procedural focus on code compliance. He cautioned that these risks could not be resolved on a lot-by-lot basis and were inherent to the subdivision’s layout.

To address the concerns, Mr. Valkov offered several alternative solutions:

- Solution A: Eliminate the proposed loop road and instead use cul-de-sacs to reduce grading impacts and avoid placing homes on the unstable slope.
- Solution B: Provide a secondary access to the subdivision by extending East 21st Street to a collector street, improving emergency egress and winter access.
- Solution C: Increase lot sizes in some areas to allow for safer driveways and usable yards, without significantly impacting density or the applicant’s development rights.

He concluded by encouraging the Planning Commission to consider early-stage design adjustments rather than approving the plat as proposed, stating that addressing fundamental site constraints now would result in a safer and more resilient neighborhood.

Ms. Danzer submitted written comments on behalf of concerned neighbors regarding Appeal No. 38-25 (Attachment 3). The document, titled “Neighborhood Response to Staff Report – Appeal No. 38-25”, provides a detailed critique of the proposed Smith Ridge Subdivision and outlines specific concerns regarding geological stability, drainage, traffic safety, fire access, and procedural timing.

The testimony highlights that the subdivision site contains slopes exceeding 25% and potentially unstable Type C soils. It asserts that the City’s reliance solely on the 2010 Geologic Hazards Study is insufficient and calls for a site-specific geotechnical investigation prior to approval. The document argues that hazard identification and mitigation measures should occur early in the planning process—not deferred to the physical constraints permit stage—to ensure responsible development and public safety.

Concerns were also raised about the proposed street layout, which includes steep road grades, substandard right-of-way widths, and inadequate turnarounds for emergency vehicles. The testimony contends that these elements do not meet applicable standards in The Dalles Municipal Code or fire access requirements. The response further critiques the absence of detailed drainage facilities and warns that uncontrolled runoff could create erosion hazards, particularly during winter weather events.

The comments also question the appropriateness of processing the subdivision as an administrative action rather than a quasi-judicial one, citing the complexity of the site and potential impacts on the surrounding neighborhood. The document calls for annexation of Phase 2 prior to any construction and urges the City to require revised grading and site plans that incorporate hazard mitigation, improved connectivity, and code compliance before final approval is granted.

The neighborhood group ultimately requests that the City revisit the proposed site design to address physical constraints and environmental risks through proactive planning rather than reactive permitting.

Chair Cornett asked for clarification on the location being referenced on the map.

Ms. Danzer responded, indicating the location near the labeled “conceptual finished grade.” She explained that the dashed line represented a proposed fire apparatus turnaround, which is subject to a minimum 28-foot radius and sufficient approach length. However, due to the presence of steep 2:1 slopes and road placement at a 1% grade, the area creates a berm that is unsuitable for fire vehicle turnaround. She asserted that under the current layout, it would be physically impossible to construct a compliant turnaround within Phase 1. Danzer emphasized that while the neighborhood is not opposed to development, the current plan does not reflect responsible design, and certain code standards appear unmet. She stated that adjustments by the engineer and developer are necessary to create a feasible and compliant site layout.

Ms. Danzer also pointed to an easement between Lots 29 and 19, stating that this area should be developed as a public street that extends to the eastern property line, in order to accommodate future development. She explained that because the adjacent property lies within the Urban Growth Boundary, the developer is responsible for extending road and utility infrastructure to the property line.

Chair Cornett inquired where this requirement is stated in code.

Ms. Danzer acknowledged that her team had prepared the materials quickly and that the references may not precisely cite the code.

Director Chandler clarified that the likely reference is TDMC 10.6.050.030(B), which states that “public street improvements may be required through a development site, where required by the approving authority.” He noted that the code uses “may,” indicating discretion rather than a strict requirement.

Ms. Danzer agreed, stating that much of the code contains discretionary language open to interpretation. She added that standard development practices typically include extending utilities and infrastructure to support future development of adjacent parcels.

Chair Cornett inquired whether Ms. Danzer was reading from her submitted public comment. Ms. Danzer confirmed she was referencing material from the written testimony, specifically addressing concerns about drainage and street design, including portions of TDMC 10.10.060 Street Requirements.

Ms. Danzer described issues with the grading plan, noting that certain slopes—specifically a 9.6% grade—do not appear to include appropriate drainage infrastructure. She argued that water runoff would flow directly toward Lots 10 and 11 due to the absence of curbs on an access easement located between those lots. She asserted that this impervious surface, regraded as part of the subdivision plan, could result in runoff concentrating and causing slope failure or erosion, particularly in the absence of proper curb and drainage features.

She further raised concerns about the turning radius at the northwest corner of Smith Ridge Loop, stating that it did not meet the 80-foot centerline radius required for local streets under City Code. She suggested that the sharp 90-degree turn should be redesigned using a larger radius or a “knuckle” layout for fire safety. She also questioned whether the street’s current

configuration could accommodate large vehicles, such as those used for orchard harvest operations on adjacent land.

Chair Cornett and Director Chandler clarified that while a storm drainage system is part of the subdivision, the specific access easement referenced by Ms. Danzer is not connected to it. Ms. Danzer also noted that curbs are not required on access easements under code, which may contribute to uncontrolled runoff and drainage issues in that area.

Discussion continued about whether the proposed road system met City Code requirements for connectivity and street extension. Ms. Danzer contended that East 21st Street should be extended to the eastern property boundary and that utilities should also be extended to serve potential future development within the Urban Growth Boundary. She cited TDMC 10.10.060(D), which requires public streets installed concurrent with development to extend through the site to adjacent properties. She argued that the current plan failed to comply with this requirement.

Special Counsel Crean responded that the site plan includes a 50-foot-wide access easement to the eastern property line, which meets the requirement for future connectivity. He added that while pavement did not extend to the boundary, the easement accommodates the extension of future street improvements. He also clarified that under legal interpretation, the more recently adopted Transportation System Plan (TSP) supersedes older provisions in the Code. The TSP allows for a 50-foot right-of-way rather than the 54 feet cited in older language, and that standard has been consistently applied in subdivision approvals since 2017.

Ms. Danzer expressed concern that the TSP was not easily accessible to the public and questioned how it could override the requirements listed in the Municipal Code if it had not been formally incorporated. City Attorney Kara confirmed that the TSP is available on the City's website and is referenced throughout Title 10. Director Chandler added that subdivision proposals are reviewed using both the TSP and the Municipal Code, and that 50-foot rights-of-way are consistently applied during site team review and development engineering.

Regarding fire access, Mr. Eckman noted that the proposed 37.5-foot turning radius at the northwest corner of Smith Ridge Loop was modeled after existing road geometry and had been shifted 10 feet to the east to accommodate nearby development. He stated the Fire Department had been given the plans and provided no comments or objections. Director Chandler confirmed that the plat, including road layout, had been reviewed by City staff and agencies.

Chair Cornett emphasized that any conditions imposed by the Planning Commission must be supported by code requirements. He asked Ms. Danzer to provide specific, enforceable code-based conditions. In response, Ms. Danzer referenced the 54-foot right-of-way standard (superseded by the TSP), turning radii, and fire turnaround requirements.

Chair Cornett asked whether the subdivision layout could be changed if further analysis, such as a Physical Constraints Permit, revealed the site was unsuitable for development in some areas. Director Chandler clarified that if the tentative plat is approved, the final plat must substantially conform to it; significant changes would require a new application and review process. Chair Cornett acknowledged this process and noted that while the developer could voluntarily resubmit a revised plan, the Commission could only impose changes that comply with current code.

Ms. Danzer concluded by reiterating that the neighborhood is not opposed to development, but wants it done responsibly, with full consideration of slope stability, proper drainage, access, and infrastructure planning. She encouraged proactive design changes prior to approval to avoid complications later in the process.

Chair Cornett thanked Ms. Danzer and confirmed that no further questions were posed by other Commissioners.

Public Testimony

Donna Lawrence, 2017 View Court, The Dalles

Ms. Lawrence asked whether the Planning Commission had visited the site and was assured by Chair Cornett that they had. She inquired whether slope stability and soil conditions would be reviewed later in the process, to which Chair Cornett confirmed that geotechnical considerations would occur during the engineering phase as a condition of approval. Ms. Lawrence also raised concerns about traffic impacts if future development occurs east of the site, suggesting that View Court would likely be the primary access due to topographic constraints.

Allyson Schock, 2008 View Court, The Dalles

Ms. Schock shared personal experience from living on View Court for 20 years, stating she had never seen emergency vehicles successfully reach the upper portions of the hill during winter weather. She asked who would be liable if a landslide were to damage homes downhill, such as hers. Special Counsel Crean responded that liability would depend on specific circumstances such as ownership and cause. Ms. Schock emphasized the community's concern about soil stability and its potential consequences.

Gary Wade, 1700 E. 21st Street, The Dalles

Mr. Wade described recurring erosion issues along an existing dirt and gravel road adjacent to his property. He expressed skepticism that site development review would be sufficient, citing previous nearby construction that lacked sidewalks and proper setbacks. He questioned how similar issues could be avoided in this subdivision. Director Chandler clarified that past developments were approved under the City's minor partition process, which does not require infrastructure improvements. He explained that improvements in the current subdivision, including sidewalks and utilities, are being required in part to address deficiencies from earlier minor partitions. Mr. Wade reiterated that erosion and maintenance problems persist and asked who would enforce no-parking restrictions on the easement used for orchard operations. City Attorney Kara confirmed that the City has towing authority under its current enforcement code. Mr. Wade emphasized that unauthorized parking would interfere with his orchard's truck access and that enforcement should be swift and effective.

Marlis Rufener, 1700 E. 21st Street, The Dalles

Ms. Rufener stated that neighbors were previously told paving would be required for access to two homes recently built near Smith Ridge, but this never occurred, diminishing her confidence in the City's enforcement. She urged Commissioners to visit the site, especially East 20th Street, to view steep slopes firsthand. She expressed concern about slope stability, particularly for properties downhill toward East 19th Street and the hospital, in the event of a landslide.

Pamela Leal, 2000 View Court, The Dalles

Ms. Leal expressed concern about soil composition and stability in the proposed development area. She requested that a geotechnical evaluation and soil testing be conducted in accordance with Oregon Residential Specialty Code R401.4 and R401.4.1 to assess suitability and identify necessary mitigation measures, such as retaining walls or engineered fill. She emphasized that this would provide reassurance to current and future residents, particularly given the area's landslide risk. Commissioner Peña asked for clarification, and Ms. Leal explained that different soil types vary in their stability, especially when saturated, and that formal testing would confirm whether additional engineering is needed to safely support development.

Applicant Rebuttal

Mr. Eckman addressed concerns raised by the appellant and neighbors regarding soil stability, grading, and drainage. He clarified that references to soil classification in the appeal were based on agricultural land capability—not geotechnical suitability for development. He stated that none of the proposed development area is located within a designated geologic hazard zone on the Wasco County Base Map, and emphasized that steep slopes in the vicinity have remained stable for decades.

Mr. Eckman explained that any structural fill used in the subdivision would be engineered, not simply pushed soil. Proper geotechnical methods—including benching, layered compaction, moisture conditioning, and staged construction—would be employed under professional oversight to ensure stability.

He addressed drainage concerns, stating that public roads serving the site will include curb, gutter, and catch basins. Specifically, the access road serving Lots 11–14 (including Mr. Valkov's property) will be improved to public road standards. Four catch basins are located near the intersection of Smith Ridge Loop and East 21st Street to capture runoff before it leaves the site. The existing gravel road used to access the orchard will be paved, eliminating current erosion issues. He suggested that an inverted centerline with central drainage could be used for the orchard access road, allowing water to flow toward a single catch basin and improving driveway access.

In response to concerns about fire department access and turning radii, Mr. Eckman noted that the steep slope near the existing fire turnaround was constructed as part of a previous development and is not part of the current proposal. Instead, the applicant intends to provide either:

- Two temporary hammerhead turnarounds (at the ends of East 21st and Smith Ridge Loop), or
- An all-weather gravel road to complete the loop temporarily, allowing access for emergency vehicles without constructing full improvements until Phase 2 is built.

Mr. Eckman concluded by affirming that the design was developed carefully within professional engineering standards and that he appreciated the public's concerns.

Commissioner Peña asked whether a soil stability test could be required to address public concerns. Chair Cornett inquired whether such a condition could be imposed.

City Attorney Kara responded that under TDMC 10.3.050.060, conditions may be imposed to meet review criteria and mitigate impacts, but it was unclear whether that standard applied to subdivision appeals. He deferred to Special Counsel Crean.

Mr. Crean explained that the Commission could only impose conditions if tied to a specific review criterion not otherwise met. He stated that no such criterion had been identified to justify a soil test but noted that other requirements—such as the Physical Constraints Permit and DEQ 1200-C permit—already addressed slope and soil stability. He emphasized that the Oregon Residential Specialty Code and building permit review process include geotechnical requirements.

He further clarified that the subdivision's Conditions of Approval require:

- A Physical Constraints Permit for all site work;
- An environmental assessment for public dedications;
- Engineered plans for cuts/fills over 250 cubic yards;
- DEQ permitting for disturbances over one acre;
- Compliance with all applicable codes prior to plat approval.

Director Chandler added that Staff would verify each condition prior to signing off on any plat or permit, using the conditions of approval as a checklist. Site inspections are also conducted during construction.

Commissioner Pipinich stated her concerns about soil stability were addressed.

Mr. Crean concluded by highlighting an additional issue raised during testimony: although the Code requires a minimum 80-foot curve radius on local streets (TDMC 10.10.060.J.3), exceptions are allowed for topographic constraints. The City Engineer reviewed and approved the plans under this discretionary authority, due to steep terrain.

Chair Cornett closed public testimony at 8:41 p.m.

Commission Deliberation

Commissioner Pipinich and Commissioner Portela expressed support for the Staff Report, stating it was thorough and required no changes.

Chair Cornett suggested the possibility of including an inverted (valley-shaped) centerline on the southernmost street to manage runoff. After discussion with Staff and legal counsel, the Commission learned the proposed design did not include curbs or stormwater infrastructure in that area.

Mr. Eckman, representing the applicant, confirmed the southern road slopes westward and recommended installation of a center catch basin with stormwater piping connecting to the City's system. He stated the applicant was willing to construct this drainage solution.

City Attorney Kara advised any such condition be made subject to the City Engineer's review, without mandating it as a strict requirement in case it proves infeasible. Special Counsel Crean

confirmed this approach was consistent with existing code and supported creating a condition tied to the City Engineer's review.

After further discussion, the following language was agreed upon:

“Adequate storm drainage facilities for the private access road shall be designed by the developer and approved by the City Engineer.”

This condition would be added to the motion for approval. No additional comments were made by Commissioners.

It was moved by Peña and seconded by Poppoff to adopt Resolution PC 627-25, a resolution denying the Appeal and affirming the Director's approval of Subdivision No. 86-24, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report, as modified by the Commission, with all conditions of approval. The motion carried 5/0: Cornett, Peña, Pipinich, Poppoff and Portela voting in favor, none opposed, Case, and Grant absent.

Chair Cornett thanked the public for their participation and encouraged continued community involvement throughout the project, emphasizing the value of transparency. He also addressed the applicant, urging consideration of public concerns as the project proceeds.

Chair Cornett closed the public hearing at 8:58 p.m.

STAFF COMMENTS

Director Chandler acknowledged Commissioner Poppoff's final meeting, recognizing his 25 years of service on the Planning Commission. He expressed appreciation for Commissioner Poppoff's dedication to the City of The Dalles and extended best wishes on behalf of Staff.

ADJOURNMENT

Chair Cornett adjourned the meeting at 8:58 p.m.

Submitted by/
Crystal Sayre, Administrative Assistant
Community Development Department

SIGNED: _____

Cody Cornett, Chair

ATTEST: _____

Paula Webb, Planning Technician
Community Development Department



City of The Dalles City Council

THURSDAY, APRIL 17, 2025 | 5:30 PM

Appeal No. 38-25

Appellant: Pam Danzer

Site Address: No Site Address

Map and Tax Lot #: 1N 13E 11 BC | 2300 and 2800

Site Zoning District: Low Density Residential (RL)

Issue:

Appeal of the administrative approval of Subdivision (SUB) 86-24 on March 21, 2025, for the approval to site and develop a two-phase, single-family residential subdivision. Phase 1 will consist of 14 lots on 3.33 acres inside the City limits. The remainder will be annexed into the City and later divided into 15 lots.

Project Timeline

Subdivision:

- Deemed Complete: September 17, 2024
- Notice of Decision: March 21, 2025
- 10-Day Appeal Period ends: March 31, 2025
- Notice of Appeal submitted: March 31, 2025

Appeal No. 38-25

- *Planning Commission:* April 17, 2025

State Mandated Deadline:

May 20, 2025*

**Applicant submitted two (2) timeline extensions pursuant to ORS 227.178(5): December 17, 2024 and February 24, 2025*

3

Subject Property

1N 13E 11 BC 2300
3.33 acres

1N 13E 11 BC 2800
3.91 acres



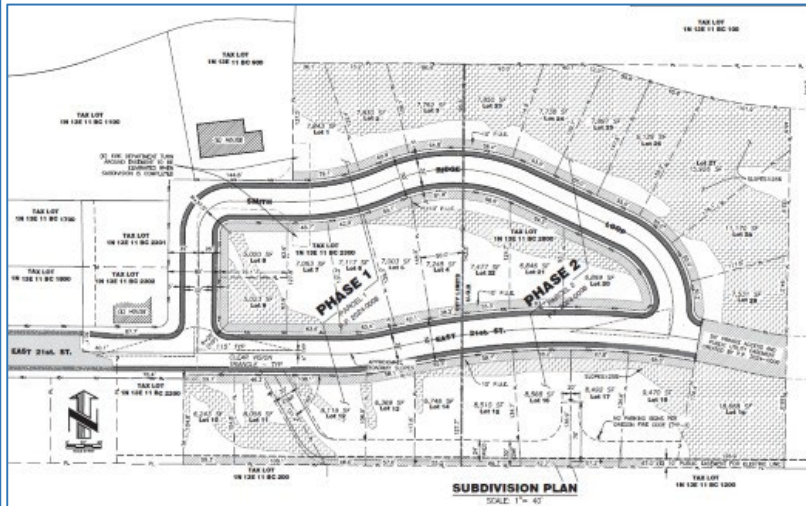
Proposal

29 lots

Two Phases:

Phase 1 = 14 lots

Phase 2 = 15 lots



Land Use Review

CDD reviewed one additional land use application for this development:

- Variance (MIP 438-24): *Request to reduce the block width internal to the proposed subdivision.*
 - *Approved / Notice of Decision: March 6, 2025*

Appeal Issues

APL 38-24 describes 6 reasons Planning Commission should grant the appeal request and reverse the Director's previous decision:

1. *Site Suitability and Geologic Hazards*
2. *Compliance with Development Standards and Development Feasibility*
3. *Traffic, Access, and Emergency Response Issues*
4. *Infrastructure and Utility Concerns*
5. *Compatibility with Neighborhood and Housing Needs*
6. *Transparency, Notification, and Legal Compliance*

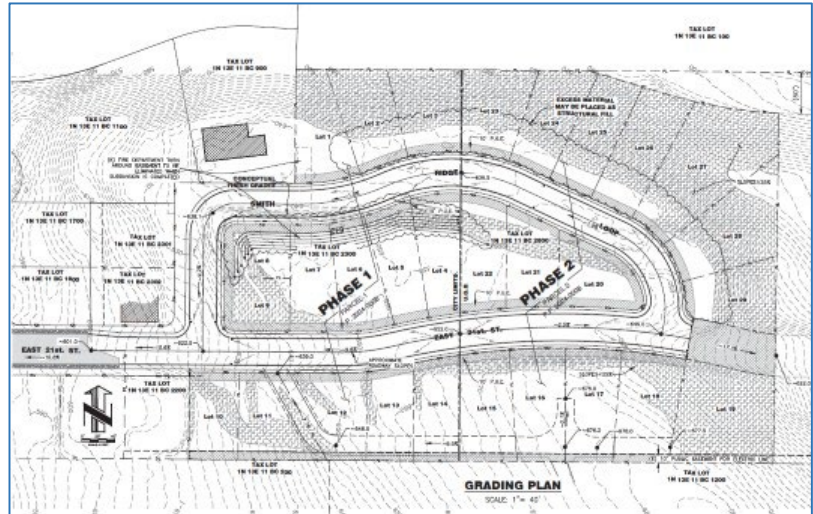
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Appeal Issues: *Site Suitability and Geologic Hazards*

- City's Jurisdiction and Authority
- Applicable Code
- Hazard Mapping Standards
- Steep Slope Requirements
- Permitting

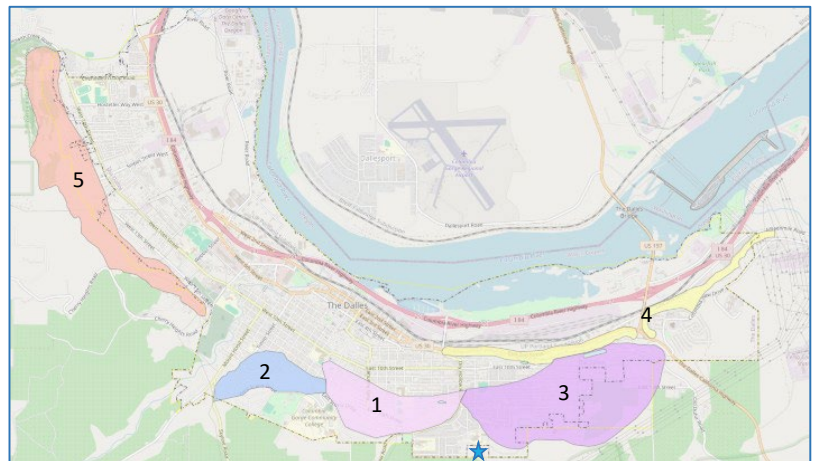
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Topography



Geologic Hazard Zones

As defined by the 2010
Geologic Hazards Study
prepared by Mark Yinger



Geologic Hazard Zones

As defined by the 2010
Geologic Hazards Study
prepared by Mark Yinger



Appeal Issues: *Compliance with Development Standards and Development Feasibility*

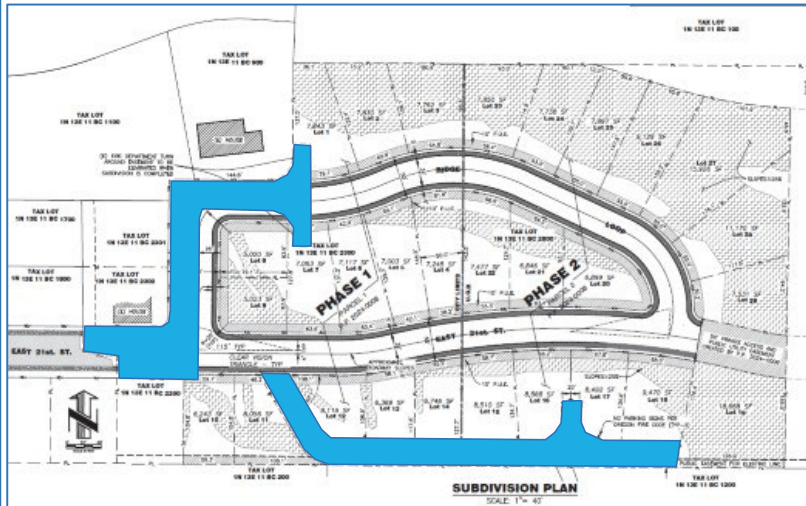
- Setback Review
- Slopes and Buildability
- Lot Frontage Standards
- Required Plan Modifications

[illegible]

- Traffic Impact Study
- Emergency Access Measures
- Alternative Access
- Easements

Easements

- Northern – Full ROW improvements
- Southern - paved; no parking signs installed

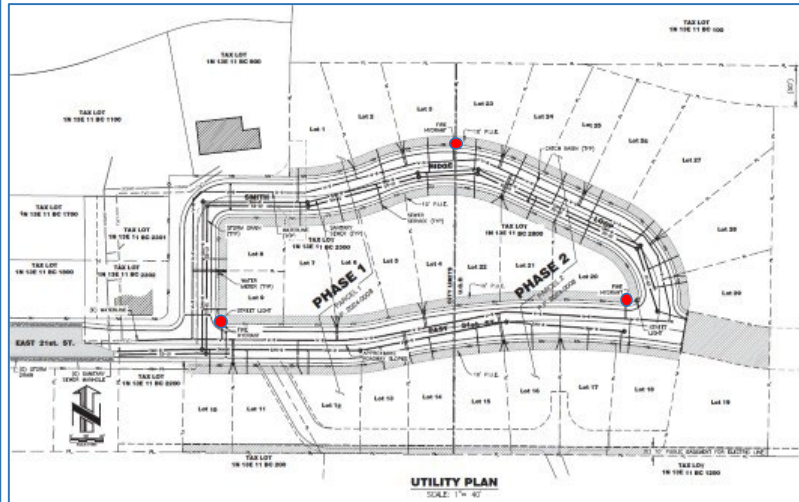


Appeal Issues: *Infrastructure and Utility Concerns*

- Water Pressure Concerns
- Utility Installation Requirements
- Annexation and "Blight"

Utilities

● New Fire Hydrant



Appeal Issues: *Compatibility with Neighborhood and Housing Needs*

- ORS and Housing
- Home Size and Pricing
- Comprehensive Plan
- Housing Needs Context

Appeal Issues: *Transparency, Notification, and Legal Compliance*

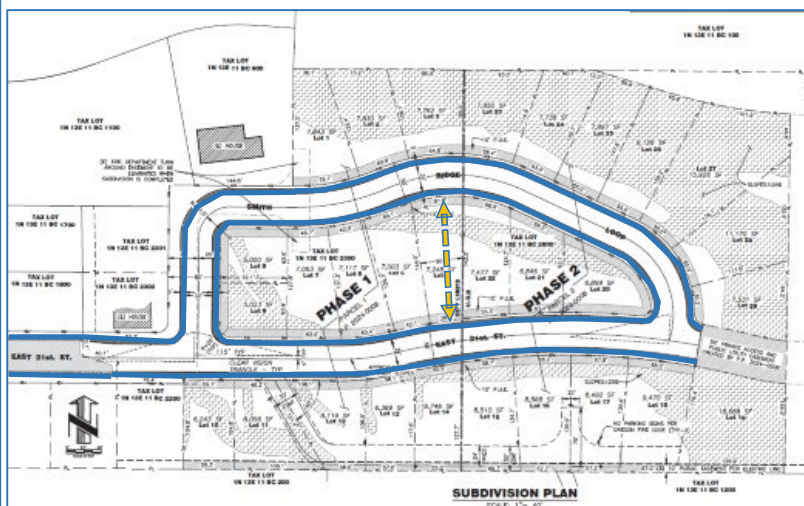
- Notice and Comment Period
- Transparency of Ownership
- Legal Claims under ORS 221.916/917

19

Improvements

- Sidewalk Connectivity
- Accommodation for existing development
- Ped/Bike Path Req'd

- New Sidewalks along new lots
- New Sidewalks along existing parcels
- Existing Sidewalks
- ← - - - - - Ped/Bike Path



Review Criteria

- [Section 10.3.020.080](#) – Findings #1-#6
- [Article 3.120 Redevelopment Plans](#)– Finding #7
- [Article 10.5.010 RL Zoning District](#)– Findings #8-#9
- [Chapter 10.6 General Regulations](#)– Findings #10-#13
- [Chapter 10.8 Physical and Environmental Constraints](#)– Finding #14-19
- [Chapter 10.9 Land Division Standards](#) – Findings #20-#38
- [Chapter 10.10 Improvements Req'd with Development](#)– Findings #39-#64

Council Alternatives

1. **Staff recommendation:** *Move to adopt Resolution No. PC 627A-25, a resolution denying the Appeal and affirming the Director's approval of Subdivision No. 86 24, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report, with all conditions of approval referenced within the report.*

Council Alternatives

2. If the Planning Commission desires to affirm the Director's decision based upon additional findings and conclusions, or with different conditions of approval, move to adopt Resolution No. PC 627A-25, a resolution denying the Appeal and affirming the Director's approval of Subdivision No. 8624, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report, as modified by the Commission, with all conditions of approval referenced within the staff report.
3. If the Planning Commission desires to affirm the Appeal, move to adopt Resolution No. PC 627B25, a resolution affirming the Appeal and overturning the Director's decision. Under this alternative, the Planning Commission is required to identify the specific criteria it believes are not met.

NARD-TD-SR

Neighborhood Association for Responsible Development (The Dalles-Smith Ridge)

April 2025

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1

Purpose of This Document

**SUB-86-24 creates grave hazards
and nuisances in a wide area**

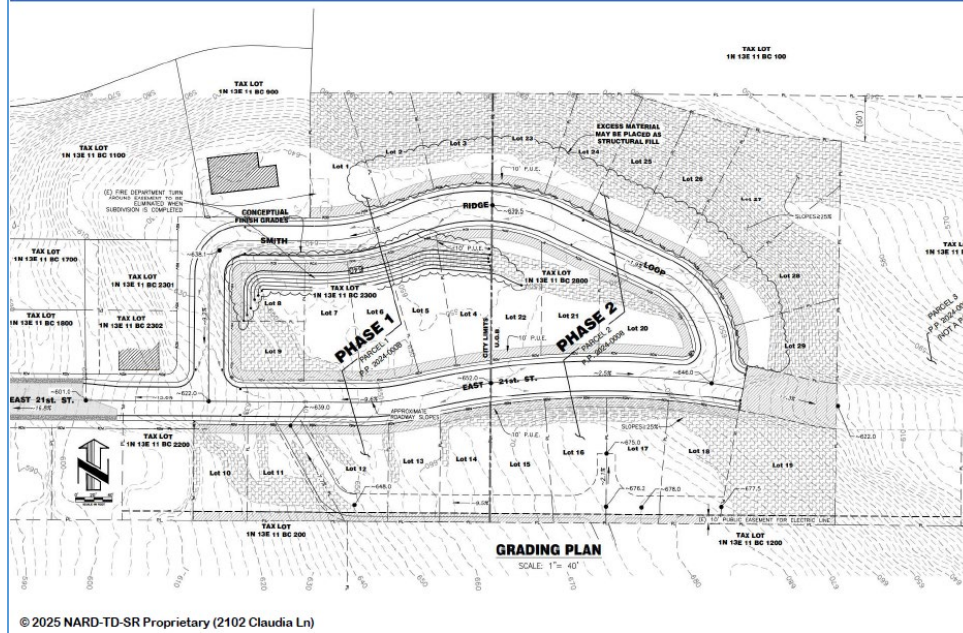
NARD-TD-SR Mission:

**“Bring Solutions Instead of Problems,
Understand Problems to Bring Solutions”**

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SUB-86-24 As Of March 2025



SUB-86-24 Hazards/Nuisances

Nuisance	Summary	Loss of Life/Limb	Loss of Property	Loss of Health
Landslide	As conceived, the development creates substantial risk of large landslides on scarp, affecting wider community and infrastructure below.	✓	✓	
Earth Movement	Steep local soils are liable to subsidence and slippage. Also, SUB-86-24 dramatically alters the natural hydrology, including runoff patterns.		✓	
Loss of Access	In winter, the top of E21 often becomes inaccessible. Emergency vehicles may be additionally hampered by steep slope throughout the year.	✓	✓	✓
Vehicular Risks A	Steep grade leads to uncontrolled downhill skids during wintry and sometimes during rainy conditions.	✓	✓	
Vehicular Risk B	Relative grade and orientation of local streets causes limited visibility and excessive stopping distances.	✓		
Loss of Life Quality	The design of SUB-86-24 is at sharp variance with local community standards and customs, thereby creating multi-factorial loss of quiet enjoyment.		✓	✓
Increased Fire Risks	In summer, undeveloped slopes will be at increased fire risk – think of 20+ vacation homes barbecuing and doing fire works! Major BPA infrastructure downwind.	✓	✓	
Drainage and Grade Issues	Multiple drainage and grade issues from SUB-86-24 affect property and quiet enjoyment rights of existing/new residents at specific locations.		✓	✓

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Lessons From Luxury Bluff Homes



Steep slopes formed from loose aggregate tend to be metastable. Relatively small environment changes lead to sudden “transition” to a new equilibrium state. Such changes usually follow from development/occupancy.

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“Engineered Fill ... on a Hill”

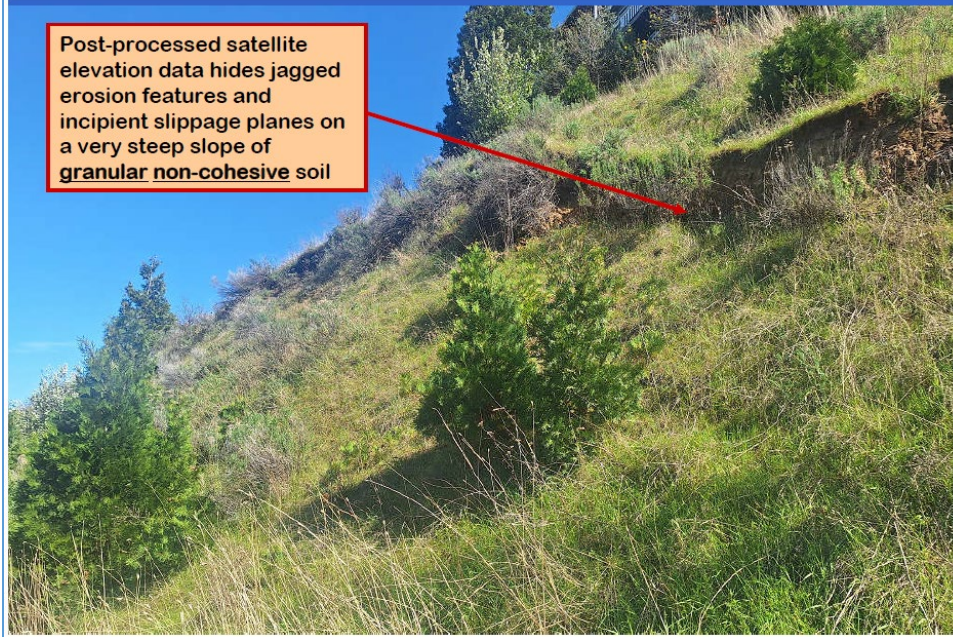


Steep slopes cannot be stabilized by fill and compaction from above. Slippage planes will form and progress to collapse.

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“Smith Ridge” Actual Scarp

Post-processed satellite elevation data hides jagged erosion features and incipient slippage planes on a very steep slope of granular non-cohesive soil

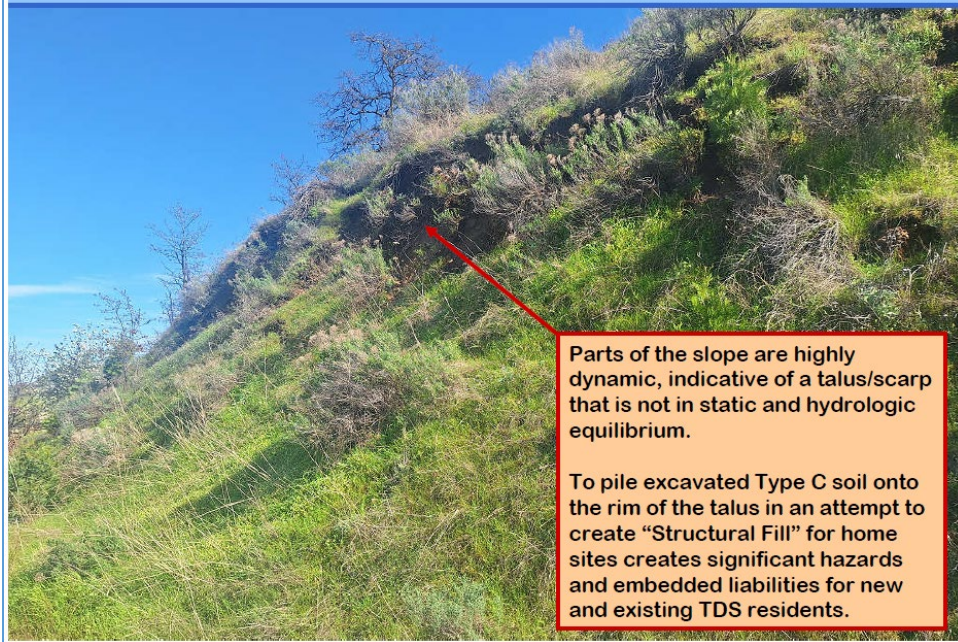


“Smith Ridge” Actual Scarp

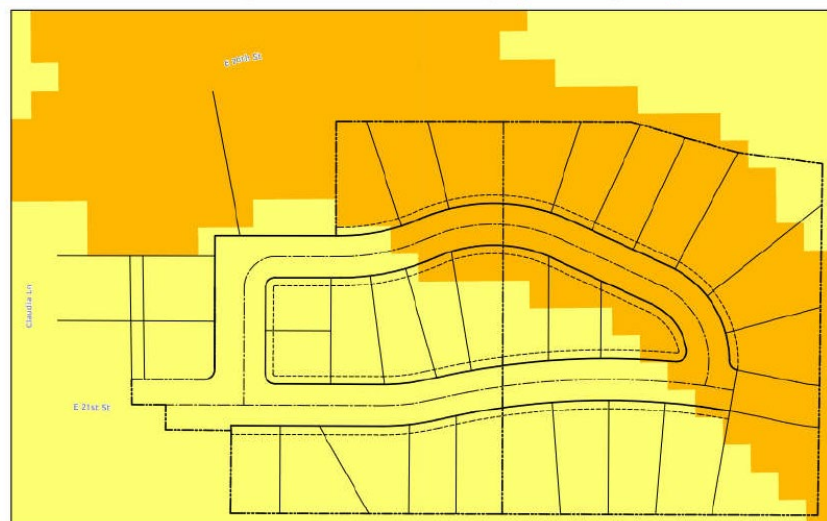
Despite established native plant cover, the slope is highly vulnerable to small hydrological disturbances. For example, new fissures and slippages appear after every rainy season (and from accidental irrigation mishaps).



“Smith Ridge” Actual Scarp



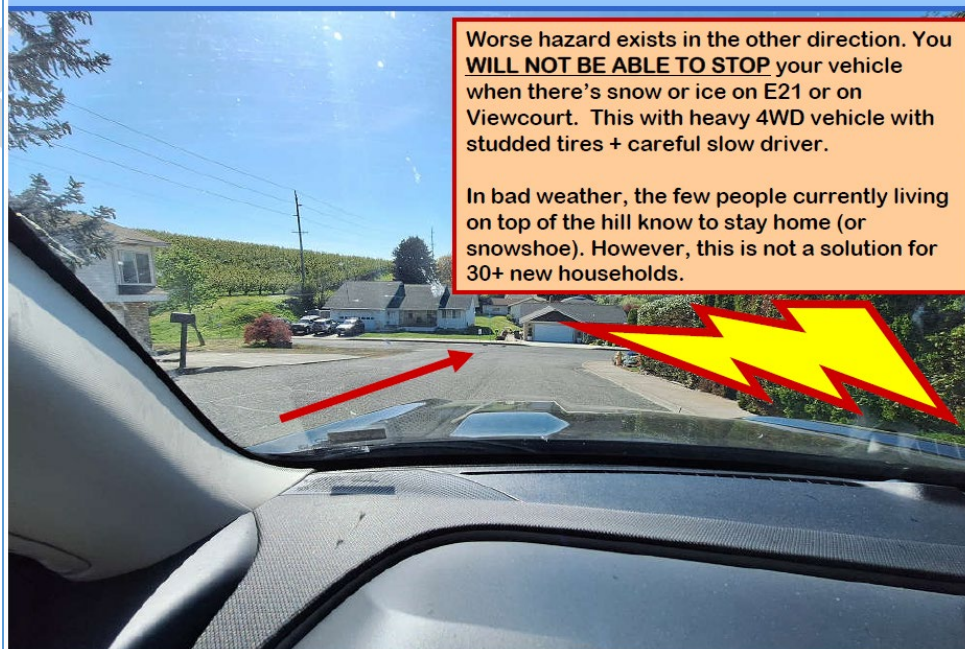
Regional Landslide Susceptibility



Driver View, Viewcourt-E21 SB



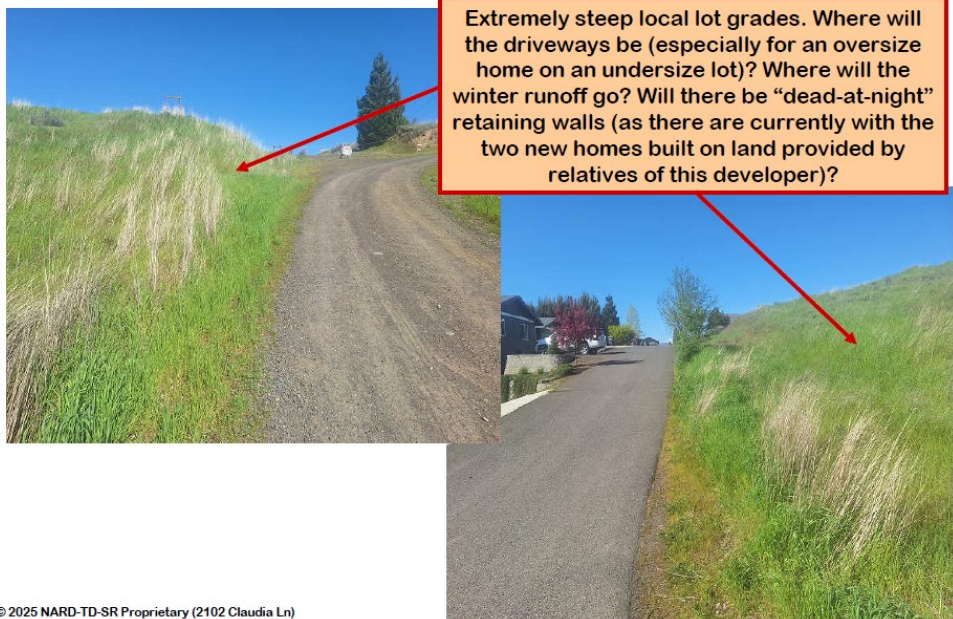
Driver View, E21-Viewcourt WB



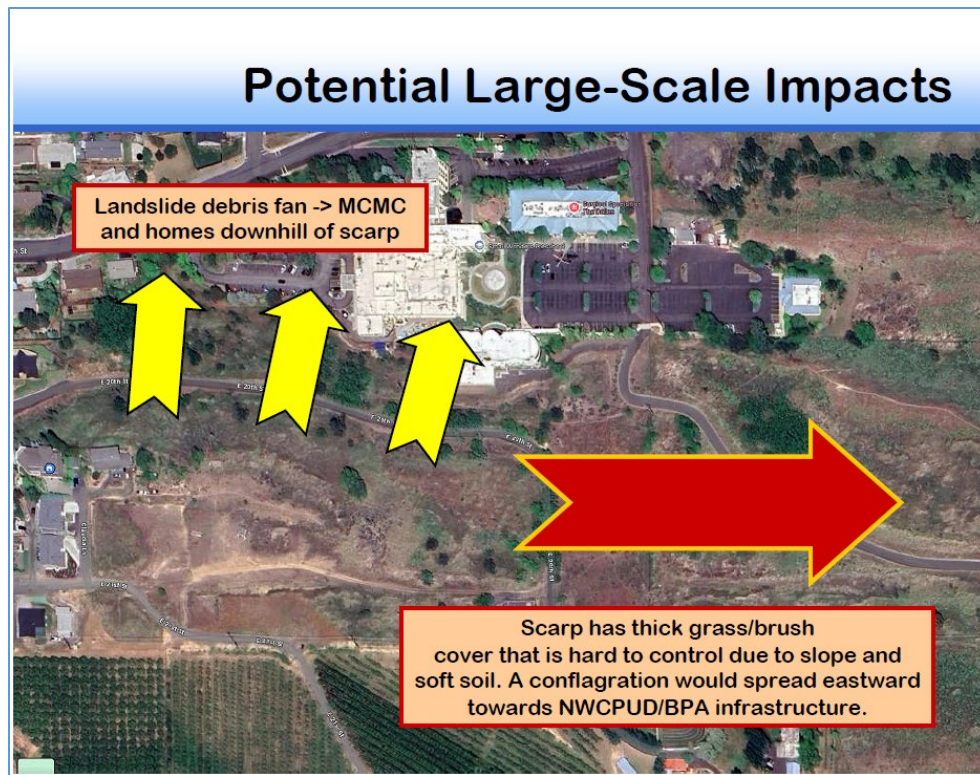
Drainage Nuisances



Multiple Lot-Scale Problems



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Why So Many Nuisances ?

- Loop road “pushes” home sites onto scarp/talus
- Over-aggressive home site design
- Ignorance of local environmental conditions
- Disregard for physical constraints
- Lack of developer experience and ability
- Current procedure “kicks the can” down to engineering/building codes at the lot level.

“San Francisco Homes on a Los Angeles Hill”

Can There Be A Solution?

Seek Solutions Early!

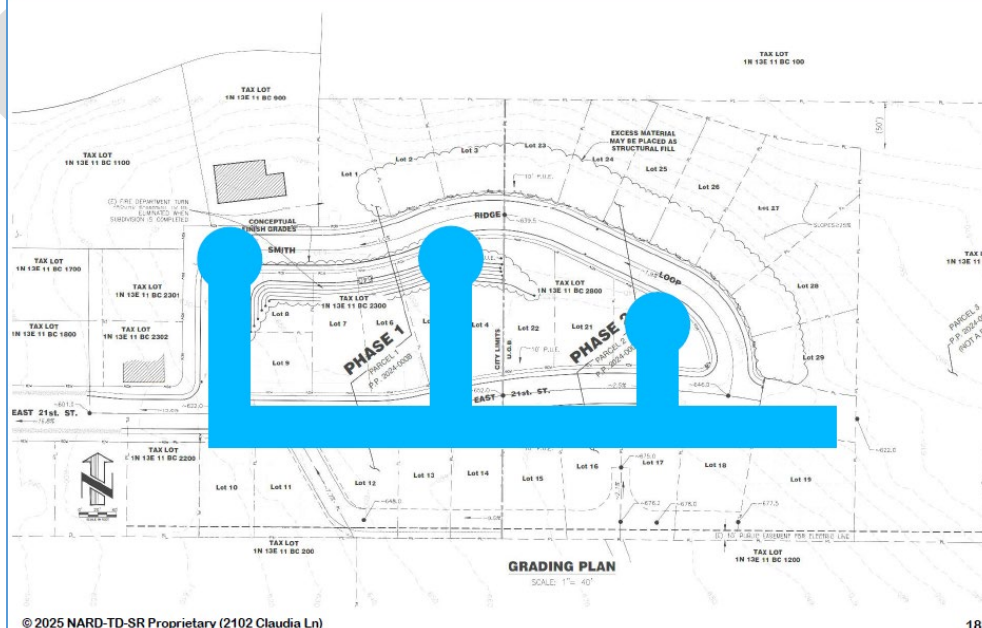
**Address Core Problems At Initial
Subdivision-Level Planning Stage**

**Do not “kick the can down the road”
onto ratepayers/residents backs!**

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Solution Element A



Solution Element A

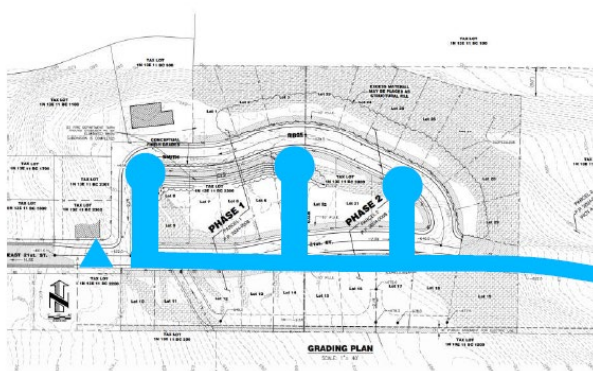
Cul-De-Sacs replace Loop Road

- Does not push homes onto scarp !
- Reduces talus/scarp destabilization
- Reduces adverse hydrological effects
- Less grading and paving
- Less exposure to traffic
- Still allows for reasonably dense development
- Lower landslide/earth movement risks

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Solution Element B



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Solution Element B

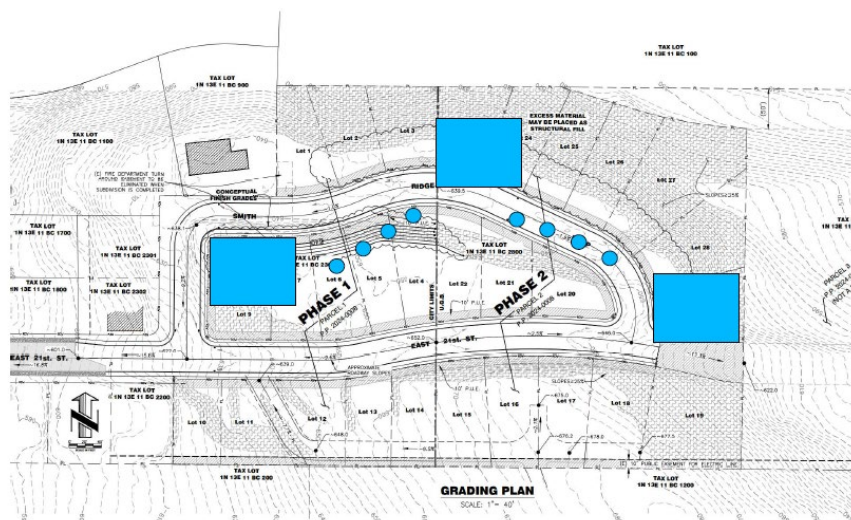
E21 Extended-Connected to Major Collector

- Makes winter access possible
- Facilitates/Allows emergency access
- Lower risk of serious vehicular accidents
- Less household exposure to traffic
- Less congestion
- Reduced nuisance to life & health
- Connection to be made before breaking ground
- Signs needed on E21 WB

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Solution Element C



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Solution Element C

Lot Size Conforming To Neighborhood Norm

- Reduced damages to existing homeowners
- Harmonious neighborhood appearance
- Driveways not from “Mission Impossible”
- Preserved quality of life
- Consistent quiet enjoyment of property for new and existing residents
- Lot sizes need to consider non-usable area
- Reduced risk of regional grass fire / conflagration

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Conclusions

- As currently articulated, SUB-86-24 creates significant hazards and nuisances, and shall be vigorously opposed by the community
- SUB-86-24 could be cured from its defects through redesign at the conceptual level:
 - A) Replace loop road by short cul-de-sacs
 - B) Extend E21 eastward to second collector
 - C) Lot design conforming to community norms
- Doing so would preserve the statutory rights of both the developer and the community

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**Subject Matter Re: APL 038-25/SUB 86-24
NARD-TD-SR / 2102 Claudia Ln, The Dalles OR 97058**

This document is a text companion to the presentation NARD-TD-SR-Apr-2025.pdf, submitted to The City of The Dalles Community Development Department in the context of APL 038-25/SUB 86-24. It summarizes some of the objections against SUB-86-24 in text form, by enumerating the hazards and nuisances created by SUB-86-24 determined in the course of community meetings.

It is to be noted that NARD-TD-SR (Neighborhood Association for Responsible Development – The Dalles Smith Ridge) is in the process of being formed, and has not formally been registered yet. This is due to the fast-track by-rights approval process granted to the developer by the City, which effectively deprives members of the community from their participatory rights in municipal development. For the time being, it is submitted by and on behalf of the residents of 2102 Claudia Ln, The Dalles OR 97058.

SUB-86-24 Hazard/Nuisance #1

Landslide

Scope: Wide area (including MCMC and homes downhill thereof on USGS landslide debris fan)
Liabilities: Loss of life/limb, loss of property, loss of health

SUB-86-24 makes provision for a loop road, and for multiple home sites sited upon the head scarp forming the feature commonly known as “Smith Ridge”, and upon land fill of unknown origin that either exist or is planned by the subdivision developer. Local soils are Type C, and are known to the residents to be in state of continuous movement, with multiple active slippage planes, and presenting high sensitivity to hydrological events at large scale (seasonal rainfall saturation and drainage) and small scale (lot runoff, seasonal mini-creeks, irrigation equipment malfunctions...etc).

Development as planned in SUB-86-24 will introduce further hydrological and soil disturbances on a site already identified by USGS/The State of Oregon as a landslide risk area. The fast-track municipal approval process granted to SUB-86-24 is not adequate for addressing the root causes of this hazard/nuisance, which are created by the layout of the subdivision, and cannot be effectively addressed by engineering/building codes at the lot level.

This hazard/nuisance can be relatively easily cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #2

Land Movement

Scope: Existing and New Lots
Liabilities: Loss of property

Many homes in the area suffer from foundation and utility injury arising as a result of ground movement. This movement is a manifestation of the overall ground hazard described above, operating at relatively small spatial scale.

NARD-TD-SR Apr2025 Companion Text 1/5

As noted above, the loop road and other grading features of SUN-86-24 will lead to increased runoff and ground saturation to many adjacent properties (including properties outside the chosen by the City for notification). Foundation and other property losses from ground movement will increase and be borne by residents. This hazard/nuisance extends especially to new home owners in the subdivision and surrounding areas, who will likely be walking into home ownership without proper prior knowledge of the problem.

SUB-86-24 Hazard/Nuisance #3

Loss of Access

Scope: Existing and New Lots

Liabilities: Loss of Life/Limb, Loss of Property, Loss of Health

Preparation time allotted by City notice does not allow for full text coverage of item #3. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #4

Vehicular Risk A

Scope: Viewcourt St, East 21st St

Liabilities: Loss of Life/Limb, Loss of Property

Preparation time allotted by City notice does not allow for full text coverage of item #4. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #5

Vehicular Risk B

Scope: Viewcourt St, East 21st St

Liabilities: Loss of Life/Limb, Loss of Property

Preparation time allotted by City notice does not allow for full text coverage of item #5. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #6

Loss of Quality of Life

NARD-TD-SR Apr2025 Companion Text 2/5

Scope: WIDE
Liabilities: Loss of Property / Loss of Health

Preparation time allotted by City notice does not allow for full text coverage of item #6. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #7

Increased Wildfire / Property Fire Risks

Scope: Wide area, including NWCPUD/BPA public power infrastructure
Liabilities: Loss of Life/Limb, Loss of Property

Preparation time allotted by City notice does not allow for full text coverage of item #7. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #8

Miscellaneous Hazards/Nuisances From Grading and Drainage

Scope: Lot-specific
Liabilities: Loss of Property / Loss of Health

Preparation time allotted by City notice does not allow for full coverage of item #8. Some examples of such hazards/nuisances are:

8.1. Westbound driveways of lots such as 1N13EBC-1100, 2301 and 2032 will become collectors for significant water runoff from the loop road and properties thereon. Having a winter creek on your property is not a mere inconvenience – in the context of the steep slopes and soft soil, the increased/focused runoff will lead to significant land movement and increased landslide risks.

8.2. Limitation of Access. The professional-looking flat grading plan ordered by the developer of SUB-86-24 disregards physical constraints on site. Local slopes and aggressively undersized lots, such as Lot #8, 9, 14, 15...etc prevent the construction of practicable driveways for reliably accessing the homes therein, or for properly warehousing resident vehicles. The hasty approval of SUB-86-24 ensures that such problems will be passed on to the eventual homeowners and result in excessive storage of vehicles on the street, thereby further restricting access of public and private vehicles into an area where access is already a major problem.

These hazards/nuisances could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

NARD-TD-SR Apr2025 Companion Text 3/5

For the record, this document also includes by reference the following issues concerning SUB-86-24

Item #9:

Other Community Input

Scope: Wide area

Liabilities: Loss of Life/Limb, Loss of Property, Loss of Health

We include by reference multiple letters written by individual community members on nuisances/hazards related to or independent of the foregoing list. Even if these letters are not written in the language of urban planners, they raise valid issues that should not be dismissed on procedural grounds.

Item #10:

Limited Developer Qualification and Ability to Execute

Scope: SUB 86-24

Liabilities: Loss of Property

It is not clear whether the applicant has the experience and qualifications for undertaking a subdivision of this magnitude, or the resources and ability to bring the project to successful close. This is highly relevant in the context of SUB 86-24, since a half-finished open construction site (or a low-cost low-quality ground work program) will leave the wide area even more vulnerable to the hazards and nuisances listed above.

Item #11:

Economic Impact to Residents

Scope: Wide Area

Liabilities: Loss of Property

As currently formulated, SUB 86-24 creates significant liabilities for the wider community and the City. Who will bear the burden of these liabilities once the applicant in SUB-86-24 has pocketed the proceeds from your approval and moved on? We respectfully claim that SUB-86-24 is an exemplary case of “privatizing profits while sharing costs”, whereby residents will bear a disproportionate share of the costs arising from this development in the form of higher taxes, utility rates, insurance premiums and other forms of public cost recovery. This should be addressed through a proper economic impact study.

NARD-TD-SR Apr2025 Companion Text 4/5

Item #12:

Process Irregularities

Scope: SUB 86-24

Liabilities: Loss of Property

We have just started examining the deficiencies of SUB 86-24. During the discovery process, we have found potential irregularities with the subject property, such as property line adjustments conducted without notice to affected parties, ground work conducted without proper notices and permits, and failed past developments on site. In addition, multiple variances and exceptions appear to have been granted to the development on a discretionary basis. The full list of these irregularities is pending further discovery due to inadequate preparation time allotted by the City.

Conclusion and Petition

In consideration of the reasons enumerated in the companion presentation and herein, we are categorically opposed to SUB 86-24, and respectfully request the City of The Dalles to rescind all previous approvals of, and related to SUB 86-24.

We furthermore petition the City of The Dalles to request a fundamental redesign of SUB 86-24 as prerequisite for further consideration. We finally petition the City of The Dalles to establish an adequate process whereby further applications on this matter can be properly adjudicated to protect the public interest and the property rights of residents. The process followed so far has disenfranchised local residents from their participatory rights, and has prevented City officials from carrying their statutory duty to protect public safety and health. We believe that subdivision re-design can cure SUB 86-24 from its multiple defects, and lead to a final development consistent with both the public interest and the rights of the developer. This possible solution is outlined in the companion presentation.

NARD-TD-SR Apr2025 Companion Text 5/5

SMITH RIDGE SUBDIVISION - ALFORD PROPERTY -
1N 13E 11BC; Lots 2300 & 2800
Neighborhood Responses

1. Site Suitability and Geological Hazards

1. The established Joint Management Agreement with Wasco County does not preclude ignoring existing land hazard zones. The adopted 2010 Geologic Hazards Study is not comprehensive study of the City's geologic hazards thereby limiting proper geologic evaluation to amorphous areas indicated in the study. The City should be pro-active in addressing areas of extreme slopes over 30 percent. Existing escarpment and soil eroding is readily defined.
 - Comprehensive Studies by Wasco County and the State of Oregon are available yet not utilized.
 - Liability of public road in hazard area.
 - ORS 195.260 Duties of local governments, state agencies and landowners in landslide hazard areas. In order to reduce the risk of serious bodily injury or death resulting from landslides, a local government:
 - Shall exercise all available authority to protect the public
 - May require a geotechnical report and if a report is required, shall provide for a coordinated review of the geotechnical report by the state Department of Geology.
 - Shall amend its land use regulations to regulate the siting of dwellings designed for human occupancy in further review areas where there is evidence of substantial risk for rapidly moving landslides.
 - Final decisions are the responsibility of local government with jurisdiction over the site.
 - Requirement of a Physical Constraints Permit
 - The preliminary approval requirement of a Physical Constraints Permit is too late in the process of determining whether the proposed development is appropriate for the site. There are numerous issues that when accurately addressed will substantially / dramatically change the development site plan and its impact to the land in order to mitigate the threat to life and property from landslides and erosion
 - Determining that the County and State identification of hazardous slopes site and soils is not a basis for further site-specific hazard research shows

Neighborhood Response to Staff Report – Appeal No. 38-25

lack of comprehensive oversight by the City. Presuming ignorance of the situation does not eliminate or dismiss liability.

What we want:

A site-specific geologic impact study that lays a foundation for appropriate development of the site minimizing impacts to and allowing for preservation of the existing unstable slopes. Evaluation of hazards to persons or property upon or adjacent to the area of development should be done prior to approval. Mitigation of potential hazards that the development may create should be outlined and accommodated into the development design. We strongly believe the proposed development will have a detrimental effect on the land and the applicant has not taken reasonable steps to reduce adverse impact on the surrounding environment.

Relying on a physical constraints permit after site approval is creating a condition where critical information needed in the planning stages of a project is revealed after the fact. Transparency of the process goes away when the tools used to evaluate and determine land use decisions is a ministerial action. We want changes in the proposed site plan to mitigate possible negative and/or irreversible effects upon topography and this should be done prior to planning approval.

2. Compliance with Development Standards and Development Feasibility

10.9.040.050 - Construction drawings and specifications for public improvements are not required prior to subdivision application approval but are required prior to final subdivision plat review. This allows a developer to seek subdivision application approval prior to investing in public improvement engineering.

The cost of providing comprehensive construction drawings for development of a 7.28 acre site in which one-third of the development site consists of sloped areas greater than 25% is small in comparison to the amount of money needed to physically build said development. Analysis, assessment and examination of the lands potential and the inherent restrictions of such a site is part of the due diligence an experienced and responsible developer. Responsible development should be supported, even encouraged by the City to ensure safe, appropriate and efficient use of the land.

3. Response to Staff Findings

Neighborhood Response to Staff Report – Appeal No. 38-25

*Chapter 10.6 General Regulations
Article 6.050 Access Management Section
10.6.050.030 General Requirements
B. Connectivity.*

FINDING #10: As demonstrated on Sheet C1 of the Preliminary Subdivision Plan (Attachment 1), the proposed subdivision includes a fully developed street system with an extension of East 21st Street as well as the creation of a new ROW, "Smith Ridge Loop", which will connect this subdivision with existing Local Roads. Criterion met.

The extension of E. 21st St. is not to the east property line and does not meet the City's criteria existing streets to coordinate with potential future expansion within the Urban Growth Boundary. The fully developed street system does not meet the standard 54' right-of-way of The Dalles Residential Street Standards Matrix.

Criterion not met and reasons for not meeting the standards is not explained.

FINDING #12 : During the July 11 Site Team meeting, representatives from Wasco County Building Codes and Mid-Columbia Fire and Rescue informed the Applicant of fire apparatus requirements for the development with consideration of slope of View Court and East 21st Street. The preliminary subdivision plat (Sheet C1 of the Preliminary Subdivision Plan, Attachment 1) includes temporary turn-arounds along Smith Ridge Loop. The ROW for East 21st Street and Smith Ridge Loop is shown as 50 feet, meeting the minimum width requirements for emergency vehicle access.

To ensure adequate emergency access throughout the development site, the Applicant has two options:

- 1) Install temporary turn-arounds at the ends of both East 21st Street and Smith Ridge Loop within Phase 1 of the subdivision (as shown on the preliminary plat Sheet C1 of the Preliminary Subdivision Plan (Attachment 1)), or*
- 2) Install road improvements into Phase 2 that can support fire apparatus weighing up to 85,000 pounds (typical fire truck weight).*

Additionally, due to site access roads leading to the development site (View Court and E. 21st Street) exceeding a 10% grade, all future dwellings must install NFPA 13D residential fire suppression systems. These systems will be reviewed by Wasco County Building Codes during the building permit process for each dwelling. As a condition of approval, the Applicant must indicate on the final subdivision plat their chosen option for emergency access (option 1 or 2 outlined above). Additionally, the Applicant must comply with all

other fire safety and road construction requirements outlined in the Staff Report. Criterion met with conditions.

Conditions of this criterion would require a substantial revision to the grading plan to accommodate fire turn-arounds. Fire apparatus access roads shall not exceed 10% in grade and currently location runs into a 2:1 slope and with the current grading plan these slopes do not end within Phase 1.

Fire suppression systems are good but what happens when there is a brush fire on a slope greater than 25% or a medical emergency during an ice or snow event? How will the installation of temporary turn-arounds or beefed up road improvements help when the responding vehicle is unable to access the site due to road grade? A secondary emergency access coming from the east where accessible roadways can be designed.

A substantive review by the Developer's Engineer in order to provide a plan that meets code requirement should be required prior to any planning approval. This would allow for the final development to substantially conform to the approved tentative subdivision layout.

FINDING #13 – Each phase of the phased development, including the final development, shall be planned to conform to the provisions of this Article, all conditions stated in this Staff Report and the preliminary subdivision plat. This requirement is included as a condition of approval. Criterion met with conditions.

Once again, there a numerous conditions being applied to the proposed development that will substantially change lot layout and site grading. The final development should substantially conform to the approved tentative subdivision layout.

FINDING #14: A physical constraints permit is required for the development of the subdivision as a condition of approval. In addition, all future building permits within the subdivision may require individual physical constraints permits pursuant to TDMC 10.8.020.010. Criterion met with conditions.

We believe that the detail required in a physical constraints permit should be required earlier in the process in order to provide a solid foundation for responsible development of the site. Too many potential hazards and code modification are not being fully scrutinized in this existing preliminary process.

Neighborhood Response to Staff Report – Appeal No. 38-25

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A. Ministerial Actions. Applications for physical constraint permits which are not part of a planning action shall be reviewed and decided by the Director per the provisions of Section 10.3.020.030: Ministerial Actions.

Conditions placed on the submitted plan will significantly change the proposal. The final development will be unable to substantially conform to the current approved layout.

Article 8.040 Geological Hazard Provisions

Section 10.8.040.010 Purpose

This Article describes the permit requirements for lands proposed to be developed within the areas designated Zones 1 to 6 in the 2010 Geologic Hazards Study prepared by Mark Yinger, R.G., Hydrogeologist. Land within Zones 1 and 4, land within Zones 2, 3, or 5 that exceed a slope of 30%, or land in Zone 3 which is located in areas of groundwater discharge, have been determined to be within a geographic area that has characteristics which make the ground potentially unstable. Any cut, fill, or construction on these sites may add to this potential instability. The requirements of this Article are intended to reduce as much as possible the adverse effects of development for the owner and for other properties which may be affected by a ground movement.

FINDING #16: Staff has determined the proposed development site is not located within any of the designated geohazard zones as identified in the City's 2010 Geologic Hazard Study prepared by Mark Yinger. Criterion not applicable.

The Joint Management Agreement between Waco County and The Dalles delegates land use authority to the City. It does not preclude the City to incorporate the county and state information regarding geologic hazards that have been identified. Even though the site is not identified in the 2010 Geologic Hazard Study, it does not mean that a hazard does not exist. Ignoring this critical information questions the integrity of planning approval process.

Section 10.8.050.030 Erosion and Slope Failure

FINDING #18: As mentioned in previous findings, the proposed development site includes significant areas of slope greater than 25%. Pursuant to TDMC 10.8.050.030, development on lands with highly erosive soils or slopes greater than 25% requires a physical constraints permit. The Applicant is required to submit a physical constraints permit for the development of the subdivision, which must include temporary erosion control measures that will be implemented during all phases of construction. This requirement is included as a condition of approval. Criterion met with conditions.

Neighborhood Response to Staff Report – Appeal No. 38-25

Identification of hazardous areas on this site is critical and needs to be required earlier in the process. Identification of soils and areas that cannot support development needs to be incorporated into the site design to avoid future road and structural failure.

Chapter 10.9 Land Divisions

Article 9.020 Land Division Standards

Section 10.9.020.020 General Provisions

B. Annexation

FINDING #21: The subject properties are located within the UGB. Phase 1 of the subdivision is located within city limits, while Phase 2 is located outside of the city limits. As a condition of approval, the Phase 2 parcel is required to be annexed into the city limits prior to any connection to city utilities. Criterion met with conditions.

We submit that both phases of the project are integral to each other. To ensure the finished development conforms to an approved preliminary site plan, annexation of the second parcel needs to be prior to construction of Phase 1 beginning.

Section 10.9.040.040 Subdivision Application Review

FINDING #30: Subdivision applications are processed as Administrative Actions unless elevated to a Quasi-Judicial Action. This Staff Report will address all relevant review criteria in the findings. Criterion met.

Due to the complexity of the proposal, the Planning Department should have deemed this a Quas-Judicial Action to allow for community involvement in the process.

Section 10.9.040.050 Construction Drawings and Specifications

FINDING #31: The Applicant submitted a preliminary subdivision plat with lot sizes and configurations, utilities, and street layout for reference in reviewing this application. Engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC. This requirement is included as a condition of approval. Criterion met with conditions.

The physical limitations to the property and the criterion being imposed for final approval will substantively change the site plan. We believe a preliminary site plan that more accurately addresses the code be submitted for review prior to any approvals.

Neighborhood Response to Staff Report – Appeal No. 38-25

Section 10.9.040.060 Final Subdivision Plat Review

A. Application Requirements. FINDING #32: The final plat shall substantially conform to the approved tentative subdivision plat, construction drawings, specifications for public improvements, TDMC Article 9.020, and any conditions required in this report. This requirement is included as a condition of approval. Criterion met with conditions.

In order for the final plat to substantially conform to a tentative subdivision plat, an updated site design proposing a plan that balances preservation of existing natural constraints with responsible development needs to be submitted.

C. Dedications and Public Utility Requirements.

FINDING #34: The final subdivision plat must clearly demonstrate all proposed public ROW, pedestrian paths, and easements. All land proposed for public use must have clear, unencumbered title. Additionally, an environmental assessment must be conducted for all lands to be dedicated to the City. These requirements are included as conditions of approval. Criteria met with conditions.

An environmental assessment addressing the City's potential liability for environmental hazards and/or failures needs to be done prior to construction. Environmental hazards are not limited to soil contamination or required waste cleanups. Construction of public travel ways within areas of soil slippage without prior understanding of said soils creates the potential for failure resulting in a public hazard. Previous grading and dumping has occurred on the site without regulatory oversight. Inquires into the stability of the site and identifying hazard areas not capable of sustaining development need to be done through environmental and geotechnical assessments. Responsible development can only be with knowledge of the physical constraints of the site.

C. Phased Development

FINDING #40: As outlined in previous findings, the development will proceed in two phases. Pursuant to TDMC 10.10.030(C), "where specific approval for a phasing plan has been granted for a subdivision, improvements may similarly be phased in accordance with that plan." Once subdivision approval is granted for the entire development site, the Applicant may initiate the plan review for the first phase. Once the plans are reviewed and approved, Phase 1 improvements can be implemented. Plat approval will be issued upon completion of the improvements of each phase. As a condition of approval, the Applicant shall provide a method for emergency fire access throughout the development site previously outlined in Finding #12 above. Criterion met with conditions.

Neighborhood Response to Staff Report – Appeal No. 38-25

This finding appears to vary from Finding #21 which requires annexation of Phase 2 prior to any connection to city utilities. We believe that annexation of Phase 2 property be done prior to final approvals and any construction commencing.

Street Requirement conditions in The Dalles Municipal Code we feel are not being met:

10.10.060 Street Requirements

A. Traffic Impact Studies.

A TIS was provided with the proposed subdivision. It states that all future streets should be constructed to City of The Dalles requirements and modern engineering standards. The proposed roadways designated Neighborhood Street with average daily trips of 150-500 vehicles. A neighborhood street has a standard 54' wide right-of-way. The proposed roads have a 50' right-of-way which is below City standard.

4. Approval Criteria.

a. The City may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.

The evaluation of operational and safety standards did not fully incorporate the effects of the steep grades on the streets and how hazardous these streets become during a rain, ice or snow event. The inability of a vehicle to stop in these hazardous conditions have resulted in damage to vehicles and property.

D. Orderly Development. To provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties shall always be installed with turn-around, unless waived by the Fire Marshal.

Neighborhood Response to Staff Report – Appeal No. 38-25

The proposed site plan, Phase 1, does not have an area along Smith Ridge Loop where a standard fire turn-around can be created due to the 2:1 slope on the south side of the road. NOD 1. d. addresses this issue but only with substantial revision of the grading plan can this be achieved.

2. *In order to assure the eventual continuation or completion of the street, reserve strips may be required in accordance with Section **10.9.040.060(D)**: Designation and Conveyance of Reserve Strips.*

The proposed site plan does not extend E. 21st St. to the far east property boundary. NOD 1. a. states that the final plat shall meet all the requirement of TDMC, Title 10. In order to extend E. 21st St. to the east property line, the street design must be significantly revised to accommodate grade changes.

3. *Drainage facilities, and erosion control measures as appropriate, shall be provided to properly manage stormwater run-off from temporary dead-ends.*

The proposed site plan does not show any drainage facilities for the south side of E. 21st St. east of the private access road between Lots 11 & 12. Water will be draining on a 9.6% roadway across the access road entrance. This creates a potential hazard in rain, ice or snow events.

J. *Location, Grades, Alignment and Widths.*

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.*

Site Plan does not show continuation of the existing street pattern of E. 21st St. to the east property line.

2. *Grades shall not exceed 6% on arterial streets, 10% on collector streets, and 12% on local streets.*

Site plan clearly shows existing street grade 16.8% on E. 21st St. with a transition to a 15.6% grade prior to the first intersection. This is compounding an existing road

hazard. To meet the above existing standard, the transition area should not exceed the 12% maximum for 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.*

The 90° turn on Smith Ridge Road shows a radius of approximately 38', below standard. This also creates a curb radius of approximately 21' which is below the Oregon Fire Code requiring a minimum 28' radius where there is no intersection. Revisions to the site plan need to accommodate a larger radius curve or "knuckle" design to accommodate state fire standards.

Neighborhood Response to Staff Report – Appeal No. 38-25

10

MINUTES

PLANNING COMMISSION MEETING
May 15, 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: Addie Case, Cody Cornett, Steve Light, Carrie Pipinich

COMMISSIONERS ABSENT: John Grant, Maria Peña, Nik Portela

STAFF PRESENT: Director Joshua Chandler, City Attorney Jonathan Kara,
Senior Planner Sandy Freund, Planning Technician Paula
Webb, Administrative Assistant Crystal Sayre

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:34 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Due to the limited number of Commissioners present who had attended the April 17, 2025 meeting, approval of those minutes was deferred to the next meeting.

PUBLIC COMMENT

None.

QUASI-JUDICIAL PUBLIC HEARING

Conditional Use Permit (CUP) 214-25, Joe Stewart

Request: Approval to site and construct a 3, 450 square foot, one-story, six-unit storage facility at 3826 West Sixth Street.

Chair Cornett read the rules governing a public hearing. He then inquired whether any Commissioner had ex parte contact, bias, or a conflict of interest that would preclude an impartial decision. Hearing none, Chair Cornett opened the public hearing at 5:40 p.m.

Senior Planner Sandy Freund provided a presentation of the proposed project and overview of the staff report. (Attachment 1). Freund recommended a minor amendment to Condition of Approval 1. e. of the staff report to remove a reference to parking lot landscaping, as the number of proposed parking spaces does not meet the landscaping requirement threshold.

Commissioners inquired about landscaping, particularly whether any was proposed at the site frontage. Both Senior Planner Freund and the applicant's representative, Jamie Crawford of AKS Engineering, confirmed that the site is constrained, but some landscaping will be provided between the building and the street, giving the appearance of extended right-of-way landscaping.

No public testimony was offered in favor or opposition to the proposed project, and no rebuttal was provided by the applicant. Commissioners unanimously agreed they had sufficient information to deliberate.

RESOLUTION

Resolution PC 628A-25: Approval of Conditional Use Permit 214-25, Joe Stewart

It was moved by Commissioner Pipinich and seconded by Commissioner Case to adopt Resolution PC 628A-25 to approve Conditional Use Permit 214-25, based on the findings of fact and conclusions of law in the agenda staff report, with the specified conditions of approval, as amended. The motion carried 4/0: Case, Cornett, Light, and Pipinich voting in favor, none opposed, Grant, Peña, and Portela absent.

STAFF COMMENTS / PROJECT UPDATES

Director Chandler updated the Commission on several ongoing initiatives and projects:

- Director Chandler welcomed Commissioner Light to the Planning Commission.
- The June 5 meeting will address new Federal Emergency Management Agency (FEMA) floodplain regulations and related Pre- Implementation Compliance Measures (PICM) requirements submitted for review by the Department of Land Conservation and Development (DLCD) and FEMA. Notices are being mailed to both current and potentially impacted property owners under Ballot Measure 56. Staff advised that the legally required language in the notice may be confusing or could cause concern to property owners.
- The June 19 meeting will be canceled in observance of Juneteenth.

- The July 3 meeting is tentatively scheduled, pending agenda items.
- A joint Planning Commission/City Council meeting is planned for July 17 to review the ongoing Economic Opportunities Analysis. Chair Cornett noted he would be unavailable to chair that meeting but would participate remotely. Commissioner Pipinich indicated availability to attend.
- At its May 13 meeting, the City Council denied the appeal of the Alford Subdivision (SUB 86-24), thereby upholding the Planning Commission's approval. The decision remains subject to further appeal to the Land Use Board of Appeals.
- Chandler noted that the concept of utilizing a Hearings Officer received general support from the City Council and will be further evaluated over the coming year.

COMMISSIONER COMMENTS / QUESTIONS

Chair Cornett noted that he would be absent for the July 17 meeting.

ADJOURNMENT

There being no further business, Chair Cornett adjourned the meeting at 6:02 p.m.

Submitted by/
Crystal Sayre, Administrative Assistant
Community Development Department

SIGNED: _____

Cody Cornett, Chair

ATTEST: _____

Crystal Sayre, Administrative Assistant
Community Development Department



City of The Dalles Planning Commission

MAY 15, 2025 | 5:30 PM

Conditional Use Permit No. 21425

Applicant: Joe Stewart

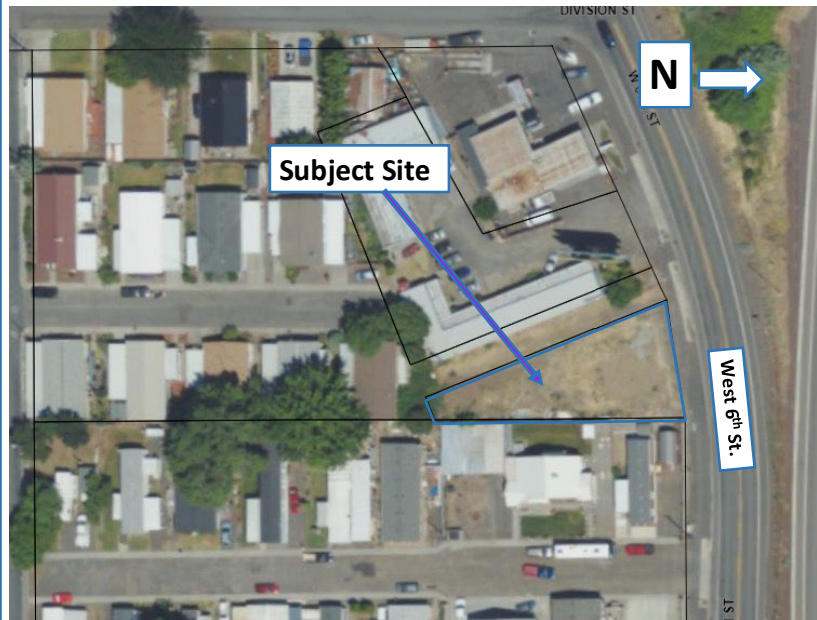
Address: 3826 West 6th Street

Assessor's Map and Tax Lot: 2N 13E 29A taxlot 1200

Zoning District: "CG" General Commercial

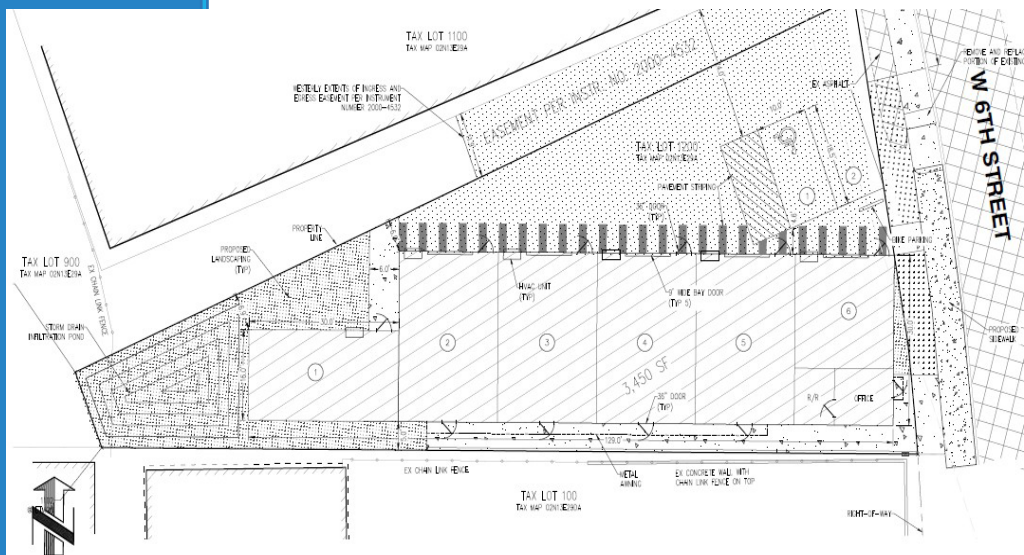
Proposal: Applicant is requesting approval to site and construct a 3,450 square foot one-story commercial structure to be used as a six (6) unit storage facility at 3826 West 6th Street.

Subject Property 3826 West 6th Street

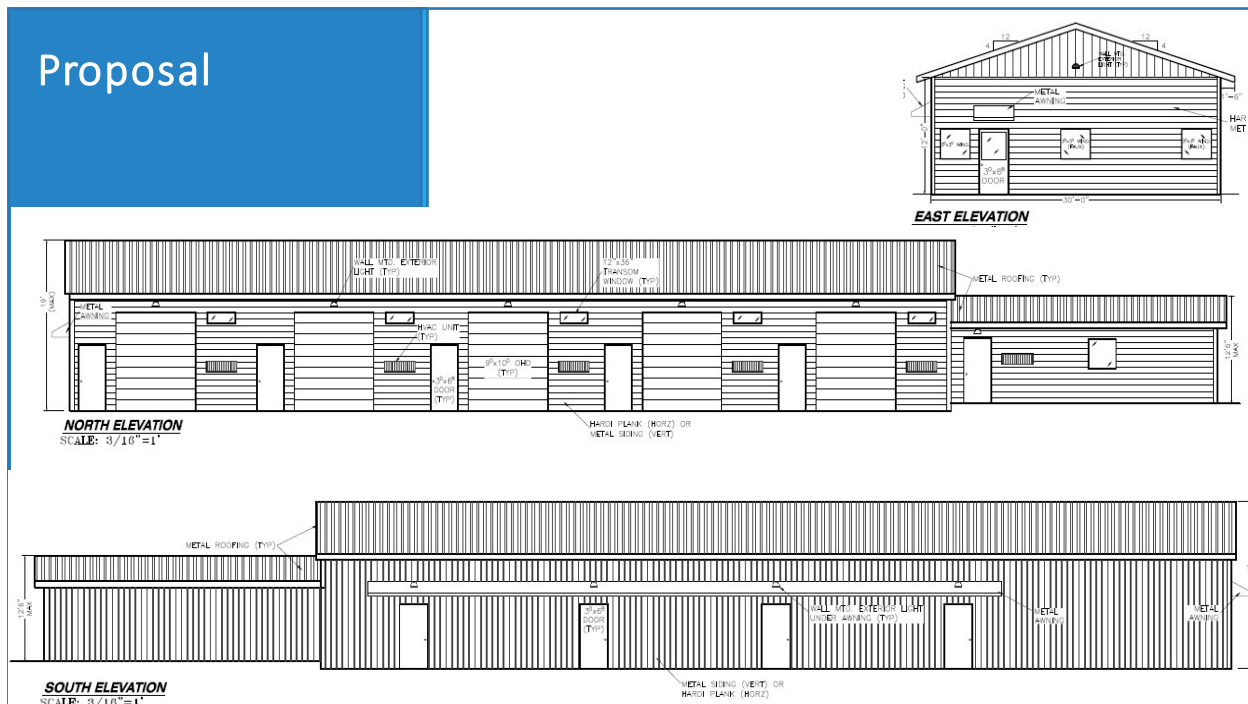


Proposal and Site Improvements

- 6-Unit Storage
- 2 parking spaces, striping
 - Includes 1 ADA
- New drive approach
- Pedestrian access
- Infiltration pond
- Landscaping



Proposal



Review Criteria: TDMC 10.3.050.040 (AC)

1. *Permitted Conditional Use. The proposed use is conditionally permitted in the zone district where it is proposed to be located.*
2. *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. Dust and other particulate matter shall be confined to the subject property.*
3. *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.*

Review Criteria: Impact^{TDMC 10.3.050.040(C)}

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 footcandles (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:*
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:*
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.*

Commission Alternatives

1. **Staff recommendation:** The Planning Commission move to adopt Resolution PC 628A-25 approving Conditional Use Permit 214-25, with the proposed conditions of approval included with this report, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report.
2. If the Planning Commission desires to deny Conditional Use Permit 214-25, move to direct staff to prepare a resolution of denial. The Planning Commission shall identify the specific criteria concerning this decision.

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CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT

Zoning Ordinance Amendment 110-25
Comprehensive Plan Amendment 56-25

HEARING DATE: June 5, 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 Comply with FEMA's 2024 Pre-Implementation Compliance Measures (PICM) Mandate and Updated Floodplain Development Standards.

PROPERTIES: All properties located within the Urban Growth Boundary

APPLICANT: City of The Dalles, Community Development Department

PREPARED BY: Joshua Chandler, Director
Sandy Freund, Senior Planner

BACKGROUND: In July 2024, Federal Emergency Management Agency (**FEMA**) Region 10 issued a mandate for National Flood Insurance Program (**NFIP**) participating jurisdictions to implement one of three Pre-Implementation Compliance Measures (**PICM**) by July 31, 2025, a mandate impacting 239 Oregon communities within 31 counties. The purpose of the PICM is to support ongoing survival of threatened or endangered species in accordance with the Endangered Species Act (**ESA**).

In 2009, environmental groups sued FEMA for failing to consult with the National Marine Fisheries Service (**NMFS**) about the NFIP's impact on endangered species. FEMA settled those cases by consulting NMFS, which issued a 2016 Biological Opinion (**BiOp**) finding the NFIP threatens several ESA-listed species and included mitigation recommendations. In 2023, environmental groups again filed a lawsuit over FEMA's slow progress in implementing the

BiOp. In response, FEMA announced PICM in 2024 to bridge the gap until it can fully implement its plan (slated for 2027).

Accordingly, FEMA required all impacted jurisdictions, including the City, to select one of the three PICM options no later than December 1, 2024:

1. *Model Ordinance*. Adopt a model ordinance incorporating the ESA requirements into the City's Land Use and Development Ordinance.
2. *Permit-by-permit*. Require permit applicants proposing development in the floodplain to complete a *Floodplain Habitat Assessment and Mitigation Plan* documenting how their proposed development in the Special Flood Hazard Area (SFHA) will achieve "no net loss."
3. *Prohibit all new development in the floodplain*. A complete ban on development in designated floodplain areas of the City.

At the November 25, 2024, regular City Council meeting, Community Development Department (CDD) staff recommended, and City Council moved to direct staff to notify FEMA Region 10 of the City's intent to select the Model Ordinance Option (**Model Ordinance**) no later than December 1, 2024. On December 1, 2024, CDD submitted to FEMA Region 10 the City's intent to proceed with adoption of the Model Ordinance in order to implement these amendments no later than July 31, 2025. For reference, the Model Ordinance referred to herein includes FEMA's model flood control provision regulations implemented in 2020, as well as the recent addition of "no net loss" standards implemented in 2024.

In addition to the PICM requirements, FEMA has been working on updating the original 1984 flood maps for our region. That process began in 2014 and is expected to be completed by 2026. Until the new Flood Insurance Rate Maps (**FIRM**) are finalized, federal law requires the City to continue using the 1984 FIRM for assessing floodplain-related activities. The City had planned amendments to its flood control provisions to align with the anticipated FIRM updates currently under FEMA review, originally planned for adoption in 2024. However, due to delays in FEMA's map update and the introduction of the PICM mandate, these amendments are occurring sooner than expected.

To ensure transparency and compliance with Oregon Revised Statutes (**ORS**) and FEMA's directives, the City issued Ballot Measure-56 notices on May 16, 2025, to all property owners currently located within the 1984 FIRM designated floodplain, as well as those potentially affected by the proposed updates to the SFHA. These notifications were intended to inform residents of forthcoming PICM requirements and potential changes to their property's floodplain status.

DISCUSSION: The proposed amendments to the City's Comprehensive Plan and Title 10 of The Dalles Municipal Code (**TDMC**) are necessary for the City to comply with FEMA's newly mandated flood control provisions. Specifically, Comprehensive Plan Amendment **CPA 56-25** and Zoning Ordinance Amendment **ZOA 110-25** update the Comprehensive Plan and TDMC to align with the Model Ordinance. These amendments revise standards for development within the floodplain to meet federal requirements and ensure The Dalles remains a participating jurisdiction in the NFIP.

Proposed Comprehensive Plan Amendments

Various goals and policies in the Comprehensive Land Use Plan are being amended to ensure that Title 10 of TDMC incorporates methods and requirements for reducing flood losses, as outlined in the Model Ordinance. The State of Oregon delegates responsibility to local governmental jurisdictions to adopt floodplain management regulations which are designed to promote public health, safety, and general welfare of its citizens. The following list identifies the Comprehensive Plan goals, policies, and implementation measures included with this proposed amendment.

- Goal 5 Policies
- Goal 7 Implementation Measures
- Goal 9 Policies
- Goal 11 Policies

Proposed The Dalles Municipal Code Amendments

The following summarizes key amendments to specific chapters of the TDMC to ensure consistency with updated federal floodplain regulations and terminology, particularly those outlined in the Model Ordinance.

- Chapter 10.2 Definitions. Amendments include updated floodplain terminology consistent with current federal standards as depicted in the Model Ordinance. This updated terminology will ensure cohesion with federal standards as well as throughout TDMC.
- Chapter 10.3, Article 3.070 Variances. The proposed amendments establish a distinct variance application process for properties located within the SFHA, as detailed in Chapter 10.8. While Article 10.3.070 currently governs general variance procedures, the revised language will reference and defer to the specific floodplain variance criteria codified in Article 10.8.030 for developments within the SFHA.
- Chapter 10.5, Article 5.130 Stream Corridor District. Removal of reference to “100-year flood elevation” and replaced with “Special Flood Hazard Area.”
- Chapter 10.6, Article 6.170 Density. Removal of reference to “100-year floodplain” and replaced with “Special Flood Hazard Area.”
- Chapter 10.8, Article 8.030 Flood Control Provisions. The proposed amendments will repeal existing floodplain regulations and replace them with updated provisions consistent with the Model Ordinance. The changes are intended to improve regulatory clarity, consistency, and compliance with federal standards. Key elements of the amendments include clearly defined administrative roles and responsibilities, permitting requirements, enforcement provisions for noncompliance, updated submittal requirements for development applications, and revised development standards within SFHAs. The amendments also establish more detailed procedures for reviewing and granting variances. Additionally, in order to address “no net loss” standards of the 2024 PICM (discussed further below), applicants will be required to submit a floodplain mitigation assessment prepared by a qualified professional to demonstrate that the

proposed development will not result in adverse impacts to the floodplain. Where such an assessment is required, the applicant must also confirm that all recommended mitigation measures will be incorporated into the final project design.

- Chapter 10.12 Recreational Vehicle Parks. Removal of reference to “100-year floodplain” and replaced with “Special Flood Hazard Area.”

No Net Loss Standards

The 2024 PICM addition to the Model Ordinance was introduced with limited coordination with Oregon state agencies and does not fully align with Oregon’s land use framework, particularly the statutory requirement that standards for residential development be “clear and objective.” These inconsistencies have generated significant concern across the state, particularly around the potential for regulatory takings claims and the impact on housing development.

To navigate these legal and procedural challenges, CDD staff consulted with outside legal counsel at Beery, Elsner & Hammond, LLP – a law firm with extensive experience advising Oregon jurisdictions. The firm has represented the City in numerous land use matters over the years and has also assisted communities statewide in implementing recent PICM mandates. Through this collaboration, the City identified a path forward that balances FEMA’s requirement to maintain “no net loss” of floodplain functions, with the need to ensure local land use regulations remain legally defensible and consistent with state mandates.

Following the advice of the City’s Legal Department, CDD Staff moved forward with incorporation of an alternative regulatory approach, referred to herein as **Option 2**. Unlike FEMA’s 2024 Model Ordinance, which places the burden of environmental impact analysis on local governments, Option 2 shifts this responsibility to applicants. Applicants must demonstrate compliance with the ESA and the BiOp by meeting one of four defined pathways, such as providing a mitigation assessment. The City’s role is limited to verifying whether an applicant has submitted adequate documentation, ensuring the standards applied are clear, objective, and legally enforceable under Oregon law. A similar process currently outlined in TDMC is the requirement of a Geologic Impact Study prepared by a geotechnical engineer or engineering geologist for applicable properties within one of the City’s five recognized geologic hazard zones.

Option 2 offers several advantages. It aligns with state legal requirements, reducing the likelihood of a successful appeal under the Land Use Board of Appeals (**LUBA**). It also lessens administrative and financial burdens on the City by delegating environmental compliance obligations to applicants. Importantly, it retains the conservation goals outlined in FEMA’s BiOp. However, uncertainty remains. While the Department of Land Conservation and Development (**DLCD**) has expressed no opposition, FEMA has not formally approved this alternative, and future amendments to federal regulations could impose more restrictive standards. Moreover, the added costs to applicants may present challenges for certain development types, particularly housing.

To mitigate these risks, the City has notified FEMA of its intent to implement a compliant code by the required deadlines and will continue enforcing current regulations until the new code is locally adopted. Staff have coordinated with both DLCD and FEMA to ensure proper notice and review of the proposed amendments. The required notice was submitted to DLCD on May 1, 2025, and a complimentary notice to FEMA on May 15, 2025. To date, neither agency has

provided comment. Looking ahead, the City anticipates further revisions to FEMA’s federal regulations in the coming years, and will remain prepared to update TDMC as needed to maintain NFIP eligibility and compliance with federal environmental requirements.

For reference, Option 2 is included in TDMC 10.8.030.110(C).

NOTIFICATION:

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on May 16, 2025, more than ten days prior to the June 5, 2025, Planning Commission hearing. In addition, a Ballot Measure 56 Notice was sent to all affected and potentially affected property owners on May 16, 2025, more than 20 days prior to the June 5, 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 May 29, 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 May 1, 2025, more than 35 days prior to the June 5, 2023 hearing. A copy of the proposed amendments was provided to FEMA Region 10 on May 15, 2025. To date, no comments were received.

COMMENTS:

No comments have been received as of the date this report was published (May 29, 2025).

REVIEW:

See *Exhibit A*.

PROPOSED AMENDMENTS:

The proposed amendments for Zoning Ordinance Amendment 110-25 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 110-25) and *Exhibit E* (CPA 56-25). 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 Comprehensive Plan Amendment 56-25 and Zoning Ordinance Amendment 110-25, adopting amendments and findings attached herein.***
2. Move to recommend to the City Council the approval of a modified Comprehensive Plan Amendment 56-25 and Zoning Ordinance Amendment 110-25, after adopting any changed amendments or findings discussed at the regular June 5, 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 110-25 and Comprehensive Plan Amendment 56-25.*
- **Exhibit B:** *Proposed Zoning Ordinance Amendment 110-25.*
- **Exhibit C:** *Proposed Comprehensive Plan Amendment CPA 56-25*
- **Exhibit D:** *Draft Edits of the Proposed Amendments for Zoning Ordinance Amendment 110-25.*
- **Exhibit E:** *Draft Edits of the Proposed Amendments for Comprehensive Plan Amendment 56-25.*

EXHIBIT A

Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 110-25 Comprehensive Plan Amendment 56-25

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. *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

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 May 16, 2025, more than ten days prior to the June 5, 2025 Commission hearing. In addition, a Ballot Measure 56 Notice was sent to all affected and potentially affected property owners on May 16, 2025, more than 20 days prior to the June 5, 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 May 29, 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 May 1, 2025, more than 35 days prior to the June 5, 2023 hearing. To date, no comments were received. **Criterion met.**

Goal #2. Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

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 #5 Open Spaces, Scenic and Historic Areas and Natural Resources. *To conserve open space and protect natural and scenic resources.*

Policy 3. Require that legislative and quasi-judicial actions affecting areas of significant environmental concern meet all applicable local, State and Federal regulations.

FINDING #5: The proposed amendments to the City's Comprehensive Plan and Title 10 of TDMC are necessary for the City to comply with FEMA's newly mandated flood control provisions. Specifically, these updates align with FEMA's 2020 Model Code and the 2024 Pre-Implementation Compliance Measures (PICM) mandate. These amendments revise standards for development within the floodplain to meet federal requirements and ensure The Dalles remains a participating jurisdiction in the National Flood Insurance Program (NFIP). Therefore, Staff finds these amendments meet all applicable local, State and Federal regulations relating to floodplain management. **Criterion met.**

Policy 4. Encourage the use of vegetative coverings for property to control soil erosion, reduce airborne dust, and improve the aesthetic quality of the urban environment; also providing habitat for nongame wildlife habitat such as birds and squirrels.

FINDING #6: The proposed amendments to the City's floodplain regulations meet this criterion by promoting the preservation and use of native vegetation within the Special Flood Hazard Area (SFHA). Development applications must include a statement confirming compliance with one of several review pathways, many of which incorporate vegetation-based mitigation to maintain floodplain functions. As a condition of development within the SFHA, floodplain mitigation assessments must identify measures such as vegetative buffers, native plantings, and habitat restoration that help stabilize soils, reduce airborne dust, enhance urban aesthetics, and provide ecological benefits. The proposed code amendments also supports low-impact activities like weed removal and native replanting, encouraging long-term stewardship of vegetated areas.

Additionally, the amendments align with the 2024 PICM, which was developed to protect habitat for Endangered Species Act (ESA) listed species. Although focused on endangered species, the PICM's emphasis on riparian vegetation, natural hydrology, and enhanced ecosystem functions also supports nongame wildlife, that depend on vegetated areas for food, nesting, and shelter.

Criterion met.

Goal #7. Natural Hazards. *To protect life and property from natural disasters and hazards.*

Policy 1. Land designated on the official flood plain maps shall be subject to the regulations of the Flood Damage Prevention sections of the City's implementing ordinances. The City will work with flood management agencies to determine more

specifically the areas susceptible to flash flooding and apply the flood damage prevention provisions to areas not already regulated.

FINDING #7: The proposed amendments implement Policy 1 by ensuring that all land designated on official floodplain maps is regulated under the City’s updated Flood Control Provisions in TDMC. These amendments repeal outdated language and adopt new standards consistent with FEMA’s 2020 Model Code and the 2024 PICM, providing clear permitting requirements, performance standards, and enforcement tools to protect floodplain functions and public safety.

The City will also continue to coordinate with state and federal flood management agencies to refine mapping and identify areas vulnerable to flash flooding. The updated code requires site-specific floodplain mitigation assessments and applies a “no net loss” standard for floodplain function, helping ensure that flood-prone areas are appropriately evaluated and regulated.

While FEMA's updated Flood Insurance Rate Maps (**FIRMs**) are still in development and expected by 2026, federal law requires continued use of the 1984 FIRMs. Although the City initially planned to update TDMC following the release of the new maps, these amendments were advanced to meet the more urgent PICM mandate. To ensure transparency and compliance with state and federal law, Ballot Measure 56 notices were sent on May 16, 2025, to affected property owners currently located within the 1984 floodplain, as well as those whose properties are expected to fall within the 2026 SHFA boundaries. These efforts demonstrate the City’s ongoing commitment to responsible floodplain management and risk reduction. **Criteria met.**

***Policy 2.** The City shall continue to meet participation requirements for national flood insurance and make flood hazard areas eligible for the program.*

FINDING #8: The City of The Dalles is actively working to maintain its participation in the NFIP and ensure that properties within identified flood hazard areas remain eligible for federal flood insurance coverage. To achieve this, the City has committed to complying with FEMA Region 10’s July 2024 mandate requiring all NFIP-participating jurisdictions to implement one of three PICM by July 31, 2025. On December 1, 2024, the City formally notified FEMA of its intent to adopt the Model Ordinance option, which integrates Endangered Species Act (**ESA**) protections and aligns with FEMA’s 2020 Model Code. This strategic choice ensures continued program compliance while enabling regulated development within the floodplain under revised and ecologically responsible standards.

The City’s proposed floodplain ordinance amendments incorporate PICM requirements, including mandatory floodplain habitat assessments and mitigation planning to achieve “no net loss” of floodplain function. These measures preserve eligibility for NFIP coverage by meeting federal standards and addressing environmental concerns raised in the 2016 Biological Opinion (**BiOp**) issued by the National Marine Fisheries Service. Furthermore, the City has proactively issued Ballot Measure 56 notifications to affected property owners and continues to use the current 1984 Flood Insurance Rate Maps (**FIRMs**) as required until updated FIRMs are released. These efforts demonstrate the City’s ongoing commitment to NFIP compliance, minimize risk of suspension, and protect the community’s access to affordable flood insurance and federal disaster relief. **Criterion met.**

Oregon Revised Statute (ORS)**ORS 197.307(4)**

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 #9: The City’s approach to implementing FEMA’s 2024 PICM was shaped through extensive consultation with legal counsel at Beery, Elsner & Hammond, LLP (**BEH**), a law firm with deep expertise in Oregon land use law and long-standing experience advising jurisdictions on complex regulatory compliance. Recognizing the legal and procedural inconsistencies between FEMA’s 2024 PICM and Oregon’s statutory framework, which requires “clear and objective” standards for residential development, CDD staff sought legal guidance to ensure the City’s response would be both federally compliant and legally defensible under state law.

BEH advised that none of the three PICM options originally presented by FEMA – complete development prohibition, case-by-case review, or adoption of the Model Ordinance – were compatible with Oregon’s land use requirements. Specifically, a prohibition on all new development in the floodplain would expose the City to potential regulatory takings claims, while both the case-by-case and Model Ordinance options lacked the clear and objective standards required for residential applications under ORS. Applying either of those approaches could result in land use decisions being reversed or remanded by the Land Use Board of Appeals (**LUBA**).

To resolve these conflicts, BEH helped craft an alternative regulatory framework (referred to as **Option 2**), that draws from FEMA’s 2024 Model Ordinance and the 2016 BiOp, but reframes them to meet Oregon’s legal standards. Under this approach, the responsibility for demonstrating ESA and BiOp compliance is placed squarely on the applicant. The City’s role is limited to confirming whether adequate documentation has been submitted, avoiding discretionary judgments by local officials that could be deemed subjective or unclear under state law. This structure aligns with existing models used within TDMC for natural hazard review (e.g., geologic hazard zones). **Criterion met.**

Oregon Administrative Rules (OAR) OAR 660-012-0060

FINDING #10: Staff found that the proposed changes do not affect an existing or planned transportation facility; therefore OAR 660-012-0060 is not applicable to this zoning ordinance amendment. **Criterion not applicable.**

EXHIBIT B
Proposed Amendments
Zoning Ordinance Amendment 110-25

Chapter 10.2 Definitions

10.2.010. Meaning of Words Generally.

All words and terms used in this Title have their commonly accepted, dictionary meaning unless they are specifically defined in this Title, or the context in which they are used clearly indicates to the contrary.

10.2.020. Meaning of Common Words.

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. The word "shall" is mandatory and the word "may" is permissive.
- D. The word "building" includes the word "structure."
- E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- F. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

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 1 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.

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 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 ordinance or a request for a variance. Subject to 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, in the case of Commission quasi-judicial hearings and decisions; 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 1 percent or greater annual chance of flooding (characterized by ponding or sheet flow) to an average depth of 1 to 3 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 1 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 Code of The Dalles – ZOA 110-25

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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.

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

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 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 than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of board, care, or training apart from their parents or guardians for compensation or reward in accordance with ORS 657A. (Note: For in-home family day care see definition for "Family Day Care.")

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

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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 4 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."

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 3 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.

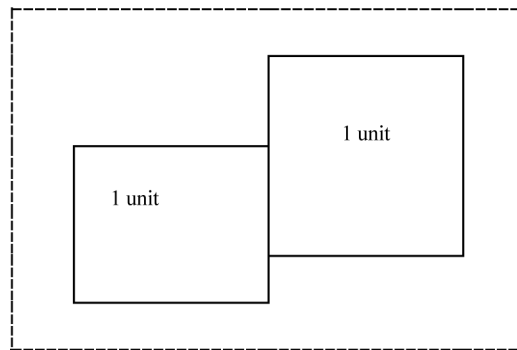
Director. The Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this Title.

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.

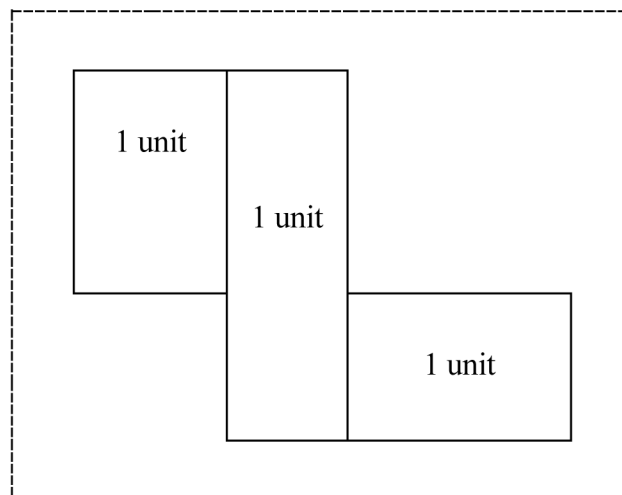
Drainageway. A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

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 2 dwelling units; for purposes of calculating maximum density, duplexes are counted as 1 dwelling unit.

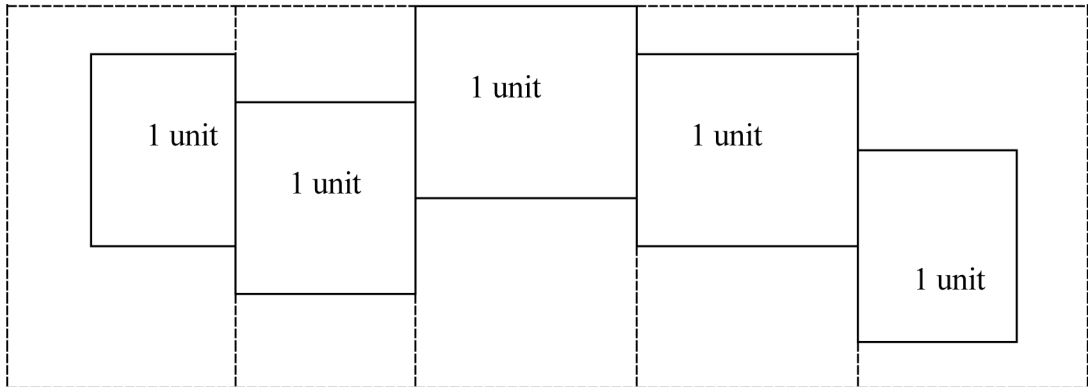


Dwelling, Multifamily. A structure or development containing at least 3 dwelling units in any vertical or horizontal arrangement, located on a single lot. See also, Cottage Cluster Development.

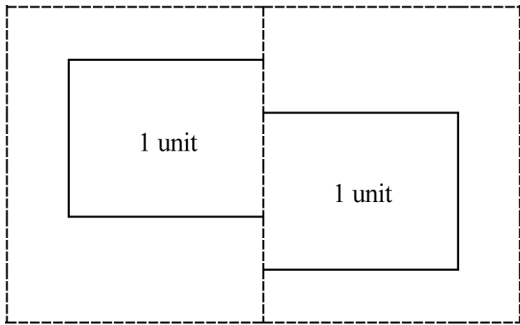


Dwelling, Single Attached (Townhouse). More than 2 dwelling units, each located on its own lot,

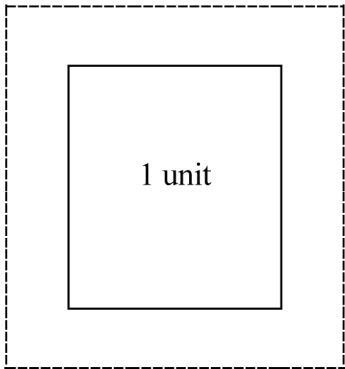
placed side by side, and sharing some structural parts at a common property line.



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.

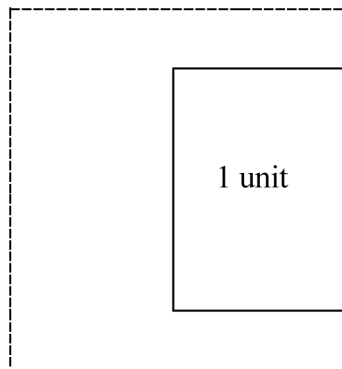


Dwelling, Single Detached. One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this Chapter.



Dwelling, Single Detached (Zero Lot Line). A single detached structure with no setback from
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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 2 or more persons related by blood, adoption or marriage, or a group of not more than 5 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," care of 12 or fewer children either full or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the normal requirements of the residential zone. Family day care is not subject to the definition of "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 Decision. The decision made by the approving authority approving, approving with conditions, or denying an application for a ministerial, administrative, quasi-judicial, or legislative action as specified in this Title.

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

Flood or Flooding:

A. 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 paragraph (a)(2) 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.

- B. 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 paragraph (a)(1) of this definition.

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."

Floodplain. See Floodway.

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

Floodplain storage capacity. The volume of floodwater that an area of floodplain can hold during the 1-percent annual chance flood.

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.

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 BFE, and the footprint related to water quality refers to the area of impervious surface that the structure creates.

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.

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.

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.

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:

- A. 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;
- B. 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;
- C. 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
- D. 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 4 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.

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

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

Kennel. Any lot or premises on which 5 or more dogs or cats at least 5 months of age are kept, boarded, or trained.

Kennels, Breeding. Any premises where 4 or more dogs, cats, or other animals or fowl are maintained for breeding purposes.

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

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

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, Corner. A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.

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

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. Means 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. Means 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 paragraph 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 to 475.346, as now constituted, 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 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 3 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).

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.

Non-Personal Medical Marijuana Grow Operation. Any grow site registered with the Oregon Health Authority under ORS 475B.420 for the planting, cultivating, growing, trimming or harvesting marijuana, or drying marijuana leaves or flowers, but excluding a personal medical marijuana grow site.

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.

ORS. Oregon Revised Statutes.

Person. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, 2 or more people having a joint or common interest, or any other legal entity.

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 6 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 6 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 Commission.

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.

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.

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.

Recreational Vehicle (RV). A vehicle which is:

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

Replat, Minor. The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 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 6 to 15 individuals who need not be related. 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 patients 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 5 or fewer individuals who need not be related. 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 6 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" for this definition.

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

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 percent 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 percent 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:

- A. 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
- B. 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 Chapter 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.

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Chapter 10.3 Application Review Procedures

10.3.070.020 Review Procedures.

- A. Applications. In addition to the requirements of Article 3.010: Application Procedures, variance applications shall be accompanied by at least 15 copies of a concept site plan, per the provisions of Article 3.030: Site Plan Review, and a written statement which specifically addresses the review criteria as described in Section 10.3.070.030: Review Criteria.
- B. Review. Variance applications shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.
- C. Floodplain Management. Variance requests from floodplain management regulations shall be subject to Section 10.8.030.130.

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Chapter 10.5 Zone District Restrictions

10.5.130.060. Site Plan Required.

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the SCW Overlay District, the property owner shall submit a scaled site plan to the City that shows:

- A. Topographic contours at 2-foot intervals;
- B. The stream top-of-bank;
- C. Special Flood Hazard Area elevation;
- D. The required riparian setback;
- E. Existing vegetative cover and type;
- F. Existing and proposed site improvements; and
- G. A riparian restoration plan if development is proposed within 50 feet of the stream top-of-bank.

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Chapter 10.6 General Regulations

10.6.170.020. Calculating Density.

- A. Density Denominator. Density is determined on an individual development proposal basis. For developments including multiple lots or parcels, the overall density of the entire proposed development site is calculated.
- B. Gross and Net Density.

1. When determining minimum required density of an individual development, net density is used for calculations.
 2. When determining maximum allowed density of an individual development, gross density is used for calculations.
- C. Deductions to Calculate Net Area. Net area is the total area of land within an individual development, excluding the following areas (measured in square feet):
1. Right-of-way dedications for new rights-of-way or expansions of existing rights-of-way;
 2. Land constrained by slopes of 25% or greater;
 3. Special Flood Hazard Area (SFHA), as determined by the Federal Emergency Management Agency;
 4. Wetlands, as determined by the Oregon Department of State Lands;
 5. Stream corridors, as defined in Article 5.130;
 6. Open space or parkland and anticipated to be publicly owned;
 7. Open space owned in common by owners within a residential development; and
 8. Public utility easements.
- D. Density Calculations.
1. Minimum Density. The minimum number of dwelling units required is calculated by dividing the net area (pursuant to TDMC Section 10.6.170.020(C)) by 43,560 square feet to convert the area to acres, then by multiplying the resulting acreage by the most restrictive minimum required dwelling unit density applicable to the project's zone district. See TDMC Section 10.6.070.020 for fractional rounding.
 2. Maximum Density. The maximum number of dwelling units permitted is calculated by dividing the gross area by 43,560 square feet to convert the area to acres, then by multiplying the resulting acreage by the least restrictive maximum required dwelling unit density applicable to the project's zone district. See TDMC Section 10.6.070.020 for fractional rounding.
- E. Density Fractional Rounding. If after a calculation the result applied is a rounded whole number which would result in a total number of dwelling units exceeding the maximum Comprehensive Plan density range, the development shall be permitted no more than 1 dwelling unit greater than the density range (e.g., an RL-zoned development with a maximum density of 8.65 may be rounded up to 9, thus exceeding the 8.712 maximum allowed density of the RL zoning district).
- F. Minimum Lot Allowances.
1. Regardless of the density calculation described above, any residentially zoned lot of record is allowed at least 1 dwelling unit.
 2. Any residentially zoned lot of record has a density of at least 1 dwelling unit.

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Chapter 10.8 Physical and Environmental Constraints**10.8.020.010. Permit Requirements.**

- A. Physical Constraints Permit. A physical constraints permit shall be required for all development:
1. in areas within all Special Flood Hazard areas on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for the City of The Dalles;
 2. in areas identified as natural drainage ways;
 3. in areas of the 2010 Geologic Hazards Study prepared by Mark Yinger designated within Zones 1 and 4, or land in Zone 3 which is located in areas of groundwater discharge;
 4. in slopes greater than 20% where utility extensions are required, and 25% in all other cases;
 5. which includes grading, filling, cutting, or other earth-moving activity involving more than 50 cubic yards of material on any lot or parcel of land or which includes areas of highly erosive soils;
 6. in areas designated as flowage easements by the Army Corps of Engineers; or
 7. in areas where the groundwater table is less than 10 feet below grade.
- B. Consolidation. Where the development is also subject to a site plan review, conditional use permit, subdivision, partition, planned development, or other planning action, the physical constraints permit may, at the request of the applicant, be processed simultaneously with the planning action at no additional charge. Consolidated applications may submit one plan showing all information required by this Title.

10.8.020.020. Abrogation.

Abrogation. This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10.8.020.030. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- A. considered as minimum requirements;
- B. liberally construed in favor of the governing body; and
- C. deemed neither to limit nor repeal any other powers granted under state statutes.

10.8.020.040. Applications.

In addition to the requirements of Article 3.010: Application Procedures, all applications for a physical constraints permit shall be accompanied by at least 3 copies of a site plan. Site plan requirements are detailed in Section 10.8.020.050.

10.8.020.050. Required Plans.

The following plans shall be required for any development requiring a physical constraints permit:

A. Site Plan. A site plan clearly showing the following:

1. Project name.
2. Vicinity map.
3. Scale (the scale shall be at least 1 inch equals 50 feet or larger).
4. North arrow.
5. Date.
6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
7. Lot layout with dimensions for all lot lines.
8. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
9. Location and size of all public utilities affected by the proposed development.
10. Location of drainage ways or public utility easements in and adjacent to the proposed development.
11. A topographic map(s) of the site at a contour interval of 5 feet or less showing existing and proposed ground contours.
12. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation.
13. Locations of all existing natural features, including, but not limited to, all trees of a caliper greater than 12 inches in diameter, natural drainage or creeks on the site, faults, and rock outcroppings. Indicate any contemplated modifications to a natural feature.
14. The proposed method of erosion control, water runoff control, and tree protection for the development.
15. Building envelopes for all existing and proposed new parcels.

B. Additional Plans and Studies. The Director may waive any of the above site plan elements,

or require additional plans and studies necessary to evaluate the application.

10.8.020.060. Review Procedures.

Applications for physical constraint permits shall be reviewed and decided by the Director per the provisions of Section 10.3.020.030: Ministerial Actions.

10.8.020.070. Review Criteria.

Physical constraint permits shall be issued by the approving authority when the applicant has demonstrated the following:

- A. Hazards. The development will not cause damage or hazard to persons or property upon or adjacent to the area of development.
- B. Mitigation. The applicant has considered the potential hazards that the development may create and implemented reasonable measures to mitigate the potential hazards caused by the development.
- C. Impact. The applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The approving authority shall consider the existing development of the surrounding area, and the maximum permitted development permitted by this Title.
- D. Compliance. The development is in compliance with the requirements of this Chapter and all other applicable City ordinances and state and federal regulations.

10.8.020.080. Changes to Plans.

The approving authority has the power to amend plans to include one or both of the following conditions if it is deemed necessary to mitigate any potential negative impact caused by the development:

- A. Natural Features. Require the retention and/or addition of trees and other vegetation, rocks, ponds, water courses and other natural features.
- B. Plan Changes. Require plan revision or modification to mitigate possible negative or irreversible effects upon the topography or natural features that the proposed development may cause.

10.8.020.090. Permit Denial.

The approving authority may deny the physical constraint permit if, in its opinion, one or more of the following is found to apply:

- A. The proposed development will have a detrimental effect on the lands regulated and protected by this Chapter.
- B. The proposed development is inconsistent with the Comprehensive Plan.
- C. Where it appears that the proposal is part of a more extensive development that would require

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a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.

10.8.030.010 Statutory Authorization.

ORS 197.175 (*Cities' and counties' planning responsibilities*), as may be amended or superseded, delegates the State of Oregon's responsibility to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry to local governmental units.

10.8.030.020. Purpose.

It is the purpose of this Article to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in Special Flood Hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Preserve natural and beneficial floodplain functions;
- D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- E. Minimize prolonged business interruptions;
- F. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Special Flood Hazard areas;
- G. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- H. Notify potential buyers that the property is in a Special Flood Hazard area;
- I. Notify those who occupy Special Flood Hazard areas that they assume responsibility for their actions; and
- J. Participate in and maintain eligibility for flood insurance and disaster relief.

10.8.030.030 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Article includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective

barriers, which help accommodate or channel flood waters;

- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

10.8.030.040 Findings of Fact.

- A. The flood hazard areas of The Dalles preserve the natural and beneficial values served by floodplains but are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in Special Flood Hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

10.8.030.050. Applicability.

This Article shall apply to all Special Flood Hazard areas within the jurisdiction of the City.

10.8.030.060 Basis for Establishing the Special Flood Hazard Areas

The Special Flood Hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study The Dalles” dated January 18, 1984 (FIS), with accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted by reference and declared to be a part of this Article. The FIS and FIRM panels are on file at The Dalles Community Development Department located in The Dalles City Hall at 313 Court Street, The Dalles, OR 97058.

10.8.030.070. Coordination with State of Oregon Specialty Codes.

The Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard areas and this Article is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

10.8.030.080. Compliance and Penalties for Noncompliance.

- A. Compliance. All development within Special Flood Hazard areas is subject to the terms of this Article and required to comply with its provisions and all other applicable regulations.
- B. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Violations of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in

connection with conditions) shall constitute a violation subject to the provisions of Chapter 10.15. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

10.8.030.090. Warning and Disclaimer of Liability

- A. Warning. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of Special Flood Hazard areas or uses permitted within such areas will be free from flooding or flood damages.
- B. Disclaimer of Liability. This Article shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

10.8.030.100. Administration.

- A. Designation of the Floodplain Administrator. The Director is hereby appointed to administer, implement, and enforce this Article by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator, or their designee, shall include, but are not limited to:
 - 1. Permit Review. Review all development permits to:
 - a. Determine that the permit requirements of this ordinance have been satisfied;
 - b. Determine that all other required local, state, and federal permits have been obtained and approved;
 - c. Determine whether the proposed development is located in a floodway:
 - i. If located in the floodway, ensure the floodway provisions of Section 10.8.030.140(G) are met;
 - ii. Determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the FIS or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of Section 10.8.030.120(A)(7); and
 - iii. Provide to building officials the BFE to any building requiring a development permit.
 - d. Determine if the proposed development qualifies as a substantial improvement;

- e. Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions of Section 10.8.030.120(A)(1); and
 - f. Determine if the proposed development activity includes the placement of fill or excavation.
2. Information to be Obtained and Maintained. The following information shall be obtained and maintained consistent with the Oregon Secretary of State's records retention requirements or other applicable law:
- a. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 10.8.030.120(A)(7).
 - b. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections 10.8.030.100(B)(1)(b) and 10.8.030.140(G) are adhered to.
 - c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
 - d. Where BFE data is utilized, as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
 - e. Maintain all Elevation Certificates submitted to the City.
 - f. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures, where allowed under this Chapter and where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 10.8.030.120(A)(7) .
 - g. All floodproofing certificates required under this Chapter.
 - h. All variance actions, including justification for their issuance.
 - i. All hydrologic and hydraulic analyses performed as required under Section 10.8.030.140(G).
 - j. All Substantial Improvement and Substantial Damage calculations and determinations as required under Section 10.8.030.100(B)(5).
 - k. All other records submitted in connection with the provisions of this Chapter.

3. Requirements to Notify Other Entities and Submit New Technical Data.

- a. City Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the City have been modified by annexation or the City has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and FIRMs accurately represent the City's boundaries. Such notification shall include a copy of a map of the City suitable for reproduction and clearly delineating the new corporate limits or new area for which the City has assumed or relinquished floodplain management regulatory authority.
- b. Watercourse Alterations. Notify Wasco County, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:
 - i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
 - ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.
- c. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 10.9.030.100(B)(4). Ensure compliance with all applicable requirements in Sections 10.9.030.100(B)(4) and 10.8.030.120(A)(1).

4. Requirement to Submit New Technical Data

- a. The City's BFEs may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the City shall notify the Federal Insurance Administrator of such changes by submitting technical or scientific data in accordance with 44 C.F.R. 65.3. The City may require the applicant to submit such data and review fees required for compliance with this Section through the applicable FEMA Letter of Map Change (LOMC) process.
- b. The Floodplain Administrator shall require a CLOMR prior to the issuance of a floodplain development permit for:
 - i. Proposed floodway encroachments that increase the BFE; and
 - ii. Proposed development which increases the BFE by more than one foot in areas where FEMA has provided BFEs but no floodway.

- c. An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a CLOMR from FEMA. This notification to FEMA shall be provided as a LOMR.
- 5. Substantial Improvement and Substantial Damage Assessments and Determinations.
 - a. Conduct substantial improvement reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 10.8.030.150(B) .
 - b. Conduct substantial damage assessments when structures are damaged due to a natural hazard event or other causes. Make substantial damage determinations whenever structures within the Special Flood Hazard area are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

10.8.030.110. Permit Requirements.

- A. Physical Constraints Permit Required. A physical constraints permit shall be obtained before construction or development begins within any area horizontally within the Special Flood Hazard area. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, including fill and other development activities.
- B. Application for Physical Constraints Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required with all physical constraints:
 - 1. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the requirements of Section 10.8.030.150(B).
 - 2. Existing lowest floor elevation (in relation to sea level).
 - 3. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
 - 4. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any structure meet the floodproofing criteria for non-residential and residential structures in Section 10.8.030.140(D).
 - 5. Description of the extent to which any watercourse will be altered or relocated.
 - 6. BFE data for subdivision proposals or other development when required and consistent with Sections 10.9.030.100(B)(1) and 10.8.030.120(A)(6).
 - 7. Substantial improvement calculation for any improvement, addition, reconstruction,

renovation, or rehabilitation of an existing structure.

8. The amount and location of any fill or excavation activities proposed.

C. Development Statement.

1. Application for permits to develop in the Special Flood Hazard area must also include:

- a. Either:

- i. A statement confirming that the applicant has obtained a floodplain mitigation assessment of the proposed development performed by a qualified professional;
- ii. A statement that, in addition to being covered by the consultation and biological opinion issued by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) for the Federal Emergency Management Agency's implementation of the National Flood Insurance Program in Oregon (NMFS Consultation No. NWR-2011-3197), the development proposed by the application is a project or project action that is covered by another formal consultation with NMFS or the United States Fish and Wildlife Service, pursuant to Section 4(d), 7, or 10 of the Endangered Species Act of 1973;
- iii. A statement that the development proposed by the application fits within the nature and scope of the project types that are addressed in an existing full programmatic habitat assessment of all current and reasonably foreseeable future conditions; or
- iv. A statement that the development proposed by the application is exempt from the requirement for a floodplain mitigation assessment because it is one or more of the following activities:
 - a) Normal maintenance, repairs, or remodeling of structures, such as re-roofing and replacing siding, that does not (1) alter the footprint or expand the roof of the structure or (2) constitute a substantial improvement or repair of substantial damage (meaning the work must be less than 50 percent of the market value of the structure(s)).
 - b) Routine maintenance of streets, sidewalks, paths and roads (including but not limited to filling potholes, repaving, and installing signs and traffic signals) that does not alter contours or culverts, that is less than six inches above grade, and that does not expand paved areas;
 - c) Routine maintenance of landscaping that does not include grading, excavation, or filling;
 - d) Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch

configuration and that removes all spoils from the Special Flood Hazard area or tills spoils into fields as a soil amendment;

- e) Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal with root balls left in place;
 - f) Removal of noxious weeds and hazard trees or replacement of non-native vegetation with native vegetation;
 - g) Normal maintenance of above and below ground utilities and facilities, such as replacing downed power lines and utility poles that does not result in a net change in footprint;
 - h) Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility (this does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor);
 - i) Habitat restoration activities;
 - j) Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas, provided the activities meet federal and state standards and do not include structures, grading, fill, or impervious surfaces;
 - k) Repair to onsite septic systems, provided ground disturbance is the minimal necessary and best management practices are utilized to prevent stormwater runoff and soil erosion; and
 - l) Pre-emptive removal of documented susceptible trees to manage the spread of invasive species.
- b. If the applicant has confirmed that it has obtained a floodplain mitigation assessment under (2)(i)(1) above, a statement confirming that the proposed development activities, as shown on the design plans and drawings submitted with the application, include measures to incorporate all mitigation identified in the floodplain mitigation assessment as needed for no net loss of floodplain functions.
2. The City will deny a permit to develop in the Special Flood Hazard area unless the applicant submits a statement meeting the requirements of Section 10.8.030.110(C)(1).

10.8.030.120 Provisions for Flood Hazard Reduction.

- A. General Standards. In all Special Flood Hazard areas the following standards shall be adhered to:

1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 10.9.030.100 Administration (B) (3) (b) and 10.9.030.100 Administration (B) (4).
2. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All manufactured dwellings shall be anchored consistent with Section 10.8.030.140(D).
3. Construction Materials and Methods
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
4. Utilities and Equipment
 - a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
 - b. Electrical, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a substantial improvement shall meet all the requirements of this section.
5. Tanks

- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- b. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. Subdivision Proposals and Other Proposed Developments

- a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals BFE data.
- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - i. Be consistent with the need to minimize flood damage.
 - ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - iii. Have adequate drainage provided to reduce exposure to flood hazards.

7. Use of Other Base Flood Elevation Data

- a. When BFE data has not been provided in accordance with Section 10.8.030.060, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data available from a federal, state, or other source to administer Section 10.8.030.120. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 10.8.030.120(A)(6).
- b. BFEs shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser, in any A Zone that does not have an established BFE. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available. The elevation of residential structures and non-residential structures that are not dry floodproofed must be 2 feet above highest adjacent grade. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

8. Structures Located in Multiple or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

- a. When a structure is located in multiple flood zones on the City's FIRM, the provisions for the more restrictive flood zone shall apply.
- b. When a structure is partially located in a Special Flood Hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

10.8.030.130 Specific Standards for Riverine (Including All Non-Coastal) Flood Zones.

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 10.8.030.120 Provisions for Flood Hazard Reduction (A) of this ordinance.

- A. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the BFE, including crawl spaces shall:

- 1. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- 2. Be used solely for parking, storage, or building access;
- 3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - a. A minimum of two openings;
 - b. The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
 - c. The bottom of all openings shall be no higher than one foot above grade;
 - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and,
 - e. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.
- 4. Garages
 - a. Attached garages may be constructed with the garage floor slab below the BFE in riverine flood zones, if the following requirements are met:
 - i. If located within a floodway the proposed garage must comply with the requirements of Section 10.8.030.140(G);
 - ii. The floors are at or above grade on not less than one side;

- iii. The garage is used solely for parking, building access, and/or storage;
 - iv. The garage is constructed with flood openings in compliance with Section 10.8.030.130(A) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
 - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - vi. The garage is constructed in compliance with the standards in Section 10.8.030.120(A); and
 - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for accessory structures in Section 10.8.030.140(F) or non-residential structures in Section 10.8.030.140(D) depending on the square footage of the garage.

10.8.030.140 For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations

In addition to the general standards listed in Section 10.8.030.120(A), the following specific standards shall apply in Riverine (non-coastal) Special Flood Hazard areas with BFE: Zones A1-A30, AH, and AE.

- A. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City and will not result in the net loss of flood storage volume.
- B. Residential Construction
- 1. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated 1 foot above the BFE.
 - 2. Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 10.8.030.130(A).
- C. Non-Residential Construction
- 1. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:

- c. Have the lowest floor, including basement elevated at or above the BFE; or
- d. Together with attendant utility and sanitary facilities:
 - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Section 10.9.030.100(B)(2).
- 2. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 10.8.030.130(A).
- 3. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

D. Manufactured Dwellings

- 1. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with Section 10.8.030.130(A);
- 2. The bottom of the longitudinal chassis frame beam shall be at or above BFE;
- 3. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
- 4. Electrical crossover connections shall be a minimum of twelve (12) inches above BFE.

E. Recreational Vehicles

- 1. Recreational vehicles placed on sites are required to be on the site for fewer than 180 consecutive days and:

- a. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - b. Meet the requirements of Section 10.8.030.140(D), including the anchoring and elevation requirements for manufactured dwellings.
- F. Accessory Structures. Relief from elevation or floodproofing requirements for residential and non- residential structures in Riverine (Non-Coastal) flood zones may be granted for accessory structures that meet the following requirements:
 1. Accessory structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section 10.8.030.140(G);
 2. Accessory structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
 3. In compliance with State of Oregon Specialty Codes, accessory structures on properties that are zoned residential are limited to one- story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed accessory structure will be located a minimum of 20 feet from all property lines. Accessory structures on properties that are zoned as non-residential are limited in size to 120 square feet;
 4. The portions of the accessory structure located below the BFE must be built using flood resistant materials;
 5. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
 6. The accessory structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 10.8.030(A);
 7. Accessory structures shall be located and constructed to have low damage potential;
 8. Accessory structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 10.8.030.120(A)(5); and
 9. Accessory structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

- G. Floodways. Located within the Special Flood Hazard areas established in Section 10.8.030.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - a. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the City during the occurrence of the base flood discharge; or
 - b. The City may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs.
 2. If the requirements of Section 10.8.030.140(G) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 10.8.030.120.
- H. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with BFEs. For AO zones, the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
1. Standards for AH Zones. Development within AH Zones must comply with the standards in Sections 10.8.030.140(G) and 10.8.030.140(A).
 2. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in Sections 10.8.030.140(G) and 10.8.030.140(H):
 - a. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
 - b. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
 - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum

- to or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified); or
- ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect consistent with Section 10.8.030.140(D).
- c. Recreational vehicles placed on sites within AO Zones on the City's FIRM shall be on the site for fewer than 180 consecutive days and either:
- i. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - ii. Meet the elevation requirements of Section 10.8.030.140(H) and the anchoring and other requirements for manufactured dwellings of Section 10.8.030.140(D).
- d. In AO zones, new and substantially improved accessory structures must comply with the standards in Section 10.8.030.140(F).
- e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 10.8.030.130(A).

10.8.030.150. Variance Procedure.

The issuance of a variance under this Article is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance. Variance applications unrelated to floodplain standards described in this Article shall be processed and reviewed consistent with Section 10.3.070.

A. Conditions for Variances

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, consistent with the provisions of Sections 10.8.030.150(A)(3) and (5) and (B). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
5. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Section 10.8.030.150(2) and (4) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

B. Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance and that such construction below the BFE increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 10.8.030.150(B).

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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 Planning Commission 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 6 feet in height. Evergreen hedge plantings shall be at least 6 feet in height at time of planting, and be maintained in a healthy, living condition.
 2. Perimeter Screening Adjacent to Public Streets. A 6-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 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.
- 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 1 tree per 5 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.

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EXHIBIT C
Proposed Amendments
Comprehensive Plan Amendment 56-25

Goal 5 Policies

1. Link and integrate the protection and enhancement of Open Space into Goal 8, Recreation.
2. Develop and maintain a current map and inventory of historic landmarks as approved by the Historical Landmarks Commission.
3. Require that legislative and quasi-judicial actions affecting areas of significant environmental concern meet all applicable local, State and Federal regulations.
4. Encourage the use of vegetative coverings for property to control soil erosion, reduce airborne dust, and improve the aesthetic quality of the urban environment; also providing habitat for nongame wildlife habitat such as birds and squirrels.
5. Maintain updated landscaping standards.
6. Protect and enhance Mill Creek, Chenoweth Creek, Fifteen Mile Creek and Three Mile Creek for their natural and recreational values.
7. Protect wetlands that appear on the National Wetlands Inventory (NWI), by referring proposals to fill within such sites to the Department of State Lands (DSL) in accordance with ORS 227.350. The City shall coordinate with DSL in requiring a site-specific wetlands analysis (delineation) prior to construction.
8. Seek grant funding to prepare a Local Wetland Inventory (LWI).
 - a. The LWI will be prepared using the standards and procedures of OAR 141-086-0110 through 141-086-0240.
 - b. The inventory of locally significant wetlands will be adopted as part of the Comprehensive Plan as required by ORS 197.279.
 - c. In 2011, the City adopted a program to protect fish bearing streams pursuant to OAR 660-023- 090, until such time as the City can adopt permanent wetland regulations pursuant to the Goal 5 Rule.
9. Encourage enhancement of the Columbia River and its tributaries, consistent with The Dalles Riverfront Master Plan. See Goal 8, Recreation.
10. Promote the development of a linear park system and nature trail along Mill and Chenoweth Creeks and a multipurpose trail along the Columbia River consistent with Goals 8 and 12 and The Dalles Riverfront Master Plan.
11. Enforce the weed abatement ordinances to ensure maintenance of all private and public property to avoid the spread of noxious weeds.

12. Identify and protect feasible renewable energy resources (see Goal #13: Energy).
13. Encourage urban area building owners to improve the appearance of the rear of their buildings and develop alleys as attractive avenues to access shops.
14. Identify and protect key viewing areas of the City such as Sorosis Park, and other panoramic vistas from visual blocking.
15. To comply with the Columbia Gorge National Scenic Area Act, the City shall identify and map scenic, natural and cultural resources for alternative UGB expansion areas to address NSAA requirements.
16. Owners of historical buildings and sites that have been identified by the Historical Landmarks Commission or the State Inventory of Historic Properties shall be encouraged to maintain the historical integrity of their properties. Exterior alterations to designated local Historic Landmarks shall require review by the Historical Landmarks Commission.
 - a. Encourage the restoration and sympathetic renovation of historic properties throughout the City, and preserve the historic integrity of the community.
 - b. Document, protect, and preserve significant archaeological sites within the City.
 - c. Encourage the adoption of additional local and National Register Historic Districts.
17. Encourage stream enhancement programs through coordination between civic, school, and natural resource agencies.
18. Preserve natural and beneficial floodplain functions.
19. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

Goal 7 Implementation Measures

- Low density and open space uses that are least subject to loss of life or property damage shall be preferred in flood plain areas, specifically in the flood way fringe.
- A flood damage prevention section in The Dalles Municipal Code shall be maintained as part of the City's implementing ordinances to regulate the use of land within flood plains and to enforce measures to reduce flood dangers in other areas.
- Participate in and maintain eligibility for flood insurance and disaster relief.
- Control filling, grading, dredging, and other development which may increase flood damage.
- Require development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

- Restrict or prohibit development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- The implementing ordinances shall include provisions to require a statement of disclosure by applicants concerning flooding or landslide potential on the property in question. Street layout and storm sewer designs in newly developing areas shall be placed with consideration for landslides, flooding and surface water run-off potential.
- Development in areas designated as zone A1 in the 1991 Landslide Hazard study, or on land with 25% or greater slope, shall meet the following conditions:
 - Prior to the issuance of any permits for development or construction, the Developer shall submit for the City's review, a site-specific geologic impact statement that has been prepared by a Qualified Geotechnical or Geological Consultant.
- Prior to the issuance of any permits for construction, the Developer shall submit to the City a statement prepared by a Qualified Geotechnical or Geological Consultant certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and that the proposed construction will not adversely affect the site and adjacent properties.

Goal 9 Policies

1. Encourage the siting and growth of employers which pay family wages as identified in The Dalles Economic Opportunities Analysis (EOA).
2. To the extent possible, designate within the existing UGB suitable land with site size and locational characteristics required by targeted employment as set forth in the 2010 Economic Opportunities Analysis (BOA).
3. Identify industrial sites that are immediately available and serviceable for industrial development consistent with the Goal 9 rule. Request Oregon Economic and Community Development Department (OECDD) certification for "shovel ready" industrial sites pursuant to Executive Order 03-02.
4. Coordinate with property owners to retain large commercial and industrial sites identified in the EOA for their intended commercial and industrial uses through zoning and master planning.
5. Actively support redevelopment efforts for underutilized commercial and industrial sites within The Dalles UGB, recognizing that the Northwest Aluminum site provides the large industrial sites required by targeted employers during the 20-year planning period.
6. Protect large Northwest Aluminum redevelopment sites for their intended industrial uses as identified in the EOA as set forth in Table 9-4.

7. Commercial and service uses in the City's industrial zones should be limited to small-scale retail and service uses that cater primarily to local area employees and customers.
8. Plan for and make prudent public investments to meet the future demands of industrial, commercial, and residential growth in The Dalles.
9. Encourage investment in The Dalles Central Business District, and support project activities in the Columbia Gateway/Downtown Urban Renewal Plan.
10. Encourage tourism-related services as an element in the diversification of the community's economy.
11. Encourage the development of the Mid-Columbia Medical Center and other health services as an important resource to the economic base of The Dalles, and as an important element in extending the perimeter of The Dalles' trade area.
12. Maintain The Dalles' position as a primary agribusiness trade center by encouraging the growth of those businesses providing agricultural supplies and services, and those processing and marketing agricultural products.
13. Support the forest products industry as an element of the economy.
14. Encourage the start-up and growth of small to medium sized businesses providing family wage jobs. Develop reasonable standards to allow home business start-ups.
15. Encourage siting of new industries in The Dalles and encourage existing industries to maintain high environmental standards.
16. Reserve industrial zones for industrial uses and uses compatible with industry.
17. Review and revise administrative policies and procedures to streamline the planning process and reduce delays in obtaining development approvals.
18. Coordinate economic planning and development with industrial development at Dallesport.
19. Encourage educational, cultural, social and employment opportunities to enhance the quality of life in The Dalles for all age and income groups.
20. Plan appealing streetscapes that encourage personal interaction, accommodate public gatherings, and enhance the experience of shoppers and workers.
21. Encourage cooperation between public and private sectors to support economic growth.
22. Make prudent investments in The Columbia Gorge Regional Airport as needed to accommodate airport development.
23. Minimize prolonged business interruptions due to natural hazards.
24. Minimize expenditure of public money for costly flood control projects.

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.
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.

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EXHIBIT D
Proposed Amendments, *Draft Edits*
Zoning Ordinance Amendment 110-25

Chapter 10.2 Definitions

10.2.010. Meaning of Words Generally.

All words and terms used in this Title have their commonly accepted, dictionary meaning unless they are specifically defined in this Title, or the context in which they are used clearly indicates to the contrary.

10.2.020. Meaning of Common Words.

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. The word "shall" is mandatory and the word "may" is permissive.
- D. The word "building" includes the word "structure."
- E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- F. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

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 1 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.

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 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 ordinance or a request for a variance. Subject to 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, in the case of Commission quasi-judicial hearings and decisions; 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 1 percent or greater annual chance of flooding (characterized by ponding or sheet flow) to an average depth of 1 to 3 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 1 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. ~~Inundation during periods of higher than normal stream flow that has a 1% chance of being equaled or exceeded in any given year. This area is commonly referred to as the 100-year floodplain~~ 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.

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

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 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 than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of board, care, or training apart from their parents or guardians for compensation or reward in accordance with ORS 657A. (Note: For in-home family day care see definition for "Family Day Care.")

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 4 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."

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 3 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 ~~is~~ not limited to, constructing buildings or other structures, mining, dredging, filling, grading, paving, excavating, and 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.

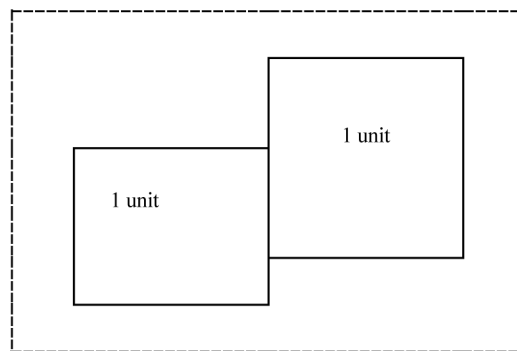
Discontinued Use. Unless otherwise clearly specified in this Title, discontinued use shall mean non-use and shall not require a determination of the voluntary or involuntary non-use or intent

to resume use.

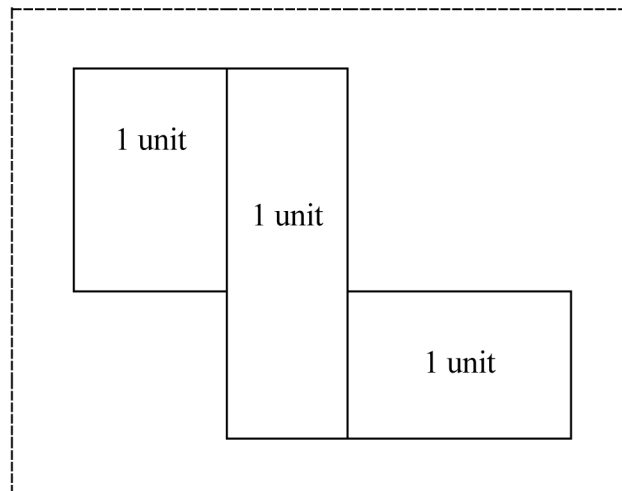
Drainageway. A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

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.

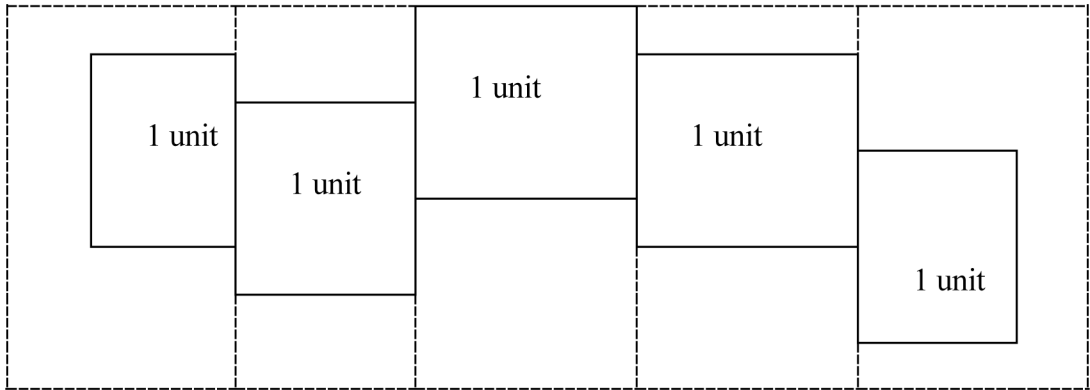
Dwelling, Duplex. Two dwelling units located on a single lot or development site, placed either so some structural parts are in common (attached), or so the units are physically separate structures (detached). For purposes of calculating minimum density, duplexes are counted as 2 dwelling units; for purposes of calculating maximum density, duplexes are counted as 1 dwelling unit.



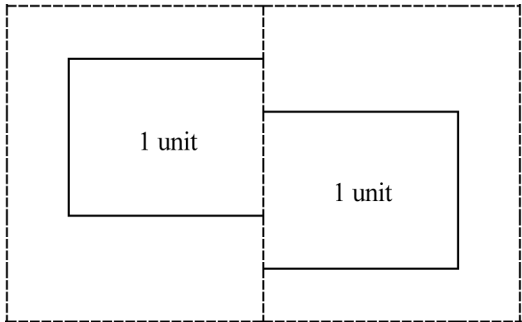
Dwelling, Multifamily. A structure or development containing at least 3 dwelling units in any vertical or horizontal arrangement, located on a single lot. See also, Cottage Cluster Development.



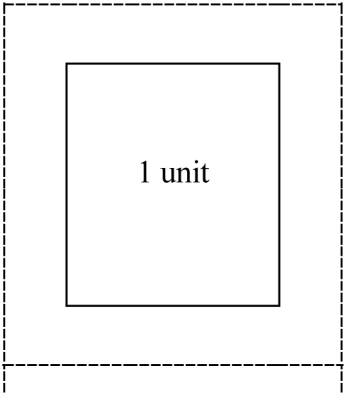
Dwelling, Single Attached (Townhouse). More than 2 dwelling units, each located on its own lot, placed side by side, and sharing some structural parts at a common property line.



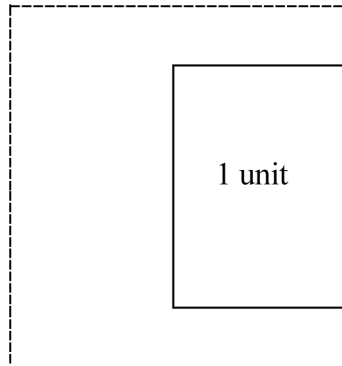
Dwelling, Single Attached (Zero Lot Line). Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.



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 2 or more persons related by blood, adoption or marriage, or a group of not more than 5 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," care of 12 or fewer children either full or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the normal requirements of the residential zone. Family day care is not subject to the definition of "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 Decision. The decision made by the approving authority approving, approving with conditions, or denying an application for a ministerial, administrative, quasi-judicial, or legislative action as specified in this Title.

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

Flood or Flooding:

A. 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 paragraph (a)(2) 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.

B. 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 paragraph (a)(1) of this definition.

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 Emergency Management Agency (FEMA) Insurance Administrator has delineated ~~areas of both the~~ special flood hazard areas and the risk premium zones applicable to ~~portions of the~~ community-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."

Floodplain. ~~The area adjoining a stream that is subject to inundation by a base flood.~~

See Floodway.

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

Floodplain storage capacity. The volume of floodwater that an area of floodplain can hold during the 1-percent annual chance flood.

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.

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 ~~0.2 feet~~ 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 BFE, and the footprint related to water quality refers to the area of impervious surface that the structure creates.

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.

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.

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.

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:

- A. 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;
- B. 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;
- C. 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
- D. 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 4 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.

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

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

Kennel. Any lot or premises on which 5 or more dogs or cats at least 5 months of age are kept, boarded, or trained.

Kennels, Breeding. Any premises where 4 or more dogs, cats, or other animals or fowl are maintained for breeding purposes.

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

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

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, Corner. A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.

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

Lowest Floor. The lowest floor of the lowest enclosed area ~~in a building, (including a basement.)~~. An unfinished, ~~non-habitable enclosed floor area useable or flood resistant enclosure, usable~~ solely for parking of vehicles, building access or storage in an area other than a basement area ~~shall~~is not ~~be~~ considered ~~the building's~~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; mobile home, or manufactured home as defined inby this Chapter.

Manufactured Dwelling Park. ~~A place where four or more manufactured or mobile homes are located within 500 feet of one another on a lot, tract, or~~ Manufactured Subdivision. A parcel (or contiguous parcels) of land under the same ownership, the primary purpose of which is to divided into two or more manufactured dwelling lots for rent or keep space for rent or to offer space free in connection with securing the trade or patronage of such personssale.

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. Means 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. Means 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 paragraph 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 to 475.346, as now constituted, 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 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 3 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 ~~100-year floodplain~~ 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).

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.

Non-Personal Medical Marijuana Grow Operation. Any grow site registered with the Oregon Health Authority under ORS 475B.420 for the planting, cultivating, growing, trimming or harvesting marijuana, or drying marijuana leaves or flowers, but excluding a personal medical marijuana grow site.

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.

ORS. Oregon Revised Statutes.

Person. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, 2 or more people having a joint or common interest, or any other legal entity.

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 6 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 6 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 Commission.

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.

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.

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.

Recreational Vehicle (RV). ~~A travel trailer, truck camper, van, tent trailer, motor home, or other unit that is transportable over public highways and may or may not contain facilities for sleeping, food preparation, or waste disposal. Such a vehicle is not designed for attachment to the land.~~ A vehicle which is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. 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 4 or more additional lots or deletion of 4 or more lots.

Replat, Minor. The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 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 6 to 15 individuals who need not be related. 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 patients 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 5 or fewer individuals who need not be related. 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 6 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” for this definition.

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

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 Improvement. Unless otherwise specified, damage. Damage of any repair, reconstruction, or improvement of origin sustained by a structure, whereby the cost of which equals or exceeds restoring the structure to its before damaged condition would equal or exceed 50% percent of the assessed valuation market value of the structure. The term exempts before the following: damage occurred.~~

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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:

- A. Any project for improvement of a structure to improve a structure to comply with correct existing violations of state or local health, sanitary, or safety regulations that is code specifications which have been identified by the local code enforcement official and which are the minimum necessary solely to assure safe living conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places 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 Chapter 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.

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Chapter 10.3 Application Review Procedures

10.3.070.~~020~~Review020 Review Procedures.

- A. Applications. In addition to the requirements of Article 3.010: Application Procedures, variance applications shall be accompanied by at least 15 copies of a concept site plan, per the provisions of Article 3.030: Site Plan Review, and a written statement which specifically addresses the review criteria as described in Section 10.3.070.030: Review Criteria.
- B. Review. Variance applications shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.

C. Floodplain Management. Variance requests from floodplain management regulations shall be subject to Section 10.8.030.130.

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Chapter 10.5 Zone District Restrictions

10.5.130.060. Site Plan Required.

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the SCW Overlay District, the property owner shall submit a scaled site plan to the City that shows:

- A. Topographic contours at 2-foot intervals;
- B. The stream top-of-bank;
- C. ~~The 100-year flood~~Special Flood Hazard Area elevation;

- D. The required riparian setback;
- E. Existing vegetative cover and type;
- F. Existing and proposed site improvements; and
- G. A riparian restoration plan if development is proposed within 50 feet of the stream top-of-bank.

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Chapter 10.6 General Regulations

10.6.170.020. Calculating Density.

- A. Density Denominator. Density is determined on an individual development proposal basis. For developments including multiple lots or parcels, the overall density of the entire proposed development site is calculated.
- B. Gross and Net Density.
 - 1. When determining minimum required density of an individual development, net density is used for calculations.
 - 2. When determining maximum allowed density of an individual development, gross density is used for calculations.
- C. Deductions to Calculate Net Area. Net area is the total area of land within an individual development, excluding the following areas (measured in square feet):
 - 1. Right-of-way dedications for new rights-of-way or expansions of existing rights-of-way;
 - 2. Land constrained by slopes of 25% or greater;
 - 3. ~~100-year floodplains~~, Special Flood Hazard Area (SFHA), as determined by the Federal Emergency Management Agency;
 - 4. Wetlands, as determined by the Oregon Department of State Lands;
 - 5. Stream corridors, as defined in Article 5.130;
 - 6. Open space or parkland and anticipated to be publicly owned;
 - 7. Open space owned in common by owners within a residential development; and
 - 8. Public utility easements.
- D. Density Calculations.
 - 1. Minimum Density. The minimum number of dwelling units required is calculated by dividing the net area (pursuant to TDMC Section 10.6.170.020(C)) by 43,560 square feet to convert the area to acres, then by multiplying the resulting acreage by the most restrictive minimum required dwelling unit density applicable to the project's zone district. See TDMC Section 10.6.070.020 for fractional rounding.
 - 2. Maximum Density. The maximum number of dwelling units permitted is calculated

by dividing the gross area by 43,560 square feet to convert the area to acres, then by multiplying the resulting acreage by the least restrictive maximum required dwelling unit density applicable to the project's zone district. See TDMC Section 10.6.070.020 for fractional rounding.

- E. Density Fractional Rounding. If after a calculation the result applied is a rounded whole number which would result in a total number of dwelling units exceeding the maximum Comprehensive Plan density range, the development shall be permitted no more than 1 dwelling unit greater than the density range (e.g., an RL-zoned development with a maximum density of 8.65 may be rounded up to 9, thus exceeding the 8.712 maximum allowed density of the RL zoning district).
- F. Minimum Lot Allowances.
 - 1. Regardless of the density calculation described above, any residentially zoned lot of record is allowed at least 1 dwelling unit.
 - 2. Any residentially zoned lot of record has a density of at least 1 dwelling unit.

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Chapter 10.8 Physical and Environmental Constraints

10.8.020.010. Permit Requirements.

- A. Physical Constraints Permit. A physical constraints permit shall be required for all development:
 - 1. in areas ~~identified within the 100-year flood boundary~~ all Special Flood Hazard areas on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for the City of The Dalles~~;~~
 - 2. in areas identified as natural drainage ways~~;~~
 - 3. in areas of the 2010 Geologic Hazards Study prepared by Mark Yinger designated within Zones 1 and 4, or land in Zone 3 which is located in areas of groundwater discharge~~;~~
 - 4. ~~On~~ in slopes greater than 20% where utility extensions are required, and 25% in all other cases~~;~~
 - 5. which includes grading, filling, cutting, or other earth-moving activity involving more than 50 cubic yards of material on any lot or parcel of land or which includes areas of highly erosive soils~~;~~
 - 6. in areas designated as flowage easements by the Army Corps of Engineers~~;~~ or
 - 7. in areas where the groundwater table is less than 10 feet below grade.
- B. Consolidation. Where the development is also subject to a site plan review, conditional use permit, subdivision, partition, planned development~~;~~ or other planning action, the physical constraints permit may, at the request of the applicant, be processed simultaneously with the

planning action at no additional charge. Consolidated applications may submit one plan showing all information required by this Title.

10.8.020.020. ~~Greater Restrictions~~Abrogation.

Abrogation. This ~~Chapter~~Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ~~Title~~ordinance and ~~any other City~~another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10.8.020.030. Interpretation.

In the interpretation and application of this ~~Chapter~~Article, all provisions shall be:

A. considered as minimum requirements;

A.B. liberally construed; in favor of the governing body; and

B.C. deemed neither to limit nor repeal any other powers granted under state statutes.

10.8.020.040. Applications.

In addition to the requirements of Article 3.010: Application Procedures, all applications for a physical constraints permit shall be accompanied by at least 3 copies of a site plan. Site plan requirements are detailed ~~below~~ in Section 10.8.020.050.

10.8.020.050. Required Plans.

The following plans shall be required for any development requiring a physical constraints permit:

A. Site Plan. A site plan clearly showing the following:

1. Project name.
2. Vicinity map.
3. Scale (the scale shall be at least 1 inch equals 50 feet or larger).
4. North arrow.
5. Date.
6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
7. Lot layout with dimensions for all lot lines.
8. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
9. Location and size of all public utilities affected by the proposed development.

10. Location of drainage ways or public utility easements in and adjacent to the proposed development.
 11. A topographic map(s) of the site at a contour interval of 5 feet or less showing existing and proposed ground contours.
 12. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation.
 13. Locations of all existing natural features, including, but not limited to, all trees of a caliper greater than 12 inches in diameter, natural drainage or creeks on the site, faults, and rock outcroppings. Indicate any contemplated modifications to a natural feature.
 14. The proposed method of erosion control, water runoff control, and tree protection for the development.
 15. Building envelopes for all existing and proposed new parcels.
- B. Additional Plans and Studies. The Director may waive any of the above site plan elements, or require additional plans and studies necessary to evaluate the application.

10.8.020.060. Review Procedures.

~~Ministerial Actions.~~ Applications for physical constraint permits ~~which are not part of a planning action~~ shall be reviewed and decided by the Director per the provisions of Section 10.3.020.030: Ministerial Actions.

~~A. Planning Actions. Physical constraint permits which are part of either an administrative or quasijudicial planning action shall be reviewed and decided by the approving authority per the appropriate provisions of either Section 10.3.020.040: Administrative Actions or Section 10.3.020.050: Quasi-Judicial Actions.~~

10.8.020.070. Review Criteria.

Physical constraint permits shall be issued by the approving authority when the applicant has demonstrated the following:

- A. Hazards. The development will not cause damage or hazard to persons or property upon or adjacent to the area of development.
- B. Mitigation. The applicant has considered the potential hazards that the development may create and implemented reasonable measures to mitigate the potential hazards caused by the development.
- C. Impact. The applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The approving authority shall consider the existing development of the surrounding area, and the maximum permitted development permitted by this Title.
- D. Compliance. The development is in compliance with the requirements of this Chapter and all

other applicable City ordinances and state and federal regulations.

10.8.020.080. Changes to Plans.

The approving authority has the power to amend plans to include one or both of the following conditions if it is deemed necessary to mitigate any potential negative impact caused by the development:

- A. Natural Features. Require the retention and/or addition of trees and other vegetation, rocks, ponds, water courses and other natural features.
- B. Plan Changes. Require plan revision or modification to mitigate possible negative or irreversible effects upon the topography or natural features that the proposed development may cause.

10.8.020.090. Permit Denial.

The approving authority may deny the physical constraint permit if, in its opinion, one or more of the following is found to apply:

- A. The proposed development will have a detrimental effect on the lands regulated and protected by this Chapter.
- B. The proposed development is inconsistent with the Comprehensive Plan.
- C. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.

10.8.030.010 Statutory Authorization.

ORS 197.175 (Cities' and counties' planning responsibilities), as may be amended or superseded, delegates the State of Oregon's responsibility to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry to local governmental units.

10.8.030.020. Purpose.

It is the purpose of this Article to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in Special Flood Hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Preserve natural and beneficial floodplain functions;
- D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- E. Minimize prolonged business interruptions;
- F. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Special Flood Hazard areas;
- G. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- H. Notify potential buyers that the property is in a Special Flood Hazard area;
- I. Notify those who occupy Special Flood Hazard areas that they assume responsibility for their actions; and
- J. Participate in and maintain eligibility for flood insurance and disaster relief.

10.8.030.030 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Article includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

10.8.030.040 Findings of Fact.

- A. The flood hazard areas of The Dalles preserve the natural and beneficial values served by floodplains but are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in Special Flood Hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

10.8.030.050. Applicability.

This Article shall apply to all Special Flood Hazard areas within the jurisdiction of the City.

10.8.030.060 Basis for Establishing the Special Flood Hazard Areas

The Special Flood Hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study The Dalles” dated January 18, 1984 (FIS), with accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted by reference and declared to be a part of this Article. The FIS and FIRM panels are on file at The Dalles Community Development Department located in The Dalles City Hall at 313 Court Street, The Dalles, OR 97058.

10.8.030.070. Coordination with State of Oregon Specialty Codes.

The Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard areas and this Article is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

10.8.030.080. Compliance and Penalties for Noncompliance.

- A. Compliance. All development within Special Flood Hazard areas is subject to the terms of this Article and required to comply with its provisions and all other applicable regulations.
- B. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Violations of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation subject to the provisions of Chapter 10.15. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

10.8.030.090. Warning and Disclaimer of Liability

- A. Warning. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of Special Flood Hazard areas or uses permitted within such areas will be free from flooding or flood damages.
- B. Disclaimer of Liability. This Article shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

10.8.030.100. Administration.

- A. Designation of the Floodplain Administrator. The Director is hereby appointed to administer, implement, and enforce this Article by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

B. Duties and Responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator, or their designee, shall include, but are not limited to:

1. Permit Review. Review all development permits to:

- a. Determine that the permit requirements of this ordinance have been satisfied;
- b. Determine that all other required local, state, and federal permits have been obtained and approved;
- c. Determine whether the proposed development is located in a floodway:

If located in the floodway, ensure the floodway provisions of Section 10.8.030.140(G) These flood control provisions are intended to reduce flood damage and loss of life in areas subject to periodic flooding. They are also intended to protect open, natural streams and drainage ways as an integral part of the City environment and to maintain both hydrological and biological functions of open drainage systems. This is important in order to manage stormwater runoff and drainage, minimize maintenance costs, protect properties adjacent to drainage ways, improve water quality and protect riparian plant and animal habitats.

~~§ 10.8.030.020. Applicability.~~

~~These provisions apply to areas in the 100-year floodplain as identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps (FIRMs) for the City of The Dalles.~~

~~§ 10.8.030.030. Disclaimer of Liability.~~

~~§ 10.8.030.040. Permit Requirements.~~

~~A physical constraints permit shall be required for all structures and other development activities located in the floodplain or adjoining a natural drainage area, per the requirements of Article 8.020: Review Procedures. The following shall also be required as part of the physical constraints permit:~~

~~A. Additional Site Plan Requirements.~~

- ~~1. Location and description of proposed fill, retaining walls, materials storage, and drainage facilities.~~
- ~~2. Elevation of the lowest floor (including basement) of all new or substantially improved structures in relation to the National Geodetic Vertical Datum (NGVD).~~
- ~~3. Elevation in relation to the NGVD to which any new or substantially improved structure has been or is proposed to be floodproofed, per the criteria in Section 10.8.030.060 of this Article.~~

~~B. Other Requirements.~~

- ~~1. A description of the extent to which any watercourse will be altered or relocated as~~

~~a result of the proposed development.~~

- ~~2. Certification by a licensed professional engineer or architect that the floodproofing criteria of Section 10.8.030.060 of this Article have been met.~~
- ~~3. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all required permits have been obtained.~~

§ 10.8.030.050. Interpretation of Flood Insurance Rate Map Boundaries.

~~A. When there appears to be a conflict between a mapped boundary and actual field conditions, the Director shall interpret the exact location of the boundaries of the floodplain. Where FEMA base flood elevation data is not available for flood hazard areas, the Director shall use other available data as a basis for applying standards in the floodplain and floodway.~~

- ~~i. **§ 10.8.030.060. Floodplain Development** are met;~~
 - ~~ii. Determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the FIS or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of Section 10.8.030.120(A)(7); and~~
 - ~~iii. Provide to building officials the BFE to any building requiring a development permit.~~
 - ~~d. Determine if the proposed development qualifies as a substantial improvement;~~
 - ~~e. Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions of Section 10.8.030.120(A)(1); and~~
 - ~~f. Determine if the proposed development activity includes the placement of fill or excavation.~~
2. Information to be Obtained and Maintained. The following information shall be obtained and maintained consistent with the Oregon Secretary of State's records retention requirements or other applicable law:
- a. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 10.8.030.120(A)(7).
 - b. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections 10.8.030.100(B)(1)(b) and 10.8.030.140(G) are adhered to.
 - c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the

elevation (in relation to mean sea level) of the lowest floor (including basement).

- d. Where BFE data is utilized, as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- e. Maintain all Elevation Certificates submitted to the City.
- f. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures, where allowed under this Chapter and where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 10.8.030.120(A)(7) .
- g. All floodproofing certificates required under this Chapter.
- h. All variance actions, including justification for their issuance.
- i. All hydrologic and hydraulic analyses performed as required under Section 10.8.030.140(G).
- j. All Substantial Improvement and Substantial Damage calculations and determinations as required under Section 10.8.030.100(B)(5).
- k. All other records submitted in connection with the provisions of this Chapter.

3. Requirements to Notify Other Entities and Submit New Technical Data.

- a. City Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the City have been modified by annexation or the City has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and FIRMs accurately represent the City's boundaries. Such notification shall include a copy of a map of the City suitable for reproduction and clearly delineating the new corporate limits or new area for which the City has assumed or relinquished floodplain management regulatory authority.
- b. Watercourse Alterations. Notify Wasco County, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:
 - i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

c. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 10.9.030.100(B)(4). Ensure compliance with all applicable requirements in Sections 10.9.030.100(B)(4) and 10.8.030.120(A)(1).

4. Requirement to Submit New Technical Data

a. The City's BFEs may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the City shall notify the Federal Insurance Administrator of such changes by submitting technical or scientific data in accordance with 44 C.F.R. 65.3. The City may require the applicant to submit such data and review fees required for compliance with this Section through the applicable FEMA Letter of Map Change (LOMC) process.

b. The Floodplain Administrator shall require a CLOMR prior to the issuance of a floodplain development permit for:

i. Proposed floodway encroachments that increase the BFE; and

ii. Proposed development which increases the BFE by more than one foot in areas where FEMA has provided BFEs but no floodway.

c. An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a CLOMR from FEMA. This notification to FEMA shall be provided as a LOMR.

5. Substantial Improvement and Substantial Damage Assessments and Determinations.

a. Conduct substantial improvement reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 10.8.030.150(B) .

b. Conduct substantial damage assessments when structures are damaged due to a natural hazard event or other causes. Make substantial damage determinations whenever structures within the Special Flood Hazard area are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

10.8.030.110. Permit Requirements.

A. Physical Constraints Permit Required. A physical constraints permit shall be obtained before construction or development begins within any area horizontally within the Special Flood Hazard area. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, including fill and other development activities.

B. Application for Physical Constraints Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required with all physical constraints:

1. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the requirements of Section 10.8.030.150(B).
2. Existing lowest floor elevation (in relation to sea level).
3. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
4. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any structure meet the floodproofing criteria for non-residential and residential structures in Section 10.8.030.140(D).
5. Description of the extent to which any watercourse will be altered or relocated.
6. BFE data for subdivision proposals or other development when required and consistent with Sections 10.9.030.100(B)(1) and 10.8.030.120(A)(6).
7. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
8. The amount and location of any fill or excavation activities proposed.

C. Development Statement.

1. Application for permits to develop in the Special Flood Hazard area must also include:
 - a. Either:
 - i. A statement confirming that the applicant has obtained a floodplain mitigation assessment of the proposed development performed by a qualified professional;
 - ii. A statement that, in addition to being covered by the consultation and biological opinion issued by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) for the Federal Emergency Management Agency's implementation of the National Flood Insurance Program in Oregon (NMFS Consultation No. NWR-2011-3197), the development proposed by the application is a project or project action that is covered by another formal consultation with NMFS or the United States Fish and Wildlife Service, pursuant to Section 4(d), 7, or 10 of the Endangered Species Act of 1973;

- iii. A statement that the development proposed by the application fits within the nature and scope of the project types that are addressed in an existing full programmatic habitat assessment of all current and reasonably foreseeable future conditions; or
- iv. A statement that the development proposed by the application is exempt from the requirement for a floodplain mitigation assessment because it is one or more of the following activities:
 - a) Normal maintenance, repairs, or remodeling of structures, such as re-roofing and replacing siding, that does not (1) alter the footprint or expand the roof of the structure or (2) constitute a substantial improvement or repair of substantial damage (meaning the work must be less than 50 percent of the market value of the structure(s)).
 - b) Routine maintenance of streets, sidewalks, paths and roads (including but not limited to filling potholes, repaving, and installing signs and traffic signals) that does not alter contours or culverts, that is less than six inches above grade, and that does not expand paved areas;
 - c) Routine maintenance of landscaping that does not include grading, excavation, or filling;
 - d) Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration and that removes all spoils from the Special Flood Hazard area or tills spoils into fields as a soil amendment;
 - e) Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal with root balls left in place;
 - f) Removal of noxious weeds and hazard trees or replacement of non-native vegetation with native vegetation;
 - g) Normal maintenance of above and below ground utilities and facilities, such as replacing downed power lines and utility poles that does not result in a net change in footprint;
 - h) Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility (this does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor);
 - i) Habitat restoration activities;
 - j) Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas, provided the

activities meet federal and state standards and do not include structures, grading, fill, or impervious surfaces;

k) Repair to onsite septic systems, provided ground disturbance is the minimal necessary and best management practices are utilized to prevent stormwater runoff and soil erosion; and

l) Pre-emptive removal of documented susceptible trees to manage the spread of invasive species.

b. If the applicant has confirmed that it has obtained a floodplain mitigation assessment under (2)(i)(1) above, a statement confirming that the proposed development activities, as shown on the design plans and drawings submitted with the application, include measures to incorporate all mitigation identified in the floodplain mitigation assessment as needed for no net loss of floodplain functions.

2. The City will deny a permit to develop in the Special Flood Hazard area unless the applicant submits a statement meeting the requirements of Section 10.8.030.110(C)(1).

10.8.030.120 Provisions for Flood Hazard Reduction.

General Standards.

~~A. Development within the floodplain (Zones A, AH, A1-A30, AE, and AO on the Flood Insurance Rate Maps), including residential and nonresidential structures and the public and private facilities serving these structures, shall be constructed so as to minimize damage from flooding. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. In all Special Flood Hazard areas the following standards shall apply to all development within the floodplain be adhered to:~~

1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 10.9.030.100 Administration (B) (3) (b) and 10.9.030.100 Administration (B) (4).

1.2. Anchoring:

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All residential trailers/mobile and manufactured homes dwellings shall be anchored consistent with Section 10.8.030.140(D).

3. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. Utilities and Equipment

a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems

- i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

b. Electrical, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a substantial improvement shall meet all the requirements of this section.

5. Tanks

- a. Underground tanks shall be anchored to prevent flotation, collapse, ~~or~~ and lateral movement, ~~and~~ under conditions of the base flood.
- b. Above-ground tanks shall be installed ~~using methods~~ at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. Subdivision Proposals and ~~practices that~~ Other Proposed Developments

- a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals BFE data.

b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

- i. Be consistent with the need to minimize flood damage. ~~Anchoring methods~~
- ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- iii. Have adequate drainage provided to reduce exposure to flood hazards.

7. Use of Other Base Flood Elevation Data

a. When BFE data has not been provided in accordance with Section 10.8.030.060, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data available from a federal, state, or other source to administer Section 10.8.030.120. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 10.8.030.120(A)(6).

b. BFEs shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser, in any A Zone that does not have an established BFE. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available. The elevation of residential structures and non-residential structures that are not dry floodproofed must be 2 feet above highest adjacent grade. Failure to elevate at least two feet above grade in these zones may include, but are not limited to, use of over-the-top or frame ties to ground anchors as approved by result in higher insurance rates.

8. Structures Located in Multiple or Partial Flood Zones

In coordination with the State Building of Oregon Specialty Codes official, (Reference FEMA's "Manufactured Home Installation in:

- a. When a structure is located in multiple flood zones on the City's FIRM, the provisions for the more restrictive flood zone shall apply.
- b. When a structure is partially located in a Special Flood Hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

10.8.030.130 Specific Standards for Riverine (Including All Non-Coastal) Flood Zones.

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 10.8.030.120 Provisions for Flood Hazard Reduction (A) of this ordinance.

A. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the BFE, including crawl spaces shall:

1. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
2. Be used solely for parking, storage, or building access;
3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - a. A minimum of two openings;
 - b. The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
 - c. The bottom of all openings shall be no higher than one foot above grade;
 - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and,
 - e. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.
4. Garages
 - a. Attached garages may be constructed with the garage floor slab below the BFE in riverine flood zones, if the following requirements are met:
 - i. If located within a floodway the proposed garage must comply with the requirements of Section 10.8.030.140(G);
 - ii. The floors are at or above grade on not less than one side;
 - iii. The garage is used solely for parking, building access, and/or storage;
 - iv. The garage is constructed with flood openings in compliance with Section 10.8.030.130(A) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
 - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;

- vi. The garage is constructed in compliance with the standards in Section 10.8.030.120(A); and
- vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for accessory structures in Section 10.8.030.140(F) or non-residential structures in Section 10.8.030.140(D) depending on the square footage of the garage.

10.8.030.140 For Riverine (Non-Coastal) Special Flood Hazard Areas" guidebook for additional techniques.) with Base Flood Elevations

In addition to the general standards listed in Section 10.8.030.120(A), the following specific standards shall apply in Riverine (non-coastal) Special Flood Hazard areas with BFE: Zones A1-A30, AH, and AE.

A. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City and will not result in the net loss of flood storage volume.

A-B. Residential ~~Development~~ Construction

1. New construction, conversion to, and substantial improvement of any residential structure, ~~including residential trailers/mobile homes and manufactured homes,~~ shall have the lowest floor, including basement, elevated ~~to a minimum of 1 foot above base flood elevation~~ the BFE.
- ~~1. Accessory structures and fully enclosed non-habitable areas below the lowest floor that are subject to flooding are prohibited, unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be certified by a licensed professional engineer or architect, and shall meet or exceed the following minimum criteria:~~
 - a. ~~A minimum of 2 openings having a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding shall be provided.~~
 - b. ~~The bottom of all openings shall be no higher than 1 foot above grade.~~
 - c. ~~Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.~~

~~2. Structures placed on existing lots that have buildable land both inside and outside the floodplain shall be located outside the floodplain, unless 50% or more of the lot is within the floodplain. Where more than 50% of the existing lot is within the floodplain, structures may be located on that portion of the floodplain that is outside of the floodway and 3 feet or less below the flood elevations noted on the FEMA maps. Construction shall be subject to the requirements of paragraphs 1 and 2 above.~~

~~3. Basements are subject to the following:~~

~~a. Habitable basements are not permitted for new residential structures or additions located within the floodplain.~~

~~b. Non-habitable basements, used for storage, parking, and similar uses are permitted for residential structures but must be floodproofed to state and federal standards and the standards in this Title.~~

2. Nonresidential Development. Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 10.8.030.130(A).

C. Non-Residential Construction

1. New construction, conversion to, and substantial improvement of any commercial, industrial, or other ~~nonresidential~~non-residential structure shall ~~either~~:

c. Have the lowest floor, including basement, elevated ~~1 foot~~at or above the ~~level of the base flood elevation, or BFE~~; or

b.d. Together with attendant utility and sanitary facilities, ~~shall~~:

i. Be floodproofed so that below the base flood level the structure is watertight ~~1 foot above the base flood level with walls substantially impermeable to the passage of water~~;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; ~~and~~,

iii. Be certified by a ~~licensed~~registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this ~~subsection~~section based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Section 10.9.030.100(B)(2).

~~1.2. Nonresidential~~Non-residential structures that are elevated, not floodproofed, ~~must meet~~shall comply with the ~~same~~ standards for ~~space~~enclosed areas below the lowest floor ~~as described in paragraph (B)(2) of this section~~ in Section 10.8.030.130(A).

~~4. Applicants proposing to floodproof nonresidential~~floodproofing non-residential

buildings shall be notified that ~~the~~ flood insurance premiums ~~shall~~will be based on rates ~~for structures with a lowest floor that is~~ that are one (1) foot below the floodproofed level.

~~2.3. No new habitable basements lower than 2 feet below (e.g. a building floodproofed to the base flood elevation shall be permitted on any existing or new nonresidential structure level will be rated as one (1) foot below.~~

~~B. All Development.~~

~~1. All lots modified by lot line adjustments, or new lots created from lots which contain floodplain land must contain a building envelope on a buildable area of sufficient size to accommodate the uses permitted in the underling zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.~~

~~2. Bulk storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted on floodplain lands.~~

~~C. Fill. The amount of fill in the floodplain shall be kept to a minimum, shall be designed per the requirements of Article 8.050: Erosion, Slope Failure, and Cuts and Fill, and shall meet the following minimum standards.~~

~~1. The toe of the fill shall be kept at least 10 feet outside of the floodway channel.~~

~~2. US Army Corps of Engineers and Oregon Division of State Lands permit cut, fill and other activities displacing 50 or more cubic yards of material in any bed, bank, or water of the State of Oregon.~~

~~3. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:~~

~~a. Poured concrete and other structural building materials necessary to build permitted structures on the lot.~~

~~b. Aggregate base and paving materials.~~

~~c. Plants and other landscaping material.~~

~~d. A total of 50 cubic yards of other imported fill material, or 300 cubic yards for each acre. These amounts are the maximum cumulative fill that can be imported onto a site, regardless of the number of permits issued.~~

~~4. If any additional fill is necessary beyond the permitted amounts in paragraph 2 above, the material must be obtained from floodplain lands on the subject lot only to the extent necessary to create an elevated site for the permitted development~~

~~5. Adequate drainage shall be provided to ensure the stability of the fill.~~

~~6. Fill used to raise elevations for a building site shall be located as close as possible to~~

~~the outside edge of floodplain.~~

~~D. Streets and Utilities.~~

- ~~1. Local street and utility connections to developments in and adjacent to the floodplain shall be located outside the floodplain, except for crossing the floodplain by the shortest possible route.~~

D. All new and Manufactured Dwellings

- ~~2. Manufactured dwellings to be placed (new or replacement water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and/or discharge from the systems into floodwaters.~~
- ~~3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~E. Fences. Fences) or substantially improved that are supported on solid foundation walls shall be constructed in the floodplain within 20 feet of the floodway shall be limited to wire or electric fencing (excluding wire mesh and chain link) or similar fence that will not collect debris or obstruct floodwaters.~~

1. §with flood openings that comply with Section 10.8.030.070. Floodway Standards.130(A);
2. New construction, substantial improvements, and encroachments (The bottom of the longitudinal chassis frame beam shall be at or above BFE;
3. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
4. Electrical crossover connections shall be a minimum of twelve (12) inches above BFE.

E. Recreational Vehicles

1. Recreational vehicles placed on sites are required to be on the site for fewer than 180 consecutive days and:
 - a. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - b. Meet the requirements of Section 10.8.030.140(D), including fill, excluding riprap and other channel linings) are prohibitedthe anchoring and elevation requirements for manufactured dwellings.

F. Accessory Structures. Relief from elevation or floodproofing requirements for residential and non- residential structures in Riverine (Non-Coastal) flood zones may be granted for accessory structures that meet the following requirements:

1. Accessory structures located partially or entirely within the floodway must comply with requirements for development within the floodway. The floodway is the portion of the floodplain where high volumes of moving water flow through stream or drainage ways as determined by the most recent data. Nonstructural development, such as a floodway found in Section 10.8.030.140(G);
2. Accessory structures must only be used for parking lots, may be permitted, access, and/or storage and shall not be used for human habitation;
3. In compliance with State of Oregon Specialty Codes, accessory structures on properties that are zoned residential are limited to one- story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed accessory structure will be located a minimum of 20 feet from all property lines. Accessory structures on properties that are zoned as non-residential are limited in size to 120 square feet;
4. The portions of the accessory structure located below the BFE must be built using flood resistant materials;
5. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
6. The accessory structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 10.8.030(A);
7. Accessory structures shall be located and constructed to have low damage potential;
8. Accessory structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 10.8.030.120(A)(5); and
9. Accessory structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the floodway when components during conditions of the base flood.

G. Floodways. Located within the Special Flood Hazard areas established in Section 10.8.030.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

a. Certification by a registered professional civil engineer certifies that encroachments will be provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels and/or flood hazard within the City during the occurrence of the base flood discharge; or

b. The City may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs.

2. If the requirements of Section 10.8.030.140(G) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 10.8.030.120.

H. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with BFEs. For AO zones, the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

1. Standards for AH Zones. Development within AH Zones must comply with the standards in Sections 10.8.030.140(G) and 10.8.030.140(A).

2. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in Sections 10.8.030.140(G) and 10.8.030.140(H):

a. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

b. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:

i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified); or

- ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect consistent with Section 10.8.030.140(D).
- c. Recreational vehicles placed on sites within AO Zones on the City's FIRM shall be on the site for fewer than 180 consecutive days and either:
 - i. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - ii. Meet the elevation requirements of Section 10.8.030.140(H) and the anchoring and other requirements for manufactured dwellings of Section 10.8.030.140(D).
- d. In AO zones, new and substantially improved accessory structures must comply with the standards in Section 10.8.030.140(F).
- e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 10.8.030.130(A).

10.8.030.150. Variance Procedure.

The issuance of a variance under this Article is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance. Variance applications unrelated to floodplain standards described in this Article shall be processed and reviewed consistent with Section 10.3.070.

A. Conditions for Variances

- 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, consistent with the provisions of Sections 10.8.030.150(A)(3) and (5) and (B). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- 2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
5. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Section 10.8.030.150(2) and (4) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

B. Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance and that such construction below the BFE increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 10.8.030.150(B).

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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. ~~100-year floodplain~~ 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 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 placed 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 6 feet in height. Evergreen hedge plantings shall be at least 6 feet in height at time of planting, and be maintained in a healthy, living condition.
 2. Perimeter Screening Adjacent to Public Streets. A 6-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 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.
- 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 1 tree per 5 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.

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EXHIBIT E
Proposed Amendments, *Draft Edits*
Comprehensive Plan Amendment 56-25

Goal 5 Policies

1. Link and integrate the protection and enhancement of Open Space into Goal 8, Recreation.
2. Develop and maintain a current map and inventory of historic landmarks as approved by the Historical Landmarks Commission.
3. Require that legislative and quasi-judicial actions affecting areas of significant environmental concern meet all applicable local, State and Federal regulations.
4. Encourage the use of vegetative coverings for property to control soil erosion, reduce airborne dust, and improve the aesthetic quality of the urban environment; also providing habitat for nongame wildlife habitat such as birds and squirrels.
5. Maintain updated landscaping standards.
6. Protect and enhance Mill Creek, Chenoweth Creek, Fifteen Mile Creek and Three Mile Creek for their natural and recreational values.
7. Protect wetlands that appear on the National Wetlands Inventory (NWI), by referring proposals to fill within such sites to the Department of State Lands (DSL) in accordance with ORS 227.350. The City shall coordinate with DSL in requiring a site-specific wetlands analysis (delineation) prior to construction.
8. Seek grant funding to prepare a Local Wetland Inventory (LWI).
 - a. The LWI will be prepared using the standards and procedures of OAR 141-086-0110 through 141-086-0240.
 - b. The inventory of locally significant wetlands will be adopted as part of the Comprehensive Plan as required by ORS 197.279.
 - c. In 2011, the City adopted a program to protect fish bearing streams pursuant to OAR 660-023- 090, until such time as the City can adopt permanent wetland regulations pursuant to the Goal 5 Rule.
9. Encourage enhancement of the Columbia River and its tributaries, consistent with The Dalles Riverfront Master Plan. See Goal 8, Recreation.
10. Promote the development of a linear park system and nature trail along Mill and Chenoweth Creeks and a multipurpose trail along the Columbia River consistent with Goals 8 and 12 and The Dalles Riverfront Master Plan.
11. Enforce the weed abatement ordinances to ensure maintenance of all private and public property to avoid the spread of noxious weeds.
12. Identify and protect feasible renewable energy resources (see Goal #13: Energy).
13. Encourage urban area building owners to improve the appearance of the rear of their

buildings and develop alleys as attractive avenues to access shops.

14. Identify and protect key viewing areas of the City such as Sorosis Park, and other panoramic vistas from visual blocking.
15. To comply with the Columbia Gorge National Scenic Area Act, the City shall identify and map scenic, natural and cultural resources for alternative UGB expansion areas to address NSAA requirements.
16. Owners of historical buildings and sites that have been identified by the Historical Landmarks Commission or the State Inventory of Historic Properties shall be encouraged to maintain the historical integrity of their properties. Exterior alterations to designated local Historic Landmarks shall require review by the Historical Landmarks Commission.
 - a. Encourage the restoration and sympathetic renovation of historic properties throughout the City, and preserve the historic integrity of the community.
 - b. Document, protect, and preserve significant archaeological sites within the City.
 - c. Encourage the adoption of additional local and National Register Historic Districts.
17. Encourage stream enhancement programs through coordination between civic, school, and natural resource agencies.

18. Preserve natural and beneficial floodplain functions.

19. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

Goal 7 Implementation Measures

- Low density and open space uses that are least subject to loss of life or property damage shall be preferred in flood plain areas, specifically in the flood way fringe.
- ~~The flood way portion shall be given special attention to avoid development that is likely to cause an impediment to the flow of the flood waters.~~
- A flood damage prevention section in The Dalles Municipal Code shall be maintained as part of the City's implementing ordinances to regulate the use of land within flood plains and to enforce measures to reduce flood dangers in other areas.
- Participate in and maintain eligibility for flood insurance and disaster relief.
- Control filling, grading, dredging, and other development which may increase flood damage.
- Require development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- Restrict or prohibit development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- The implementing ordinances shall include provisions to require a statement of disclosure

by applicants concerning flooding or landslide potential on the property in question. Street layout and storm sewer designs in newly developing areas shall be placed with consideration for landslides, flooding and surface water run-off potential.

- Development in areas designated as zone A1 in the 1991 Landslide Hazard study, or on land with 25% or greater slope, shall meet the following conditions:

Prior to the issuance of any permits for development or construction, the Developer shall submit for the City's review, a site-specific geologic impact statement that has been prepared by a Qualified Geotechnical or Geological Consultant.

- Prior to the issuance of any permits for construction, the Developer shall submit to the City a statement prepared by a Qualified Geotechnical or Geological Consultant certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and that the proposed construction will not adversely affect the site and adjacent properties.

Goal 9 Policies

1. Encourage the siting and growth of employers which pay family wages as identified in The Dalles Economic Opportunities Analysis (EOA).
2. To the extent possible, designate within the existing UGB suitable land with site size and locational characteristics required by targeted employment as set forth in the 2010 Economic Opportunities Analysis (BOA).
3. Identify industrial sites that are immediately available and serviceable for industrial development consistent with the Goal 9 rule. Request Oregon Economic and Community Development Department (OECDD) certification for "shovel ready" industrial sites pursuant to Executive Order 03-02.
4. Coordinate with property owners to retain large commercial and industrial sites identified in the EOA for their intended commercial and industrial uses through zoning and master planning.
5. Actively support redevelopment efforts for underutilized commercial and industrial sites within The Dalles UGB, recognizing that the Northwest Aluminum site provides the large industrial sites required by targeted employers during the 20-year planning period.
6. Protect large Northwest Aluminum redevelopment sites for their intended industrial uses as identified in the EOA as set forth in Table 9-4.
7. Commercial and service uses in the City's industrial zones should be limited to small-scale retail and service uses that cater primarily to local area employees and customers.
8. Plan for and make prudent public investments to meet the future demands of industrial, commercial, and residential growth in The Dalles.
9. Encourage investment in The Dalles Central Business District, and support project activities in the Columbia Gateway/Downtown Urban Renewal Plan.

10. Encourage tourism-related services as an element in the diversification of the community's economy.
11. Encourage the development of the Mid-Columbia Medical Center and other health services as an important resource to the economic base of The Dalles, and as an important element in extending the perimeter of The Dalles' trade area.
12. Maintain The Dalles' position as a primary agribusiness trade center by encouraging the growth of those businesses providing agricultural supplies and services, and those processing and marketing agricultural products.
13. Support the forest products industry as an element of the economy.
14. Encourage the start-up and growth of small to medium sized businesses providing family wage jobs. Develop reasonable standards to allow home business start-ups.
15. Encourage siting of new industries in The Dalles and encourage existing industries to maintain high environmental standards.
16. Reserve industrial zones for industrial uses and uses compatible with industry.
17. Review and revise administrative policies and procedures to streamline the planning process and reduce delays in obtaining development approvals.
18. Coordinate economic planning and development with industrial development at Dallesport.
19. Encourage educational, cultural, social and employment opportunities to enhance the quality of life in The Dalles for all age and income groups.
20. Plan appealing streetscapes that encourage personal interaction, accommodate public gatherings, and enhance the experience of shoppers and workers.
21. Encourage cooperation between public and private sectors to support economic growth.
22. Make prudent investments in The Columbia Gorge Regional Airport as needed to accommodate airport development.
23. Minimize prolonged business interruptions due to natural hazards.
24. Minimize expenditure of public money for costly flood control projects.

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.

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.