

IN THE COUNTY COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

FILED - WASCO CTY
MAY 6 3 25 PM '93
KAREN H. ...
COUNTY CLERK

IN THE MATTER OF AMENDMENTS)
TO THE LAND USE AND)
DEVELOPMENT ORDINANCE) ORDINANCE
FOR WASCO COUNTY, OREGON)

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That on February 3, 1982, the Wasco County Court unanimously passed and adopted a Comprehensive Plan and implementing ordinances for the Wasco County Planning and Economic Development Office;

IT FURTHER APPEARING TO THE COURT: That on August 25, 1983, the Land Conservation and Development Commission (LCDC) reviewed the Wasco County Comprehensive Plan and found Wasco County to be in compliance with the Statewide Land Use Planning Goals, with the exception of certain subareas identified as Seven Mile Hill and Rancho Rajneesh. On July 20, 1984, LCDC again reviewed the Comprehensive Plan for the Seven Mile Hill area, and found the Plan and Map changes to be in compliance with Statewide Land Use Planning Goals; and

IT FURTHER APPEARING TO THE COURT: That on March 15, 1993, at 6:00 p.m., in the Wasco County Courthouse, The Dalles, Oregon, the Wasco County Citizen Advisory Group and Wasco County Planning Commission met to conduct a joint legislative

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public hearing on the proposed amendments to the Land Use and Development Ordinance;
and

IT FURTHER APPEARING TO THE COURT: That also on March 15, 1993, the Wasco County Citizen Advisory Group made a recommendation to the Wasco County Planning Commission that they recommend to the Wasco County Court to approve the amendments to the Land Use and Development Ordinance as amended.

IT FURTHER APPEARING TO THE COURT: That also on March 15, 1993, the Wasco County Planning Commission reviewed the proposal and recommendation by the Citizen Advisory Group, and made available the opportunity for testimony. The Commission then closed the hearing. Based on the Planning Commission's review of the information, it was the decision of the majority of the Commission to submit a recommendation (attachment A) to the County Court to approve the proposed amendments as amended (attachment B);

IT FURTHER APPEARING TO THE COURT: That on April 7, 1993, at 10:00 a.m., in the County Courtroom of the Wasco County Courthouse, The Dalles, Oregon, this Court met to conduct a legislative public hearing on the above matter as the members of the Court were determined to be qualified to hear the matter;

IT FURTHER APPEARING TO THE COURT: That the Court took notice of the record of the Planning Commission, heard the Staff report and then requested testimony and

evidence from the parties, none was given. The Court then announced it would continue the hearing until May 5, 1993 to assure compliance with all notification requirements; and

IT FURTHER APPEARING TO THE COURT: That on May 5, 1993, at .m., in the County Courtroom of the Wasco County Courthouse, The Dalles, Oregon, the Court reconvened the hearing continued from April 7, 1993, took notice of the record of that hearing, the Planning Commission hearing, heard the Staff report and requested testimony and evidence from the parties, and then closed the hearing for further input. The Court then announced it would deliberate, and based upon the evidence and findings of fact the County Court, being fully apprised in the premises;


NOW, THEREFORE, THE WASCO COUNTY COURT ORDAINS AS FOLLOWS: The Wasco County Land Use and Development Ordinance be amended, as proposed by the Wasco County Planning and Economic Development Office and amended by the Wasco County Citizen Advisory Group and Planning Commission, and further amended by the Wasco County Court, including those portions of Chapters 1, 2, 3 and 18 of the Wasco County Land Use and Development Ordinance (attachment C).

EMERGENCY CLAUSE: Insomuch as this ordinance amendment is necessary for the immediate preservation of health, safety and welfare, an emergency is hereby declared to exist and this Ordinance amendment shall be in full force and effect immediately upon its adoption by the County Court.

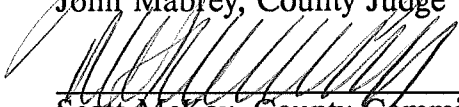
Regularly passed and adopted by a 2-1 vote of the County Court of the County of Wasco, State of Oregon.

DATED this 5th day of May, 1993.

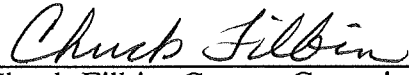
WASCO COUNTY COURT



John Mabrey, County Judge




Scott McKay, County Commissioner



Chuck Filbin, County Commissioner

APPROVED AS TO FORM:



Bernard L. Smith
Wasco County District Attorney

<5b\notice\dec.cc>

PLANNING AND ECONOMIC DEVELOPMENT OFFICE

WASCO COUNTY

2705 EAST SECOND STREET THE DALLES, OREGON 97058

KIMBERLY J. JACOBSEN, Director

PHONE: (503) 298-5169

FILED WASCO CTY THE CLERK

MAR 16 3 28 PM '93

KABE (503) 298-3769 TON COUNTY CLERK

WASCO COUNTY PLANNING COMMISSION

IN THE MATTER OF THE LEGISLATIVE AMENDMENTS TO THE WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCE.))) RECOMMENDATION)

NOW ON THIS DAY, the above-entitled matter having come before the Planning Commission for consideration, said day being one duly set for the transaction of Planning Commission business and a majority of the Planning Commission being present; and

IT APPEARING TO THE PLANNING COMMISSION: That on March 15, 1993, the Wasco County Planning Commission and the Wasco County Citizen's Advisory Group met jointly to hold a public hearing and discussion on the proposed legislative changes to the Wasco County Land Use and Development Ordinance; and

IT FURTHER APPEARING TO THE PLANNING COMMISSION: That on March 15, 1993, the Citizens Advisory Group made a recommendation to the Planning Commission to approve the amendments to the Wasco County Land Use and Development Ordinances, as amended, by the Citizen Advisory Group and the Planning Commission; and

IT FURTHER APPEARING TO THE PLANNING COMMISSION: That upon closure of the hearing, the Planning Commission, based on the recommendation from the Citizen Advisory Group, voted 5 - 0 to recommend to the County Court to adopt the amendments to the Wasco County Land Use and Development Ordinance as amended.

NOW, THEREFORE IT IS HEREBY RECOMMENDED: That the amendments to the Wasco County Land Use and Development Ordinance, as amended by the Citizen Advisory Group and the Planning Commission be approved; and

IT IS FURTHER ORDERED: That this recommendation is based upon the need to clarify certain ordinance provision and expedite certain development review procedures.

SIGNED this 15th day of March, 1993.

WASCO COUNTY PLANNING COMMISSION

Sandee Burbank, Chair

Kimberly J. Jacobsen, Director

<5c\wp51\misc\recomon.pc>

Attachment A P930161 (25)

PROPOSED REVISIONS TO THE
WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCE

March/April 1993

Prepared by
WASCO COUNTY PLANNING AND ECONOMIC DEVELOPMENT OFFICE

Attachment B

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* = revisions occurring within

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Chapter 1 INTRODUCTORY PROVISIONS

SECTION 1.090 Definitions

(Revise the following definition)

Accessory Structure - A detached structure, its footprint being less than $\frac{1}{2}$ $\frac{3}{4}$ of the primary structures footprint, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings.

CHAPTER 2 DEVELOPMENT APPROVAL PROCEDURES

SECTION 2.020 Review Process

(Add the underlined text)

An application for development approval required by Wasco County shall be processed by quasi-judicial public hearing or by Administrative Action, pursuant to applicable sections of this Ordinance. Quasi-judicial hearings shall be held on all applications for a permit or approval required by these regulations, provided that hearings shall not be held in those matters the Director has authority to act upon, unless the Director, under Section 2.100(D), schedules a hearing before the Planning Commission or an appeal be taken.

SECTION 2.030 Coordination of Development Approval

(Add the underlined text)

- A. The Director or the Director's designee shall be responsible for the coordination of a development application and decision-making procedures and shall approve developments when proper application is made and the proposed development is in compliance with the provisions of this Ordinance and the Wasco County Comprehensive Plan. Before approving any development the Director or the Director's designee shall be provided with information by the applicant sufficient to establish full compliance with the requirements of this Ordinance.

SECTION 2.050 Pre-Application Conference

(Revise the following text)

An applicant ~~may~~ shall request a pre-application conference prior to submitting a request for a subdivision, planned unit development, conditional use, farm dwelling or site plan review for a home occupation development approval. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

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SECTION 2.060 Application

(Add and revise the following text and number)

- A.
 - 8. Similar use.
- B.
 - 14. Matters which the Director elects not to review, pursuant to Section 2.060 (A)(1), (2), (3), (4), (5), (6), (7) and (8).

SECTION 2.090 Contents of Notice

(Revise the following text)

- B. Notice of an Administrative Review-Request Action ~~for on~~ a conditional use permits shall be filed with the Director and also given pursuant to Section 2.080 and shall include the following information:

SECTION 2.100 Administrative Action Procedures of the Director

(Revise the following text)

- A. ~~Within twenty-five (25) days (A)after accepting an application for Administrative Action pursuant to Section 2.060(A) (1)-(7) (8) of this Ordinance, the Director shall act on or cause a hearing to be held on the application within the time requirements of O.R.S. 215.428(1). unless such time limitation is extended with the consent of the applicant. (revised 2-89)~~

The Director shall not accept any application which he/she deems cannot be acted upon initially in a rational manner within the time requirements of O.R.S. 215.428(1) ~~twenty-five (25) days of receipt~~, unless the applicant consents to a longer period for action.

- ~~B. Within seven (7) days after accepting an application pursuant to Section 2.060 (A) (8) of this Ordinance, the Director shall act on or cause a hearing to be held on the application unless such time limitation is extended with the consent of the applicant.~~

~~The Director shall not accept any application which he deems cannot be acted upon initially in a rational manner within seven (7) days of receipt, unless the applicant consents to a longer period of action.~~

- EB. Within such ~~twenty-five (25)~~ time day period, the Director shall:
1. Publish or otherwise file notice pursuant to Section 2.080;
 2. Prepare findings of fact and conclusions of law;
 3. Prepare a decision to approve or deny the request. Approvals may include conditions considered necessary to assure conformance with the Comprehensive Plan pursuant to Section 2.110(D).
 4. Provide opportunity for and conclusion to all local appeals.

SECTION 2.120 Notice of Decision by the Director

(Revise the following text)

- C. The decision of the Director pursuant to Section 2.060 (A)(1)-(7)(6) and (8) shall be final unless an appeal from an aggrieved person is received by the Director within ten (10) days after the filing of a decision on an Administrative Action or unless the Commission or County Court on its own motion, orders review within ten (10) days after the filing of the proposed decision. (revised 2-89)
- D. The decision of the Director pursuant to Section 2.060 (A)(8)(7) shall be final unless written objection is received from an aggrieved party within fifteen (15) days after the filing of decision, or unless the Commission or County Court, on its own motion, orders review within (15) days after the filing of the proposed decision. (added 7-89)

SECTION 2.140 Hearing Procedure

(Revise the following text)

- B. 14. ~~Within thirty (30) days of the date of public hearing~~ At the latest, the next regularly scheduled meeting shall be the time the Approving Authority shall grant, deny or, in appropriate cases, pursuant to Section 2.110(D), attach such

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conditions as may be necessary to carry out the Comprehensive Plan in approving the proposal being heard. The Director may extend the ~~thirty (30) day~~ deadline for rendering a decision upon consent of the applicant. The Director shall notify parties of the decision by mail.

SECTION 2.160 Appeal from the Decision of the Director

(Revise the following text)

- H. Appeal of an administrative decision to the ~~Board of Adjustment or~~ Planning Commission shall be "de novo"; i.e., conducted as a new hearing before the public.

SECTION 2.180 Review by the County Court

(Revise the following text)

- A. The review of the decision of the Planning Commission by the County Court shall be ~~confined to the record of the proceedings, which will include the following:~~

- ~~1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission.~~
- ~~2. All materials in the record submitted by the Director with respect to the application.~~
- ~~3. The minutes of the hearing or other evidence of the proceeding of the hearing and review by the Planning Commission.~~
- ~~4. Argument by the applicant or parties or their legal representatives at the time of review by the County Court.~~

conducted as a "de novo" hearing, including but not limited to the record established at the Planning Commission level.

- ~~B. Review by the County Court upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.~~

- EB. The County Court may affirm, reverse or modify the action of the Planning Commission and may approve or deny the request, or grant approval subject to conditions necessary to carry out the Comprehensive Plan as provided by Section 2.110(D).
1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action.
 2. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.
- EC. The County Court may remand the matter to the Planning Commission, ~~if it is satisfied that testimony or other evidence could not have been presented at the hearing before the Planning Commission.~~ In deciding such remand, the County Court shall consider and adopt findings and conclusions respecting:
1. Prejudice to parties;
 2. Convenience or availability of evidence at the time of the initial hearing;
 3. Surprise to opposing parties;
 4. Date notice was sent to other parties as to an attempt to admit; and
 5. The competency, relevancy and materiality of the proposed testimony or other evidence.
- ED. Only those members of the County Court reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of at least two (2) members to agree, the decision of the Approving Authority below shall stand.

SECTION 2.080 Notice

(Revise the following text)

- B. Notice of Administrative Action, ~~pursuant to~~ for the use listed in Section 2.060 (A)(1), shall be given as prescribed by subsection (A)(1-6) of this Section, with the exception that notice be given at least fifteen (15) ten (10) days prior to a decision.

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CHAPTER 3 BASIC PROVISIONS

SECTION 3.110 - 3.530 These sections include all zoning designation within the Wasco County Land Use and Development Ordinance.

(Add the following text to all zoning designations "development standards" section)

Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

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CHAPTER 18 PLANNED UNIT DEVELOPMENT

(Add the following text)

SECTION 18.210 Granting of Extensions

- A. An applicant may request an extension of the validity of a planned unit development permit approval. Such request shall be considered an Administrative Action and shall be submitted to the Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Director may grant an extension of up to twelve (12) months in the validity of the planned unit development permit approval if it is determined that conditions, for which the applicant was not responsible beyond the applicants control, would prevent the applicant from commencing his operation within the original time limitation.

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(Revise the following definition)

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Attachment C (Final)

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 - 8. Similar use.
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The Director may grant an extension of up to twelve (12) months in the validity of the planned unit development permit approval if it is determined that *unexpected* conditions would prevent the applicant from commencing his operation within the original time limitation.