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WASCO COUNTY

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KAREN LEBRETON COATS  
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IN THE COUNTY COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE ADOPTION OF )  
LEGISLATIVE AMENDMENTS TO THE )  
WASCO COUNTY LAND USE AND ) ORDINANCE  
DEVELOPMENT ORDINANCE, AS APPLIED )  
TO THE CITY OF THE DALLES URBAN )  
GROWTH AREA. )

WHEREAS, the City of The Dalles Community Development  
Department has requested a series of legislative amendments to the Wasco  
County Land Use and Development Ordinance as applied to the City of  
The Dalles Urban Growth Area, and the appropriate notices have been  
published in The Dalles Chronicle and sent to the Department of Land  
Conservation and Development as required; and

WHEREAS, the proposed changes have been adopted by the City  
Council of the City of The Dalles; and

WHEREAS, the Wasco County Court met at the hour of 10:00 a.m. on  
Wednesday, March 18, 2009, in the Wasco County Courtroom, Room 202, of  
the Wasco County Courthouse, in The Dalles, Oregon, for a legally notified

*2009-0163 (82)*

1 Public Hearing for the review of the City of the Dalles Community  
2 Development Department's request for legislative amendments to the Wasco  
3 County Land Use and Development Ordinance as applied to the City of  
4 The Dalles Urban Growth Boundary. The amendments presented included  
5 the following City of The Dalles Ordinances, which were adopted by the City of  
6 The Dalles on the following dates: 05-1262 (adopted May 23, 2005),  
7 07-1276 (adopted February 12, 2007), 07-1281 (adopted June 11, 2007),  
8 07-1283, (adopted December 10, 2007), and 08-1294 (adopted September 8,  
9 2008). The Court reviewed the record, heard the Staff recommendation and  
10 all relevant testimony from the parties, then voted 3 - 0 to approve the  
11 legislative amendment as recommended.  
12

13 NOW, THEREFORE, IT IS HEREBY ORDAINED BY WASCO  
14 COUNTY AS FOLLOWS:

15 1. That the request by the City of The Dalles Community  
16 Development Department for the adoption of the attached and hereto  
17 incorporated legislative amendments to the Wasco County Land Use and  
18 Development Ordinance as applied to the City of The Dalles Urban Growth  
19 Boundary are approved.  
20

21 ////

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26 2 - ORDINANCE

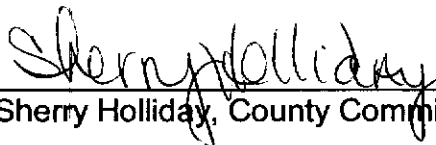
PS009-0163 (82)

Signed this 1<sup>st</sup> day of April, 2009.

WASCO COUNTY COURT



Dan Ericksen, County Judge



Sherry Holliday, County Commissioner



Bill Lennox, County Commissioner

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P2009-0163 (82)

GENERAL ORDINANCE NO. 05-1262

AN ORDINANCE AMENDING PROVISIONS OF THE CITY'S  
LAND USE & DEVELOPMENT ORDINANCE TO RESTRICT  
THE LOCATION OF ADULT BUSINESSES

THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council finds that the purpose of the City's Land Use & Development Ordinance, General Ordinance No. 98-1222, is in part to encourage the most appropriate and efficient use of land and to accommodate orderly growth; to protect and improve the aesthetic and visual qualities of the living environment; and to promote the public health, safety and welfare. The City Council also finds that the location and operation of "adult businesses" within the City have the potential to create adverse effects which can impact the quality of life and stability of adjacent residential and commercial areas and have a negative impact upon adjacent institutions such as public recreational facilities and schools. These adverse effects can include, but are not limited to increased traffic congestion and noise, and increased criminal activity such as assaults, harassment, and disorderly conduct. The City Council further finds it is in the best interests of the public's health, safety and welfare to adopt amendments to the City's Land Use & Development Ordinance which would restrict the location of "adult businesses," to protect neighborhoods and the youth of the community. The City Council finds that the amendments are the least restrictive alternative available to address the adverse effects of adult businesses, without violating the provisions guaranteeing freedom of speech and expression under Article 1, Section 8 of the Oregon Constitution.

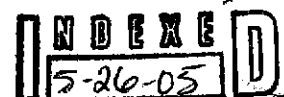
Section 2. Section 2.030 of General Ordinance No. 98-1222 shall be amended by adding the following definitions:

**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 to, 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.

Section 3. Section 5.010.030 of General Ordinance No. 98-1222 shall be amended by adding a new subsection (G) which shall read as follows:

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(G) Adult Business. An application for an adult business shall also comply with the following criteria:

1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the RL Low Density Residential zone.
2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
  - A. A public school.
  - B. A public library.
  - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

Section 4. Section 5.020.030 of General Ordinance No. 98-1222 shall be amended by adding a new subsection (F) which shall read as follows:

(F) Adult Business. An application for an adult business shall also comply with the following criteria:

1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the RH High Density Residential zone.
2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
  - A. A public school.
  - B. A public library.

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- C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

Section 5. Section 5.030.030 of General Ordinance No. 98-1222 shall be amended by adding a new subsection (G) which shall read as follows:

- (G) Adult Business. An application for an adult business shall also comply with the following criteria:
  - 1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the RMH Mobile Home Residential zone.
  - 2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
    - A. A public school.
    - B. A public library.
    - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

Section 6. Section 5.040.030 of General Ordinance No. 98-1222 shall be amended by adding a new subsection (K) which shall read as follows:

- (K) Adult Business. An application for an adult business shall also comply with the following criteria:
  - 1. The adult business must be located more than 500 feet from any R-L residential zone, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property in the NC Neighborhood Center overlay zone.
  - 2. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:

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- A. A public school.
- B. A public library.
- C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

Section 7. Section 5.050 040 of General Ordinance No. 98-1222 shall be amended by adding a new subsection (K) which shall read as follows:

(K) Adult Business. An application for an adult business shall also comply with the following criteria:

- 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:

- A. A public school.
- B. A public library.
- C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

Section 8. Section 5.060.030 of General Ordinance No. 98-1222 shall be amended by adding a new subsection (M) which shall read as follows:

(M) Adult Business. An application for an adult business shall also comply with the following criteria:

- 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:

- A. A public school.
- B. A public library.

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- C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

Section 9. Section 5.070.030 of General Ordinance No. 98-1222 shall be amended by adding a new subsection (G) which shall read as follows:

- (G) Adult Business. An application for an adult business shall also comply with the following criteria:
  - 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
    - A. A public school.
    - B. A public library.
    - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

Section 10. Section 5.080.030 of General Ordinance No. 98-1222 shall be amended by adding a new subsection (E) which shall read as follows:

- (E) Adult Business. An application for an adult business shall also comply with the following criteria:
  - 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
    - A. A public school.
    - B. A public library.
    - C. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

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Section 11. Section 3.090, Nonconforming Development, shall be amended by adding a new subsection 3.090.080, Modification of an Adult Use in a Nonconforming Adult Business, which shall read as follows:

Section 3.090.080 Modification of an Adult Use in a Nonconforming Adult Business

An adult business which at the time of adoption of General Ordinance No. 05-1262 does not conform to the criteria in that ordinance, shall be governed by the provisions of Section 3.090 of General Ordinance No. 98-1222, except that the current adult use may not be expanded to include other types of uses by law which are not accessible by persons of any age group under 18 years of age. Any such modification of the adult use shall result in automatic loss of the rights under Section 3.090 and shall cause the adult business to be in violation of this ordinance.

Section 12. Section 6.150, Changes to Uses and Structures, shall be amended by adding a new subsection 6.150.040, Modification of a Structure Housing a Nonconforming Adult Business, which shall read as follows:

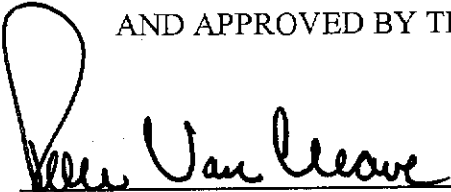
Section 6.150.040 Modification of a Structure Housing a Nonconforming Adult Business

Any modification to a structure or surrounding properties utilized by an adult business shall be governed by the provisions of Section 6.150 of General Ordinance No. 98-1222.

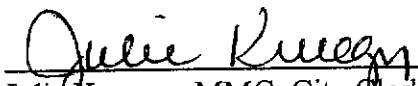
PASSED AND ADOPTED THIS 23<sup>RD</sup> DAY OF MAY, 2005.

Voting Yes, Councilor: Tenney, Seckora, Broehl, Davison  
Voting No, Councilor: None  
Absent, Councilor: Zukin  
Abstaining, Councilor: None

AND APPROVED BY THE MAYOR THIS 23<sup>RD</sup> DAY OF MAY, 2005.

  
\_\_\_\_\_  
Robb Van Cleave, Mayor

Attest:

  
\_\_\_\_\_  
Julie Krueger, MMC, City Clerk

P2009-0163(82)

GENERAL ORDINANCE NO. 07-1276

AN ORDINANCE AMENDING CERTAIN SECTIONS OF  
GENERAL ORDINANCE NO. 98-1222 CONCERNING WAIVERS  
OF RIGHT TO REMONSTRATE

THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Section 6.110 of General Ordinance No. 98-1222, WAIVER OF RIGHT TO REMONSTRATE, is amended to read as follows:

Effective February 12, 2007, an applicant who submits a request for a building permit which involves the new construction of a residential unit(s) and/or any request involving a planning action which would increase traffic flow on any street not fully improved to City standards, will not be required to execute a waiver of remonstrance agreement for the formation of a local improvement district. Waiver of remonstrance agreements executed prior to February 12, 2007, shall be processed under the provision of Resolution No. 07-007, establishing an implementation policy for the City Council for local improvement districts under General Ordinance No. 91-1127.

In the event the Director has determined, pursuant to a review of the applicable criteria set forth in Section 3 of Resolution No. 07-007 that installation of full street improvements (including paving, curb, gutter, sidewalk, sanitary sewer, water, and where applicable, storm sewer) is not required at the time of development, the applicant submitting the request for the building permit for a new residential unit or units, or for a planning action, shall pay the amount established by the City annually on a front footage basis, into the City's local improvement district fund, subject to any provision for multi-frontage lot relief.

Section 2. Section 10.0300(B)(2) shall be amended to read as follows:

2. Sidewalks along local streets shall be installed per the requirements of any final plat approval, in conjunction with development of a particular site unless postponed with City approval.

Section 3. Section 10.060(C)(1) shall be amended to read as follows:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent

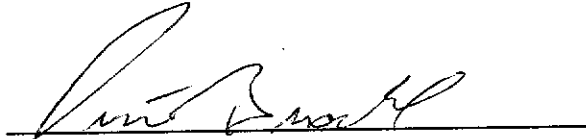
PS009-D163 (82) **INDEXED**  
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with the development, or the improvements shall be constructed and paid for in accordance with the implementation policy for local improvements set forth in Resolution No. 07-007.

PASSED AND ADOPTED THIS 12<sup>TH</sup> DAY OF FEBRUARY, 2007.

Voting Yes, Councilor: Wood, Dick, Broehl, Kovacich, Wilcox  
Voting No, Councilor: None  
Absent, Councilor: None  
Abstaining, Councilor: None

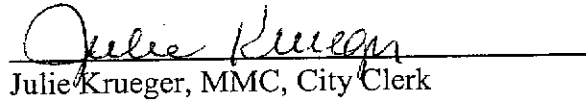
AND APPROVED BY THE MAYOR THIS 12<sup>TH</sup> DAY OF FEBRUARY, 2007.



~~Robb Mark Cleave, Mayor~~

Jim Broehl, Mayor pro-tem

Attest:



Julie Krueger, MMC, City Clerk

12009-0163 (82)

**GENERAL ORDINANCE NO. 07-1281**

**AN ORDINANCE APPROVING ZONING  
ORDINANCE AMENDMENT NO. 07-1281**

**WHEREAS**, the City of The Dalles adopted a Land Use and Development Ordinance known as General Ordinance No. 98-1222 on May 11, 1998; and

**WHEREAS**, the City Planning Commission conducted a public hearing on April 5, 2007 to take public testimony on General Ordinance Amendment No. 07-1281, and following the close of the public hearing, the Planning Commission moved to recommend the City Council adopt the proposed amendments to the City's Land Use and Development Ordinance; and

**WHEREAS**, on May 14, 2007, the City Council conducted a public hearing to consider General Ordinance Amendment No. 07-1281, and

**WHEREAS**, on June 11, 2007, the City Council adopted a motion approving the proposed amendment, as modified,

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

**Section 1.** All references to sections in the ordinance refer to sections of General Ordinance No. 98-1222, as amended.

**Section 2.** Section 2.030 shall be amended as follows:

a. Change definition of Building Height to read as follows: "See Height of Buildings definition in Section 6.070.050. Also see height exceptions in Section 6.090 for non-residential structures."

b. Add new definition for Condominium to read as follows: "Condominium -- Two or more attached dwellings on a single lot with individual ownership of the dwelling units and common ownership of the land."

c. Change name of Partition by adding "Minor" in front of Partition in the caption.

**Section 3.** Section 3.010.035 shall be amended by adding a new section to read as follows: "Applicants participating in the pre-application process (referred to as site team review) shall provide all information required in the code for the type of land use review sought. 18 copies of the application and site plan are required."

**Section 4.** Section 3.010.040 shall be amended by adding a new paragraph as follows: "G. Plans by Professionals Required. Unless waived by the Director, applications for non-residential structures shall include a site plan drawn by an architect, surveyor, engineer, or other person licensed by the State of Oregon to prepare plans."

**INDEXED**  
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**Section 5.** Section 3.020.010 shall be amended by adding the word "structural" after the word "exterior".

**Section 6.** Section 3.020.030 shall be amended by adding a new paragraph A. as follows: "Option to Process as Administrative Action. At the discretion of the Director, a ministerial action may be processed as administrative per the provisions of Section 3.020.040: Administrative Actions of this chapter", and renumbering existing paragraphs A, B, and C to B, C, and D.

**Section 7.** Section 3.020.030 A, renumbered to 3.020.030 B by Section 6 above, shall be amended by adding a new number 9 as follows: "Physical Constraints Permits (Chapter 8)".

**Section 8.** Section 3.020.040 B 11 shall be amended by deleting "Physical Constraints Permits (Chapter 8)".

**Section 9.** Section 3.020.050 A shall be amended by deleting subparagraph 7.

**Section 10.** Section 3.020.060 A shall be amended by adding "Annexations" in a new subparagraph.

**Section 11.** Section 3.020.080 B 3 shall be amended by adding a new sentence as follows: "No fee is required for an appeal under this section".

**Section 12.** Section 3.020.080 B shall be amended by adding a new paragraph 4 as follows: "The City Manager. No fee is required for an appeal under this section."

**Section 13.** Section 3.030.020 I shall be amended by deleting the existing language and adding the following: "After an application for a Planned Development, Subdivision, or Minor Partition has been submitted, no building permit will be issued for that property until all required construction drawings, including roadway improvements and utility installations, have been approved by the City; provided that the Planning Director and City Engineer may grant an exception to this requirement when issuance of a building permit will not jeopardize or significantly interfere with the City's ability to ensure the property receives all necessary public improvements."

**Section 14.** Section 3.050.050 B shall be amended by deleting the existing language and adding the following: "Uses allowed conditionally in the RL zone shall meet the landscaping requirements of Chapter 6 for the CG zone."

**Section 15.** Section 3.090.050 shall be amended by adding a new paragraph D as follows: "Residential Use in the Central Business Commercial District. Residential uses in the Central Business Commercial District are allowed as follows: 1. In structures existing at the time this ordinance was originally adopted and originally designed and/or

used as a residence, regardless of current or previous use. 2. All residential uses existing as of the original date of adoption of this ordinance.”

**Section 16.** Section 3.100.020 B 1 a. shall be amended by deleting the words “no earlier than 30 days after the application is deemed complete by the Director.”

**Section 17.** Section 5.010.050 shall be amended by

- a. Under building height changing the maximum from 30 to 32 feet.
- b. Under building orientation, adding after the first sentence a new sentence to read as follows: “Orientation on private accessway is allowed only if there is no street frontage.”

**Section 18.** Section 5.020.020 A. 1. shall be amended by deleting the first sentence under footnote 2 and deleting all of footnote 3.

**Section 19.** Section 5.020.050 shall be amended by changing the maximum building height in the one dwelling unit per lot category from 30 to 32 feet.

**Section 20.** Section 5.030.040. shall be amended by changing the maximum building height in the one dwelling unit per lot category from 30 to 32 feet.

**Section 21.** Section 5.040.040 shall be amended by changing the maximum building height in the commercial only and residential only categories from 30 to 32 feet.

**Section 22.** Section 5.050.030 A 3 shall be amended by adding a new sentence as follows: “Except for replacement of minor parts, all auto repair work shall be conducted inside a building.”

**Section 23.** Section 5.050.030 A 19 shall be amended by deleting the following language: “(subject to all requirements of the State of Oregon Structural Specialty Code)” and deleting paragraphs a. and b.

**Section 24.** Section 5.060.020 A 21 shall be amended by deleting the following language: “Must be located in permitted residential dwelling areas.”

**Section 25.** Section 5.080.020 A shall be amended by adding a new paragraph as follows: “Residential dwellings above permitted commercial uses, including multi-family dwellings.”

**Section 26.** Section 5.080.030 shall be amended by adding a new paragraph as follows: “Planned Development, subject to the provisions of Section 9.050: Planned Development.”

**Section 27.** Section 5.090.040 shall be amended by changing the language for setbacks to read as follows: "No minimum except as follows: A. 25 ft. from Residential Zone or Community Facilities Overlay; B. 10 ft. from a public Right of Way; C. 30 ft. from the Columbia River to accommodate the Riverfront Trail and associated amenities."

**Section 28.** Section 5.100.030 B shall be amended by changing 600 to 300.

**Section 29.** Section 6.050.040 shall be amended by adding the following language to the opening paragraph: "The following regulations are for non-residential zones."

**Section 30.** Section 6.070.050 A shall be amended to read as follows: Building Height. "The height of buildings is the vertical distance above the base point described in Subsections (1) and (2) below. The base point used is the method that yields the greater height of a building. All measurements shall be to the highest point of the roof, except for a stepped or terraced roof."

**Section 31.** Section 6.090 A shall be amended as follows:

- a. Renumber existing paragraphs 2, 3 and 4 to 1, 2, and 3.
- b. The following language shall be added to the beginning of the former Subsection 4, renumbered to 3 in this section: "In non-residential zones,"
- b. The following language shall be added at the end of the former Subsection 4, renumbered to 3 in this section: "In residential zones, typical roof structures such as chimneys and vents are allowed over the height limitation."

**Section 32.** Section 6.100.040 A shall be amended by changing the height from 8 to 9 feet.

**Section 33.** Section 7.020.100 shall be amended as follows:

- a. Deleting the following language: "The separator design and maintenance schedule shall be approved by the City Engineer."
- b. Adding the following language: "The design and maintenance agreement for the oil/water separator must be reviewed and approved by the City Engineer prior to any building permits being issued. The maintenance agreement for the oil/water separator must be on file with the Community Development Department of the City of The Dalles. The property owner is required to submit annual maintenance reports to the City."

**Section 34.** Section 7.060 shall be amended as follows:

- a. Changing the minimum auto parking requirements for four to twelve units to read as follows: "6 spaces, plus 1.5 spaces per dwelling unit in excess of three units."
- b. Changing the minimum auto parking requirements for thirteen or more units to read as follows: "20 spaces, plus 1 space per dwelling unit in excess of 12 units."

**Section 35.** Section 9.030.030 A 13 shall be amended by adding the words "For non-residential development, the" to the beginning of the subsection.

**Section 36.** Section 9.030.050 B 1 shall be amended by adding the following sentence:  
"The Director may waive any of the requirements when the Director determines that the information is not necessary."

**Section 37.** Section 9.030.070 A shall be amended by deleting all language after the first sentence.

**Section 38.** Section 9.030.070 D shall be amended by adding the words "if needed" after the words "A Certified Boundary Survey map".

**Section 39.** Section 9.040.030 shall be amended by adding a new paragraph D to read as follows: "After a subdivision application has been filed, no building permits shall be issued until construction drawings and specifications have been approved by the City Engineer."

**Section 40.** Section 9.050.080 shall be amended by deleting the following language:  
"and the local Oregon State Building Codes office in writing."

**Section 41.** Section 10.060 J 6 b shall be amended by deleting the words in the first sentence "the sidewalk and planter" and adding the words "right of way" after "In lieu of".

**Section 42.** Amend LUDO Chapter 14 by adding the following sections:

14.010 Annexation Process

14.010.010 Purpose

The purpose of this section is to set out policy and procedures for annexation of property into the City of The Dalles.

14.010.020 General

It is the policy of the City of The Dalles to promote the orderly and efficient extension of the existing City limits out to the urban growth boundary. Accordingly the City shall annex property where:

A. The proposed annexation represents an extension of the existing City boundary within the urban growth area;

B. The proposed annexation would not, when developed or as developed, unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs, as determined by the City.



14.010.030 Review Procedures

A. Applications. All applications shall meet the requirements of Section 3.010: Application Procedures. Applications will be on a form supplied by the City. An annexation may be proposed by the City of The Dalles, landowners, or residents of the City. The approving authority may require additional information where necessary to adequately review the proposal.

B. Review. All applications for Annexation shall be processed as legislative actions, per the provisions of 3.020.060 Legislative Actions. Annexation requests shall be heard by the City Council. The Council may refer the application to the Planning Commission for a recommendation.

14.010.040 Review Criteria

Annexations shall be subject to the following criteria.

A. The territory is contiguous to the City limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750.

B. The territory is within the Urban Growth Area.

C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.

D. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits.

E. The annexation conforms to the Comprehensive Plan.

14.010.050 Staff Report

A staff report shall be presented which identifies the criteria applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial. The staff report shall be available to the public at least seven days prior to the hearing.

14.010.060 Fees

Fees for filing for annexation applications shall be set by Council resolution.

14.020. Consent to Annexation

14.020.010. Annexation required for Service provided outside the City limits

A. Prior to any connection to the City water system, sanitary sewer system, or storm water system for property located outside the City limits, a consent to annexation shall be provided to the City and recorded in the deed records of Wasco County, for all premises which may be served by a connection.

B. If connection to the City water system, sanitary sewer system or storm water system was initially made without providing a legal consent to annexation for the premises served, a consent to annexation shall be required as a condition of any further development of the premises that increases the use of the City water system, sanitary sewer system, or storm water system.

C. In lieu of a consent to annexation, the City may require annexation as a condition of connection to the City water system, sanitary sewer system, or storm water system for premises contiguous to the City limits, or separated from the City only by a public right of way, stream, or other body of water. Annexation may be conditioned upon such conditions of approval as the City considers necessary.

D. If property that is outside the City limits and connected to the City water system, sanitary sewer system, or storm water system changes ownership, the new owner shall execute a consent to annexation within 30 days of acquiring ownership.

E. The consent to annexation shall be on forms provided by the City. The owner of the property shall cause the consent to annexation to be recorded in the deed records of Wasco County and a copy provided to the City. The owner shall be responsible for paying the recording fees.

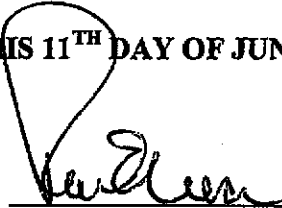
**Section 43.** Section 15.090 shall be amended by adding the following sentence to the opening paragraph: "Parties subject to the provisions of this code include both the property owner and the person causing the violation."

**PASSED AND ADOPTED THIS 11<sup>TH</sup> DAY OF JUNE, 2007**

Voting Yes, Councilors:	<u>Dick, Kovacich, Broehl, Wilcox, Wood</u>
Voting No, Councilors:	<u>None</u>
Absent, Councilors:	<u>None</u>
Abstaining, Councilors:	<u>None</u>

**AND APPROVED BY THE MAYOR THIS 11<sup>TH</sup> DAY OF JUNE, 2007**

SIGNED:

  
\_\_\_\_\_  
Robb E. Van Cleave, Mayor

ATTEST:

  
\_\_\_\_\_  
Julie Krueger, MMC, City Clerk

GENERAL ORDINANCE NO. 07-1283

AN ORDINANCE AMENDING CHAPTER 13 OF GENERAL  
ORDINANCE NO. 98-1222 ADOPTING NEW PROVISIONS FOR  
REGULATIONS OF SIGNS, AND REPEALING GENERAL  
ORDINANCE NO. 92-1153

WHEREAS, concerns have recently arisen concerning the potential impact of certain provisions in the City's sign ordinance, number 92-1153, upon development in the City, particularly the provisions concerning enforcement; and

WHEREAS, City staff members consulted local stakeholders, including business owners and citizens, and after reviewing the feedback received from the stakeholders, City staff prepared proposed amendments to the City's sign ordinance; and

WHEREAS, on June 28, 2007, the City Planning Commission conducted a public hearing upon the proposed amendments to the City's sign ordinance, and voted to recommend the Council approve the proposed changes; and

WHEREAS, on July 23, 2007, the City Council held a public hearing on the proposed amendments to the City's sign ordinance; and following the public hearing, the Council voted to direct staff to prepare an ordinance adopting a revised sign ordinance, as recommended by the Planning Commission, based upon appropriate findings of fact and conclusions of law;

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

Section 1. Findings and Conclusions. The City Council finds that all procedural requirements for adoption of this legislative amendment required by the Land Use and Development Ordinance have been satisfied. Public hearings upon the proposed amendments were conducted before the Planning Commission and City Council, and notices of the hearings were published in the newspaper as required. The Council finds that the requirement for notice of the hearings under ORS

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227.186 did not apply as the proposed amendments did not involve any rezoning of property, as that term is defined in ORS 227.186.

Pursuant to Section 3.110.030 of the City's Land Use and Development Ordinance, proposed amendments to the text of the LUDO shall be consistent with the City's Comprehensive Plan, and with state laws and Administrative Rules. The City Council concludes the proposed amendments comply with applicable State Law and Administrative Rules. The City Council concludes that the proposed amendments comply with the provisions of the City's Comprehensive Plan, particularly Policy 3 of Goal 1, which requires the land use process to include opportunity for citizen input as part of the basis for all decisions and actions relating to the use of the land. This policy was supported through the solicitation of input from local stakeholders, and the holding of two public hearings during which the public could offer testimony on the proposed amendments.


Section 2. LUDO Amendment Approved. Chapter 13 of the City's Land Use and Development Ordinance, No. 98-1222, shall be amended by incorporating a revised Chapter 13, a copy of which is attached to this ordinance.

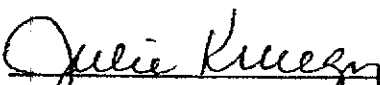
Section 3. Repeal. General Ordinance No. 92-1153, as amended by General Ordinance No. 03-1248, is hereby repealed.

PASSED AND ADOPTED THIS 10<sup>TH</sup> DAY OF DECEMBER, 2007.

Voting Yes, Councilor: Wood, Broehl, Dick, Kovacich, Wilcox  
Voting No, Councilor: None  
Absent, Councilor: None  
Abstaining, Councilor: None

AND APPROVED BY THE MAYOR THIS 10<sup>TH</sup> DAY OF DECEMBER, 2007.

  
\_\_\_\_\_  
Robb Van Cleave, Mayor

ATTEST:  
  
\_\_\_\_\_  
Julie Krueger, MMC, City Clerk

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Chapter 13**Sign Regulations**

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Section 13.010Introductory Provisions

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### 13.010.010 Purpose

The purpose of this section is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

- A. Promote free and meaningful exchange of ideas and information.
- B. Protect the health, safety, property, and welfare of the public.
- C. Improve the neat, clean, orderly, and attractive appearance of the City.
- D. Improve the effectiveness of signs in identifying and advertising businesses and facilities.
- E. Provide for the reasonable, orderly, and effective display of outdoor advertising.
- F. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City and its citizens.
- G. Provide effective signing to meet the anticipated differing needs of various areas in the City.

### 13.010.020 Scope

The provisions of this ordinance apply to all lands within the City Limits of the City of The Dalles. The provisions of this ordinance apply to all lands outside the City Limits but within the Urban Growth Boundary of the City of The Dalles, from the date of adoption of this ordinance by the Wasco County Court in accordance with the City/County Joint Management Agreement.

### 13.010.030 Definitions

Words used in the present tense include the future, the singular number includes the plural, and word "shall" is mandatory and not directory, and the word "building" includes "structure" other than "sign structure". Types of signs are described under the term "sign" unless the context otherwise requires:

**Animation** means any form of movement by electric, mechanical, or kinetic means including, but not limited to rotation, revolving, or wind activation of all or a portion of a sign incorporating flashing or intermittent light for sign illumination or for changing the message on a message sign.

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**Approved Plastic** means a plastic approved by Underwriters Laboratory for use in construction of electric signs.

**Area** means the total area of a sign, including all decorative or structural trim, facing announcement, demonstration, display, illustration, or any other attention-getting device, exclusive of essential structural supports.

**Awning** means a roof-like structure that extends from a building face, generally frame constructed with a cloth or metal cover. An awning contains a sign when a message is incorporated by design or attached to the awning surface.

**Building Front** means the primary front of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.

**Business** means all of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to charitable, fraternal, benevolent, educational, and social organizations.

**Canopy** means a permanent-roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to pedestrians or patrons in automobiles but shall not mean a completely closed structure.

**City** means the City of The Dalles, Oregon.

**Cutout** means a display in the form of letters, figures, characters, representations, or others in cutout or irregular form attached to or super-imposed upon an advertising sign.

**Director** means 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 ordinance.

**Display Surface** means the area made available by the sign structure for the purpose of displaying a message thereon.

**Erect** means to construct, paint, place, affix, or otherwise bring into being.

**Electronic Reader Board** means a sign designed to display electronic messages that move, flash, or scroll, the content of which may be changed.

**Incombustible Material** means a material that will not ignite at or below a temperature of 1200 degrees F. during an exposure of five minutes and which will not continue to burn or glow at that temperature when tested in accordance with the UBC.

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**Low profile building** means a building with a roof less than twelve feet above the sidewalk.

**Maintain** means to allow to exist or continue.

**Marquee** means a permanent roofed structure attached to or supported by a building but does not mean a "canopy" as defined herein.

**Nonstructural Trim** means a molding, batten, caps, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.

**Person** means an individual, corporation, partnership, association, joint venture, or other legal entity.

**Projection** means the distance which a projecting sign extends from a building face or the distance by which any other type of sign extends over public property.

**Roof Line** means the line which marks the highest point of the vertical front of a building in the case of a false front or the line where the roof is joined to the vertical front wall of the building in other cases.

**Shopping Center** means a building or group of buildings planned and developed as a center on land with two or more retail business occupancies existing or planned. A "shopping center" shall not include a business which fronts on an arterial or collector street and which has a marked segregated parking or use area separate from the shopping center parking. Two or more businesses not otherwise qualified may voluntarily join to form a "shopping center" by executing a form provided by the Director including written consent of the owner or owners of the premises, including a provision for removal of nonconforming signs if the "shopping center" is discontinued.

**Sign** means any sign, display, message, light (other than lighting designed primarily for the illumination of premises), emblem, device, figure, mannequin, painting, drawing, placard, poster, or other thing that is designed, used, or intended for an advertising purpose and includes, where applicable, the sign structure, display surface and all components of the sign. "Sign" includes, but is not limited to:

1. "Abandoned Signs" means where a sign for an advertised business is no longer conducted in or upon the premises on which a sign is located, such sign shall be considered as an abandoned sign subject to removal by the person who owns the sign or the owner of the building, structure, or premises on which the sign is located. The following are not considered to be abandoned sign:
  - a) An advertising sign where a person has merely leased or contracted advertising space thereon.

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- b) A sign to which the successor to a person's business location or business agrees to maintain as provided in this section by the filing of a letter of intent with the Director within 30 days after notification of a violation of this provision.
2. "Advertising sign" means a sign which advertises goods, products, business or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
  3. "Building directory" means a sign giving the name and room number or location of the occupants of a building.
  4. "Directional sign" means an on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exits, motor vehicle route, telephone, or similar place, service or route.
  5. "Electric sign" means a sign containing electrical wiring.
  6. "Flush sign" means a sign erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches therefrom. A "flush sign" also includes a sign erected against supporting or ornamental columns supporting an overhanging roof in a place generally parallel to the nearest building face. An "attached flush sign" is a flush sign which does not extend beyond the corners of a building and is located under the eaves.
  7. "Free-standing sign" means an on-premise sign supported by one or more uprights or braces in the ground and detached from any building or structure.
  8. "Message sign" means a sign providing information by means of sequential illumination of lights contained in or upon the sign.
  9. "Motor vehicle directional sign" means a sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.
  10. "Nonconforming sign" means a sign which does not conform to the provisions of this ordinance.
  11. "On-premise sign" means a sign which advertises only the business or the goods, products, or facilities located on the premises on which the sign is located or the sale, rent, or lease of the premises.

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12. "Principal sign" means the primary permanent on-premise sign designed to identify or advertise a business or facility to motorists or pedestrians approaching the business or facility.
13. "Projecting sign" means a sign other than a flush sign which projects beyond the building face to which it is attached.
14. "Roof sign" means a sign erected upon the roof of a building, roof structure, or a flat canopy or marquee roof.
15. "Secondary sign" means a free-standing sign on the premises where the building is set back from the front property line, as hereinafter specified.
16. "Secondary marquee sign" means a marquee sign located only on an alley and under a canopy or flush to the building.
17. "Secondary wall sign" means an incidental, permanent, on-premise flush sign.
18. "Temporary sign" means a sign, banner, balloon, pennant, valance, or advertising display constructed principally of cloth, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or similar light weight materials with or without a frame and which is not permanently affixed to any sign structure, sign tower, pole or building. Except for a balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard, temporary signs shall be limited to signs displayed five feet or less above ground level.
19. "Under marquee sign" means a sign erected under and supported by a marquee or canopy.
20. "Unsafe sign" means any sign deemed to be unsafe by the Director.

**Street Frontage** means a lot line fronting on a street or highway. The width along such lot line must be at least 50 feet to qualify as a "street frontage", unless the premises has only one such frontage. Access to a street or highway is not required to establish a "street frontage" on a lot line fronting on a limited-access highway.

**Uniform Building Code** means the Uniform Building Code as adopted by the State of Oregon.

**Urban Growth Boundary** means the boundary established as the outer limit for urban growth, as acknowledged by the Oregon Land Conservation and Development Commission.

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**Zone** means a zone established pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

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Section 13.020General Provisions and Procedures

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13.020.010 Sign Permit

No sign shall hereafter be erected, re-erected, constructed, altered or maintained until a sign permit has been issued, unless no permit is required under Section 13.020.020. Where a group of signs is to be erected on the same building at the same time, each sign requires a separate permit. The application procedure is set forth in Section 13.020.040.

13.020.020 Permit Fee

Before a sign permit is issued, a permit fee therefore shall be paid to the City. The City Council may, at any time, adopt a resolution to set or adjust sign permit fees.

13.020.030 Permit Exceptions

A sign permit shall not be required for routine maintenance, such as repainting and repair of existing signs. Exceptions are also made for exempt signs listed in Section 13.030.010. However, a permit is required for a change of business name or any structural alteration to an existing sign.

13.020.040 Permit Procedure

- A. Installer shall consult with the Director and where appropriate will be provided with a sign permit application.
- B. The completed application shall be submitted with the appropriate fee and drawings to indicate the dimension, location, and height of all existing and proposed signs for the subject business.
- C. Electric signs shall require notations to indicate capacity, power consumption, and shall bear U.L. approval labels. A permit for an electric sign will not be issued until an Oregon State Building Codes electrical permit is presented to the Director.
- D. The Director may require additional information, such as photographs, needed to determine whether the proposal meets the requirements of this section.
- E. The completed application shall include proof the installer is a licensed contractor with the State of Oregon Construction Contractor's Board.
- F. The Director will determine when the application is complete. The permit will be approved or denied within fifteen (15) days from the submittal date, unless referred to a City Commission as herein provided. Variances and appeals will be processed as set forth in Section 13.070.100.

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- G. When approved, a permit shall be issued by the Director with the name of the sign installer thereon. The sign installer shall retain the permit for inspection during construction.
- H. Sign applications shall expire sixty (60) days after approval unless a sign permit has been issued. If signs are not installed within sixty (60) days after issuance, the sign permit shall expire.

#### 13.020.050 Measurement

All signs shall be measured to include the entire sign area as follows. The area of a sign composed of individual block letters and/or individual decorative devices, displays, illustration, etc. or other attention-getting device, shall be the area included between two sets of horizontal and vertical lines as follows:

- A. The horizontal line shall be contiguous to the top and bottom edges of the farthest projecting elements; and
- B. The vertical line shall be contiguous to the furthestmost projecting lateral elements.
- C. Single signs with display faces on two sides shall be measured on one face only.

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Section 13.030Exempt, Temporary, Prohibited Signs

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13.030.010 Exempt Signs

Unless determined by the Director to be a hazard to motorists, pedestrians, or property, the following signs are exempt from the permit process, but shall comply with the safe erection and maintenance standards of Section 13.060, and with all specified standards of this Section.

- A. Benches with advertising thereon if approved by the Planning Commission.
- B. Building Directory Signs. Building directory signs are permitted in shopping centers and multi-tenant buildings.
- C. Christmas or seasonal decorations as customarily used.
- D. Community Interests may be identified by the City on a temporary or permanent basis. Such signs may promote, but are not limited to the promotion of: community events, public parks, and points of interest that serve a substantial public purpose.
- E. Directional sign erected by public authority.
- F. Flags of United States, State of Oregon, United States or State of Oregon Military Service, foreign countries, United Nations, or civic, fraternal, veterans, or charitable organizations.
- G. Garage Sale Signs. These signs are allowed, one per calendar month to a premise, with a maximum of three square feet in area. Signs shall not be posted in excess of 72 hours in duration.
- H. Historic Landmark signs that are erected by the City or the owner of a historic building or placed in accordance with an official historic designation.
- I. House or building numbers limited to six inches in height for dwellings of four or less families and one foot in height for other buildings.
- J. Murals which are mounted or painted upon an existing building or structure and which do not advertise a product or service for sale.
- K. Name sign denoting the name of the owner or occupant, limited to two square feet in sign area.
- L. Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum height of four (4) feet and a sign area of eight (8) square feet, and prohibited in residential zones.

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- M. Official sign, traffic sign, or traffic signal including, but not limited to, a sign identifying a public building or use or erected by a public officer performing an official duty under law, court, or administrative officer.
- N. Permanent building identification limited to 24 square feet in a sign area and prohibited in residential zones.
- O. Permanent Political, Ideological, Religious Signs which convey a message but which do not advertise a product or service for sale, provided such signs shall be subject to all sections and regulations concerning size, placement, materials, and the type and soundness of supporting structure.
- P. Signs located inside a building unless such sign is prohibited under Section 13.030.020.
- Q. Street banners approved by the City Manager advertising a public entertainment or event and conditioned upon safe erection and maintenance and such conditions as the City Manager may attach including, but not limited to, insurance and bonding.
- R. For Sale Signs. A temporary "For Sale" sign not exceeding 6 square feet in area with a maximum height of 4 feet, may be erected upon private property, provided that it advertises the sale, lease, or rental of the property upon which it is erected. One additional "For Sale" or "Open House" sign limited to the same size.
- S. Political campaign signs shall be erected only on private property, and (1) be limited to a sign area of 16 square feet and a maximum horizontal dimension of 8 feet; (2) placed 10 feet inside property lines when located within 10 feet of intersecting street or alley property lines; and (3) maintained in a neat, clean, and attractive condition. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Such temporary signs shall be removed not later than the fifth day following the election.
- T. Subdivision Signs. A temporary subdivision sign may be erected upon a tract of land designated as a subdivision advertising sale of the tract or lots in the tract. Such signs are only allowed for up to five years after approval of subdivision. Such signs shall not exceed 42 square feet in area. The sign shall be reduced in size by 6 square feet for each lot less than 7 lots in the subdivision.
- U. Warning sign erected to warn the public of a danger on, or limiting access to public and private property, limited to a maximum width dimension of two feet, a maximum sign area of four square feet, and maximum height of six feet.

13.030.020 Temporary Signs

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- A. Nonprofit signs identifying or advertising a nonprofit civic, charitable, or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes, except no permit is required.
- B. Commercial and promotional signs may be used only on private property and subject to the following:
  - 1. A permit is required for all temporary signs.
  - 2. Temporary signs may be erected for a period not to exceed two weeks before the event advertised.
  - 3. No more than one "sandwich board" or "A frame" a maximum of 5 feet above ground level shall be allowed for each premises.
  - 4. A balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard will be permitted for a period of seven (7) consecutive days in any month and then removed for a minimum of twenty-two (22) days or the remainder of the month.

#### 13.030.030 Prohibited Signs

No sign shall be erected or maintained which:

- A. Bears or contains statements, words or pictures of an obscene, indecent, or immoral character, such as will offend the public morals or decency.
- B. Extends or is erected, (such as a roof sign) above the roof line of the building to which it is attached, except as provided in Section 13.050.060.
- C. The Director determines to be creating confusion with or interfering with the effectiveness of traffic signs or signals.
- D. Is placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance.
- E. Is a private sign placed on, painted on, or affixed to any utility pole, tree, or rock.
- F. Is located in an area of the City zoned residential, except for those signs designated in Sections 13.030.010, 13.040.010 and 13.040.040.

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- G. By use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist or pedestrian. No exposed reflective-type bulb, spot, or incandescent lamp shall exceed 30 watt capacity.
- H. Is otherwise in violation of any provision of this ordinance.

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Section 13.040Signs Permitted by Zone, District, Use

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13.040.010 Signs in Residential Zones

These areas are not zoned for commercial use, but are permitted the following non-animated, non-illuminated signs.

- A. One four (4) square foot flush sign for homes with approved home occupation permits.
- B. Community Facility signs permitted by Section 13.040.040.
- C. Multi-family housing complexes with at least four dwellings are allowed a flush or a free-standing sign no more than eight feet above grade, as follows.

<u>Number of dwelling units</u>	<u>Sign area</u>
4 to 8	12 square feet
9 to 15	24 square feet
16 to 24	32 square feet
25 or more	48 square feet

13.040.020 Signs in Neighborhood Commercial Zones

These areas are zoned for limited commercial use and are surrounded by residential neighborhoods, and are permitted the following signs.

- A. Flush signs only, equal to twenty-five percent of the building front.
- B. A secondary sign if the building is set back at least 20 feet from the property line, a maximum 32 square feet of sign area not to exceed 8 feet in height above street grade.

13.040.030 Signs in Recreational Commercial Zones

These areas are zoned for limited recreational and commercial uses, and are permitted the following signs.

- A. The same signs as allowed in the Neighborhood Commercial Zone, Section 13.040.020; and
- B. A free-standing principal sign for non-advertising community uses, such as a park sign, with a 48 square foot limit, not to exceed 8 feet above grade.

13.040.040 Signs in Community Facilities Overlay Zones

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These areas are zoned for community facility uses as an overlay to the primary (residential, commercial, etc.) underlying zone. Signs for the purpose of identification of a public or private facility which serves a substantial public purpose, including, but not limited to, churches, schools, hospitals, medical offices, clinics, radio/television stations and utility substations are permitted as follows.

One flush or free-standing sign not to exceed 48 square feet in area. The top of a free-standing sign shall not to exceed 8 feet above grade.

#### 13.040.050 Signs in Central Business Zones

These areas are zoned for a variety of retail and service business uses, and are allowed the following signs.

- A. One principal sign, either flush, projecting, or free-standing. If projecting or free-standing, limited to one square foot for each linear front foot of the major street frontage of the property with a maximum of 100 square feet, and subject to the requirements of Section 13.050.030.
- B. A secondary sign if the building is setback over 20 feet from the property line, a maximum of 35 square feet of sign area not to exceed 20 feet in height above street grade.

#### 13.040.060 Signs in General Commercial Zones

These areas are zoned for a variety of retail, wholesale, and service business uses, and are allowed the following signs.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.
- B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

#### 13.040.070 Signs in Light and Heavy Industrial and Manufacturing Zones

These areas are zoned for a variety of industrial, manufacturing, and limited commercial and residential uses. The following signs are allowed.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.

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- B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

#### 13.040.080 Signs in the Highway District

This district was formed to allow greater visibility of signs proximate to primary and secondary highways. For the purposes of this section the Highway District is described as follows:

All land within 100 feet of each right of way line of U.S. Highway I-84N from the West Urban Growth Boundary (UGB) to the East UGB, and Oregon State Highway No. 292 (West Second Street) from its intersection with Webber Street, westerly to the UGB.

The following signs are allowed in the Highway District.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050, except that a free-standing sign may have a maximum area of 250 square feet, given one (1) square foot of sign area per linear foot of major street frontage.
- B. A secondary sign if the building is set back at least 50 feet from the property line, a maximum of 50 square feet of sign area with a maximum height of 20 feet above grade.

#### 13.040.090 Signs for Shopping Centers in Appropriate Zones

Retail shopping centers are generally located in the Central Business and General Commercial Zones, and are allowed the following signs:

Each tenant is allowed flush signs at a maximum of twenty-five percent of the building front. Only one free-standing sign permitted for the center, with the same area and height allowances provided for in the Highway District (250 square foot area and 40 foot height maximum).

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Section 13.050Regulations by Sign Type

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13.050.010 Principal Sign

A principal sign is limited to a combination, free-standing, flush, or projecting sign.

13.050.020 Secondary Sign

A secondary sign is a free-standing sign on the premises where the building is setback from the front property line.

13.050.030 Free-Standing and Projecting Signs

Such signs shall be located in conformity to the Zoning Ordinance of the City of The Dalles.

- A. A free-standing sign shall not exceed a maximum height of forty feet above the street grade.
- B. Signs may project twelve inches over an alley with a minimum clearance of fourteen feet above grade and may project an additional twelve inches for each twenty-four inches of additional clearance above grade, to a maximum projection of thirty-six inches.
- C. Except in alleys or other areas of vehicular traffic, a minimum of eight feet clearance shall be maintained from the bottom of a projecting or free-standing sign, and the level of the sidewalk or grade immediately below at the building line with a maximum projection of 12 inches. For each additional projection of 6 inches the sign shall have 12 inches of vertical clearance above the eight foot minimum requirement (see diagram on last page). In no case shall the maximum projection exceed five feet nor shall any sign extend closer to the street or alley than two feet from the outer curb face or two feet from the traveled surface where no curb is present.
- D. Unless approved by the Director for a minimum number of braces on a building face not able to support a projecting sign, no projecting signs shall be supported by a frame commonly known as an "A-frame" or other visible frame located on a building roof.
- E. To insure traffic safety, signs shall be located in accordance with the "Clear Vision Area" provisions of the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

13.050.040 Flush Signs

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Flush signs shall comply with the following standards and specifications:

A. Maximum Area

1. Residential Zones. Two square feet in area. Multi-family complexes are allowed larger signs in accordance with Section 13.040.010 (3).
2. Shopping Centers. Twenty-five percent of building front maximum.
3. Neighborhood Commercial Zones. Twenty-five percent of building front maximum.
4. Central Business Zones. Fifty percent of building front maximum.
5. General Commercial and Industrial Zones. Fifty percent of building front maximum.
6. Highway District. Fifty percent of building front maximum.
7. Recreational Commercial Zone. Twenty-five percent of building front maximum.
8. Community Facilities Overlay Zone. 48 square foot maximum.

B. Placement and Projection

1. The total sign area of all exterior walls shall not exceed the maximum allowed under Section 13.050.040 (A).
2. Flush signs may be erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches therefrom, except that:
  - a. A flush sign may be erected against supporting or ornamental columns located under an overhanging roof in a place generally parallel to the nearest building face.
  - b. A flush sign may be attached to the surface of an awning without further projection therefrom.

13.050.050 Message Signs

Message signs are limited to stationary time, date, temperature signs, or rotating signs with a maximum speed of seven revolutions per minute.

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13.050.060 Roof Signs

Roof signs are permitted only on low profile buildings and the top of roof signs shall not extend more than twelve (12) feet from sidewalk grade.

13.050.070 Secondary Marquee Signs

Secondary marquee signs shall not be over eight (8) square feet in area, shall be located under a canopy or flush in an alley with a minimum of 7 ½ feet clearance.

13.050.080 Home Occupation Signs

Home occupation signs are permitted in the residential district, not to exceed four square feet in area and flush mounted.

13.050.090 Service Station Island Signs

Signs in addition to principal and secondary signs to designate the type of fuel, or a promotional sign for fuel only, and signs indicating fuel price are allowed at the rate of four (4) square feet maximum per pump island. In addition, one sign designating fuel prices may be attached to a pole with the top of the sign not to exceed twelve (12) feet above ground level, with a maximum area of thirty-two (32) square feet.

13.050.100 Restaurant Menu Board

Signs in addition to principal and secondary signs for a restaurant with a drive through window are allowed; no more than two (2) menu boards not to exceed 32 square feet each, with a maximum height of 8 feet.

13.050.110 On-Premise Signs

All on-premise signs must utilize at least fifty percent (50%) of the sign area for advertising the main business on the premises. Signs that contain more than 50% off-premise advertising shall be regulated under Section 13.050.150.

13.050.120 Secondary Street Frontage Signs

Secondary frontage signs shall be of a flush type only. Size limits for secondary frontage flush signs are those given in Section 13.050.040.

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13.050.130 Electric Signs

Electric signs shall bear the Underwriters Laboratories, Inc. seal of approval. All electrical signs shall be installed in accordance with the National Electric Safety Code as regards distances from electrical line. Electrical equipment used in connection with display signs shall be installed in accordance with the City ordinances regulating electrical installations.

13.050.140 Animated Signs

Except for message signs of the type giving time and temperature information, or signs rotating at a speed not to exceed 7 rpm's, no sign which has any mechanical moving, revolving, rotating, or animated parts are allowed.

13.050.150 Off-Premise Advertising Signs

Advertising signs shall be located only in General Commercial and Industrial Zones, as designated by the City Zoning Ordinance.

- A. The maximum height above grade shall be 24 feet, but shall be increased to 40 feet in the Highway District.
- B. Outdoor advertising signs shall have metal primary structural members.
- C. Size
  1. Primary and Secondary Highways. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 500 feet apart when measured at right angles to the street or highway centerline to which the sign is oriented. Sign area shall not exceed 672 square feet, with maximum dimensions of 14 feet vertical and 48 feet horizontal.
  2. City Streets. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented. Sign area shall not exceed 288 square feet, with maximum dimensions of 12 feet vertical and 24 feet horizontal.

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13.050.160 Sidewalk Signboards

Sidewalk signboards are allowed for any business in the Central Business Commercial zone, whenever there is a minimum of six feet (6') of clear, concrete sidewalk passage, excluding pavers.

A. Size

Sidewalk signboards shall not exceed the following dimensions (see diagram):

- a) Width = twenty-five inches (25");
- b) Height = forty-five inches (45");
- c) Base spread = twenty-six inches (26").

B. Number

One (1) sidewalk signboard per business is allowed. More than one (1) business can be listed on a sidewalk signboard.

C. Placement

1. Sidewalk signboards shall be located adjacent to the property occupied by the business; no offsite sidewalk signboards are allowed.
2. Sidewalk signboards shall not be placed closer than three feet (3') from the entrance to the business or storefront, measured from the nearest door edge to the near edge of the sign (see diagram).
3. Sidewalk signboards shall not be placed closer than three feet (3') from the edge of the property line, measured from the nearest property corner to the near edge of the sign (see diagram).
4. Sidewalk signboards shall be placed at least six feet (6') apart, measured from the near edge of one sign to the near edge of the other sign.
5. Sidewalk signboards shall not be placed in front of murals, except where the bottom of the mural is above the top of the sidewalk sign.
6. Sidewalk signboards shall not be allowed in alleys.

D. Hours of Display

Sidewalk signboards shall only be displayed during business hours. The signs shall be moved indoors when the business is closed. In the case where multiple

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businesses are displayed on a single sidewalk signboard, only one (1) of the businesses needs to be open for the sidewalk signboard to be displayed.

E. Attachments

No extraneous fixed or moving attachments shall be placed on any sidewalk signboard.

F. Materials

1. The following materials are acceptable for use in the construction of sidewalk signboards:
  - a) Medium-density overlay (MDO) plywood or material of similar quality;
  - b) Lusterboard or material of similar quality;
  - c) Marlite or material of similar quality;
  - d) Exterior-grade plywood with a veneer grade of not less than A;
  - e) Whiteboards, blackboards, and grease-pen boards.
2. Exposure 1 and Interior grade plywood shall not be allowed. Veneer grades B, C-Plugged, C or D shall not be allowed.
3. No sandbags, concrete blocks, scrap metal, or other similar materials shall be used to stabilize any sidewalk signboard.
4. Staples, zipties, thumbtacks, and other similar materials shall not be allowed in the assembly of the sidewalk signboard, nor to affix materials to said sign.

G. Design

1. Signboards shall not be lighted in any manner, other than incidentally by other lighting.
2. No neon or fluorescent colors shall be allowed.
3. Sidewalk signboards shall be secured against the wind, in order to keep the signs from falling over and to keep applied materials from blowing away.
4. Any and all lettering and/or other display information shall be applied in a professional manner, that is, be of a quality that would be provided if the

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sidewalk signboard was created by a professional sign-making company.

5. For base & frame-type signs, the height of the base pad cannot exceed one-quarter inch (1/4") for the first ten inches (10") from either leading edge (see diagram).
6. Sidewalk signboards in The Dalles Commercial Historic District and Trevitt's Addition shall adhere to design standards set forth in the document entitled "Design Guidelines for The Dalles Commercial Historic District and Trevitt's Addition".

#### H. Maintenance

Signs must be kept in a state of good repair and condition, and free from the following conditions:

- a) Rust;
- b) Chipped or peeling paint;
- c) Delaminating or peeling materials;
- d) Scratched materials;
- e) Faded, smudged, smeared, or streaked images or lettering;
- f) Missing hardware;
- g) Poor craftsmanship or construction that would cause the sign to be structurally unsound and thereby pose a health or safety hazard;
- h) Any other condition that the Director of the Community Development Department deems to be contrary to the purposes of promoting visually-appealing and structurally-sound signage.

#### I. Fees

The one-time fee for a sidewalk signboard permit shall be the amount established by City Council by resolution. The fee and permit are not transferable to other sidewalk signboards.

#### J. Enforcement

The following notice and enforcement standards shall apply to the placement and display of sidewalk signboards.

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1. For purposes of administering the provisions of section 13.050.160(10), the City Manager shall appoint appropriate staff persons.
2. An unsafe sidewalk signboard shall be defined as a sidewalk signboard that violates any of the following provisions
  - a) Any size standard set forth in section 13.050.160 (A);
  - b) Any placement standard set forth in section 13.050.160 © (1) through (6);
  - c) The design standards set forth in section 13.050.160 (G) (3) or (5); or
  - d) Any maintenance standard set forth in section 13.050.160 (H) (a) through (h), such that the condition of the sign poses a danger to the health or safety of the public.
3. In the case of a sidewalk signboard which has been determined to be unsafe, the authorized staff person shall immediately attempt to give verbal notice of the violation to the owner or owners of the business(es) that the sidewalk signboard advertises, or to an on-site employee of the business(es). In the event the responsible person(s) who is provided notice under this section refuses to correct the violation immediately, the authorized staff person shall remove or cause others to remove and impound the sign.
4. In the case of a sidewalk signboard which is displayed during non-business hours, the authorized staff person shall issue a written notice of the violation. The notice shall be given to the owner or owners of the business(es) that the sidewalk signboard advertises, and shall be either delivered personally or by certified mail, return receipt requested, sent to the owner's last known address of record. The notice shall require correction of the violation within five (5) days from either the date of personal delivery of the notice, or the date of mailing of the notice.
  - a) If the violation is not corrected within the five (5) day period, the authorized staff person shall send a second written notice of violation, by certified mail, return receipt requested, to the owner or owners of the business(es) that the sidewalk signboard advertises, indicating that the sidewalk signboard may be impounded if the violation is not corrected within five (5) days from the date of mailing of the notice.
  - b) If the violation remains after issuance of the second notice, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.

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5. For other sidewalk signboards which have been determined not to conform to the provisions of this section, the authorized staff person shall issue a written notice of non-compliance. The notice shall be given to the owner or owners of the business(es) which the sidewalk signboard advertises. The notice shall either be delivered personally to the business owner(s), or sent by certified mail, return receipt requested, to the business owner(s) at the owner's last known address of record. The notice shall set forth the nature of the violation, and shall require the violation be corrected within fifteen (15) days from either the date of personal delivery or the date of mailing of the notice, unless the time for compliance is extended for good cause shown. If the non-conforming sign is not brought into compliance within the required time period, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.
6. Upon impoundment of a sidewalk signboard under the provisions of subsections (3), (4), or (5) of this section, the authorized staff person shall post a notice of impoundment in a visible location upon the premises of the business which the sign advertises. The authorized staff person shall immediately provide a copy of the impoundment notice to the business owner(s) by either personal delivery or by certified mail, return receipt requested, sent to the owner's last known address of record.
  - a) The notice of impoundment shall specify the sections of the section which have been violated, the place and time when the impounded sign can be recovered, the cost of any fee which must be paid to recover the sign, and the length of time until the impounded sign is discarded if the sign is not reclaimed.
  - b) The notice shall also provide the owner(s) of the sign which has been impounded with notice that they may request a hearing to contest the validity of the impoundment. A request for a hearing must be made, to the Director of the Community Development Department, within five (5) calendar days after either the date of personal delivery of the impoundment notice, or the date that notice of impoundment was mailed, as evidenced by the postmark, not including Saturdays, Sundays or holidays. When a timely request for a hearing is made, a hearing shall be set in the Municipal Court for four (4) calendar days after the request is received, excluding Saturdays, Sundays, and holidays, but may be postponed at the request of the person asking for the hearing. The Municipal Court Judge shall determine whether impoundment of the sidewalk signboard was proper.
7. In order to retrieve an impounded sidewalk signboard, the owner of the sidewalk signboard shall present a copy of the impound notice to the

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Community Development Department, at the time and place indicated on the notice of impoundment.

- a) The fee to retrieve an impounded sidewalk signboard for a first violation of this section shall be ten dollars (\$10.00). The fee to retrieve an impounded sidewalk signboard for a second violation of this section shall be fifty dollars (\$50.00). The fee to retrieve an impounded sidewalk signboard for a third violation of this section shall be one hundred dollars (\$100.00). For each subsequent violation of this section, the fee to retrieve an impounded sidewalk signboard shall be one hundred dollars (\$100.00). For purposes of this section, the number of offenses shall be calculated based upon the number of violations attributable to the business owner(s) of the sidewalk signboard, who has violated the provisions of this section.
- b) Any sidewalk signboard which has been impounded and is not reclaimed within ninety (90) days from the date of impoundment, may be disposed of by the authorized staff person.

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Section 13.060Maintenance, Construction, Safeguards

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13.060.010 Maintenance and Appearance

All signs shall be maintained in a safe, neat, clean, and attractive condition.

- A. Signs shall be kept from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces, trims, frames, and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable.
- B. On-premise ground signs shall be directly supported by poles or supports in the ground. No external cross-braces, guy wires, "T-frames", "A-frames", "trusses", or similar bracing systems shall be used in constructing a ground sign or free-standing sign.
- C. Except for temporary signs, all signs shall be rigid and firmly attached to its supporting structure.

13.060.020 Design and Construction

Except as specified in this section, design, loading, construction, and materials shall be those specified in the Uniform Building Code, as amended by the State of Oregon.

13.060.030 Clearance and Safeguard

To insure public safety, the installation and maintenance of all signs shall be subject to the following provisions.

- A. The installation or erection of any sign requiring the operation of any crane or other equipment must be conducted in a manner so as to maintain a minimum clearance from any and all high-voltage electric power or other type electrical lines, as dictated by the National Electric Safety Code.
- B. All free-standing sign installers must utilize the "call before you dig" utilities locate service (1-800-332-2344) offered by the Oregon Utilities Coordinating Council to insure clearance from underground utilities.
- C. All signs together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition.

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Section 13.070Inspection, Enforcement, Variances

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13.070.010 Non-conforming Signs

Signs and advertising structures which do not conform to the provisions of this section but which lawfully existed and were maintained on the effective date of Ordinance 92-1153 shall remain lawful except as provided in this section.

- A. A non-conforming sign which has been determined by the Director to be improperly maintained shall be removed within 30 days after notice as provided in Section 13.070.020.
- B. Non-conforming signs which violate the provisions of Section 13.030.020, Prohibited Signs, shall be removed within 30 days after notice.
- C. Non-conforming signs which are structurally altered, relocated or replaced shall immediately comply with all provisions of this section.
- D. Non-conforming signs which have been abandoned or those advertising a business that is no longer conducted in or upon the premises and has not been so conducted for a period of 60 days shall comply with this section or shall be removed within 30 days after notice.

13.070.020 Removal of Non-conforming Signs

The Director shall give written notice of a non-conforming sign. The notice shall be given to the owner of the building, structure or premises on which the sign is located. Notices shall be sent by certified mail or be delivered personally to the building owner at his last known address, or address of record. The notice shall specify the violations of the section and the time allowed for compliance.

13.070.030 Signs for Non-conforming Uses

A use which has been determined to be non-conforming pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222, but which would ordinarily require a sign, if such use were located in an appropriate zoning district, shall be permitted a sign, subject to the requirements of the zone which best fits the non-conforming use, as determined by the Director.

13.070.040 Administration

- A. Inspection. The Director under the supervision and control of the City Manager is hereby authorized and directed to enforce this section. Upon the presentation of proper credentials, he may enter at reasonable times into or upon any building or premises in the City to inspect signs or carry out the duties and responsibilities

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imposed on him by this section. The Director may inspect or re-inspect any sign to determine if it complies with this ordinance.

- B. Removal of unsafe signs. Upon documentation that despite reasonable attempts to provide notice as set forth herein, that notice could not be delivered to the sign owner or the owner of the building, structure or premises upon which the sign is located, or that notification was received and the notified person(s) has or have refused to comply with the ordinance in the time specified by the Director, the Director may remove or cause others to remove the sign or make the minimum necessary repairs to remove the danger or hazard. The owner shall reimburse the city for any costs incurred in the removal of the sign or when making the minimum necessary repairs when removing the danger or hazard.
- C. Release from liability. Neither the Director nor the City nor any of its authorized representatives shall be liable for any damages, costs, or expenses for any failure to enforce the provisions of this section.

#### 13.070.050 Enforcement

- A. Violation. It shall be a violation of this code for any person to erect, maintain, display, or use an illegal sign. An illegal sign includes nonconforming signs not brought into compliance within the time period allotted, signs erected or maintained without a permit, abandoned signs, unsafe signs, prohibited signs, and any sign not in compliance with the provisions of this section.
- B. Persons Responsible. Property owners, persons in control of the property, business owners, and any other person who has violated this code are subject to the penalty provisions of this section.
- C. Notice. It is the policy of the City of The Dalles to attempt to gain voluntary compliance with the provisions of this Section. The Director shall provide the type of notice that will inform responsible persons of the violation and the steps needed to bring the violation into compliance. Prior to initiating any penalties the Director shall provide written notice and allow the following times from the date of the written notice to bring the violation into compliance:
1. For the first offense at least seven calendar days.
  2. For a second similar offense within a year no time is required, the Director may initiate the penalty proceedings from the date the written notice is sent to the responsible party.

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D. Penalties.

1. For installation of a sign without a permit, the permit fee shall be doubled. This penalty is in addition to any other penalty provided in this section.
2. For illegal signs not brought into compliance within the time period allowed in subsection C, the responsible party shall be subject to the citation process set out below.
3. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.

E. Citation.

1. For those persons who have not brought their illegal sign into compliance within the time period allowed in subsection 3, the Director may issue a Citation. The Citation shall provide a fine amount and a date and time for the responsible part to either pay the fine or appear in municipal court and request a hearing. Failure to either pay the fine or request a hearing by the date and time specified shall constitute a waiver of the right to object and the fine as set in the citation shall be final.
2. The fine for violations of this section shall be \$50 for the first offense, \$100 for the second offense within a year, and \$250 for each subsequent offense within a year. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.

13.070.060 Variances and Appeals

- A. The Planning Commission of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the Director.
- B. The Planning Commission shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to this ordinance.
- C. Except in the case of unsafe signs, no action shall be taken by the Director under this section pending an appeal or variance request to the Planning Commission and during any further appeal to the City Council.
- D. Appeals. Any person aggrieved by a determination of the Director may appeal to the Planning Commission. Upon appeal, the Commission may affirm, reverse, or modify the Director's determination, which modification could include a determination of the suitability of alternative materials or methods of construction

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- E. In exercising its appeal or variance authority, the Commission may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 13.010.010 of this ordinance.

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Section 13.080Special Provisions

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13.080.010 Districts of Special Control

The Planning Commission shall have the authority to establish districts which must be at least one city block in length (or the equivalent thereof) that would allow for variance of sign sizes, types, heights, etc. when:

- A. the area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic, or historic area; or
- B. a group of commercial activities in an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the City Planning Commission. After approval by the Planning Commission is received, the plan will be forwarded to the City Council to either: (1) by section designate the district as one of the special control; (2) return the petition to the Planning Commission for correction or further study; or (3) reject the plan.
- C. Once approved, the plan shall govern sign design, location, number, and size within the special district. However, all other provisions of this section, including but not limited to, permitting, safety, inspection, and enforcement, shall have full force and effect.

13.080.020 Severability

If any part, section, sub-section, sentence, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

13.080.030 Repeal

General Ordinance No. 92-1153, as amended by the General Ordinance No. 03-1248, is hereby repealed.

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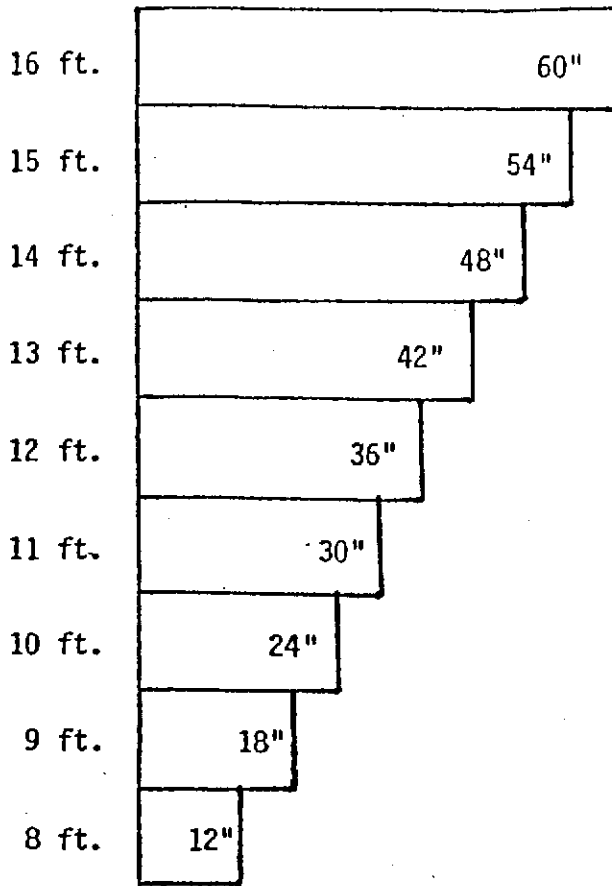
Section 13.090

**EXHIBITS**

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CLEARANCES FOR PROJECTING SIGNS



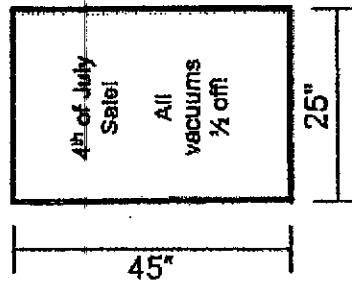
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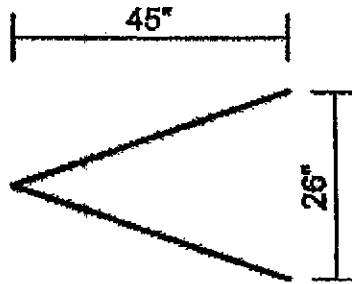
SIDEWALK SIGNBOARDS  
Exhibit #1

Sign Dimensions: A-Frame

Front View

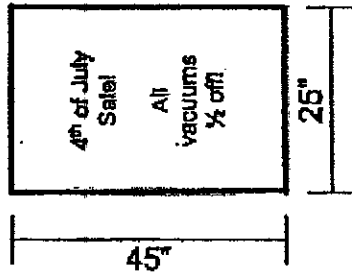


Side View

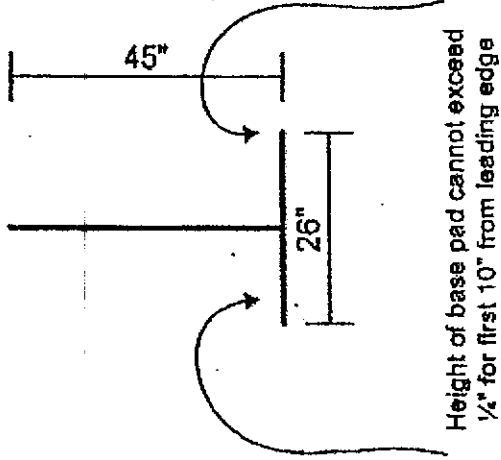


Sign Dimensions: Base & Frame

Front View

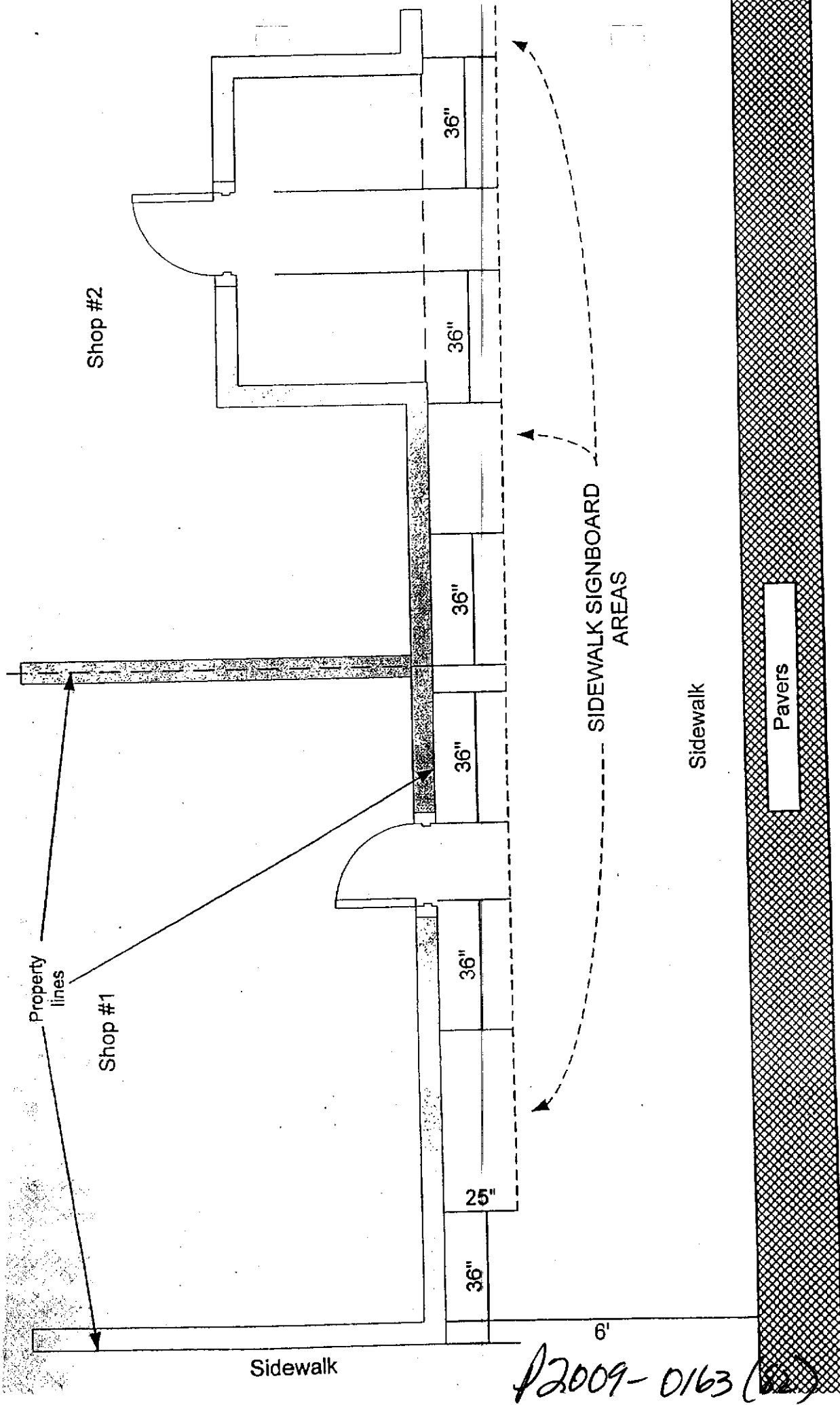


Side View



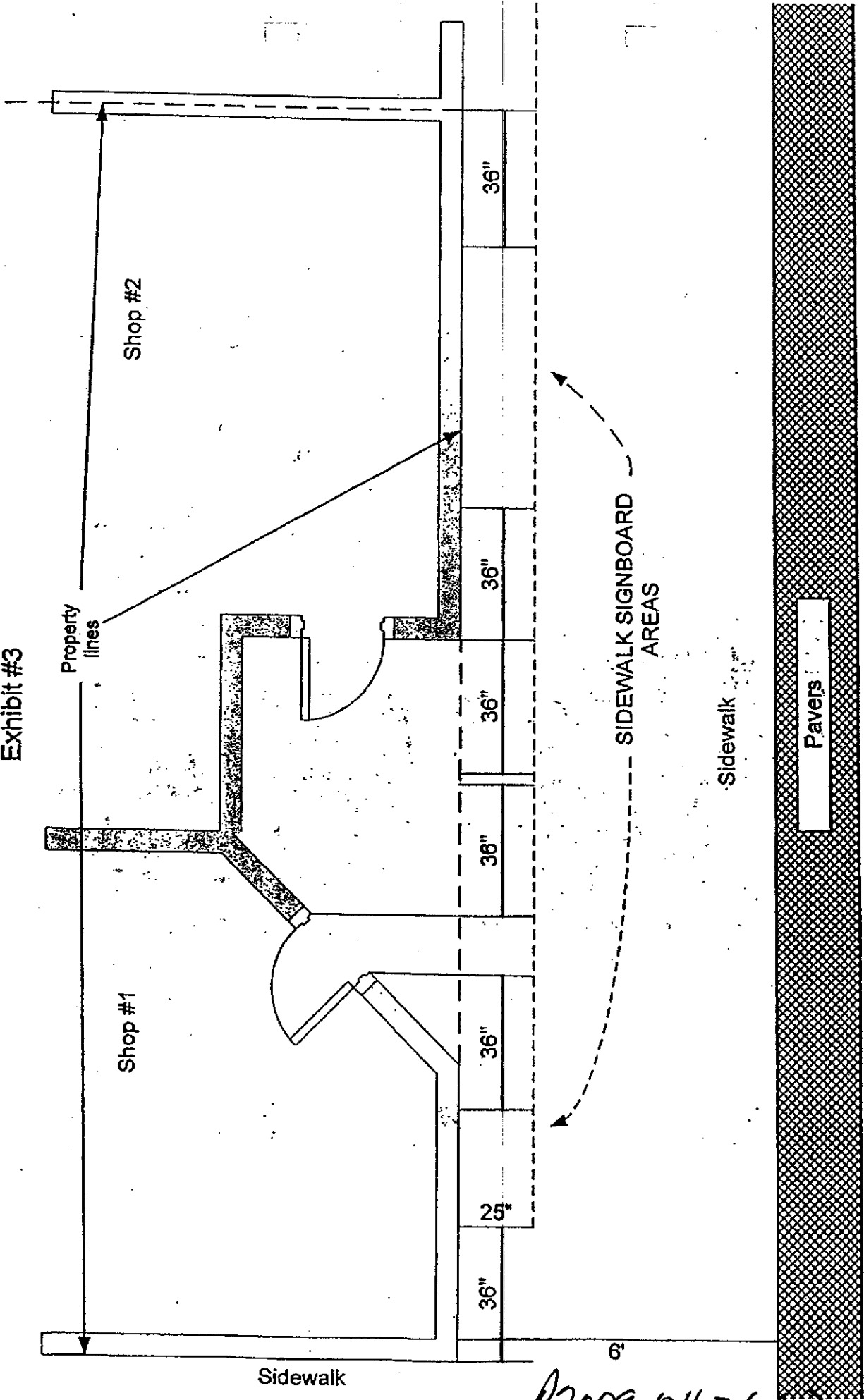
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SIDEWALK SIGNBOARDS  
Exhibit #2



NOT TO SCALE

**SIDEWALK SIGNBOARDS**  
Exhibit #3



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COPY

**GENERAL ORDINANCE NO. 08-1294**

**AN ORDINANCE APPROVING ZONING  
ORDINANCE AMENDMENT NO. 08-1294.**

WHEREAS, the City of The Dalles adopted a Land Use and Development Ordinance known as General Ordinance No. 98-1222 on May 11, 1998; and

WHEREAS, the City Planning Commission conducted a work session on May 1, 2008 and held public hearings on June 5, 2008 and June 19, 2008 to take public testimony on General Ordinance Amendment No. 08-1294, and following the close of the public hearing on June 19, the Planning Commission moved to recommend the City Council adopt the proposed amendments to the City's Land Use and Development Ordinance; and

WHEREAS, on July 14, 2008 the City Council conducted a public hearing to consider General Ordinance Amendment No. 08-1294, and

WHEREAS, on July 14, 2008, the City Council adopted a motion approving the proposed amendment,

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

**Section 1.** All references to sections in the ordinance refer to sections of General Ordinance No. 98-1222, as amended.

**Section 2.** Amend Section 2.010 Definitions, as follows:

- a. Add new definition. "Airport - The Columbia Gorge Regional Airport, located in Klickitat County, Washington."
- b. Add new definition. "BCA - Building Codes Agency or other agency charged with administering the State Building Codes in The Dalles."
- c. Add new definition. "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."
- d. Add new definition. "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

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application is based on regulations in effect at time of submittal of original plan application.”

**Section 3.** Amend Section 3.020.010 by adding a new paragraph as follows: “A City supplemental building permit is valid for a period of six months, or so long as there is a valid and active State (BCA) building permit issued for the same work. If the State (BCA) building permit expires, so does the City supplemental permit. Once expired the City supplemental permit cannot be renewed. A new permit must be obtained, under the development rules at the time of the submittal of the new application.”

**Section 4.** Amend Section 3.020.020 by adding a new paragraph D entitled Expiration and Extension as follows:

“D. Expiration and Extension

1. Expiration. Except for City building permits, which are discussed in Section 3.020.010, development must begin within one year of the Notice of Decision for the land use permit to remain valid, unless specific provisions for a different time period are provided for in other code sections. If development has not begun within the time period, expiration is automatic and no notice is required.

2. Extension. The Director may grant an extension for up to one year upon receipt of a request in writing. The request must be received in the Community Development Department one (1) week prior to the expiration date. The provisions of LUDO Section 3.030.070 B. shall apply to all requests for extensions.”

**Section 5.** Amend Section 3.020.080 Appeal Procedures by adding new paragraph “I” entitled: “Refund of Appeal Fee. An applicant can request a refund of an appeal fee by letter submitted to the Community Development Department within 10 days after the appeal is determined. The letter shall state in detail the reason for the requested refund. Staff shall prepare a report and send the letter and report to the City Manager. The City Manager may consider the letter, the staff report, and any other factors in making a recommendation. The City Manager’s recommendation shall be submitted for action on the City Council’s consent agenda. No public hearing is required. Final action on the request shall be taken by the City Council.”

**Section 6.** Delete Section 5.010.060 A. 10.

**Section 7.** Amend Section 5.010.060 A by changing the “7” to “6”.

**Section 8.** Amend Section 5.010.060 by adding a new paragraph C to read as follows: “All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way.”

**Section 9.** Delete Section 5.020.060 A. 10.

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**Section 10.** Amend Section 5.020.060 A by changing the "7" to "6".

**Section 11.** Amend Section 5.020.060 by adding a new paragraph G to read as follows: "All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all 1 and 2 family dwellings located on a single tax lot shall utilize 6 or more of the other 10 design features located in Section 5.010.060 A. to provide visual relief along the front of the residence."

**Section 12.** Amend Section 5.030.050 by adding a new paragraph F to read as follows: "Front Entry. All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all one and two family dwellings located on a single tax lot shall utilize 6 or more of the 10 other design features located in Section 5.010.060 A. to provide visual relief along the front of the residence."

**Section 13.** Amend Section 5.040.050 by adding a new paragraph E. to read as follows: "All one and two family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all 1 and 2 family dwellings located on a single tax lot shall utilize 6 or more of the other 10 design features located in Section 5.010.060 A. to provide visual relief along the front of the residence."

**Section 14.** Amend Section 5.020.050 to add the following new language to Building Orientation: "Orientation on private accessway is allowed only if there is no street frontage."

**Section 15.** Amend Section 5.030.040 to add a new standard of Building Orientation as follows: "The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. The front building line shall include the front door."

**Section 16.** Amend Building Orientation portion of Section 5.040.040 by adding the following language: "Orientation on private accessway is allowed only if there is no street frontage."

**Section 17.** Amend Section 5.100.030 C to read: "Map Overlay. Approved Community Facilities sites shall be shown on the official zoning map with the CFO-Community Facilities Overlay designation so long as the use continues. When the approved use ends, the CFO designation shall no longer apply and the zoning map shall revert to the underlying zone."

**Section 18.** Adopt new Section 5.120 to read as follows:

“Section 5.120: Airport Approach Zones

**5.120.010 PURPOSE.**

The City of The Dalles is a part owner of The Columbia Gorge Regional Airport, located in Klickitat County, Washington. The airport is a valuable asset to the City and the citizens and businesses of Wasco and Klickitat Counties. The topography of the region restricts approaches to the airport and the City desires to protect those approaches as much as possible. When the approaches use airspace over areas within the zoning jurisdiction of the City of The Dalles, the City will protect that airspace. No development or operational characteristic will be allowed that would hinder the use of the airspace. The City will develop regulations that will delineate the approaches and what will be allowed to develop under those approaches. Until those detailed regulations are in effect, the City has adopted a general regulation set out in Section 5.120.020.

**5.120.020 Protection of Approach Zones.** No development or operation shall in any way negatively affect the approach zones to the airport or the safe use of the approach zones by aircraft landing or taking off from the airport.”

**Section 19.** Amend Section 6.010.050 E. 1. A. by adding the words “or a required exterior side yard” at the end of the sentence.

**Section 20.** Amend Section 6.010.070 by changing the language in the NC zone for commercial only from “None” to “Equal 10% of the first floor area of all structures minimum.”

**Section 21.** Amend Section 6.010.070 by changing the language under the I zone site requirement to read as follows: “a five foot landscaping buffer adjacent to all public right of way, but limited to 10% of the area of the entire site. If a five foot buffer along the length of the right of way exceeds 10% of the entire site, the City Community Development Department staff will indicate which portions of the right of way will have the buffer.”

**Section 22.** Amend Section 6.030.020. C. 1. by adding the word “setback” after the words “rear yard.”

**Section 23.** Amend Section 6.060.020 A. 1. to read as follows: “Width and Number. The number of driveways and other access points shall be determined by the City Engineer based on the needs of the property owner, the size, location, and configuration of the property, the adjacent streets and driveways, and other factors as determined by the City Engineer.”

**Section 24.** Amend Section 6.060.040. A. by adding the following language: "Pavement may be required for up to the full length of a driveway, but in no event less than 20 feet back from the right of way. Pavement width shall be a minimum of 12 feet."

**Section 25.** Amend the last sentence of Section 6.060.050 to read: "Shared driveways of up to 30 feet in width may be allowed in residential zones with the approval of the City Engineer."

**Section 26.** Amend Section 6.110 by deleting the first sentence and adding language to read as follows: "Effective February 12, 2007, an applicant who submits a request for a single family dwelling building permit or single family accessory structure will not be required to execute a waiver of remonstrance agreement for the formation of a local improvement district. Waivers of remonstrance shall be required for planning actions and for other building permit applications if the proposed development would increase traffic flow on any street not fully improved to City standards."

**Section 27.** Amend Section 6.140.080 by changing the reference from 6.140.060 to 6.140.070.

**Section 28.** Amend Section 6.160.010 B by deleting the words "and in the I-Industrial District".

**Section 29.** Amend Section 6.160.010 by adding a new section 6.160.010 D as follows: "Intermodal Cargo Containers are allowed in the I-Industrial District so long as they meet all State of Oregon building permit requirements and are painted and maintained in good condition, including being rust free."

**Section 30.** Amend Section 7.020.020 J. to read "Location and details of signs, pavement markings, and bumper guards which protect sidewalks, walkways, and property lines".

**Section 31.** Amend Section 8.050.040. B. To read as follows: "Permits. Any cuts and/or fills outside of geohazard zones A1 or A2 greater than 50 cubic yards but less than 250 cubic yards shall require a Physical Constraints Permit with an application with a drawing having a primary focus on erosion control. Any cuts and/or fills in geohazard zones A1 or A2 greater than 50 cubic yards shall require a Physical Constraints Permit, per the provisions of Section 8.020: Review Procedures."

**Section 32.** Amend Section 8.050.040 C.1. to read as follows: 250+ Cubic Yards. Any cuts and/or fills outside of geohazard zone A1 or A2 greater than 250 cubic yards but less than 500 cubic yards require a drawing and either engineered plans or a letter from a licensed professional engineer stating that no engineered plans are required in the engineer's professional opinion as the activity presents no danger to surrounding properties. Any cuts and/or fills in the A1 or A2 geohazard zones over 250 cubic yards, or over 500 cubic yards outside the A1 or A2 geohazard zones, must be designed by a licensed professional engineer.



**Section 33.** Amend LUDO Section 9.030.050 C 4 by deleting the words "Wasco County Clerk."

**Section 34.** Amend Section 10.030 A by adding a new sentence to read as follows: "The construction, installation, placement, or addition of a dwelling unit on a lot, including one that replaces another dwelling or other structure, shall initiate the requirement of full public improvements, including street, curb, sidewalk, and storm sewer, except when the existing dwelling is destroyed by an act of God and the replacement dwelling has no more than 110% of the total square footage of the original."

**Section 35.** Add new paragraph E. to Section 10.030 to read as follows: "E. Waivers of Remonstrance. Developments of other than single family dwellings may be able to use the provisions of Section 6.110. Waivers of Remonstrance, in lieu of immediate installation of public improvements."

**Section 36.** Amend Section 10.060 A. Traffic Studies, to read as follows: "Traffic studies shall be required of all development proposals of 16 or more dwelling units, and any other development proposal that is likely to generate more than 400 average daily motor trips. In addition, a traffic study may be required if the development proposal is near an intersection that is already at or below level of service D. Notwithstanding the previous language, the City may require an initial, limited traffic study to determine the level of service at nearby intersections. If the limited traffic study finds the level of service to be at or below "D", the City may require a full traffic study. The traffic study shall be conducted in accordance with the following:"

**Section 37.** Amend Section 10.060 J. 6. b to read as follows: "In lieu of the right of way standards set out in Subsection 5 above, when development occurs on a lot adjacent to existing right of way that does not have a full range of public improvements, the City Engineer in conjunction with the Community Development Director may:

- i) Require the installation of public improvements as contained in Subsection 5, or
- ii) Require payment into the improvement fund for missing improvements, or
- iii) Allow a combination of i and ii, or
- iv) Allow an alternative street design that meets the needs for pedestrian and vehicular safety. In selecting an alternate design the City Engineer may consider existing improvements, improvements on adjacent properties, topography, current and future street usage, cost, and other relevant factors.

**Section 38.** Amend Section 10.070. A. by adding the following language after the first sentence. "Unless specifically waived by the Director and City Engineer, any occupancy which uses water or sewer shall be required to hook up to a public facility for that service."

**Section 39.** Amend Section 13.030.020 B. to read as follows: "Signboards. Signboards may be used under the following conditions: 1. A permit is required. 2. The signboards are limited to the premises of the business location. 3. The signboards must be on

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private property. 4. The Size, Number, Hours of Display, Attachments, Maintenance, Fees, and Enforcement are as provided for in the relevant provisions of Section 13.050.160.

**Section 40.** Change the number of existing Section 13.030.020 B. 4. to 13.030.020 C. and add title of Promotional Signs.

**Section 41.** Add new section 15.055 to read as follows:

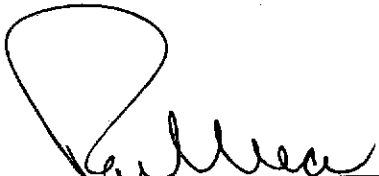
15.055 Stop Use Order

Whenever any land or structure is being used contrary to the provisions of this Ordinance, or contrary to the provisions of an application approved under this ordinance, the Director may order the use stopped by notice in writing served on the property owner or on any person or persons engaged in the use of the property. After service the use shall immediately be stopped until the use is authorized by the Director. Both the property owner and the user of the property are subject to the provisions of such notice.

PASSED AND ADOPTED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2008.

Voting Yes, Councilor:	<u>Wilcox, Wood, Dick, Spatz</u>
Voting No, Councilor:	<u>None</u>
Absent, Councilor:	<u>Kovacich</u>
Abstaining, Councilor:	<u>None</u>

AND APPROVED BY THE MAYOR THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2008.

  
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 Robb Van Cleave, Mayor

Attest:

  
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 Julie Krueger, MMC, City Clerk