

FILED WASCO CTY  
THE DALLES, OR.

JUL 10 10 11 AM '91

KAREN R. LEBERT  
COUNTY CLERK

1 IN THE COUNTY COURT OF THE STATE OF OREGON

2 IN AND FOR THE COUNTY OF WASCO

3 IN THE MATTER OF POST-ACKNOWLEDGEMENT )  
4 AMENDMENTS OF CERTAIN PORTIONS OF THE )  
5 CITY OF THE DALLES ZONING ORDINANCE, ) ORDINANCE AMENDMENTS  
6 ADOPTED BY WASCO COUNTY FOR LAND WITHIN )  
7 THE URBAN GROWTH AREA )

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

11 WHEREAS: On June 26, 1983, Wasco County adopted by ordinance the  
12 City of The Dalles Zoning Ordinance for land lying within the urban growth  
13 area, and the County has previously entered into an (amended) urban growth  
14 area joint management agreement with the City, which requires that plans and  
15 implementing ordinances be coordinated within the urban growth area (outside  
16 city limits and inside the urban growth boundary); and

17 WHEREAS: The City of The Dalles recently revised its zoning  
18 ordinance by adopting General Ordinance No. 91-1125, "An Ordinance Amending  
19 General Ordinance No. 80-986, City of The Dalles Zoning Ordinance" and  
20 General Ordinance No. 91-1126, "An Ordinance Regarding Public Notice for  
21 Quasi-Judicial and Legislative Hearings" (Attachment #1); and

22 WHEREAS: On July 3, 1991 after continuance of prior hearings at  
23 which no testimony was taken, at 11:45 a.m. in the Courtroom of this Court in  
24 the Wasco County Courthouse, a legislative public hearing was held to  
25 consider the aforementioned amendments to the City of The Dalles Zoning  
26 Ordinance as post-acknowledgement amendments to the Wasco County  
Comprehensive Plan and implementing ordinances; and

WHEREAS: (1) Proper notice was given and the hearing was held in

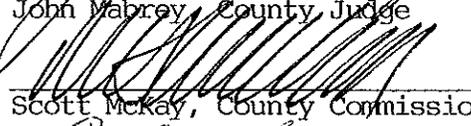
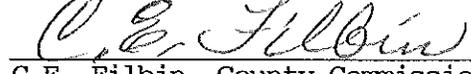
91-0278

1 accordance with procedural rules for administrative actions in Wasco County,  
2 Oregon and in conformity with said administrative requirements as set forth  
3 in the Wasco County Comprehensive Plan, Wasco County Land Use and Development  
4 Ordinance and the Urban Growth Area Joint Management Agreement between the  
5 City of The Dalles and Wasco County; and (2) all members of the County Court  
6 were qualified to sit as decision makers, after full disclosure was made and  
7 the matter of qualifications was discusses by the Court.

8 NOW, THEREFORE, THE COUNTY COURT FOR WASCO COUNTY, OREGON, HEREBY  
9 ORDAINS AS FOLLOWS: The Wasco County Comprehensive Plan and implementing  
10 ordinances are hereby amended to adopt the amendments to the City of The  
11 Dalles Zoning Ordinance as indicated in General Ordinance No. 91-1125 and No.  
12 91-1126, adopted June 3, 1991 by the City of The Dalles and shown in  
13 Attachment #1, for land within the Urban Growth Area of the City of The  
14 Dalles.

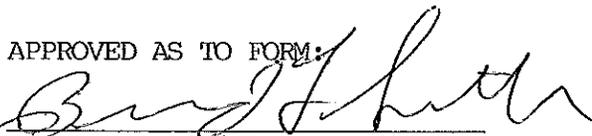
15 EMERGENCY CLAUSE: Inasmuch as these ordinance amendments are  
16 necessary for the immediate preservation of health, peace and safety, an  
17 emergency is hereby declared to exist and these ordinance amendments shall be  
18 in full force and effect immediately upon their adoption by the County Court.

19 Regularly passed and adopted by an unanimous vote of all members of  
20 the County Court of the County of Wasco, State of Oregon, this 3rd day of  
21 July, 1991.

22 WASCO COUNTY COURT  
23   
24 John Mabrey, County Judge  
25   
26 Scott McKay, County Commissioner  
  
C.E. Filbin, County Commissioner

APPROVED AS TO FORM:

Page

  
Bernard L. Smith  
Wasco County District Attorney

91-0278

GENERAL ORDINANCE NO. 91-1125

AN ORDINANCE, REGARDING DAY CARE IN RESIDENTIAL AND COMMERCIAL ZONES, AMENDING SECTION 3(b), 7.2(A)4, 7.2(B)9, 8.2(A)8, 8.2(B)9, 9.2(A)7, 9.2(B)11, 10.2(A)8, 10.2(B)11, 12.2(A)12, 12.2(B)5, 13.2(A)16, 13.2(B)12, 14.2(A)20, AND 14.2(B)10 OF GENERAL ORDINANCE NO. 80-986.

WHEREAS, the City of The Dalles Planning Commission initiated the procedure to amend certain provisions of the City's Zoning Ordinance, concerning non-residential day care providers, on December 6, 1990; and

WHEREAS, the Planning Commission held public hearings on December 19, 1990, and January 3, 1991, regarding the proposed amendments; and

WHEREAS, the Planning Commission, on January 18, 1991, adopted Resolution No. PC 153-91 approving certain amendments to the City's Zoning Ordinance concerning day care centers; and

WHEREAS, the City Council, on February 4, 1991, reviewed the report prepared by the Planning Commission, and voted to uphold the decision of the Planning Commission, and directed staff to prepare an ordinance based upon the Planning Commission's recommendations; and

WHEREAS, pursuant to the Urban Growth Area Joint Management Agreement, the City has received the comments of the Wasco County Planning Office concerning the proposed amendments, which comments have been incorporated into the proposed ordinance; and

WHEREAS, the City Council held a public hearing on May 6, 1991, to review the proposed amendments, and consider additional public testimony regarding the amendments;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF THE DALLES DO ORDAIN AS FOLLOWS:

Section 1. Section 3(b) of General Ordinance No. 80-986 shall be amended to add the following definitions of "Family day care provider" and "child care center":

"Family day care provider. A day care provider who regularly provides day care in the provider's home in the family living quarters."

"Child care center. A facility for the care of children the activity of which shall be conducted between the hours of 6:00 A.M. and 7:00 P.M.. Even though some instruction may be offered in connection with such care, the facility shall not be considered a school within the meaning of this ordinance."

Section 2. Sections 7.2(A)4, 8.2(A)8, 9.2(A)7, 10.2(A)8, 12.2(A)12, 13.2(A)16, and 14.2(A)20 of General Ordinance No. 80-986 shall be amended to allow the following use as a principal permitted use:

"Day care furnished by a family day care provider for fewer than 13 children, including children of the provider, regardless of full-time or part-time status."

Section 3. Sections 7.2(B)9, 8.2(B)9, 9.2(B)11, 10.2(B)11, 12.2(B)5, 13.2(B)12, and 14.2(B)10 of General Ordinance No. 80-986 shall be amended to allow the following as a use permitted subject to a conditional use permit:

"Day care provided at a child care center, where it is not a prerequisite that the

provider reside within the facility, or day care furnished by a family day care provider for 13 or more children."

PASSED AND ADOPTED THIS 3RD DAY OF JUNE, 1991.

Voting Yes, Councilmembers: Wood, Probstfield, Holt, Reid  
Voting No, Councilmembers: Clark  
Absent, Councilmembers: None  
Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 3RD DAY OF JUNE, 1991.

Attest:

Barbara Schroeder  
Barbara Schroeder, City Clerk

L. D. (Les) Cochenour  
L. D. (Les) Cochenour, Mayor

8/91-0278

GENERAL ORDINANCE NO. 91-1126

AN ORDINANCE REGARDING PUBLIC NOTICE FOR QUASI-JUDICIAL AND LEGISLATIVE HEARINGS, AMENDING CHAPTER 14, SECTION 39 OF GENERAL ORDINANCE NO. 80-986, AND DECLARING AN EMERGENCY.

WHEREAS, the City of The Dalles Planning Commission initiated the procedure to amend certain provisions of the City's Zoning Ordinance, concerning public notice for quasi-judicial and legislative hearings, on February 21, 1991; and

WHEREAS, the Planning Commission held a public hearing on March 21, 1991, regarding the proposed amendments; and

WHEREAS, the Planning Commission, on May 2, 1991, adopted Resolution No. PC 162-91 approving certain amendments to the City's Zoning Ordinance concerning notice of public hearings; and

WHEREAS, the City Council, on May 20, 1991, reviewed the report prepared by the Planning Commission, and voted to uphold the decision of the Planning Commission, and directed staff to prepare an ordinance based upon the Planning Commission's recommendations; and

WHEREAS, pursuant to the Urban Growth Area Joint Management Agreement, on April 1, 1991, the Wasco County Planning Commission voted to recommend approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on June 3, 1991, to review the proposed amendments, and consider additional public testimony regarding the amendments;

P91-0278

NOW, THEREFORE, THE PEOPLE OF THE CITY OF THE DALLES DO  
ORDAIN AS FOLLOWS:

Section 1. Chapter 14, Section 39 of General Ordinance  
No. 80-986 is amended to read as follows:

CHAPTER XIV. NOTICE OF HEARINGS

Sec. 39. Time and Method of Public Notice

(A) Legislative Hearings.

Notices of public hearings on legislative matters shall  
be given by the body conducting the hearing by  
publication in a newspaper of general circulation in  
The City of The Dalles at least ten (10) days before  
the hearing.

(B) Quasi-Judicial Hearings.

Notices of public hearings for quasi-judicial land use  
hearings shall be given by the body conducting the  
hearing by publication in a newspaper of general  
circulation in The City of The Dalles at least ten (10)  
days prior to the hearing. In addition, notice of the  
hearing shall be provided to the applicant and to the  
owners of record of property as shown on the most  
recent property tax assessment roll provided by Wasco  
County, where the property is located within one  
hundred (100) feet of the property which is the subject  
of the notice. The notice shall be mailed at least ten  
(10) days before the public hearing, and shall:

91-0278

1. Explain the nature of the application and proposed use or uses which could be authorized.
2. List the applicable criteria from the Ordinance and the Plan that apply to the application.
3. Set forth the street address or other easily understood geographical reference to the subject property.
4. State the date, time, and location of the hearing.
5. State that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on that issue.
6. State that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue.
7. Include the name of a local government representative to contact and a telephone number where additional information may be obtained.
8. State that a copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
9. State that a copy of the staff report will be available for inspection at no cost at least seven

P 91-0278

(7) days prior to the hearing and will be provided at reasonable cost.

10. Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

(C) Failure of a person to receive the notice prescribed in this section shall not impair the validity of a hearing, nor the validity of the action taken.

(D) Upon completion of publication of the notice as provided for in subsection (A), or completion of the publication and mailing of the notices as provided in subsection (B) hereof, the Secretary of the body conducting the hearing shall cause an affidavit of such mailing or publication to be filed in the permanent records of the particular proceedings to which such notices pertain.

(E) Except as provided for under ORS 227.178, the City shall take final action on land use applications including resolution of all appeals to the City Council, within one hundred twenty (120) days from the date a completed application is submitted to the City, pursuant to ORS 227.180. Within thirty (30) days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period. The one hundred

*P 91-0278*

twenty (120) day time period will commence on the date the application is complete.

Section 2. Emergency. Whereas, it is in the best interests of the citizens of The Dalles to make the provisions concerning notice of public hearings consistent; and whereas, the proposed amendments will result in a cost savings to the City by reducing the cost of public mailings; NOW, THEREFORE, an emergency is declared to exist, and this ordinance shall go into full force and effect immediately upon its passage and approval.

PASSED AND ADOPTED THIS 3RD DAY OF JUNE, 1991.

Voting Yes, Councilmembers: Wood, Probstfield, Clark, Holt, Reid  
Voting No, Councilmembers: None  
Absent, Councilmembers: None  
Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 3RD DAY OF JUNE, 1991.

Attest:

Barbara Schroeder  
Barbara Schroeder, City Clerk

L. D. (Les) Cochenour  
L. D. (Les) Cochenour, Mayor

**PLANNING AND ECONOMIC DEVELOPMENT OFFICE**  
**WASCO COUNTY**

1721 W. 10th STREET THE DALLES, OREGON 97058

KIMBERLY J. JACOBSEN, Director

PHONE: (503) 298-5169

FAX: (503) 296-3769

April 9, 1991

Scott Keillor, Associate Planner  
City of The Dalles Community and  
Economic Development Office  
313 Court Street  
The Dalles, OR 97058

RE: Planning Commission Recommendation to Approve City of The Dalles Zoning Ordinance Amendment, #JMA-91-101

Dear Mr. Keillor:

This letter will serve as your notification that on April 1, 1991, as required by the Joint Management Agreement, revised April 27, 1983, the Wasco County Planning Commission voted 7-0 to recommend approval to the Wasco County Court on the following City of The Dalles Zoning Ordinance Amendments:

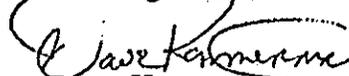
1. To amend the City of The Dalles Zoning Ordinance regarding day care in residential and commercial zones, and
2. To amend the City of The Dalles Zoning Ordinance regarding alignment of notification process with 1989 State legislation.

A special session of the Wasco County Court will convene at 8:30 a.m. on Wednesday, April 24, 1991 to render a final decision on the above stated zoning ordinance amendments.

If any finding, conclusion or condition of this Decision is held invalid, neither the remainder of this Decision, nor the application of any other finding, conclusion or condition herein shall be affected thereby.

If you have any questions or if I can be of further assistance, please feel free to call me.

Best regards,

  
Dave Kammerman  
Associate Planner

dt

cc: Wasco County Court  
Wasco County Planning Commission

RECEIVED APR - 9 1991

91-0278

City of The Dalles  
April 9, 1991  
Page 2

### APPEAL PROCESS

Pursuant to Oregon Revised Statute (ORS) 197 and sections 2.140 and 2.170 of the Wasco County Land Use and Development Ordinance, an appeal of a decision of the Planning Commission or Board of Adjustment must be made within ten (10) days from the date of final decision by the approving authority. Appeal forms are available at the Wasco County Planning and Economic Development Department, 1721 W. 10th Street, The Dalles, OR 97058.

The decision, findings and conclusions which support the decision of the approving authority shall not be final until reduced to writing and signed by the approving authority.

991-0278