

MINUTES
Regular City Council Meeting
July 9, 2018
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MINUTES
REGULAR CITY COUNCIL MEETING
OF
July 9, 2018
5:30 p.m.

THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Stephen Lawrence

COUNCIL PRESENT: Russ Brown, Linda Miller, Darcy Long-Curtiss, Tim McGlothlin, Taner Elliott

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Julie Krueger, City Attorney Gene Parker, City Clerk Izetta Grossman, Finance Director Angie Wilson, Planning Director Steve Harris, Public Works Director Dave Anderson, Police Chief Patrick Ashmore, Human Resources Director Daniel Hunter, Assistant to the City Manager Matthew Klebes, Senior Planner Dawn Hert

Number of people present: 28

CALL TO ORDER

The meeting was called to order by Mayor Lawrence at 5:30 p.m.

ROLL CALL

Roll call was conducted by City Clerk Grossman, all Councilors present.

PLEDGE OF ALLEGIANCE

Mayor Lawrence invited the audience to join in the Pledge of Allegiance.

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APPROVAL OF AGENDA

It was moved by Miller and seconded by Elliott to approve the agenda as presented. The motion carried unanimously.

PRESENTATIONS

Columbia Gorge Regional Airport Quarterly Report

Airport Manager Chuck Covert reviewed the staff report.

Covert said the Airport Board meetings were held on the first Friday of every month at the Airport. He invited anyone interested in the activities of the Airport to attend.

He reported a Mexican Rodeo was held at the Airport last weekend. He said it went well. Covert said the charge for use of the Airport for the event was \$1,500.

AUDIENCE PARTICIPATION

Luise Langheinrich, Main Street President updated the Council on Main Street Activities for the month of June (see attached report).

Summit Storm, 3120 Old Dufur Road thanked the City Manager for offering to print color posters for his gatherings. He said he was excited about the art possibility of trash cans throughout the City.

He shared his vision of having communication opportunities for the whole community.

CITY MANAGER REPORT

City Manager Julie Krueger asked Finance Director Wilson to give a report.

Finance Director Wilson read a notice that City's Go Bond rating was raised from AA- to AA (attached).

City Manager Krueger said she had placed a letter to Representative Walden on the dais for Council information. She said the letter was in support of broadband use of TV white space (attached).

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CITY ATTORNEY REPORT

City Attorney Gene Parker reported that the duties of prosecuting attorney had come back to his office. He said he would be hiring a part time para-legal as soon as possible.

CITY COUNCIL REPORTS

Councilor McGlothlin reported he attended:

- Lion's Convention in Las Vegas.

Councilor Miller reported she attended:

- Concert at the Granada
- Independence Day Parade.

Mayor Lawrence reported he attended:

- Next Door Ribbon Cutting
- Neon Sign Museum Tour
- Rosie the Riveter Celebration
- Regional Solutions meeting – decision to fund Dee Irrigation District first, others as funds available

CONSENT AGENDA

Councilor Brown said he would abstain because he had done work for the property owner. He said he might do work again.

It was moved by McGlothlin and seconded by Miller to approve the Consent Agenda as presented. The motion carried, Brown abstained.

Items approved by Consent Agenda were: 1) Approval of June 25, 2018 Regular City Council Meeting Minutes; 2) Authorization to Provide Sanitary Sewer Service Outside City Limits to 2300 Block of West 16th Street for New Residential Development.

PUBLIC HEARING

Appeal Hearing of Planning Commission Resolution No. P.C. 574-18 Approving Minor Partition No. 349-18 and Adjustment No. 18-036 of Jonathan Blum to Divide the Property Located at 1605 East 19th Street into Two Lots, and Reduce the Minimum Lot Size and Lot Width for the Two Lots

Mayor Lawrence reviewed the procedure for the public hearing. Mayor Lawrence opened the

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hearing.

Councilor Elliot stated a potential conflict of interest. He said he knew and had worked for the applicant.

City Attorney Parker asked Elliott if he had discussed the issue with him. Elliott said he had not.

Planning Director Steve Harris reviewed the staff report and PowerPoint (Attachment #1A). He said there were letters/emails on the dais that had been received regarding the appeal (Attachment #1B).

Councilor Long-Curtiss asked what Harris would look at regarding the house design.

Harris said the overall design of the house would be during site review. He said the final decision would be at the Administrative Hearing. Harris said that decision could be appealed to the Planning Commission.

In response to questions regarding issue of livability and appearance, Harris said that criteria was not part of the appeal process, however, it was brought up at the Planning Commission hearing and therefore had to be included in the information provided to the Council.

Councilor Brown said the hearing was just about the dirt, the partition.

Mayor Lawrence asked for testimony from the applicant.

Jonathan Blum, applicant, 403 East 8th Street presented a PowerPoint presentation (Attachment #2).

Councilor Elliott said there were smaller lots in other areas of The Dalles.

Senior Planner Hert said there were smaller lots on the S curve on Scenic where the old KODL Radio station was located, and some on Garrison. She said there were others she could get street locations if desired.

Mr. Blum said there was one on 18th and Dry Hollow.

Councilor Miller asked if Mr. Blum would build a single home if the appeal did not go in his favor.

Mr. Blum said it was hard to say. He said the process had taken them out of the current building

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season already.

Mayor Lawrence asked for testimony from those in favor of partition.

Jim Wilcox, 416 W. 7th Street said the Mill Creek Crossing development were smaller lots. He encouraged Council to deny the appeal. He said the partition was according to the Ordinances. He noted that new construction often brings a neighborhood up.

Mayor Lawrence asked for testimony from the appellant.

Alex Maia, 1601 E. 19th Street presented a PowerPoint (Attachment #3). He said he lived directly next to the subject property.

Mr. Maia noted the current congestion on 19th Street, and the traffic issues due to Dry Hollow School drop off and pick up.

Dan Hamill 2005 Lewis spoke to the increased fire danger of higher density (Attachment #4).

Jerry Snodgrass, 1826 Minnesota said Ed Goodman made a presentation to the Planning Commission stating the neighbors purchased the property with the belief that the lots would stay the same throughout the development. He said he would like to preserve owner occupied homes on larger lots.

Steve Hunt, PO Box 81 provided Council with Municipal Code 10.3.080.020 (Attachment #5).

Lorene Hunt, PO Box 81 asked if Council received her letter. It was noted that they had. Mrs. Hunt said there was enough property in RM and RH Zones there was no need to build in low density zones.

Mayor Lawrence asked for Mr. Blum's rebuttal.

Mr. Blum said he proceeded with the purchase of the property after speaking with the Planning Department and the minor lot adjustment being granted by the Planning Commission.

He said he took the fire concerns seriously.

Mayor Lawrence concluded the testimony.

Councilor Long- Curtiss said it was a reasonable expectation that the CC&R's would stay in place.

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Councilor Brown said he liked the neighborhood as it was. He said if staff felt the process was done legally, he had to uphold the Planning Commission decision.

City Attorney Parker said that staff was confident the Planning Commission decision was sound.

Mayor Lawrence said high end home was not defined, but livability and appearance were.

Parker said high end home was not a term in the Land Use Development Ordinance.

Planning Director Harris said the issue before the Council is only the minor lot adjustment.

Councilor Elliott said the question before Council was does this minor partition increase density.

It was moved by Long-Curtiss to direct staff to prepare a resolution approving the appeal and denying the Planning Commission's approval Planning Commission Resolution No. P.C. 574-18 Approving Minor Partition No. 349-18 and Adjustment No. 18-036 of Jonathan Blum to Divide the Property Located at 1605 East 19th Street into Two Lots, and Reduce the Minimum Lot Size and Lot Width for the Two Lots. The motion died for lack of a second.

It was moved by Miller and seconded by Brown to direct staff to prepare a resolution denying the appeal and affirming the Planning Commission's approval Planning Commission Resolution No. P.C. 574-18 Approving Minor Partition No. 349-18 and Adjustment No. 18-036 of Jonathan Blum to Divide the Property Located at 1605 East 19th Street into Two Lots, and Reduce the Minimum Lot Size and Lot Width for the Two Lots.

Councilor Long-Curtiss asked that the Council not do this to the home owners.

Councilor McGlothlin said there was another step that could change the usage.

Long-Curtiss said she didn't believe it would change the usage. She urged the Council to make another decision.

The motion carried; Long-Curtiss and Elliott opposed.

ACTION ITEMS

Adoption of Resolution No. 18-021 Denying Appeal #32-18 and Affirming the Planning Commission's Decision Approving Adjustment #18-037 of Jonathan Blum to Reduce the Minimum Lot Size for a Parcel Located at West 13th and Perkins from 9,000 Square Feet to 7,745 Square Feet

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City Attorney Parker reviewed the staff report.

It was moved by Miller and seconded by Brown to adopt Resolution No. 18-021 Denying Appeal #32-18 and Affirming the Planning Commission's Decision Approving Adjustment #18-037 of Jonathan Blum to Reduce the Minimum Lot Size for a Parcel Located at West 13th and Perkins from 9,000 Square Feet to 7,745 Square Feet. The motion carried unanimously.

Adoption of General Ordinance No. 18-1369 Repealing Chapter 7.08 of The City of The Dalles Municipal Code Concerning Impoundment of Vehicles

City Attorney Parker reviewed the staff report.

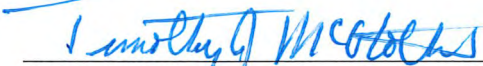
It was moved by Elliott and seconded by Miller to adopt General Ordinance No. 18-1369 Repealing Chapter 7.08 Sections 7.08.010 to 7.08.090 of The City of The Dalles Municipal Code Concerning Impoundment of Vehicles. The motion carried unanimously.

ADJOURNMENT


Being no further business, the meeting adjourned at 8:05 p.m.

Submitted by/
Izetta Grossman
City Clerk

SIGNED:


~~Stephen E. Lawrence, Mayor Pro Tem~~
Timothy McSwain

ATTEST:


Izetta Grossman, City Clerk



Main Street is currently seeking new volunteers for events, committee and the board

Visit our newly refreshed website:

<https://www.thedallesmainstreet.org/>

You can also find us on Facebook:

<https://www.facebook.com/TDMainStreet>

MAIN STREET IMPACTS OVER 150 BUSINESSES WITH OUR SERVICES AND SUPPORT INCLUDING:

**Grant development and support for historic preservation,
redevelopment and facade improvement**

Business retention and expansion

Business location services

Parklet program and downtown beautification works

Website and social media promotion

Special events and shopping promotions



5 NEW BUSINESS
6.5 NEW JOB



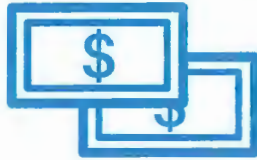
206 FACEBOOK
LIKES, SHARES AND
COMMENTS



54 VOLUNTEER HRS



GRANT DOLLARS TO DATE:
\$168,563



4 RADIO
APPEARANCES



12 BOAT GREETINGS



1 BUSINESS LOSSES
1 BUSINESS RELOCATED



432 WEBSITE
VISITORS



MADE ON MAIN STREET GRANT
(1 OF 6 CITIES NATIONALLY)



EVENTS THIS MONTH:

Oregon Main Street Network Conference
3 worksessions for Branding the Downtown
Parklet Construction @ Kainos Coffee

UPCOMING EVENTS:

Cruise the Gorge (8/10/18)
Made on Main Street Celebration (8/11/18)
Main Street Uncorked (Tentatively 9/15/2018)

S&P Global Ratings

(/en_US/web/guest/home) The Dalles, OR GO Bond Rating Raised To 'AA' From 'AA-' On Growing Local Economy

21-Jun-2018 18:10 EDT

[View Analyst Contact Information](#)

SAN FRANCISCO (S&P Global Ratings) June 21, 2018--S&P Global Ratings raised its long-term rating and underlying rating (SPUR) to 'AA' from 'AA-' on The Dalles, Ore.'s full faith and credit general obligation (GO) bonds. The outlook is stable.

"The raised rating reflects our view of the city's growing local economy, strong budgetary performance, strong debt profile, and increase in the city's available reserves," said S&P Global Ratings credit analyst Cody Nelson. "The rating further reflects our view of the city's strong management practices," Mr. Nelson added.

The historical city is located about 85 miles east of Portland along Interstate 84, the city serves as the county seat for Wasco County with about 15,000 people. The relatively narrow city wraps around the Columbia River, which is a well-known tourist and recreational area destination.

Certain terms used in this report, particularly certain adjectives used to express our view on rating relevant factors, have specific meanings ascribed to them in our criteria, and should therefore be read in conjunction with such criteria. Please see Ratings Criteria at www.standardandpoors.com for further information. Complete ratings information is available to subscribers of RatingsDirect at www.capitaliq.com. All ratings affected by this rating action can be found on S&P Global Ratings' public website at www.standardandpoors.com. Use the Ratings search box located in the left column.

Primary Credit Analyst: Cody J Nelson, San Francisco + 1 (415) 371 5022;
cody.nelson@spglobal.com (mailto:cody.nelson@spglobal.com)

Secondary Contact: Christopher Grant, San Francisco + 1 (415) 371 5096;
chris.grant@spglobal.com (mailto:chris.grant@spglobal.com)

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CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481
FAX (541) 296-6906

July 9, 2018

The Honorable Greg Walden
2185 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Walden,

As you are aware, forty percent of Wasco County is very rural. In this age of technological advancement the rural areas still face slow or absent internet access.

Without reliable internet our children don't have access to the knowledge and opportunities needed to succeed in the world today. Our local small businesses cannot remain competitive with the "online marketplace".

The availability of affordable and reliable broadband through the use of the TV white space spectrum would be beyond beneficial to our businesses, families, schools and students.

The FCC has already helped advance white space technology by issuing orders over the last decade that set the stage for its introduction and development. It is time for the FCC to finalize the permanent policies that will be necessary to ensure that white space can be used at a commercial scale.

We urge you to work with the FCC to ensure a new era of internet accessibility for rural areas across America.

Sincerely,

Stephen E. Lawrence
Mayor

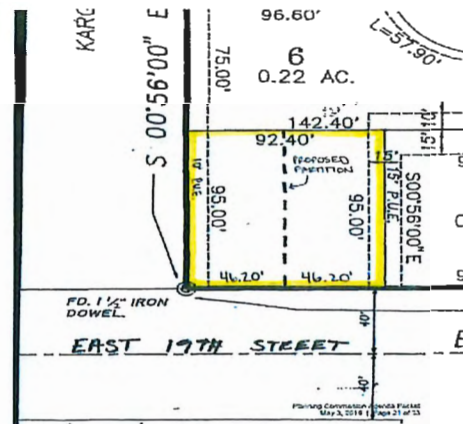
**Appeal #31-18
PC Reso #574-18
Minor Partition #349-18
ADJ #18-036 - J. Blum**

City Council Meeting
July 9, 2018

Appeal #31-18

- ▶ Request - 1605 E. 19th Street
 - Minor Partition - 8,778 sq ft lot
 - 2 lots of 4,389 sq ft
 - Adjustment of Minimum lot size
 - 12.2% reduction of 5,000 sq ft - RL Zone
 - Adjustment of Minimum lot width
 - 50 ft to 46 ft
 - 7.6% adjustment - RL Zone
- ▶ PC approved - May 3, 2018
- ▶ Appealed filed - Alexander & Alexandra Maia
 - May 14, 2018

Appeal #31-18



Appeal #31-18

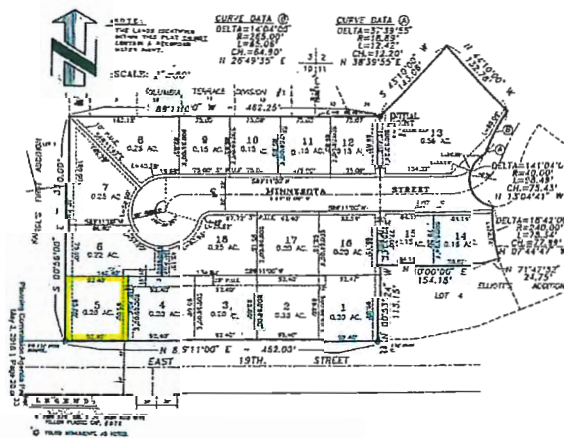
- ▶ PC Resolution No. PC 574-18
 - Approval with conditions
 - Final plat satisfy provisions of LUDO
 - 1 year to submit recorded plat
 - Physical constraints permits required for cuts/fills exceeding 50 yards³
 - Development to be completed per LUDO
 - PC added condition
 - *"The Planning Director will process any land use development review of the building permit application as an Administrative Action."*

Appeal #31-18

▶ Review of Criteria

- Section 10.3.080.020 Applicability
 - B. Adjustments prohibited:
 - 6. To allow an increase in density in the RL Zone
 - Oak Grove Subdivision – 29.27 gross acs
 - 18 lots @ 3.97 dus/ac (w/ 0.5 ac church lot)
 - 17 lots @ 4.28 dus/ac (w/o 0.5 ac church lot)
 - Applicant's proposal
 - 19 lots @ 4.19 dus/ac (w/ 0.5 ac church lot)
 - 18 lots @ 4.53 dus/ac (w/o 0.5 ac church lot)
- Criteria Satisfied – Comprehensive Plan Land Use Designation Residential Low Density – 3–6 dus/ac

Appeal #31-18



Appeal #31-18

▶ Review of Criteria

- Section 10.3.080.020(D)(2)(3) –
 - Quasi-judicial Adjustments
 - 2) Up to 20% lot width or depth requirements
 - 3) Up to 20% reduction in minimum lot areas
 - Applicant's Proposal
 - Lot width – 7.6% reduction (50 ft to 46 ft)
 - Lot area – 12.2% (611 sq ft) reduction

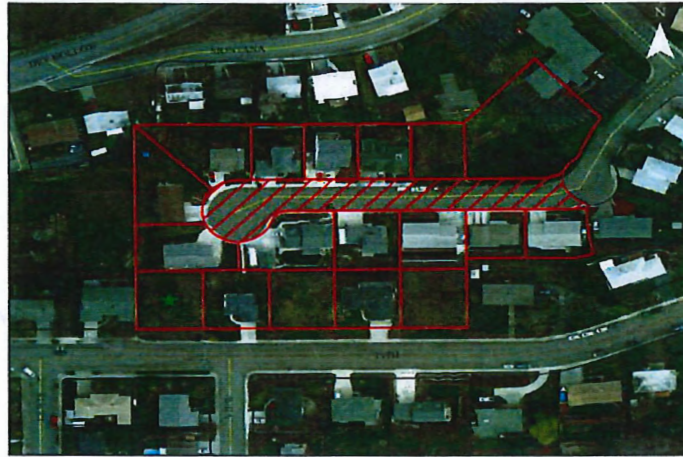
- Criteria Satisfied

Appeal #31-18

▶ Review of Criteria

- Section 10.3.080.040(A)
 - 1. Will not significantly detract from livability or appearance of residential area
 - "Livability" & "appearance" not defined in LUDO
 - Conceptual architectural renderings presented at PC
 - Shared driveway/mature landscaping to be preserved
 - 2. Cumulative effect of multiple adjustments on zone
 - RL Zone – 1&2 family dws, ADUs, parks, care facilities, B&B
 - Future structures to meet RL Zone requirements
- Criteria Satisfied – added PC Condition of Administrative Review of future land use development

Appeal #31-18



Appeal #31-18

- ▶ Review of Criteria
 - Section 10.3.080.040(A)
 - 3. Scenic & historic resources preserved
 - No known scenic/historic resources
 - 4. Potential impacts mitigated
 - None identified attributed to adjusted lot size
 - 5. Protection of environmental sensitive areas
 - Not w/in sensitive area
 - Criteria Satisfied

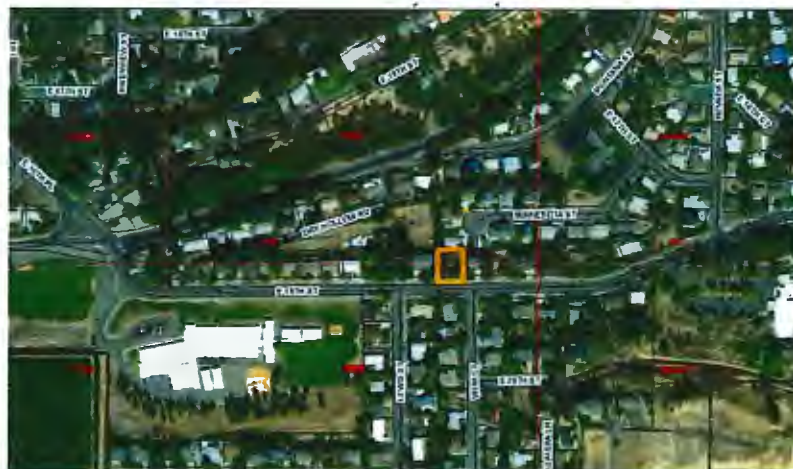
Appeal #31-18

▶ Review of Criteria

- Section 10.3.080.040 (B)(4) – Additional Criteria
 - 4. Result in a structure that conforms to the general character of neighborhood or zone district (RL)
 - “Character” – not defined in LUDO
 - Neighborhood – single family dus, elementary school, church, MCMC & prof offices
 - PC added condition – *“The Planning Director will process any land use development review of the building permit application as an Administrative Action.”*

- Criteria Satisfied

Appeal #31-18



Appeal #31-18

- ▶ Comprehensive Plan Goal #10 – Housing
 - “To Provide for the housing needs of citizens of the State”
 - City’s Housing Strategies Report – April 2017
 - “Like other cities in Oregon, the City of The Dalles is responsible for helping to ensure that its residents have access to a variety of housing types that meet the housing needs of households & residents of all incomes, ages & specific needs.”
 - ORS 197.303 Needed Housing
 - Attached & detached single/multi family housing for both owner & renter occupancy

Goal #10 & ORS 197.303 Satisfied

Izetta F. Grossman

From: Steve Harris
Sent: Monday, July 09, 2018 1:48 PM
To: Izetta F. Grossman
Subject: FW: APPEAL 32-18 - MIP 349-18 and ADJ 18-037

Importance: High

Email recd for tonight's CC appeal hearing

Steven Harris, AICP | Director
Planning Department
City of The Dalles | 541.296.5481 x1151
313 Court Street | The Dalles, OR 97058
www.thedalles.org

From: Dawn Hert
Sent: Monday, July 09, 2018 11:28 AM
To: Steve Harris; Gene Parker
Subject: FW: APPEAL 32-18 - MIP 349-18 and ADJ 18-037

From: Bill Marick [<mailto:billmarick5@gmail.com>]
Sent: Sunday, July 8, 2018 9:57 PM
To: Dawn Hert <dhert@ci.the-dalles.or.us>
Subject: APPEAL 32-18 - MIP 349-18 and ADJ 18-037

As properties in this area are zoned Low Density Residential, we feel that dividing a property will set a precedent that will change the type of residences that will be built in the area in the future.

Thank you for giving us the opportunity to express our opinion.

William T. and Darlene C. Marick
1620 E. 19th St.
The Dalles, OR 97058

To Members of the City Council
and Mayor re the hearing 7/9/18:


We support the appellant and
the 19th St. neighborhood in
rejecting MIP 349-18 + ADJ 18-036


City Code 10.3.080.020, which
refers to adjustments, states in
Part B:

"Adjustments are prohibited
for the following items:

6. To allow an increase in density
in the RL zone."

Conditions are met to prohibit
the adjustment application ADJ 18-036.

Stephen C. Hunt

PO Box 81
The Dalles

Lorene C. Hunt

PO Box 81
The Dalles, OR

Minor Partition Appeal

1605 E 19th Street
Robert Bart & Jonathan Blum
The Dalles City Council
July 9th, 2018

Introduction - Who we are?

- Friends and building partners who live in The Dalles and Hood River, and have been residents here cumulatively for almost two decades
- Small business owners, a nurse, a community educator and builders in our community
- Working on real property development in The Dalles
- Emphasis on single family homes and residential properties that add value and character to neighborhoods
- Friends who wish to invest in and build equity in our local community

Minor Partition

- This Minor Partition was approved by the Planning Commission on May 3rd, 2018
 - The Planning Commission added a condition that future land use development will be processed as an Administrative Action
- The current lot size is 8,778 square feet, 95' x 92'4" (width on 19th Street)
- We are partitioning into two equal sized lots:
 - Adjust minimum lot size from 5,000¹ square feet to 4,389 square feet (12.2% reduction) allowed in the RL zone with a Quasi-Judicial hearing²
 - Up to a 10% reduction is allowed with an administrative adjustment
 - Adjust minimum lot width from 50'¹ to 46'2" (7.6% reduction) which is allowed in the RL zone with an administrative adjustment²
 - All other setbacks, easements, utility easements, height restrictions and parking requirements will be met on each lot

1) Defined in Section 10.3.080
2) Defined in Section 10.5.010.060

Map overview



Lot partition



To approve minor partition

- Proposal must satisfy relevant criteria in the LUDO including considerations of:
 - Livability
 - Appearance
 - Neighborhood compatibility
 - Environment

The plan review conducted by the Planning Department and Agenda Staff Report prepared by the City Attorney and Senior Planning staff both have evaluated and determined our proposal meets all relevant criteria for this minor partition

Factors not for consideration

The following are not factors of the decision criteria for this minor partition:

- The intended future plans with the constructed homes
- The type or style of structures that are being proposed
- The cost or expenses involved in constructing residences
- "Probable valuation" of future, yet unconstructed structures
- The character of the applicants

As is customary process with any new residential construction in The Dalles, the homes will meet City Building Standards and be approved by planning and then building codes

Livability & Appearance

- Reduction of minimum lot width will not affect livability or appearance of neighborhood as we will exceed set back from the street, and be at lower elevations than the neighboring houses
- Meeting required off-street parking and single driveway to property will minimize interruption of arterial flow of E 19th Street
- Mature trees will be maintained as much as possible with construction, especially along 19th Street and adjacent properties

Other relevant information

- Residential lots smaller than 4,389 sq ft currently exist in the RL zone in other subdivisions
- The density of the neighborhood (Oak Grove Subdivision) will increase with two homes constructed to a density of 4.19 units/ gross acre
 - However, the overall density still remains well within the RL density guidelines of 3-6 units/ gross acre
- A similar alternative to the structures and layout could be achieved by building a single family home and an ADU, which would be permitted outright under the LUDO
- All setbacks, easements, right-of-ways, restrictions and requirements of this zone are honored by our plans

Benefits

- Project supports development goals of the Comprehensive Plan for The City of The Dalles
- Utilization of this space for residential homes instead of as a vacant lot will create much needed additional housing near schools, CGCC, and MCMC
- Constructing new homes adds commerce and jobs to our local economy and boosts tax base

Considerations

- Large vacant lot in this neighborhood could be developed with a single larger home with larger visual impact
- We wish to build attractive homes that will add value and character to the neighborhood
- The Dalles is in need of additional housing, and maximizing the usefulness of this lot as allowed by LUDO fits into residential goals desired by the city and state
- This minor partition meets all required criteria
- Our plans utilize this unique parcel in a way that aligns with the neighborhood while providing much needed housing for citizens of The Dalles

Thank you.

Questions?

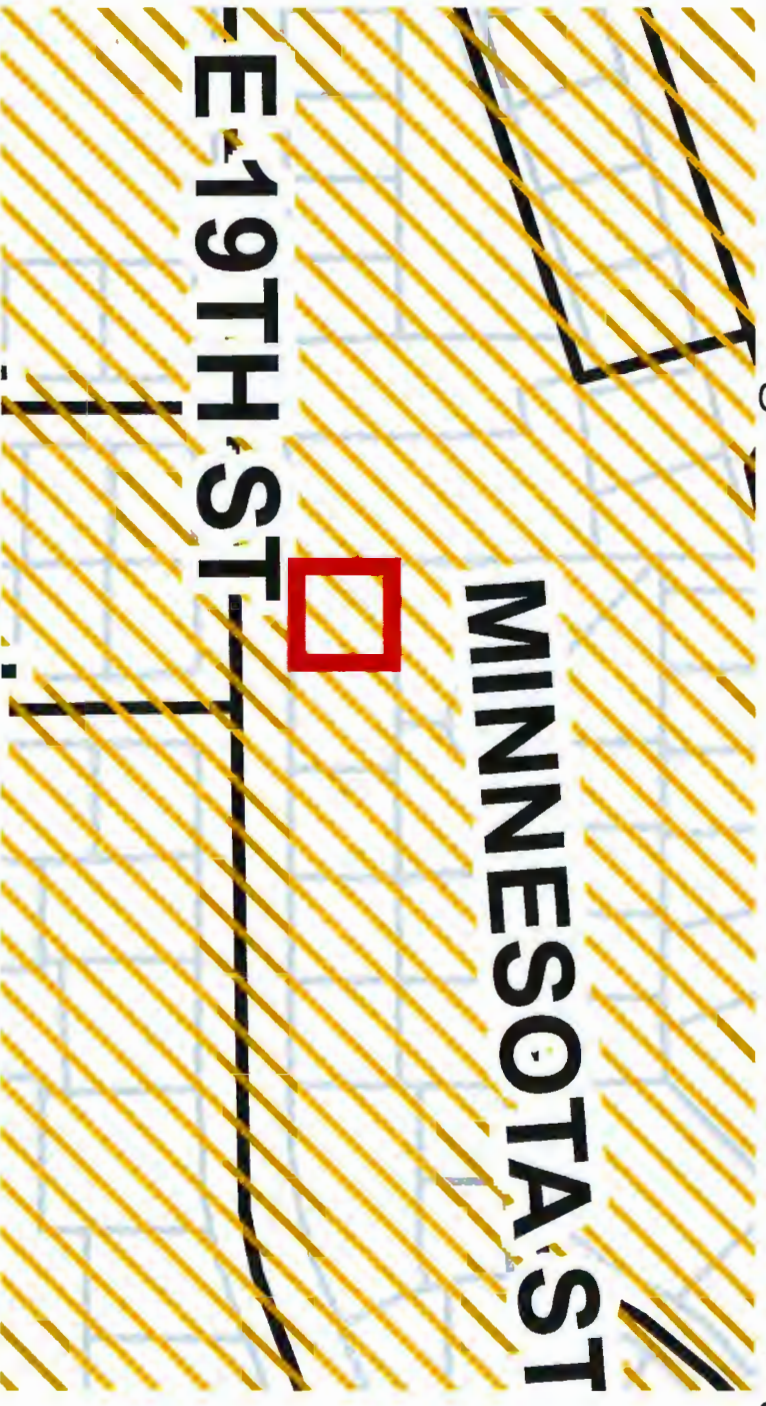
1605 E 19th St Appeal

Minor Partition No. 349-18 and Adjustment No. 18-036

Review of Planning submission-Lot/dwelling

- During initial public hearing, the City Planning team stated numerous times that “we are not here to review the type of dwelling or dwelling proposal as part of this process. We are only here to review the proposed adjustments.”
- Per LUDO Section 10.090.030.030 section A.6, it states that as part of the application, the “Number and type of dwelling units proposed where known and appropriate.” are to be disclosed.
- As such, it is the right of the citizens to understand, and review the proposed dwelling as part of the public hearing.

A Look at the neighborhood-Lot Location and Zoning



Reason for Appeal –1 - Legality

- Is it Legal to divide 1605 E 19th ST into two separate lots?
- NO
- Why?

LUDO section 10.3.080.020 states that adjustments are “PROHIBITED” if they are “To allow an increase in density in the RL zone”.

- Public Hearing on 6/25/18 regarding another adjustment.
 - When the City Council questioned the legality of the adjustment, Director Harris defined, and the City Attorney agreed with the definition of what constitutes an increase in density.
 - Increase in density = creating additional lots out of one existing lot.
 - This Adjustment (18-036) is to Divide the Property Located at 1605 East 19th Street into Two Lots, and Reduce the Minimum Lot Size and Lot Width for the Two Lots.
 - According to the Director’s own definition, this lot division is prohibited under the adopted ordinances.

Reason for Appeal --2 Review Criteria- Rentals

Refer to Adjustment Application Form.

Page 2 of the Adjustment Application form includes the "Justification of Requests:"

For an application to be approved, it must meet the criteria in EITHER section A or B. It does not state that it needs to meet "some" of the criteria in these sections, implying it must meet all in either section.

- Item A.1 states – *"If in a residential zone, show that the proposal will not significantly detract from the livability or appearance of the residential area.* Director Harris has stated that this has only been argued in opinion, and no evidence has been presented. Following is evidence as to the affects of rental properties, minimum lot sizes, and minimum building sizes.
 - Rental properties –
 - According to a [study posted on realtor.com](#) on 3/2016, an increased concentration of rental homes results in a decreased property value 13.8%. The only two items that are more detrimental are a strip club at -14.7% and bad schools as -22.2%.

Reason for Appeal –2 Review Criteria – Min Lot

Minimum Lot sizes –

- Citizens, myself and family included, purchase a home in an area that is of a particular zoning and character, with the expectation that these established criteria will remain. If this criteria can be deemed irrelevant for convenience by the Planning Commission, then you are placing the investments of your citizens at risk. Your citizens are paying a premium to have a semi-rural feel outside of the congested center (where property values are lower). This investment, and the ordinances that justify that investment are to be honored.
 - Factual Example - An approx. 1650 sq' home on 19th St sold recently for \$217K. Similar homes in the RM/RH district sold in the same time frame for \$175K (-19%), \$187K (-14%), and \$205K (-6%).
 - Higher density = reduced valuation.

According to the American Planning Association controlling density “permits adequate planning of community facilities and utilities on the basis of the number of families per acre. Where density is regulated, it is often made possible to predict the future requirements for school facilities, for sewer and water system capacities, and for the many other facilities affected by population density.”

- Our personal experience with Dry Hollow Elementary.
- 19th St Congestion/traffic problems
- Increased Fire Risk.

Reason for Appeal – 2 Review Criteria – Min Bldg

Minimum Bldg sizes – According to the American Planning Association “a large minimum building size requirement may be supported because it preserves character of the neighborhood.”

A study posted on [realtor.com on October 2017](https://www.realtor.com/news/october-2017), discussed the impact of small homes on the neighborhood. In it, it was disclosed how, in addition to local codes and ordinances, “*Home Owners’ Associations (HOAs) often have a minimum building size requirement because they say it preserves the character of the neighborhood, the property values, and the tax base of the community, according to a report from the American Planning Association.*”

Planning Commission is to perform a compatibility review as part of reviewing an adjustment. Did they do this, or did they let us down?

LUDO section 10.3.040.010 states that the purpose of a compatibility review is done as part of an application review procedure and “addresses the issues of compatibility with overall neighborhood character in terms of the design of buildings, their size, massing, and architectural features. The purpose of neighborhood compatibility review is to minimize the impacts of new development, and the impacts of additions or modifications to existing development, the surrounding established neighborhood(s) by insuring, to the greatest extent possible, that the design and placement of new development, additions, or modifications are compatible with the surrounding established neighborhood(s).”

- 10.3.040.020-B clarifies that an established neighborhood is one where 65% of the platted lots are developed. 84% of the platted lots in this area are developed.

Average size of 14 nearby homes in neighborhood = 2301sq’ (10 minutes of research)

Per Jonathan Blum the proposed dwellings are 1200sq’, or 52% the size of the AVERAGE home. This is NOT in line with the “character of the neighborhood.”



Reason for Appeal –3

- Justification of Request Item A.2 states – “If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.”
- The application request is to divide the lot, adjust the minimum lot size requirements, and adjust the lot frontage requirements. Three adjustments which deem this criteria applicable, and as such, the result must align with the overall purpose of the zone.
- **What is the purpose of the RL zone?**
 - The purpose of the RL zone as listed in section 5.010.010 of LUDO 98-1222, states that “The RL district is intended to provide low density family residential areas for present and future needs, together with a full range of urban services.”
 - As previously stated in quote by the American Planning Association, these zoning minimums allow for city officials to effectively plan for current and future needs. If these minimums are changed on a case by case basis, the City will not be able to accurately plan. As was mentioned already, urban services, such as the local school, traffic congestion, etc, are already struggling to meet the present needs. Increasing density will only intensify the situation.
 - This result alignment is NOT met as this request adjusts the sizing and density below the RL (residential low density zoning) that this lot falls within.

Reason for Appeal --4

- Justification of Request section B
 - Item 2: Granting the adjustment is the minimum necessary to allow the use of the site.
 - The existing lot is fully capable of being developed as it stands, in alignment with the RL zoning it is housed in. This would allow one home on the current lot. Neighbors in the “established neighborhood” have stated they do not object to one home being built on this property, however, strongly object to a lot split, and size adjustment resulting in two homes.
 - Gorge planning commission study dictates the need for additional high end, and entry level homes for planned capacity. It has been stated that this neighborhood caters much more to the “high end” style homes needed, and should be retained for that use.

Reason for Appeal – 5 – Approval Conditions

- A condition/contingency was set on this adjustment to break the stalemate of the Planning Commission.
- Require the building permit design criteria for the homes on 1605 E 19th to be reviewed in a public hearing as part of a staff review.
- Two Responses:
 - 1. This would be conducted by the same Planning Commission that did not hear the unanimous opposition to the partition adjustment and lot division. As shown by the continuous outcry by the affected citizens, we have little hope that this contingency will provide a fruitful outcome.
 - 2. The citizens have already provided feedback in a public hearing, and are doing so again today. Build one home on one lot, that aligns with the character of the neighborhood.

Closing Remarks

- Ask yourselves...Could you allow this adjustment to go through, in good conscience, based on the overwhelming evidence against it?
 - It is prohibited by ordinances created and adopted by the City of The Dalles.
 - It is breaking the Character of the neighborhood, and in doing so creating financial impacts to your citizens due to
 - Rental property density
 - Minimum lot sizes
 - Minimum building sizes.
 - There are multiple adjustments that do not align with the Purpose of the zone
 - The adjustment is not necessary for beneficial use of the property.
- Approval contingency was put in place, that has already been declined by my affected established neighborhood...many of whom I suspect you are about to hear from.

Thank You

Questions

1. Declaration of Covenants, Conditions and Restrictions
 - a. Warranty Deed states subject to Covenants;
 - b. Covenants state "desirable for the efficient preservation of the value, desirability and attractiveness of said property";
 - c. Declares all properties shall be held, sold and conveyed subject to the covenants;
 - d. Shall comply with City of The Dalles zoning & building code requirements;
 - e. Single family dwelling shall be minimum of 1250 square feet (inside measurements);
 - f. Landscaping plan submitted to the architectural committee.
 - g. All covenants shall be deemed covenants running with the property on any and every conveyance, whether or not it shall be so expressed in the deed or other conveyance thereof.

2. Low Density Residential Zoning
 - a. 0-6 Homes (per gross acre)
 - b. 8 Potential with two additional lots dividable under allowance to divide. (Medium Density)
 - c. Neighborhood compatibility review is required in established neighborhoods in the RL-Low Density Residential;
 - d. Shared detached garage:
 - i. How they plan to meet required fire separations.

3. Fire Safety
 - a. Kentucky newspaper article titles **Too close for comfort? Compact neighborhoods see spreading fires.**
 - i. Row housing of yesterday is now compact neighborhoods.
 - ii. Allowing smaller lots to be squeezed into existing neighborhoods will increase the danger of fires spreading from home to home.
 - b. Fire History (With existing LUDO standards in place)
 - i. Nevada Street: Destroyed 1 home, Damaged 2 homes, vehicle & power pole.
 - ii. W 8th / Pentland: Destroyed 2 homes, Fire Damage to 1 home & Water Damage to a 2nd home.
 - iii. E 14th Street: Destroyed 2 homes.
 - c. Firefighter challenges (Fire Rescue Magazine):
 - i. Access to sides & rear of structures
 - ii. Fire attack challenges when going from exterior to interior operations
 - iii. Laddering the structures.
 - iv. Open floor plans allow fire, heat and smoke to quickly spread throughout the building.
 - v. Additional manpower needs to check neighboring structures.
 - d. Radiant heat will easily transfer to the neighboring structure causing early ignition of exposures.

4. School Safety
 - a. School District & City have already admitted to safety concerns with traffic along 19th and the safety of our children.
 - b. As I have stated previously, it is not a matter of if it will happen, but rather a matter of when it will happen. We must not allow any density changes to move forward until we have resolved the existing issues. To do otherwise is simply negligence on our part as a community.

Wasco County Base Map

▼ Find address or place



WASCO COUNTY
OREGON
certified M&A

Wasco County Base Map

Find address or place

DRY HOLLOW RD

NENE

10

Subject Property

WINDS →

E 19TH ST

E 19TH ST

EWIS ST

NEW CT



60ft

-12° 12' 12" 98 Degrees

Wasco County Base Map

Find address or place



Wasco County Base Map

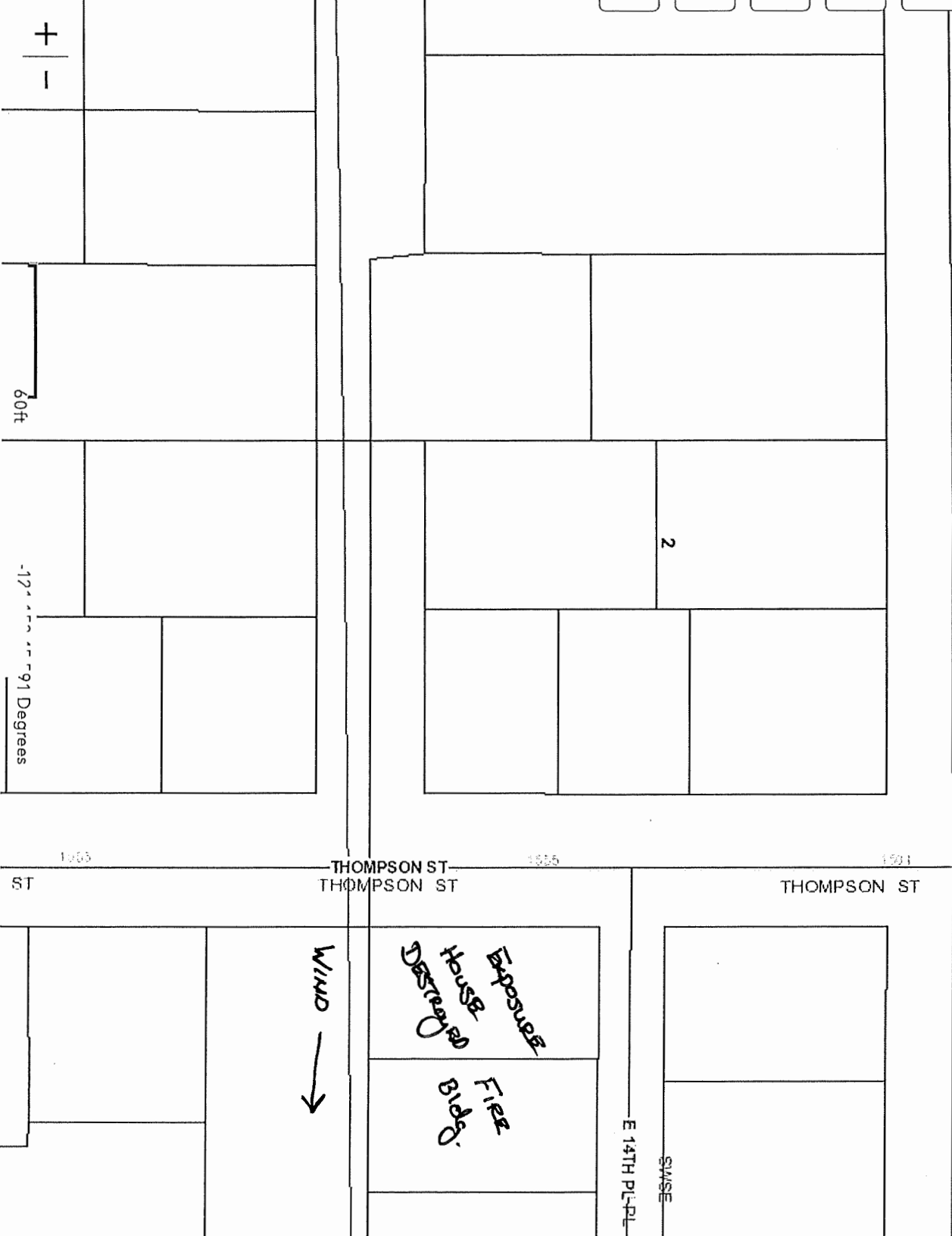
Find address or place



Wasco County Base Map

Find address or place

E 14TH ST



+
-

60ft

-12° 44' 44.91 Degrees

1535 THOMPSON ST 1525 THOMPSON ST 1501 THOMPSON ST
ST THOMPSON ST E 14TH PL WASE

Exposure
House
Destroyed
Fire
Bldg.
WIND →

From **The Dalles Municipal Code****10.3.080.020 Applicability**

- A. **Unless listed in subsection B of this section, all regulations in the LUDO may be modified using the adjustment review process.**
- B. **Adjustments are prohibited for the following items:**
1. To allow a primary or accessory use that is not allowed by the regulations.
 2. As an exception to any restrictions on uses or development which contain the word “prohibited”;
 3. As an exception to a threshold for a review. An example is Section 10.3.050.110. That provision states that an increase in the gross floor area of more than 10% or in excess of 1,000 square feet requires a major modification process. An adjustment could not be granted to allow an increase of 1,100 square feet as a minor modification;
 4. As an exception to a definition or classification. An example is a family day care which is defined as care of 12 or fewer children. An adjustment could not be granted to change the number of children within that definition to be 13;
 5. As an exception to the procedural steps of a procedure or to change assigned procedure;
 6. **To allow an increase in density in the RL zone.**
- C. The administrative adjustment procedure may be used to change the following:
1. Up to 33% reduction of standard setback requirements.
 2. Up to 10% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
 3. Up to 10% reduction in required minimum lot area.
 4. Up to 10% increase in the maximum lot coverage area.
 5. Up to 10% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
 6. Up to 25% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
- D. The quasi-judicial adjustment process may be used to change the following items:
1. Up to 50% reduction in standard setback requirements.
 2. Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
 3. Up to 20% reduction in required minimum lot area.
 4. Up to 20% increase in the maximum lot coverage area.
 5. Up to 20% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
 6. Up to 50% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
 7. One- and two-family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Section 10.5.010.060. Factors to be considered include the following: lots exceeding the minimum size; difference in elevation between building site and street; slope of lot; setback from street; difficult access from the street, and other relevant factors. If approved, the Planning Commission may require additional landscaping, among other conditions, to reduce the effect on the view from the street.

Compliance standards in 10.1.100 of the Land Use Development Ordinance (referred to as LUDO in the city code) state: "No structure, building, land, or use within the City of The Dalles planning jurisdiction... shall be erected, moved, reconstructed, used, extended, enlarged or in any way altered contrary to the provisions of this Title. *All officials, and employees (including contractor-officials) of the City vested with authority to issue permits or grant approvals shall adhere to, and require conformance with, this Title. The aforementioned persons shall issue no permit or grant approval for any development or use which fails to comply with conditions or standards imposed to carry out this Title. No person shall erect, construct, alter, maintain or use any building or structure in violation of this Title or any amendment thereto. No person shall use, divide, or transfer any land in violation of this Title or any amendment thereto.*

From the comments of members of the Planning Commission, proposed changes in the city code were relied upon in deciding two cases (including this case) to favor the developer rather than in support of unanimous opposition from all other citizens present at the hearing. These proposed changes have great impact in low density neighborhoods, and should be of particular concern to homeowners in RL zones who would like to maintain the character of those neighborhoods for quality of life and preservation of property values.