

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, August 19, 2010

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:30 pm.

BOARD

MEMBERS PRESENT:

Bruce Lavier
Ron Ahlberg
Mark Poppoff (6:32 pm)
Chris Zukin
Benjamin Hoey
Ted Bryant
John Nelson

BOARD

MEMBERS ABSENT:

none

STAFF PRESENT:

City Attorney Gene Parker
Community Development Department Director Dan Durow
Senior Planner Richard Gassman
Administrative Secretary Brenda Green

APPROVAL OF AGENDA:

It was moved by Ahlberg and seconded by Nelson to approve the agenda as submitted. The motion carried unanimously.

APPROVAL OF MINUTES:

Commissioner Bryant pointed out that on page two "right of way" should be changed to "rights of way". It was moved by Hoey and seconded by Bryant to approve the minutes of July 22, 2010 as modified. The motion carried with Ahlberg, Poppoff, Hoey, Bryant and Nelson voting in favor, Zukin and Lavier abstained.

PUBLIC COMMENT: none

QUASI-JUDICIAL PUBLIC HEARING:

Application Number: CUP 160-10 & SPR of Flagstone Assisted Living, LLC **Request:** To obtain approval for the siting and construction of a one story addition to the existing Alzheimer's wing. **Location:** Property is located at 3325 Columbia View Drive and is further described as 1N 13E 1AC tax lot 500. Property is zoned "NC" – Neighborhood Center Overlay.

Chair Lavier read the rules for conducting a public hearing. He asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact. Commissioner Bryant declared that he previously owned lots in the nearby subdivision but did not feel that would have any affect on his decision. There were no challenges from the audience. Lavier declared the public hearing open and asked for the Staff Report.

Senior Planner Gassman presented the staff report. He began by going over the large drawings provided by the applicant, and explaining that the zone allows for up to 65 percent lot coverage. He stated that this application will take them to that limit. Gassman also pointed out that if the applicant wants to expand further they would need to go up, but that they would then run into difficulties with adding enough parking spaces. Gassman stated that staff was recommending approval of the application with seven conditions of approval; as well as approval of a Site Plan Review with an additional three conditions of approval.

Senior Planner Gassman addressed a letter that had been submitted by Dr. A. Kim, PO Box 12373, Fort Huachuca, AZ, 85613. Copies were provided to the Planning Commission. Gassman went over Kim's points and responded to each of his concerns. He summarized by stating that although Kim had valid concerns there were not any code related concerns.

Commissioner Ahlberg asked if Summit Ridge was a public or private road and if there was room for parking on both sides. Senior Planner Gassman replied that it was public and that parking was allowed on both sides. Ahlberg suggested that it could be changed to allow parking on only one side. There was a general discussion about how wide the road was, the inability to pass if there were cars parked on both sides and the reasons behind having the narrower streets in neighborhoods. Ahlberg also asked if the applicant had enough parking spots on site. Gassman replied that they meet the code requirements.

Commissioner Zukin pointed out the multiple frontages of Flagstone's facility and asked, in regards to set backs, how it was determined which areas were the side versus the rear yards. Senior Planner Gassman responded that when a building has multiple frontages one of the sides just has to be called the front. He explained that upon visiting the site it was obvious that the main frontage was on Summit Ridge Drive consequently that was the side that was used to determine set backs.

There was a general discussion about the NC- Neighborhood Center zone and the setback requirements in that zone. There was also a general discussion about the proposed 7 foot fence and the proposed courtyard in regards to both zoning and building code requirements.

Public Testimony:

Proponents: Andy Bremmeyer, 7600 NE 41st St. Ste 300, Vancouver WA 98662, architect representing Flagstone Assisted Living Center, described the addition being proposed. Bremmeyer addressed the Commissioners previous questions and concerns including building height, courtyard details, parking issues and front versus side yards.

Commissioner Nelson asked about fencing material as well as the proposed view of the new rooms. Mr. Bremmeyer described the wrought iron fencing and discussed the courtyard's park like feel which he stated would be the view of some of the rooms; adding that the other rooms would look out at the street not the other resident's rooms.

Glenn Pierce, 367 Summit Ridge Dr., The Dalles stated that he was neither for nor against the application but had concerns about the structure fitting into the neighborhood. He asked if the applicant could be required to build the addition with a residential feel as opposed to an institutional feel. Pierce also asked that the mature pine trees not be cut down. Pierce felt that parking could become an issue due to the narrow street and suggested that in the future some controls might need to be added. The final request of Mr. Pierce was if the contractor could be required to store construction materials and equipment off the street.

Mr. Bremmeyer responded that he had been involved in discussions about the exterior of the building regarding making it compatible with the current structure and the surrounding neighborhood. He described some of the suggestions. Bremmeyer stated that some of the mature trees would remain but there were a few that would need to be removed. He shared that during the previous construction period materials were stored in storage containers in the parking lot of the nearby church and indicated that they would probably use the same contractor so materials would most likely be stored in the same way.

Commissioner Zukin pointed out that considering the number of neighborhood related concerns including narrow streets, setbacks, landscaping and building design that it might be a good idea for the applicant to put together a volunteer design committee made up of interested neighbors. Mr. Bremmeyer indicated that he would be very open to that idea and shared that he had worked with similar committees on other projects.

Opponents: none

There was a general discussion amongst staff and Commissioners that there should be a third category during hearings for those who are neither for nor against the application but have general comments or questions.

Commissioner Poppoff brought up a concern in regards to the applicant's staffing page that stated that they would have one housekeeper/groundskeeper. He felt that one would not be enough. Mr. Bremmeyer explained that the numbers were based on state licensing requirements and added that they have a landscaper on contract.

Chair Lavier closed the public testimony portion of the hearing.

Deliberation: Commissioners Ahlberg, Poppoff and Zukin all commented on the parking and narrow streets being an issue and agreed that it should be looked into further. City Attorney Parker suggested that the best way to deal with it would be to have the issue reviewed by the Traffic Safety Committee. Commissioner Zukin reiterated that he would like to see a neighborhood committee formed and suggested that the neighbors should also be invited when the issue is scheduled to be discussed at the Traffic Safety Meeting.

Motion:

Commissioner Ahlberg moved to send a request to the Traffic Safety Committee to review the parking issue on Summit Ridge Drive and that the Committee invites all residents of Summit Ridge Drive to that meeting. The motion was seconded by Poppoff and carried unanimously.

The Commissioners and staff discussed the wording and goal of an additional condition requiring the applicant to work with the neighborhood. Chair Lavier called for a seven minute break while City Attorney Parker wrote a suggested condition. After Lavier called the meeting back to order Parker read the suggested condition; "The applicant shall meet with residents on Summit Ridge Drive, and provide an opportunity for the residents to provide input concerning the proposed landscaping plan for the facility, including the size and type of materials to be used in the plan, and to provide input concerning exterior architectural features to be used in the design of the facility." There was general agreement accepting the proposed condition.

Commissioner Ahlberg moved to approve CUP 160-10 and the SPR of Flagstone Assisted Living, LLC based on findings of facts, conclusions of law and the staff recommendation with the ten conditions as submitted plus the additional condition as written by City Attorney Parker. The motion was seconded by Zukin and carried unanimously.

QUASI-JUDICIAL PUBLIC HEARING:

Application Number: APL 22-10 of Benjamin Rivers **Request:** To divide one lot into two smaller lots
Location: Property is located at 2800 Block of East 10th Street and is further described as 2N 13E 1C tax lot 401. Property is zoned "RH" – Residential High Density

Chair Lavier asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact. Commissioner Bryant declared that he had talked with a neighbor while up looking at the property. City Attorney Parker asked if he had discussed the details of the application with the neighbor. Bryant stated no. There were no challenges from the audience. Lavier declared the public hearing open and asked for the Staff Report.

Senior Planner Gassman presented the staff report explaining that the application was a good example of the difficulties of trying to develop on parcels in the outlying areas. Gassman described the original partition application and explained that the appeal was due to the conditions required to divide the land, especially the condition which required dedication of twenty-five feet for the future Eleventh Street Right of Way (ROW). Gassman explained some of the issues surrounding both dedicating and not dedicating that portion of Eleventh as well as how multi-frontage relief would affect the applicant.

Commissioner Nelson asked if other street shape options had been considered such as a "U" shape. Senior Planner Gassman added the possibility of "hammerhead" street design found in cul-de-sacs.

Chair Lavier questioned what the land could be used for until the time a street is built as well as who is responsible for the upkeep of the land. There was a general discussion about current uses of land that is technically ROW but has not yet been utilized by the City.

Commissioner Poppoff stated that he did not feel an Eleventh Street was needed in that area due to the land being zoned High Density. He felt that keeping lots large in that area would enable larger developments such as a senior living center or multi-family units.

Chair Lavier felt that the Master Street Plan should be taken into consideration for the decision and asked what the vision was for that area. Senior Planner Gassman explained that the Master Street Plan primarily looks at arterial and collector streets and leaves the residential streets to developers. There was a general discussion about the difference between developers coming in with a subdivision plan

versus a person who just wants to divide one property into two lots.

Senior Planner Gassman pointed out that if the Commission decided to require the dedication and sometime in the future it was determined that a street was not needed, the land could be vacated and given back to the property owner.

Commissioner Zukin questioned condition number five, requiring the applicant to pay into the fund for Eleventh Street Development. Senior Planner Gassman explained why he had added that condition and clarified that if the applicant had two frontages he would only need to pay for one of them.

Public Testimony:

Proponents: Ben Rivers, 2809 E 12th, The Dalles, introduced himself as the applicant. He expressed his concern that the conditions were asking too much of him and that the costs associated with the conditions would make the project unfeasible. Rivers felt that requiring Eleventh Street to go through would devalue the neighborhood as well as the lots he was trying to create. He stated that he had a petition signed by fourteen owners of the neighboring properties expressing their opinion that Eleventh Street should not go through that area. Rivers pointed out that although the land is zoned High Density all of the development in the area more closely resembles Low Density and that is how the property owners want it. He also pointed out that the nearby lots owned by Ted Beckly, that were broken down into smaller lots were not selling.

Commissioner Nelson asked if he had looked into having the property re-zoned. Mr. Rivers replied that he had hired a land planner and discussed it with Senior Planner Gassman, but it was determined that the required conditions were not necessarily due to the zone.

Mr. Rivers discussed additional issues with developing the land as high density including the lack of sewer lines and the negative feelings of the neighbors.

The Commissioners and staff had a discussion about the location of the low and high density zones in that area. Commissioner Zukin asked if changing the zoning to low density would change any of the conditions. Senior Planner Gassman replied that the option had been looked into but that even in a low density zone, the street would still be a requirement in order to get to the back side of the lots. He added that it would take a complete study and a decision by City Council to have an exact answer if the street would be a requirement.

Mr. Rivers, staff and the Commissioners had a general discussion about the different design options in regards to dividing the land in question.

Chair Lavier felt that in order to make those decisions there needed to be an accepted long term street pattern design.

Commissioner Zukin asked the applicant; of all the conditions, was there one that was more onerous to him. Mr. Rivers replied that he could live with all of them except for the requirement of the twenty-five foot ROW dedication for Eleventh Street, and explained that he felt it took away from the value of the property.

There was a discussion about what a shadow plat was. Director Durow explained why a shadow plat is

requested in these types of partitions.

Senior Planner Gassman explained the purpose behind encouraging density. There was a general discussion about encouraging density versus the idea that people choose to move to a neighborhood because of the character. Director Durow described the State of Oregon's requirement in regards to density and maximizing the land base. Durow also acknowledged the character of certain neighborhoods and the reason people buy into an area. Mr. Rivers added his opinion that even in higher density zones, roads shouldn't have to be cut in a straight line through land; he felt that the City should also consider beautification and quality of life.

Audience Questions/Comments:

Frank Piles, 2436 Old Dufur Road, The Dalles, shared that he owned the cherry orchard near Mr. River's property. He stated that Eleventh Street had never been on a Master Street Plan and he would prefer that it never was. Piles pointed out the moratorium on septic tanks and stated that he was confused as to why Mr. Rivers was being asked to put one in. He stated that he plans to farm the land for as long as he can and would prefer to not see Mr. River's land divided at all but understands his need. Piles stressed that more development in the area would affect his orchard.

Commissioner Nelson shared his opinion that there were a lot of possibilities of how to develop that area including placement of a street and felt that there should at least be alternatives before a decision is made.

Commissioner Ahlberg did not like having the land divided into two long lots, he would rather see them divided the other way. He shared that he was alright with not requiring a ROW but did not like the two long lots because when they are divided again in the future, the back lots would definitely need an access road on the back side.

Mr. Rivers replied to Commissioner Ahlberg's concern by explaining that he originally wanted to divide them the other way but chose this way due to irrigation rights. He stated if he divided the lot lengthwise the lower lot would not have irrigation rights. He stated that he had no intention of dividing it into four lots.

Chair Lavier closed the public hearing.

Deliberation:

Commissioner Bryant stated that he felt they should plan ahead and require the ROW for a future Eleventh Street.

Chair Lavier expressed his concern that they did not have a Master Street Plan to follow.

Commissioner Poppoff shared that he did not like the idea of dedicating ROW especially considering that the property is in the middle of the block. Poppoff pointed out that if the property was not dedicated it would stay on the tax rolls.

Commissioner Zukin felt that the likelihood of Eleventh Street being constructed was very low. He agreed that it was important but also wanted to look at the reality of what would happen. Zukin added that he also did not agree that sidewalks should be required at the time of property division. Senior

Planner Gassman pointed out that the applicant has the option to pay into the fund for sidewalks.

Commissioner Hoey sympathized with the neighbors and the applicant. He agreed that today an Eleventh Street doesn't make sense, but he felt that the Planning Commission's job was to look into the future and that it was important to have that placeholder for a future Eleventh Street.

Commissioner Ahlberg stated that if there were other dedications in the area he would tend to agree with Commissioner Hoey, but since there were not, he stated that he had a hard time supporting the dedication requirement.

Commissioner Nelson expressed his opinion that running Eleventh Street all the way through was not a good idea. He stated he'd rather see a different street arrangement. He felt that requiring the dedication would have made sense if the other properties also had dedications. He was also hesitant to support the requirement considering that a strong street plan was not in place.

There was a general discussion of which conditions should be deleted or modified if the ROW dedication requirement was removed. The general consensus was to delete recommended conditions numbered three, five, eight and twelve, to modify condition number four to read "Sidewalk, street and curb improvements will need to be installed for the East 10th Street frontage, or the appropriate amount paid into the fund" and to modify condition number thirteen to read "Dedication will be required for Public Utility Easements of 10 feet adjacent to the right of way."

MOTION:

Commissioner Poppoff moved to approve APL 22-10 of Ben Rivers based on findings of facts, conclusions of law and the staff recommendation with thirteen conditions as modified. The motion was seconded by Zukin and carried with Lavier, Ahlberg, Poppoff, Zukin and Nelson voting in favor, Hoey and Bryant voting against.

RESOLUTIONS:

Commissioner Bryant moved to adopt Resolution PC 497-10 of Flagstone Assisted Living, LLC approving CUP 160 & SPR with eleven conditions as modified. Hoey seconded the motion. The motion carried unanimously.

Commissioner Zukin moved to adopt Resolution PC 498-10 of Benjamin Rivers approving APL 22-10 with thirteen conditions as modified. Poppoff seconded the motion. The motion carried with Lavier, Ahlberg, Poppoff, Zukin and Nelson voting in favor, Hoey and Bryant voting against.

STAFF COMMENTS:

Director Durow gave an update on the Periodic Review Work Program. He explained the timelines and the steps being done for Phase I. Durow shared that he would like to have a joint worksession with City Council and the Planning Commission which would be followed by public hearings and then coordination with the county. He then explained that they were close to getting the contracts signed for Phase II with the final step of that phase being recommendation to the Gorge Commission.

Commissioner Bryant asked about the funding issues at the Gorge Commission. Director Durow summarized what they had done in regards to funding and shared that they decided to not accept any more Urban Growth Boundary applications. Durow explained some of the options that might happen

and expressed his feeling that they would most likely be pressured to accept applications by the time the City is ready to apply.

Senior Planner Gassman shared that he plans to have the next round of LUDO amendments ready to be discussed at the September 16th meeting.

COMMISSIONER COMMENTS:

Commissioner Bryant expressed his concern that the round-a-bout is a danger while it is being painted. Commissioner Ahlberg complimented how nice the new water reservoir was looking.

Commissioner Nelson brought forward a concern from the Traffic Safety Committee in regards to the new LED sign that was installed at the High School. Senior Planner Gassman explained that it was a permitted sign but that staff was looking into possible violations due to the speed of the text.

Commissioner Poppoff expressed his opinion that when the sign code is updated he would like to see moving and/or flashing signs not allowed.

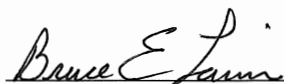
Commissioner Nelson also brought a request from the Traffic Safety Committee to increase the speed on Klindt Drive. Nelson asked who would be responsible for making a decision to make a street no parking. There was a general discussion about traffic, speed limits, parked cars and the rolled curbs in that area. Director Durow replied that since it was a public road it would come under the jurisdiction of the City, consequently Public Works is who it should be discussed with.

Commissioner Nelson distributed pictures of Dirt Huggers' site and expressed concern as to the amount of non-compostable debris that had been dumped on the lot. Senior Planner Gassman stated he would look into what was happening at their site.

NEXT MEETING: The next scheduled meeting is September 2, 2010.

ADJOURNMENT: The Planning Commission meeting was adjourned at 9:50 p.m.

Submitted by
Brenda Green, Administrative Secretary



Bruce Lavier, Planning Commission Chair

Richard Gassman

From: Korean Samurai [toyamanokimsan@hotmail.com]
Sent: Wednesday, August 18, 2010 10:30 PM
To: Richard Gassman
Subject: RE: Notice of Public Hearing, CUP 160-10

Importance: High

Dear Mr. Gassman,

Thank you for sending me the Proposed Site Plan - Wing "E" Addition.

When I considered purchasing my lot several years ago, a major concern was its proximity to the Flagstone Senior Living Residence (FSLR). At the time, I was concerned about parking and traffic, patient safety, privacy, and the impact of future outward and/or upward expansion upon property valuation.

I concluded that the FSLR did not pose any disproportionate problems and I purchased the Summit Ridge lot. There were several positive factors that led me to this conclusion. First, the FSLR architecturally blends-in quite well with the surrounding residential area and presents an aesthetically-pleasing and clean look. It does not have the anesthetic and impersonal appearance of a hospital or of an institution. In fact, its west/south-west wing, which sits directly across from my lot, is located behind a clearing up to its northwest corner. It is quiet, serene, peaceful and sits far enough away to provide privacy, security and calm for the Residents and for those of us across the street as well. Second, I had not seen or heard of any adverse reports of patients, staff and visitors - they seemed to be good neighbors. I also believed that having Seniors in the neighborhood was a blessing. Finally, there seemed to be sufficient parking for staff and visitors, and posed little/no impact on trafficability into and out-of the sub-division - thus, alleviating safety concerns. The lone negative factor was the impact upon property values if/when the FSLR should expand.

I reviewed the Proposed Site Plan and I want to raise the following concerns:

1. Parking, traffic and safety along Summit Ridge Drive East (SRDE)

The Proposed Site Plan provides six additional parking spaces but, I am concerned that it may not be enough. Especially on holidays, the parking could overflow and parked cars could creep north/northeastward from the corner of East Columbia View Drive onto SRDE. SRDE is the only access into and out of my subdivision. It adequately accommodates two-way traffic, but I don't think that it is sufficiently wide to also accommodate parking on one or both sides of the road. In short, visitors parking along SRDE would hinder trafficability into and out of the residential area for my neighbors, our visitors and me. Concomitantly, increased parking/traffic poses increased safety concerns as well - especially for children.

2. Privacy

The peaceful clearing fronting the west/south-west wing would be replaced by the rear of the proposed 13-bed Alzheimer's Addition which would be situated only about five feet from a proposed sidewalk running along the FSLR's north/northwest side. This is too close for patients' and my privacy. I cannot imagine anyone building a house with its rear (or front) only five-feet from a sidewalk and traffic thoroughfare. Anyone in the house would hear road noise, and outsiders would have good visibility into the house through the windows. Alzheimer's patients should be afforded the same level of privacy as the rest of the neighborhood.

3. Aesthetics

The Proposed Site Plan does not provide for sufficient green areas around the outer perimeter nor sufficient space for meaningful landscaping. With little/no landscaping and the addition of a 7' fence - that will enclose a courtyard - would make the FSLR look more like an institution than a home for Seniors and Alzheimer's patients.

4. Outward now, upward later?

I was never comfortable with the possibility that the FSLR would expand - outward and/or upward. Indeed, the Proposed Site Plan negates the positives that led me to purchase my lot. Outward now, but if one day the FSLR plans to expand upward, the property valuation of our subdivision would certainly nose-dive. Indeed, the announcement of this Public Hearing probably caused a neighbor (to my west) to substantially reduce the selling price of his property. Thus, I am deeply concerned that the Proposed Site Plan will adversely impact the value of my property as well.

I request that these concerns be raised during the Public Hearing. I further request that the FSLR consider modifications to the Proposed Site Plan that will mitigate the concerns numerated above. Finally, I request a transcript of the proceedings and/or report of the Public Hearing, if available.
Thank you for your time and assistance.

Sincerely,

Dr. A. Kim
Summit Ridge Property Owner

Composting site

①



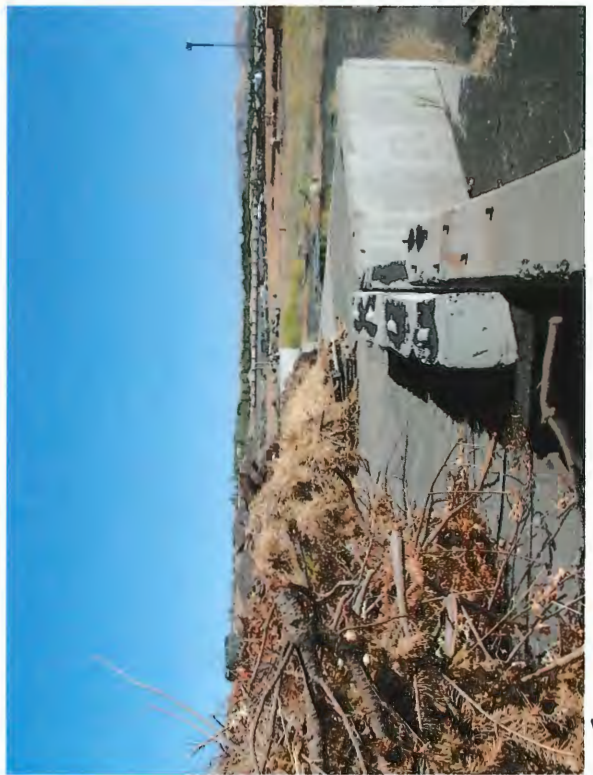
Dumped Debris NOT on pad. Viewed from the pad.

②



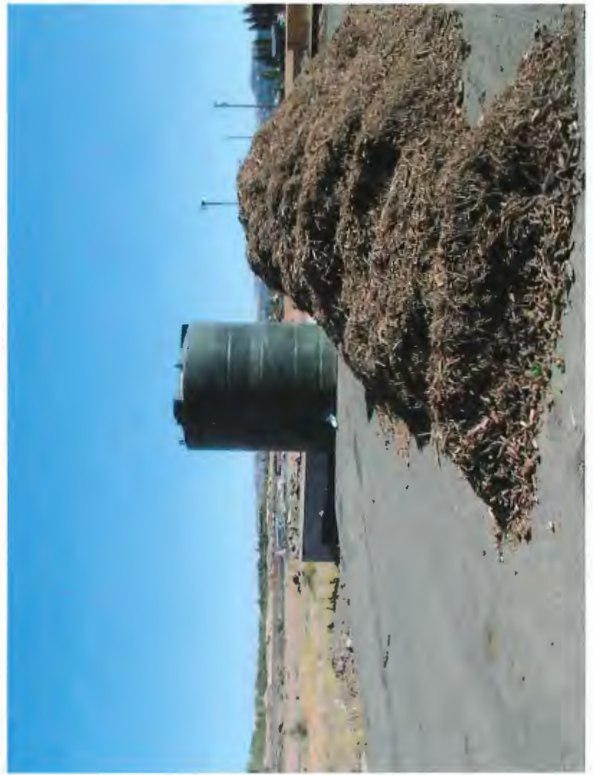
Compost Debris on pad

③



Compost Debris on pad showing drop-off side

④



compost

Minutes
8/19/10

Composting Site

⑤



Dumped debris just west of pad

⑥



Dumped debris just west of pad

⑧



Approach to compost site

⑦



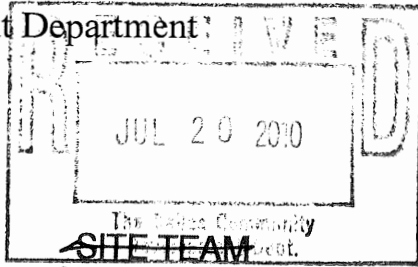
Dumped Debris - west of pad

CONDITIONAL USE PERMIT APPLICATION

CITY OF THE DALLES

Community Development Department

313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us



Date Filed 8-4-10

File# CUP 160-10

Date Deemed Complete 8-4-10

Hearing Date 8-19-10

Approval Date _____

Permit Log # _____

Other Cross Reference# _____

APPLICANT
APPLICATION ONLY

APPLICANT

Name Andy Bremmeyer

Address 7600 NE 41st Street
Suite 330
Vancouver, Washington 98662
Telephone # (360) 892-9090 ext. 203

E-mail address AndyB@wa-net.com

LEGAL OWNER (If Different than Applicant)

Name Flagstone Assisted Living, LLC

Address 7600 NE 41st Street
Suite 330
Vancouver, Washington 98662
Telephone # (360) 892-2920

PROPERTY INFORMATION

Address 3325 Columbia View Drive East

Map and Tax Lot IN 13E 1 AC tax lot 500

Size of Development Site 3.70 Acres

Zone District/Overlay NC In City Limits: Yes X No _____

Comprehensive Plan Designation NC Geohazard Zone: _____

PROJECT INFORMATION

New Construction Expansion/Alteration Change of Use Amend Approved Plan

Current Use of Property Conditional Use – Assisted Living (Senior Housing)

Proposed Use of Property same (Alzheimer's addition)

Briefly Explain the Project ___ Construct a wood framed, one story addition to the existing Alzheimer's wing. Area is approximately 6,800 square feet, and will consist of a 13-bed addition, with some remodel within the existing wing, to remove two beds, for a total addition of 11 beds.

PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet) ___ 6,800 sf ___

PARKING INFORMATION

Total Number of Spaces Proposed ___ 6 spaces ___

Square Footage of Parking Lot Landscaping Proposed ___ 1080 sf ___

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed _56,360 sf Percent of Landscaping Irrigated __85%__

ECONOMIC DEVELOPMENT INFORMATION

Proposed Project is located in the Enterprise Zone

_____ Full Time Equivalent (FTE) jobs are currently provided.

_____ FTE jobs are expected to be created by the proposed project.

Signature of Applicant

L. Amy Berry
Date 7-20-10

Signature of Property Owner* or Owners Agent

L. Amy Berry
Date 7-20-10

* Notarized Owner Consent Letter may substitute for signature of property Owner

NOTE: This application must be accompanied by the information required in Section 3.050: Conditional Use Permits, contained in Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.

PLANS REQUIRED:

At least 12 copies of concept site plan.

At least one 11 x 17 concept site plan.

2 copies detailed landscape plans

2 full size copies construction detail plans

Functional Program Outline

Flagstone Senior Living Alzheimer's Care Unit 13-Bed Addition

**3325 East Columbia View Drive
The Dalles, Oregon**

August 3, 2010

Flagstone – Alzheimer’s Care Unit Functional Program Outline

Flagstone Senior Living – Alzheimer’s Care Unit
3325 East Columbia View Drive
The Dalles, Oregon

Purpose of Project

- Flagstone currently has 50 Assisted Living rooms, contained on two floors of this existing facility. The first floor also contains 10 Alzheimer’s rooms, capable of housing up to 20 beds. The new proposal shall consist of 7 new resident rooms, capable of housing up to 13 beds. In order to accomplish the proposal, two existing beds shall be removed from the total unit summary, which would now be 31 total beds, within the existing Alzheimer’s unit, and new addition.
- **The proposed remodel will add 13 bed/units, for a total of 31 units of Alzheimer’s Care Units.**
- The new 13 bed unit addition shall consist of a new addition of approximately 6,800 square feet. New remodel, of approximately 800 square feet, shall be provided on the first floor only, as a connector for the new addition, to existing.
- All support services have been previously planned to occur within the existing building spaces, during the initial building construction and subsequent licensure. All programs will be designed to provide for the specific needs of those with dementia.

Types of Residents Admitted to this Facility

- Flagstone will admit residents age 18 and over who have a diagnosis of dementia. Other non-dementia diagnosis that requires a resident to be in a secure, locked unit may reside in the locked unit. Resident or responsible party will be informed in writing of the locked unit.
- Evacuation: All residents in the Flagstone are considered to be dependent and will require cueing or assistance.
- Flagstone will offer respite care (not to exceed 14 days) and crisis care for emergency placement (not to exceed 30 days). Respite care, and crisis care will be provided with the same services as we would provide for any other resident admitted to Flagstone. The quantity will depend on the availability of apartments. These services will only be provided if there is an available apartment. This client population will also include those with problems associated with a dementia diagnosis.

Services Offered

- Residents living in The Alzheimer's Care Unit area will be assessed prior to admission. All residents within the unit must have a diagnosis of dementia or other non-dementia diagnosis and requires services and/or care. Resident apartments will be assigned so that the level of care is considered and compatibility with residents of similar stages of dementia noted.

Activities Provided

- Flagstone will offer activities specifically designed for individuals with dementia. These activities will be structured to meet the individual needs of the residents and their current abilities, likes and dislikes. These activities will include crafts, games, exercise, church, special events, slide shows, movies, gardening, bus rides, special dinners, ice cream socials, coffee hour, music events, and activities of daily living specially designed for residents with dementia. It is our goal to provide a variety of activities for our residents with their likes and dislikes in mind.
- Flagstone will provide activities throughout the day designed to keep the residents busy in meaningful activities as well as to help reduce agitation and confusion. The frequency of activities is subject to change if a special outing is planned. Activities will occur in a variety of areas: however, the main areas will be the living room, activity room, and/or dining activity room. Other areas include outdoors within the community, and other supervised outings to community locations.

Transportation

- Flagstone Alzheimer's Care will offer scheduled transportation in the facility bus. This is a 14-seat passenger bus, equipped with a wheelchair lift, ability to transport 1 wheelchairs, 13 passengers, and bus driver. The bus is equipped with a backup alarm, interior and exterior lighting, hand railings overhead and entrance, extinguisher, and first aid kit.
- Flagstone staff will operate the bus. All staff transporting residents will hold a current CPR and first aid card.
- Residents will be transported via the bus for scheduled appointments with physicians, optometrists, audiologists, and other professionals. All residents must have companions in attendance for trips to physician offices. Flagstone will notify family or guardians when companions are needed, and this service will not be provided. The bus will also be used to transport residents involved with facility-organized activities (for example, bus rides, outings, and excursions).

Staffing

- Flagstone Senior Living staff includes, the Executive Director, Health Services Director, Housekeeping Supervisor, Maintenance Supervisor, Food Service Director, Cooks, Dietary Aides, Personal Care Assistants/Nursing assistants, Receptionist, RN's and LPN's. Management staff is provided in a shared role with the existing campus of Flagstone.
- The quantities of each job type are as follows:

Executive Director:	1 position
Alternate Executive Director/Health Services Director:	1 position
Housekeeping:	1 position
Maintenance:	1 position
Food Service Director:	1 position
Cooks:	1 position on day shift
Dietary Aides:	1 position on day shift
Activity Coordinator:	1 position on day shift
Medication Aide:	1 position on day, evening, and nights shifts
Personal Care Assistants:	2 positions on day shift, 2 positions on evening shift and 1 positions on night shift (when full, and may fluctuate depending on care needs of the residents).
Receptionist:	1 position
LPN's:	1 position on day shift

The Health Services Director is also considered the Alternate Executive Director.

In case of an emergency, the first night shift Personal Care Assistant will respond by calling the appropriate emergency agency and will then proceed to call the Executive Director and any other staff that may be required. The second night shift Personal Care Assistant will respond to the emergency (i.e. to evacuate residents to safe areas, etc.).

The above is our estimation for staffing and is subject to change depending on census and resident needs.

- Work shifts, types, and quantities of staff by each unit are as follows:

Executive Director:	Monday – Friday; 8:00 a.m. to 5:00 p.m.
Health Services Director:	Monday – Friday; 8:00 a.m. to 4:30 p.m.
Housekeeping Supervisor:	Monday – Friday; 7:00 a.m. to 4:00 p.m.
Maintenance Supervisor:	Monday – Friday; 7:00 a.m. to 4:00 p.m.
Food Service Director:	Monday – Friday; 5:30 a.m. to 2:00 p.m.
Cooks:	Seven days a week. Day shift 5:30 a.m. to 2:00 p.m.
Dietary Aides:	Day shift 6:00 a.m. to 2:00 p.m.
Activity Coordinator:	Day shift 9:00 a.m. to 5:00 p.m.
Medication aides:	Day 6:00 a.m. to 2:30 p.m., Evening shift 2:00 p.m. to 10:30 p.m., and Night shift 10:00 p.m. to 6:30 a.m.
Personal Care Assistants:	Day shift 6:00 a.m. to 2:00 p.m., Evening shift 2:00 p.m. to 10:00 p.m. and Night shift 10:00 p.m. to 6:00 a.m.
Receptionist:	8:00 a.m. to 5:00 p.m.
LPN's:	Day Shift 7:00 a.m. to 4:00 p.m.
Housekeepers:	7:00 a.m. to 3:00 p.m.
RN on call:	Available 24 hours a day to respond to emergencies and consultation. The RN will be reachable at all times by a paging system. The RN on call will also be responsible for supervising all LPN and Personal Care Assistants work, assessments, and RN medication delegations.

The Food Service Director, Housekeeping Director, and Health Services Director are considered working supervisors.

The above is our estimation of staff schedules and is subject to change depending on census, resident needs and work required.

- The staff will be able to reach the Executive Director or alternate Executive Director at all times by using the telephone, cellular telephone, or pager.
- A tracking system is in place that allows the Executive Director and Health Services Director to track all employees training on a daily basis. The system uses a computerized tracking method. When an employee is hired, a computer entry is completed for them. The Executive Director and Health Services Director are able to track employees who have or have not completed their training. As employees complete their training, it is noted in the computer.

Resident Rooms

- All residents are to bring their own furnishings from home. Respite rooms are furnished with a bed, dresser, nightstand, lamp, and chair.
- The hot water supply to all rooms is located in the mechanical room in the daylight basement. The water temperature will be between 105-120 degrees.
- All apartments have ceiling lights in each room. Individual climate control is also a feature of each apartment.
- Each apartment is equipped with private or semi-private bathroom, including toilet, and sink. Flagstone is free from cross-connections. An anti-siphon system has been installed along with back flow prevention systems.
- All electrical wiring has been approved by the city electrical inspector and meets all electrical codes.

Types of Rooms

Entry Offices:	Area for receptionist. Answering phones, call system, greeting visitors.
N/M/C Room:	Office area for the nurse and caregiver to work in. All medical files will be kept in this office, which is a locked area. All medication will be stored in this area in locked cupboards. Disposal of Medications will also take place in this area. All scheduled medication (schedule 2, 3, 4) will be logged in a medication book by RX number, total number of tablets, the Doctor who prescribed the medication, and name of the medication. Medical supplies, first aid kit, and forms will be stored.
Living/TV/Activity Room:	Area where residents and visitors can sit and socialize.
Dining/Activity Room:	Where meals will be provided, and activities conducted.

Servery:	After the meals are prepared in the Assisted Living Facility kitchen they will be carted across the street and brought to the Servery. The carts are insulated and can maintain food temperatures during transport. The carts are also NSF listed. The prepared meals then will be served to the residents. Dishes and utensils are cleaned in this area servery area.
Soiled Utility Room:	Area where all soiled laundry is kept.
Clean Utility Room:	Area where all laundry is cleaned.
Storage Room:	This is a locked facility storage room.
Restroom:	Public restroom.
Exterior Courtyards:	These areas are fenced to allow resident access for outdoor use. The fence will have locking gates to prevent unsupervised egress.
Mechanical Room:	This area is located in the daylight basement. This is the central area for wiring, fire alarm system, phones, cable, etc.
Maintenance Storage:	This area is located in the daylight basement, and will provide storage for Flagstone Assisted Living and Memory Care maintenance and general storage needs.
Staff Meeting Room:	This area is located in the daylight basement, and will allow meeting space for employee meetings and training.

Laundry Service

- There is a resident laundry facility within the facility unit. Residents are able to do their laundry with assistance in this location. Residents may also choose to have the facility launder their personal clothing, which is done by staff in the resident laundry facility. The resident laundry rooms have a hand-washing sink located in them. Water temperature to resident laundry machines and hand-washing sinks will be kept between 105-120 degrees. The maintenance supervisor to ensure proper temperatures will monitor these temperatures monthly and randomly.
- Resident laundry and facility laundry is not co-mingled. Resident's laundry is kept separate from facility laundry.
- The commercial laundry is processed in the Flagstone Assisted Living laundry facility in the main building. The hot water supply to the commercial laundry rooms is located in the mechanical room of the assisted living building. Hot water temperature will be 140 degrees.
- The housekeeping staff at Flagstone is responsible for all facility laundry. Hand-washing sinks are located in all laundry rooms with temperatures between 105-120 degrees.

Food Service

- Menus are created to the specifications of the USDA Guidelines and consideration is given for resident preferences. A Registered Dietitian reviews all menus. The menus are cycled twice per year. The registered dietician is not an employee of Flagstone.

- Three meals are provided (breakfast, lunch, and dinner). The amount of meals per day served and the number of modified diets will depend on census and the physician prescribed diets.
- All meals are prepared at Flagstone in the facility kitchen by the dietary staff, which consists of the Food Service Director, Cooks, and Dietary Aides.
- All meals are served in the Dining Rooms at Flagstone. If a resident has temporary illness, tray service will be provided on a short-term basis to their apartment.
- The facility dietary department and caregivers serve all meals to the residents.
- A commercial dishwasher will be used. The hot water temperature will be heated to 155 degrees or more.
- The hot water supply for the dishwasher is located in the mechanical room.
- The Atrium refrigeration will be adequate for food storage, and the temperature maintained will be below 41 degrees at all times. Freezer space will also be provided to hold all necessary frozen foods.

Medication Storage and Use

- The facility stores medications in the medication room in locked cupboards that are accessible to the nursing staff including the licensed nurse and Medication Assistants. Medications are also in the medication cart, which is locked and accessible to the nursing staff including the licensed nurse and Medication Assistants. There is overhead lighting in this area which provides adequate lighting. The work surface provides adequate space for medication preparation. The medication room is equipped with a hand-washing sink with temperatures between 105-120 degrees. Temperatures are monitored monthly and randomly.
- The Health Services Director, LPN's, and medication aides manage all services related to medication. A registered nurse as required manages oversight of medication administration. There is a handwashing sink available in the medication room.
- Medications are administered or assistance is provided in the privacy of each resident's apartment, or at tableside in the dining room when appropriate.

Communication Systems

- Each room in the resident apartment is equipped with an emergency signaling device. When a cord is pulled, it automatically rings to the enunciator station and to the pagers that licensed staff and caregivers wear while on duty.
- There is at least one emergency call cord located in every resident room. When a resident pulls on the call cord, the system rings to the enunciator station and into individual pagers that are carried by staff. The system is designed so that the location of the call cord being pulled comes up on the pagers (i.e. Apartment 12 will be displayed on the individual pagers). Staff must deactivate each call after finding out why the call cord was pulled.

- Staff will utilize the emergency signaling device system. This system not only rings at the enunciator station, but also rings each individual pager that the staff carries on them. Staff can signal for help by pulling a call cord from the location they are at. This will signal other staff for assistance.
- If a staff person is on the shift alone, they will carry a cordless phone or walkie-talkie with them at all times to ensure that emergency help could be summoned from every room in the facility.

Security

- Flagstone is a secured community designed specifically for those with dementia. There is 24-hour staff on site at all times. The doors going outside or to the Assisted Living facility from the Memory Care are secure at all times. A keypad entry system allows staff and visitors passage between communities and the outside. Besides the emergency signaling devices and the fire/smoke alarm system, no other alarm system will be used.

Outdoor Spaces

- All outdoor areas provided for Memory Care residents are secured. There are ample seating areas outside to accommodate residents. All vegetation used inside and outside of the Memory Care area is edible for the safety of our residents.
- All sidewalks and parking areas shall have adequate street and pathway (bollards) lighting, which also complies with The Dalles zoning code.

Other Components

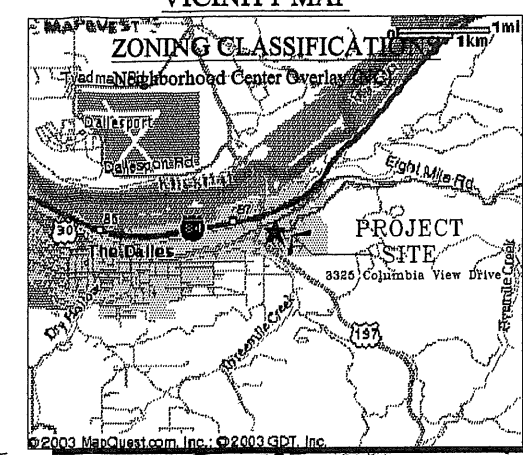
- Verification For Staff:
All staff hired at Flagstone, will have a criminal background check completed. At least two references will be checked for each potential employee and documented.

PARKING SUMMARY

TYPE	UNITS	per	TOTAL BEDS	PARKING TOTALS (spaces)
Existing Elderly Housing				
Assisted Living (50 beds)	50	spaces per	8 beds	1
Alzheimer's (18 EXIS + 13 NEW)	31	spaces per	8 beds	4
Total	81	spaces per	8 beds	11 spaces
Residential Care Facilities				
Existing Cottages (8 two-bedrooms)	10	spaces per	4 beds	5
Phase III Independent Living	11	spaces per	4 beds	2
Total	21	spaces per	4 beds	10 spaces
Employee Parking				
staff number per shift	16	spaces per	1 employee	16 spaces
TOTAL PARKING REQUIRED				37 spaces required
EXISTING PARKING PROVIDED				50 spaces provided
TOTAL REVISED PARKING PROVIDED		(5 new spaces added)		63 spaces provided

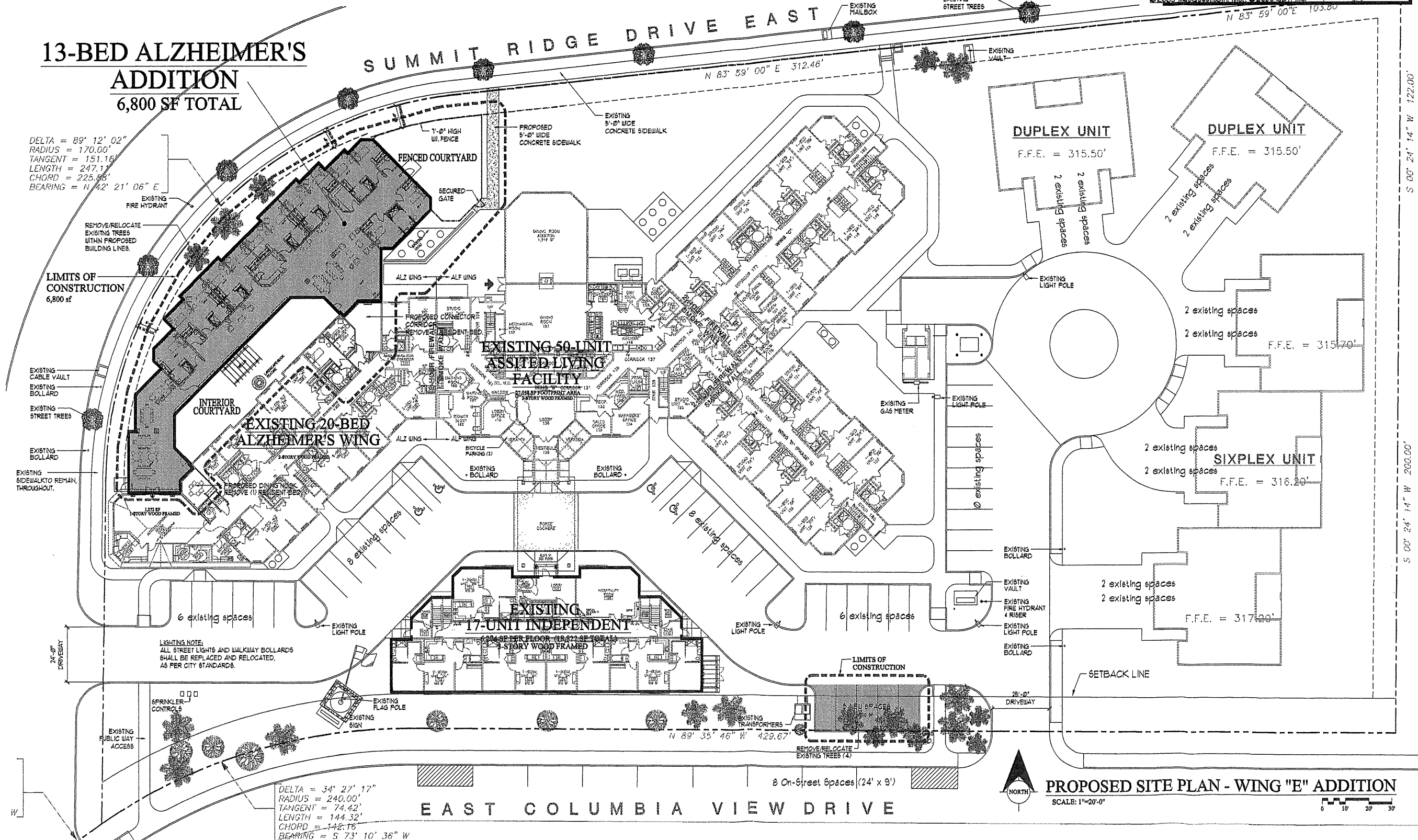
LAND USE SUMMARY

Building Area (First floor ONLY)				
Existing ALF	25,786 sf			
Alzheimer's Addition	1,272 sf			
Existing Cottages	13,830 sf			
Existing Building Footprint	40,888 sf			
Phase IV Independent	6,274 sf			
Proposed Building	NEW 6,800 sf			
Proposed Total Building Footprint	53,962 sf	33.6%		
Impervious Surfaces (Paving, walks, etc.)	49,600 sf	30.8%		
Proposed Paving & Walks	NEW 1,100 sf	0.7%		
Total Impervious Surfaces	104,662 sf	65.0%	< THAN 65% THEN O.K.	
Landscaped Area	56,322 sf	35.0%	> THAN 35% THEN O.K.	
TOTAL SITE AREA	160,984 sf (3.70 Acres)	100.0%	> THAN, OR = 53,962 SF	



13-BED ALZHEIMER'S ADDITION
6,800 SF TOTAL

DELTA = 89' 12' 02"
RADIUS = 170.00'
TANGENT = 151.16'
LENGTH = 247.11'
CHORD = 225.85'
BEARING = N 42' 21' 06" E



LIGHTING NOTE:
ALL STREET LIGHTS AND WALKWAY BOLLARDS SHALL BE REPLACED AND RELOCATED, AS PER CITY STANDARDS.

DELTA = 34' 27' 17"
RADIUS = 240.00'
TANGENT = 74.42'
LENGTH = 144.32'
CHORD = 142.75'
BEARING = S 73' 10' 36" W

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FLAGSTONE ALZHEIMER'S RESIDENCE

NEW 13-BED ADDITION

3325 Columbia View Drive
The Dalles, Oregon

SCALE: 1"=20'-0"
DATE OF ISSUE: Aug 3, 2010

DESIGN DOCUMENTS	APPROVAL
APPROVAL	APPROVAL
PERMIT DOCUMENTS	
BD DOCUMENTS	
CONTRACT DOC.	

REVISIONS	DATE	SUBJECT
▲		
▲		
▲		


PROPOSED SITE PLAN

SHEET NO.
A1-1

PROJECT NO.
1011

PROPOSED SITE PLAN - WING "E" ADDITION
SCALE: 1"=20'-0"

City of The Dalles
Staff Report
Conditional Use Permit No. 160-10
And Site Plan Review
Flagstone

Prepared by: Dick Gassman, Senior Planner 

Procedure Type: Quasi-Judicial

Hearing Date: August 19, 2010

Assessor's Map: 1N 13E 1AC tax lot 500

Address: 3325 Columbia View Drive

Comprehensive Plan Designation: "N/C" Neighborhood Center Overlay

Zoning District: "N/C" Neighborhood Center Overlay

City Limits: Inside

Request: To construct a 13 bed Alzheimer's addition.

BACKGROUND INFORMATION

The subject property is located at 3325 Columbia View Drive. The existing development has facilities for assisted living and Alzheimer's patients. The proposed addition will be constructed in the northwest corner of the property and will add 13 new beds for Alzheimer's care, with two of the previous beds being removed to accommodate the addition. Six new parking spaces will be added.

The application is processed as a Conditional Use Permit (CUP) based on the requirements in the Land Use and Development Ordinance (LUDO) as a major modification of an existing CUP.

NOTIFICATION

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes were mailed a notice on August 5, 2010, as required by Section 3.020.050 D. A notice was published in The Chronicle on August 8, 2010.

COMMENTS

As of the date of the preparation of this report, no comments have been received from the public. A Site Team meeting was held on July 29, 2010 and comments from that meeting were sent to the applicant.

RECOMMENDATION

Approval of the Conditional Use Permit application, with conditions, based upon the following findings-of-fact. Staff is also recommending approval of a site plan review, with conditions, as part of this process.

LAND USE AND DEVELOPMENT ORDINANCE 98-1222

Section 3.010.040 Applications

B. Completeness. An application shall be considered complete when it contains the information required by this Ordinance, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 1.120. Complete applications shall be signed and dated by the Directors.

FINDING 1: The application was found to be complete on August 4, 2010. It has been dated and signed as complete. The 120-day State mandated decision deadline is December 2, 2010. The hearing date is set for August 19, 2010. Criterion met.

Section 3.020.050 Quasi-Judicial Actions

A. Decision types. Quasi-judicial actions include, but are not limited to, the following: 3. Conditional Use Permits:

FINDING 2: This application is for a Conditional Use Permit per Section 5.040.030 C, and 5.100.030. Conditional Use Permits require a quasi-judicial hearing per Section 3.050.030. The hearing is a quasi-judicial hearing. Criterion met.

B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval with conditions, or denial.

FINDING 3: The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request. Criterion met.

C. Public Hearings. Applications for quasi-judicial planning actions shall be heard within 45 days from the date the application is deemed complete.

FINDING 4: The public hearing is scheduled for August 19, 2010, within 45 days from August 4, 2010. Criterion met.

D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to a variety of parties including property owners within 300 feet of the property.

FINDING 5. Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on August 5, 2010. A notice was published in the newspaper on August 8, 2010. Criterion met.

Section 3.050.030 Review Procedures

A. Applications. Conditional Use Permit applications shall be accompanied by at least 15 copies of the concept site plan, and when required two copies of the detailed landscape and construction/design plans, per the provisions of Section 3.030: Site Plan Review.

FINDING 6: The plans that were submitted were adequate for this review. Criterion met.

Section 3.050.040 Review Criteria

A. Permitted Conditional Uses. The proposed use is conditionally permitted in the zone district where it is proposed to be located.

FINDING 7: This facility comes under the definition of medical care facility. Medical care facilities, as a community facility, are allowed conditionally in the NC zone. Criterion met.

B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this ordinance, applicable policies of the Comprehensive Plan, and any other statutes, ordinances, or policies that may be applicable.

FINDING 8: Section 5.040.040 sets out the development standards for the NC zone. The proposed facility will meet all development standards. Criteria met.

C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this section. Impacts caused by the construction of the conditional use shall not be considered regarding a decision on the validation of the application.

1. Noise impacts across the property line shall not exceed 60 decibels.

Noise related to traffic impacts shall not be included in this determination. Nothing in this section shall modify other noise ordinance standards as adopted by the City.

FINDING 9: The noise discussed here usually refers to noise associated with operation of equipment or amplified sound. It is not anticipated that noise volume from will exceed 60 decibels. Criterion met.

2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot candle is the amount of light falling up a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)

FINDING 10: Lighting will be required to stay within code limitations. Criterion met conditionally.

3. Dust and other particulate matter shall be confined to the subject property.

FINDING 11: No dust is expected from this operation. Criterion met.

4. The following odors shall be completely confined to subject property:
 - a. industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;
 - b. fuels, and
 - c. fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.

FINDING 12: No odors are expected. Criterion met.

5. Vibrations shall not be felt across the property line.

FINDING 13: No vibrations are anticipated. Criterion met.

6. The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are not limited to:
 - a. Street designation and capacities; and
 - b. On-street parking impacts.

FINDING 14: This facility is on the corner of Columbia View Drive and Summit Ridge Drive and has extensive frontage on both Streets. Both streets are fully improved. The applicant is proposing six new parking spaces with this facility. The code requires 2 spaces. There already exists a large parking area which has more than the code required number of parking spaces. Criterion met conditionally.

7. In areas designated as Historic Districts, proposed development and redevelopment shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of the Historic Resources Ordinance (General Ordinance No. 94-1194.)

FINDING 15: This area is not in a Historic District. Criterion met.

IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:

Staff recommends approval of the Application of Flagstone CUP 160-10, subject to the following conditions:

Conditional Use Permit Conditions:

1. Any improvements must be completed in accordance with Land Use and Development Ordinance 98-1222, as amended.
2. Provide six additional parking spaces.
3. Parking, driveways, and vehicular maneuvering areas must be paved.
4. A cut and fill permit is required for all cuts/fills that exceed 50 cubic yards. Those over 250 cubic yards require engineered plans.
5. Storm water disposal is required. Applicant may use the public system or dispose of it on site. Either arrangement will require approval from the City Engineer.
6. A minimal amount of lighting is required for security, subject to the restrictions in Section 3.050.040 C 2.
7. Approval of a site plan review application, per the provisions of LUDO Section 3.050.030 B 2.

SITE PLAN REVIEW

Normally, site plan review is a condition of approval in a CUP. However, this is an existing facility where the addition is relatively small. The plans that have been submitted are detailed, similar to those required in SPR, including detailed landscaping plans. The site plan review required for this topic can easily be covered in this process. Rather than have the applicants go through a separate process, staff is requesting the Commission to also consider this an application for site plan review at this time.

Section 3.030.040 Review Criteria. The following criteria shall be used to approve, approve with conditions, or deny the site plan:

A. **City Ordinance Provisions.** All the provisions from the applicable City Ordinances have been met or will be met by the proposed development.

FINDING 16: All City Ordinances have been met or will be met once the conditions of approval have been satisfied, as indicated by the findings below. Criterion met conditionally.

B. **Public Facilities Capacity.** Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and where applicable, through, the subject property in order to: 1) meet connectivity standards per the Transportation System Plan and other documents, and; 2) provide for future development of surrounding property.

FINDING 17: The City has adequate capacity for this addition. Criterion met.

- C. Arrangement of Site Elements. Elements of the site plan are arranged to:
1. Promote pedestrian, bicycle, and vehicular safety and welfare.
 2. Preserve and maintain public amenities and significant natural features.
 3. Avoid traffic congestion.
 4. Minimize potential adverse impacts on surrounding properties.

FINDING 18: The site is at the northwest corner of the property. There already exists full improvement on the adjacent streets, including sidewalks. No significant natural features will be affected. Criterion met.

- D. Lighting. Proposed lighting shall not directly illuminate adjoining properties.
FINDING 19: This will be a condition of approval.

- E. City Engineer Approval. Detailed construction/design plans for public infrastructure, improvements, or rights of way affected by or located within a proposed development site shall be approved by the City Engineer prior to granting a building permit as a conditions of Site Plan Review approval.

FINDING 20: The applicant has not indicated yet how it will dispose of storm water. Either using the existing public system or disposing of the storm water on site will require the approval of the City Engineer. Criterion met conditionally.

- F. Waiver of Remonstrance. Where applicable, the applicant shall agree to waive any future rights to remonstrate against future public improvements, per the provision of Section 6.110: Waiver of Right to Remonstrate of this Ordinance.

FINDING 21: Both adjacent streets are fully improved. No remonstrance is necessary. Criterion met.

- G. Deferring Approval. For all land use actions, when another public entity has primary subject matter jurisdiction, the City may defer development approval for those subjects to the entity with the jurisdiction.

FINDING 22: There are no deferred development approvals at this time. Criterion met.

Chapter 5 Zone District Regulations

Section 5.040.030 C. Conditional Uses. Community Facilities.

FINDING 23: The property is zoned NC. Facilities such as this one are allowed conditionally. Criterion met.

Section 5.040.040 Development Standards

FINDING 24: This section provides a detailed set of development standards. All standards are met. Criteria met.

Chapter 6 General Regulations

Section 6.010.070. Landscaping. The landscaping requirement in the NC zone is equal to 10% of the first floor area of all structures.

FINDING 25: There is more than sufficient landscaping on site and the applicant is proposing some new landscaping in the area of the addition. Criterion met.

Chapter 10: Improvements Required with Development


FINDING 26: No public improvements required at this time. Criterion met.

RECOMMENDATION: Staff recommends that a Site Plan Review be **APPROVED**, subject to the following conditions:

8. City Engineer approval is required for stormwater disposal.
9. If work is done in a public right of way, City Engineer approval is required.
10. Lighting must not directly illuminate adjoining properties, and must not produce glare on public right of way.

**City of The Dalles
Staff Report**

**Appeal 22-10
Appeal of Administrative Decision
Rivers
Minor Partition 301-10**

Prepared by: Dick Gassman, Senior Planner 

Procedure Type: Quasi-judicial

Hearing Date: August 19, 2010

Assessor's Map: 2N 13E 1C tax lot 401

Address: 2800 Block of East 10th

Comprehensive Plan "RH" High/Medium Density Residential District

Zoning District: "RH" High/Medium Density Residential District

City Limits: Outside

Applicant: Benjamin L. Rivers

Request: To divide one lot into two smaller lots.

Basis of Appeal: Applicant is appealing certain conditions of approval.

BACKGROUND INFORMATION

The subject property is currently vacant land. It is located on East 10th Street between Morton and Richmond. The land is zoned for higher density residential use. The proposed minor partition would create two lots of equal dimensions, both with a frontage on East 10th. East 10th would be fully improved and a dedication required for East 11th, an as yet undeveloped street.

The minor partition application was submitted and processed as an administrative decision. In that process, preliminary approval, with conditions, was given the application. The applicant is appealing the administrative decision, in particular the requirements for full improvement of East 10th and 11th and the requirement for dedication of a portion of the right of way for East 11th.

This decision was an administrative action under the provisions of Section 3.020.040 B. 6 and Section 9.040. The appeal is made pursuant to Section 3.020.080. The appeal is a quasi-judicial hearing.

NOTIFICATION

Notice of public hearing was mailed to nearby property owners on August 5, 2010. A public notice was published in The Chronicle on August 8, 2010.

COMMENTS

No comments were received as of the preparation of this staff report.

REVIEW

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

Section 3.020.080 Appeal Procedures:

Subsection A. De Novo. Appeals shall be a de novo evidentiary hearing.

FINDING #1: The hearing set for August 19th will be a de novo evidentiary hearing. The Planning Commission can review the entire application and make a new decision.

Subsection B. Right to Appeal Decisions. Any party of record may file an appeal.

FINDING #2: The appeal was filed by the applicant.

Subsection C. Filing Appeals.

FINDING #3: The filing of the appeal with the information required in the appeal, and payment of the appeal fee, were completed within the time lines set out in the ordinance.

Subsection H. Decision of Appeal. The Commission may affirm, reverse, or modify the decision being appealed, including approving, approving with conditions, or denying a particular application. The Commission shall make findings and conclusions, and make a decision based on the hearing record.

FINDING #4: To help the Commission in its deliberations, attached to this report is a copy of the staff report used to make the administrative decision. Also attached is a copy of the Notice of Decision and a copy of the appeal with supporting documents from the applicant.

DISCUSSION

As stated in the appeal, the applicant is appealing the conditions of approval. The main part of the appeal is based on the overall cost of the conditions of approval. He has provided a sheet of projected costs. Staff does not take a position on whether these costs accurately reflect the true value associated with the proposed partition.

One item should be clarified. The decision requires the applicant to fully improve the frontages on both East 10th and in the dedicated portion of East 11th. These requirements are all according to City policy, but there is an importation qualification. The City has adopted Resolution No. 07-007, a copy of which is attached. Section 6 of that Resolution provides that lots with frontage on more than one street will be assessed only for the average of all frontages. Since the width of the lots on 10th is the same as on 11th, the applicant will need to fully improve one of those frontages, but the costs associated with the other will be borne by the City.

This policy was originally intended to provide relief for corner lots and is generally referred to as corner lot relief. However, the way it is written, it also applies to lots such as those proposed by Mr. Rivers. A caveat should be noted. The multi-frontage relief will apply to each of the proposed lots so long as they are not further divided. If in the future they are divided so that there is one lot facing 10th and another facing 11th, the multi-frontage provision would no longer apply.

In this scenario the applicant will need to fully improve, or pay into the construction fund, for only one frontage. If that frontage is East 10th, the actual cost will likely be substantially less than indicated. The cost listed in the appeal is based on the cost of paying into the fund. Paying into the fund is for a full half street improvement. Since East 10th is already partially paved, the applicant will be responsible for a curb, sidewalk, and paving from the curb to the existing pavement. The actual cost cannot be ascertained until construction is completed.

The other major item listed by the applicant is the value of land to be dedicated to a future East 11th, and whether that dedication is necessary. A look at the street pattern in this area indicates that in order to allow for development to the density envisioned by the comprehensive plan and zoning ordinance, it will be necessary to provide an east-west street. This need is prevalent in the eastern part of the community. If the City does not obtain these rights of way when the opportunity is presented, then we would not have the ability to put these streets in when needed in the future.

RECOMMENDATION ON APPEAL:

Staff recommends that the application for Minor Partition 301-10 be **APPROVED**, **subject to the conditions listed below**. These conditions are similar to those found in the staff decision, except for #5, #6, #7 and #16.

1. Two copies of the recorded plat must be received in the Community Development Department office within one year of the date of the notice of decision for this partition to be effective.
2. Utilities need to be shown on the Preliminary Plat. Individual water and sanitary services will be required to be installed for each lot prior to signing the final plat.
3. Dedication of 25 feet for the future East 11th Street right of way is required.
4. Sidewalk, street and curb improvements will need to be installed for the East 10th Street frontage. Applicant must get approval from the City Engineer for construction plans for all public improvements.
5. Sidewalk, street and curb improvements for East 11th Street will need to be paid into the City's construction development fund. However, only one street will need to be improved if the City maintains its current policy of multi-frontage relief as contained in Resolution No. 07-007.
6. Sidewalks may be built at the time of the street improvement or postponed until the individual site is developed. If not built with the street improvements a delayed development shall be entered into with the City to provide sidewalks at the time of development.
7. The applicant shall submit and obtain approval from the City Engineer for as built construction plans for all public improvements prior to final plat approval.
8. In the event that multi-frontage relief is granted to this applicant, future partitions creating a new lot or lots on East 11th Street would negate this provision and those lots would be responsible for full improvements on East 11th.
9. Cut and fill permits are required for any material over 50 cubic yards, over 250 cubic yards requires plans from a licensed engineer. All cut and fill is required to show stabilization and dust and erosion prevention measures.
10. Sewer is not available within 300 feet. The applicant can either install septic systems to each lot, or install a mainline extension. If a main line extension is installed, the applicant can form a reimbursement district which will allow for partial reimbursement of the installation costs as neighboring connect to the mainline extension.
11. Water is available in East 10th Street. Easements will be required for all utilities running across an adjacent parcel.
12. Utility easements will need to extend to the newly dedicated right of way.
13. No storm water exists for East 10th Street. The applicant will need to pay into the development fund for the storm sewer to be installed at a later date.

14. Dedication will be required for Public Utility Easements of 10 feet adjacent to each right of way.

15. Utility and access easements will need to be shown on a revised plat.

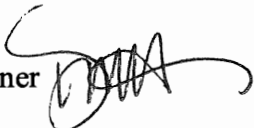
16. Applicant will be required to sign a consent to annexation and a waiver of the one year consent to annexation.

17. The preliminary plat will need to shadow plat the properties to show how they can be further developed at 70% of the density for the RH zone.

City of The Dalles
STAFF REPORT

Minor Partition 301-10

Benjamin L. Rivers

Prepared by: Dawn Marie Hert, Associate Planner 

Procedure Type: Administrative

Decision Date: July 28, 2010

Assessor's Map: 1 North 13 East Map 1 C

Tax Lot: 401

Address: 2800 Block of East 10th

City Limits (Inside/Outside): Inside

Comprehensive Plan Designation: "RH" Residential Medium/High Density

Zoning District: "RH" Residential Medium/High Density

SYNOPSIS: This request is to partition one parcel into two smaller parcels. Both parcels exceed the minimum lot size for the RH district. Both will have access via East 10th Street. The City will require the dedication of a half street to the south of the parcels to allow for the future development of East 11th Street at a later date.

NOTIFICATION: Property owners within 100 feet, City Departments and Franchise Utilities.

COMMENTS RECEIVED: Comments come from two basic sources. They are from property owners within 100 feet and Site Team members.

Comments from Property Owners within 100 feet:

A letter dated June 16, 2010 was received by the Community Development Department on June 17, 2010 from Mr. R G Hager of 2804 East 10th Street. Mr. Hager commented on the neighboring lot having two wells that exist on the property. He

also stated that he had concerns of run-off that may be caused by any excavation on the lot either now or in the future.

Response: The applicant will be required to identify the existing wells on his partition plat. In regards to run-off on neighboring properties or rights-of-way, the City requires that all run-off be contained on site. Upon development or excavation of the subject lots, the City will require a Physical Constraint Permit which will need to show the excavation area as well as dust and erosion control measures.

Site Team met February 5, 2009, the comments have been included in the staff report.

RECOMMENDATION: Approval with conditions based on the following findings of fact.

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222:

Section 9.020.020, Subsection C. General Lot Requirements:

1. *“Size and Shape. Lot size, width, shape, and orientation shall be appropriate for location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot sizes shall not be less than required by this Ordinance for the applicable zone district. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed.”* The “RH” Residential Medium High Density district requires a lot area of at least 3,500 square feet and lot dimensions of at least 35 feet wide by at least 65 feet deep.

FINDING A-1: Both parcels exceed the dimensions and square footage requirements for the Residential Medium High Density Zone. Criterion met.

2. *“Access: Each lot shall abut upon a public street, alley, or approved private access drive for a width of at least the minimum lot width specified by the development standards for the zone district where the lot is located, with the following exception:*

- a) *Lot access requirements for residential rear lot development created through a land partition process may be exempted from the access requirement above when all the provisions of Section 9.020.030: Residential Rear Lot Development below have been met.”*

FINDING A-2: Both lots access via East 10th Street. Criterion met.

3. *“Access Points. Arterial and collector streets access points shall be either established in the final plat or included in covenants recorded as part of the final plat.”*

FINDING A-3: The access to these lots is via East 10th Street; which is classified as a collector street. The access points will need to be shown on

a revised preliminary partition plat. Criterion will be addressed as a condition of approval.

4. ***“Through Lots.*** *Through lots shall be avoided except where essential to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography and orientation. No rights of access shall be permitted across the rear lot line of a through lot.”*

FINDING A-4: This partition will be conditioned to provide dedication of a half street for the future development of 11th Street. This partition creates a through lot, however, it also opens the opportunity for future development off the newly dedicated 11th Street. Once 11th Street is constructed, access to the subject parcels will not be permitted across the rear lot line. Criterion will be addressed as a condition of approval.

5. ***“Lot Side Lines.*** *Sidelines of lots, as far as practicable, shall be at right angles to the street the lots face.”*

FINDING A-5: Proposed lot sidelines are at right angles to 10th Street. Criterion met.

6. ***“Lot Grading.*** *Lot grading shall conform to the provisions of Section 8.050: Erosion, Slope Failure, and Cuts and Fill.”*

FINDING A-6: No development is proposed with this application. All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer. The applicant has been made aware of this requirement. This criterion does not apply.

7. ***“Building Lines.*** *Building setback lines may be established in a final plat or included in covenants recorded as a part of a plat.”*

FINDING A-7: Setback lines are not reflected on the submitted partition application. However, these lines are not required with this submission. Criteria met.

8. ***“Redevelopment Plans.*** *A redevelopment plan shall be required when dividing residential land into large lots that have the potential for further subdivision or partition at some future date. The redevelopment plan shall show street extensions, utility extensions, and lot patterns to:*

- a) *Indicate how the property(ies) may be further developed to 70% of maximum Comprehensive Plan density for the particular zone district.*
- b) *Demonstrate that the proposal will not inhibit development of adjacent lands.*

FINDING A-8: Further partitioning of these parcels is anticipated. Each parcel could be partitioned further, if desired, for smaller lots. The criterion will be addressed as a condition of approval.

Section 9.020.030 D. Public Improvements: *Public Improvements shall be placed within easements or rights of way per City standards. Where the width of the easements or rights of way is not sufficient to accommodate all required improvements, additional easement or right-of-way shall be acquired for the adjacent property.*

FINDING A-9: It is necessary to have the applicant dedicate a half street for the future construction of East 11th Street to ensure that adequate transportation networks and connectivity are provided. The dedication will also provide the necessary right-of-way needed for future utility extensions for future development. The criterion will be addressed as a condition of approval

Section 9.030.040 Partition Application Review, Subsection B. Review Criteria:

1. *The tentative plat meets the Wasco County recording requirements.*

FINDING A-10: The requirements appear to be met. This will be confirmed by receipt of two copies of the recorded plat from Wasco County.

2. *The proposal is consistent with the purposes of this Chapter, relevant development standards of this Ordinance, policies and density requirements of the Comprehensive Plan, Public Works Standards and policies, and any other applicable policies and standards adopted by the City Council.*

FINDING A-11: As demonstrated in findings above, this proposal meets or will meet with conditions, all applicable policies and standards.

3. *Approval does not impede future development of property under the same ownership or on adjacent land planned for urban densities, including provision of City services and access from Public Street.*

FINDING A-12: Partitioning one parcel into two smaller parcels does not affect the development of the adjacent properties. The condition for street dedication will provide a much needed future street which will facilitate the development of adjacent parcels in the area. This proposal to partition does not impede future development. Criterion met.

CONCLUSIONS: This proposal is consistent with the City of The Dalles Land Use and Development Ordinance. It provides one additional parcel of developable land.

Conditions of Approval:

1. Two copies of recorded plat must be received in the Community Development Department office within one year of the date of the notice of decision for this partition to be effective.
2. Utilities need to be shown on Preliminary Plat. Individual water and sanitary services will be required to be installed for each lot prior to signing the final plat.
3. Dedication of 25 feet for the future 11th Street ROW is required.
4. Sidewalk, street and curb improvements will need to be installed for the 10th Street frontage.

5. The newly dedicated 11th Street frontage will be required to be "paid into the fund" for a half street section.
6. Cut and fill permits are required for any materials over 50 cubic yards, 250 cubic yards requires a licensed engineer. All cut and fill is required to show stabilization and dust and erosion prevention measures.
7. Sewer is not available within 300 feet. The applicant can either install septic systems to each lot, or install a mainline extension. If a main line extension is installed the applicant can form a reimbursement district, which will allow for reimbursement of the installation costs as neighboring properties connect to the mainline extension.
8. Water is available in 10th Street. Easements will be required for all utilities running across an adjacent parcel.
9. Utility easements will need to extend to the newly dedicated ROW.
10. No storm sewer exists for 10th Street. The applicant will need to pay into the fund for the storm sewer to be installed at a later date.
11. Utility and access easements will need to be shown on a revised plat.
12. Upon construction of East 11th, access to the subject parcels will not be permitted across the rear lot line.
13. A 10 foot public Utility Easement (PUE) will be required on the East 10th & 11th Street frontages.
14. The preliminary plat will need to shadow plat the properties to show how they can be further developed at 70% of the density for the RH zone district.



COPY

NOTICE OF ADMINISTRATIVE DECISION

MIP 301-10

Benjamin L. Rivers

DECISION DATE: July 29, 2010

APPLICANT: Benjamin L. Rivers

REQUEST: To divide one lot into two smaller lots.

LOCATION: 2800 Block of East 10th Street, further described as
1N 13E 1C tax lot 401.

**COMPREHENSIVE PLAN
AND ZONING DESIGNATIONS:** "RH" Residential Medium/High Density

PROPERTY OWNER: Benjamin L. Rivers

AUTHORITY: City of The Dalles Land Use and Development Ordinance
98-1222.

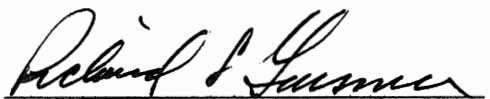
DECISION: Based on the findings of fact and conclusions in the staff report of **MIP 301-10**, the request by the **Benjamin L. Rivers** to partition one lot into two smaller lots is hereby **approved with the following conditions:**

1. Two copies of recorded plat must be received in the Community Development Department office within one year of the date of the notice of decision for this partition to be effective.
2. Utilities need to be shown on Preliminary Plat. Individual water and sanitary services will be required to be installed for each lot prior to signing the final plat.
3. Dedication of 25 feet for the future 11th Street ROW is required.
4. Sidewalk, street and curb improvements will need to be installed for the 10th Street frontage.
5. The newly dedicated 11th Street frontage will be required to be "paid into the fund" for a half street section.
6. Cut and fill permits are required for any materials over 50 cubic yards, 250 cubic yards requires a licensed engineer. All cut and fill is required to show stabilization and dust and erosion prevention measures.
7. Sewer is not available within 300 feet. The applicant can either install septic systems to each lot, or install a mainline extension. If a main line extension is installed the applicant

can form a reimbursement district, which will allow for reimbursement of the installation costs as neighboring properties connect to the mainline extension.

8. Water is available in 10th Street. Easements will be required for all utilities running across an adjacent parcel.
9. Utility easements will need to extend to the newly dedicated ROW.
10. No storm sewer exists for 10th Street. The applicant will need to pay into the fund for the storm sewer to be installed at a later date.
11. Utility and access easements will need to be shown on a revised plat.
12. Upon construction of East 11th, access to the subject parcels will not be permitted across the rear lot line.
13. A 10 foot public Utility Easement (PUE) will be required on the East 10th & 11th Street frontages.
14. The preliminary plat will need to shadow plat the properties to show how they can be further developed at 70% of the density for the RH zone district.

Signed this 29th day of July, 2010, by



Richard L. Gassman, Senior Planner for
Daniel C. Durow, Director
Community Development Department

TIME LIMITS: The period of approval is valid for the time period specified for the particular application type in Ordinance No. 98-1222. All conditions of approval shall be fulfilled within the time limit set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time. Failure to fulfill any of the conditions of approval within the time limits imposed can be considered grounds for revocation of approval by the Director.

Please Note! No guarantee of extension or subsequent approval either expressed or implied can be made by the City of The Dalles Community Development Department. Please take care in implementing your approved proposal in a timely manner.

APPEAL PROCESS: The Director's approval, approval with conditions, or denial is the City's final decision, and may be appealed to the Planning Commission if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on the 10th day following the date of the mailing of the Notice of Administrative Decision. The following may file an appeal of administrative decisions:

1. Any party of record to the particular administrative action.
2. A person entitled to notice and to whom no notice was mailed. (A person to whom notice is mailed is deemed notified even if notice is not received.)
3. The Historic Landmarks Commission, the Planning Commission, or the City Council by majority vote.

A complete record of application for administrative action is available for review upon request during regular business hours, or copies can be ordered at a reasonable price, at the City of The Dalles Community Development Department. Notice of Appeal forms are also available at The Dalles Community Development Office. The fee to file a Notice of Appeal is \$380.00. **The appeal process is regulated by Section 3.020.080: Appeal Procedures of Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.**



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481

**CITY OF THE DALLES
NOTICE OF APPEAL FOR LAND USE DECISIONS**

APL 22-10

APPELLANT'S NAME & ADDRESS:

BEN RIVERS
2809 E 12th STREET
THE DALLES, OR 97058

Please state the reasons why the appellant qualifies as a party entitled to file a notice of appeal:

DISAGREEMENT WITH THE CONDITIONS OF
APPROVAL.

Please provide the date and a brief description of the decision being appealed:

JULY 29, 2010 MIP 301-10
DIVIDE 1 LOT INTO 2 SMALLER LOTS

Please cite the specific grounds why the decision should be reversed or modified, and cite the applicable criteria or procedural error which supports the grounds for the appeal.*

SEE ATTACHED.

*Additional sheets may be attached as necessary to this form explaining the appeal grounds

_____ Appeal fee received

ATTACHMENT
Ben Rivers, Appellant
Notice of Appeal of Decision
City of The Dalles
August 4, 2010

1. The decision should be reversed or modified on the ground that the decision places an unreasonable financial burden on Appellant.

The City's requirements in the decision are impractical and create an extreme financial burden on Appellant. The result of the decision is that the Appellant is effectively prohibited from partitioning and developing the property due to the unreasonable financial burdens. The costs to Appellant based on the decision are outlined below.

NOTE: These costs are additional costs to Appellant and do not include normal and customary development costs such as installing septic, hooking up to water and electrical, costs for plats, etc.

Costs to Appellant to Meet Additional City Requirements

10th Street Improvement:

Street	\$29,894	
Storm	10,055	
Sanitary	11,109	
Water	8,619	
Total 10 th Street Improvement		\$59,677

11th Street IMPROVEMENT :

Street	\$29,894	
Storm	10,055	
Sanitary	11,109	
Water	8,619	
Total 11 th Street Improvement		\$59,677

Permits per newly created lot:

Water	\$ 2,317	
Sewer	1,789	
Storm	342	
Transportation	1,500	
Parks & Rec	1,552	
Total per lot = \$ 7,500; Total for both lots		\$15,000

Shadow Plat Required \$ 3,000

Actual costs of 25' of property required to be dedicated to the City for 11th Street (25' x 170' x \$4.73 per sq. ft, and total value of property = \$187,500)

\$20,102

TOTAL ADDITIONAL REQUIREMENTS \$157,456

In order to do a minor partition of the 170'x 234' parcel into two equal parcels, it is going to effectively cost Appellant \$157,456.

The benefit to the city creates an unreasonable financial burden on Appellant for requesting a simple minor partition.

2. The decision should be reversed or modified because it was based on the fact that the zoning for the parcel is "high density residential" and therefore the property owner is required to meet the maximum requirements of this zoning, (rather than the minimum), placing a unreasonable financial burden on Appellant to comply.

Appellant is not requesting a partition to develop a high density residential project. Appellant is merely requesting a minor partition to create two 85' x 234' parcels for two homes. The City's requirements place an unreasonable financial burden on Appellant.

3. The decision should be reversed or modified because 11th Street is not needed.

It would create an ugly scar through the center of the block. It would diminish the value of each property owners home and its livability.

4. Several buildings would need to be razed to accommodate a 50 foot road through the center of the block.

5. A shadow plat is not needed as the Appellant is not intending further partitioning of these parcels. If a future owner intends to further partition these lots, then they should have the burden of this requirement.

6. Other than utility easements for two homes, the request for more is unreasonable. If at some future time the owner of these parcels would like to further divide, they should bear the burden of City requirements for utility easements.

7. Zoning of high density residential is inappropriate for this area at this time.

A RESOLUTION ADOPTING AN IMPLEMENTATION POLICY FOR CITY COUNCIL FOR LOCAL IMPROVEMENT DISTRICTS UNDER GENERAL ORDINANCE NO. 91-1127 PROVIDING FOR LOCAL IMPROVEMENTS

WHEREAS, General Ordinance No. 91-1127 establishes procedures for forming local improvement districts; and

WHEREAS, General Ordinance No. 07-1277 amended Section 3 of General Ordinance No. 91-1127 to provide the City Council shall adopt by resolution a written implementation policy for residential Local Improvement Districts initiated by the City Council.

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

Section 1. Review of Existing Non-remonstrance agreements.

- A. Immediately following the adoption of this resolution, City staff will review all Waivers of Local Improvement District Non-Remonstrance Agreements which have been previously signed. Those agreements which have not been previously recorded with the Wasco County Clerk, which were signed by an individual or individuals who are not the current owner(s) of the property to be included in a proposed local improvement district, will be deemed null and void. A letter of determination and a copy of the non-remonstrance agreement will be sent to the current property owner(s). For waiver of remonstrance agreements not previously recorded with the Wasco County Clerk, which were signed by an individual or individuals who are the current owner(s) of the property, the agreement will be recorded at the City's expense.
- B. For all waivers of remonstrance agreements remaining after the review in Section 1(A), a letter will be sent to the affected property owner(s) offering them an opportunity to pre-pay to the City LID fund an amount equal to the cost of the proposed improvements calculated on a front footage basis, as adjusted by multi-frontage relief in an amount established by the City Council. The letter will also include a provision for pre-payment to be made at any time, and that the City recommends that pre-payment be made at the time the property is sold in the future, and a reminder to the property owner(s) to disclose this information to any potential buyer.
- C. At which time the City Council initiates a local improvement district as set forth in the provisions contained in Section 2 through 5, the Council may require the owners of properties for which a waiver of remonstrance agreement has been

signed, to participate in the local improvement district as set forth in Section 5, unless the district is defeated as provided in the City's Local Improvement District Ordinance.

Section 2. Public Hearing. On an annual basis, the City Council will hold a public hearing to develop a five year Capital Improvement Plan for potential residential Local Improvement Districts. The plan will be made available to the public and be available on the City's website prior to the public hearing, and after adoption of the Plan. The prioritization of the projects with the Capital Improvement Plan will be based upon the criteria identified in Section 3 as applied at the discretion of the City Council.

Section 3. Criteria for Projects. In establishing the Five Year Capital Improvement Plan and specifically identifying projects to be done in the first year of the Plan, the City Council shall apply the following criteria:

- A. The presence of a gravel street surface or failing and substandard existing roadway surfaces.
- B. The percentage of properties that have developed and either signed a waiver of remonstrance agreement, a delayed improvement agreement, or pre-paid cash in lieu of installing the public improvements in question.
- C. Completed and/or pending development in the general area of the proposed local improvement district that would make the improvements the next logical step in extension of the area's street network.
- D. Proximity to fully developed areas.
- E. Traffic safety concerns.
- F. The benefit to the overall area and community traffic flow.
- G. Health concerns (i.e., dust from gravel streets, narrow streets, deteriorated roadways, etc.).

Section 4. Informational Meeting. City staff members will hold an informational meeting with potentially affected property owners in a subdivision or a neighborhood where the formation of a local improvement district is being considered, at least thirty (30) days prior to the City Council initiating the process to establish a local improvement district. The meeting will be conducted to discuss potential improvements and allow the property owners to propose any specific variations from the standard specifications used by the City for construction of public improvements.

Section 5. Council Options for Proceeding with Districts. If after implementing the local improvement district process as set forth in this Resolution, the Council determines that a majority of the property owners who have not signed a waiver of remonstrance agreement (which majority is defined as 51% of the total number of property owners to be included in the proposed LID), have filed a written remonstrance with the City expressing their opposition to the proposed LID, the Council at its discretion shall take one of the following actions:

- A. Place the local improvement district on hold for a period of one to five years.

- B. Proceed with formation of the local improvement district which would include only those properties where a non-remonstrance agreement has been signed by the property owner(s), if the criteria listed in Section 3 of this policy supports proceeding with formation of the district. The local improvement district for the remaining properties would be placed on hold as provided for in Section 5(A).
- C. Proceed with the formation of the local improvement district with assessments for those who oppose the project being placed on hold for five years, which means the assessments would not be imposed for a period of five years from the date of formation of the local improvement district.

Section 6. Multi-frontage Lot. If a single lot has frontage on more than one street, it will only be assessed for public improvements for the average of all frontages.

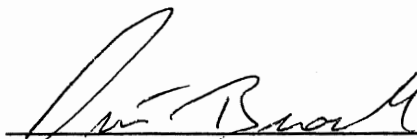
Section 7. Changes in Policy. No change in or amendment to this policy will be allowed without the City Council first conducting a public hearing upon the proposed change or amendment.

Section 8. Effective Date. This resolution shall be effective thirty (30) days after the date of adoption of the resolution.

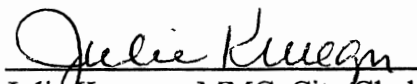
PASSED AND ADOPTED THIS 12TH DAY OF FEBRUARY, 2007.

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

AND APPROVED BY THE MAYOR THIS 12TH DAY OF FEBRUARY, 2007.



~~Robb Van Cleave, Mayor~~
 Jim Broehl, Mayor pro-tem
 Attest:



 Julie Krueger, MMC, City Clerk

