



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
PLANNING DEPARTMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, June 5, 2014

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

6:00 PM

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:00 PM.

BOARD MEMBERS PRESENT:

Bruce Lavier, John Nelson, Jeff Stiles, Dennis Whitehouse, Mark Poppoff

BOARD MEMBERS ABSENT:

Chris Zukin

STAFF MEMBERS PRESENT:

Planning Director Richard Gassman, City Attorney Gene Parker, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Whitehouse and seconded by Nelson to approve the agenda as submitted. The motion carried unanimously; Zukin absent.

APPROVAL OF MINUTES:

It was moved by Whitehouse and seconded by Nelson to approve the May 15, 2014 minutes as submitted. The motion carried unanimously; Zukin absent.

PUBLIC COMMENT:

Randy Hager, 2804 East 10th Street, The Dalles, Oregon, stated he requested June 5, 2014 for an appeal hearing on the minor partition decision, and City staff continues to delay his ongoing process for his property. Mr. Hager said he had a potential buyer, and he requested the Planning Commission's assurance that his hearing would be scheduled. He distributed his handout of appeal documents.

Chair Lavier assured Mr. Hager that the Commissioners would hear the appeal on June 19 unless there was a lack of a quorum. Discussion followed that if there was not a quorum for June 19, June 25 would be another possible date.

WORK SESSION: Residential Infill Policies

Director Gassman pointed out that he added two new options, Options #4 and 5, page 3, of his June 5, 2014 draft. Gassman emphasized that, if approved, the draft would be presented to the City Council as a preliminary draft, not a final draft.

Stiles said he would like a history of the process that led to the formation of the proposal draft (i.e., House Bill 3479, the formation of the Planning Commission's work sessions, the formation of the sub-groups, etc.) to be included.

Steve Stroud, 3004 East 12th Street, The Dalles, Oregon, stated that he felt the draft memorandum had nothing to do with what the participating citizens wanted. He said he was not happy with the proposed options that substituted Waivers of Remonstrance with Delayed Development Agreements. He believed the options would "run buyers off." Chair Lavier asked Mr. Stroud if he had looked at Options # 4 and 5, because no agreements would be required in either option. Mr. Stroud said he had not looked at them in detail.

Director Gassman pointed out that were two options listed on page 4 of the memorandum regarding existing Waivers of Remonstrance. It was the general consensus of the Planning Commission to eliminate all existing Waivers of Remonstrance, and to switch Options 1 and 2 in the "Existing Waivers of Remonstrance" section of the draft memorandum.

Taner Elliott, 397 Summit Ridge Drive, The Dalles, Oregon, said he thought Option #4, subpoint 2, should include more detail before it was presented to the City Council for feedback. Mr. Elliott also asked if Option #5, regarding increasing tax monies, would only pertain to increased tax funds that go to the City. He said he was aware that property taxes were dispersed to several entities, not just to the City. Chair Lavier said he assumed it would apply to the City's tax revenue disbursements only. Both Lavier and Gassman emphasized that details to the options would come later after input was received from City Council.

The Commissioners re-prioritized the major Options of the memorandum in order of preference, with Option #5 being the most preferred option.

Richard Havig, 3015 East 12th Street, The Dalles, Oregon, asked if the memorandum contained a clause where property owners that already had existing structures would not be required to install street improvements. Director Gassman stated it was indicated in Option #2.

Director Gassman closed by asking if some of the Commissioners would be willing to be present at the City Council meeting, tentatively scheduled for June 30, 2014, to answer questions. Some of the Commissioners indicated they would be present.

It was moved by Whitehouse and seconded by Poppoff to forward the preliminary draft memorandum, including all suggested revisions from the work session, to City Council with the intent of soliciting the City Council's opinions and feedback. The motion carried unanimously; Zukin absent.

STAFF COMMENTS:

Director Gassman advised that two public hearings were scheduled for the June 19 meeting, an appeal and a rezone application.

COMMISSIONER COMMENTS/QUESTIONS:

None

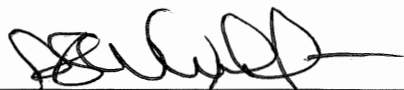
NEXT MEETING:

June 19, 2014

ADJOURNMENT:

Chair Lavier adjourned the meeting at 6:48 PM.

Respectfully submitted by Administrative Secretary Carole Trautman.



Dennis Whitehouse, Vice Chair

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

APPELLANT'S NAME & ADDRESS: Randolph Hager
2804 E. 10th ST
The Dalles, OR. 97058

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

Property owner

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

MAY 8, 2014 Minor partition application conditions.
Request for Planning Commission appeal hearing June 5, 2014.

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.*

- # 2. Annexation of this lot would simply develop an island lot in an area of East 10th that is unlikely to ever annex in the 2 neighboring commercial orchards. Annexation would increase this lot's prop. taxes \$12,500 per year and provide no enhanced services. Annexation would fail to serve highest & best use.
- # 4. The issuance of a Building permit is the established criteria triggering the payment of Fees. No Bldg permit is being requested or issued. Fails meeting state law
- # 5. Property sales and ownership may dictate the location of 2 access points onto 10th st. Future development would require 2 access points in the 170' width of street
- # 6 Fails to comply with state law. Fails to comply with directives of City Council. Frontage

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

\$380. US. Appeal fee received
Check # 1818 5/16/14

RG HAGER
May, 16 2014

R G HAGER
2804-B EAST 10TH ST
THE DALLES, OR 97058

1818
34-827/1251
1069

Date May 16 2014

Pay to the Order of: City of The Dalles \$ 380.00

Three Hundred Eighty Dollars

ColumbiaBank The Dalles 877.272.3678 columbiabank.com

Reimbursable upon decision of P.C. or Council to Reverse RG HAGER

⑆ 25 108 27 2⑆ 10 106 11 26 ⑆ 18 18

May 6, 2014

Randy Hager
2904 E 10th Street
The Dalles, OR 97058

Dear Randy,

In order to protect myself from disciplinary action from the Oregon State Board of Engineering Examiners *I need to request completion of your partition plat*. Oregon statute (ORS 209.250) requires land surveyors to file a permanent survey map within 45 days of establishing corner monuments. If the surveyor is unable to complete the survey in this time, there is provision to provide written notification to the county surveyor explaining the delay and the estimated time needed to complete the survey, but not exceeding 180 days.

Corner pins for your partition plat were set 7/20/2013 and the plat was drawn for submittal to the city shortly thereafter. My anticipation was that the partition plat process might proceed somewhat slowly, beyond the 45-day limit, because of ongoing non-site-specific development issues between landowners and the city, but never did I imagine the approval would take more than 180 days.

Here we are nearly ten months later. My professional land surveying license is now at risk with OSBEELS, thus this letter. To protect my license, I am taking the following actions:

1. Sending this letter to you to request completion of the partition plat. Perhaps you could relay this letter to the city to explain.
2. A copy of this letter is being placed in the county surveyor's yet-to-be-completed file.

Sincerely,



Daniel P. Boldt, PLS

Member, Amotan Land Surveying, LLC

May 7, 2014

Richard Cassman
Director of Planning
City of The Dalles, OR.

Re: Amaton Land Surveying, LLC letter of non-compliance

Richard,

This date, 9 AM, I hand delivered my notice of non compliance to your office, at which time you were present.

However there is more to the issue stated as conversed to me directly by Dan Boldt.

He has explained the following legal options to me pertaining to his and my obligations which I will herein describe to you, intending to urge you to understand that it is overly apparent to all involved and dedicated to the completion of my several year long attention to a land partition, that your office has failed to assist in the most professional manner.

1. Amaton has performed and produced the survey demanded by city statutes pertaining to my application for a lot partition; supplied to you prior to city site review.
2. Notice is due to be mailed to me identifying that unless immediately responding, the surveyor may be ordered to pull all survey pins from the ground. My expense.
3. The survey may be registered but not utilized as a plat. My expense.
4. June 18, 2014 will mark the ^{1 year} passage of HB 3479 which specifically allows the minor partition process to be viewed as simply drawing a line on paper and recording the actions. Found to be the case in past partitions since June 18 2013.

5. I served written notice to you of my return to The Dalles, April 22, 2014, and we spoke briefly at which time you stated to me that you would prepare a letter of acknowledgment and describe in detail clarification of your presentation of the conditions of approval as regards my partition application, and either hand it to me or mail it to me April 24, the date of the planning commission meeting we both agreed to attend.

6. No such response or clarification has been handed to me as of this date nor received in the mail.

7. I have notified you that I have listed my property for sale and had negative responses regarding conditions of my partition, and take notice that there may be the "unimposed" intent to push me in the direction of selling the entirety of this 91 ac. simply by imposition to the point that that's the only choice.

8. You stated that in your letter intended for the 24th of April, that you would give me notice of the 10 day appeal deadline which I would be bound to, should I choose to appeal any conditions.

I, at that time made plans for further dental work to be scheduled out of state and now see that I may not be able to perform on appeal without going through another gut wrenching and totally unnecessary leap of hurdles.

9. Sanctions will be sought to relieve me of the City's present posture of delays if it does not appear to me immediately that your office seeks to perform and does perform the obligations of this partition process.

Thank you

RG Hauer

City of The Dalles Public Works Department
Utilities Verification

PLEASE COMPLETE ITEMS 1 - 10

or 1-800-544-1930 ext. 6558
FAX 1-541-387-2322

1. Date of Request: 5/29/02
 2. Name: Sue Guenther
 3. Phone #: 541-387-6558
 4. Tax Lot: 1 N 13 E 1C TL# 800
 5. Address to be verified: 2804 E. 10th
 6. Nature of Request: Water + Sewer Connection Fees →
Currently using well + septic. Please call
with estimates. Thank You!
 7. Residential: Single Family Multi-Family: No. Of Units: _____
 8. Commercial: Business Industrial Type: _____
 9. Fire Service: Irrigation Service _____
 10. Requested Service Size - Water: Standard Other Specify _____
 11. Requested Service Size - Sewer: Standard Other Specify _____

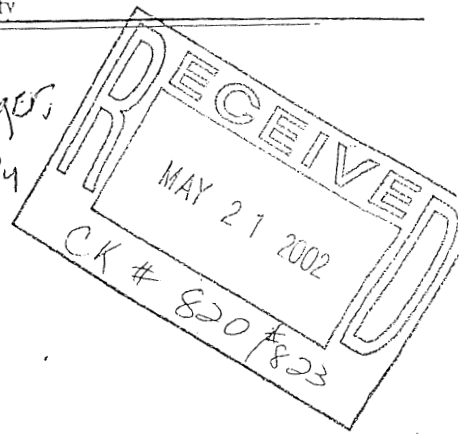


541-386-4400 Ext. 6558
 800-544-1930 Ext. 6558
 Direct: 541-387-6558
 Cell: 541-470-7000
 E-mail: sue4sales@aol.com
 www: sguenther.com



SUE GUENTHER, GRI, ABR
Sales Associate

*Don, Copy To Randy Hager
back here about early
June*



\$ 5500.00 mainline extension
 \$ 264.00 SDC charge

2764.00 Total cost.
 it will take over a month to install
 sewer. *Daniel M. Roberts*

\$ 3172.00 WATER
 2764.00 SEWER

\$ 5936.00

TOTAL ESTIMATE

\$ 672.00 SYSTEM DEVELOPMENT CHARGE
 2500.00 MATERIAL + LABOR TO INSTALL
 \$ 3172.00 TOTAL ESTIMATE FOR WATER

phoned 5/14/02

City of The Dalles Public Works Department

Utilities Verification

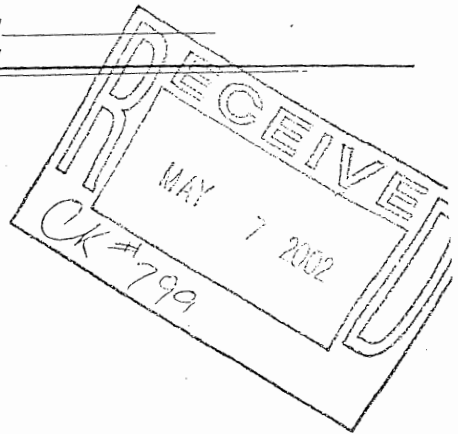
(Ron Schuler)

PLEASE COMPLETE ITEMS 1 - 10

1. Date of Request: 5/6/02 2. Name: Bill Suggs 296-229
 3. Phone #: 296-2292 4. Tax Lot: 1 N 13 E 1C TL# 500
 5. Address to be verified: 2804 East 10th
 6. Nature of Request: Service - Sewer to lot - estimate
possibly will divide into 3 smaller
lots. Had for Randy Hager Corbett, OR.

7. Residential: Single Family	<input type="checkbox"/>	Multi-Family:	<input type="checkbox"/>	No. Of Units:	_____
8. Commercial: Business	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	Type	_____
9. Fire Service:	<input type="checkbox"/>	Irrigation Service	<input type="checkbox"/>	Other <input type="checkbox"/>	Specify _____
10. Requested Service Size - Water:	<input type="checkbox"/>	Standard	<input type="checkbox"/>	Other <input type="checkbox"/>	Specify _____
11. Requested Service Size - Sewer	<input type="checkbox"/>	Standard	<input type="checkbox"/>	Other <input type="checkbox"/>	Specify _____

For the 3 lot it will be 2500.00 each
 Also \$264.00 ea for service development.



7500.00 MAIN EXT.
 792.00 FOR 3 SDC CHARGES 264.00 EA.
 \$8292.00 TOTAL COST Daniel M. Askeith



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(541) 296-5481 ext. 1125
FAX: (541) 298-5490
PLANNING DEPARTMENT

NOTICE OF ADMINISTRATIVE DECISION

MIP 311-14

Randolph G. Hager

DECISION DATE: March 17, 2014

APPLICANT: Randolph G. Hager

REQUEST: To partition one lot of approximately 39,780 square feet into two smaller lots

LOCATION: 2804 East 10th Street

COMPREHENSIVE PLAN AND ZONING DESIGNATIONS: "RH" Residential High Density

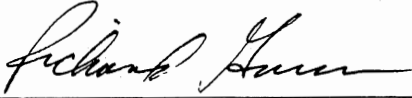
PROPERTY OWNER: Randolph G. Hager

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 311-14**, the request by **Randolph G. Hager** to replat one lot into two smaller lots is hereby **approved** with the following conditions:

1. Final plat submission must meet all the requirements of LUDO Section 9.030 and the other provisions of the LUDO.
2. Two copies of the surveyed and recorded plat must be received in the Planning Department office within one year of the date of the notice of decision for this partition to be effective.
3. A consent to annex and a waiver of the one year limitation must be signed, recorded and filed with the City prior to final plat approval.
4. Legal access to East 10th Street must be provided to parcel 2.
5. No new access point will be allowed on East 10th Street.
6. Building setback lines will be shown on the final plat.
7. A 10 foot Public Utility Easement will be required along East 10th Street.
8. Applicant will be responsible for paying to the City of The Dalles transportation and storm water system development charges and to Northern Wasco County Parks and Recreation District their system development charge.

Signed this 17th day of March, 2014 by



Richard L. Gassman, Director
City of The Dalles Planning 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 Planning 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 Planning Department. Notice of Appeal forms are also available at The Dalles Planning 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.**

received
and in
print

City of The Dalles
STAFF REPORT
Minor Partition 311-14
Randolph G. Hager

Prepared by: Richard Gassman, Director

Procedure Type: Administrative

Decision Date: March 17, 2014

Assessor's Map and Tax Lot: 1N 13E 1C tax lot 500

Address: 2804 East 10th Street

Comprehensive Plan Designation: "RH" High Density Residential District

Zoning District: "RH" High Density Residential District

SUMMARY: This request is to partition one lot of approximately 39,780 square feet into two smaller lots. The property has been developed with a single family home and an accessory unit. The single family home will be on one of the proposed new lots, the accessory structure will be on the other. With this land division, the accessory structure will become a standalone single family home.

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

COMMENTS RECEIVED:

One comment was received from Frank J. Pyles of 2436 Old Dufur Road. Mr. Pyles raised several issues related to his property and about system development charges. **RESPONSE:** The issues raised by Mr. Pyles are not relevant to this application. In so far as system development charges relate to this application, they will be a condition of approval. See Conditions of Approval.

RECOMMENDATION

Approval with conditions based on the following findings of fact.

Review Criteria

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222:

Section 9.020.020 Land Division Standards

Subsection A. Applicability. All land divisions shall be in conformance with the requirements of the zone district where the division is proposed, and all other applicable provisions of this Ordinance. Modifications to these requirements may be accomplished through a Planned Development per the provisions of Section 9.050: Planned Developments.

FINDING #1: This partition application would divide a lot into two lots, each over 10,000 square feet. The minimum lot size in the RH zone is 3,500 square feet. Criterion met.

Subsection B. Annexation. Whenever any new lot is created inside the Urban Growth Boundary but outside the City limits, the City may require annexation or the signing of a consent to annexation and a waiver of the one year limitation on consent to annexation.

FINDING #2: This property is inside the Urban Growth Boundary but outside the City limits. A consent to annexation will be required. Criterion met conditionally.

Subsection C. Blocks

There are a series of code provisions indicating the size of blocks.

FINDING #3: This property is located on East 10th Street. There are no public roads on either side of this property, and none are anticipated. Criterion met.

Subsection D. 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” High/Medium Density Residential District requires a lot area of at least 3,500 square feet and lot dimensions of at least 35 feet wide by 65 feet deep for one dwelling lots.

FINDING #4: The two proposed lots are regular in shape, relatively the same size, are similar to other lots in the area, and are of appropriate size given the limited access and the topography. Criterion met.

2. **“Access:** Each lot shall abut on 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 #5: Parcel 1 abuts on East 10th Street for its full width and has an existing access point. Parcel 2 is behind the front lot and it has no direct access to East 10th. An easement or other legal document will be required to be recorded to give legal access to the rear lot. This will be a condition of approval. Criterion met conditionally.

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 #6: East 10th Street east of Thompson is classified in the City’s Street System Inventory as a local street. However, no new access point is being created and none will be allowed. Criterion met conditionally.

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 #7: This partition does not create a through lot. Criterion met.

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

FINDING #8: The sidelines of the proposed lots intersect at a right angle. Criterion met.

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

FINDING #9: No development is proposed with this partition. This lot is in the East City Inactive Landslide Deposit area. This zone has no special requirements. Criterion met.

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 #10: Setback lines are reflected on the submitted partition application and meet all setback requirements. These lines will also be required on the final plat or included in covenants recorded as part of the plat. Criteria met conditionally.

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:

consider History

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 #11: Given the difficulties with access, no additional divisions are anticipated.
Criterion met.

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

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

FINDING #12: The requirements can be met with the required survey. This will be confirmed by receipt of two copies of the recorded plat from Wasco County. Criterion met conditionally.

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 #13: As demonstrated in findings above, this proposal meets or will meet with conditions, all applicable policies and standards. Criterion met.

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 #14: This proposal to partition does not impede future development.
Criterion met.

CONCLUSIONS: In general this proposal is consistent with the City of The Dalles Land Use and Development Ordinance, except for the issue of system development charges. When the dwelling unit was built on the proposed parcel 2, it was exempt from system development charges as an accessory unit. This partition will change that status from an accessory unit to a regular single family unit. As part of that transition, system development charges are due. The property has its own water and septic system. The applicant will be responsible for City of The Dalles transportation system development charges and for storm water system development charges and for the Northern Wasco County Parks and Recreation District system development charges. Since the new proposed lot has no frontage on a public street, no public improvements will be required due to the new dwelling.

Existing

Existing

as per hrc marshall acknowledged at time of site plan review at public works office.

Recommended Conditions of Approval:

1. Final plat submission must meet all the requirements of LUDO Section 9.030 and the other provisions of the LUDO.
2. Two copies of the surveyed and recorded plat must be received in the Planning Department office within one year of the date of the notice of decision for this partition to be effective.

3. A consent to annex and a waiver of the one year limitation must be signed, recorded and filed with the City prior to final plat approval.
4. Legal access to East 10th Street must be provided to parcel 2.
5. No new access point will be allowed on East 10th Street.
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8. Applicant will be responsible for paying to the City of The Dalles transportation and storm water system development charges and to Northern Wasco County Parks and Recreation District their system development charge.