



CITY of THE DALLES

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PLANNING DEPARTMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, April 17, 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, Chris Zukin, John Nelson, Jeff Stiles, Mark Poppoff

BOARD MEMBERS ABSENT:

Dennis Whitehouse

STAFF MEMBERS PRESENT:

City Attorney Gene Parker, Planning Director Richard Gassman, Public Works Director Dave Anderson, City Engineer Dale McCabe, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

A. March 6, 2014 – It was moved by Nelson and seconded by Zukin to approve the March 6, 2014 minutes as submitted. The motion carried unanimously; Whitehouse absent.

B. March 20, 2014 – It was moved by Zukin and seconded by Nelson to approve the March 20, 2014 minutes as submitted. The motion carried unanimously; Whitehouse absent.

PUBLIC COMMENT:

None

WORK SESSION: Residential Infill Policies

Director Gassman advised the group that the proposed outline was a draft; additions and/or deletions were anticipated. He gave an overview of the process timeline and stated he was hoping to finish up the first draft with the Planning Commission by May 1 in order to present a first round draft to City Council on May 12.

Gassman made some general comments on the outline as follows:

1. The dollar cap and time limit figures were merely arbitrary, inserted for purposes of discussion of the overall concept.
2. The concept of the “sunset clause” was not inserted.

3. The Delayed Development Agreement (DDA) concept was included for discussion.
4. The draft was an attempt to balance several competing interests for street improvements, State's interest for street improvements, and competing individual interests to try to keep costs down.
5. The street map illustrated the proposed network of streets, basically comprised of main arterial and collector streets that would require full improvement and would provide access to most areas in town to within approximately three blocks. Gassman said all other residential streets were indicated as "Other." These streets either would or would not require improvements.
6. The City proposed to provide city-wide engineering and install storm water systems for the major network streets. Property owners on network streets would be responsible to develop the remaining full improvements, but they would not be required to do so until the storm water system was installed. Property owners would then be given a certain reasonable amount of time to put in the street improvements, timeline to be discussed. For residents on the "Other" streets, street improvements would be required if and when the property owners wished to develop their property.
7. Pre-existing Waivers of Remonstrance (Waivers) would be converted to DDAs for property owners on network streets; the DDAs would have a dollar cap. Property owners on the "Other" streets may or may not need a DDA depending upon whether or not the required improvements were already met. He felt 90% of the "Other" street Waivers would go away based upon the proposed criteria.

Chair Lavier entertained questions, comments, additions and deletions to the draft outline.

Taner Elliott, 397 Summit Ridge Drive, The Dalles, Oregon, stated it seemed as if the direction of the proposed outline was going backwards. Things that were discussed in the meetings were not included in the outline, and he did not recall the \$150 per linear foot figure ever being discussed. Mr. Elliott also said he was disappointed that the Waivers were proposed to remain on all of the grid streets. Gassman said the proposal offered three options for the property owners on grid streets: 1) the owner could transfer a Waiver to a new agreement (DDA) that would have a cap and other specific criteria; 2) if the City adopted the cap, the property owner could pay the cap and be done with that, or 3) choose not to do any of those options, and the Waiver would remain in effect. Mr. Elliott thought that HB #3479 eliminated the Waivers. City Attorney Parker said they were eliminated for minor partitions only. Gassman said no part of the proposed draft spoke to minor partitioning, the outline addressed residential infill at the time of building a house on a vacant piece of property.

Mr. Elliott asked if the "island" street improvement scenario would happen under this proposal. Director Gassman said it could happen. Elliott felt there needed to be some sort of classification for any and all streets to avoid the "islands." Gassman said one of the basic concepts of the outline was to get the grid streets up to full improvement, and it was based on State law.

Mr. Elliott asked when the 2014 Residential Infill Road Classification was created. Director Anderson said the road classifications were created approximately 18 years ago. Elliott said that if the collector and arterial streets were adopted, the concept would revert back to the City's interpretation on what would be required on grid streets. Gassman said if the City Council adopted the Planning Commission's proposal, the streets in the network would be specifically identified by name, and there would be no interpretation. Commissioner Zukin said there were some common elements that were discussed in the meetings that were in the report. He said the Finance sub-group came to a consensus to eliminate Waivers of Remonstrance, but the Standards sub-group and the Planning Commission never came to a consensus to eliminate the Waivers. Commissioner Stiles concurred that the Finance sub-group recommended the elimination of the Waivers, but the Finance sub-group had no authority to remove the Waivers. They gave a recommendation to the Planning Commission for consideration only.

There was discussion on the difference between the existing Waiver format and the DDA that included a dollar cap. Lavier and Zukin said Waivers were open-ended documents that gave no guidelines for when anything would occur or be paid. Zukin said the DDA was discussed in the Standards sub-group, and it would be customized. Some members of the audience felt the proposed DDA was the same "evil document." Zukin said he could see both sides of the issue of Waivers. From the City's side, it was a powerful document. From the property owner's perspective, it cost. Zukin said Director Gassman was attempting to develop a process to get rid of Waivers, and part of the process was the development of a DDA with a cap option. Gassman said he thought the City should develop a forum to discuss the cap and give an explanation of what they are proposing and identify funding resources.

Linda Quackenbush, 1005 Richmond Street, The Dalles, Oregon, stated that street improvement costs were at the core of citizens' concerns. She felt the financial costs of \$150 per linear foot were crippling, unfair and irresponsible. She summarized what would be the case scenarios of several Richmond Street residents, if they were required to pay \$150/plf for street improvements, as follows:

- Merl and Marj – 201 ft. of frontage on Richmond - \$30,150. They have a corner lot but would not receive corner lot relief. With 83 ft. on 9th Street, it would cost an additional \$12,450.
- Thurlow and Heather – 164 feet on Richmond - \$44,280.
- Nancy & Jim Lauterbach – 257 ft. frontage on Richmond - \$69,390.
- Loyal and Linda Quackenbush – 240 ft. on Richmond - \$31,500. Corner lot on East 9th - \$17,000. An additional parcel on East 10th Street - \$17,000.

Deanna Zaniker, 901 Richmond Street, The Dalles, Oregon, said she could not finance street improvements. Ms. Zaniker reported that the City of Portland charges \$12 a month to its citizens, and it goes toward infrastructure. She called seven cities, and none of them were requiring anything like what the City of The Dalles was considering, she said.

Ron Opbroek, 3009 East 10th Street, The Dalles, Oregon, said he had 10 acres on 10th and Richmond. Mr. Opbroek did not understand why the City wanted to make Richmond a collector street that had a hog farm on it. He said he would like the City to listen to the people.

Ron Hageman, 1320 Sterling Drive, The Dalles, Oregon, said he lost prospective buyers because his property was tied to a Waiver. He said he felt the proposed DDA was the next worst thing.

Chair Lavier commented that the Planning Commissioners were sympathetic, but they also realized they would not be able to achieve total consensus amongst all of the people. Chair Lavier clarified later in the work session that the residential infill policies only applied to new development, not to developed properties. Therefore the residents who testified would not be required to pay for street improvements, because their properties were already developed.

Randy Hager, 2804 East 10th Street, The Dalles, Oregon, stated it had been discussed in Council Chambers at one point that, through the City gas tax and state funds, the City had approximately 14 million dollars of funds allocated to them to be used for striping, signing and snow removal, but nothing was said about where the money that was intended to be used for street care was spent. He said there needed to be some kind of an accountability for the funds.

Richard Havig, 3015 East 12th Street, The Dalles, Oregon, said the people that were doing the residential infill were being adversely picked upon. He thought people that lived on the old streets with street improvements did not help pay for the street improvements, and now the City was requiring residential infill property owners to pay for the costs. Mr. Havig said the City wanted street improvements for Richmond and Lambert, but the City could not keep up with maintenance on the streets they have.

Commissioner Poppoff said he would like to see what some other cities were doing instead of trying to “re-invent the wheel.”

Alex Hattenhauer, 122 West 17th Street, The Dalles, Oregon, said that citizen-paid funds, such as gas tax, got swept into General Funds then got swept out. Some of those monies that were supposed to be used for roads were not used for roads, he said. They were used for other purposes. Mr. Hattenhauer said it seemed like the money was there, but maybe not wisely spent.

Public Works Director Dave Anderson clarified that, within the City budget, water funds went towards water costs. Wastewater funds were used for wastewater costs. Street funds went towards street projects. He said there was no general “pot” of money, and street funds were not siphoned off for other purposes.

Chair Lavier said it would be worthwhile to explore the possibility of a city-wide fee for infill.

Stiles clarified the case scenario presented in staff’s draft outline. If someone wanted to build a new house on Montana Street (an arterial street), he/she would be required to install street and sidewalk improvements. Existing adjacent properties with houses on them would not be required to install sidewalk and street improvements. Direction Gassman said that was correct. And in that case scenario, Gassman said there would be a possibility of “island” developments with street improvements. If the developing property owner did not want to install street improvements at the time of the building permit, he/she could sign a DDA that included a dollar cap. Commissioner Zukin said he preferred the case-by-case concept on undeveloped property. More like a Conditional Use Permit whereby both the City and the property owner would agree upon a solution. He said he saw the language in the report as full improvement being a goal for all grid streets, but full development was not going to happen for a long time. The property owner and the City would need to negotiate. Gassman said the ultimate problem always came down to the same issues. The City did not have a storm water system in place, which made it difficult to require full street improvements. If property owners were allowed to develop without putting in street improvements, at some point there would need to be some sort of an agreement. In regards to Commissioner Zukin’s suggestion of treating each proposed parcel development on a case by case basis, Director Gassman commented that he was concerned about creating a process that would be overly complicated.

Loyal Quackenbush , 1005 E. 9th Street, The Dalles, Oregon, said one of the problems was that vacant lots were scattered throughout the City, they were not located in clusters. He suggested placing a percentage figure for allowed islands rather than using the language “minimize islands.”

Mr. Quackenbush asked why Richmond and Lambert Streets were listed in the proposed street network map. Director Gassman said there needed to be a designated street that could be developed for travel access in that part of the City. Director Anderson advised that the City had no plans for developing those streets unless a developer came in.

Taner Elliott, 397 Summit Ridge Drive, The Dalles, Oregon, said he would like to calculate out a proposed per linear foot dollar amount for street improvements. He said a certain level of frustration came in when the staff draft outline became more abstract and did not reflect the case by case basis Commissioner Zukin and others had previously discussed. Zukin said that if the case by case proposal was developed, there would need to be certain criteria addressed. Gassman said an agreement would still be needed to include criteria such as: 1) what improvements were needed; 2) when they would be required; and 3) who would pay. Gassman said he hoped that criteria would be very clear so that staff and the property owner would not have to argue about the criteria. After further discussion, it was the general consensus of the Commission to explore the case by case option.

Director Gassman outlined the Commission's directives and proposed a future process of events. He will make his proposed draft Option #1, and the case by case would be Option #2. The revised draft outline would come back to the Commission and, when ready, the Planning Commission would send it to City Council for feedback.

Commissioner Poppoff asked if the removal of Waivers could be an option. Director Gassman said it was up to the Commission, but he cautioned there were State laws to consider. The proposed draft would allow a property owner to change from a Waiver to a DDA with criteria if the parcel was on a grid street, he said. Chair Lavier said he thought, for simplicity, it would be better to remove all Waivers. Gassman said he believed the DDA would be best for the City and the property owner, but clearly some people thought the DDA was the lesser of two evils. The question was ultimately the Planning Commission's recommendation.


NEXT MEETING:

May 1, 2014

ADJOURNMENT:

The meeting was adjourned at 8:20 PM.

Respectfully submitted by Administrative Secretary Carole Trautman.



Bruce Lavier, Chairman