



## CITY of THE DALLES

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THE DALLES, OREGON 97058

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PLANNING DEPARTMENT

### CITY OF THE DALLES PLANNING COMMISSION MINUTES

**Thursday, May 1, 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

#### **BOARD MEMBERS ABSENT:**

Chris Zukin, Mark Poppoff

#### **STAFF MEMBERS PRESENT:**

Planning Director Richard Gassman, Administrative Secretary Carole Trautman

#### **APPROVAL OF AGENDA:**

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

#### **PUBLIC COMMENT:**

None

#### **QUASI-JUDICIAL HEARING:**

**Application Number:** APL 27-14; **Elk Horn Development, LLC;** **REQUEST:** Appeal of a land use decision dated March 25, 2014, regarding a minor partition application #MIP 312-14. Property is located at 1611 Thompson Street, The Dalles, Oregon, and is further described as 1N 13E 11 AB tax lot 900. Property is zoned "RL" – Residential Low Density District.

Chair Lavier opened the public hearing at 6:02 PM. He advised the hearing needed to be continued to the May 15, 2014 Planning Commission meeting at 6:00 PM. It was moved by Nelson and seconded by Whitehouse to continue the hearing to the proposed date and time. The motion carried unanimously; Zukin and Poppoff absent.

#### **WORK SESSION: Residential Infill Policies**

Director Gassman reviewed the basic concepts of staff's May 1, 2014 draft outline memorandum and asked for the Commissioners' feedback on the following concepts:

1. **Scheduling Due Process** - Director Gassman advised that a special City Council work session would be scheduled for Council members to review and give feedback to the Planning Commission's basic concepts regarding residential infill policies.

2. **Network of Streets** – Gassman asked if the City should designate some streets to be more significant; and if so, should there be a higher level of improvement on those streets. Nelson said it made sense to have a framework that would create an overall circulation pattern. Lavier said there was an obligation to the citizens to have a street network to travel safely within the City. Whitehouse agreed with Lavier. Stiles commented that planning for it was better than not planning for it. It was the general consensus of the Commission to identify a network of streets.
3. **Level of Street Improvements** – Gassman advised that the proposal called for fully improved network streets that would include sidewalks, a paved street, and curbs. However, there could be some areas where the standards could be modified. Water and sewer were not included in the definition of full street improvements in the proposed document because there were many unpaved streets that already had water and sewer. Stiles commented that the east/west streets would have more traffic than north/south streets. Gassman said many of the north/south streets had street improvements already. Nelson said some areas might require a case-by-case basis. It was the general consensus of the Commission to have different levels of improvements based on traffic load and topography.
4. **City Proposal to be Responsible for Engineering and Storm Water** – Whitehouse thought the engineering should be an ongoing process, not just one year. Gassman said his understanding was that the City would hire an engineer for one year to provide the base work, and the other Public Works engineers would be responsible for the ongoing engineering. Stiles stated that he thought storm water should be the City's responsibility rather than the property owner's responsibility. After further discussion, it was the general consensus of the Commission that the City should be responsible for the engineering and installation of storm water.
5. **Storm Water Fee** – The Finance sub-group discussed raising the storm water fee from \$2 a month to \$4 a month, Gassman advised. Lavier said it would be a starting point, then possibly some other funding sources could be utilized. Stiles, Chairman of the Finance sub-group, said storm water was discussed in the meetings. The hiring of an engineer for one year was to come out of grant money so as to not create an additional cost. The \$2 a month storm water fee was also discussed, and the option of raising any fees was considered a last resort, Stiles reported. The cost of installing storm water would be big dollars, and it would take a very long time to get storm water in place by only raising the storm fund, Gassman said. He said he would note in his next draft that one topic of discussion in this meeting was increasing the fund for storm water.
6. **Public Improvements Would Not Be Installed Until After Public Systems Were Ready And In Place** – Gassman explained that public systems would include the engineering, storm water installation, sufficient right-of-way, and other criteria that would prevent the street from going in (i.e., the grade). Stiles suggested adding the idea of "need" because there might not be a need for street improvements if the street was not ready for travelling. Gassman said network streets would need to be selected, and the Planning Commission would probably suggest other streets that were ready or that needed street improvements. Gassman said he would add the idea of the "need factor," and at some point the "need factor" should be defined. It was the general consensus of the Commission that streets would not be improved if the public systems were not ready.
7. **Agreement at the Time of Development on Unimproved Streets** – Gassman said if development was allowed without street improvements, then some sort of an agreement should be required. Most recently, he said, the City has used the Delayed Development Agreement (DDA) which is not tied to a Local Improvement District (LID). He also stated that the problem with developing on unimproved streets was that the streets never get improved. In such situations, Gassman said, the City must go back and try to retro-fit the streets, and the City would have to fund the work. Chair Lavier indicated it was difficult to formulate a conclusion without knowing what kind of criteria would be in the DDA (i.e. "sunset" clause, "cap," etc.). Gassman advised he would not have a "sunset" clause, but he would include language referring to the "need factor." He said at some point (20, 30, 40 years from now) the City may find out that the identified streets may turn out not to have much traffic flow. If so, the City should drop any agreement they have on those streets. Nelson commented that the annual status report to the property owner/developer with an agreement could be a good time to re-evaluate street usage and the terms of the existing agreement. Stiles said he saw two issues with an agreement: 1) would a property owner who prepays receive a refund if the street never developed; and 2) requiring a property

owner to pay for a street improvement that benefitted the entire city and decreased their property value seemed difficult to require. Gassman said that one solution could be a capped dollar amount where the property owner would be responsible. He said the property owner could always pay the capped amount off early. Whitehouse asked if an agreement would cloud a title. Gassman said everything other than the title clouds a title—mortgage, public utility easement, an agreement. Lavier said development in the City was a positive thing, but if the property owner doesn't have a role in discussion before an agreement with the City is made, it doesn't come out very positive for the property owner. Gassman stated he was open to other ideas if they could come up with another way to get improvements in, but he did not know of another way. Lavier said it would be nice for the property owner to know ahead of time what the design would be for their property before the DDA was drawn up. Gassman said that was why the City was proposing hiring an engineer. He also pointed out that a lot of the collector streets already had full or partial improvements.

Nelson said an agreement of some sort would be better than no agreement at all. No agreement would lead to problems later on, he said. Gassman said an agreement could be customized between the City and the property owner. Stiles stated that, based on Director Gassman's statement and Chair Lavier's thought on having details of the agreement disclosed at the time of an agreement, the agreement would need to be developed at the time of development other than developing a general "blanket" agreement. Gassman said he would expect the Planning Commission to develop a checklist of criteria for an agreement, because the City did not have standard language for a DDA. Further discussion was needed.

RG Hager, 2804B E. 10<sup>th</sup> Street, The Dalles, Oregon, said the Commission should consider the alternative of the LID instead of Waivers or DDAs. Chair Lavier commented that the LID could be considered another form of an agreement. Mr. Hager said it was, but it gave the citizenry the ability to formulate the process.

**7. DDA Sunset Clause** – Gassman asked for input on whether or not to include a "sunset clause" that would end agreements at some point in time. Chair Lavier said there needed to be some mechanism in place so agreements would not go on year after year. Stiles suggested a sunset clause that would go into effect a certain number of years after the beginning date of the agreement. Lavier suggested reviewing the agreement for an agreed-upon time frame, and if the street was not ready, the agreement would be ended. It was the general consensus of the Commission for some kind of mechanism that would end an agreement at some point in time if street improvements did not go in or get changed.

**8. Property Owners Can Pay Over Time** - Director Gassman said this concept might not be used much, but it could be good to have in place. It was the general consensus of the Commission that, on new development, the property owner could pay over time, and if the agreement was later voided through a sunset clause, the property owner could be reimbursed.

**9. Multi-frontage Lot Relief** – If an agreement is in place where the multi-frontage Lot Relief policy was applied, should the multi-frontage lot relief policy apply if the agreement has a capped dollar amount. Lavier and Stiles were in favor of applying both the cap and the multi-frontage lot relief policy.

**10. Other Streets** – Gassman, in his staff report on page 3, presented two options for the other streets. **Option 1:** In the case of new development, a property owner would be required to make improvements, (or sign an agreement) to meet the standards found in Resolution #10-007. **Option 2:** Property owners, on streets other than network streets, would only have to ensure that the right-of-way lined up. Whitehouse asked what would happen if a network street was re-classified to an "other" street. Gassman said the City would need to review that situation. He said the City won't form an LID unless the property owners come to the City, with a possible exception of Thompson Street. After further discussion, the Commission could not come to a consensus on this issue, and Director Gassman placed this item on hold.

**11. Existing Waivers** – Director Gassman explained that, on existing Waivers on network streets, property owners would have three choices. He said the City was not proposing cancelling Waivers. Therefore, the choices were 1) the property owner could prepay at the cap limit or over time; 2) choose to transfer from a Waiver to a DDA (with criteria); or 3) continue on with the existing Waiver. Lavier

said, based on past history, it would be good to get rid of them. Stiles said the Finance sub-group recommended cancellation of all Waivers because they were haphazard, public opinion was not favorable, and because of the State House bill. He said another mechanism could possibly be required

later, but it must be fair. Gassman said the City was limited to either cancelling the Waivers or giving the property owners choices. Whitehouse said he remembered the conversation in the Finance sub-group somewhat about removing the Waivers, but he would hope citizens would choose to switch from the Waiver to the reasonable DDA. Gassman said the City would review the Waivers on the other streets, and most likely many of the Waivers would be cancelled. On the network streets, it would be best from the City's standpoint to switch to the DDA, Gassman advised. After further discussion, it was the general consensus of the Commission that all of the Waivers should be cancelled except for on the network streets.

Chair Lavier directed Director Gassman to prepare another draft outline for the May 15 meeting. Gassman said it appeared the major issue to resolve was the agreement issue.

At this point of the meeting, Chair Lavier opened the meeting to audience testimony.

Taner Elliott, 397 Summit Ridge Drive, The Dalles, Oregon, stated he heard, in this meeting, Director Gassman say that the Waiver could not be transferred to a DDA. Mr. Elliott recalled that the concept of transferring a Waiver to a DDA by the City was proposed in the first draft outline. Chair Lavier clarified by saying the proposal was that the property owner would have to agree to such a transfer.

Mr. Elliott stated a cap amount needed to be identified if the City was proposing a DDA option. He consulted with Public Works Director Anderson and City Engineer McCabe who advised him on specifications for street improvements requirements to take to contractors in order to identify an accurate dollar cap amount. He then talked to the contractors and calculated out a \$47/per linear foot cap amount.

Mr. Elliott also stated he thought the City should use its existing engineering staff for the storm water design rather than hiring another engineer for one year. It would save the City \$100,000, he said.

RG Hager, 2804B E. 10<sup>th</sup> Street, The Dalles, Oregon, stated LIDs are in place state wide which excluded the need for Waivers or DDAs. He recommended keeping the LIDs in place. Mr. Hager stated the City's plan was still a mystery and was causing disturbance over the Waiver and DDAs. A plan needed to be in place, and the citizens have a right to develop on their own posture. The sunset clause would become a moot point if the LID was observed, he said. Mr. Hager read his letter dated May 1, 2014 (Attachment #1) and a letter from Damon Hult, 2830 E. 10<sup>th</sup> Street, The Dalles, Oregon. (Attachment #2)

Bill McBirney, 4109 Chenowith Road, The Dalles, Oregon, said the basic concept was wrong for a City to fund public utilities with private money. The City should be funding the improvements, he said, and it needed a long term plan.

**STAFF COMMENTS:**

Director Gassman asked for the selection of a Vice Chair for the Planning Commission. Chair Lavier put it on hold for the next meeting.

**COMMISSIONER COMMENTS/QUESTIONS:**

None

**NEXT MEETING:**

May 15, 2014

**ADJOURNMENT:**

The meeting was adjourned at 8:27 PM.

Respectfully submitted by Administrative Secretary Carole Trautman.

*Bruce E Lavier*

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Bruce Lavier, Chairman

May 1, 2014

Planning Commission  
City of The Dalles

RE: Outline for Residential Infill Public Street Improvements

Chairman Lavier and Commissioners,

I was appointed to a seat on the planning commission committee by Chair, Lavier to serve as a member of a citizen review, and presentation of suitable funding policies for city streets.

I reviewed my collection of notes, compiled over the course of 8 years, dating to June 2006, concerning the original and on-going assertions and the attempts of public policy/private pay agendas presented by city manager, Young and staff.

I reviewed my notes and visited some keynote speakers and neighbors who have asserted their attempts to provide positive input to policy development. We considered the nature of historic maintenance and care policies regarding infrastructure and improvements to infrastructure and transportation.

Presently, having read city staffs' 5-1-14 draft, and being cognizant of the horrendous accumulations of past draft language I fail to find beneficial change from the original manager Young assertions of public demand on private pay. Nor do I find much alteration as though there has been a benefit to public input regarding the characterization of citizen property owner obligation to pay as demanded, irregardless of choice, ability or benefit.

At some past date shortly after the first presentations of the pay policies refusals, language changes occurred denoting, "in-fill policy" rather than, "street and infrastructure prioritizing policies". This changing of wording and general language alterations have occurred each time recognition of reality has shown lights on the offending subject matter.

This 5-1-14 draft, if considered to be worthy of a reasonable presentation of what The Dalles City Council directed staff to prepare, I am gravely disappointed. This open ended multi-faceted approach to every known street or infrastructure improvement demand; fragmented and without the appeal needed as a serviceable document as written, throughout its entirety, leaves the reader with no clear path to follow towards its suggested "in-fill policy".

Because we were handed an ill advised and unpopular statement of demands in 2006, and no derivative of policy has to date been approved and set forth to the people of The Dalles, I can only, in light of seeing no citizen input addressed in this present draft, attend to the necessity attempted in the citizens review in 2007, to

demand that a true and actual group of citizens and educated legal advisors set forth to develop the policies that can be lived with by those who set such policy.

I request that you recognize the need for this suggestion and return your recommendations to the city council advising them of that choice, and identify that no certain workable policy was reachable via the drafts presented. I am certain that upon review, city council will clearly request that we withdraw from this present review.

Thank you,

A handwritten signature in black ink, appearing to read "R.G. Hager", with a long horizontal flourish extending to the right.

R.G. Hager

## ATTACHMENT #2

May 1, 2014

Bruce Lavier

City of The Dalles Planning Commission

Re: May 1<sup>st</sup> Final draft on infill policies

Dear Mr. Lavier,

I was previously appointed to the Finance Committee to review the intent of the City Council in regards to infill development. I have reviewed the May 1<sup>st</sup> draft and there appears to be no reference to any of our citizen input in this draft. This input was supported by the City Council's request for clarity. I am still concerned about residents' requirements for funding, that they can ill afford, that is not made clear in this draft. I am requesting that the Planning Commission cease further acknowledgment of this draft and return your conclusions to the City Council. Thank you.

Sincerely,



Damon R. Hulit

Vice President, Commercial Loan Officer

Columbia State Bank