



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

MINUTES CITY OF THE DALLES PLANNING COMMISSION THURSDAY, MAY 16, 2019 6:00 P.M.

CALL TO ORDER

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

ROLL CALL

Present: Brent Bybee, Mark Poppoff, Bruce Lavier, Sherry DuFault, Cody Cornett, Steve Ross

Absent: Jeff Stiles

Staff Present: Director Steve Harris, City Attorney Gene Parker, Senior Planner Dawn Marie Hert, Associate Planner Riley Marcus, Code Enforcement Officer Nikki Lesich

APPROVAL OF AGENDA

It was moved by DuFault and seconded by Ross to approve the agenda as written. The motion passed 6/0; Bybee, Poppoff, Lavier, DuFault, Cornett, Ross in favor, Stiles absent.

APPROVAL OF MINUTES – March 21, 2019

It was moved by Ross and seconded by Poppoff to approve the minutes of March 21, 2019, as written. The motion passed 6/0; Bybee, Poppoff, Lavier, DuFault, Cornett, Ross in favor, Stiles absent.

PUBLIC COMMENT

None.

DISCUSSION

Director Harris introduced the new Planning Commissioner, Cody Cornett.

Proposed FY 2019/20 Departmental Budget

Senior Planner Hert presented an overview of the Community Development Department's structure, responsibilities, and major goals, Exhibit 1.

Codes Enforcement Officer Lesich presented an overview of Codes Enforcement responsibilities, goals and projects, Exhibit 2.

Director Harris stated Economic Development was a function shared by the Community Development Department, the Urban Renewal Agency, the City Manager's office, The Dalles Main Street and the Mid-Columbia Economic Development Department. The Enterprise Zone and the Vertical Housing Tax Credit are managed by the department through the City Manager's office.

Staff has been working with Tokola Properties on development of the Tony's Building. A series of decisions from BOLI created a prevailing wage issue. Tokola decided to terminate the project yet remains interested in future development in The Dalles. Assistant to the City Manager Matthew Klebes is working with Tokola to locate other suitable properties in the community.

Staff currently is working on undergrounding overhead utilities in the downtown area. Meetings were held with NWC PUD to determine what the project would entail. Additional meetings are scheduled to research funding sources.

A Brownfield survey was recently completed. The survey identified unused underground fuel storage tanks.

The First Street/Riverfront Connection project continues. This is a streetscape enhancement project on First Street from Union to Laughlin streets. An amendment to the project was completed and cost figures have been updated. Staff is working with Northern Wasco County Parks and Recreation to find an alternative to link the proposed Mill Creek Trail with the First Street improvements and the Riverfront Trail.

The Urban Renewal Agency has entered into a purchase agreement for the Blue Building at 201 Washington Street.

Staff will review the financial health of the Urban Renewal Agency this coming year, revisiting the financial analysis of the plan itself as well as goals and objectives. The plan was last reviewed approximately 10 years ago.

Staff is currently working on an Economic Opportunities Analysis looking at employment in the City, future demands for employment based on growth of industries, and demand for commercial and industrial land in the City. This is a required background point should the City apply for expansion of the Urban Growth Boundary.

Director Harris briefly reviewed Budget Issue Papers regarding the Housing Strategies Report Implementation and the Westside Area Study.

Staff changes over the past year include new Associate Planner Riley Marcus and Planner Joshua Chandler. New processes and procedures were implemented, ARC GIS programming was updated, two desktop computers were replaced, and Asana, a new project tracking software was implemented.

City Council approved a resolution revising Planning fees. A comparative analysis included salaries and benefits of six cities as well as the fee structure for applications in Wasco County, Hood River County and the City of Hood River. Staff determined the number of applications received by CDD, researched each application type, then completed a time analysis of staff time to complete an application and determine the cost to provide services.

Downtown Visioning Exercise Status Update

Director Harris stated this is a State funded exercise. Focus group meetings were held to gather community input.

Approximately 40 people attended a public meeting at the Civic Auditorium. Guests were provided information on population and housing trends. The earlier Housing Strategies Report and Buildable Lands Inventory reviewed the potential for downtown housing.

A number of projects downtown will provide housing. The Honald Building will contain nine apartments; a mixed-use project on E. Third Street will provide retail space and 50-60 apartments.

A report from the consultant will be available in the coming weeks. Funds are set aside to begin implementation of that vision next year.

Part of the Urban Renewal Plan Financial Analysis will take recommendations from the Downtown Visioning Exercise and identify opportunity sites or blocks for development potential.

STUDY SESSION

Proposed Amendments to The Dalles Municipal Code, Title 10 Land Use and Development, relating to housing

Associate Planner Marcus provided a summary of Phase I and Phase II of the proposed Housing Code Amendments.

Scot Siegel, Siegel Planning Consultants, presented an overview of the proposed code amendments, Exhibit 3.

Topics included:

- Definitions – amended and added, i.e., cottage housing
- Public Hearings – provide clearly described path for review
- Site Plan Review – some standards are subjective
- Neighborhood Compatibility – remove subjective language
- Adjustments – clarified and expanded with a set group of standards for review
- Affordable Housing Incentives – Incentives may include density, height, lot coverage and parking
- Cottage Cluster Development –
 - Allow multiple individual dwellings on one lot
 - Achieve density similar to townhome or multi-family densities
 - Meets segment of population not otherwise met
 - Centered around open space
 - Consolidated parking area
 - Small site, small footprint
- Zoning –
 - RH, RM, NC, CBC, and CG zones all allow housing
 - Clarify existing requirements
 - All flexibility to development standards
- Parking –
 - Affordable housing incentive
 - Allow credit for parking in front setback on paved driveway
 - Allow the market to deliver parking they think necessary

DuFault requested clarification on the process. Siegel stated that underlined portions of the report are additions to the Code; strikeouts are suggested deletions. Proposed new policies are indicated with bold underlined text. Italics indicate a section changing with Phase I.

Poppoff stated his concerns with density and fire safety issues. Reducing the separation of buildings or parking will not increase more affordable housing. Poppoff said 700-750 sq. ft. would be a more realistic size for the cottage.

DuFault suggested these things might be driven by the market. Shared parking, greenways, and play areas make a huge difference in what is necessary for the dwelling. When done correctly, they are lovely little communities.

Siegel stated there was a minimum 1,500 sq. ft. gross per unit which included the common areas.

Chair Lavier stated he did not remember a presentation on cottage clusters. Senior Planner Hert said it is currently included in our Code. This phase looks at modifications to the minimum lot densities and an increased density in some zones per the State standards.

Siegel provided additional background on the cottage clusters. A minimum of 400 sq. ft. of common open space is required for every unit, in addition to a minimum of 300 sq. ft. of private owned space for each dwelling, on a minimum lot size of 12,000 sq. ft. This is a type of housing that provides another option at the same densities already seen in existing zones.

Bybee asked what measures would ensure fire safety. Siegel replied that State Building Code and Fire Code regulate fire safety.

Cornett said he liked the cottage cluster plan; many people prefer a cottage over a shared wall. He referred to page 82 of the agenda packet, Article 10.3.085.030, in the Comment section, "...For example, a unit that is guaranteed affordable to households earning less than 60% of AMI [area median income] would be required to remain affordable at that level for a shorter timeframe than a similar unit that is marketed to households earning up to 80% of AMI." Cornett liked creating opportunity for new homeowners, but is nervous for new homeowners locked in to an appreciation rate. They should have a reasonable appreciation rate in order to move up in housing.

Siegel said the next step is to pursue the recommended code amendments to ensure the City complies with State law.

Chair Lavier invited comment.

Alex Maia, 1601 E 19th Street, The Dalles

Maia asked Siegel what benefits would be seen from the proposed changes.

Siegel replied a clear Code with consistently applied standards provide more predictability in the permit process. From a property rights, property value, or neighborhood perspective, it provides greater certainty of what can be built next door. From a fiscal perspective, being mindful of tax dollars, it's less staff and hearing body time due to cases arising from unclear statute.

Maia inquired if greater benefit would be provided by more specific neighborhood compatibility standards, rather than completely removing neighborhood compatibility. Neighborhood infill could meet the compatibility standards, and still be an eyesore that does not meet the character of the neighborhood.

Siegel said it's difficult to balance predictability with flexibility. You cannot write an ordinance to address every possible situation. It's very difficult to legislate for great design, but is possible to prevent some of the worst from happening. This change is an attempt to move toward a more clear and objective path.

Maia stated the amendments to 10.030.040, Site Plan Review Criteria, contained multiple references to 10.3.040, the Neighborhood Compatibility section that was struck.

Siegel said that would be addressed.

Maia urged the Commission to be cautious of increasing density so much that we become like Portland. Poppoff seconded Maia's comment.

Lorene Hunt, PO Box 81, 1311 Perkins Street, The Dalles

Hunt submitted a list of questions stating they could be answered later; she referenced additional comments during her statement. All materials submitted by Mrs. Hunt are contained in Exhibit 4.

Hunt referred the Commission to page 38 of the Housing Strategies Report which emphasized the importance of community involvement in changing densities.

Hunt referred to page 78 of the proposed Amendments and said she was interested to see “the changes need to be more clear and objective,” an important part of making changes.

Hunt stated that [Article 10.3.080.020 Applicability] B.6. was changing from “allow an increase in density in the RL zone” to “allow an increase in density above the densities allowed in The Dalles Comprehensive Plan.” It’s being changed from something very clear that protects people in the RL zone, to something that has a whole lot of opportunity for interpretation.

Hunt directed attention to her submittal “Recommendations regarding RL zone code changes.” She had recommended the following change several times, and had yet to see it. Currently, Article 10.3.020.050(C)(7) reads “Prior to the public hearing the applicant is recommended, but not required, to conduct an outreach meeting with nearby residents and others who may be affected by the development.” Mrs. Hunt would like the Code to read, “Prior to the public hearing the applicant **is required** to conduct an outreach meeting with residents and others who may be affected by development **proposed in an RL zone. In other zones, such a meeting is recommended but not required.**”

Alex Maia, 1601 E 19th Street, The Dalles

Maia asked for clarification on the comment period.

Siegel suggested that comments be submitted to Associate Planner Marcus to be forwarded to himself.

Maia asked how affordable housing compared to subsidized housing.

Siegel replied that affordable housing means a household is spending not more than 30% of their income on housing. It does not mean that it’s subsidized housing – a person may choose to spend half of their income on housing. Affordable housing could be subsidized in some way, such as tax credits or fee waivers, but not necessarily subsidized by the public.

Maia asked what studies have shown increased crime rates in areas where affordable or subsidized housing has been constructed.

Siegel replied many affordable housing units going in today are a high level design, often higher than market rate housing; changes considered by the City are not necessarily creating a law enforcement or crime concern. Siegel thought higher crime was due to socio-economics, mental health, design, and other issues, not land use planning.

Maia was concerned about concentrating affordable housing in a specific area. Siegel stated he could provide information to the City on the benefits of distributing affordable housing.

Commissioner DuFault stated if she paid \$1,500 for housing, in order to be below the 30%, she would have to make almost \$29.00/hour or about \$5,000/month. She said a lot of people, considered good citizens, are in that bind right now. Affordable housing for us is a requirement. DuFault is not certain affordable housing would cause a crime wave.

Siegel replied The Dalles is a city considered severely rent burdened. A large percentage of households are spending more than 50% of their income.

Commissioner Ross stated the comments presented were very well considered, well prepared, intelligent and articulate. He appreciated the comments and hoped to see more of them.

Lorene Hunt, PO Box 81, 1311 Perkins Street, The Dalles

Hunt referred again to the Housing Strategies report, page 16. Under Recommended Code Amendments it states, "Neighborhoods in the RL zone are intended primarily for single-family development..." That's important to remember when code changes are being made.

Kerk Pehlke, 2510 Jordan Street, The Dalles

Pehlke asked about the pros and cons of this proposal, and what the impact may be.

Siegel replied some drawbacks could be if the City allowed a cottage development without infrastructure to support it, or offered a density bonus for affordable housing without services available to support the density.

Director Harris referred to the proposed West Side Area Study where in our Buildable Lands Inventory there was capacity for additional homes. Infrastructure restraints will be addressed in that study.

Jonathan Hunt, 1311 Perkins Street, The Dalles

Hunt referred to number 7, page 120 of the Amendments which reads, "Added Affordable Housing as a permitted use in all zones where residential use is allowed. This is significant, because for projects meeting affordable housing criteria, all residential uses and building types are allowed in each zone provided they meet affordability criteria. Mr. Hunt does not believe something can be both significant and symbolic. He does not agree with having affordable housing as an approved housing type, even subject to permitted uses.

Hunt's personal concern is especially with low density areas. Regarding 10.3.080.020(B)(6), page 78, some questions are:

- How is the density allowed by an adjustment to be compared with the density allowed by the comprehensive plan?
- Over what specific area is the density to be measured?

Hunt referred to the comment on page 81, Affordable Housing Incentives, "...implements the Housing Strategy recommendation to 'Establish density and height bonuses as incentives for affordable housing'" then mentions "consistent with the City's Housing Needs Analysis and Comprehensive Plan Goal 10, policies 16 and 19."

Policy 16 refers to revising development standards to permit more flexibility. It does not refer to density or height in the considerations.

Policy 19 states, "A program of incentives and standards shall be prepared to encourage residential developments which achieve at least the lower end of the density range specified..." This is not exceeding the higher end of the density range.

Neither mentions affordable housing in any way. Some of the other Comprehensive Plan policies Hunt referred to are Policy 2, "...encouraging new development which achieves the density allowed by the comprehensive plan." Policy 5, "Adopt standards to ensure that residential development occurs within planned density ranges within each residential district." Policy 7, "Incentives should be used to encourage development that meets (my editorial comment, "not exceeds") maximum allowable density for all types of residential development."

The reference to the City's Housing Strategies Report includes that as a recommendation, but also states, "Residential developers in The Dalles likely find the height and density standards adequate to build their projects. In some zones, achieving the minimum densities may actually

be more of a concern to developers than exceeding the maximums.” It also notes that, “current market conditions do not suggest a significant demand for density or height bonuses...”

Hunt referred to Comprehensive Plan Policy 22 which lists the density ranges for each district. The proposed amendment is, “Planned density respectively for each zone is 25% greater than specified above for purposes of establishing regulatory incentives for affordable housing.” Hunt preferred that if density is going to change, it be done so explicitly in the proscribed density ranges.

One reason for that, 10.3.085030(A) Density Bonus, “A density bonus of two additional dwelling units shall be granted for every one dwelling unit developed that meets the city’s affordability criteria, not to exceed 135% of the maximum density of the zone. This criterion applies to individual developments, through land division review and site plan review, and applications for zone changes that increase allowed density.”

It is not clear what is referred to by “maximum density of the zone.” Is it the densities listed in Comp Plan Policy 22? Is it 25% greater than those, as “Planned density for each zone is 25% greater” according to the proposed changes? It is not clear.

Siegel responded to Mr. Hunt’s questions:

The proposal is inconsistent with the direction we’ve received here: explore density bonuses as an incentive for affordable housing. The proposal is that the Comprehensive Plan would be amended to allow this level of density in each of the zones. The question then would be, which zones, and how much of a density bonus would the City allow? This is an incentive for what would otherwise not be developed as full market rate housing. The density currently allowed by the zones is enumerated in the tables on pages 101 for RM and page 95 for RH. The maximum allowed density in RH currently is 25 lots per acre based on the minimum lot area. The minimum lot area in RH was converted into allowed density; the same was done for RM and RL. The policy issue is where would you target these incentives, and what level of incentive is appropriate. Another consideration is where the City has adequate infrastructure for this level of density.

This policy would be applied in areas where land and available services are present for this level of development. If you are going to grant incentives, you would want the Comprehensive Plan Policy supporting that to avoid conflict.

Steve Hunt, PO Box 81, 1311 Perkins Street, The Dalles

Hunt referred to page 47, number 3, “On reviewing the proposal to permit all housing types...the committee advised against this approach.” On page 92, it appears that has been answered in #6. “Affordable housing, consistent with the permitted building types listed above.” On page 120 of the recap, #6 reads, “Added Affordable Housing as a permitted use in all zones...” Am I correct that page 92 says that page 120 is no longer the case?

Siegel replied that page 120 contained notes compiled following the second Advisory Committee meeting. The document was revised after a subsequent meeting.

Hunt referred to page 80, 10.3.080.040(B), “If the applicant meets the approval criteria...the approving authority shall also find that the following criteria are met.” Does that mean the following criteria need to be met if the others are, or does that mean it’s automatic, they are met. It sounds like it’s automatic, they are met. Siegel stated a clear statement would be, “...the approving authority shall apply the following criteria.”

Hunt referred to 10.3.080.050(7), “Up to 20% adjustment to other dimensional standards...” Hunt recommended substituting language used in 10.3.080.050(D)(8), “...to a dimensional standard for building design as contained in Title 10.” This change would make the language clear and objective.

Hunt stated the incentives especially for density, and also height to some degree, need to be considered very carefully.

Jonathan Blum, 403 E. 8th Street, The Dalles

Blum is strongly in support of cottage cluster development in our community. Cottage cluster developments are an excellent tool to allow a different kind of development in our town to help fill a great need in our community, the middle. They are people that don't fall below the AMI, but are hard-working, good, contributing members of town unable to afford housing. These developments encourage smaller homes that at this time are very desirable. These homes are good for first time homeowners that would be otherwise unable to join the housing market.

Blum stated it's good that concerned citizens are questioning the Code. He noticed a strong leaning towards protecting the RL zone, but felt that some citizens were underrepresented at this meeting. Blum sees a need for housing every day.

Blum said affordable housing was not related to increased crime. Homelessness will drive crime, not affordable homes. Blum asked that the Commission represent everyone in all levels of the community.

Jonathan Hunt, 1311 Perkins Street, The Dalles

Hunt referred to Article 10.3.020.030(B)(2), "Site Plan Review for developments meeting Affordable Housing criteria..." may be processed as a ministerial action, not as an administrative action. This is significant because 10.3.020.040(A) regarding administrative action states, "At the discretion of the Director, or at the request the Commission, the applicant, or party(ies) of record who address legitimate criteria, an administrative action may be processed as a quasi-judicial action, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions." Hunt was concerned this change would discourage public input in these cases.

Hunt referred to tables on pages 95 and 101. The RH High Density Residential District Standards table reflects "Maximum Density (Min. Lot Area/Dwelling Unit)" as "1,500 sq. ft. per dwelling unit, not to exceed 25 units per gross acre." A similar section in the RM table states, "...not to exceed 17 units per acre." There is no corresponding section for the RL zone. This could be read as a way to back end these limits into the RH and RM zones without having a similar protection for the RL zone.

At the end of the RH table on page 96, the first asterisk presents a calculation, "...For example, an RH site with one buildable acre would be required to provide at least 10 dwelling units..." It gives a calculation equaling 10.9, rounded down to 10. My question is, if the incorrect rounding calculations in the footnotes are not going to be corrected according to City Code 10.6.070.020 on fractions.

Hunt assured the Commission he has great sympathy and respect for the efforts to provide affordable housing, but he is still very concerned about potential effects on the RL zone.

Kerk Pehlke, 2510 Jordan Street, The Dalles

Pehlke referred to Commissioner DuFault's comment that \$1,500/month for rent, required an income of \$5,000/month. He said when you look at The Dalles, there was a fear there are people in the upper class, not much in the middle, and a lot in the lower class. Someone else mentioned not being able to afford \$500-600/month. If they cannot afford that, are they going to be able to afford \$1,500/month? If our intent is to make housing available, how are we going to reconcile both of those? Something is not adding up.

Siegel responded it was a question of which housing needs you were trying to solve. Many housing types are not being addressed. The market will provide for certain population segments, but will then drop off. Whether you are able to afford \$1,000/month or \$400/month,

the market is not providing it. Smaller housing types provide more options. There is no one answer, this is a step.

Chair Lavier stated additional comments could be emailed to the Community Development Department. Associate Planner Marcus gave a two week deadline for comments to be incorporated in the next report.

STAFF COMMENTS

Director Harris stated the next regularly scheduled meeting is June 6, 2019. There are no public hearings at this time.

The City had two cases at the Land Use Board of Appeals (LUBA). One went to the Appellate Court. There were two issues at the Court. One was found in favor of the City, the other was remanded back to City Council to revisit one of the findings.

COMMISSIONER COMMENTS OR QUESTIONS

Commissioner Bybee and Vice Chair DuFault met with the Community Development Department to review possible code revisions, specifically to the definitions for development. to make them more objective and less subjective.

ADJOURNMENT

Chair Lavier adjourned the meeting at 9:08 p.m.

Respectfully Submitted
Paula Webb, Planning Secretary



Bruce Lavier, Chair



Community Development Department Mission

- The Community Development Department has the responsibility to regulate and enforce the orderly growth and development of the City in a manner consistent with City Council goals, standards and regulations to ensure the protection of the health, safety and welfare of its citizens. The Department seeks to provide responsive, accurate and consistent service to our citizens and customers; while aggressively pursuing meaningful citizen involvement in all planning endeavors.
- Department serves as staff to the Urban Renewal Agency and receives assistance from the City Manager's Office in the area of economic development, including Main Street and Enterprise Zone activities.
- Department currently provides direct staff support to:
 - Planning Commission
 - Historic Landmarks Commission
 - Urban Renewal Agency Board
 - Site Team Committee
 - Main Street Board

The Department consists of three divisions:

- Planning
- Codes Enforcement
- Economic Development

Staffing

- Six permanent, full-time positions in the Department:
- Director
- Senior Planner
- Associate Planner
- Planner
- Administrative Secretary
- Codes Enforcement Officer.

The Department consists of three divisions:

- Planning
- Codes Enforcement
- Economic Development

Staffing

- Six permanent, full-time positions in the Department:
- Director
- Senior Planner
- Associate Planner
- Planner
- Administrative Secretary
- Codes Enforcement Officer.

Planning Division

- Current and long range planning.
- Coordinates and monitors the community's growth and development through preparation, updating and implementation of the Comprehensive Land Use Plan, the Land Use and Development Ordinance and master plans.
- Responsible for intergovernmental coordination with regional agencies and for the compliance with and implementation of Federal/State mandated regional planning requirements.

Codes Enforcement Division

- Responsible for enforcement of the City's ordinances and land use regulations to protect the health, safety and general welfare of the community; including:
 - Investigation of complaints
 - Issuance of notices
 - Issuance of administrative citations
 - Development project condition compliance review

Economic Development Division

- Responsible for coordinating the City's economic development programs and overseeing the implementation of the City's economic development strategy.

CDD 2018-19 Goals, Projects & Highlights

- Continue to...
 - Serve the citizens in the most professional manner possible.
 - Implement departmental procedures and processes that will improve customer service levels.
 - Develop and implement metrics to measure changes in customer service levels.
 - Process entitlement applications and other departmental permits in a timely manner.
 - Engage Columbia River Gorge Commission staff and Board throughout the preparation process of the Gorge 2020 Management Plan with the goal of ensuring the City's concerns are addressed in the adopted Plan.
- Maintain Certified Local Government designation by continuing historic preservation programs, special projects and other grant-funded eligible activities.
- Complete second and third phases of the 2017 Housing Strategies Report implementation program.
- Provide assistance in developing and implementing the City's economic development strategies and activities.
- Finalize and implement
 - New permitting and code enforcement software programs.
 - New mobile food vendor regulations and permitting processes.
 - New short term rental code and permitting processes.

CDD 2018-19 Accomplishments/Comments

- Continuation/Continued:
 - Department customer satisfaction survey.
 - Staff support of the Planning Commission, Historic Landmarks Commission, Site Review Team, Urban Renewal Agency, Main Street and other community groups and Ad Hoc Committees.
 - Coordination with other City departments, citizens, special interest groups, and County, State and Federal agencies for both current and long range planning efforts.
 - Provide planning services to the County Planning Department within the Urban Growth Area, the City Public Works Department, and the Urban Renewal Agency.

CDD -2018 Permits and Land Use Applications

- 96 Building Permits
- 159 development applications including:
 - 43 Site Team/Pre-applications
 - 51 Sign Permits
 - 11 Site Plan Reviews
 - 2 Conditional Use Permits
 - 3 Street Vacations
 - 1 Home Business Permit
 - 10 Vacation Rentals
 - 10 Adjustments
 - 2 Zoning Ordinance/Comprehensive Plan Amendments
 - 13 Minor Partitions
 - 6 Property Line Adjustments
 - 3 Subdivisions
 - 4 Historic Landmarks Commission applications
 - 2 Appeals
 - Provided assistance to 1,571 public counter visits and 1,507 phone calls for general inquiries.

CDD -Major Issues to be Resolved in the Next 5 Years

- Complete update to 2030 Vision Action Plan through an extensive community outreach and engagement program.
- Undertake and complete an update to the 2011 Comprehensive Land Use Plan.
- Provide staff support to updates and implementation of the Sewer Master Plan, Storm Water Master Plan, Water Master Plan, and Capital Improvement Plan consistent with the UGB and NSA amendments.
- Upon adoption of the Gorge 2020 Management Plan, assess the City's options to seek expansion of the Urban Growth Boundary and the NSA Urban Area boundary.
- Assist Urban Renewal Agency with development related matters in the Urban Renewal Plan Area.

CODES ENFORCEMENT – PUBLIC SAFETY MISSION

- Enhance the image and livability of the community through compliance with the City's ordinances, particularly addressing nuisance and property maintenance abatement efforts; working with citizens to solve problems and addressing issues of neighborhood and community concern, while protecting property rights.

Codes Enforcement Description

- The Codes Enforcement Division seeks compliance of the City's General Ordinance and Land Use and Development Ordinance through a variety of means including public education, personal contact, and both proactive and reactive efforts. The Division may also enlist the services of other local and regional agencies to assist in the abatement of nuisance conditions and the protection of public safety. The Codes Enforcement Officer also coordinates with and assists the City Attorney's Office and Planning staff in the enforcement of land use regulations and development project conditions of approval.

2019-2020 Goals, Projects, and Highlights

- Continue use of door hangers and other means of notification/public education for abatement of puncture vine, with the goal of encouraging property owners to take a more proactive role in the eradication of puncture vine. Adding a new door hanger (Spring 2019) that will address the storing of motorhomes, trailers and boats on the public right-of-way with the assistance of the police department
- Continue to work with lending institutions and property maintenance firms to abate nuisance conditions that exist upon their foreclosed properties; ensuring that the lending institutions are the party responsible for abatement costs. Council will be reviewing in 2019 a proposal to register the city with the state's property registration program that will allow a proactive approach of site inspections on the vacant property inventory within the city limits.
- Continue to enforce burning barrel permit regulations. CEO has proposed a change in the enforcement timeline to bring properties into compliance because of fire threat to property and/or public beginning in 2019. The timeline would be reduced to one (1) week to comply before abatement posting versus the current (2) weeks to comply. With the most recent years of extreme fire hazard in our community, it is a serious and responsible change for enforcement.
- Continue to seek compliance with transient merchant license requirements. The Community Development, Legal, Police and Codes have met to review proposed changes in the current Transient Merchant licensing. With the input of the transient merchants, it is expected that new language will be developed in regards to compliance and the process of registering. It is likely that the transient merchant enforcement will include a change to a land use ordinance versus a general code enforcement. Also, the responsibility of registration and compliance would be that of the property owner and not that of the transient merchant business owner(s).

2019-2020 Goals, Projects, and Highlights, cont.

- Work with Northern Wasco County Parks District as a resource for retaining certified arborists to assist with enforcement of ordinance provisions concerning hazardous trees on private property. The inventory of pine trees infested throughout our community is increasing. It will be necessary to focus on a plan of action to review the properties commercial and privately owned to address removal. Community education of will be necessary during a predicted campaign on awareness and responsibility for compliance.
- Work with Mid-Columbia Fire & Rescue in promoting use of Burn to Learn Program as a method to eliminate blighted buildings on private property. The City Police Department has also shown interest in using blighted buildings for their SERT training opportunities. Coordinating with property owners of these opportunities will be pursued as they become available and qualify for these trainings.
- Undertake cross-training in support of Planning staff to enforce land use ordinances and development projects conditions of approval. With the new planning position added to the Community Development Department in 2018, there is a percentage of time dedicated to land use code enforcement. There is a demand for code enforcement in the areas of downtown The Dalles and West 2nd Street (Webber to Hostetler). Currently, there are multiple properties that will need general and LUDO enforcement. These are not simple enforcement properties and will involve direction from the legal department as well.

2019-2020 Goals, Projects, and Highlights, cont.

- Implement new codes enforcement case tracking software program. CEO has completed the ASANA intro training webinar and will be working with the Senior Planner to define what information from the CEO into the ASANA program will be helpful in the property files.
- Undertake two targeted neighborhood clean-up efforts. This was not successful in the 2018/2019 fiscal year. The project will take funding and community partners to bring it to a level of measureable success. CEO is awaiting direction expected from a 02/2019 meeting with City Manager, Planning Director and new Mayor.
- Undertake program utilizing GIS system to track and inventory codes enforcement cases to identify areas and violation types requiring focused compliance efforts. This program is not available for tracking. A review with the ASANA program may offer this kind of tracking for enforcement history and focus for areas in greater need of aggressive enforcement.

2018-2019 Accomplishments/Comments:

- Abated three residential properties by hiring local contractors to abate nuisance conditions upon the properties. Although due process in preparing for a property abatement is time consuming, few properties go through abatement. Where there were double digit properties that were abated in the past 8 years, the City has abated less than 6 in the past two years. Continued communication with property owners and lending institutions is an important factor to working within reasonable timelines to bring the property into compliance and save in abatement costs.
- Assisted the City Attorney with proceedings for the posting of three dangerous residential buildings in 2017/2018; it is expected that with the increased code enforcement direction from the new Council, there will be more discoveries of vacant buildings and a need to measure the public safety challenges they may present in 2019/2020.
- For calendar year 2018, 513 inspections were conducted, representing 337 code enforcement cases. There were more property inspections that needed the assistance of the police department for safety concerns for the CEO. I expect that more property case enforcement will require the assistance of the police department as CEO deals with mental illness, known drug-trafficking properties and hostile property owners during inspections and abatements.
- Arranged for the disposal of 32 abandoned vehicles through a program with the Department of Motor Vehicles with NO disposal costs incurred by the City.
- CEO has served on the board of the Oregon Code Enforcement Association since 2010; five years as Treasurer, two years as President and currently as a member. The continued bi-annual codes enforcement training offered by the OCEA has been valuable in resources provided by the organization and its members.
- CEO completed professional status training offered by the State in 2015. As well as the OCEA state training, there will continue to be educational opportunities in 2019/2020 through press releases and presentations to Civic group and property management groups when requested.

Major Issues to be resolved in the next 5 years

- Continue to secure compliance with City's code regulations through voluntary and proactive efforts, and to implement measures and programs designed to ensure continued compliance.
- Create and restructure enforcement ordinance language in the areas of graffiti, fire hazard and removal of vehicles, boats, motorhomes and trailers on the public right-of-way.
- Work with LUDO enforcement on areas of greatest need for compliance.
- Additional staff for Codes Enforcement to develop a strategic plan to increase enforcement throughout the City.
- Continue working with community partners and media to educate on the importance of reducing puncture vine and increased goal of the elimination of puncture vine in areas of high traffic.
- Continue with neighborhood clean-up efforts in partnership with neighborhood residents, local service organizations, businesses, property owners, and other public and private resources.

CODES ENFORCEMENT

PUBLIC SAFETY

- *PROPERTY ABATEMENT
 - *VEGETATION
- *PUNCTURE VINE (GOAT HEAD)
 - *SEASONAL ENFORCEMENT
 - *TRANSIENT MERCHANTS
 - *COURT APPEARANCES
 - *JUNK VEHICLES
- *SEASONAL ENFORCEMENT
- *NOISE & ODOR CONTROL

JUNK ABATEMENT



VEGETATION

- * FIRE THREAT
- burning season
- burn barrel ban



PUNCTURE VINE

- *CONTROL
- *EDUCATION



TREES

- *ENCROACHMENT
- *SAFETY



JUNK VEHICLES



DANGEROUS BUILDINGS



ODORS
* NOISE





City of The Dalles

Housing Code Amendments – Planning Commission/Public Meeting
May 16, 2019



Purpose

- ▶ **Implement The Dalles' Housing Strategy:**
 - ▶ Phase 2: Multifamily Housing
- ▶ **Comply with Oregon Needed Housing Statutes, including SB 1051 (2017)**

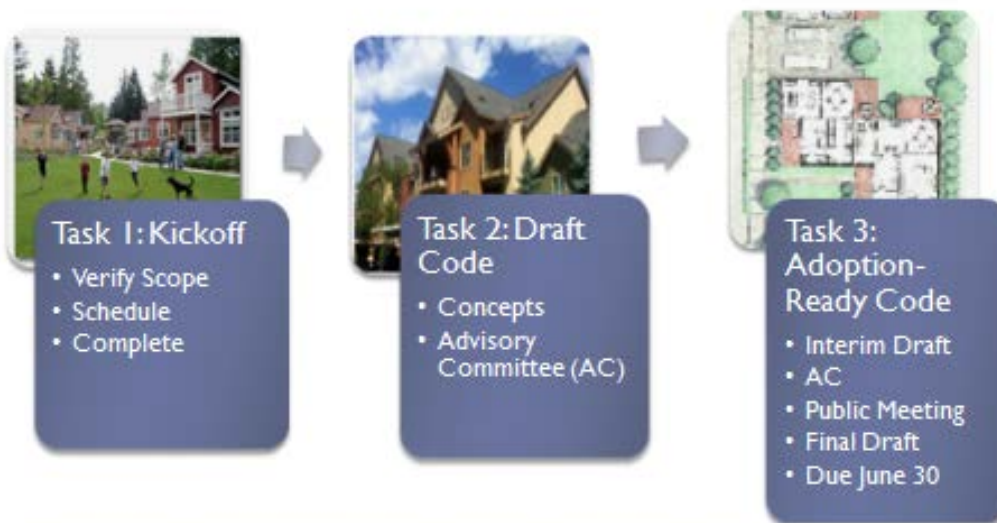


Objectives

- ▶ **Consistent with Comprehensive Plan** (Report pp. 5-9)
- ▶ **Implement Housing Strategy Multifamily Housing Actions**
 - ▶ Flexibility for a variety of sites (pp. 45-57)
 - ▶ Density & height bonuses for affordable housing (pp. 34-36)
 - ▶ Reduced parking requirements (pp. 34-36; 67-71)
 - ▶ Cottage cluster dev - small SF homes (pp. 15; 36-41, 46, 52)



Work Plan



Nine Key Concepts

1. **Definitions amended** (pp 15-19)
 2. **Public notice/hearing requirements clarified** (pp.21)
 3. **Site Plan Review - C&O standards/criteria** (pp.22)
 4. **Neighborhood Compatibility Review** “ “ “ (pp 27)
 5. **Adjustments – clarified and expanded** (p. 30)
-

Nine Key Concepts (cont’)

6. **Affordable Housing Incentives** (pp.33)
 - ▶ Density, Height, Lot Coverage, Parking
 - ▶ Separately adopt affordable housing program criteria
-



Key Concepts (cont')

7. Cottage Cluster Development (pp.36-42)

- ▶ RM and RH zones
- ▶ 12,000 sq. ft. or larger site
- ▶ 4-12 or 4-24 cottages
- ▶ 400 sq. ft.-900 sq. ft. (or 1,400 sq. ft.) max
- ▶ Common open space 400 sq. ft./unit
- ▶ Private open space 300 sq. ft./unit
- ▶ Setbacks, separation, height limit
- ▶ Site layout and building design standards
- ▶ One parking space per unit minimum
- ▶ Common area maintenance

Salish Pond Cottages - Fairview

LOCATION

Salish Pond Cottages

ADDRESS

750 W. Pond Drive
Fairview, OR

LOT SIZE / DENSITY

2,700 sf / 16 per acre

DWELLING SIZE

750 - 1200 sf

RENT VS. OWN

Typically owned



Key Concepts (cont')

8. **RH, RM, NC, CBD, CG** zones (pp. 44-64)

- ▶ Clarify existing requirements
- ▶ Add flexibility to development standards (tables) for multi-family housing, consistent with planned densities

9. **Parking** (pp. 67-70)

- ▶ Affordable housing incentive
 - ▶ Allow credit for parking in front setback on paved driveway
 - ▶ Consider other options for reducing development costs
-

Thank you

- ▶ Questions?



Questions raised about the Phase II activity (of which we were unaware until 2 days ago):

How was the public informed of this meeting and the study session/discussion on very important code changes which will impact many citizens of this town; (all the citizens in low density areas unless some amendments are more carefully considered)?

What happened to the work done over a course of years, producing the Housing Strategies Report, costing nearly \$18,000 and resulting in "Resolution No. PC576-18 for Zoning Ordinance Amendment #97-18 making a recommendation to the City Council to approve of the various housing code amendments to Title 10 of The Dalles Municipal Code"? (p. 45 - No mention of the Nov. 26 meeting and results were made at the end of the first paragraph)

Will any part of this Resolution No. PC576-18 resurface in any form in or outside of these Phase II materials?

(If so, why were they not included in these materials for this study session as a full and complete document representing proposed code changes? (Phase I and II supposedly connected).

How did Phase II come about?

Who proposed it?

Who funded it?

Why was there no reference to Phase II in Phase I?

Where can more information about the 4 meetings previous to this one be found? ie. Who attended, etc.

Who is going to write the next draft? *Scott*

Who is going to decide what is in the next draft?

Will there be another opportunity for a study session to look at a draft closer to final form for public study and comment?

This is requested for something so important as code changes.

(Answers requested in writing)

Lorene Hunt

PO Box 81

The Dalles 97058

Concerns/questions about the Phase II draft:

Note that the **density bonus and related provisions on pages 56 and 82 are a significant problem** in that they seem **designed to artificially inflate maximum allowable densities across the board**. At a minimum, some restrictions are appropriate - for example, restricting such bonuses to non-developed areas, which would exclude infill development. Another reasonable possibility would be restricting such bonuses to RM and RH, the zones that are most conducive to and specifically targeted for the establishment of multifamily and other affordable housing.

***Regarding the change in 10.3.080.020_B6 on page 78, **the proposed change is nowhere near clear and objective, and provides inappropriate leeway for interpretation**. For example, how are we to compare the density allowed by an adjustment with the density allowed by the Comprehensive Plan? Over what specific area is density to be measured? **At least with the current wording there is a way to read this provision that is clear and objective, each major word in this short sentence defined in the code.**

Regarding the comment on page 81 concerning Affordable Housing Incentives, "[t]his amendment implements the Housing Strategy recommendation to 'Establish density and height bonuses as incentives for affordable housing' by allowing increased density, height, and lot coverage, and reductions to required parking, consistent with the City's Housing Needs Analysis and Comprehensive Plan Goal 10, Policies 16 and 19." As illustrated below, **even these justifications which the comment references to support the proposed incentives have little relation to the actual proposals, and in some cases directly contradict the idea that the proposed changes are required or even useful.** Other contrary evidence is also considered.

Policy 16 refers to revising development standards "...to permit more flexibility..." *but does not refer to density or height in the considerations.* Policy 19 states, "[a] program of incentives and standards shall be prepared to encourage residential developments which achieve at least the lower end of the density range specified...", *a far cry from 'exceeding the higher end of the density range'.* **Neither mentions affordable housing in any way. Other comp plan policies were ignored, including #2 "encouraging new development which achieves the density allowed by the comprehensive plan", #5 "[a]dopt standards to ensure that residential development occurs within planned density ranges within each residential district", and #7 stating that "[i]ncentives should be used to encourage development that meets (edit. NOT EXCEEDS) maximum allowable density for all types of residential development".**

The reference to the City's Housing Needs Analysis, which appears to mean the Housing Strategies Report of April 2017, does include the statement above as a highlighted recommendation on page 19. However, this section also states that "[r]esidential developers in The Dalles likely find the height and density standards adequate to build their projects. In some zones, achieving the minimum densities may actually be more of a concern to developers than exceeding the maximums...", also noting that "current market conditions do not suggest a significant demand for density or height bonuses".

Regarding page 82, the density bonus proposed seems entirely out of proportion and inadmissible, while the other provisions involving bonuses for height, lot coverage, and parking reduction are already available through the adjustment process. **This section seems to be simply a thinly disguised way to allow a sizable increase in density.** Another issue is what exactly is meant by 'maximum density of the zone.' Is it the top of the range specified in Comp Plan policy 22? Is it 25% above that range according to the new proposal? Is it something else? Here, again, this is not making the code **"more clear and objective"** - **a major purpose of Phase II** as stated on p. 45 of the packet – honorable and acceptable if adhered to.

On page 92, 10.5.010.020_A6 indicates a primary use permitted outright in the RL zone will be "[a]ffordable housing, consistent with the permitted building types listed above." The comment below states that "[t]his amendment is largely symbolic, as housing at all price and rent levels is already allowed in the zone." However, on page 120, note 6 states that the change "...is significant, because for projects meeting affordable housing criteria, all residential uses and building types are allowed in each zone..." **This is obviously contradictory and problematic, an amendment can either be symbolic or significant, but not both.** If it is significant in the way described, then affordable housing is essentially a free pass to build without regard to permitted use and this proposal should not be allowed. If it is symbolic, then it may be the source of confusion and open to illegitimate interpretation and should be similarly scrapped. Even an apparent restriction to permitted building types is little comfort, and why have this? The building types are already permitted, do they need to be extra permitted? **Thus it is highly recommended that this provision in RL (and similarly in RM and RH) be removed.**

69: Under 10.3.020.030_B2, Site Plan Review for developments meeting Affordable Housing criteria may be processed as a ministerial action, not as an administrative action. This is significant because 10.3.020.040_A regarding administrative actions states, "[a]t the discretion of the Director, or at the request of the Commission, the applicant, or party(ies) of record who address legitimate criteria, and administrative action may be processed as a quasi-judicial action, per the provisions of Section 10.3.020.050..." **This change in processing for SPRs appears to be an attempt to subvert and avoid public input in developments that are deemed affordable housing.**

Abbreviated notes referring to pages in the packet for May 16, 2019:

49: to clarify, these proposed amendments are specifically "for High Density and Multifamily Housing" only in the sense that they are designed to promote and encourage those. **The proposed amendments also have significant impact on other areas, such as Low-density residential zones.**

51: "The focus of the amendments is on multifamily and high density housing in the City's RM and RH zones." Again, **is this really true?**

52: "Create incentives for affordable housing, to include density and height bonuses." **This seems like a way to allow development not otherwise allowed by city code.**

"This work is also to be coordinated with other Housing Strategy action items, including a separate package of code amendments that is addressing other housing needs." Is this a reference to the so-called Phase I amendments? More info here is definitely necessary.

Lists meeting of the advisory committee, notes that "participants varied over the three meetings". Where can more information regarding these three meetings be found?

53: "The plan represents the desires of the citizens of The Dalles..."

"...identify code amendments needed to facilitate multifamily and high density housing development..."

56: "*Planned density respectively for each zone is 25% greater than specified above for purposes of establishing regulatory incentives for affordable housing." Also, point 24. cf. Density Bonus provision on page 82.

63: Article 10.8.036 should read 10.3.086 (twice) (correction necessary)

70: 10.3.020.050_A7, what is the purpose of this? Is it the review for compliance that is the quasi-judicial action? Is it that affordable housing would bypass the need for zone changes to be processed as a quasi-judicial action?

70: In comment, "...avoids creating a loophole in the proposal to allow density bonuses by right where developments meet affordable housing criteria." **While it would certainly be incorrect to allow density bonuses without providing affordable housing, the provision of density bonuses for affordable housing already seems to be a loophole in itself.**

71: 10.3.030.040_C, repeated references to Article 3.040 (Neighborhood Compatibility Review), which no longer exists (according to the proposed changes).

75: **Are these standards really being relocated as advertised, not altered for other purposes or simply removed?**

78: **changing B6? To be more clear and objective? Really?**

79: C7,D8, how is dimensional standard defined? D7, why is this section necessary?

80: 040_B, "shall also find that... are met", if the approving authority shall find that they are met, then **why consider them? Further, if the adjustment is already approved through subsection A, then what is the purpose of this section?**

81: Affordable Housing Incentives comment, see specific notes file

82: "[t]hrough the quasi-judicial review procedure..." what does this mean?

030_A, Density Bonus, this seems entirely out of proportion and inadmissible.

Further, as a comment to this section, it is noted that through the adjustments process regulated by 10.3.080, modifications for height, lot coverage, and parking reduction are already available with an adjustment, **so much of this section seems redundant.**

92: **A6 on Affordable Housing needs to be struck (more about this in earlier notes)**

95: **Please note the definition of density is "dwelling units per acre", and also note that a restriction for maximum density "not to exceed 25 units per gross acre" is handwritten into the RH district standards, so how does the density bonus affect that? It appears that this will prevent the density bonus from applying here, making it targeted at low-density areas. We see the same thing on page 101 with RM standards.**

96: **Will the incorrect rounding calculations in these footnotes not be corrected?**

Question:

What specific implications do the new code amendments have on potential development for the property at the corner of 13th and Perkins? particularly given that this property is directly across a narrow street from the home we own and live in and the owner/developer of that property, with whom we have already had legal issues related to that exact property, is apparently a member of the technical advisory committee for this

c

o

d

e

A question that deserves an answer considering the developer has had a direct voice in code amendment proposals as a person on the advisory committee:

What specific implications do the new code amendments have on potential development for the property at the corner of 13th and Perkins? particularly given that this property is directly across a narrow street from the home we own and live in and the owner/developer of that property, with whom we have already had legal issues related to that exact property, is apparently a member of the technical advisory committee for this code update project?

(This same person, the owner/developer on the advisory committee, has stated in the past that he depended on the city for direction as to his building activity. Now, he is advising the same entity that he depends on for guidance? (how could this not be considered a conflict of interests which should have been apparent to those in the planning department in the know, including Steve Harris, who opened the last meeting on April 26 and would have been able to clearly identify the developer present in a position that is viewed as a clear conflict of interest. In addition, the owner/developer's plans to build a duplex on the corner of 13th and Perkins were not approved by state agency (LUBA) - he has a period of time to decide what to do about his plans – How can sitting on the committee that is recommending changes to the city code and having influence on those changes be done in good faith considering all the persons from 2 neighborhoods who spoke out and signed petitions rejecting his plans in those neighborhoods?

→ The change recommended on p. 78 that directly relates to this case cannot be accepted on serious grounds:

- (1) apparent conflict of interest;
- (2) a large groundswell of persons from low density neighborhoods having already addressed adjustments that were not accepted by a very large majority of persons living in those neighborhoods;
- (3) LUBA not accepting his adjustment request as legitimate; **this cannot be a backdoor way to get what one person wants over the voices of many**

if:

**-in spite of all objections already voiced by citizens in 2 low density neighborhoods
-in spite of the ambiguity and lack of clarity of the proposed change on p. 78 (the one condition that is directly related to the 13th and Perkins property and the only change on that page),**

B6 is changed from a “clear and objective” code provision protecting citizens in RL zones to an ambiguous and very unclear “alternate wording”

then:

the 13th and Perkins property, owned/developed by a person sitting on the advisory committee, must be grandfathered into the present code, protecting citizens who have used just that provision to protect a low density neighborhood from activity not desired by a large majority of its citizens as evidenced by hearings May 3 and June 25, a May 4 document already disseminated, and a LUBA decision that did not support the owner/developer in his present plans.

Recommendations regarding RL zone code changes (made at the Aug. 2 "public hearing"):
(Angelo Planning Group facilitating)

--That ADUs retain owner occupancy requirements only in RL zones (a page of reasons given to the Angelo Group)

--That minimum s.f. per unit on corner lot duplexes be lowered slightly, if at all, from 4500 s.f. per unit to maybe 4,000 s.f. per unit.. Instead, **the proposed code changes lower minimum s.f. per unit from 4500 s.f. to 2500 s.f. - the present construction at 3737 s.f. per unit not accepted by a large majority of persons living nearby in that low density neighborhood (as evidenced by hearings, May 4 petition, and written materials to the Angelo Group). How is it possible that anyone can accept reducing the minimum s.f. per unit by another 150% over the 3737 s.f. already objected to by a large majority of the low density neighborhood? Who at the city can vote for this provision in the proposed changes, referred to at meetings as "low hanging fruit" by city personnel?**

Recommendation made to the City Council both in writing and at hearings:

--That the following provision be included in the code changes as a protection for citizens in low density neighborhoods, removing the city from responsibility for "recommending" such a meeting (which did not occur in 2 low density neighborhoods where stakes are highest re new development). The developer having stated he depended on the city, a series of hearings and decisions indicate citizens in low density neighborhoods cannot depend on the City "having their backs", including regarding this recommendation. Making it a "requirement" instead of a "recommendation" protects citizens from a City which overlooks or ignores important measures.

10.3.020.050 C. 7 **"Prior to the public hearing the applicant is required** to conduct an outreach meeting with residents and others who may be affected by development proposed in an RL zone. In other zones, such a meeting is recommended but not required."

Why would the city not want this protection for its citizens in RL zones? (meetings and action twice in the W. 13th area having prevented hearings, appeals, involvement of LUBA, etc.- a huge savings to the City and its citizens. Will the city include such a resource-saving opportunity?(saving not only funds, but human resources and treasured neighborhoods)

Lane Hart
503-327-3454

(Not one of these recommendations made its way in any form into the proposed code changes)

*Prepared to present Nov. 26 - hearing cancelled
presentation not possible*

hearing was with no ~~cancelled~~ prepared for hearing Nov. 26 - 3:55
opportunity for citizens to present Summary of Phase I

On Friday morning 3 days ago, I was informed that The Dalles is having a public hearing on Amendments to the City Code. Having been deeply involved in 2 cases brought to the Land Use Board of Appeals (the state agency ruling on land use decisions) due to decisions made by the City of The Dalles negatively impacting 2 low density neighborhoods, I was not expecting the City to move on code changes BEFORE those 2 cases are decided, particularly since the code changes directly impact development that has been appealed to the State Board. A hearing for the first case was heard in Salem on Nov. 15. **Members of the City Council who value the character and citizens of low density neighborhoods, please ask the city attorney for the briefs regarding this first case, evaluate the merits, and keep the record of this current hearing open until both cases have been resolved at the state level.** If, in fact, all the voices from both low density neighborhoods are validated by the state's decisions, the City must take those voices into account before voting on amendments that have already been rejected by all those voices * (more detail below) A partial account of activities follows in which issues related to City Code were addressed and objections voiced by neighborhood citizens when possible:

need for citizens to be heard & considered

May 2 – room full of citizens from 2 low density neighborhoods in a hearing lasting more than 3 hours, **all citizens from both neighborhoods unanimously rejecting 2 proposed adjustments reducing minimum lot size as required in present City Code**

(In one neighborhood, a single unit built on W. 13th and Perkins required 4500 S.F., the developer wanting to build 2 units under 4,000 s.f. per unit, not allowed by present city code
RESULT: Room full of citizens from low density neighborhoods valued? developer - approved

May 4 – petition reporting May 2 meeting results and plea circulated in both neighborhoods 44 signatures; decisions of Planning Commission rejected; sent to Councilors, etc.

May 17 – meeting of Planning Commission with Angelo Planning Group (APG) re code changes
Citizens attending meeting not acknowledged, material brought to share related to issues
RESULT: Citizens from low density neighborhoods – 0 voices acknowledged

NOTE: At this meeting, Commission members asked repeatedly about proposed changes:
IS THIS REQUIRED BY THE STATE? The answer from the APG was never "yes".
PROPOSED CODE CHANGES ARE 'GENERAL RECOMMENDATIONS - NOT REQUIREMENTS OF THE STATE - ALLOWS FOR INPUT FROM NEIGHBORHOODS

June 25 – hearing for adjustment application on W. 13th and Perkins

All voices (except for 2 who did not live in the neighborhood) support rejection of the adjustment, one page not included in the city's online record for that day presented here
RESULT: Citizens living in low density neighborhoods valued? 1 developer's plans approved

July 9 - hearing for adjustment application and minor partitions on E. 19th St.

Majority of voices reject plans for development
RESULT: Citizens living in low density neighborhoods valued? 1 developer's plans approved

August 2 – **public hearing advertised as occurring in City Hall** – actually held in Auditorium

Only a handful of public attend – room has more planning staff and APG than public
Does incorrect advertisement of a site during a vacation month encourage public involvement? NOTE: At this meeting, numerous suggestions were posed to the APG by residents from a low density area, the city's own planning materials re changes in low density areas were presented

RESULT: ZERO suggestions supported by city staff/APG at the meeting or in Code Changes

CONCLUSION: Voices from low density neighborhoods have not been validated by the City. What is the point of participating in hearings that do not validate a room full of unanimous voices; that are set at the worst times for public participation (vacation month; Thanksgiving)?

At every one of these activities, despite a significant preponderance of citizens expressing their valid reasons for rejection of proposed plans, the City of the Dalles voted to approve one developer's plans. Isn't a function of the City one to support its citizens? To support one citizen (who does not live in either of the 2 low density neighborhoods) at the expense of all the other citizens who spoke out from these low density neighborhoods? What gives these citizens any incentive to raise their voices when those voices are not recognized in a representative government? Valuing citizens from low density neighborhoods? Where? When? How? Time after time the City has operated in ways that demonstrate lack of good faith in/to citizens.

CONCLUSION

The City of The Dalles (except for a few persons who heard and validated these voices – THANK YOU) has shown that it does not value the input of citizens and homeowners in low density areas. The only remaining assurance homeowners have for any standard of control over their neighborhoods are the provisions of the City Code. Sadly, our experience indicates that even provisions of the City Code are overlooked, misapplied, and/or ignored.

Personal Statement: Because of my belief in the need for a world that operates according to values of persons like John McCain, whose life I invoked at my last presentation, I felt I had no choice but to appeal decisions of the City that impacted so many persons and families as they made presentations at hearings. Those voices and those persons mattered deeply to me...and I also believed very firmly that anyone who read the City Code would come to the same conclusion – that decisions were made that violated the City Code, both in word and in spirit. I have made great sacrifices to pursue what I believe is justice for these persons, these families, and these neighborhoods. Looking forward to teaching music this fall, I have not been able to teach one day, these matters all-consuming at many levels. However, the expense to me is much more than financial. I have at intervals lost hope...in the efforts of anyone at any level when the City decides to implement some goal...not even cases at LUBA stopping the City from advancing its agenda – at the expense of citizens in a multitude of ways. I have dealt with lack of transparency of the City (i.e. not including the purpose of the adjustment on the Notice of Hearing) – our neighborhood missing out on the chance to appeal if we had not, at the last minute, checked at the city and discovered that the “garage” represented by a neighbor as being built across from our home was really a duplex – a shocker to everyone when finding that out.

I was in shock when I found out that Notices of Decision had been mailed 9 days earlier, ours not reaching us. I raced immediately to the City Hall, being told by the Planning Department clerk that our Notice was sent to the address my husband and I gave at the hearing. I stated to her “I never use that address – always our P.O. Box.” It was her word against mine, and only when I received the record from the city on appeal to LUBA did I hear both my husband and myself give our P.O. Box as our address. Had I not found out about the Notices being sent, we would have lost our chance to appeal at the state level to LUBA. It was also in that record sent to us that we discovered the page missing in the city's online record – a page full of City Code, admonitions to the city officials to implement City Code, and to “Cease and desist” from construction that did not follow the code. I also discovered, after hours of listening to tapes, that the Notice of Decision sent regarding the case in our neighborhood was not what the City Council read into the record twice and approved..In other words, a city's necessary decision had not approved the lot size on which the developer proceeded with construction. At what point do all these errors result in citizens losing faith in city government? For me, it was at the first hearing...so many voices...for what purpose? But if efforts are not made, nothing changes. **Will these efforts result in positive changes? – a re-evaluation of code changes based on so many voices already having spoken out about the need to honor present City Code in low density areas? Based on recommendations by the state that are not mandatory changes?**

Voices can be accessed in: hearing May 2; May 4 petition sent to councilors; appeals; June 25 hearing and emails; July 9 hearing and emails; LUBA Cases 2018-097 and 2018-090. NOTES and RECOMMENDATIONS regarding proposed code changes:

- The City paid the Angelo Planning Group more than \$17,000 as an advising agency regarding Oregon's Statewide Planning Goals & Guidelines. "GOAL 1: Citizen Involvement - It's no coincidence that *Citizen Involvement* is the first among Oregon's...goals. Extensive citizen participation has been the hallmark of the state's planning program from the outset... encourages such participation in all aspects of planning." This quote **not true in The Dalles** Go online to the Angelo Planning Group in Portland: look at citizen involvement in Beaverton. Here, in The Dalles with numerous contacts both in writing and at meetings, the leader of the group did not support citizens in low density areas in comments made or recommendations to the City. The leader was invited to view the proposed construction on 13th and Perkins while in town for a public hearing – declined even driving by to see what impact lowering the minimum lot size in RL zones would have in real terms, not just numbers on a page. At the following meeting he attended, he arrived alone and showed no support for "citizen involvement" from low density neighborhoods – advancing the city's agenda his obvious goal. Goal 1 most important? Hasn't been seen from APG. Have citizens from RL zones gotten their money's worth here?

Recommendations regarding RL zone code changes made at the Aug. 2 "public hearing":
(Angelo Planning Group facilitating)

--That ADUs retain owner occupancy requirements only in RL zones (a page of reasons given to the Angelo Group)

--That minimum s.f. per unit on corner lot duplexes be lowered slightly, if at all, from 4500 s.f. per unit to maybe 4,000 s.f. per unit. Instead, **the proposed code changes lower minimum s.f. per unit from 4500 s.f. to 2500 s.f. - the present construction at 3737 s.f. per unit not accepted by a large majority of persons living nearby in that low density neighborhood (as evidenced by hearings, May 4 petition, and written materials to the Angelo Group).** How is it possible that anyone can accept reducing the minimum s.f. per unit by another 150% over the 3737 s.f. already objected to by a large majority of the low density neighborhood? Who at the city can vote for this provision in the proposed changes, referred to at meetings as "low hanging fruit" by city personnel?

Recommendation made to the City Council both in writing and at hearings:

--That the following provision be included in the code changes as a protection for citizens in low density neighborhoods, removing the city from responsibility for "recommending" such a meeting (which did not occur in 2 low density neighborhoods where stakes are highest re new development). The developer having stated he depended on the city, a series of hearings and decisions indicate citizens in low density neighborhoods cannot depend on the City "having their backs", including regarding this recommendation. Making it a "requirement" instead of a "recommendation" protects citizens from a City which overlooks or ignores important measures.

10.3.020.050 C. 7 **"Prior to the public hearing the applicant is required** to conduct an outreach meeting with residents and others who may be affected by development proposed in an RL zone. In other zones, such a meeting is recommended but not required."

Why would the city not want this protection for its citizens in RL zones? (meetings and action twice in the W. 13th area having prevented hearings, appeals, involvement of LUBA, etc.- a huge savings to the City and its citizens. Will the city include such a resource-saving opportunity?(saving not only funds, but human resources and treasured neighborhoods)