



**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125  
Planning Department

**AGENDA**  
**CITY OF THE DALLES PLANNING COMMISSION**

CITY HALL COUNCIL CHAMBERS  
313 COURT SREET  
THE DALLES, OREGON 97058  
*CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM*

**THURSDAY, MAY 15, 2014**

**6:00 PM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
  - A. April 17, 2014
  - B. May 1, 2014
- V. PUBLIC COMMENT (Items not on the Agenda)
- VI. **QUASI-JUDICIAL HEARING (Continued)**  
**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.
- VII. WORK SESSION – Residential Infill Policies
- VIII. STAFF COMMENTS
  1. Appointment of a Vice Chairman
- IX. COMMISSIONER COMMENTS/QUESTIONS
- X. ADJOURNMENT

**CITY OF THE DALLES PLANNING COMMISSION MINUTES**

**Thursday, April 17, 2014**  
City Hall Council Chambers  
313 Court Street  
The Dalles, OR 97058  
*Conducted in a handicap accessible room*  
6:00 PM

**CALL TO ORDER:**

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

**BOARD MEMBERS PRESENT:**

Bruce Lavier, Chris Zukin, John Nelson, Jeff Stiles, Mark Poppoff

**BOARD MEMBERS ABSENT:**

Dennis Whitehouse

**STAFF MEMBERS PRESENT:**

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

**APPROVAL OF AGENDA:**

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

**APPROVAL OF MINUTES:**

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

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

**PUBLIC COMMENT:**

None

**WORK SESSION: Residential Infill Policies**

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

Gassman made some general comments on the outline as follows:

1. The dollar cap and time limit figures were merely arbitrary, inserted for purposes of discussion of the overall concept.
2. The concept of the “sunset clause” was not inserted.
3. The Delayed Development Agreement (DDA) concept was included for discussion.
4. The draft was an attempt to balance several competing interests for street improvements, State’s interest for street improvements, and competing individual interests to try to keep costs down.

5. The street map illustrated the proposed network of streets, basically comprised of main arterial and collector streets that would require full improvement and would provide access to most areas in town to within approximately three blocks. Gassman said all other residential streets were indicated as "Other." These streets either would or would not require improvements.

6. The City proposed to provide city-wide engineering and install storm water systems for the major network streets. Property owners on network streets would be responsible to develop the remaining full improvements, but they would not be required to do so until the storm water system was installed. Property owners would then be given a certain reasonable amount of time to put in the street improvements, timeline to be discussed. For residents on the "Other" streets, street improvements would be required if and when the property owners wished to develop their property.

7. Pre-existing Waivers of Remonstrance (Waivers) would be converted to DDAs for property owners on network streets; the DDAs would have a dollar cap. Property owners on the "Other" streets may or may not need a DDA depending upon whether or not the required improvements were already met. He felt 90% of the "Other" street Waivers would go away based upon the proposed criteria.

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

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

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

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

There was discussion on the difference between the existing Waiver format and the DDA that included a dollar cap. Lavier and Zukin said Waivers were open-ended documents that gave no guidelines for when anything would occur or be paid. Zukin said the DDA was discussed in the Standards sub-group, and it would be

customized. Some members of the audience felt the proposed DDA was the same “evil document.” Zukin said he could see both sides of the issue of Waivers. From the City’s side, it was a powerful document. From the property owner’s perspective, it cost. Zukin said Director Gassman was attempting to develop a process to get rid of Waivers, and part of the process was the development of a DDA with a cap option. Gassman said he thought the City should develop a forum to discuss the cap and give an explanation of what they are proposing and identify funding resources.

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

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

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

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

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

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

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

Richard Havig, 3015 East 12<sup>th</sup> Street, The Dalles, Oregon, said the people that were doing the residential infill were being adversely picked upon. He thought people that lived on the old streets with street improvements did not help pay for the street improvements, and now the City was requiring residential infill property owners to

pay for the costs. Mr. Havig said the City wanted street improvements for Richmond and Lambert, but the City could not keep up with maintenance on the streets they have.

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

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

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

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

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

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

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

Taner Elliott, 397 Summit Ridge Drive, The Dalles, Oregon, said he would like to calculate out a proposed per linear foot dollar amount for street improvements. He said a certain level of frustration came in when the staff draft outline became more abstract and did not reflect the case by case basis Commissioner Zukin and others had

previously discussed. Zukin said that if the case by case proposal was developed, there would need to be certain criteria addressed. Gassman said an agreement would still be needed to include criteria such as: 1) what improvements were needed; 2) when they would be required; and 3) who would pay. Gassman said he hoped that criteria would be very clear so that staff and the property owner would not have to argue about the criteria. After further discussion, it was the general consensus of the Commission to explore the case by case option.

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

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

**NEXT MEETING:**

May 1, 2014

**ADJOURNMENT:**

The meeting was adjourned at 8:20 PM.

Respectfully submitted by Administrative Secretary Carole Trautman.

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Bruce Lavier, Chairman

**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 Hulit, 2830 E. 10<sup>th</sup> Street, The Dalles, Oregon. (Attachment #2)

Bill McBirney, 4109 Chenoweth 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.

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Bruce Lavier, Chairman

# ATTACHMENT #1

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". The signature is written in a cursive style 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



**NOTE: This is a revised draft incorporating ideas and tentative agreements from the May 1, 2014 Planning Commission meeting. The next step is to agree on recommendations, with or without options, that we can take to the City Council for their preliminary review.**

## **5-15-14 DRAFT**

### **Outline for Residential Infill Public Street Improvements**

#### **Background**

This is an outline of a program derived from the preliminary recommendations of the Standards and Finance work sub-groups and the discussions of the full Planning Commission. This outline is intended to set public improvement requirements for new single family and duplex dwellings on single lots. Commercial development, subdivisions, and multi-family housing would be subject to the existing standards in the LUDO.

Part A of this outline discusses street improvements only, and only for lots located on one of the “network” streets (mostly arterial and collector streets.) Street related improvements for other residential/local streets are discussed in Part B. Water and sanitary sewer are not included in this outline. The cost of installing those utilities would continue to be the responsibility of the property owner and usually would occur at a time prior to the street improvements discussed in this outline. This outline does not discuss public street improvements in non-residential areas.

For purposes of this outline, full improvement generally means sidewalks and curbs on both sides, and a fully paved street, without reference to the width of paving. It is understood that some streets, such as parts of Scenic Drive, are not suitable for full improvement. Modifications would be made where required.

The goals of this outline:

1. To provide for full improvement of selected streets to allow for auto, bicycle and pedestrian access to all areas of town.
2. To minimize the creation of isolated “island improvements.”
3. To reduce the overall cost to individual property owners.
4. To provide an identifiable maximum liability for property owners for public improvements.
5. To provide clarity to the development process.

The Commission has tentatively approved the concept of a network of streets that would allow for bicycle, pedestrian and vehicular access to all parts of town. The network

streets would require a higher level of public improvements. A map of the significant streets is included. The map shows arterial streets in red, collector streets in blue and local streets in green. City streets are indicated in solid lines, while County roads are indicated in dashed lines.

#### **A. Network Streets –Development Requirements.**

##### **Option #1 (DDA with time limits)**

1. Full improvement at time of development, with a dollar cap based on the linear foot frontage, if the improvements can match the grade of the street and the proposed method of storm drainage can be accommodated by the existing storm drainage system. The decision on whether the street is ready for full improvement, shall be determined by the City.
2. If the street is not ready for full improvement, the property owner has, at his/her choice, the option of either: 1) pre-paying to the City the capped cost of the street improvement; or 2) signing a Delayed Development Agreement (DDA). The DDA would require the property owner to install full improvements within **xxx** years once the City, at its cost, had completed engineering of the street design and the installation of any required storm water system improvements. The time period would commence upon the date of occurrence of the final event, which is necessary to complete the City's obligations.
3. If the City determines that public improvements should not be installed by the end of the time period, the City may extend the deadline. Criteria for extension include lack of available funds to cover excess costs over the cap, differences in grade between engineered design and existing street, approaching deadline for installation of improvements for additional nearby properties, and any other factor(s) which make an extension appropriate. The length of the extension is at the City's discretion. Rather than have the deadline extended, the property owner has the option of pre-paying the cap limit.
4. Street improvements, when ready to be installed, will be done by block or area to the fullest extent possible. The property owner may also use the LID process or the *Gravel Street Policy*, if possible. One provision in the DDA will be to require the property owner to contact all other property owners of lots which are not fully improved within the same block to request participation in either an LID or use of the *Gravel Street Policy*.

##### **Option #2 (DDA with “triggers”)**

1. Full improvement is required with development in the following situations:
  - a. Engineering is completed, or street grade is otherwise determined, and the storm water is installed or otherwise acceptable; or

- b. The City determines the street is ready for full improvement; or
  - c. The lot is adjacent to fully improved sections.
2. If full improvement is not completed at the time of development, a DDA would be signed and recorded. The DDA would require full improvement when one of a set of triggers occurs. The triggers could include such things as a certain level of traffic volume, whether there was a need for additional improvements, a certain level of lots on the block being fully improved (or developed), or lots on the block reaching a certain level of recorded DDAs.
  3. The improvements would be triggered by criteria in the DDA, but the owners should have some amount of time to install the improvements once they are required.

**Option #3 (No DDA) NEW**

**This is a new option based on the comments of the Planning Commission at the last meeting and the difficulties of determining whether or not to require a DDA and the details of a DDA.**

1. Full improvement is required at the time of development. The City will do the engineering for street grade, and improvements will be installed, whether or not the storm water system is in place.
2. If improvements cannot be installed, for whatever reason, no building would be allowed.

**B. Local Streets Development Requirements.**

1. Dedication of right of way may be required.
2. No other requirements.

**C. Delegation of Responsibilities.**

**1. On Network Streets**

a. City Responsibilities

1. Do engineering at the City's expense.
2. Install the storm water system at the City's expense.
3. Determine if the street is ready for improvements.
4. Administer DDAs.
5. Cover excess costs over the DDA cap, if any, as available resources allow.

b. Property Owner Responsibilities

1. Install improvements at the time of development, if possible, up to the limit of the monetary cap.
2. Sign and record the DDA if public improvements are not possible.
3. Install improvements, or choose options presented by the City at the end of time period.
4. Request other block property owners to participate in an LID or

*Gravel Street Policy* as set out in the DDA.

**2. On all other Streets**

a. City Responsibilities

1. Determine if additional right of way is needed.

b. Property Owner Responsibility

1. Dedicate right of way as needed.

**D. Existing Waivers of Remonstrance.**

**1. On Network Streets**

**Option #1** - The property owner would have the option of prepaying at the cap limit, or converting the Waiver into a DDA by signing a new DDA. Unless the owner chooses one of the alternative options, existing Waivers would be continued.

**Option #2** - Cancel existing Waivers.

**2. On all other residential streets** - Waivers would be cancelled.

**E. Additional Issues for Discussion.**

1. Should DDAs have a sunset provision? Yes.
2. Should DDAs have an escalator clause for the dollar cap? To be decided.
3. Should City allow payment of cap over time? Yes.
4. Should multi-frontage lot relief apply along with the dollar cap? Yes.

**F. Other Comments.**

1. In order for the City to have sufficient staff to prepare engineering plans for the streets and storm water system, the City will likely need to hire an engineer to work on this project.
2. In order for the City to install even a limited storm water system, as envisioned in this outline, additional funds will be needed for the work. The Finance work subgroup discussed an increase for the storm water fee from \$2.00 per month to \$4.00 per month.
3. The DDA would be a document prepared by the City, signed by the property owner and the City, and be recorded at the property owner's expense. In addition to the information contained above, the City would be responsible for preparing and recording the release of a DDA once the work has been completed.
4. The City should send an annual update to each of the properties covered by a DDA (or a Waiver of Remonstrance) of the ongoing validity of the DDA, the status of any work on the adjacent street, and the current dollar cap based on an inflation factor, if adopted. When all work required of the City is done, property owners would be notified of the beginning of the time period.

5. For non-grid streets, the Planning Commission could consider revising Resolution #10-007 as modified by the terms of this outline.

# 2014 Residential Infill Road Classifications

## Legend

### Roads

— <all other values>

### ROAD\_CLASS, STATUS

- Arterial, City
- - - Arterial, County
- - - Arterial, State
- Collector, City
- - - Collector, County
- - - Collector, Public Access
- Highway, City
- Highway, State
- thedallesugb
- TheDallesCityLimits

