

AGENDA

REGULAR CITY COUNCIL MEETING

December 10, 2012

5:30 p.m.

CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles"

- A. Approval of November 26, 2012 Regular City Council Meeting Minutes
- B. Approval of November 14, 2012 Work Session Minutes
- C. Resolution No. 12-025 Authorizing the Name of the Street/Bridge Replacement Fund to be Changed to Transportation Systems Reserve Fund; Retaining the Original Purpose of That Fund as a reserve Fund for the Street Systems of the City of The Dalles

11. PUBLIC HEARINGS

- A. Public Hearing to Receive Testimony Regarding Proposed Demolition of Structure at 600 East 12th Street [**Agenda Staff Report #12-081**]
 - 1. Resolution No. 12-019 Confirming the Determination that the Structure at 600 East 12th Street Constitutes a Public Nuisance as a Dangerous Building and Demolition of the Structure is an Appropriate Remedy
- B. Public Hearing to Consider Appeal by Jennifer Blevins of Planning Commission Decision Affirming the Planning Director's Interpretation of Off Street parking Requirements for 1215 Blakely Way [**Agenda Staff Report #12-088**]

12. CONTRACT REVIEW BOARD ACTIONS

- A. Authorization for Professional Services Agreement to Develop a Water Management and Conservation Plan as Required by Oregon Water Resources Department [**Agenda Staff Report #12-087**]
- B. Acceptance of a Grant From Google and QLife Agency for Wi Fi Expansion Project [**Agenda Staff Report #12-089**]

13. ACTION ITEMS

- A. Approval of Updated Wastewater Facility Capital Improvement Plan and Associated Funding Plan [**Agenda Staff Report #12-086**].
- B. Approval of Third Addendum for Lease Agreement With Shearer Sprayers at the Columbia Gorge Regional Airport [**Agenda Staff Report #12-084**]
- C. Approval of Use Agreement for TEAM Oregon Motorcycle Safety Program for Runway Use at Columbia Gorge Regional Airport [**Agenda Staff Report #12-085**]
- D. Resolution No. 12-020 Approving Amendments to the City's Fee Schedule to Include Fees for Second Hand Dealers and Use Fees for Lewis and Clark Festival Park [**Agenda Staff Report #12-082**]

- E. Resolution No. 12-024 Approving a Rate Increase for The Dalles Disposal Service for Operational Costs and Disposal of Material at Wasco County Landfill [**Agenda Staff Report #12-083**]

14. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk





AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
December 10, 2012	Consent Agenda 10, A - C	N/A

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk

THRU: Nolan K. Young, City Manager

DATE: November 28, 2012

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

A. **ITEM:** Approval of November 26, 2012 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the November 26, 2012 regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the November 26, 2012 regular City Council meeting.

B. **ITEM:** Approval of November 14, 2012 Work Session Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the November 14, 2012 work session have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the November 14, 2012 work session.

C. **ITEM:** Resolution No. 12-025 Authorizing the name of the Street/Bridge Replacement Fund (013) to be Changed to Transportation Systems Reserve Fund (013); and Retaining the Original Purpose of that Fund as a Reserve fund for the Street systems of the City of The Dalles.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The Street/Bridge Replacement Fund (013) was put in place as a reserve fund to save for upgrades and expansion of the City's street systems. Reserve Funds are required to be put in place by the governing body for a specific purpose and must be reinstated once every ten years if the purpose continues. Resolution No. 11-017, adopted in June of 2011, authorized continuation of several reserve funds used by the City, including the Street/Bridge Replacement Fund.

During the 2012 budget process and again at the Council meeting on November 26, 2012, it was suggested by Mayor Wilcox that the fund name caused some confusion because the City was not saving for any bridges at this time. He suggested that Fund 013 be renamed to clarify its purpose, which, according to Resolution No. 11-017, to "accumulate financial resources to pay for upgrade and expansion of the street systems."

The Council could choose to change the name of this fund by adopting the proposed resolution, which would rename fund 013 the *Transportation Systems Reserve Fund* and retain the original purpose of the fund.

If the Council wishes to change the purpose of the fund, then the process would require that we dissolve the fund and transfer the assets and liabilities to the General Fund. Then a new fund would need to be established by resolution stating the new purpose of the new fund and the assets and liabilities would be transferred into the new fund. Just renaming the current fund is a much simpler process, only requiring adopting this proposed resolution.

RECOMMENDATION: Move to Adopt Resolution No. 12-025 Authorizing the name of the Street/Bridge Replacement Fund (013) to be Changed to Transportation Systems Reserve Fund (013); and Retaining the Original Purpose of that Fund as a Reserve fund for the Street systems of the City of The Dalles.

MINUTES

REGULAR COUNCIL MEETING
OF
NOVEMBER 26, 2012
5:30 P.M.
THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Dan Spatz, Tim McGlothlin

COUNCIL ABSENT: Brian Ahier

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Police Chief Jay Waterbury, Public Works Director Dave Anderson, Finance Director Kate Mast, Administrative Fellow Garrett Chrostek, Planning Director Dick Gassman, Engineer Dale McCabe, Wastewater Collection Manager Steve Byers

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:32 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; Councilor Ahier absent.

PLEDGE OF ALLEGIANCE

Mayor Wilcox invited the audience to join in the Pledge of Allegiance.

MINUTES (Continued)
Regular Council Meeting
November 26, 2012
Page 2

APPROVAL OF AGENDA

Mayor Wilcox asked to add the School District 21 report to the agenda, under Presentations. It was moved by Spatz and seconded by Wood to approve the agenda as amended. The motion carried unanimously, Ahier absent.

PRESENTATIONS/PROCLAMATIONS

School District 21 Report

Anne Evans, Chenoweth Elementary School Principal, provided a report regarding the school's efforts to respond to the priority school designation they received. Evans said they had looked at practices and evaluated programs. She said they were working to do what was best for the students. Evans said she had an excellent staff and great parent and community involvement. She talked about a recent awards ceremony in which 126 students were recognized and mentioned the creation of a new booster club. Evans said data monitoring was showing that changes were already making a difference.

Canvas the Vote Proclamation

Mayor Wilcox read the Proclamation, proclaiming Steve Lawrence elected as Mayor; Carolyn Wood elected as Councilor at Large; Dan Spatz elected as Councilor, Position #2; and Linda Miller elected as Councilor, Position #4.

Presentation of Fiscal Year 2011-12 Audit

Finance Director Mast introduced the City's Auditor Tonya Moffitt. Ms. Moffitt said they were pleased to provide a clean opinion for the City. She reviewed the Executive Summary and noted there were no findings on the single audit they prepared for the federal funding.

It was moved by Wood and seconded by Dick to accept the 2011-12 audit as presented. The motion carried unanimously, Ahier absent.

Councilor Wood said the City had received the highest award for financial reporting for 17 years and said the City's finances were well managed.

RECESS TO URBAN RENEWAL AGENCY MEETING

Mayor Wilcox recessed the meeting at 5:50 p.m. to convene as the Urban Renewal Agency.

MINUTES (Continued)
Regular Council Meeting
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Reconvene City Council Meeting

The City Council meeting reconvened at 6:14 p.m.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

City Manager Young reported the Dog Control Officer position had been filled on a part-time basis. He said the new employee was Chelsee Hudson. Young asked to be excused from the December 10 Council meeting because he needed to be away. He said City Attorney Parker would serve as Acting City Manager in his absence.

CITY ATTORNEY REPORT

City Attorney Parker reported he had several items on upcoming Council agendas, including the demolition of a dangerous building, leases at the Airport, and a land use appeal.

CITY COUNCIL REPORTS

Councilor Wood said she had attended the Airport open house and was pleased to see the new hangar. She said it would be used for aircraft maintenance during the winter so there would be a heated place to work.

Councilor McGlothlin said the Traffic Safety Commission had met on November 21 and the primary discussion was in regard to the Kelly Avenue traffic study. He said many changes were discussed but no action was taken.

Councilor Dick said he attended the November 20 Urban Renewal Advisory Committee meeting and said the Committee supported the extension of the Granada Block memorandum of understanding.

Councilor Spatz said the Mid Columbia Economic Development District had hosted a bi-state forum last week and discussed affordable housing, National Scenic Area economic funds, and education and training. He said the focus was on treating the Gorge in a regional manner to discuss issues and opportunities in common.

Mayor Wilcox said he had been pleased with the turn out for the airport open house and noted the restaurant would re-open in the near future. Wilcox said he would be participating as a judge in the upcoming robotics-lego competition, with 57 teams competing this year. He reported he had participated in the Starlight Parade and would be attending the Community Outreach Team meeting on Friday, November 30.

CONSENT AGENDA

It was moved by Wood and seconded by Spatz to approve the Consent Agenda as presented. The motion carried unanimously, Ahier absent.

Items approved by Consent Agenda were: 1) approval of October 22, 2012 regular City Council meeting minutes; and 2) approval to declare Public Works Department equipment as surplus property.

PUBLIC HEARINGS

Public Hearing to Consider Remonstrances Regarding the West First Street and Bargeway Road Reconstruction Local Improvement District, Phase 2

Mayor Wilcox reviewed the procedures to be followed for the public hearing.

The staff report was reviewed by Public Works Director Anderson. In response to a written remonstrance from Gerald Risberg, Anderson said the City had investigated the catch basin on his property and was not able to verify its status. He said when the project is underway, the City will determine whether the storm line could be connected and if so, would remove it from the project cost assessed to the property owner.

Anderson said one other letter was received, but it was not a valid remonstrance. He said though the property did not have frontage on Bargeway Road, it was accessed by easement from Bargeway Road and had the benefit of infrastructure and transportation needs. He said two properties within the proposed district would be assessed for 50 feet of frontage which was the minimum allowed by zoning requirements. Anderson said those two properties would also be assessed for storm water drainage from one half of the street width.

Councilor McGlothlin retired from the meeting at 6:35 p.m.

MINUTES (Continued)
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Testimony

Gerald Risberg testified in opposition to the proposed local improvement district. He said he had been told the storm sewer would be installed shortly after he purchased the property in 1988 and he installed the catch basin and line to the road. Risberg said he assumed the storm had been connected to the City's system. He spoke in opposition to the cost of the project, saying the cost for the improvements was nearly equal to the current value of his property and he questioned the acreage stated in the report, noting he owned two acres, not 2.37 acres. Mr. Risberg said it was difficult to find a tenant and he was not able to charge market rent due to the poor economy. He said Bargeway Road did not need to be reconstructed because it was in good condition.

Hearing no further testimony, the public hearing was closed.

Resolution No. 12-023 Accepting the Preliminary Report of the City Engineer, Announcing the Formation of a Local Improvement District for West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase 2

It was moved by Spatz and seconded by Wood to adopt Resolution No. 12-023 accepting the preliminary report of the City Engineer, announcing the formation of a local improvement district for West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase 2. The motion carried unanimously, Ahier and McGlothlin absent.

Public Hearing to Consider Testimony Regarding Annexation of Properties Located in the Urban Growth Boundary Pursuant to ORS 222.750 and Land Use Development Ordinance Chapter 14

Mayor Wilcox reviewed the procedures to be followed for the hearing.

Planning Director Gassman reviewed the staff report.

Testimony

Michael Held, Port of The Dalles Development Specialist, testified that the Port was in support of the annexation. He said the Port had a concept design for the property and utilities needed to be provided to the site to move project planning forward. He said annexation would help the Port with the State's site readiness process.

Hearing no further testimony, the public hearing was closed.

Councilor Dick said he did legal work for the Port of The Dalles, but was not involved with the annexation application and would not receive any economic gain from the proposed annexation.

City Attorney Parker said there was no conflict of interest for Councilor Dick.

It was moved by Dick and seconded by Spatz to approve the proposed consent annexations for the property at 3821 West Tenth Street and three adjacent lots owned by the Port of The Dalles north of Chenoweth Creek and direct staff to prepare an ordinance declaring the properties to be annexed, for adoption at a future Council meeting. The motion carried unanimously, Ahier and McGlothlin absent.

Public Hearing to Receive Testimony Regarding a Supplemental Budget for the 2012-13 Fiscal Year

Mayor Wilcox reviewed the procedures to be followed for the hearing.

Finance Director Mast reviewed the staff report.

Testimony

No testimony was presented. The public hearing was closed.

Resolution No. 12-021 Adopting a Supplemental Budget for Fiscal Year 2012-13, Making Appropriations and Authorizing Expenditures From and Within Various Funds

It was moved by Wood and seconded by Spatz to adopt Resolution No. 12-021 adopting a supplemental budget for fiscal year 2012-13, making appropriations and authorizing expenditures from and within various funds. The motion carried unanimously, Ahier and McGlothlin absent.

Resolution No. 12-022 Authorizing Transfers of Funds Between Categories of Various Funds, Making Appropriations and Authorizing Expenditures for Fiscal Year Ending June 30, 2013

It was moved by Spatz and seconded by Dick to adopt Resolution No. 12-022 authorizing transfers of funds between categories of various funds, making appropriations and authorizing expenditures for fiscal year ending June 30, 2013. The motion carried unanimously, Ahier and McGlothlin absent.

Recess

Mayor Wilcox called a recess at 7:08 p.m. to allow staff to set up equipment for the next agenda item.

Reconvene

The meeting reconvened at 7:15 p.m.

DISCUSSION ITEMS

Updated Wastewater Facility Capital Improvement Plan and Associated Funding

Public Works Director Anderson reviewed the staff report and introduced Wayne Gresh and Rick Shanley of Carollo Engineers and John Ghilarducci of FCS Group.

A power point presentation was provided (attached as Exhibit "A"), reviewing projected growth, service area, summary of projected flows, the model used for collection system analysis, the list of proposed Capital Improvement Plan (CIP) projects, and an evaluation of the treatment facility. It was noted the CIP was proposed to be completed in phases. Mr. Gresh said the first phase would address capacity, redundancy, odor issues and improve the appearance of the plant. He said Phase 2 would address capacity and redundancy issues, and Phase 3 would further address capacity, redundancy, asset and site management and future regulatory requirements.

It was noted that through the review process, ten projects were able to be removed from the current CIP at a savings of approximately \$2.4 million. It was also explained that co-generation of the methane was determined to not be cost effective at this time, but that staff would continue to work with the PUD to determine if they were interested in continuing to pursue that project. Mr. Gresh said the methane was being used to heat the digesters at this time.

Councilor Spatz asked if it was possible to work with the Cherry Growers to determine if landscaping could be extended across their property at the same time the treatment plant landscaping project was completed.

In response to a question, Public Works Director Anderson said the improvements would not require any additional staffing at the facility.

John Ghilarducci provided a power point presentation regarding the financial element of the CIP (attached as Exhibit "B"). He said rates should provide enough revenue to sustain the system, charge for services provided, recover costs and achieve City objectives. Ghilarducci provided three rate scenarios. The first scenario was for rate increases without any new debt; smoothed rate increases without new debt; and smoothed rate increases with additional revenue bonds. It was explained the use of revenue bonds would create the lowest and most stable rate increases, approximately 3% per year.

Regarding proposed systems development charges (SDC's), the methodology was explained and a calculation summary presented. Mr. Ghilarducci said the current wastewater SDC was \$1,789, but based on the calculations, the SDC could be as much as \$2,572.

The City Council asked staff to provide examples of recent commercial developments with the proposed SDC applied and compared to the current SDC's. It was the consensus of the Council to proceed with implementation of the CIP, to work toward adopting the rates as outlined in scenario #3, and to gather additional information regarding the proposed SDC increase .

Councilor Spatz asked if staff could provide information comparing operation of the wastewater treatment plant by contract vs. in-house.

Councilor Wood said when OMI took over operations, they made repairs, improvements, and have operated the plant very professionally. She said it would be difficult to find that expertise and said she would not support the City taking back operations of the plant.

ADJOURNMENT

Being no further business, the meeting adjourned at 8:30 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



Presentation to City Council November 26, 2012

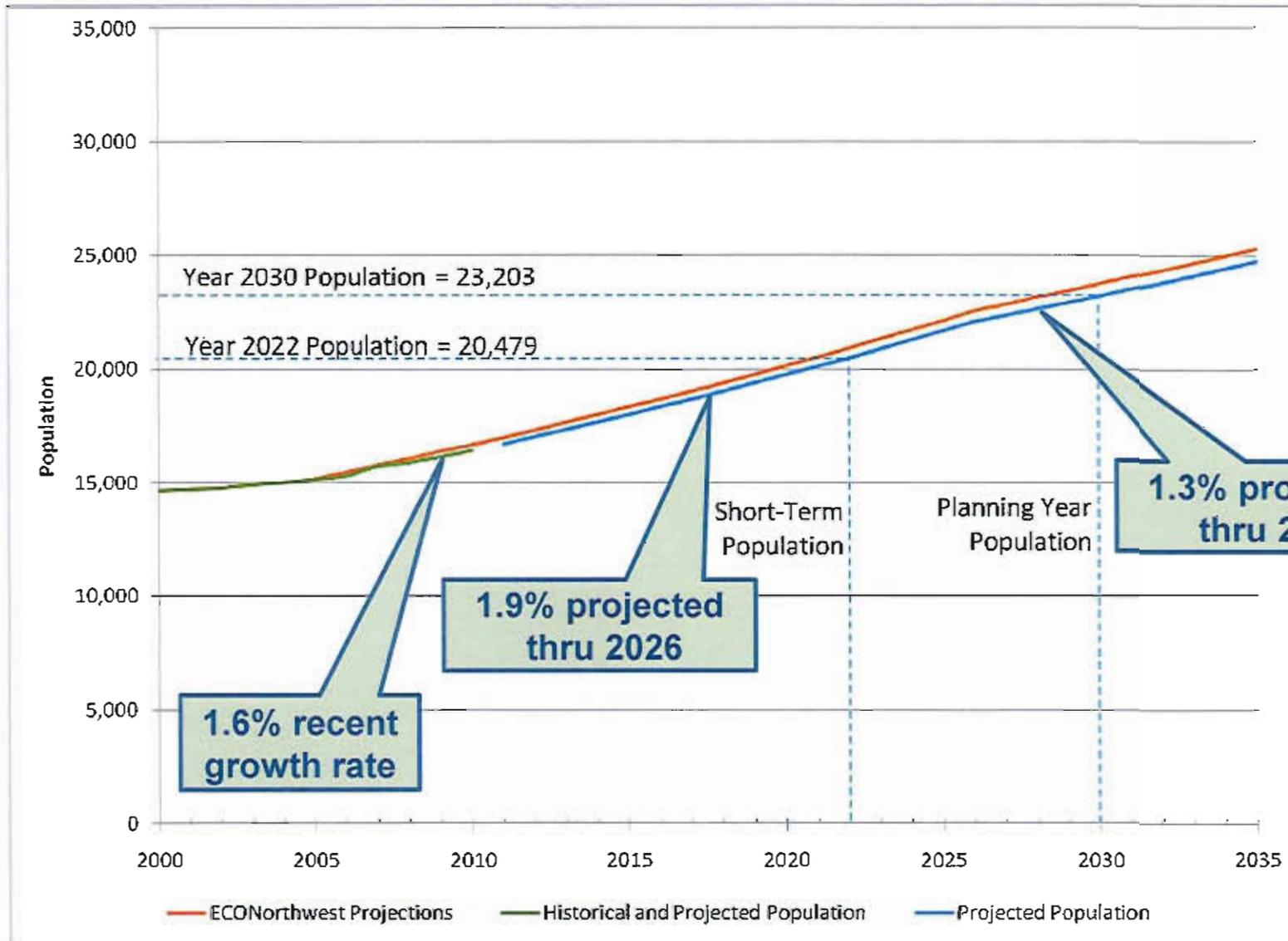
Wastewater Facility Master Plan UPDATE



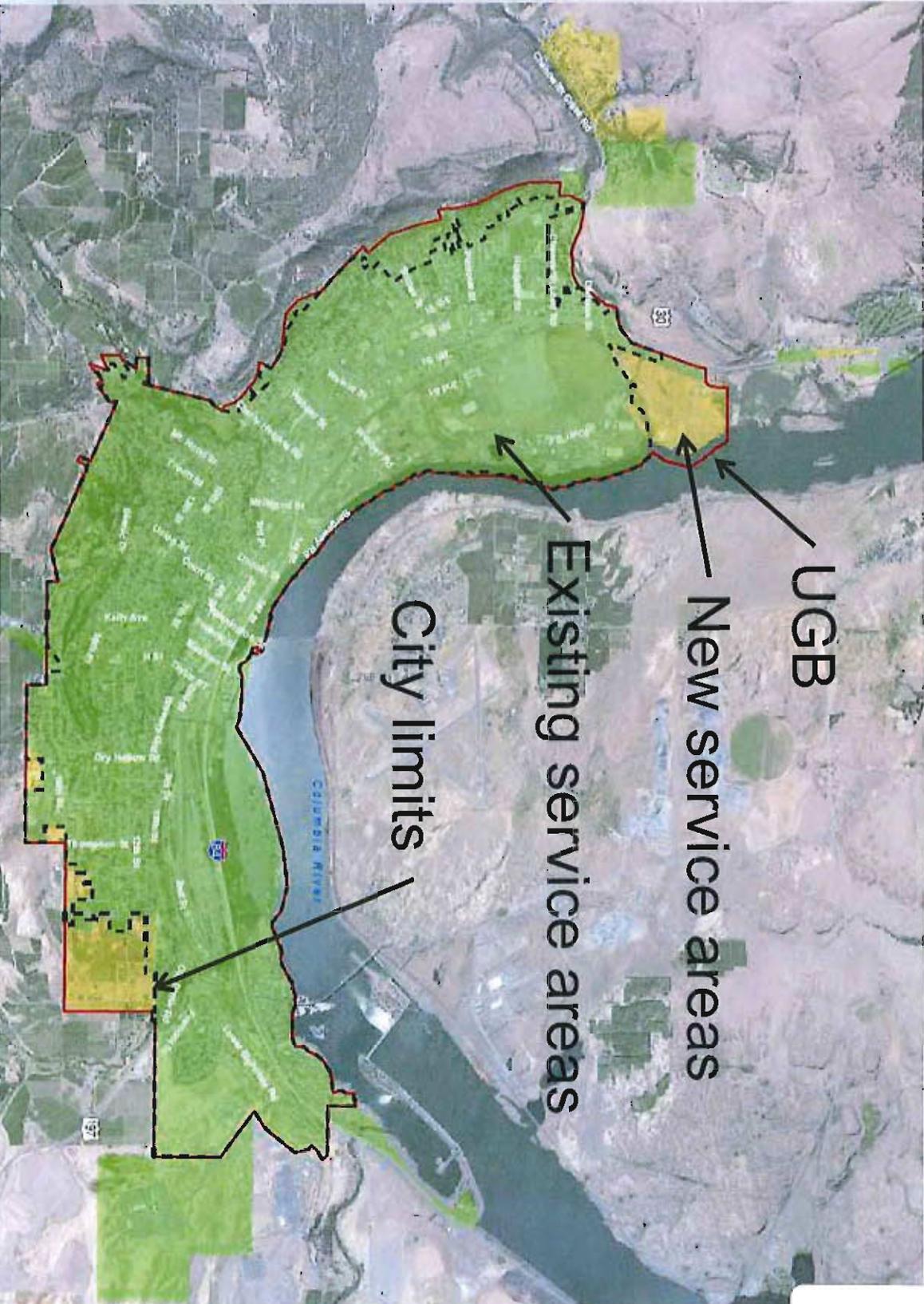
Wastewater Facility Master Plan Update provides a comprehensive 20 year plan for the collection system and treatment facility to:

- Accommodate growth
- Maintain assets
- Meet regulatory requirements
- Improve treatment facility:
 - Appearance
 - Odor control
 - Beneficial use of resources

Growth projected through 2030:



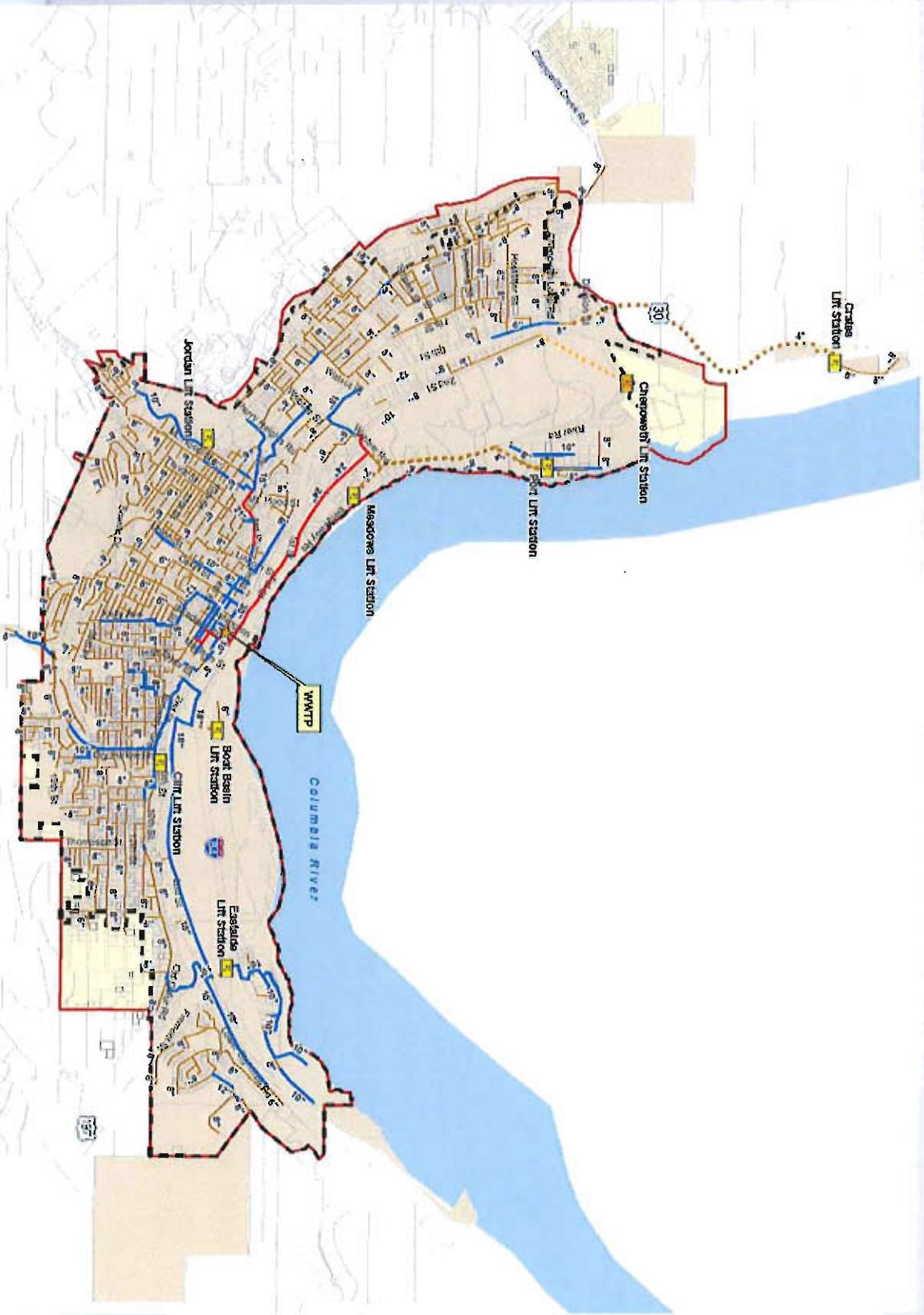
Service area includes UGB and areas planned for future service:



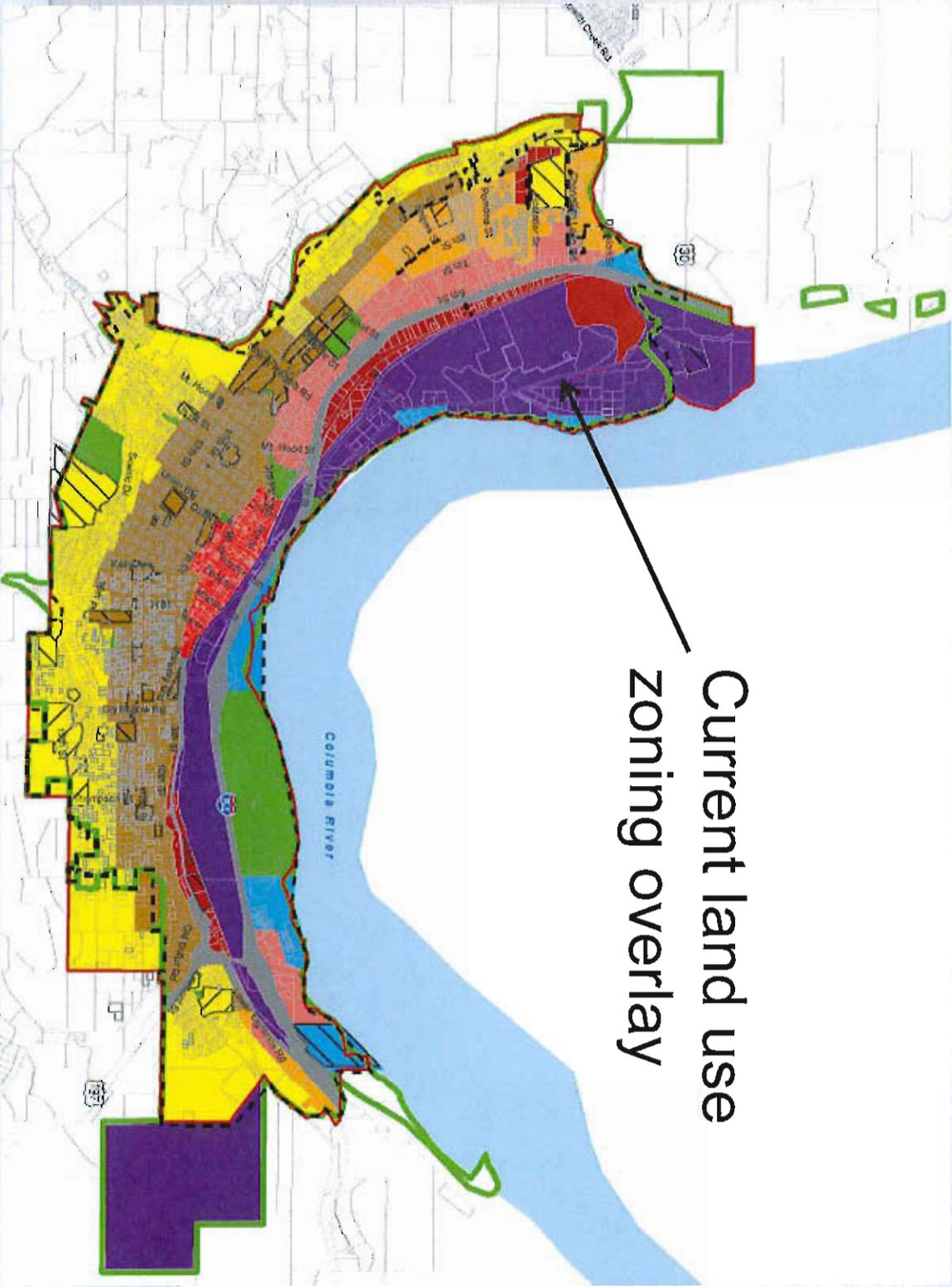
Summary of projected flows

Flow Parameter (mgd)	Current	2022	2030
Base Wastewater Flow (BWF)	2.0	3.0	3.5
Average Annual Flow (AAF)	2.3	3.5	4.0
Average Dry Weather Flow (ADWF)	2.0	3.1	3.6
Average Wet Weather Flow (AWWF)	2.6	3.9	4.5
Maximum Month Dry Weather Flow (MMDWF)	2.5	3.7	4.3
Maximum Month Wet Weather Flow (MMWWF)	3.4	5.0	5.7
Peak Daily Average Flow (PDAF)	6.1	8.5	9.3
Peak Instantaneous Flow (PIF)	7.7	10.8	11.9

Comprehensive H2O SWMM Model provides sound planning tool:



GIS integration allows modeling when zoning changes occur



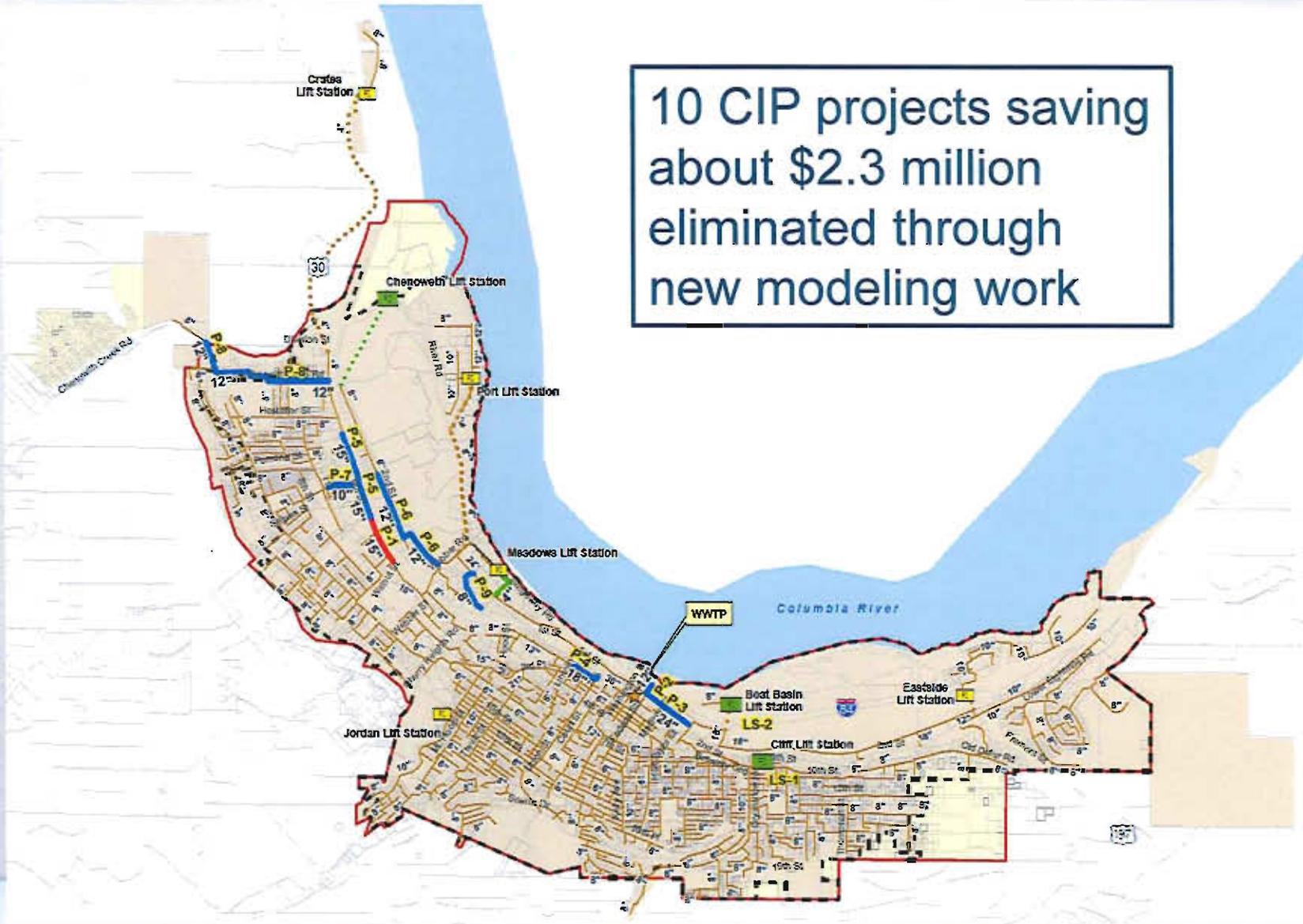
Current land use
zoning overlay

Model used for comprehensive collection system analysis that included:

- Calibrating the model through:
 - Flow monitoring
 - Correlating with existing flow data
- Identifying the design storm
- Analyzing inflow and infiltration rates
- Analyzing lift station capacities
- Identifying deficiencies
- Identifying capital improvements

Nine collection system improvements identified:

10 CIP projects saving about \$2.3 million eliminated through new modeling work

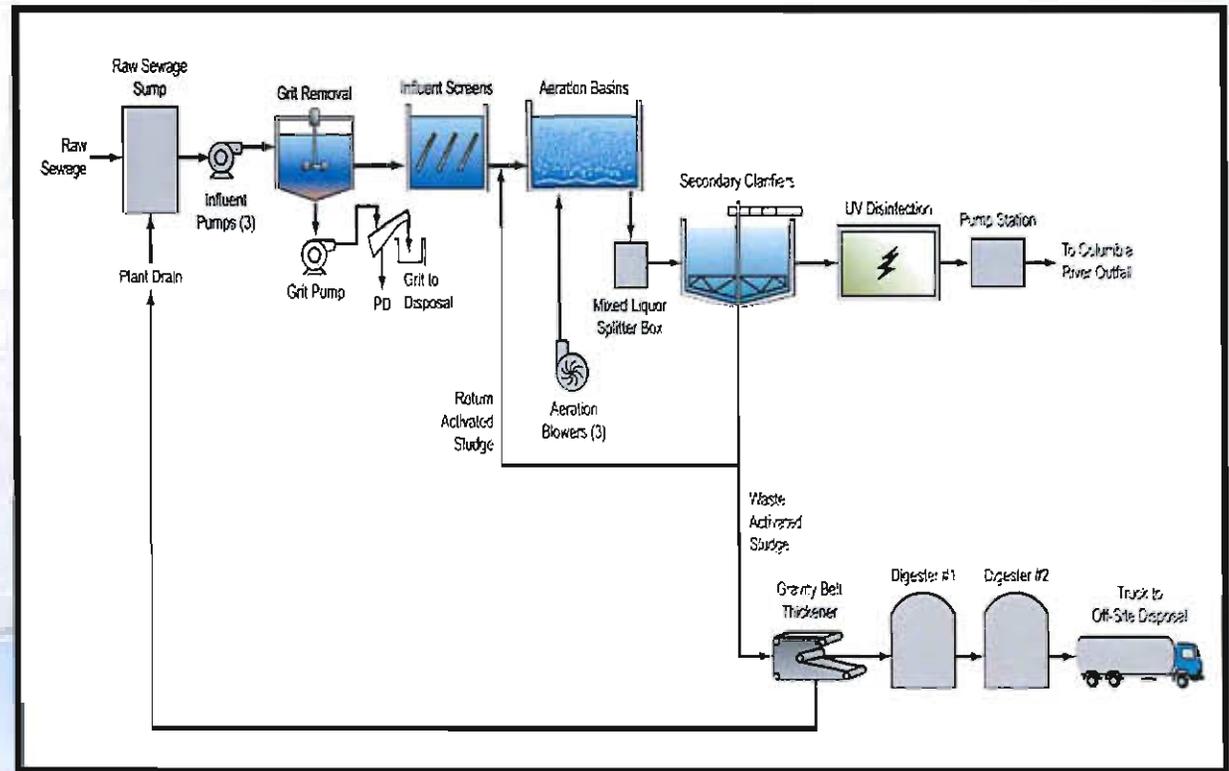


Collection system CIP:

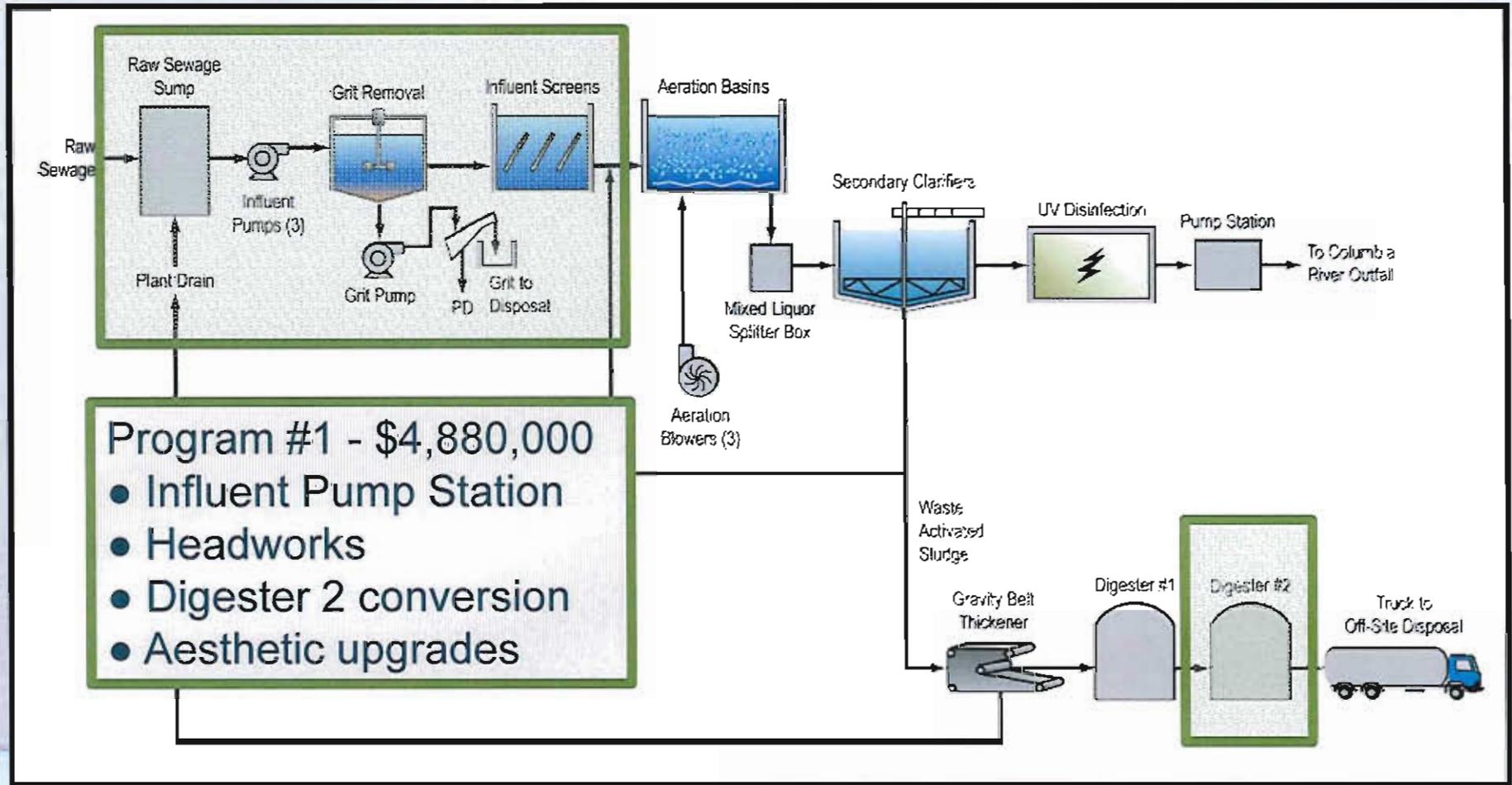
CIP Project	\$	Fiscal Year
6 th Street – South	290,000	2014
2 nd Street	650,000	2015
8 th St Lift Station Replacement	340,000	2016
Cliff Lift Station Replacement	340,000	2017
6 th Street – North	610,000	2017 & 2018
Laughlin Street	240,000	2021
8” Sewer to serve Septic Area	250,000	2022
Chenowith Loop Rd / Irvine St / 10 th St	850,000	2022 & 2023
Snipes Street	120,000	2023
Union Street / 2 nd Street	180,000	2027
Near 1 st Street	390,000	2028 & 2029
Total Collection System CIP	4,260,000	

Treatment facility evaluation included:

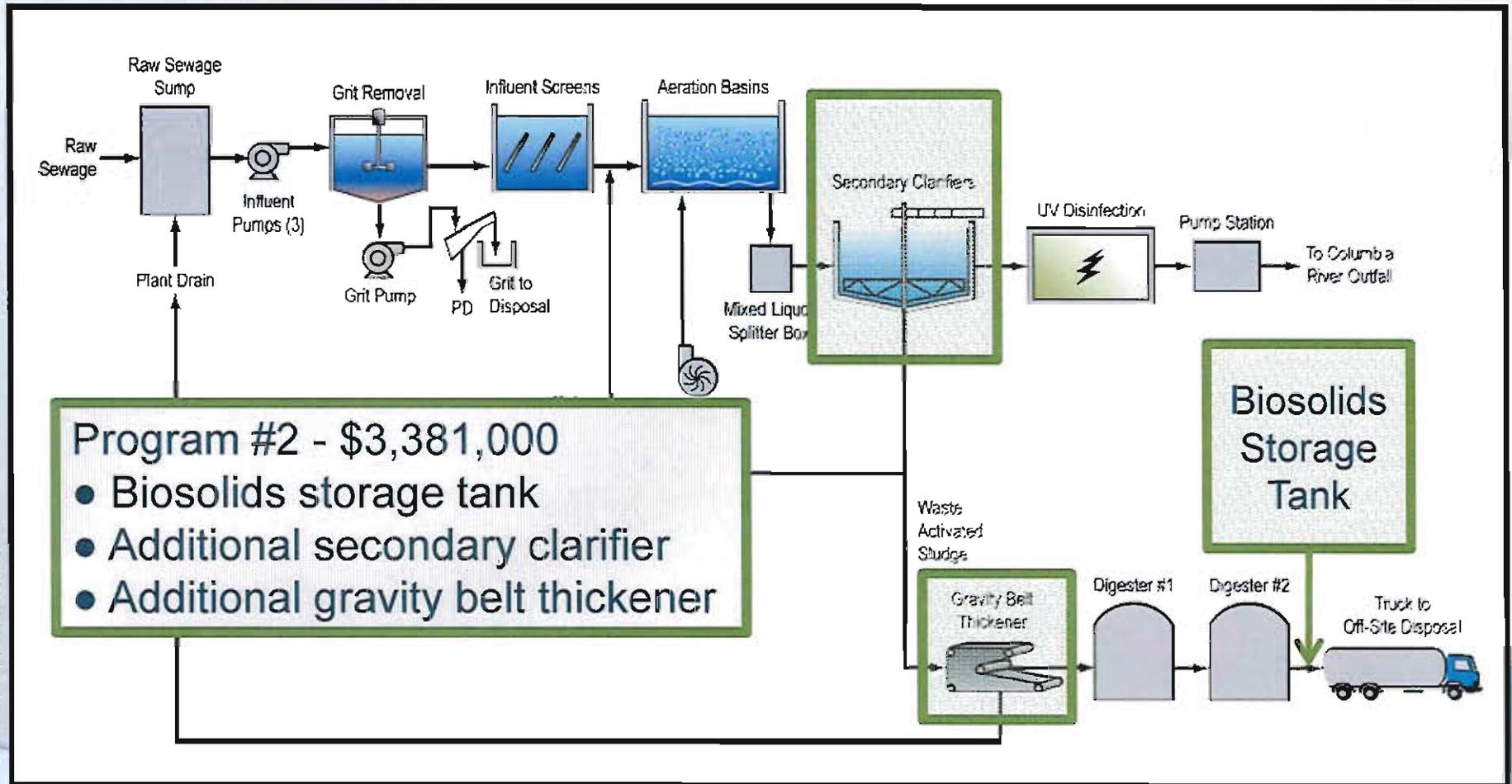
- Capacity & condition assessments
- Aesthetic improvements
- Odor control upgrades
- Benefits of Cogeneration
- Regulatory scenarios for effluent discharge and biosolids reuse



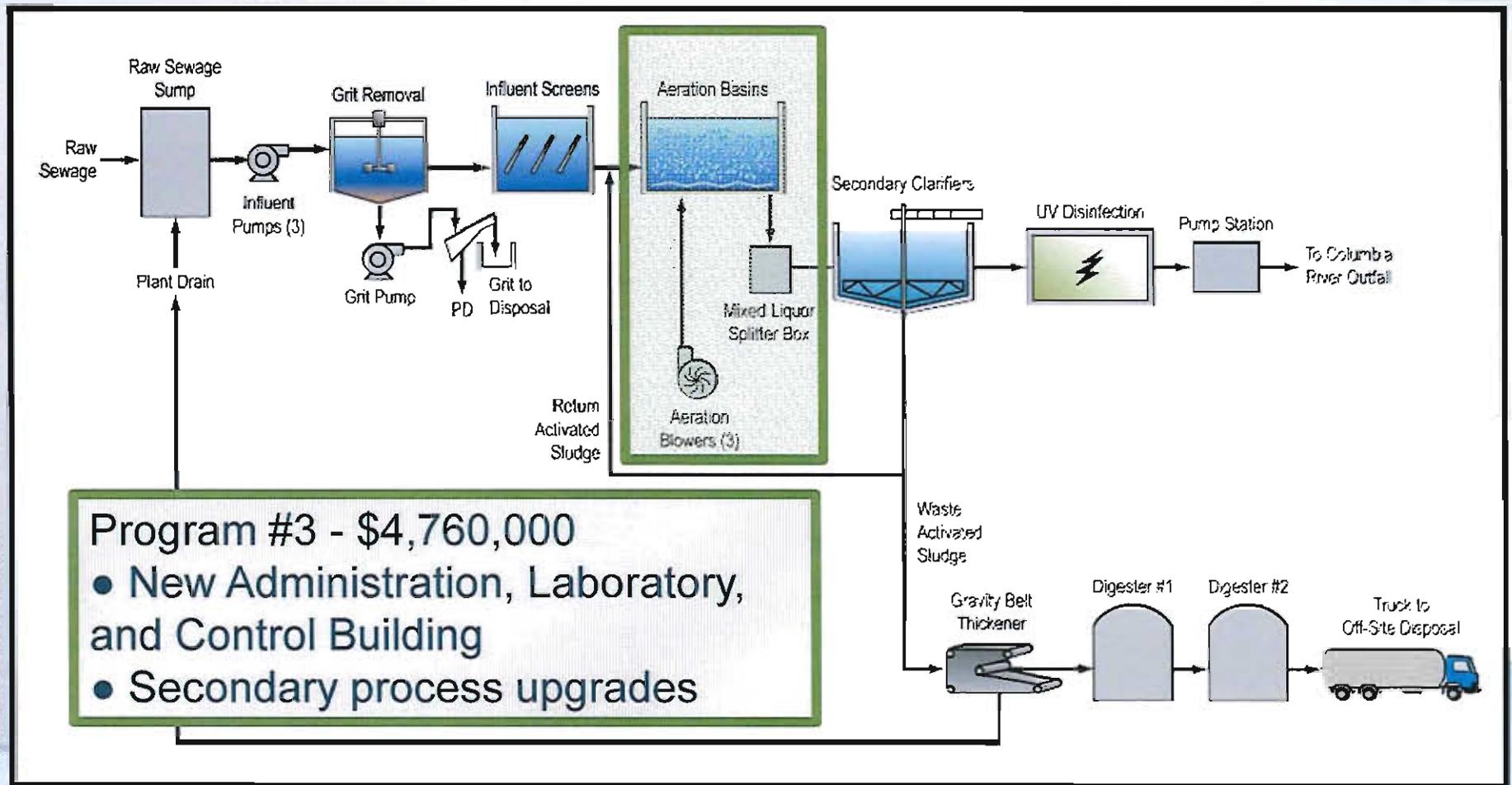
Program #1 addresses capacity, redundancy, and odor issues and improves plant appearance



Program #2 addresses capacity and redundancy issues



Program #3 addresses capacity, redundancy, asset and site management, and future regulatory requirements



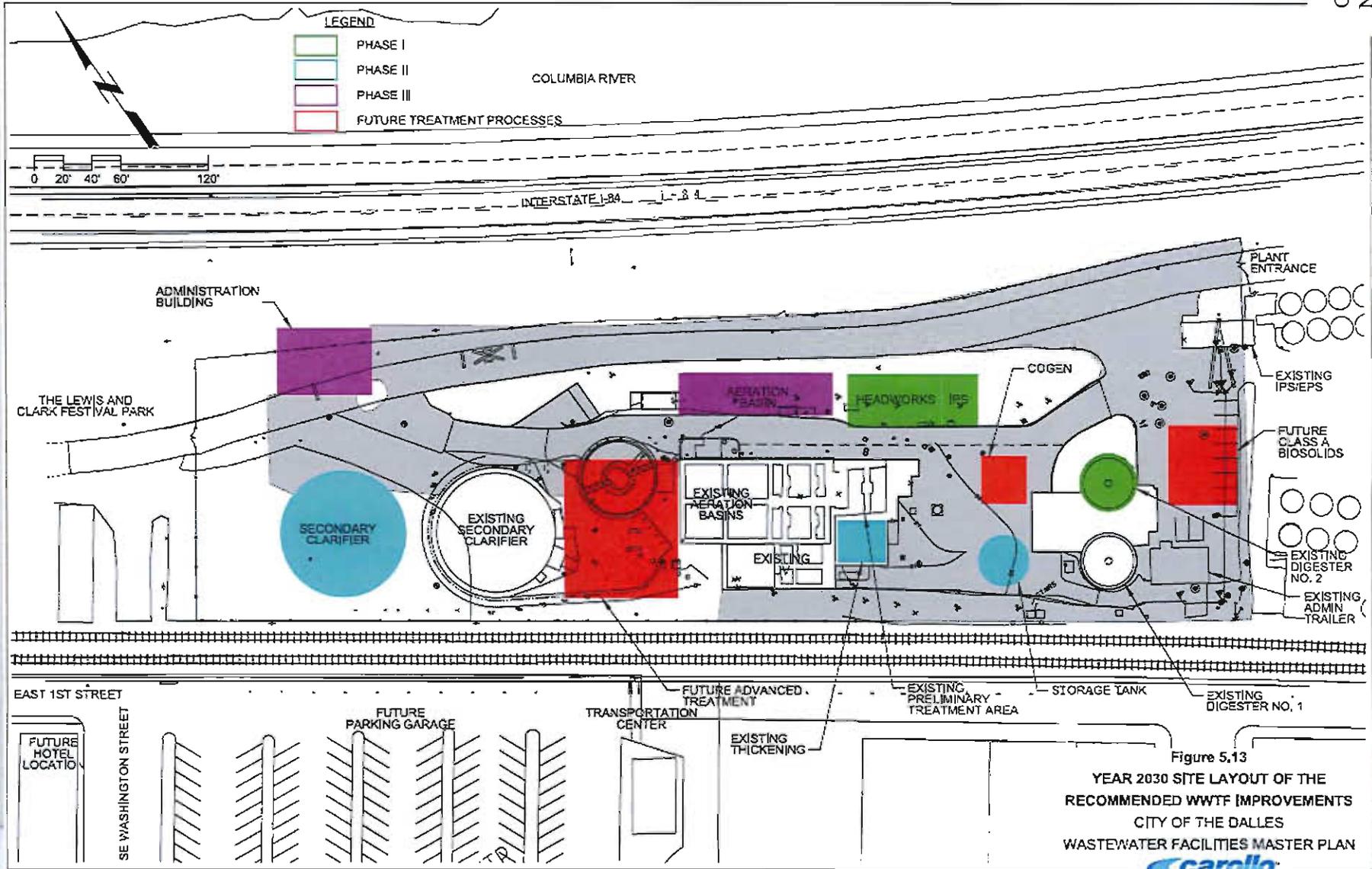
Program #3 - \$4,760,000

- New Administration, Laboratory, and Control Building
- Secondary process upgrades

Treatment Facility CIP:

CIP Project	\$	Fiscal Years
Program #1	4,880,000	2014 - 2016
Influent Pump Station	1,660,000	
Headworks	2,320,000	
Digester 2 Conversion	690,000	
Aesthetic Improvements	210,000	
Program #2	3,381,000	2017 - 2019
Biosolids Storage Tank	920,000	
Secondary Clarifier	1,791,000	
Gravity Belt Thickener	670,000	
Program #3	4,760,000	2020 - 2022
New Administration, Lab, and Control Bldg	1,200,000	
Secondary Process Improvements	3,560,000	

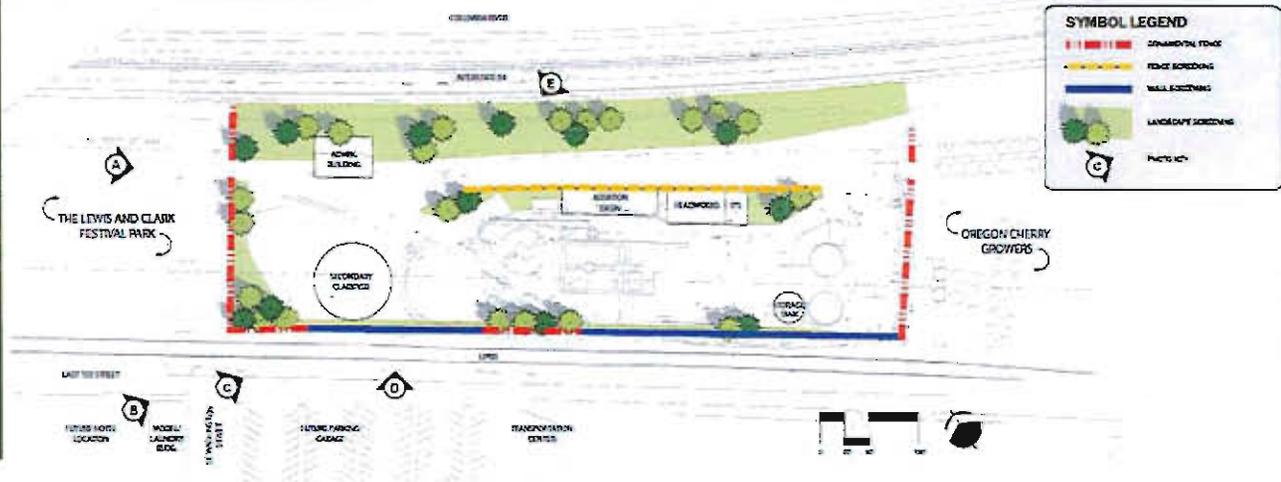
Treatment facilities strategically located on existing site:



Two concepts presented:

Concept 1 provides higher level of landscaping and upgraded fence along East 1st Street

Concept 2 provides moderate level of landscaping and fence along East 1st Street that matches park fence



Landscape Concept Plans
 City of The Dalles
 WWTP FACILITIES PLAN

Both concepts improve appearance:

EXISTING CONDITIONS:
View from Lewis and Clark Festival Park



OPTION 1:
View from Lewis and Clark Festival Park



OPTION 2:
View from Lewis and Clark Festival Park



EXISTING CONDITIONS:
View from Future Herold 5th Floor



OPTION 1:
View from Future Herold 5th Floor



OPTION 2:
View from Future Herold 5th Floor



EXISTING CONDITIONS:
View from East 1st Street Looking East



OPTION 1:
View from East 1st Street Looking East



OPTION 2:
View from East 1st Street Looking East



EXISTING CONDITIONS:
View from East 1st Street Looking Northeast toward I-94



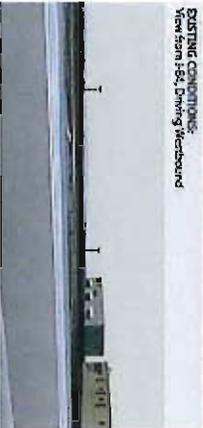
OPTION 1:
View from East 1st Street Looking Northeast toward I-94



OPTION 2:
View from East 1st Street Looking Northeast toward I-94



EXISTING CONDITIONS:
View from I-84, Driving Westbound



OPTION 1:
View from I-84, Driving Westbound



OPTION 2:
View from I-84, Driving Westbound



3D Model - Before and After Vignettes

City of The Dalles

WWTP FACILITIES PLAN

Conclusions of the evaluation:

- Influent Pump Station
 - Insufficient firm capacity
 - Aged asset
- Grit Basin
 - Insufficient capacity within the planning period
 - Redundancy needed to maintain asset
- Screens
 - Redundancy needed to maintain asset

Recommended:

Influent Pump Station and
Headworks Facility with Improved
Odor Control

Conclusions of the evaluation, cont'd:

- Aeration Basins
 - Capacity adequate to ~2020
- Secondary Clarifiers
 - Total capacity adequate to ~2021
 - Insufficient redundancy to maintain assets

Recommended:

80' diameter secondary clarifier

Plan for aeration basin/secondary upgrades in 2020.

Conclusions of the evaluation, cont'd:

- UV Basins, EPS, Outfall
 - Adequate capacity and redundancy available
- Alternative permitting scenarios
 - Reserve space for future advanced primary and secondary treatment and Class A biosolids.
- Administration, Laboratory, Storage, and Maintenance Facility
 - Replace aged facilities with new facility fronting park

Recommended:

Administration, Laboratory, and Control building

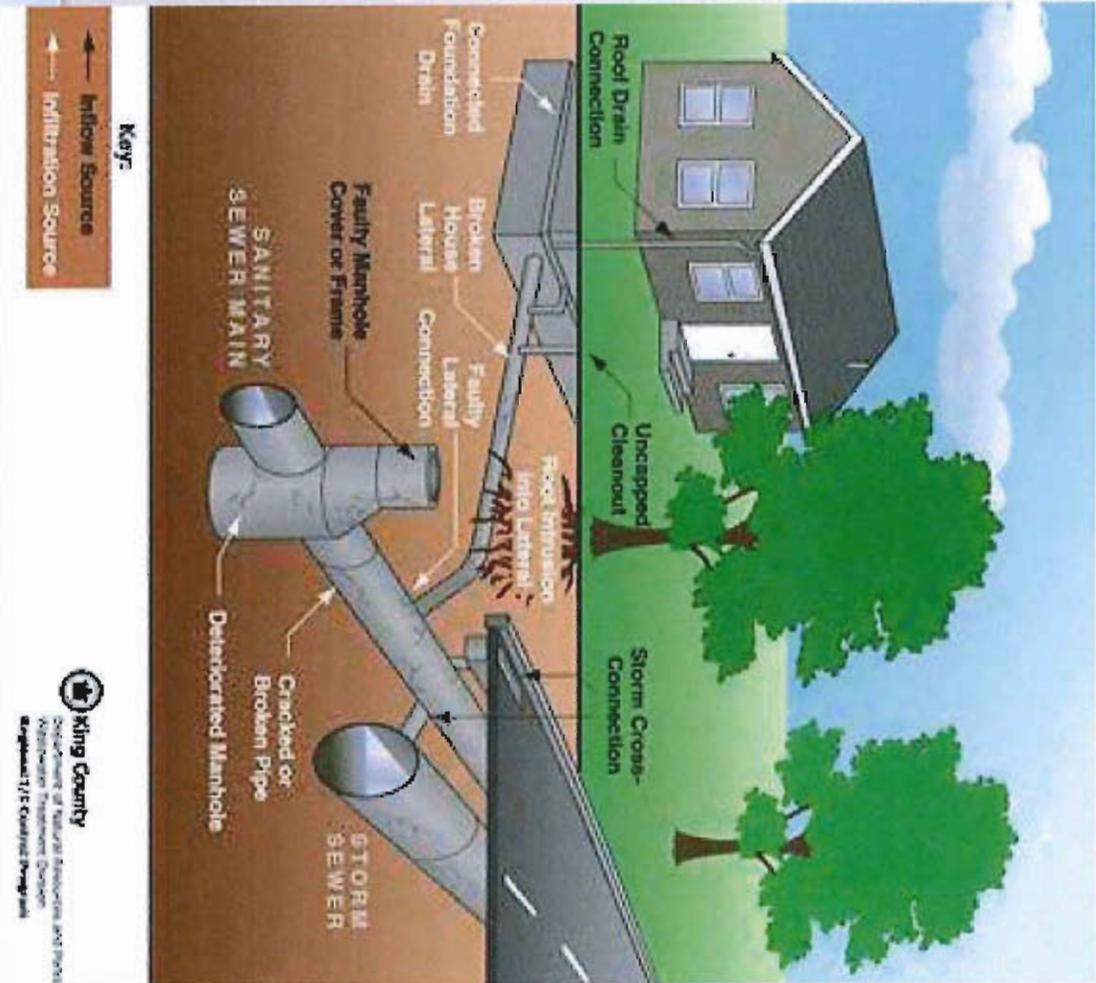
Conclusions of the evaluation, cont'd:

- Thickening
 - Capacity available through build-out
 - Insufficient redundancy beyond 2022
- Anaerobic Digestion
 - Insufficient capacity and redundancy
- Storage
 - Insufficient storage
- Cogeneration
 - Leave room on site for future facility

Recommended:

Convert Digester 2 to active digester
Biosolids storage tank
Additional Gravity Belt Thickener

Possible Sources of I/I in Sanitary Sewer





**City of The Dalles,
Oregon**

Wastewater Plan: Financial Element

City Council Meeting

John Ghilarducci

November 26, 2012



4380 SW Macadam Avenue, Suite 220, Portland, OR 97239 ■ 503-841-6543

Presentation Outline

1. Rate Findings

- Background
- Key Assumptions
- Rate Scenarios

2. SDC Findings

- Background
- SDC Calculation Summary
- Comparable SDCs

What Should Rates Do?

- Generate sufficient revenues to sustain the utility system
- Charge for services provided
- Recover costs equitably
- Achieve City objectives
 - Revenue stability
 - Maintain minimum fund balances and meet other fiscal policies

Key Assumptions

- Annual cost escalation
 - 5.1% for personal services (historical rate)
 - 3.2% for materials and services (CPI)
 - 3.1% for capital outlay (*ENR CCI*)
- Operating fund maintains 45-90 days of expenditures
- Minimum revenue bond coverage ratio of 1.25
- New debt modeled at 4.0% for 20 years

Rate Scenario 1

Minimum Required Rate Increases without New Debt

Category	Fiscal Year Ended							
	6/30/2013	6/30/2014	6/30/2015	6/30/2016	6/30/2017	6/30/2018	6/30/2019	6/30/2020
Operating fund revenues								
Rate revenues	\$4,643,056	\$4,643,056	\$4,987,881	\$5,821,700	\$6,153,243	\$6,628,156	\$7,272,384	\$7,308,746
Non-rate revenues	249,801	250,410	250,545	248,607	248,689	248,985	247,725	251,050
Total operating fund revenues	<u>\$4,892,857</u>	<u>\$4,893,466</u>	<u>\$5,238,426</u>	<u>\$6,070,307</u>	<u>\$6,401,932</u>	<u>\$6,877,141</u>	<u>\$7,520,109</u>	<u>\$7,559,796</u>
Operating fund expenditures								
Operations and maintenance	\$3,462,977	\$3,651,544	\$3,793,651	\$3,964,477	\$4,076,565	\$4,249,564	\$4,434,547	\$4,608,507
Capital outlay	-	-	1,495,466	1,458,474	1,604,627	2,440,074	733,470	799,058
Debt service	621,635	623,267	618,270	618,894	618,689	622,405	619,530	620,767
Total operating fund expenditures	<u>\$4,084,612</u>	<u>\$4,274,811</u>	<u>\$5,907,386</u>	<u>\$6,041,845</u>	<u>\$6,299,881</u>	<u>\$7,312,043</u>	<u>\$5,787,548</u>	<u>\$6,028,333</u>
Capital expenditures outside operating fund	\$2,171,785	\$1,734,450	\$1,846,075	\$ 5,348	\$ 80,664	\$ 81,285	\$ 81,692	\$ 667,000
Rate adjustment on March 1	0.00%	0.00%	22.28%	6.09%	3.44%	14.42%	0.00%	0.00%
Monthly rate at year-end (currently \$41.85)	\$ 41.85	\$ 41.85	\$ 51.17	\$ 54.29	\$ 56.16	\$ 64.25	\$ 64.25	\$ 64.25
Revenue band coverage ratio (1.25 minimum)	2.60	2.25	2.63	3.81	4.21	4.73	5.58	5.33

Rate Scenario 2

Smoothed Rate Increases without New Debt

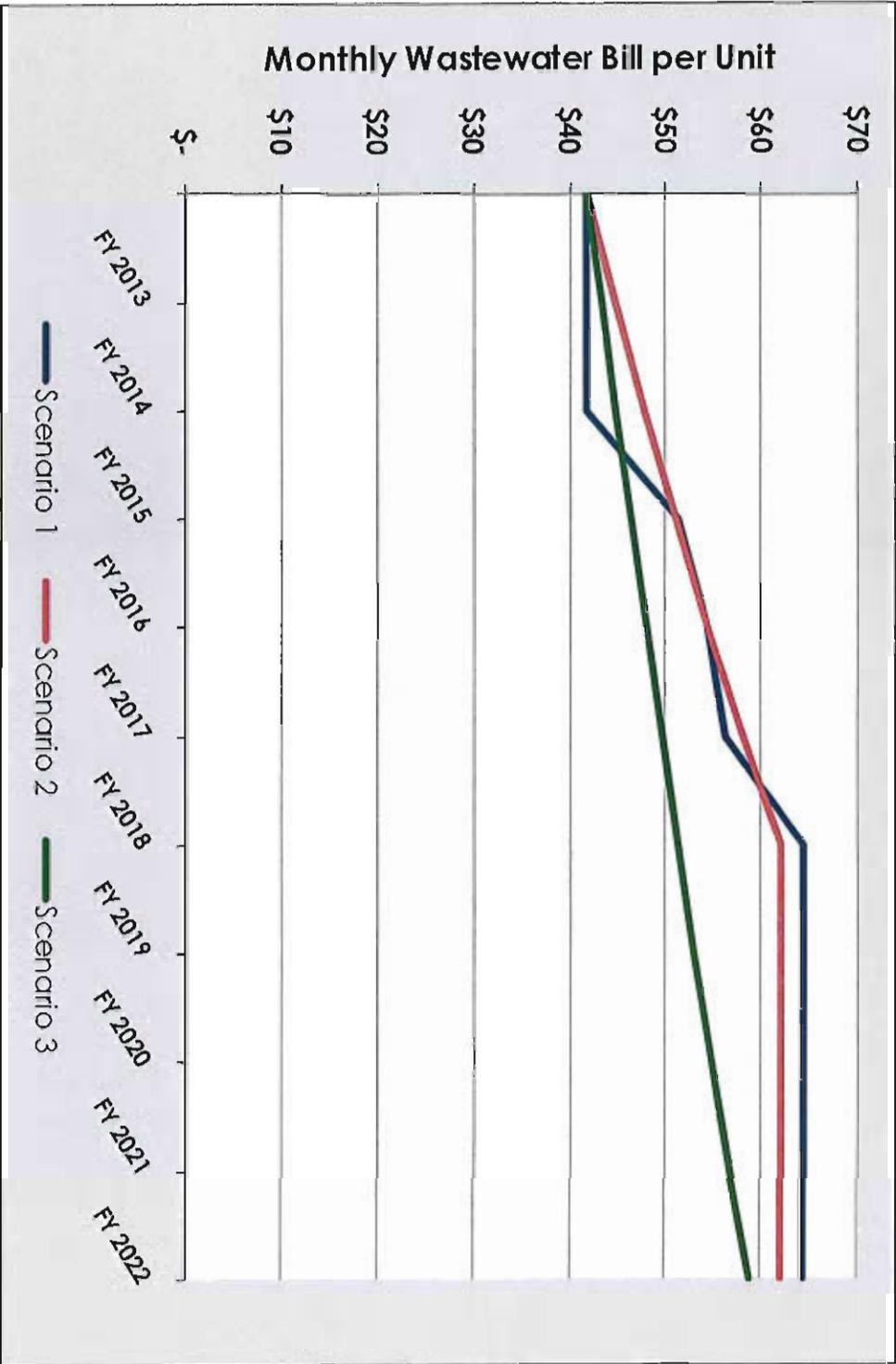
Category	Fiscal Year Ended							
	6/30/2013	6/30/2014	6/30/2015	6/30/2016	6/30/2017	6/30/2018	6/30/2019	6/30/2020
Operating fund revenues								
Rate revenues	\$ 4,748,022	\$ 5,070,038	\$ 5,413,894	\$ 5,809,975	\$ 6,235,034	\$ 6,691,191	\$ 7,021,974	\$ 7,057,084
Non-rate revenues	249,801	250,410	250,545	250,639	250,744	250,817	250,817	251,050
Total operating fund revenues	<u>\$ 4,997,823</u>	<u>\$ 5,320,448</u>	<u>\$ 5,664,439</u>	<u>\$ 6,060,614</u>	<u>\$ 6,485,778</u>	<u>\$ 6,942,008</u>	<u>\$ 7,272,791</u>	<u>\$ 7,308,134</u>
Operating fund expenditures								
Operations and maintenance	\$ 3,466,126	\$ 3,664,354	\$ 3,806,431	\$ 3,964,126	\$ 4,079,019	\$ 4,251,455	\$ 4,427,035	\$ 4,600,958
Capital outlay	-	-	979,181	1,228,911	1,391,404	2,068,148	732,393	-
Debt service	621,635	623,267	618,270	618,894	618,689	622,405	619,530	620,767
Total operating fund expenditures	<u>\$ 4,087,761</u>	<u>\$ 4,287,621</u>	<u>\$ 5,403,882</u>	<u>\$ 5,811,931</u>	<u>\$ 6,089,112</u>	<u>\$ 6,942,008</u>	<u>\$ 5,778,958</u>	<u>\$ 5,221,725</u>
Capital expenditures outside operating fund	\$ 2,171,785	\$ 1,734,450	\$ 2,362,359	\$ 234,911	\$ 293,887	\$ 453,211	\$ 82,770	\$ 1,466,058
Rate adjustment on March 1	6.78%	6.78%	6.78%	6.78%	6.78%	6.78%	0.00%	0.00%
Monthly rate at year-end (currently \$41.85)	\$ 44.69	\$ 47.72	\$ 50.96	\$ 54.41	\$ 58.10	\$ 62.04	\$ 62.04	\$ 62.04
Revenue bond coverage ratio (1.25 minimum)	2.79	2.99	3.38	3.80	4.36	4.85	5.15	4.90

Rate Scenario 3

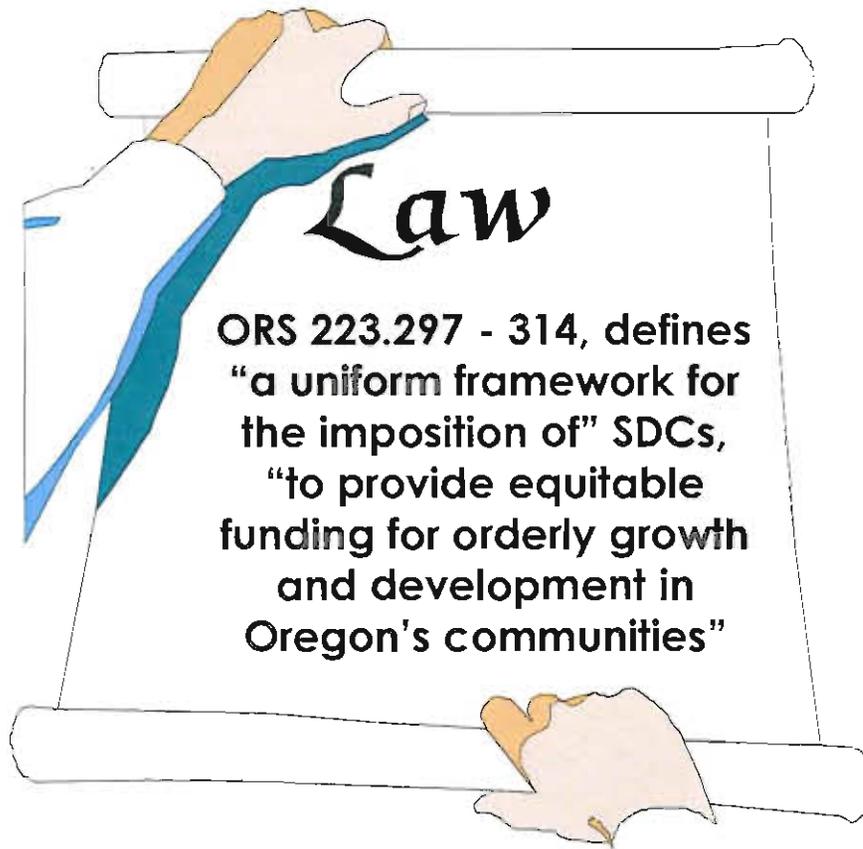
Smoothed Rate Increases with Additional Revenue Bonds

Category	Fiscal Year Ended							
	6/30/2013	6/30/2014	6/30/2015	6/30/2016	6/30/2017	6/30/2018	6/30/2019	6/30/2020
Operating fund revenues								
Rate revenues	\$4,696,261	\$4,857,707	\$5,024,702	\$5,223,425	\$5,430,008	\$5,644,761	\$5,868,007	\$6,100,083
Non-rate revenues	249,801	250,410	251,390	251,484	251,589	252,508	252,622	252,741
Total operating fund revenues	<u>\$4,946,062</u>	<u>\$5,108,117</u>	<u>\$5,276,092</u>	<u>\$5,474,910</u>	<u>\$5,681,597</u>	<u>\$5,897,269</u>	<u>\$6,120,629</u>	<u>\$6,352,823</u>
Operating fund expenditures								
Operations and maintenance	\$3,464,573	\$3,657,984	\$3,794,755	\$3,946,529	\$4,054,868	\$4,220,062	\$4,392,416	\$4,572,248
Capital outlay	-	-	-	-	-	-	-	-
Debt service	621,635	915,029	910,032	910,656	1,202,214	1,205,930	1,203,055	1,496,054
Total operating fund expenditures	<u>\$4,086,208</u>	<u>\$4,573,013</u>	<u>\$4,704,788</u>	<u>\$4,857,185</u>	<u>\$5,257,082</u>	<u>\$5,425,992</u>	<u>\$5,595,471</u>	<u>\$6,068,302</u>
Capital expenditures outside operating fund	\$2,171,785	\$1,734,450	\$3,341,541	\$1,463,823	\$1,685,291	\$2,521,359	\$ 815,162	\$1,466,058
Rate adjustment on March 1	3.44%	3.44%	3.44%	3.44%	3.44%	3.44%	3.44%	3.44%
Monthly rate at year-end (currently \$41.85)	\$ 43.29	\$ 44.78	\$ 46.32	\$ 47.91	\$ 49.56	\$ 51.26	\$ 53.02	\$ 54.84
Revenue bond coverage ratio (1.25 minimum)	2.70	1.72	1.77	1.82	1.44	1.48	1.53	1.25

Scenario Comparison



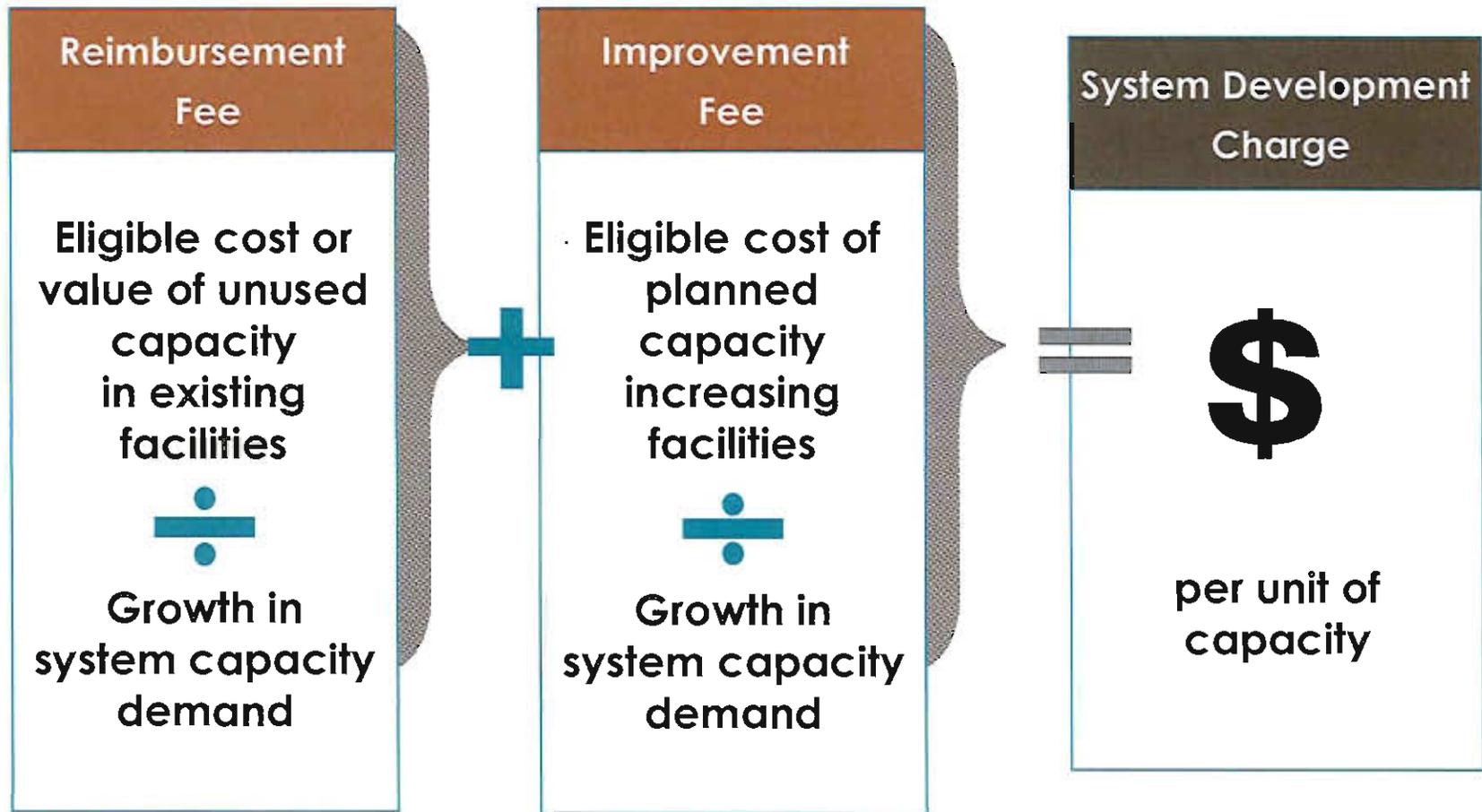
SDC Background



Key Characteristics

1. SDCs are one-time charges, not ongoing rates.
2. SDCs are for capital only, in both their calculation and in their use.
3. Properties which are already developed do not pay SDCs unless they “redevelop”.
4. SDCs include both future and existing cost components.
5. SDCs are for general facilities, not “local” facilities.

SDC Methodology



SDC Calculation Summary

SDC Components

Description	Amount
Reimbursement fee	\$ 343
Improvement fee	2,305
Adjustment	(76)
Total fee per customer unit	<u>\$ 2,572</u>
Current wastewater SDC	<u>\$ 1,789</u>

Comparable SDCs

SDCs per Single-Family Residence

City	Water	Wastewater	Stormwater	Transportation	Parks	Total
Estacada	\$3,730	\$ 3,206	\$ 853	\$ 2,025	\$2,104	\$11,918
Madras	\$ 771	\$ 4,634	\$ 193	\$ 3,240	\$1,639	\$10,477
Hood River	\$3,883	\$ 1,508	\$ 650	\$ 705	\$1,733	\$ 8,479
The Dalles, potential	\$2,317	\$ 2,572	\$ 342	\$ 1,500	\$1,552	\$ 8,283
The Dalles, existing	\$2,317	\$ 1,789	\$ 342	\$ 1,500	\$1,552	\$ 7,500
Sandy	\$1,525	\$ 1,834		\$ 1,943	\$2,000	\$ 7,302

Source: League of Oregon Cities (2010), City websites and staff

MINUTES

COUNCIL WORK SESSION
OF
NOVEMBER 14, 2012
5:30 P.M.
THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Dan Spatz, Tim McGlothlin

COUNCIL ABSENT: Brian Ahier

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Finance Director Kate Mast, Administrative Fellow Garrett Chrostek, Planning Director Dick Gassman, Engineer Dale McCabe, Police Chief Jay Waterbury

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:33 p.m.

ROLL CALL

City Clerk Krueger called roll; Councilor Ahier absent.

DISCUSSION REGARDING RESIDENTIAL INFILL DEVELOPMENT POLICIES AND PROCEDURES

Administrative Fellow Chrostek reviewed the staff report, highlighting the possible approaches to address residential infill development on under-developed streets. He noted staff did not recommend an exemption for “mom and pop” developers nor an exemption for partitions made for estate planning purposes.

MINUTES (Continued)
Council Work Session
November 14, 2012
Page2

Councilor Spatz said he was not convinced the staff recommendation accomplished the policy goal to facilitate infill by minimizing financial barriers to development. He said he was concerned that there was good balance.

Fellow Chrostek said the balance was reducing barriers and creating flexibility regarding when the payments would be due and payable.

Spatz said he was concerned that the cost of street development could exceed the sale price of a piece of property. He said the City had an obligation to prove it was making the best use of infill development in order to expand the urban growth boundary and he did not want to see the expansion stopped because the City didn't have policies that enabled the infill to occur.

Councilor Dick noted there were many large rural tracts to be developed on the east side of town but it was not affordable for people to develop in the current economy. He said many east side neighborhoods were suffering from substandard street conditions and that construction of infrastructure should not be delayed for too long.

Councilor McGlothlin said it was important to eliminate surprise to property owners regarding development fees.

City Manager Young explained that placing the obligation for future development on a property would eliminate the surprise to future property owners and then the triggers for payment would be based on certain conditions, such as application for a building permit, sale of a portion of the original property, formation of a local improvement district, or a ten year period.

Mayor Wilcox said development had increased since the systems development fees were reduced in the 1990's. Wilcox said he was comfortable creating an obligation when a property was partitioned, but did not think the sale of property should be one of the triggers to make the payment due. He said people would not sell or buy property if they had to pay the fee at the time of sale and it would stall development. Wilcox said he was also opposed to a building permit being a trigger because if someone constructed a deck or garage, it should not be considered adding to the need for street development.

There was discussion regarding interpretation of obligating a partitioned property. It was noted if there was an existing home on a property, no new traffic would be generated, but the newly created lot would create traffic.

City Manager Young offered an amendment to the recommendation that the obligation would occur on all frontage at the time of a partition, but the trigger for payment on the vacant lot would be when a building permit was issued.

MINUTES (Continued)
Council Work Session
November 14, 2012
Page3

Planning Director Gassman suggested adding language into the construction portion of the recommendation that a building permit for a dwelling unit would trigger payment. He said that would eliminate the concern expressed regarding construction of accessory buildings.

Randy Hager thanked the City Council for their thoughtful consideration of the issue.

John Dennee, 2651 East Tenth Street, The Dalles, thanked the Council and said he was pleased with the proposal. He read a letter which he said he would have presented if the Council had taken a different approach, but that he was satisfied with the proposed direction.

Additional information requested by the Council for future consideration included the ability of property owners to construct improvements instead of the City, updated information regarding the cost formula used for street development, and definition of a developer compared to property owner.

It was the consensus of the Council to eliminate the ten year payment limit and to remove the trigger regarding sale of property.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:00 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

RESOLUTION NO. 12-025

A RESOLUTION AUTHORIZING THE NAME OF THE STREET/BRIDGE REPLACEMENT FUND (013) TO BE CHANGED TO TRANSPORTATION SYSTEMS RESERVE FUND (013); AND RETAINING THE ORIGINAL PURPOSE OF THAT FUND AS A RESERVE FUND FOR THE STREET SYSTEMS OF THE CITY OF THE DALLES

WHEREAS, Resolution No. 11-017, continuing the use of various reserve funds, was adopted by the City Council on June 13, 2010; and

WHEREAS, one of those continuing funds was named the Street/Bridge Replacement Fund (013); and

WHEREAS, the City Council has determined that the name of that fund should be more consistent with the purpose of that fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Council hereby authorizes the following:

- A. The name of the Street/Bridge Replacement Fund (013) shall be changed to the Transportation Systems Reserve Fund (013); and
- B. The purpose of this fund shall remain as stated in Resolution No. 11-017: "to accumulate financial resources to pay for upgrade and expansion of the street systems."

Section 2. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 10th DAY OF DECEMBER, 2012

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 10th DAY OF DECEMBER, 2012

SIGNED: _____ ATTEST: _____

James L. Wilcox, Mayor

Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
December 10, 2012	Public Hearings 11, A, 1	12-081

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager *nyj*

DATE: November 26, 2012

ISSUE: Public Hearing to determine whether the structure located at 600 East 12th Street should be demolished as a dangerous building, and adoption of Resolution No. 12-019 confirming the determination that the structure constitutes a dangerous building and that demolition of the structure is appropriate.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: On April 2, 2008, the residential structure located upon the property at 600 East 12th was substantially damaged by a fire. Following the fire a security fence was placed around the property, and portions of damaged windows were boarded up. The structure has been vacant since the fire occurred.

On May 3, 2010, the Codes Enforcement Officer sent a letter to the owner, David Campbell, notifying him of certain nuisance conditions which existed on the property, including piles of debris and rubbish left over after the fire occurred. Although Mr. Campbell has limited financial resources, he was very cooperative to address the nuisance conditions which existed upon the property. On March 2, 2011, the property was inspected and confirmed that the nuisance conditions had been resolved. Ms. Lesich requested an update from Mr. Campbell concerning

his plans for putting up the property for sale, and whether he was planning to repair the damage caused by the fire.

In April, 2011, it was determined the condition of the structure was such that we needed to determine whether the building constituted a dangerous building under the provisions of General Ordinance No. 01-1241. On June 22, 2011, the structure was inspected by Darrin Eckman, a Registered Professional Engineer with the firm of Tenneson Engineering. A copy of Mr. Eckman's report dated June 28, 2011 is included with this staff report.

Mr. Eckman noted in his report it was his opinion that the lateral stability of the easterly wall and a portion of the easterly roof had been damaged by fire to the extent that these portions of the structure were materially less than they were before the fire occurred, and were less than the minimum requirements of the Building Code for a new building of a similar structure, purpose or location. Such a finding is sufficient to establish a structure constitutes a dangerous building under Section 2(A)(4) of General Ordinance No. 01-1241. Mr. Eckman's report also indicated it was his belief that the structure was currently unsanitary and unfit for human habitation due to the extent of the fire damage on the easterly portion of the house and the lack of operable doors and windows. Evidence of such a finding is sufficient to establish a structure constitutes a dangerous building under Section 2(A)(11) of General Ordinance No. 01-1241.

Although Mr. Eckman stated that in his opinion, the structure qualified as a dangerous building under the City's ordinance, he also expressed his opinion that the structure was repairable with the removal or replacement of the southerly bump-out and reconstruction of the roof and easterly wall, along with portions of the second floor framing and all interior furnishings such as insulation, sheet rock, wiring, etc. Ms. Lesich and the City Attorney reviewed Mr. Eckman's report with Mr. Campbell. Mr. Campbell indicated that he lacked the financial resources to make the necessary repairs to the structure. During the discussions with Mr. Campbell, the possibility of allowing the Mid-Columbia Fire and Rescue Department to use the structure as a "burn-to-learn" exercise was raised.

In October, 2011, Ms. Lesich initiated discussions with Mid-Columbia Fire and Rescue concerning the potential for using the structure as a "burn-to-learn" exercise. The primary purpose of pursuing these discussions was to find a way to effectively remove the structure without the City having to go through the abatement process set forth in General Ordinance 01-1241 and incur the costs of having to demolish the structure. On June 21, 2012, the Fire District notified Ms. Lesich that they had determined the property would not qualify for a "burn-to-learn" exercise. Such a process would have required the testing for asbestos on the property, and abatement of any asbestos found upon the property. The Fire District ultimately determined that the risks to health and safety of their personnel outweighed the potential benefits of using the property as a "burn-to-learn".

On June 29, 2012, at the request of the City, the structure was inspected by Bruce Lumper from the Oregon Department of Environmental Quality. Mr. Lumper recommended that a certified asbestos inspector survey the property, and identify if asbestos was present upon the property. If asbestos was found to be present, a licensed and certified contractor would have to be retained to remove the asbestos. Mr. Lumper also recommended that the painted wood on the property be tested for the presence of lead.

Ms. Lesich arranged for Norm Sharp, a certified asbestos inspector, to examine the property. A summary of Mr. Sharp's inspection report is enclosed with this staff report. Ms. Lesich also arranged for Ron Swisher, an Oregon Certified Lead Assessor, to inspect the property on August 8, 2012. A copy of Mr. Swisher's letter of August 10, 2012, indicating he found the presence of lead based paint on the property, is enclosed with this staff report. Ziegenhagen Enterprises LLC, arranged to have samples of the lead based paint analyzed to confirm the presence of lead based paint, and they also prepared a report indicating the areas on the property where lead based paint had been identified.

On September 11, 2012, a letter was sent to Mr. Campbell by certified mail, return receipt requested, including a copy of a Notice of Dangerous Building which was posted upon the property. A copy of the letter and the confirmation of receipt, and a copy of the Notice of Dangerous Building are enclosed with this staff report. The Notice indicated the building had been determined to be a dangerous building. The Notice directed Mr. Campbell to secure all the necessary permits to demolish the structure by 5:00 PM, September 25, 2012, and that the demolition of the structure including removal of all debris needed to be completed by 5:00 PM on October 10, 2012. The Notice provided that failure to comply with these deadlines would result in proceedings to complete the demolition work, and that the costs of demolition, including the costs which have been incurred by the City to determine the presence of any hazardous materials within the structure, would be charged against the property or its owner.

Mr. Campbell did not secure the necessary permits for demolition of the structure. In conversations with Ms. Lesich, Mr. Campbell has indicated he understands the reasons for the determination that the building is dangerous, and that he does not intend to contest the determination that demolition of the structure is appropriate. Pursuant to General Ordinance No. 01-1241, the City Council is required to conduct a hearing to determine whether the structure is a public nuisance and whether demolition is a reasonable remedy under the circumstances. The City is required to offer evidence concerning the condition of the property, any safety hazards which may exist, and the justification for demolition. The property owner has the right to present testimony or evidence concerning the existence of a public nuisance and whether demolition is necessary.

If the Council adopts Resolution No. 12-019 confirming the determination that the structure constitutes a dangerous building and that demolition is an appropriate remedy under the circumstances, the property owner will have 30 days from the date of adoption of the Resolution to secure the necessary permits. If the property owner does not obtain the necessary permits, the City has the authority to proceed with the demolition.

BUDGET IMPLICATIONS: The City has incurred the following expenses in connection with the investigation as to whether the structure on the property constituted a dangerous building: \$650 for the inspection by Darrin Eckman; \$1,264.00 for the inspections for asbestos and lead based paint. If the City proceeds with the demolition of the structure, these costs will be included with the costs of demolition that will be assessed against the property owner. Demolition of the property will require the hiring of a contractor who is certified to remove the asbestos and lead based paint, in addition to the other demolition work necessary to remove the structure. Assuming the property owner does not proceed with the demolition, the City will advertise for bids for the demolition work. The City has the sum of \$20,000 budgeted in line item 036-3600-419.31-25 for abatements, and it is anticipated this line item will be used to pay for the abatement. For the Council's information, in 2005, the City demolished a structure which

had been damaged by fire, and declared to be a dangerous building; the cost of demolition was \$5,219.39.

ALTERNATIVES:

A. **Staff Recommendation.** *Move to adopt Resolution No. 12-019.*

June 28, 2011

COPY

Ms. Nikki Lesich
City of The Dalles Codes Enforcement
313 Court Street
The Dalles, Oregon 97058

Reference: Dangerous Building at 600 East 12th Street

Dear Nikki:

At your request, Tenneson Engineering Corporation has conducted an examination of the structure located at 600 East 12th Street, Assessor's Map 1N-13E-3CD, Tax Lot 10200. This structure was examined by Darrin O. Eckman, Oregon Registered Professional Engineer No. 51430, on June 22, 2011. The inspection was based upon definitions outlined in the City of The Dalles General Ordinance #01-1241 *Concerning Abatement of Dangerous Buildings and Repealing General Ordinance #89-1081*. The structure in question is a two story, wood-framed residence with a partial basement approximately 28 feet east-west by 36 feet north-south with a 10 foot deep porch on the north side and small 6 foot by 8 foot addition on the south side. The structure appeared to be vacant, with first floor door and window openings covered with OSB sheathing. The outward appearance of the north and west sides of the building is relative good overall, with the exception primarily being broken windows. Upon visual examination, the south and east sides of the home showed significant roof and wall damage from fire. In addition, areas of the exterior wall, most notably on the east side, showed fire damage which could affect the lateral strength of the building. Based upon General Ordinance #01-1241, it is my professional opinion that this structure meets the definition of a dangerous building, under Section 2(A), Items 4 and 11.

Briefly summarized, it is my opinion that the lateral stability of the easterly wall and a portion of the easterly roof have been damaged by fire to the extent that it is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code (4). Due to the extent of the fire damage on the easterly portion of house and its lack of operable doors and windows, along with its lack of electrical and water service, leads me to believe that this structure is currently unsanitary and unfit for human habitation (11).

Thus, based upon the findings outlined above, it is my opinion that the structure is a dangerous building as defined by City Ordinance. It is also my opinion, however, that the structure is repairable with the removal or replacement of the southerly bump-out and reconstruction of the roof and easterly wall, along with portions of the second floor framing and all interior furnishings such as insulation, sheet rock, wiring, etc.

Please feel free to contact me should you have any questions or comments concerning this report.

Sincerely yours,

TENNESON ENGINEERING CORPORATION
Darrin O. Eckman, P.E.



DOE:mp/b
<wo#13728>

12.31.11

RESOLUTION NO. 12-019

**CONFIRMING THE DETERMINATION
THAT THE STRUCTURE AT 600 EAST 12TH STREET
CONSTITUTES A PUBLIC NUISANCE AS A DANGEROUS
BUILDING AND DEMOLITION OF THE STRUCTURE
IS AN APPROPRIATE REMEDY**

WHEREAS, on September 11, 2012, the Codes Enforcement Officer for the City of The Dalles, acting as the Director of Buildings pursuant to General Ordinance No. 12-1241, posted a Notice of Dangerous Building upon the structure located at 600 East 12th Street; and

WHEREAS, the Notice of Dangerous Building cited violations of Sections 2(A)(4) and (11) as justification for the determination that the structure constituted a dangerous building; and

WHEREAS, the Notice of Dangerous Building provided that the owner of the property was required to secure all necessary permits to demolish the structure by 5:00 PM on September 25, 2012, and that the demolition of the structure including removal of all debris needed to be completed by 5:00 PM on October 12, 2012; and

WHEREAS, the owner of the property, David Campbell, did not obtain the required permits or complete the demolition of the structure by the deadlines set forth in the Notice of Dangerous Building; and

WHEREAS, pursuant to Section 6(A) of General Ordinance No. 01-1241, Ms. Lesich requested the City Clerk to schedule a hearing before the City Council for the Council to hear testimony and evidence as to whether the structure constituted a public nuisance as a dangerous building, and that demolition of the structure was an appropriate remedy under the circumstances; and

WHEREAS, on December 10, 2012, the City Council conducted a public hearing, and heard testimony and received evidence from Ms. Lesich outlining the condition of the property,

the safety hazards which existed upon the property, and the reasons why the determination was made that the structure constituted a dangerous building, and testimony that the property owner lacked the financial resources to repair the structure;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
RESOLVES AS FOLLOWS:**

Section 1. Determination of Dangerous Building Confirmed. The City Council hereby confirms the determination of the Codes Enforcement Officer acting as the Director of Buildings pursuant to General Ordinance No. 01-1241, that the structure located at 600 East 12th Street constitutes a public nuisance as a dangerous building. The Council relies upon the opinion of Darrin Eckman, a Registered Professional Engineer, that the lateral stability of the easterly wall and a portion of the easterly roof has been damaged by fire to the extent that these portions of the structure are materially less than they were before the fire occurred, and were less than the minimum requirements of the Building Code for a new building or a similar structure, purpose or location, as set forth in Section 2(A)(4) of General Ordinance No. 01-1241. The Council also relies upon the opinion of Mr. Eckman that the structure is currently unsanitary and unfit for human habitation due to the extent of the fire damage on the easterly portion of the house and the lack of operable doors and windows, as set forth in Section 2(A)(11) of General Ordinance No. 01-1241. The Council finds that evidence of safety hazards upon the premises has been documented in the reports presented by Norm Sharp and Ron Swisher establishing the presence of asbestos and lead based paint on the property. The Council also finds that demolition is appropriate and necessary, in light of the fact the property owner lacks the financial resources to remove the safety hazards and repair the property.

Section 2. Demolition Work Authorized. The property owner shall have 30 days from the effective date of this Resolution to secure the necessary permits to perform the demolition work. In the event the permits are not obtained, the City may proceed with the demolition work as authorized by Section 6(E) of General Ordinance No. 01-1241.

Section 3. Effective Date. This Resolution shall be effective December 10, 2012.

PASSED AND ADOPTED THIS 10TH DAY OF DECEMBER, 2012

Voting Yes, Councilor: _____
Voting No, Councilor: _____
Absent, Councilor: _____
Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 10TH DAY OF DECEMBER, 2012

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
December 10, 2012	Public Hearings 11, B	12-088

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager *nyj*

DATE: November 28, 2012

ISSUE: Appeal of Planning Commission Resolution No. PC 526-12, affirming the interpretation of the City Planning Director concerning off-street parking requirements for the property located at 1215 and 1217 Blakely Drive.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: On May 15, 2012, a petition was filed on behalf of Jennifer Blevins for an interpretation as to whether the property located at 1215 and 1217 Blakely Drive complied with the off-street parking requirements set forth in Section 3.090.070(A)(3)(c) of the City's Land Use and Development Ordinance ("LUDO"). The petition specifically asked for an interpretation as to whether the property could accommodate four "legitimate" off-street parking spaces (without the single car garage space) as required by Section 3.030.070. Ms. Blevins was advised that the request for interpretation needed to be submitted to the Planning Director pursuant to Section 1.09 of the LUDO. On July 3, 2012, the Planning Director issued a written interpretation that the driveway at 1215 and 1217 Blakely Drive did provide the four off-street parking spaces required by Section 3.090.070(A)(3)(c). Ms. Blevins filed a notice of appeal of

the Director's interpretation. On November 1, 2012, the City Planning Commission voted to adopt Resolution No. P.C. 526-12, affirming the Planning Director's interpretation. Ms. Blevins filed a Notice of Appeal of the Planning Commission's decision on November 13, 2012.

REVIEW OF APPLICABLE CRITERIA

LAND USE AND DEVELOPMENT ORDINANCE NO. 98-1222

Chapter 3. Application Review Procedures

Section 3.020.080(A). De Novo. Appeals shall be a de novo evidentiary hearing. A De Novo hearing allows for the introduction of additional evidence on issues raised at a lower level and included in the notice of appeal, and for arguments or testimony based on those issues. It does not allow for new issues to be raised, nor does it allow for evidence, arguments or testimony to be presented on issues not raised in the appeal notice.

(B). Right to Appeal Decisions. The following may file an appeal to decisions resulting from planning actions described in this Section:

- 1. Any party of record to the particular action.*

(C). Filing Appeals.

- 1. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Department. The standard appeal fee shall be required as part of the notice of appeal.*
- 2. The notice of appeal and appeal fee must be received at the Community Development Department office no later than 5:00 PM on the tenth day following the date of mailing of the notice of decision. (See Section 1.110: Computation of Time for an explanation of how days are counted).*
- 3. Notices of Appeal shall not be received by facsimile machines.*

(D) Every notice of appeal shall include:

- 1. Appellant's name and address, and a statement describing how the appellant qualifies a party.*
- 2. The date and a brief description of the decision being appealed.*
- 3. The specific grounds why the decision should be reversed or modified based on the applicable criteria or procedural error.*
- 4. The standard appeal fee.*

(G). Notification of Appeal Hearing. *The notice of appeal, together with notice of the date, time and place of the appeal hearing shall be mailed to all parties at least 14 days prior to the hearing.*

(H). Decision of Appeal.

1. *The Commission or Council may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.*
2. *The Commission or Council shall make findings and conclusions, and make a decision based on the hearing record.*
3. *A Notice of Appeal Decision shall be sent to the all parties participating in the appeal.*

Chapter 3. Non-Conforming Development

Section 3.090.070. Exceptions.

- A. Residential Uses. *Any structure used as any residential building type before the enactment of this Ordinance may be:*
1. *Rebuilt if damaged or destroyed for any reason, provided the reconstructed building has the same or fewer number of units, and serves the same use as the original structure.*
 2. *Continued as a nonconforming residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.*
 3. *Modified and or enlarged provided that:*
 - a) *The structure maintains the same or fewer number of units.*
 - b) *The typical setback requirements for residential dwellings as specified in Section 5:030: RM - Medium Density Residential District are met. In cases where the existing non-conforming residential structure does not meet the RMH setback standards, the modification or enlargement to the structure is allowed provided that any expansion does not further encroach upon RM setback requirements.*
 - c) *The residential off-street parking requirement listed in Section 7.060: Minimum and Maximum Off-Street Parking Requirements is met.*
 - d) *The non-conforming structure is not located in an existing City right-of-way.*

Chapter 6. Driveway and Entrance Standards

Section 6.060.020 Driveways and Entrance Standards; General Standards. *This section provides in part as follows:*

No approach/entrance shall be built closer than 5 feet to any property line except as authorized below in Subsection 6.060.050: Shared Driveways. The length of driveways shall be designed to accommodate the anticipated storage length for entering and existing vehicles to prevent vehicles from backing up into the flow of traffic on a public street or causing unsafe conditions with on-site circulation.

Chapter 7. Parking Standards

Section 7.060. Minimum and Maximum Off-Street Parking Requirements

Residential: One, Two and Three Dwelling Units: Minimum: Two parking spaces per dwelling unit; Maximum: None.

The Notice of Appeal filed by Ms. Blevins on November 13, 2012 appears to comply with the requirements of Section 3.020.080(D). As grounds for appeal of the Planning Commission's decision, Ms. Blevins asserts there was not substantial evidence in the record before the Planning Commission to support a finding that the length of the driveway at 1215 and 1217 Blakely Drive was designed to accommodate the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing up into the flow of traffic on a public street or causing unsafe conflicts with on site circulation, as required by Section 6.060.020 of the LUDO. Ms. Blevins asserts Section 6.060.020 mandates that the driveway design show "buffer areas" and an adequate stairway landing, which would prevent unsafe conditions from affecting on-site circulation. Ms. Blevins asserts that several photographs which were received into evidence show that some vehicles are parked in a manner that allow portions of the vehicles to extend into the public right-of-way, which create unsafe conditions, and show the property does not adequately provide the four required off-street parking spaces.

The structure located upon the property at 1215 and 1217 Blakely Drive is a non-confirming duplex. The driveway which serves the property is in front of a converted garage. At the Planning Commission hearing, Ms. Blevins presented a large volume of evidence concerning the non-confirming history of the property. Testimony was presented that a series of alleged non-confirming alterations to the structure, including the conversion of the garage, had caused unspecified traffic and parking impacts. The Planning Commission determined that the evidence concerning the history of the alleged non-confirming use did not address the relevant issue as to whether the property complied with the requirements of Section 3.090.070(A)(c)(3) to provide four off-street parking spaces.

Ms. Blevins also presented testimony to the Planning Commission that the findings of the Planning Commission were inadequate, because there was no evidence in the record that the diagrams prepared by Mr. Dennee and Mr. Gassman, showing the dimensions of the driveway, included a delineation of parking spaces and walkways, the type and location of these connections to the residential duplex located on the property, the location of the garbage container areas, and the location of emergency exit routes. This information would be part of

the “buffer areas” which Ms. Blevins claim is required by Section 6.060.020 of the LUDO. Ms. Blevins also testified that the driveway area shown on the diagram identified as Exhibit 2 at the October 4, 2012 Planning Commission hearing was inadequate, because it failed to show there was a landing area for the exterior stairs, which Ms. Blevins claimed should have measured 36 inches by 36 inches to comply with fire code requirements.

The Planning Commission interpreted the provisions of Section 6.060.020 to not require any of the specific details cited by Ms. Blevins, and concluded this section did not require any of the diagrams depicting the driveway to show the “buffer areas”, which Ms. Blevins claimed was a requirement of the LUDO. The Planning Commission determined there was no need to show any “buffer areas” which apparently would show an unobstructed pathway between the vehicles and the duplex, and between the vehicles and the entrance to the duplex. The Planning Commission also determined that Section 6.060.020 did not address any fire code requirements, and there was no need for the diagrams to address issues related to the landing for the exterior staircase. Staff believes the City Council should apply the same interpretation of Section 6.060.020 in reviewing the appeal.

Ms. Blevins asserts in her Notice of Appeal that there was insufficient substantial evidence to support the Planning Commission’s findings that the length of the driveway had been designed to accommodate the anticipated storage length for entering and exiting vehicles from backing up into the flow of traffic on a public street or causing unsafe conflicts with on-site circulation. Substantial evidence is defined as the type of evidence which would permit a reasonable person to make the disputed finding.

Planning Commission Resolution No. PC 526-12 contains a detailed explanation as to how the diagram identified as Exhibit 2 at the October 4, 2012 Planning Commission hearing, showed four standard size vehicles can be placed in the driveway area. Section 7.030.010 of the LUDO which describes the minimum design standards for all at grade surface vehicle parking areas (which are 9 feet wide and 18.5 feet deep) does not apply to one and two family dwellings. Nevertheless, the Planning Commission determined City staff properly used these standards as a guideline in applying a “practical approach” to determine whether the subject driveway complied with Section 6.060.020. The series of photographs offered by Ms. Blevins as evidence were not dated, and there was no evidence to indicate that photographs reflected the actual current use of the driveway. If a vehicle is parked in such a manner that a portion of the vehicle extends into the public right-of-way, this constitutes a violation of the City’s traffic ordinance, and is a matter for law enforcement to address. The Planning Commission correctly determined that the evidence shown in Exhibit 2 was the type of evidence from which a reasonable person could find that the driveway serving the property at 1215 and 1217 Blakely Drive complied with the requirements of Section 6.060.020 of the LUDO. Staff believes the Council should make the same determination concerning this evidence in reviewing this appeal.

In summary, the staff believes that the record will establish that there is substantial evidence to support the findings made by the Planning Commission, and staff is recommending that the Council make a decision to affirm the Planning Commission’s decision.

BUDGET IMPLICATIONS: None.

ALTERNATIVES:

- A. ***Staff recommendation. Move to affirm the Planning Commission's decision as set forth in Resolution No. PC 526-12, and direct staff to prepare a resolution setting forth the Council's decision, including a statement of findings of fact and conclusions of law to be adopted at the January 14, 2013 Council meeting.***

- B. Move to reverse the Planning Commission's decision as set forth in Resolution No. PC 526-12, and direct staff to prepare a resolution setting forth the Council's decision, including a statement of findings of fact and conclusions of law to be adopted at the January 14, 2013 Council meeting.

RESOLUTION NO. P.C. 526-12

**A RESOLUTION OF THE PLANNING COMMISSION
AFFIRMING THE PLANNING DIRECTOR'S WRITTEN
INTERPRETATION OF JULY 3, 2012 CONCERNING
OFF-STREET PARKING REQUIREMENTS FOR THE
PROPERTY AT 1215 AND 1217 BLAKELY DRIVE**

WHEREAS, Section 1.090 of the City's Land Use and Development Ordinance ("LUDO") provides the Planning Department Director is authorized to interpret the provisions of the LUDO when the language is ambiguous or unclear, and request for an interpretation shall be submitted in writing on a form provided by the City; and

WHEREAS, pursuant to Section 1.090, a request was submitted on behalf of Jennifer Blevins for an interpretation as to whether the property located at 1215 and 1217 Blakely Drive complied with the off-street parking requirements set forth in Section 3.090.070(A)(3)(c); and

WHEREAS, on July 3, 2012, the Planning Director issued a written interpretation that the property complied with the off-street parking requirements of Section 3.090.070(A)(3)(c); and

WHEREAS, on July 16, a Notice of Appeal of the Planning Director's July 3, 2012 written interpretation was filed on behalf of Ms. Blevins; and

WHEREAS, the Planning Commission conducted public hearings on September 20, 2012 and October 4, 2012, and following the close of the public hearing, the Planning Commission voted 4 to 2, with one abstention, to affirm the Planning Director's written interpretation of July 3, 2012;

WHEREAS, the Planning Commission has reviewed the proposed findings of fact and conclusions of law set forth in Exhibit "A", and desires to adopt a resolution approving the proposed findings of fact and conclusions of law.

NOW, THEREFORE, THE PLANNING COMMISSION RESOLVES AS FOLLOWS:

Section 1. The Planning Commission hereby approves and adopts the findings of fact and conclusions of law set forth in Exhibit "A", attached hereto and incorporated herein by this reference. The written interpretation of the Planning Director dated July 3, 2012, that the property located at 1215 and 1217 Blakely Drive, complies with the off-street parking requirements of Section 3.090.070(A)(3)(c) is hereby affirmed.

Section 2. This resolution shall be considered effective as of November 1, 2012.

Section 3. The Secretary of the Planning Commission shall certify to the adoption of the resolution, and transmit a copy of the resolution to the City Council of the City of The Dalles.

Bruce E. Lavis
Chairman, Planning Commission

ATTEST:

Daniel Durow
Daniel Durow, Secretary

Ayes: Lavier, Zukin, Stiles
Nays: Poppoff
Absent: Whitehouse, Raschio, Zingg
Abstaining: None

EXHIBIT "A"

FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR APPEAL #23-12

BACKGROUND INFORMATION

On May 15, 2012, a Petition for Enforcement of City Code was filed on behalf of the Appellant requesting a determination whether the property located at 1215 and 1217 Blakely Drive could accommodate four "legitimate" off-street parking spaces (without the single car garage space) as required by Section 3.090.070(A)(3)(c) of the Land Use and Development Ordinance ("LUDO"). Appellant was advised that the request for interpretation needed to be submitted to the Planning Director pursuant to Section 1.090 of the LUDO. On July 3, 2012, the Planning Director issued a written interpretation that the driveway on the property at 1215 and 1217 Blakely Drive did provide the four off-street parking spaces required by Section 3.090.070(A)(3)(c). Appellant filed a Notice of Appeal of the Director's Decision on July 16, 2012. Section 1.090 of the LUDO provides that interpretations of the Planning Director may be appealed to the Planning Commission pursuant to the provisions of Section 3.020.080.

The property located at 1215 and 1217 Blakely Drive is a duplex, and is further described as Township 1 North, Range 13 East, Assessor's Map No. 5 AA Tax Lot 200. The City's Comprehensive Plan designates the property as "R-L" Low Density Residential, and the property is located within the "R-L" Low Density Residential zoning district.

REVIEW OF APPLICABLE CRITERIA

LAND USE AND DEVELOPMENT ORDINANCE NO. 98-1222

Chapter 3. Application Review Procedures

Section 3.020.080(A). De Novo. Appeals shall be a de novo evidentiary hearing. A De Novo hearing allows for the introduction of additional evidence on issues raised at a lower level and included in the notice of appeal, and for arguments or testimony based on those issues. It does not allow for new issues to be raised, nor does it allow for evidence, arguments or testimony to be presented on issues not raised in the appeal notice.

FINDING #1: The Planning Commission conducted the initial evidentiary hearing on September 20, 2012. Following the introduction of evidence and testimony at that hearing, the Planning Commission voted to continue the public hearing to October 4, 2012 to allow for the introduction of additional evidence concerning the parking area, specifically including a map or diagram of the parking area, and to consider additional evidence concerning the width of the driveway. The Planning Commission had the opportunity to review the entire application for the requested interpretation and to make a new decision.

CONCLUSION: The criteria in Section 3.020.080(A) have been satisfied.

Section 3.020.080(B)(1). Right to Appeal Decisions. The following may file an appeal to decisions resulting from planning actions described in this Section:

- 1. Any party of record to the particular action.*

FINDING #2: The appeal of the Planning Director's written interpretation of July 3, 2012 was filed on July 16, 2012, by the applicant, who is a party of record.

CONCLUSION: The criteria in Section 3.020.080(B)(1) have been satisfied.

Section 3.020.080(C). Filing Appeals.

- 1. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Department. The standard appeal fee shall be required as part of the notice of appeal.*
- 2. The notice of appeal and appeal fee must be received at the Community Development Department office no later than 5:00 PM on the tenth day following the date of mailing of the notice of decision. (See Section 1.110: Computation of Time for an explanation of how days are counted).*

FINDING #3: The appeal with the information required under Section 3.020.080(C)(1) was filed on July 16, 2012, within the ten day period set forth in Section 3.020.080(2), along with the required filing fee.

CONCLUSION: The criteria in Section 3.020.080(C) have been satisfied.

Section 3.020.080(G). Notification of Appeal Hearing. The notice of appeal, together with notice of the date, time and place of the appeal hearing shall be mailed to all parties at least 14 days prior to the hearing.

FINDING #4: For appeals from the Planning Director's interpretation, there is no requirement for notice, other than to the appellant who is also the applicant in this proceeding.

CONCLUSION: The criteria in Section 3.020.080(G) have been satisfied.

Section 3.020.080(H). Decision of Appeal.

- 1. The Commission or Council may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.*
- 2. The Commission or Council shall make findings and conclusions, and make a decision based on the hearing record.*

3. *A Notice of Appeal Decision shall be sent to the all parties participating in the appeal.*

FINDING #5: A copy of Petition for Enforcement of City Code dated May 15, 2012, the Planning Director's written interpretation dated July 3, 2012, and a copy of the appeal notice submitted on July 16, 2012 was included with the Agenda Staff Report. On October 4, 2012, following the close of the public hearing, the Planning Commission voted 4 to 2, with one abstention, to affirm the Planning Director's interpretation regarding the off-street parking requirements for the property at 1215 and 1217 Blakely Drive. With the adoption of Resolution No. 526-12 which includes the proposed findings of fact and conclusions of law, the provisions of Section 3.020.080(H) will be addressed.

CONCLUSION: The criteria in Section 3.020.080(H) have been satisfied.

Section 6.060.020 Driveways and Entrance Standards; General Standards. This section provides in part as follows:

No approach/entrance shall be built closer than 5 feet to any property line except as authorized below in Subsection 6.060.050: Shared Driveways. The length of driveways shall be designed to accommodate the anticipated storage length for entering and existing vehicles to prevent vehicles from backing up into the flow of traffic on a public street or causing unsafe conditions with on-site circulation.

FINDING #6: The Appellant asserted that the provisions of Section 6.060.010 Purpose should provide applicable review criteria for this matter. This section provides as follows:

This section establishes driveway and entrance standards to ensure that traffic congestion and hazards are avoided, vehicular and public safety are protected, and adequate vehicular circulation is maintained at connections to City streets and alleys.

Purpose statements such as those in Section 6.010.010 are often generally worded expressions of goals or objectives. In these cases, such purpose statements do not create approval standards or criteria. *Beck v. City of Tillamook*, LUBA No. 90-056, 20 Or LUBA 178, 186-186 (1990) *affirmed*, 105 Or App 276 (1991). The Planning Commission finds and concludes that Section 6.060.010 does not present any applicable review criteria for this appeal.

The Appellant testified that Exhibit 2, a diagram of the parking area prepared by City Staff and received into evidence at the October 4th hearing, did not include a delineation of parking spaces and walkways, the type and location of these connections to the residential duplex located on the property, the location of the garbage areas, and location of emergency exit routes. There are no provisions in the City's LUDO that would have required this information to be shown on Exhibit 2, or to have been required to be submitted by the owner of the property located at 1215 and 1217 Blakely Drive.

Mr. Rich Williams, testifying on behalf of the Appellant, asserted it was not mathematically possible to stack four standard sized vehicles in the parking area. Mr. Williams also testified that

the LUDO required that cars parked in the driveway be parked in a perpendicular manner, and that the LUDO did not allow for vehicles to be parked in a parallel manner in the driveway. Concerning this second argument, the Planning Commission finds and concludes that Mr. Williams has incorrectly interpreted the LUDO. Section 6.060.020(B)(3)(a) concerning maneuvering within the street provides as follows for residential local streets and alleys:

1 and 2 Family Dwellings. 90 degree in/back out vehicular movements will be allowed for single family and duplex dwellings with 4 or fewer parking spaces only. Other angles may be allowed with the approval of the City Engineer, based on unique topographic conditions that may exist on site.

The Planning Commission interprets the provisions of Section 6.060.020(B)(3)(a) to apply vehicular movements of entering and existing driveways, and nothing in this section would prevent the stacking of vehicles in the driveway for the duplex at 1215 and 1217 Blakely Drive. There is no provision in Section 6.060.020(B)(3)(a) that requires vehicles to park in a perpendicular manner.

The Appellant testified at the October 4, 2012 hearing that the LUDO required parking space dimensions of 18.5 feet by 9 feet. Section 7.030.010 of the LUDO notes that Section 7.310 which describes the minimum design standards for all at grade surface vehicle parking areas, does not apply to one and two family dwellings. The Planning Director finds and concludes that Appellant's testimony concerning the dimension requirements for parking spaces is correct in part, but that the dimension requirements cited by Appellant are not required for parking spaces in a driveway which serves a residential duplex. The Planning Commission notes that these dimensions were used as part of a "practical approach" by City staff in reviewing the issue as to whether the driveway provided the four required off-street parking spaces, and that such use of the parking dimensions was reasonable.

The Appellant also testified at the October 4, 2012 hearing that the driveway area shown on Exhibit 2 was inadequate because it failed to show there was a landing area for the exterior stairs, which Appellant claimed should have measured 36 inches by 36 inches to comply with fire code requirements. Appellant also testified Exhibit 2 failed to show "buffer areas" between the residential structure.

Appellant did not cite any specific authority for the provisions of the fire code which she claimed required the installation of 36 inch by 36 inch landing area next to the exterior staircase. The Planning Commission finds and concludes that testimony concerning the lack of a landing space for the exterior stairs fails to address any relevant approval criteria. Appellant did not cite any authority for the requirement for Exhibit 2 to show "buffer areas", which apparently would show an unobstructed pathway between the vehicles and the duplex, and between the vehicles and the entrances to the duplex. The Planning Commission finds and concludes there is no provision in the LUDO which would have required the showing of "buffer areas" on the diagram of the parking area.

In the Notice of Appeal submitted on July 16, 2012, the Appellant asserted that subject property violated Section 6.060 of the LUDO, due to a failure provide a driveway design which prevented

the vehicles from causing unsafe conflicts with on-site circulation by blocking unobstructed ingress and egress. Section 6.060.020 of the LUDO does not specifically require that driveways be designed to prevent vehicles from having unobstructed ingress or egress to the parking area. The photographs submitted as Exhibit 2 for the Petition for Enforcement of City Code dated May 15, 2012, which appear to show vehicles parked in the driveway in such a manner that portions of some vehicles appeared to be parked in the public right-of-way, are not dated. It is uncertain if these photographs accurately reflect the actual use of the parking area at the present time. The Planning Commission finds and concludes that there was insufficient substantial evidence presented by Appellant to establish that the design of the parking area for the property at 1215 and 1217 Blakely Drive would cause unsafe conflicts with on-site circulation.

Appellant presented a large volume of evidence concerning the alleged non-conforming history of the property. At the September 20, 2012 hearing, Appellant testified that as a result of the development of non-conforming additions to the residential structure, unspecified traffic and parking impacts had occurred. Appellant also asserted that the impacts of this increased density created an unreasonable interference with the rights of surrounding residents. Appellant also testified that the additional dwelling space created by these additions not only increased the number of additional drivers to the residence, they removed one off-street parking space in the garage.

The Planning Commission finds and concludes that the evidence presented by Appellant of the history of alleged non-conforming use, and alleged improper modifications of the use upon the property, and the Appellant's request that as part of a determination that the Planning Director's interpretation was incorrect, that the Planning Commission enforce the requirement for four off-street parking spaces by requiring that the lost parking garage space be restored, reflects an attempt by Appellant to ask the Commission to address issues which are beyond the scope of the issues presented in this appeal.

Concerning Mr. Williams' assertion that it was mathematically impossible to place four standard sized vehicles in the parking area, the Planning Commission notes that Exhibit 2 includes a list of vehicles and their dimensions including width and length. As a hypothetical configuration for placement of the vehicles on the driveway, Vehicles #1 and #2 could be placed together adjacent to each other and in front of the duplex, and Vehicles #3 and #4 could be stacked behind Vehicles #1 and #2. The total width of Vehicles #1 and #2 is 11 feet, 2 inches. The width of the driveway adjacent to the house initially measures 20 feet, 6 inches, which leaves a distance of 9 feet four inches, and this distance increases to 14 feet, 10 inches when the driveway measures 26 feet in width. The total width of Vehicles #3 and #4 is 12 feet, 4 inches. Where the width of the driveway measures 26 feet, this leaves a distance of 13 feet, 8 inches. This additional distance increases as the driveway approaches Blakely Drive, where the width of the driveway measures 36 feet.

The length of Vehicle #1 measured 15 feet, 6 inches, and the length of Vehicle #3 measured 15 feet, 6 inches for a total length of 31 feet. The length of this portion of the driveway measures 35.5 feet. The length of Vehicle #2 measures 15 feet, and the length of Vehicle #4 measures 17 feet, for a total of 32 feet. The length of the portion of the driveway where Vehicles #2 and #4 would be parked totals 35.5 feet. The Planning Commission finds and concludes that Exhibit 2

constitutes substantial evidence that four standard size vehicles can be placed in the parking area shown in the driveway for the duplex.

CONCLUSION: The criteria in Sections 6.060.020 concerning the design of the driveway and 3.090.070(A)(3)(c) concerning the requirement for four off-street parking requirements have been satisfied.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 298-5481 ext. 1125

FAX: (541) 298-5490
COMMUNITY DEVELOPMENT DEPT.

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, OCTOBER 4, 2012
6:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. September 6, 2012
 - B. September 20, 2012
- V. PUBLIC COMMENT (Items not on the Agenda)
- VI. **QUASI-JUDICIAL HEARING**

Continuance of Public Hearing

Application Number: APL 23-12; Jennifer Blevins; Appeal of a land use interpretation of off-street parking requirements dated July 3, 2012. Property is located at 1215-1217 Blakely Drive, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 5 AA, tax lot 200. Property is zoned "RL"- Residential Low Density District.

- VII. STAFF COMMENTS
- VIII. COMMISSIONER COMMENTS/QUESTIONS
- IX. NEXT SCHEDULED MEETING DATE
October 18, 2012
- X. ADJOURNMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, October 4, 2012

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:01 PM.

BOARD MEMBERS PRESENT:

Bruce Lavier, Mark Poppoff, Dennis Whitehouse, Chris Zukin, Mike Zingg, Jeff Stiles, Robert Raschio

STAFF MEMBERS PRESENT:

Community Development Director Dan Durow, Senior Planner Richard Gassman, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Raschio and seconded by Whitehouse to approve the agenda as submitted. The motion carried unanimously.

APPROVAL OF MINUTES:

It was moved by Raschio and seconded by Zingg to approve the September 6, 2012 minutes as submitted. The motion carried unanimously.

It was moved by Whitehouse and seconded by Stiles to approve the September 20, 2012 minutes as submitted. Lavier, Poppoff, Whitehouse, Zukin, Zingg and Stiles approved the motion, Raschio abstained.

PUBLIC COMMENT:

None

QUASI-JUDICIAL HEARING:

Continuance of Public Hearing

Application Number: APL 23-12; **Jennifer Blevins;** **Request:** Appeal of a land use interpretation of off-street parking requirements dated July 3, 2012. Property is located at 1215-1217 Blakely Drive, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 5 AA, tax lot 200. Property is zoned "RL" – Residential Low Density District.

Chair Lavier announced that this public hearing remained open from the last meeting and called for a report from Senior Planner Gassman. Gassman presented a detailed diagram of the parking area of said property and gave a detailed explanation of the dimensions. On the back side of the diagram, Gassman pointed out a list of random vehicle widths and lengths. Based upon this random list of vehicle sizes and the parking area dimensions, it was staff's opinion there was adequate parking for up to five vehicles in the property's parking area. Chair Lavier assigned staff's parking diagram as Exhibit 2.

Commissioner Whitehouse asked Senior Planner Gassman if he measured clear to the street or to where a sidewalk would go. Gassman answered that he measured clear to the street, because it appeared the front property line was in close proximity to the street, and if a sidewalk was to be installed, it would probably be installed where the diagram was labeled "street." Gassman stated he did not believe the City would install sidewalks in the Blakely area.

Commissioner Stiles asked Senior Planner Gassman if he measured the property width. Gassman said that he did not. Stiles asked if there would be a possibility to widen the driveway area, and Gassman replied that the driveway could be widened where there was currently a grassy area displayed on the right hand side of the diagram. Gassman pointed out that there were standards for the width of a driveway at the street, but the driveway could be widened inside the property area.

Commissioner Poppoff asked if Senior Planner Gassman included side view mirrors in the vehicular width measurements. Gassman stated he did not, and side view mirrors could extend out as much as 6 inches to one foot in width. Poppoff stated side view mirrors should be considered in the width dimensions.

Commissioner Whitehouse commented that, by the calculations, it appeared there would be only one foot of buffer space between either the first vehicle and the building or between the two stacked vehicles.

Testimony

Proponents:

Jennifer Blevins, 1212 Blakely Drive, The Dalles, Oregon, stated that the documentation previously submitted supported that modification and alterations, including construction of a new interior staircase to the nonconforming structure in a Low Density zone, must comply with the minimum off-street parking requirements of four standard sized parking spaces. The Land Use and Development Ordinance (LUDO), Blevins stated, required parking space dimensions of 18.5 feet by 9 feet. LUDO also states that there must be safe, logical and consistent site circulation routes designed to avoid conflict between pedestrians and vehicles, Blevins said. In Exhibit 2, Blevins reported there was no delineation of parking spaces and walkways, the type and location of these connections to the building, the location of the garbage area, and emergency exit routes. Blevins pointed out that the property had an exterior staircase, and fire code required a 36 inch by 36 inch square landing at the bottom of the exterior staircase. Blevins purported that if the the required landing were taken into consideration, three feet of the 35.5 feet of vehicular parking would be reduced. Therefore, Blevins stated, two vehicles could not park on that side of the parking area. Blevins said it would not be possible to park two 18 foot vehicles and have pedestrian circulation in that parking area.

Rich Williams, 1212 Blakely Drive, The Dalles, Oregon, stated that the staff had gone to great lengths to provide relief to the property owner when, in fact, the staff required parking area site plans at the time of the property sale. Williams stated the nonconforming driveway could not be expanded legally. Williams also pointed out that it was not mathematically possible to stack four standard sized vehicles in the parking area. Vehicles would hang out six to seven inches into the right of way even if vehicles were parked bumper to bumper.

Commissioner Zukin stated that, at the last meeting, it was pointed out that vehicles were not required to park at a 90 degree angle to the street. Mr. Williams replied that his understanding was that a variance would be required in order to not park at a 90 degree angle. Zukin explained that, according

to Section 6.060.020.B.3, the driveway needed to come off of the street at a 90 degree angle, not the vehicles.

Opponent:

David Bustos, 1215-1217 Blakely Drive, The Dalles, Oregon, stated that, according to the diagram, he could park four, five or maybe six vehicles in the parking area, depending on how he chooses to park.

Rebuttal:

Jennifer Blevins, 1212 Blakely Drive, The Dalles, Oregon, stated that the diagram did not show emergency exits or a delineation of the bottom stairway. Blevins reiterated that two vehicles could not be parked off of the side property line at the staircase without providing buffers. To stack vehicles without buffer areas would not be consistent, safe or logical, Blevins commented.

Chair Lavier closed the public hearing at 6:29 PM.

Deliberation:

Commissioner Poppoff suggested limiting the property owner to one car, three cars could park without blocking the stairway.

Commissioner Zukin stated he was going to approve staff's land use interpretation because proof had been provided that four standard sized vehicles could park at the subject property. Zukin stated that Mr. Bustos commented, "It's how I choose to park." Zukin felt that was a key statement. If cars were parked carefully, Zukin commented, there would be room to park four or more cars with space to spare. He referenced picture #16 of Exhibit 1 that showed three parked cars and an empty parking space. Zukin pointed out the picture showed sloppy parking, not lack of space.

Commissioner Whitehouse stated he intended to vote in favor of the applicant because he travels Blakely Drive often and observes the various parking configurations. He felt the parking configurations just didn't work. He didn't believe parking four cars in the area was a safe thing to do.

Commissioner Zingg stated he agreed with Commissioner Zukin, and the case was an issue of how the vehicles were parked. Zingg suggested the property owner consider widening the driveway to help alleviate the parking issue—it would be a neighborly thing to do.

Commissioner Stiles stated that it would be helpful to install some sort of a barrier for a vehicle to park as close to the structure as possible without hitting the structure so that a car parking behind the first vehicle could park without hanging out into the street.

Commissioner Zukin stated it is an enforcement issue, cars should not be sticking out into the street, and if they were, they should be cited. Zukin encouraged the property owner to park safely.

Commissioner Raschio stated he was uncertain as to whether or not he could cast a vote since he was not in attendance at the previous hearing.

Commissioner Poppoff suggested that the structure needed an access to the street or walkway.

Commissioner Zingg commented that the Commission should take into consideration that if the Commission voted in favor of the applicant, it might set a precedent. Commissioner Whitehouse

believed such issues could be handled on a case-by-case basis and would not set a precedence for future property issues.

Raschio asked what would happen if the Commission voted in favor of the applicant. Senior Planner Gassman replied that the staff would ask the Commission to determine what would be an adequate parking space. Gassman also stated there were no LUDO requirements for residential parking, so that would need to be determined.

Commissioner Zukin clarified that one issue that arose at the last meeting was that the scope of the issue was limited. The matter did not concern ingress/egress or fire safety issues. The main issue, Zukin commented, was whether or not four vehicles could park in the parking area, and the applicant was attempting to expand the scope of issue to include the history/nonconformity of the building.

Chair Lavier stated he agreed with Commissioner Zukin's viewpoint and encouraged the land owner to extend the parking area.

It was moved by Zukin and seconded by Zingg to uphold staff's land use decision regarding off-street parking requirements located at 1215-1217 Blakely Drive. The motion carried. Zukin, Zingg, Lavier and Stiles voted in favor, Whitehouse and Poppoff opposed, and Raschio abstained.

STAFF COMMENTS:

Senior Planner Gassman introduced Willy Sercombe, RARE Planner who will focus on three major tasks: 1)the vertical housing program in the downtown area; 2)establishing a housing rehabilitation program; and 3)Urban Growth Boundary work. Director Durow explained that the housing rehabilitation program stemmed from the work done by the Mayor's Committee that was tasked to determine the economic barriers in The Dalles.

Director Durow commented that this was his last Planning Commission meeting as Community Development Director. He retires November 1. Durow thanked the Commissioners for their hours of volunteer work on the Planning Commission. Several of the Commissioners expressed their appreciation for Durow's 35 years of leadership both in Wasco County and the City of The Dalles that made a positive and significant impact on the community.

Senior Planner Gassman advised the Commission that the new LUDO amendments would take effect on October 10, 2012 and would be distributed soon.

COMMISSIONER COMMENTS/QUESTIONS:

Commissioner Raschio expressed a concern about traffic issues at the 2nd Street and Webber interchange. He felt there needed to be a left turn lane on the north/south end of the road for safety reasons. Senior Planner Gassman said he would contact Public Works about the concern.

Senior Planner Gassman reported that Public Works Director Anderson contacted him regarding the traffic safety concern on Kelly Avenue that was brought up at the September 6, 2012 Planning Commission meeting. Anderson advised that a traffic study had already been completed for that area and the department would look for ways to implement what had been identified in the traffic study.

Director Durow advised the Commission that staff is looking for Planning Commissioner training opportunities.

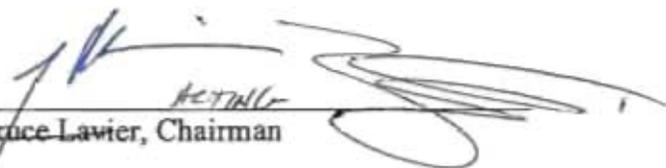
NEXT MEETING:

October 18, 2012

ADJOURNMENT:

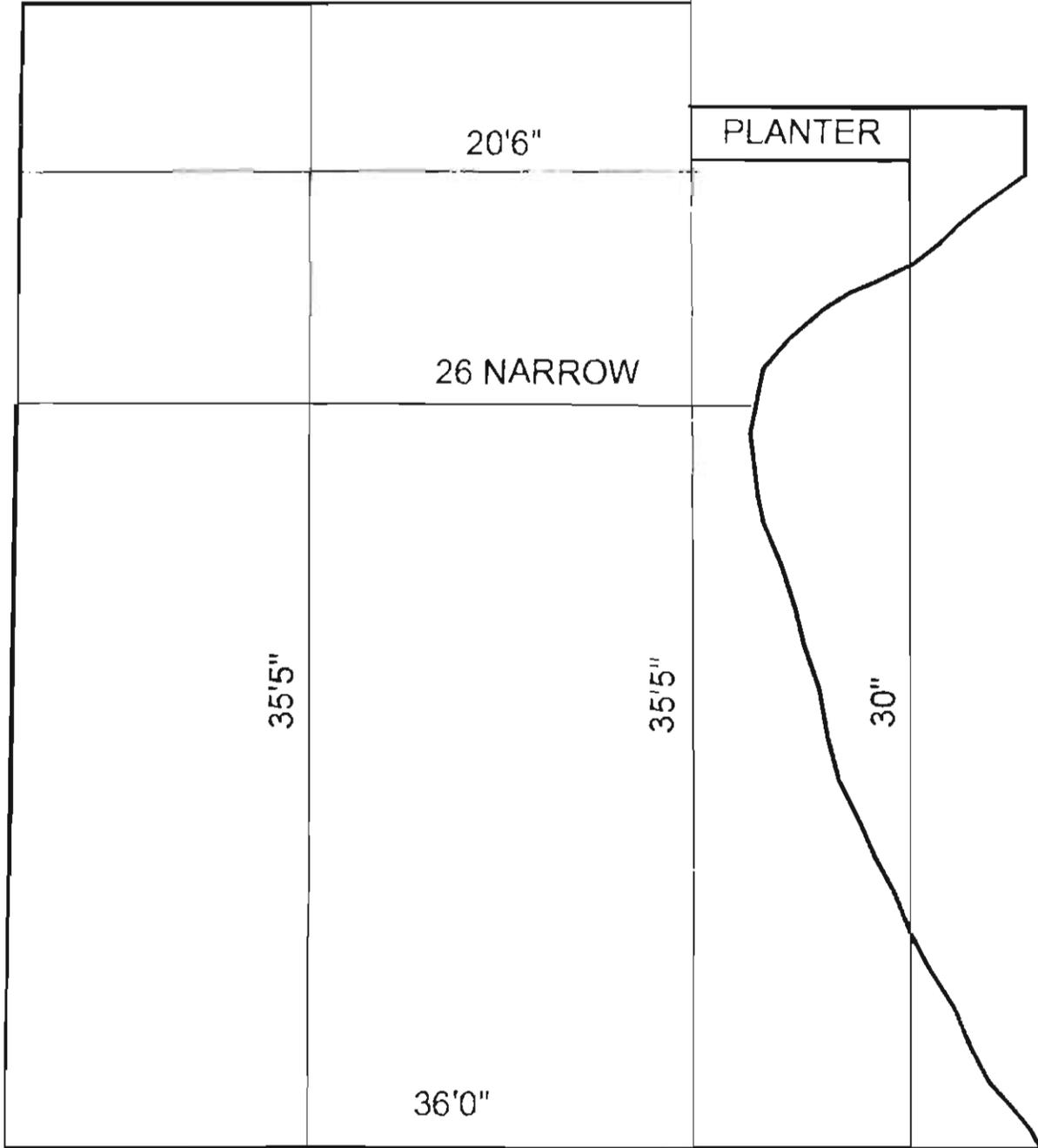
The meeting was adjourned at 7:12 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.


~~Bruce Lawler, Chairman~~
CHRIS ZUKIN

HOUSE

PROPERTY LINE



STREET

Richard Gassman

Subject: Car sizes

Using a random selection of cars that were handy, I found the following car sizes

1. City owned Ford Ranger: 5' 8" x 15' 6"
2. My Subaru Legacy: 5' 6" x 15'
3. Subaru Outback SUV: 5' 10" x 15' 6"
4. Ford Expedition 6' 6" x 17'
5. P/U in driveway at 1217 Blakely was 18' 6" long.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
COMMUNITY DEVELOPMENT DEPT.

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, SEPTEMBER 20, 2012

6:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. PUBLIC COMMENT (Items not on the Agenda)
- V. **QUASI-JUDICIAL HEARINGS:**
 - A. **Application Number: APL 23-12; Jennifer Blevins;** Appeal of a land use interpretation of off-street parking requirements dated July 3, 2012. Property is located at 1215-1217 Blakely Drive, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 5 AA, tax lot 200. Property is zoned "RL"- Residential Low Density District.
 - B. **Application Number: ADJ 12-016; Spiro Sassalos;** Request for approval to place a home on a lot without meeting the front yard setback requirements of the Land Use and Development Ordinance (LUDO). Property is located at 1815 Nevada Street, The Dalles, Oregon, and is further described as Township 1 North, Range 13 E, Map 11 BB, tax lot 8600. Property is zoned "RL/NC" Low Density Residential District with Neighborhood Center Overlay.
- VI. RESOLUTION
P.C. Resolution No. 527-12; Spiro Sassalos; ADJ 12-016
- VII. STAFF COMMENTS
- VIII. COMMISSIONER COMMENTS/QUESTIONS
- IX. NEXT SCHEDULED MEETING DATE
October 4, 2012
- X. ADJOURNMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, September 20, 2012

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

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

BOARD MEMBERS PRESENT:

Bruce Lavier, Dennis Whitehouse, Chris Zukin, Mike Zingg, Jeff Stiles

BOARD MEMBERS ABSENT:

Mark Poppoff, Robert Raschio

STAFF MEMBERS PRESENT:

City Attorney Gene Parker, Community Development Director Dan Durow, Senior Planner Richard Gassman, and Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Zingg and seconded by Zukin to approve the agenda as submitted. The motion carried unanimously, Poppoff and Raschio were absent.

PUBLIC COMMENT:

None

QUASI-JUDICIAL HEARINGS:

Application Number: APL 23-12, **Jennifer Blevins;** **Request:** Appeal of a land use interpretation of off-street parking requirements dated July 3, 2012. Property is located at 1215-1217 Blakely Drive, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 5 AA, tax lot 200. Property is zoned "RL" – Residential Low Density District.

Chair Lavier read the rules for conducting a public hearing. Lavier asked the Commissioners if they had any ex-parte contact, conflict of interest, or bias that would prohibit them from making an impartial decision in the matter. None were noted.

Chair Lavier opened the public hearing at 6:06 PM.

Senior Planner Gassman presented his staff report and explained that no written comments had been submitted for or against this application. Gassman pointed out that there are no dimensional requirements for one and two family dwelling parking in the Land Use and Development Ordinance (LUDO). LUDO requires two parking spaces for single family dwellings and four parking spaces for duplexes for off-street parking. The key issue for this application was whether or not there was adequate space for four parking spaces at this property, Gassman said, and the driveway was the parking area. Without having specific parking dimension requirements, Gassman reported, it would be necessary to look at the amount of space that was there, determine the average size of a vehicle, and determine if there was sufficient room for the vehicles. Gassman stated that staff concluded there was

sufficient off-street parking space provided at the property. Gassman also emphasized that “helter skelter” parking, such as vehicles parked in such a manner that they were hanging out into the street area, was more of a parking violation issue, not a land use issue.

Mr. Gassman reviewed the property’s parking area diagram and pointed out that there were portions of the area that were 25 to 27 feet in width and 35 feet and longer. If 15 feet was used as a typical length for a vehicle and 8 feet for the width, there would be enough room for three vehicles to park appropriately and enough room to stack cars two deep, Gassman commented. Gassman said it was clear there was sufficient room to park appropriately based on those figures.

In conclusion, staff recommended the Planning Commission uphold the Director’s interpretation.

Commissioner Zukin asked if three vehicles could be parked at a 90 degree angle to the house and one vehicle parked parallel to the street in the driveway. Senior Planner Gassman said that code would allow such a configuration, but that would not necessarily be a logical way to park. Gassman stated that even if the vehicles were stacked one behind the other, there would be sufficient room.

Commissioner Whitehouse asked if there was a permitting process wherein the parking space requirements would have been addressed when the property was converted to a duplex. Gassman answered that the parking spaces would be addressed in a typical situation, but this property had a history of nonconformance where building permits were not acquired by previous property owners.

Commissioner Stiles stated it appeared one portion of the structure was farther back from the street than another portion. Stiles asked if stacked parking would work on the side that was farther back. Senior Planner Gassman said two cars would need to be parked very carefully on that side, the longest portion was in the center portion.

Testimony

Proponents:

Jennifer Blevins, 1212 Blakely Drive, The Dalles, Oregon presented her supporting summary letter dated September 20, 2012 (Exhibit 1) that outlined the history of the subject property located at 1215-1217 Blakely Drive, The Dalles, Oregon. In her summary, Blevins pointed out the history of former property owners’ non-conforming development of the duplex structure over the years. Through the development of non-conforming additions to the structure, Blevins claimed that the additional living space resulted in traffic and parking impacts, and that the impacts of the increased density created an unreasonable interference with the rights of surrounding residents. The additional dwelling space not only increased the number of additional drivers to the residence, it removed one off street parking space in the garage, Blevins reported. In April of 2009, Blevins said, the City of The Dalles determined that four off street parking spaces would be required, but there was no documentation to support four off street parking spaces existed. The current owner, David Bustos, in his letter dated September 25, 2009, stated he would convert the garage addition back into a garage if he was awarded the foreclosure bid purchase of the 1217 property (see Exhibit 1, attachment #36). Mr. Bustos was, of course, awarded the purchase. To date, Blevins stated, Mr. Bustos had not provided documentation that showed the garage expansion had been converted back to a garage or documentation to support that said property provided four off-street parking spaces. Blevins later challenged the City on the determination of the four parking spaces, and the City sent Code Enforcement Officer John Dennee out to investigate. Mr. Dennee determined there were four parking spaces provided, and he provided a dimensional diagram of the parking area, Blevins stated. Community Development Director, Dan Durow, in his interpretation, supported Dennee’s determination, and the City’s position stated that the

garage expansion could remain as is, provided four standard-sized parking spaces (18 feet by 9 feet) existed in the driveway and that any vehicles extending into the public right of way should be reported to the police department, Blevins reported. Blevins purported the driveway lacked sufficient parking space because four standard sized vehicles project out into the public right of way, and there are no pedestrian buffers between the structure and stacked vehicles. In closing, Blevins requested the Planning Commission base its decision on the Non-Conforming Development chapter of the Land Use and Development Ordinance (LUDO).

Rich Williams, 1212 Blakely Drive, The Dalles, Oregon, stated that he wished to correct Senior Planner Gassman's statement regarding parallel parking to the street. Williams stated that LUDO required the off street parking to be perpendicular, and the code did not allow parallel parking. Williams stated that, over the years, because of the expansion of living space to the structure, as many as 10 vehicles at a time had been parked at the property causing unsafe traffic conditions. Williams stated that Blevins was led to believe by the City that Mr. Bustos would correct the problem. Williams pointed out that there are no dimensional vehicular parking requirements in LUDO for residential parking, and he brought out the point that LUDO only addressed commercial parking dimensions. Williams purported that the same vehicles parked at commercial sites would park in residential areas.

Commissioner Stiles asked Mr. Williams that, if the appeal issue was the parking and not the non-conforming structure, would the relocation of the mailbox (allowing the expansion of the driveway) alleviate the parking issue? Williams answered that the driveway was already over the allowed width, therefore the driveway could not be expanded.

Commissioner Zukin asked Mr. Williams if he knew what the requirements for ingress and egress were. Williams said the requirements could be obtained from the fire department, he did not know. LUDO requires that fire codes be considered for safety issues, Williams stated.

Commissioner Zingg asked staff if the center of the driveway was longer than 35 feet. Senior Planner Gassman stated the center of the driveway was more than 35 feet, the exact footage was unknown.

Opponents:

Michael Bustos, 2232 West 10th Street, The Dalles, Oregon stated he was the property owner's father, and he helped purchase the property for his son. Bustos stated he would like to see the letter his son signed stating the son would convert the garage addition back to a garage. At this point in the hearing Ms. Blevins showed a copy of the letter to Mr. Bustos. Mr. Bustos stated he was not aware of such a letter, but in defense of his son, all his son was trying to do was to improve the property. Bustos stated there was no staircase leading to the window in the structure. The staircase was to the right side, and there was an opening past the window to access the area below. His son reopened the opening to get access, Bustos said.

Rebuttal:

Jennifer Blevins stated there was no documentation to support what Michael Bustos testified concerning the staircase.

Commissioner Zukin stated he had questions on vehicles being stacked, perpendicular or parallel parking requirements, and ingress and egress requirements around the driveway area. Senior Planner Gassman said there were no code requirements regarding ingress and egress around cars. Regarding the stacking, there is only a provision in the code concerning allowing one and two family dwelling parked vehicles to back out onto a public right of way if there was a maximum of four parking spaces,

Gassman reported. The purpose, Gassman said, was to distinguish one and two family dwelling parking requirements from commercial parking requirements. Gassman referred to LUDO, Section 6.060.020.B.3, and pointed out that this section did not require that a vehicle be parked at a 90-degree angle, and it did not indicate that a car could not be parked at some other angle.

Commissioner Zukin asked City Attorney Parker if the history of the non-conforming structure had any bearing on the off street parking appeal. City Attorney Parker answered that, in his understanding, the other issues were not relevant to the appeal issue.

Discussion followed between Commissioners and staff regarding the average length of vehicles. Director Durow brought out the fact that the City of Portland determined the average car length as 13.5 feet. Chair Lavier stated he believed the average car length in The Dalles would be longer than in the Portland area. Commissioner Stiles asked if the driveway would still conform to the same width if the structure was a duplex. Senior Planner Gassman said code required a minimum width of 12 feet with a maximum width up to 24 feet if there was 51 feet of structure frontage. Gassman was uncertain of this property's frontage footage.

Chair Lavier asked City Attorney Parker what the consequences would be either way the Commission decided. Parker answered that, if the Commission affirmed Durow's interpretation, the appellant could file a further appeal; and if the Commission denied the interpretation, staff would need direction from the Planning Commission on what kind of interpretation would be considered by the Commission. Chair Lavier stated that he believed there were two possible issues that pertained to the appeal 1) the proper development of the structure—a matter which probably should be dealt with separately, and 2) the parking issue. Lavier said the first issue should not to be dealt with in this hearing.

Rich Williams urged the Planning Commission to take the time to review the appellant's documentation. City Attorney Parker suggested the Commission could close the hearing, review the documents, and reconvene at a later date to deliberate.

Commissioner Whitehouse asked what the next steps would be specifically if the Commission decided in favor of the appellant. Senior Planner Gassman said staff would look to the Planning Commission to determine what was adequate sizing for one and two family dwelling parking areas. Since no vehicular dimensions are required in residential areas by LUDO, staff would need help in determining dimensions, Gassman stated.

Commissioner Zukin emphasized it would be very helpful to have a detailed mapping of the driveway to determine if larger vehicles would fit in the existing parking area. After further discussion, it was determined City staff could map out the parking area, not the property owner.

Roxann Bustos, 2232 West 10th Street, The Dalles, Oregon, asked if this determination would set a precedent for all the other residential areas. Chair Lavier answered that the determination would only apply to this specific property. Ms. Bustos asked what size vehicle would be used for the drawing. Commissioner Zukin suggested the mapping would be a drawing of the largest sized vehicle that could fit in the parking space provided.

Jennifer Blevins stated that, in previous conversations with Mr. Parker, it was suggested to Mr. Parker to take four standard sized vehicles and show that they would fit in the parking area. If he would have done that, Blevins said, she would not have filed an appeal. Chair Lavier commented that the

Commission was trying to remove the past from the hearing and deal with the present. Commissioner Zukin stated that it was not Mr. Parker's responsibility to draw vehicle shapes and map parking areas.

It was moved by Whitehouse and seconded by Stiles to continue the public hearing to October 4 to allow time to receive additional evidence on the parking area mapping and to consider the width of the driveway. The motion carried unanimously, Poppoff and Raschio were absent.

Chair Lavier called a recess at 7:17 PM. Chair Lavier reconvened the meeting at 7:23 PM.

Application Number: ADJ 12-016; Spiro Sassalos; Request: Approval to place a home on a lot without meeting the front yard setback requirements of the Land Use and Development Ordinance (LUDO). Property is located at 1815 Nevada Street, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 11 BB, tax lot 8600. Property is zoned "RL/NC" – Low Density Residential with Neighborhood Center Overlay.

Chair Lavier asked if the Commissioners had any ex-parte contact, conflict of interest or bias that would hinder them from making an impartial decision in this matter. None were noted.

Chair Lavier opened the public hearing at 7:25 PM.

Senior Planner Gassman reviewed the staff report. Gassman stated that no comments were received on this case. Gassman also mentioned that staff assigned a new address to the subject property after some notices were sent out. Staff recommended approval of the adjustment application with a setback of 3 feet from the front property line and approximately 20 feet back from the sidewalk.

Proponents:

Spiro Sassalos, 30564 SW Haley Road, Boring, Oregon, stated he was the property owner, and he was very satisfied with staff's presentation.

Robert Correll, 2810 NE 22nd Court, Gresham, Oregon, thanked the Commission for considering the application, and if the Commission determined in favor of the application it would be a good use of the site.

There were no opponents.

Commissioner Whitehouse asked Mr. Sassalos if this property was going to be a rental property. Sassalos said the property would be for sale.

With no further questions, Chair Lavier closed the public hearing at 7:32 PM.

It was moved by Zingg and seconded by Zukin to approve application number ADJ 12-016, based on the findings of fact and to include the conditions of approval as listed in the staff report. The motion carried unanimously, Poppoff and Raschio were absent.

RESOLUTION:

P.C. Resolution No. 527-12; Spiro Sassalos, ADJ 12-016

It was moved by Whitehouse and seconded by Zukin to approve Resolution number P.C. 527-12, ADJ 12-016, to adjust the front property line setback from 5 feet to 3 feet, based on findings of fact and to include the conditions of approval as set forth in the staff report. The motion carried unanimously, Poppoff and Raschio were absent.

STAFF COMMENTS:

Senior Planner Gassman advised the Commission that there will be a Planning Commission meeting on October 4, 2012.

COMMISSIONER COMMENTS/QUESTIONS:

The Commissioners asked Senior Planner Gassman some follow up questions regarding the mapping of the Blakely Drive parking area.

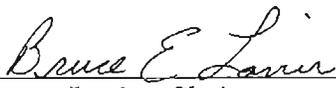
NEXT MEETING:

October 4, 2012

ADJOURNMENT:

The meeting was adjourned at 7:45 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.



Bruce Lavier, Chairman

Exhibit 1

September 20, 2012

Jennifer Blevins
1212 Blakeley Drive
The Dalles, Oregon

RE : APL 23-12

The documentation will support that when The Dalles Land Use and Development Ordinance was adopted and became effective in 1998 , the structure at 1215-1217 Blakeley Drive was a non-conforming duplex. The non-conforming duplex is located in a neighborhood zoned RL Low Density Residential. The property is on the outside corner of a 32 ft. wide, 2 way street with no sidewalks. Across the street on the inside corner is a fire hydrant with a yellow no parking zone. At the time the property became a non-conforming, documentation supports the structure had a 1458 sq. ft. ground floor primary dwelling unit with a 400 sq. ft. basement. A interior egress door connected the primary unit to a 24 ft X 15 ft. garage and a room behind the garage. A exterior egress door to the garage and space behind the garage, was located on south side of structure under a exterior staircase. The mother-in-law apartment, measuring 702 sq. ft was located above the garage and

back room space. The upper unit was accessed by exterior staircase. The garage had a overhead garage door and this area was not living space. A driveway, over width as defined by code ordinance Section 6.060.020 (A)(1), occupied the area in front of the exterior staircase, the garage door and small section of lower primary unit.

There is 1 on street parking space. # 1 – 10

In September 2008, The City received information from a former tenant that the garage expansion contained kitchen facilities. #11

The property owner denied third unit and refused inspection. #12

October 2008 a Court ordered inspection , CASE NO. CE 8201, revealed the expanded garage space had been converted to living space with kitchen facilities, defining the structure by code ordinance a triplex. Section 5.010.020 does not allow a triplex as a permitted use within the zoning district. #13-18

Accordingly the former living space is the extent of the area entitled to non-conforming status.

Section 3.090.050 (A) of the City Code provides that (a) non-conforming use shall not be expanded or moved to occupy a different or greater area of land, buildings, or structures than the use at the time it became non-conforming.

While the code does recognize the potential for a "Change of Use" under Section 3.090.050 (C), it also provides that "no alterations {can be} made to structures, buildings or parking areas which would increase the nonconformity, and the approving authority approves the following:

1. Traffic impacts generated by the change are not increased.
2. Noise, dust, and any other nuisance conditions are not increased.

When the property owner converted the garage into living space, he expanded to occupy a different or greater area of land, buildings or structures than use of the time it became non-conforming.

The expansion is in violation of Section 6.150.030 (B) structures which are considered legal non-conforming in terms of current ordinance requirements shall not increase any non-conformance with a proposed physical change.

The conversion of the garage added two more bedrooms to the non-conforming duplex. This was an expansion or a change of use, from

non-living space to living space, resulted in traffic and parking impacts. The impacts of the increased density created an unreasonable interference with the rights of surrounding residents. Not only did the additional dwelling space provide for additional drivers, it removed 1 off street parking space in the garage.

October 24, 2008 To correct the land use violation the owner proposed installation of a interior staircase in the northwest corner of the upper unit living room connecting to the garage expansion.

#19

October 30, 2008 the City drafted an Agreement that set forth actions needed to correct the violation, including the installation of an interior staircase. In the Agreement Section 2 (B) states The owner will submit a detailed site plan for the portion of the real property addressed 1217 Blakeley Drive. This site plan will include the location of an interior staircase to be installed by the owner, which will connect the upper and lower levels of the dwelling unit. Section 2 (C) states after completion of the interior staircase described in Section 2 (B) of this agreement, the owner shall arrange for inspection of the single dwelling unit for 1217 by the

Oregon State Building Code Division, and shall provide a written report to the City confirming that the single dwelling complies with all applicable building codes and is approved for habitation.

#20-24

The installation of a interior staircase is a alteration or expansion, violating the use at the time the structure became non-conforming and does not address the parking issues generated by the increased density.

There is no documentation to support the owner signed the Agreement or a permit approved to construct a staircase.

The owner submitted no detailed site plan and the State Building Code Department did not inspect the unit.

Jan 5, 2009 The property owner choses to sell the property and a local contractor is interested in obtaining the property.

The buyer intend to connect the main floor interior and make the upstairs a stand alone one bedroom. #25-26

February 27, 2008 I complained to the City the garage expansion, the illegal 3 unit, continued to be occupied in violation of the zoning. #27-28

April 13 2009 I enquired when enforcement proceedings would commence and what the precise nature of how the violation would be resolved. #29

April 15, 2009 It is The City's position that a separate dwelling unit exists on the property addressed 1217 Blakeley Drive, which includes the space in the upper floor area and the area which was formally a garage, provided the provisions of Section 3.090.070 (3) concerning the residential off street parking, and that 4 off-street parking spaces would be required.

This new decision is not what the Stipulated Judgement Granting Permanent Injunction stipulates and what the City represented to correct the zoning violation. #30

There is no documentation to support 4 off street parking spaces.

#31

May 22, 2009 letter from Mr. Parker states that "in reviewing the permit approving the owners permit submitted in Jan 2001, it appears the permit did not specifically mention conversion of the garage space to residential living space."

Mr. Parker also states the permit approved by Mr. Paul does not indicate he considered the criteria under Section 3.090.070 (3) concerning compliance with off street parking requirements" #32-#33

September 2 09 letter from Mr. Parker to Attorney T. Peachey - The property owner notified the city he was selling the property and a prospect buyer was aware of the requirement to convert the garage expansion back to a garage, thereby bringing the property into compliance. #34-#35

Letter dated september 25 2009 - prospective property owner David Bustos states " I am writing this letter to inform you that if my offer gets accepted I plan on converting the 1217 address back to a garage. " #36

November 12-09 The City filed a "Stipulated Judgement Granting Permanent Injunction" - CC 09-73. Under terms and conditions in Section 2 [B] " The purchaser of the property will need to submit a floor plan to the plaintiff { City } showing the detail of his plan to convert the lower portion of 1217 Blakeley Drive into a garage, this plan will need to be approved by the Community Development Dept. Conversion of the area to a garage will need to comply with all applicable building code requirements." #37-38

There is no documentation to support that a detailed site plan, a necessary condition of approval, was received and approved by the Director. #39-42

Mr. Bustos does not honor his statement to convert the expansion back into a garage and provides no verifiable documentation to support the driveway can provide 4 off street parking spaces.

Dec 2011 I alerted the State Building Codes Dept. that construction activity was occurring in the garage expansion and that no permit was posted.

The State Building Codes Dept. contacted Mr. Parker and he reported that the work performed by Mr. Bustos did not need a permit. The owner had uncovered an existing staircase and was just working on the header. This uncovered staircase is located in front of the large window that replaced the overhead garage door.

The documentation does not support a staircase was present in this location. The photograph showing the condition of the property when it became non-conforming and clearly shows an overhead garage door directly under the large picture window in the upstairs mother-in-law apt. #43-46

A ²⁰⁰¹2002 on-site inspection by Tenneson Engineering and the August 2008 City inspection mentions no evidence of interior staircase present. #13 & 47

The previous owner had proposed to install an interior staircase in the northwest corner of the living room space in the mother-in-law unit, but submitted no site plan and there is no documentation to support that LUDO development protocols were followed. #19

When I challenged the determination that the driveway had sufficient space to park 4 vehicles legally, Mr. Parker had Planning Code Compliance Officer J. Dennee investigate.

Mr Dennee used the typical dimensions of a parking space in the City of The Dalles parking lot (18 feet long and 9 feet wide) as guide when measuring the available parking space in the driveway at 1215- 1217 Blakeley Drive.

Mr.. Dennee determined that there was sufficient parking space to park 4 to 5 vehicles .

Mr. Durrow has also determined the driveway has sufficient room to park four standard sized vehicles.

The City's position is that the garage expansion can remain provided 4 standard sized parking spaces (18 x 9) exist in the driveway and that any vehicles extending into the public right of way should be reported to the police dept.

The documentation demonstrates the driveway lacks sufficient room to park 4 standard sized vehicles without projecting out into the public right of way, and when 4 vehicles are parked, the driveway does not provide pedestrian buffers between the

structure and the stacked vehicles, causing unsafe conflicts with on-site circulation. #48-76

The City erred when approving the permit in 2001 allowing the garage expansion. The permit did not consider the criteria under Section 3.090.070 (3) concerning compliance with off street parking.

It appears the City did not base its decision on the conditions of this nonconforming property including the restrictive Low Density zoning, configuration to adjacent streets and driveways, the location on a 32 ft. wide 2 way street with no sidewalks, and did not evaluate the impact of the increase density and that removal of the garage would eliminate 1 of the 4 off street parking spaces.

There is no evidence demonstrating the driveway can accommodate 4 to 5 standard size vehicles without projecting into the public right of way and provide pedestrian buffers for safe on-site circulation.

The evidence documenting the numerous parking violations demonstrate that regardless of property owners assurances to monitor the parking situation, vehicles frequently extend out into the street causing public safety issues.

From documentation presented it appears the the City has facilitated relief to the property owner at 1215-1217 Blakeley Drive by not following LUDO development protocols, the requirements the City stipulated to correct the zoning violation and by disregarded the evidence demonstrating parking issues. I request the Planning Commission to base their decision on the LUDO chapter about Non-Conforming Development , the location and condition of the use of the property when it became non-conforming, the street width, available on street parking, and failure by the Property owner to demonstrate that 4 standard size vehicle spaces are present that include pedestrian buffers between structure and stacked vehicles, and do not extend into the public right of way.

Jennifer Blevins



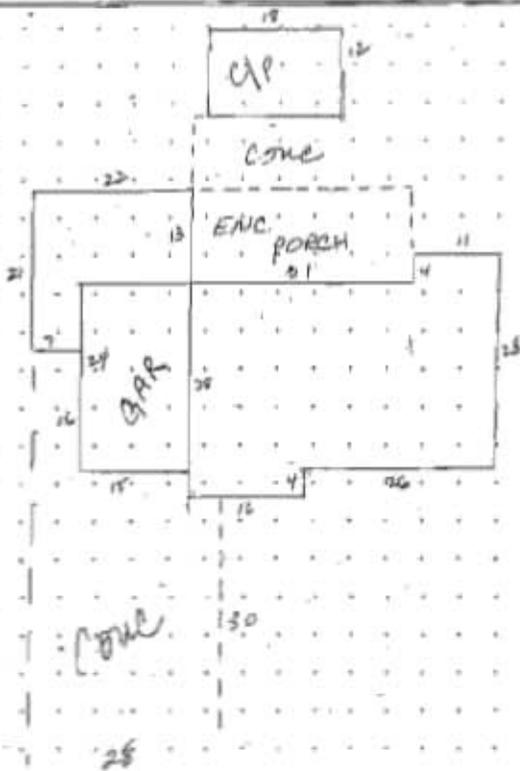
9-20-2012

12

BUILDING DIAGRAM

Drawn by kl Date _____
 Checked by RS Date 9-6-94
 Checked by _____ Date _____

ACCOUNT NO. #5444 1
INBOSA A 200 121
1215 - 1217 Blakely DR



$$\begin{aligned}
 7 \times 21 &= 147 \\
 13 \times 15 &= 195 \\
 16 \times 28 &= 448 \\
 15 \times 24 &= 360 \\
 11 \times 28 &= 308 \\
 \hline
 &1458 \text{ sq ft}
 \end{aligned}$$

2nd Floor

$$\begin{aligned}
 7 \times 21 &= 147 \\
 13 \times 15 &= 195 \\
 15 \times 24 &= 360 \\
 \hline
 &702 \text{ sq ft}
 \end{aligned}$$



1215-1217 Blakely Way

#2

9/12/94 DAN
9:45:52

Awbrey Computer Systems, Inc.
APPRAISAL PRINT

ASACPRRA
Page 1

ACCOUNT: 5444 DATE APPRAISED: 9/06/94 APPRAISER: 01 INSPECTION: N
AREA ADJUSTMENT: 1.00 YEAR APPRAISED: 1995 BASE YEAR: 1995

CHIN ALAN L
1215 BLAKELEY DR
THE DALLES, OR 97058

SAA 200
MAP: 1N 13E ~~42E 4100~~
SITUS: 1215 BLAKELEY DR 97058
CLASS1 101 HA: 3 VA: 4 CODE: 121

APT OVER GARAGE

USE R LOC U ACCESS A VIEW A TOPOG L STREET P STR IMP'S W
FRONTAGE N WATER P SANIT P MISC MISC MISC MISC

MARKET VALUE LAND

VA	TYPE	CLASS	SIZE	COST/LIN	CLC	VALUE	ADJUST	CLS	YEAR	EXM	NT
304	RES		.18	14080.00	L	14080	0	101	1995	N	
304	OSDM		.00	1000.00	L	1000	0	101	1995	N	
TOTALS:						15080	0				

APPRAISAL SUMMARY

GBP	APPRAISAL	TYPE	PHYS	FUNC	MISC	LCM	CLS	VALUE
1	GARAGE		.66	1.00	1.00	.85	3	4,880
1	CARPORT		.66	1.00	1.00	.85	3	1,750
1	RESIDENCE		.66	1.00	1.00	.85	3	63,080
1	O/I CONC		.66		1.00			1,950
1	O/I WDPCHENC		.66		1.00			7,610
1	O/I 3'HCHLKF		.66		1.00			290

TOTAL IMPROVEMENTS: 79,560
TOTAL MARKET LAND: 15,080
TOTAL APPRAISAL: 94,640

3

9/12/94 DAN
9:45:52

Awbrey Computer Systems, Inc.
APPRAISAL PRINT

ASACPRRA
Page 2

RESIDENTIAL APPRAISAL GROUP #: 1

FACTOR BOOK: 131 YEAR BUILT: 1949 EFFECTIVE YR: 1957 BASE APPR YR: 1995
YEAR APPRSD: 1995 APPR DATE: 9/06/94 APPRSR CODE: 01 REMODEL YEAR:
FCT BOOK YR: 1993 SHAPE: SIZE: INSPECT: N CONDITION: A+

ROOM GRID	SQ FT	CLS	LIV	BED	BTH	KIT	DIN	UTL	OTH	FP/W	COST/FT	QUAL	RPL COST
1ST FLOOR	1458	3	1	2	2.0	1	1	0	0	0	38.33	1.11	62032
2ND FLOOR	702	3	1	2	1.0	1	1	0	0	0	32.57	1.11	25379
ATTIC . !											.00		0
BASEMENT:	400	3							1		33.84	1.11	15025
ATTIC	FIN SQ FT:										LOW COST SQ FT:		UNFIN SQ FT:
BSMT	FIN SQ FT:	400									LOW COST SQ FT:		UNFIN SQ FT:

(BASE COST: 102436 + INVENTORY: 10013) x QUAL 1.00 x LCM .85 = 95582
(PHY DEPR: .66 x FNC DEPR: 1.00 x MSC DEPR: 1.00) = DEPR RPL COST: 63084
x PCT COMP: 1.00 x AREA ADJUST: 1.00 = RESIDENCE TOTAL: 63080

CODE	CLS	AREA	COST/FT	QTY	W/CL	TOTAL	DESCRIPTION	DRG
10 01	3	1458	.00			0	CONCRETE FOUNDATIO	
20 17	3		.00			0	BEVEL SIDING	
30 06	3	1458	.00			0	HIP ROOF	
30 10	3	1458	.00			0	COMPOSITION SHINGL	
40 07	3	1458	.00			0	CARPET & RESILIENT	
40 09	3		.00			0	DRYWALL WALL COVER	
40 90	3		.00			1000	EXTRA KITCHEN	*
50 01	3		.00	1.0		550	APPL RANGE	
50 02	3		.00	1.0		130	HOOD & FAN	
50 04	3		.00	1.0		395	AVERAGE DISHWASHER	
50 06	3		.00	1.0		120	GARBAGE DISPOSER	
60 00	3		.00	3.0		4080	PLUMB FULLBATH	
60 10	3		.00	1.0		560	PLUMB KTCHSINK	
60 11	3		.00	1.0		490	PLUMB WTRHEATR	
60 13	3		.00	1.0	1.0	0	LAUNDRY HOOKUP	
70 01	3	2560	1.05			2688	FORCED AIR HEATING	

#4

9/12/94 JAN
9:45:52

Awbrey Computer Systems, Inc.
APPRAISAL PRINT

ASACPRRA
Page 3

CAREPORT/GARAGE GROUP #: 1

GARAGE ATTACHED UNFINISHED
FCTR BK 138 FB YEAR 1993 x COST/FT 24.18 x SQ FT 360 = BASE COST 8705
FINISH SQ FT: 0 LOW COST SQ FT: 0 UNFIN SQ FT: 360 YR BLT:
+ INVENTORY: 0 x (QTY 1.00 x LCM: .85 x AREA ADJ 1.00) = 7,399
(DEPR PHYS: .66 x FUNC: 1.00 x MISC: 1.00) = TOTAL VALUE: 4,880

CAREPORT/GARAGE GROUP #: 1

CARPORT DETACHED FLAT ROOF
FCTR BK 135 FB YEAR 1993 x COST/FT 14.70 x SQ FT 212 = BASE COST 3116
FINISH SQ FT: 0 LOW COST SQ FT: 0 UNFIN SQ FT: 212 YR BLT:
+ INVENTORY: 0 x (QTY 1.00 x LCM: .85 x AREA ADJ 1.00) = 2,649
(DEPR PHYS: .66 x FUNC: 1.00 x MISC: 1.00) = TOTAL VALUE: 1,750

IMPROVEMENT APPRAISAL GROUP #: 1

CODE	AREA	PHYS	USEX	LCM	COST/UNI	TOTAL	DESCRIPTION	DEC
90 01	1160	.66	1.00	.85	3.00	1950	O/I CONC	

IMPROVEMENT APPRAISAL GROUP #: 1

CODE	AREA	PHYS	USEX	LCM	COST/UNI	TOTAL	DESCRIPTION	DEC
90 07	403	.66	1.00	.85	33.65	7610	O/I W/PCHEMC	

IMPROVEMENT APPRAISAL GROUP #: 1

CODE	AREA	PHYS	USEX	LCM	COST/UNI	TOTAL	DESCRIPTION	DEC
90 26	100	.66	1.00	.85	5.20	290	O/I 3'HCHLKF	

1215 Blakely

#7

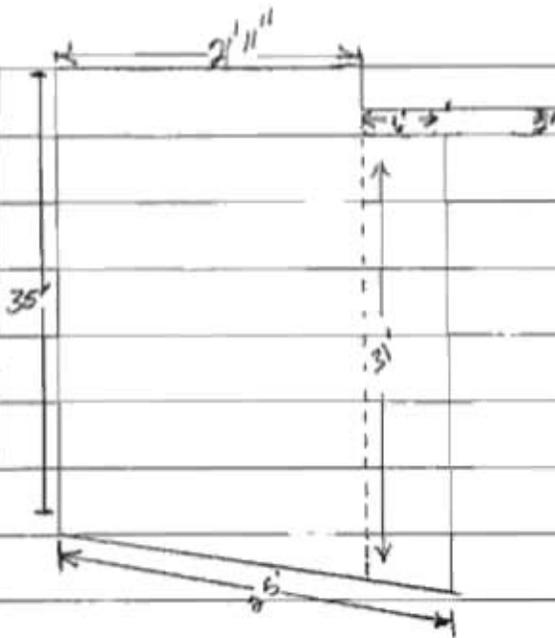


TABLE A-1
Street System Inventory
City of The Dalles

Roadway	Jurisdiction	Classification	ROW Width	Street Width	Number of Travel Lanes	Direction	On-Street Parking	Sidewalk	Bike Lane	Speed Limit
Laughlin St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Jefferson St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Madison St.	City	Local	60	40	Unstriped	Two-way	Yes	Yes	No	25
Kelly Ave.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
F St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
G St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
H St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
I St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
J St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Clark St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Lewis St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Dry Hollow Rd.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Oregon Ave.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Thompson St.	City	Local	50	36	Unstriped	Two-way	Yes	Intermittent	No	25
E of Thompson St.	City	Local	40	24	Unstriped	Two-way	Yes	No	No	25
12th St.	County	Local	60	20	Unstriped	Two-way	Yes	No	No	25
NW of Chinook St.	County	Local	60	18	Unstriped	Two-way	Intermittent	No	No	25
Chinook St.	County	Local	60	32	Unstriped	Two-way	Yes	No	No	25
Blakeley Way	City	Local	50	36	Unstriped	Two-way	Yes	Yes	No	25
Jordan St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Mount Hood St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Bridge St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Trevitt St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Garrison St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Pearland St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Lincola St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Liberty St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Union St.	City	Local	60	36	Unstriped	Two-way	Yes	Intermittent	No	25
Court St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Washington St.	City	Local	60-80	36	Unstriped	Two-way	Yes	Yes	No	25
Federal St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Laughlin St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Jefferson St.	City	Local	60	36	Unstriped	Two-way	Yes	Yes	No	25
Madison St.	City	Local	60	41	Unstriped	Two-way	Yes	Yes	No	25
Fort/Split	City	Local	60	30	Unstriped	Two-way	Intermittent	Yes	No	25
Kelly Ave. (S)	City	Local	60	33	Unstriped	Two-way	No	Yes	No	25
Kelly Ave. (N)	City	Arterial	60	29	Unstriped	Two-way	No	Yes	No	25
F St.	City	Arterial	60	35	2	Two-way	No	Yes	No	25
G St.	City	Arterial	60	35	2	Two-way	Yes	Yes	No	25
H St.	City	Arterial	60	35	2	Two-way	Yes	Yes	No	25
I St.	City	Arterial	60	34	2	Two-way	Yes	Yes	No	25
J St.	City	Arterial	50	37	2	Two-way	Yes	Yes	No	25
Harris St.	City	Arterial	50	37	2	Two-way	Yes	Yes	No	25
Clark St.	City	Arterial	50	37	2	Two-way	Yes	Yes	No	25
Lewis St.	City	Arterial	50	37	2	Two-way	Yes	Yes	No	25
View Ct.	City	Arterial	60	36	2	Two-way	Yes	Yes	No	25
Dry Hollow Rd.	City	Arterial	60	36	2	Two-way	Yes	Yes	No	25
Oregon Ave.	City	Arterial	60	40	2	Two-way	Yes	Yes	No	25
Quinton St.	City	Arterial	60	37	2	Two-way	Yes	Yes	No	25
Roberts St.	City	Arterial	60	36	2	Two-way	Yes	Yes	No	25
Shearer St.	City	Arterial	60	36	2	Two-way	Yes	Yes	No	25
Thompson St.	City	Arterial	60	36	2	Two-way	Yes	Yes	No	25
Morton St.	City	Collector	60	24	2	Two-way	No	Yes	No	25
Richmond St.	City	Collector	60	24	2	Two-way	No	Yes	No	25
E of Richmond St.	County	Collector	60	7	7	7	7	7	7	7
13th Pl.	City	Local	50	14	Unstriped	Two-way	No	No	No	25
Riverview St.	City	Local	50	14	Unstriped	Two-way	No	No	No	25

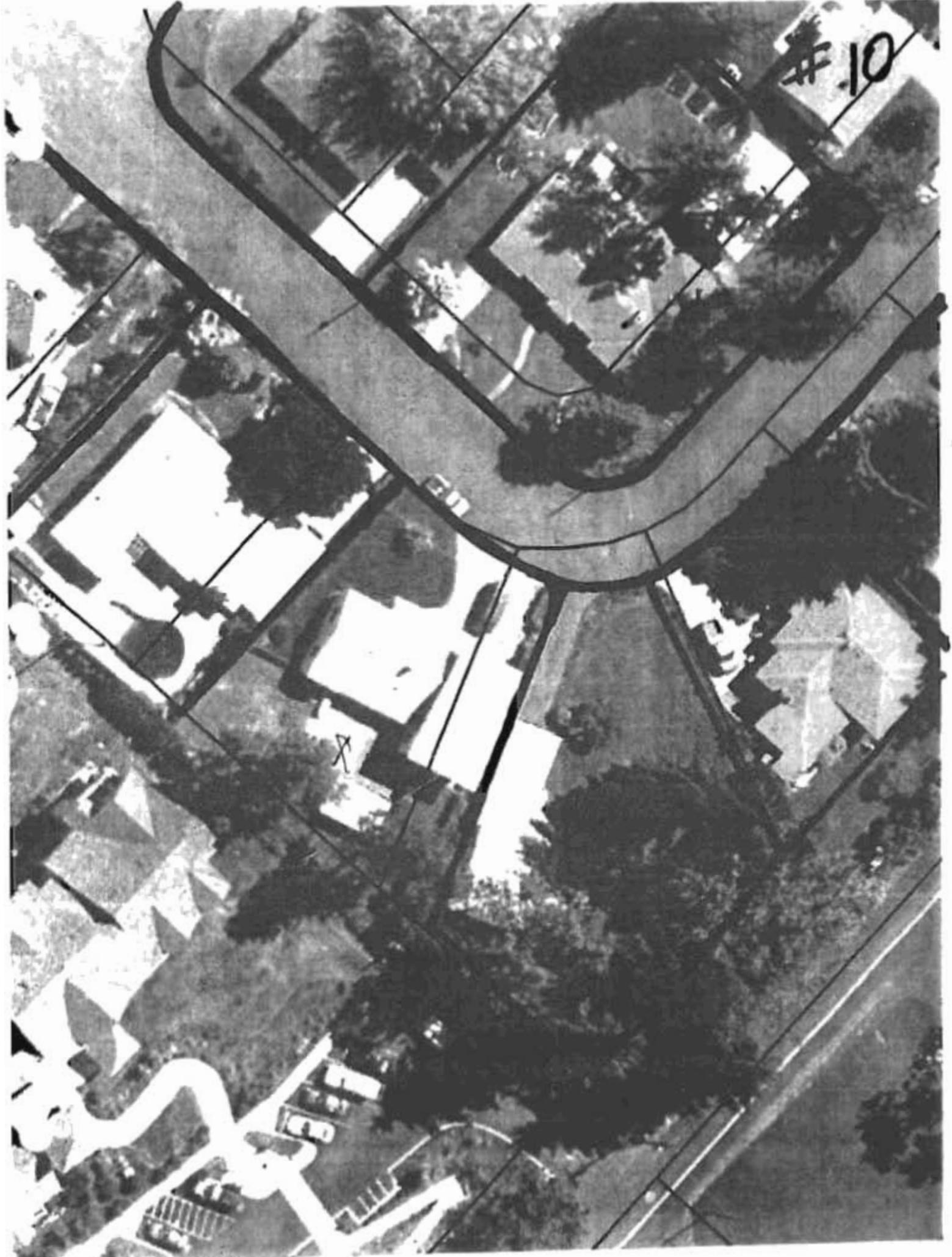


Properties Within 100 Feet of [REDACTED]

Legend

- [Diagonal lines] ZHBP88-11
- [Star] Taxlots.shp
- [Line] roads

10



August 11, 2008

TO: City Attorney's Office & Court Clerk

FROM: Doug Kirchhofer

RE: Correspondence to Judge

Dear Judge:

I have been advised that on August 12th, 2008 the City Attorney will be presenting to you a request for an inspection warrant for property owned by me at 1215 and 1217 Blakeley Drive, The Dalles, Oregon 97058. I object in the strongest terms to the issuance of this warrant and would like to be afforded an opportunity to be heard regarding its issuance.

My property has been subjected to at least four inquiries as well a physical inspection by a representative of the city after ALL remodeling had been completed to this property in 2001. I was given the impression by the city that a physical inspection would put this matter to rest so I granted this inspection in 2001. This property has been found by the City's own representatives to be in compliance with zoning requirements. No material changes have been made to this property since the last inspection.

Despite repeated requests for the source of the complaint or for specific zoning ordinances I am suspected of violating, the city planning department has not been forthcoming with this information. I believe some good cause must be shown before this Court authorizes random and too numerous intrusions into my property.

Thank you for your considerations of my concerns in this matter.

Sincerely,

Doug Kirchhofer

(541) 980-1055

8/12/8
signed
warrant



CITY OF THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

#13

(541) 296-5481 ext. 1122
FAX (541) 296-6906

August 4, 2008

Mr. Doug Kirchhofer
P. O. Box 1642
The Dalles, OR 97058

Re: Inspection of 1215 and 1217 Blakely Drive

Dear Mr. Kirchhofer:

On July 8, 2008, Mr. Dennee sent you a letter enclosing a consent form to authorize permission for the City to conduct an inspection of your property located at 1215 and 1217 Blakely Drive. The letter provided for a deadline of July 23, 2008, to return the consent form. The City did not receive the consent form by the stated deadline.

The City will be proceeding to apply for a inspection warrant of your premises. The application for the inspection warrant will be filed with the Municipal Court on August 12, 2008, unless prior arrangements have been made by 5:00 PM on August 11, 2008, for an inspection of the premises. If you will be representing yourself in this matter, you will need to contact the City Planning Department by the stated deadline to arrange for the inspection. If you have retained an attorney to represent you, your attorney will need to contact my office by the dated deadline to arrange for the inspection.

Very truly yours,

Gene E. Parker
City Attorney

GEP/naa

cc: John Dennee

1215 and 1217 Blakely Drive.

Beginning in 2000 we have had ongoing issues with a third unit at the above address. The property is zoned RL. The structure was probably originally built as a single family dwelling. It is not clear how it got to be a duplex, but that is not the current issue. The issue is a third unit. We have a note in the file from 7-21-2000 from Bob Paul who did a site inspection and noted what appeared to be a third unit. You were also involved in 2000 based on the notes and letters in the file.

Doug Kirchhofer purchased the property from Vurel Cloninger in 2000 or 2001 and still owns it. When he bought it he sent us a letter stating he had no intention of making three units out of the house. Lately, we have received information from two different sources that he has established a third unit in the area where the previous owner also tried to create a third unit. This unit has a full kitchen. After recent discussions with the owner and assurances that he did not put in a kitchen, when confronted with information that a kitchen was there, his response was the tenant must have put it in. Once willing to have us do an inspection whenever necessary and offering to provide proof that he had removed the 220 electrical service, none of which has happened, the owner now is calling our action harassment.

We have just received more information that a family has moved into this third unit.

Given the history, it does not seem that Mr. Kirchhofer is willing to cooperate with us in either eliminating the third unit or in allowing us to do an inspection.

It seems our only recourse is to refer this to you. We would like to find some way to eliminate the third unit once and for all.

Richard Gassman
Senior Planner
City of The Dalles
rgassman@ci.the-dalles.or.us
541-296-5481x1151



CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX (541) 296-6906

16

September 4, 2008

Certified Mail
Return Receipt Requested

Mr. Doug Kirchhofer
P.O. Box 1642
The Dalles, OR 97058

Re: Notice of Land Use Violation
1215 and 1217 Blakely Drive

Dear Mr. Kirchhofer:

According to the Wasco County Assessor's Records, you are the owner of the real property described as Assessor's Map No. 1N 13E 5AA Tax Lot 200, located at 1215 and 1217 Blakely Drive in The Dalles. Pursuant to the administrative warrant issued by the Municipal Court, an inspection was conducted on the premises on August 20, 2008. The inspection indicated that the property is being used as a triplex. The property is located within the R-L Low Density Residential Zoning District. Section 5.010.020 does not allow a triplex as a permitted use within the zoning district.

You will need to contact the Community Development Department by 5:00 PM on September 19, 2008, to advise the Department of your plan to correct this violation. At a minimum, your plan will need to identify which one of the units on the property will no longer be used as a dwelling unit; and you must identify the steps that will be taken to ensure the unit will not be used as a dwelling unit, which would include but not be limited to, removal of one of the outside electrical meters, removal of all kitchen fixtures and appliances, and removal of any 220 electrical service for that unit. The plan will also need to include a provision that would allow the City to conduct inspections of the property upon 48 hours written notice to you, in the event the City has probable cause to believe that conditions constituting violations of the City's LUDO have returned. The right to conduct these inspections would continue for a period of three years from the date of approval by the City of your plan to correct the violations on the property.

Failure to contact the Community Development Department by the stated deadline will result in the initiation of enforcement proceedings to bring the property into compliance.

Very truly yours,

Gene E. Parker
City Attorney

GEP/naa

cc: Community Development Department

00-34



CITY OF THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX (541) 296-6906

17

October 7, 2008

Mr. Doug Kirchhofer
P.O. Box 1642
The Dalles, OR 97058

Re: Land Use Violations
1215 and 1217 Blakely Drive

Dear Mr. Kirchhofer:

I have had an opportunity to review your letter of September 16, 2008, with representatives from the Community Development Department. It appears that the essence of your proposal to address the violation which exists on the property is to allow the City to have access to your rental agreements, and to have the ability to conduct periodic inspections based upon probable cause for a 36 month period.

Your proposal response does not appear to acknowledge that three dwelling units exist on the property. Under the City's Land Use and Development Ordinance, a "dwelling unit" is defined as "One or more rooms, with bathroom and kitchen facilities, designed for occupancy by one family". It is the City's position that the inspection conducted on August 20, 2008, confirmed that three separate dwelling units exist on the property. To correct the violation, one of the dwelling units will have to be modified or altered in such a manner that the unit can no longer be used as a separate dwelling unit. As I mentioned in my letter, such action will likely require the removal of one of the outside electrical meters, removal of all kitchen fixtures and appliances, and removal of any 220 electrical service for that unit. Any plan to correct the violation should include provisions for inspection, as outlined in my letter of September 4, 2008, with the additional provision that tenants would be provided 24 hours notice before the inspection occurred.

The City is willing to give you until 5:00 PM on October 24, 2008, to submit a revised proposal as to what steps you will take to ensure that one of the dwelling units on the

#18

Mr. Douglas Kirchhofer
October 7, 2008
Page 2

property will no longer be used as a separate dwelling unit. I am hopeful that this matter can be resolved without the need to initiate enforcement proceedings to bring the property into compliance.

Very truly yours,

Gene E. Parker
City Attorney

GEP/naa

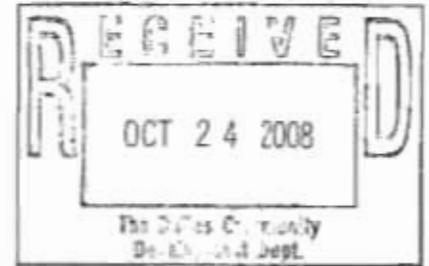
cc: Community Development Department

COPY

19

October 24, 2008

TO: Community Development Department
FROM: Doug Kirchhofer
RE: Duplex at 1215-1217 Blakely Drive



To whom it May Concern:

Thank you for giving me an opportunity and the time to submit a revised proposal.

Addressing the original proposal initially, I had hoped more than just rental agreements and allowing inspections were made apparent. I wanted the City to also understand in 2001 I did go through the expense of undoing electrical and HVAC work done by the previous owner to bring the property back into compliance. I also wanted it made apparent that I was renting to one party per address and willing to present evidence beyond rental agreements.

That being said and presuming it does not reach the acceptance level necessary from the city, here is a second proposal to meet the criteria set by City Attorney Gene Parker. He states:

"To correct the violation, one of the dwelling units will have to be modified or altered in such a manner that the dwelling can no longer be used as a separate dwelling unit."

In the same letter, Mr. Parker states the city conducted a second inspection of my property on August 20, 2008 (the first being done in 2001). This will make the modifications easier to explain in writing. I hope the inspectors agree it is obvious by physical inspection that 1215 has no issues requiring modification and the 1217 unit is the one requiring modification according to the 2008 inspectors.

As you might have noticed in the two-story 1217 unit, there is room for an interior staircase to be installed in the northwest corner of the upstairs living room leading to the lower level. I propose to install the staircase and convert the lower level rooms to bedrooms only. This will leave the lower level with only a master bedroom with master bath, a second bedroom and the utility room. The upper level will have the only living, only dining and only separate bathroom on either level of 1217. There will no longer be any interior disconnect from the top and bottom floors as this will be an open staircase with no door or any other separation.

Again I plead with the city to not single out my property as the only one I am aware that's prohibited from having more than one 220 outlet to an address. The upstairs kitchen is convenient because of the close proximity to the only dining area but is woefully small for a 3 bed-2 bath unit. The downstairs utility room provides extra kitchen storage, the only standard size oven and some degree of flexibility to compensate for the very small kitchenette upstairs. If a tenant chooses to go without, I can easily put a spare appliance in storage. Previously, the lack of interior access to each level gave the appearance of two separate dwellings despite one rental contract with this property. I hope the city agrees the installation of an interior staircase and finishing the downstairs to only have bedrooms should alleviate those concerns and meets Mr. Parker's criteria of 1217 not having two "separate dwelling units."

Please advise if this proposal is acceptable. I look forward to bringing this issue to a close.

Sincerely,

Doug Kirchhofer

Gene Parker

From: Richard Gassman
Sent: Friday, October 24, 2008 2:38 PM
To: Gene Parker
Cc: Daniel Durov; Denise Ball; Dawn Hert; Jim Schwinof; John Dennee
Subject: Latest K letter

Gene, here are my unsolicited comments on Mr. K's letter received 10-24-08.

Putting in stairs and making the two units into one is acceptable, but we need assurances that they will not be separated again. We could try to do this by prohibiting a door at either end of the stairs, but it might not work. My suggestion is that we figure out a way to get a document recorded that states very clearly that there are only two units allowed and specify damages if more than 2 suddenly appear. That way Mr. K and any future owner will be put on notice of a 2 unit maximum.

I continue to think that removal of the 220 from the portion of the unit without the kitchen should be required. Mr. K tries claims he is being singled out. He may be, but he is the only one we know who has 3 units and has been less than candid with us. For that, he deserves to be singled out.

I would also require Mr. K to obtain approval from the building codes folks that all areas used for living have been approved as habitable and we get a copy of their okay.

Denise suggested Mr. K provide us with a detailed floor plan. I think this is a good idea. In addition, I think we need to have Mr. K sign some kind of an acknowledgement that there are only 2 units allowed. Perhaps this could be the document that gets recorded. We need to put him on record as acknowledging the 2 unit maximum.

We need advance approval from Mr. K that we can inspect the property upon 24 hours notice at any time within the next 2 years.

Finally, I think we should push for a clause in the agreement that any use of the property for more than 2 dwelling units constitutes a violation of our agreement with him and he forfeits the rent for any units over two, and pays a fine to the City of double the rent (in essence treble damages) for as long as we can show more than 2 units have existed. I would insist this provision start on November 1, so that if he has 3 units still in existence (as we believe), he will owe the City 3 times the amount of rent paid for the third unit, whether that rent goes directly to Mr. K or goes to one of the other tenants. As Jim points out, if we do this we need to word it carefully as the rent for the third unit does not go to Mr. K directly apparently. However, it allows him to charge higher rents for unit #1 since part of it is offset by the renting out the third unit. He needs to be responsible for the total property, not try to hide behind one of his tenants.

Richard Gassman
Senior Planner
City of The Dalles
rgassman@ci.the-dalles.or.us
541-296-5481x1151



02/8
CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX (541) 296-6906

October 30, 2008

Mr. Doug Kirchhofer
P.O. Box 1642
The Dalles, OR 97058

Re: Land Use Violations
1215 and 1217 Blakely Drive

Dear Mr. Kirchhofer:

Enclosed is a draft of an Agreement which proposes to resolve the land use violation for your property at 1215 and 1217 Blakely Drive. This Agreement sets forth the actions you will need to take to correct the violation, including the installation of an interior staircase, which you proposed in your letter of October 24, 2008. I have included a copy of a drawing of the type of exit lever which will need to be installed on the lower level doors, to prevent entry from the outside through these doors to the lower level portion of the single dwelling unit for 1217 Blakely Drive. If you accept the proposed Agreement, a copy of the Agreement will be recorded with the Wasco County Clerk.

In order to finalize the Agreement, we need to establish a deadline for the performance of the actions listed in Section 2. Please advise my office as to the deadline which you would propose for completing these actions.

Very truly yours,

Gene E. Parker
City Attorney

GEP/naa

Enclosures

cc: Community Development Department

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AGREEMENT

WHEREAS, Douglas E. Kirchhofer, hereinafter referred to as "Owner", is the owner of the real property located at 1215 and 1217 Blakely Drive, in The Dalles, Oregon, and which property is further described as follows:

The South 15 feet of Lot 7, and all of Lot 8, Block 4, WEST PARK ADDITION SUBDIVISION, in the City of The Dalles, County of Wasco, and State of Oregon;

and

WHEREAS, on September 4, 2008, the City of The Dalles, hereinafter referred to as "City", issued a written notice of a violation to the Owner, alleging that the property was being used as a triplex, in violation of Section 5.010.020 of General Ordinance No. 98-1222, which is the City's Land Use and Development Ordinance; and

WHEREAS, the City and the Owner have reached an agreement whereby the Owner will take certain specific actions to correct the land use violation alleged in the September 4, 2008, notice; and

WHEREAS, the City and the Owner desire to enter into a written agreement and to have the Agreement recorded with the Wasco County Clerk's office;

NOW, THEREFORE, in consideration of the provisions set forth herein, it is mutually agreed as follows:

1. Owner acknowledges and agrees that the provisions of the City's Land Use and Development Ordinance provide that only two dwelling units are allowed upon the property located at 1215 and 1217 Blakely Drive.

2. Owner has agreed to take the following actions in order to correct the land use violation which exists upon the Owner's property, and to ensure that the property will remain in compliance with the City's Land Use and Development Ordinance in the future:

A. The Owner will remove one of the three outside electrical meters which currently exist on the property.

B. The Owner will submit a detailed site plan for the portion of the real property addressed as 1217 Blakely Drive. This site plan will include the location of an interior staircase to be installed by the Owner, which will connect the upper and lower levels of the dwelling unit located at 1217 Blakely Drive. The upper level will have the only living area, dining area, and separate bathroom for the dwelling unit located at 1217 Blakely Drive. The lower level of this dwelling unit will only have a master bedroom, a second bedroom, and a utility room. The Owner shall install an exit lever handle, approved by the City, on the inside of all lower level entry doors, to prevent access from the outside through these doors. Access to the upper level of the single dwelling unit for 1217 Blakely Drive shall be through the existing outside stairs.

C. After completion of the interior staircase described in Section 2(B) of this Agreement, the Owner shall arrange for an inspection of the single dwelling unit for 1217

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Blakely Drive by the Oregon State Buildings Code Division, and shall provide a written report to the City confirming that the single dwelling unit complies with all applicable building codes and is approved for habitation.

The deadline for the Owner to complete the actions listed in Section 2A, B, and C shall be the day of _____, 200__.

3. The City shall have the right to conduct inspections of the Owner's property located at 1215 and 1217 Blakely Drive, in the event the City has probable cause to believe that the property is being used for more than two separate dwelling units, provided the City gives the Owner written notice 48 hours in advance of the inspection, and the City gives 24 hours notice in advance to the tenants residing on the Owner's property, which notice to the tenants may be done verbally or in writing. The right to conduct these inspections shall continue for a period of three years from the date of this Agreement.

4. Owner understands and agrees the provisions of this Agreement shall be a covenant running with the land, and that the terms hereof shall be included in any deed or contract of sale purporting to convey any legal or equitable interest in the real property described above. This Agreement shall be legally binding upon the Owner's heirs, assigns, or successors in interest.

5. Owner understands and agrees that violation of any provision of this Agreement, including a failure to comply with the deadline set forth in Section 2 of this Agreement, will subject the Owner to enforcement proceedings which include the applicable penalties provided by the City's Land Use and Development Ordinance which are in effect at the time of commencement of the enforcement proceeding. Owner acknowledges that the City's Land Use and Development Ordinance presently provides for a fine of \$500 for each day that a violation of the ordinance occurs.

Dated this _____ day of _____, 2008.

CITY OF THE DALLES

OWNER

Nolan K. Young, City Manager

Douglas E. Kirchhofer

STATE OF OREGON)
) ss
County of Wasco)

STATE OF OREGON)
) ss
County of Wasco)

Personally appeared before me Nolan K. Young, acting as the City Manager for the City of The Dalles, Oregon, who acknowledged the foregoing instrument as his voluntary act and deed.

Personally appeared before me Douglas E. Kirchhofer, who acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My commission expires: _____

Notary Public for Oregon
My commission expires: _____

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November 7, 2008

TO: Community Development Department
FROM: Doug Kirchhofer
RE: Duplex at 1215-1217 Blakely Drive

To whom it May Concern:

This week I received a draft of an agreement from City Attorney Gene Parker regarding the above property. I wanted to respond in a timely manner, so I am submitting this short letter before the weekend.

I am going to forward this draft to my attorney. I am also awaiting a return phone call from the office of Peachy, Foster and Young to schedule a consultation on this matter. I will have a written response to you after the consultation.

Sincerely,

Doug Kirchhofer

NOV 17 2008

#25

January 5, 2009

TO: Community Development Department
FROM: Doug Kirchhofer
RE: Duplex at 1215-1217 Blakely Drive



To whom it May Concern:

Last fall, my attorney Tom Peachey advised me to consult bankruptcy attorney Carolyn Smale in Hood River regarding a Chapter 13 bankruptcy. After this consultation, I was advised to file and have paid a retainer fee. Originally it was thought to leave the duplex out of the Chapter 13 process but after a follow up legal consultation in December it was decided to include the property in the Chapter 13.

Please contact my attorney Carolyn Smale at 541-298-7333 with any questions regarding the property or the Chapter 13 process. Our intention is to get in contact with the bank trustee and update him on the situation regarding the property and the need to make adjustments. Also there is a local contractor interested in perhaps obtaining the property before the foreclosure process is completed. He is aware of the city's views regarding the property and wants to connect the main floor interior and make the upstairs a stand alone one bedroom if a purchase can be arranged with the bank trustee.

Sincerely,

Doug Kirchhofer



#26
CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX (541) 296-6906

January 6, 2009

Ms. Carolyn R. Smale
Attorney at Law
512 Cascade Avenue
Hood River, OR 97031

Re: Doug Kirchhofer
Property at 1215 & 1217 Blakely Drive

Dear Carolyn:

Mr. Kirchhofer has advised our office that you have been retained to represent him in a Chapter 13 bankruptcy proceeding. For your information, I am enclosing a copy of a letter dated October 30, 2008, concerning a land use violation proceeding for the property located at 1215 and 1217 Blakely Drive. Enclosed with this letter is a copy of a proposed settlement agreement, which the City has spent several months attempting to resolve with Mr. Kirchhofer. The violation continues to exist and needs to be resolved.

Mr. Kirchhofer has indicated his intention is to work with the bankruptcy trustee to attempt to arrange a sale of the property. He indicated there was a local contractor who had expressed interest in purchasing the property. However the property is disposed of in the bankruptcy proceeding, the land use violation must be corrected.

Please advise me as to the status of the property and the discussions with the bankruptcy trustee concerning a possible sale of the property.

Very truly yours,

Gene E. Parker
City Attorney

GEP/naa

Enclosures

cc: Planning Department

Jennifer Blevins
1212 Blakeley Drive
The Dalles, Or. 97058

27

February 27, 2009

Mr. Gene Parker
313 Court Street
The Dalles, Or. 97058

Re: 1215 Blakeley Drive, The Dalles, Oregon

Dear Mr. Parker:

City staff members inspected the duplex at 1215 Blakeley Drive in the fall of 2008. The inspection revealed that the converted garage area contains kitchen facilities which define it a dwelling unit. This is a violation under Section 3.090.070(A)(2) of the city's zoning ordinance. The property owner was given 2 - 30 day notices too correct the violation. Both deadline have expired and the property continues to be used as a tri-plex. When will enforcement action by the city be pursued under Section 15.080. of the city's zoning ordinance?

Sincerely

Jennifer Blevins

cc: Planning Department

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Gene Parker

From: Carolyn Smale [crslaw@gorge.net]
Sent: Tuesday, March 03, 2009 11:12 AM
To: Gene Parker
Subject: Re: Doug Kirchofer's Bankruptcy

Gene:
It has not been filed. I'm waiting on info from Mr. Kirchofer. I'll let you know as soon as it gets filed.
Carolyn

Carolyn R. Smale, Esq.
PO Box 620
Hood River, OR 97031
541-386-1600

This message and any files attached herewith are confidential and may contain privileged material for the sole use of the intended recipient. Any unauthorized review, distribution, disclosure, copying, use or dissemination, either in whole or in part is strictly prohibited. If you are not the intended recipient of the message, please notify the sender immediately by return e-mail or by telephone (541-386-1600), delete the original message including any attachments and destroy all hard copies. If you are the intended recipient, please be aware that since e-mails can be altered electronically, the integrity of this communication cannot be guaranteed.

----- Original Message -----
From: Gene Parker
To: crslaw@gorge.net
Sent: Tuesday, March 03, 2009 8:55 AM
Subject: Doug Kirchofer's Bankruptcy

Carolyn: Can you advise me if the bankruptcy petition for Mr. Kirchofer has been filed, and if it has, if you know the case number for the petition. If the petition has not been filed, I will proceed with an enforcement action to address the land use violation, as we continue to receive complaints from adjoining neighbors that this violation has not been addressed.

Gene E. Parker
City Attorney
City of The Dalles
313 Court Street
The Dalles, OR 97058
Phone: (541) 296-5481 ext. 1123
Fax: (541) 296-6906 FAX
gparker@ci.the-dalles.or.us

Confidentiality Notice: This e-mail message may contain confidential and privileged information. If you have received his message by mistake, please notify us immediately by replying to this message or telephoning us. Thank you.

29

REEVES, KAHN & HENNESSY

ATTORNEYS AT LAW

4035 SE 52nd AVENUE
P.O. BOX 86100
PORTLAND, OREGON 97286-0100

Please Reply To P.O. Box

TELEPHONE (503) 777-5473

FAX (503) 777-8566

of Counsel:
PAUL NORR

H. PHILIP EDER (1927-2004)
TIFFANY A. ELKINS*
PEGGY HENNESSY*
GARY K. KAHN*
JARED KAHN
MARTIN W. REEVES*

*Also Admitted in Washington

March 16, 2010

Gene E. Parker
City Attorney
313 Court Street
The Dalles, OR 97058

Re: 1215-1217 Blakeley Drive - Nonconforming Use Expansion/Change

Dear Gene:

As you may recall, I represent Jennifer Blevins with respect to her interest in the above matter. It has come to our attention that there is a new owner of the subject property, and we would like to confirm that the City intends to limit the use of the property to a duplex. We would also like to confirm that use of the garage space as living space is still deemed to be a modification or enlargement of the recognized nonconforming use.

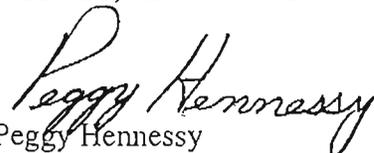
Based upon the foregoing, it is our understanding that the new owner will not be allowed to use the garage area as living space unless the new owner satisfies the requirements of Section 3.090.070 (3) of the City's Land Use and Development Code (including the off street parking provisions).

Last summer, the City suspended its code enforcement proceedings to allow completion of the sale of the property. Now that the sale has been completed, and it appears that the garage area is still being used as living space, please let us know whether the City will be reinstating its enforcement proceeding against the new owner.

I look forward to your response.

Sincerely,

REEVES, KAHN & HENNESSY


Peggy Hennessy

PH:blb
cc: Client

MAR 17 2010



CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

30

(541) 296-5481 ext. 1122
FAX (541) 296-6906

April 15, 2009

Ms. Peggy Hennessy
Reeves, Kahn & Hennessy
Attorneys at Law
4035 SE 52nd Avenue
P.O. Box 86100
Portland, OR 97286

Re: 1215 and 1217 Blakely Drive

Dear Peggy:

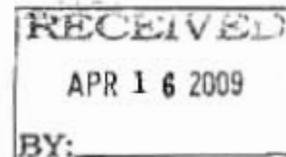
Thank you for your letter of April 13, 2009. For your information, I am enclosing a copy of the building permit application submitted by Mr. Kirchhofer dated January 2, 2001. The application was approved by Bob Paul, a former Senior Planner with the Community & Economic Development Department, and reflects the Department's position that the structure located at 1215 and 1217 Blakely Drive has been treated as a non-conforming residential duplex.

It is my understanding that the City considers the properties located at 1215 and 1217 Blakely Drive as a non-conforming duplex, as there are two separate dwelling units located on the property. It is the City's position that a separate dwelling unit exists on the property addressed as 1217 Blakely Drive, which includes the space in the upper floor area and the area which was formally a garage. The position which the City is taking in the enforcement action, which is pending in Wasco County Circuit Court Case No. CC 09-73, is that the nonconforming residential use of the property located at 1215 and 1217 Blakely Drive, as a duplex, can continue provided the provisions of Section 3 090.070, which provides an exception for non-conforming residential uses, are satisfied. This would include the requirement of Section 3 090.070(3)(c) concerning the residential off-street parking requirements. It is my understanding that four off-street parking spaces would need to be provided.

For your information, I am enclosing a copy of the provisions of the Settlement Agreement, which outlines the relief which the City is seeking to include as part of the injunctive relief which the City is requesting in the pending Circuit Court action.

Very truly yours,

Gene E. Parker
Gene E. Parker
City Attorney



GEP/nsa
Enclosures

REEVES, KAHN & HENNESSY
ATTORNEYS AT LAW

4700 S.W. MACADAM AVENUE, SUITE 201
P.O. BOX 86100
PORTLAND, OREGON 97286

Please Reply To P.O. Box

H. PHILIP EDER (1927-2004)
TIFFANY A. ELKINS
PEGGY HENNESSY*
GARY K. KAHN*
AARON B. KAHN
MARTIN W. REEVES*

#30
TELEPHONE (503) 777-5473
FAX (503) 777-9566

of Coun:
PAUL NORR

*Also Admitted in Washington

May 20, 2009

Gene E. Parker
City Attorney
313 Court Street
The Dalles, OR 97058

Re: 1215-1217 Blakeley Drive - Nonconforming Use Expansion/Change

Dear Gene:

I spoke with my client, Jennifer Blevins, again, and she clarified the historic use of the property. It appears that at the time that duplexes became non-conforming uses, the living space behind the garage was actually part of the primary unit (1215). Accordingly, the nonconforming "duplex" consisted of the primary dwelling unit which included the living space behind the garage (1215), and a second dwelling unit above the original garage (1217). The garage was not living space.

The copy of the 2001 building permit application that you enclosed with your letter of April 15, 2009, does not specify that the garage will be converted to living space. Bob Paul's January 5, 2001 administrative approval merely states that there are "2 units only" and that there shall be "no exterior modification beyond utility work." Did this 2001 approval include conversion of the garage from non-living space to living space? Was there any consideration of the modification or expansion approval criteria under code section 3.090.070 (A) (3)?

It is our position that the conversion of the garage constitutes expansion or enlargement of a nonconforming use which would require compliance with the off-street parking requirements of section 3.090.070 (A) (3) (c). Here, the conversion eliminates parking space in the garage and adds living space which may, indeed, accommodate additional drivers, thereby exacerbating the parking problems in the neighborhood.

You indicated that the City's enforcement action will limit the use to two residential dwelling units and require provision of four off-street parking spaces. Please confirm that those parking spaces are available and established. If not, is the City prepared to require restoration of the structure to its condition at the time the duplex became nonconforming (e.g. return the garage space to garage use)?

Please let me know whether or when the City determined that it was permissible for 1217 to convert the garage and add living space to the upstairs dwelling unit. Also, please let me know whether or when the City applied the approval criteria of City Code Section 3.090.070 (3) to this expansion of the nonconforming duplex.

I look forward to hearing from you soon.

Sincerely,

REEVES, KAHN & HENNESSY

Peggy Hennessy
Peggy Hennessy

PH:pa
cc: Client

e:\Open Client Files\Land Use\Blevins, Jennifer-PH\2009\City Attorney Letter 2.wpd

MAY 21 2009



CITY OF THE DALLES

313 COURT STREET
THE DALLES OREGON 97058

(541) 296-5481 ext. 1122
FAX (541) 296-6906

May 22, 2009

Ms Peggy Hennessy
Reeves, Kahn & Hennessy
4700 SW Macadam Avenue
Suite 201
P. O. Box 86100
Portland, OR 97286

Re: 1215 & 1217 Blakely Drive
Nonconforming Use Expansion/Change

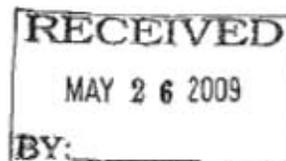
Dear Ms. Hennessy:

I have had an opportunity to review my file and the Planning Department's file concerning the issues related to the use of the properties at 1215 and 1217 Blakely Drive. As you may recall, the most recent concerns were initiated as a result of the application of Mr. Cloninger to create a triplex use on the properties. Mr. Cloninger's plans were to enclose the garage and make it part of the residential area including the studio apartment. The upstairs apartment and the residential area located at 1217 Blakely were to be separate residential dwelling units.

Mr. Cloninger was advised that he would need to provide documentation concerning the establishment of three residential dwelling units on the property. Mr. Cloninger provided the City with a letter from a neighbor, who indicated that they had lived at 1209 Blakely Drive since 1953; and to their knowledge, the upstairs apartment was constructed in 1953, and the studio apartment behind the garage was constructed in the late 1950's.

As you are aware, Ms. Blevins challenged the City's approval of Mr. Cloninger's proposed plans for a triplex. The City agreed to a remand of this matter from LUBA. Mr. Cloninger did not reply and chose not to proceed with his development of the property.

In reviewing the Planning Department's file concerning the approval of Mr. Kirchhofer's permit, submitted in January 2001, it appears the permit did not specifically mention conversion of the garage space to residential living space. It is my understanding that Mr. Kirchhofer did actually convert the garage space to residential living space. The permit approved by Mr. Paul does not indicate that he considered the criteria under Section 3.090.070(3)(c) concerning compliance with off-street parking requirements.

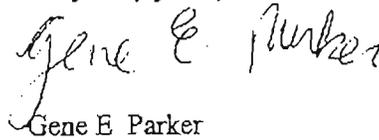


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Ms. Peggy Hennessy
May 22, 2009
Page 2

Mr. Kirchofer's attorney has advised me that his client is in the process of selling the property located at 1215 and 1217 Blakely Drive, and that the transaction should be completed soon. I have advised Mr. Kirchofer's attorney that the City will insist that any new purchaser bring the property into compliance with the City's LUDO, including the provisions of Section 3.090 070(3)(c) concerning the off-street parking requirements. We are continuing to work with Mr. Kirchofer and his prospective buyer, to confirm that the new buyer will take the necessary action to bring the property into compliance.

Very truly yours,



Gene E Parker
City Attorney

GEP/naa

cc: Planning Department



September 2, 2009

Mr. Thomas C. Peachey
Foster Peachey & Young
420 East Third Street
The Dalles, OR 97058

Re: City vs. Doug Kirchhofer
Wasco County Circuit Court Case No. CC09-73
Your Client: Dough Kirchhofer
Your File No.: 08-0825

Dear Tom:

I have received information from Mr. Bustos concerning his offer to purchase Mr. Kirchhofer's property, and his proposal to convert the area beneath the upstairs apartment located at 1217 Blakely Drive back to a garage. The City is willing to consider revising the terms of the Stipulated Judgment to include the concept proposed by Mr. Bustos. The terms of the revised stipulated judgment would be as follows:

1. The time for closing of the sale to Mr. Bustos would be extended to October 30, 2009. If the sale was not closed by this time, then effective November 1, 2009, Mr. Kirchhofer would be restrained and enjoined from using the property at 1215 and 1217 Blakely as a triplex. ~~Mr. Kirchhofer would have to present a plan approved by the City~~ which could incorporate the elements of the settlement agreement proposed by the City on October 30, 2008; or it could include alternative methods to ensure that the property would not be used as a triplex.
2. Assuming the sale to Mr. Bustos is finalized, the following actions would need to occur:
 - a. One of the three outside electrical meters which exist on the property will need to be removed.
 - b. Mr. Bustos will need to submit a floor plan to the City showing the detail of his plan to convert the lower portion of 1217 Blakely to a garage, which plan will

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Mr. Thomas Peachey
September 2, 2009
Page 2

need to be approved by the Community Development Department. Conversion of the area to a garage will need to comply with all applicable building code requirements.

Please advise me if this proposal is acceptable to your client.

Very truly yours,

Gene E. Parker
City Attorney

GEP/naa

#360

My name is David Bustos and I have put in an offer on the home owned by Doug Kirchofer on 1215 Blakley St. I am writing this letter to inform you that If my offer gets accepted I plan on converting the 1217 address back to a garage. I know that it is a tri-plex now and is only zoned for a du-plex. I have no intenions of having a tri-plex I will be converting it back to a duplex.

Thank you,
David Bustos

If you have any question feel free to call, 541-288-6152

X David Bustos

AUG 25 2009

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASCO

CITY OF THE DALLES,
an Oregon municipal corporation

Plaintiff,

vs.

DOUGLAS E. KIRCHHOFFER

Defendant.

CASE NO. CC09-73

STIPULATION TO ENTRY OF
JUDGMENT GRANTING
PERMANENT INJUNCTION

COMES NOW the Plaintiff, by and through Gene E. Parker, City Attorney, and the Defendants, appearing by and through Thomas C. Peachey, pursuant to ORCP 67(F), and stipulate to the entry of a judgment granting a permanent injunction in favor of the Plaintiff and against the Defendant, which judgment shall include the following terms and conditions:

1. Plaintiff and Defendant acknowledge and agree the Defendant is currently in the process of attempting to close a transaction for the sale of Defendant's property located at 1215 and 1217 Blakely Drive, which property is further described as follows:

The South 15 feet of Lot 7, and all of Lot 8, Block 4, WEST PARK ADDITION SUBDIVISION, in the City of The Dalles, County of Wasco, and State of Oregon;

In the event the transaction for sale of the Defendant's property has not been closed by November 30, 2009, then effective December 1, 2009, Defendant shall be restrained and enjoined from using the property located at 1217 Blakely Drive as a triplex. Defendant would then be required to present a plan approved by the Plaintiff, which would either

City Attorney
313 Court Street
The Dalles, Oregon 97058
(541) 296-5481 ext. 1122

1 incorporate the elements of the settlement agreement proposed by Plaintiff on October 30,
2 2008, or other alternative methods to ensure the property would not be used as a triplex.

3 2. Assuming the transaction for sale of the Defendant's property is finalized prior
4 to November 30, 2009, the following actions will need to occur:

5 A. One of the three outside electrical meters which exist on the property
6 will need to be removed.

7 B. The purchaser of the property will need to submit a floor plan to the
8 Plaintiff showing the detail of his plan to convert the lower portion of 1217 Blakely
9 Drive to a garage, which plan will need to be approved by the Plaintiff's Community
10 Development Department. Conversion of the area to a garage will need to comply
11 with all applicable building code requirements.

12 3. Plaintiff and Defendant stipulate that the Plaintiff shall have the right to
13 conduct inspections of the Defendant's property located at 1215 and 1217 Blakely Drive, in
14 the event the Plaintiff has probable cause to believe the property is being used for more than
15 two separate dwelling units, provided the Plaintiff gives the Defendant written notice 48
16 hours in advance of the inspection, and the Plaintiff gives 24 hours notice in advance to the
17 tenants residing on the Defendant's property, which notice to the tenants may be done
18 verbally or in writing.

19 4. Pursuant to the parties stipulation, no costs or disbursements shall be awarded
20 as part of the judgment.

21 CITY OF THE DALLES

DEFENDANT

22
23 Gene E. Parker
Gene E. Parker, City Attorney
OSB No. 821024

Thomas C. Peachey
Thomas C. Peachey
OSB No. 783319

24
25 Date: 11-16-09

Date: 11-12-09

39

REEVES, KAHN & HENNESSY

ATTORNEYS AT LAW

4700 S.W. MACADAM AVENUE, SUITE 201

P.O. BOX 86100

PORTLAND, OREGON 97286

Please Reply To P.O. Box

TELEPHONE (503) 777-5473

FAX (503) 777-8366

H. PHILIP EDER (1927-2004)

TIFFANY A. ELKINS

PEGGY HENNESSY*

GARY K. KAHN*

ARED B. KAHN

MARTIN W. REEVES*

of Counsel:
PAUL NORR

*Also Admitted in Washington

June 2, 2009

Gene E. Parker
City Attorney
313 Court Street
The Dalles, OR 97058

Re: 1215-1217 Blakeley Drive - Nonconforming Use Expansion/Change

Dear Gene:

After reviewing your May 22, 2009 letter with Ms. Blevins, we would like to clarify the City's current position regarding code compliance for the above property.

You indicated that, previously, Mr. Cloninger provided a letter from a neighbor (who has lived there since 1953) stating that the upstairs apartment and the studio apartment behind the garage were both constructed in the 1950s. Does this mean that the City is prepared to revisit the issue of whether there is a valid nonconforming use for *three* units? If so, we assume any owner would have to file an application to verify the nonconforming use.

As I understand the permit history, the City has no record of approving conversion of the garage to living space, and no property owner or occupant has ever applied for expansion of a nonconforming use under code section 3.090.070 (A) (3) with respect to the garage space. Does the City consider the addition of living space to be an expansion or enlargement of the existing nonconforming dwelling?

You indicated that you have informed Mr. Kirchhofer's attorney that the City will require any new purchaser to bring the property into compliance with the City's LUDO; however, the meaning of "compliance" is not clear to us. Does this mean that the "duplex" must be restored to its original size (without the use of garage parking space as living space) as of the time the two-unit dwelling became nonconforming?

Finally, please let us know the status of the current code enforcement proceeding. Has this been suspended based upon a possible sale of the property?

I look forward to your response.

Sincerely,

REEVES, KAHN & HENNESSY

Peggy Hennessy
Peggy Hennessy

PH:pa
cc: Client

e:\Open Client Files\Land Use\Blevins, Jennifer-PH2009\City Atty 3.wpd

JUN 03 2009

Gene Parker

From: Denise Ball
Sent: Tuesday, July 28, 2009 1:52 PM
To: Gene Parker
Subject: RE: Doug Kirchhofer

I spoke with Mrs. Bustos and she said her son was in the process of trying to purchase the property. The Bustos' are aware the property can be used as a single family dwelling or a duplex - no triplex. As far as I am aware, nothing has been submitted or approved.

Denise Ball
Planning Tech.
Community Development Dept.
City of The Dalles, OR
541.296.5481 ext. 1130

From: Gene Parker
Sent: Tuesday, July 28, 2009 1:38 PM
To: Dawn Hert; Denise Ball
Subject: Doug Kirchhofer

Dawn and Denise: I am working on trying to agree with Mr. Kirchhofer on the terms of a stipulated judgment to resolve the pending case involving his duplex. His attorney has indicated that the City has approved some form of plans for the property submitted by the Bustos's. I checked your file and could not find any documentation referring to an application by the Bustos's or any discussion of their plans. Are either of you aware of any specific written proposal from the Bustos's that outline what they intend to do with the property? As far as I know the sale of the property has not been finalized.

Gene E. Parker
City Attorney
City of The Dalles
313 Court Street
The Dalles, OR 97058
Phone: (541) 296-5481 ext. 1123
Fax: (541) 296-6906 FAX
gparker@ci.the-dalles.or.us

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CITY OF THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

#41

(541) 296-5481 ext. 1122
FAX (541) 296-6906

August 4, 2009

Mr. Thomas C. Peachey
Foster Peachey & Young
420 East Third Street
The Dalles, OR 97058

Re: City vs. Doug Kirchhofer
Wasco County Circuit Court Case No. CC09-73
Your Client: Dough Kirchhofer
Your File No.: 08-0825

Dear Tom:

I contacted the Planning Department, and they advised they did not have any documentation indicating they Bustos' had submitted a plan for the property which had been approved. Can you provide me with some detail concerning their proposed plan, so that I can determine if I would be willing to insert that proposed plan as an alternative to the items listed as 1(A), (B), and (C) on page 2 of the proposed Stipulated Judgment.

Very truly yours,

Gene E. Parker
City Attorney

GEP/naa



CITY OF THE DALLES #42

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext 1122
FAX (541) 296-6905

August 24, 2010

FILE COPY

Mr. David J. Bustos
P.O. Box 113
The Dalles, OR 97058

Re: 1215 and 1217 Blakely Drive

Dear Mr. Bustos:

It is my understanding you recently purchased the property located at 1215 and 1217 Blakely Drive. As you may be aware, the City has approved the property for the use as a duplex as a non-conforming use. One of the conditions for the non-conforming use to continue is that the residential off-street parking requirements of the City's Land Use and Development Ordinance must be met. These requirements provide that four off-street parking spaces must be provided.

I have recently received concerns raised by local neighbors who are convinced that there is not sufficient room in the existing driveway to allow for the parking of four vehicles. The neighbors have claimed that they have observed the back part of certain vehicles hanging out into the street while they are parked in the driveway, which is a violation of the City's ordinances.

In order to address the neighbor's concerns, I would like to meet with you to discuss these concerns, and what your plans are to ensure that the off-street parking requirements will be satisfied. Please contact my office to schedule an appointment at your earliest convenience.

Very truly yours,

Gene E. Parker
Gene E. Parker
City Attorney



#43
CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX (541) 296-6906

December 2, 2011

Ms. Jennifer Blevins
1212 Blakely Drive
The Dalles, OR 97058

RE: Inquiry about interior work at 1215 Blakely Drive

Dear Ms. Blevins:

Rich Williams had contacted my office approximately 2 weeks ago inquiring about some work that appeared to be going on inside the area of the property at 1215 Blakely Drive, and whether that work was being done properly. The City's Code Enforcement Inspector has confirmed with Mr. Bustos that the work that is being done involves the texturing of walls which will be painted, and sanding and refinishing existing floors and other general maintenance, which does not require a building permit. It appears that the work Mr. Bustos is doing is consistent with the provisions of the City's Land Use Ordinance and does not appear to be in violation of any City ordinance or state building code requirements.

Very truly yours,

Gene E. Parker
City Attorney

GEP/cmb

COPY



44
CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97068

(541) 298-5481 ext. 1126

FAX: (541) 298-5490

Community Development Dept.

Memorandum

To: Gene E. Parker, City Attorney

CC: Daniel C. Durow, CDDD
Property File

From: John E. Dennee, Planning Code Compliance Officer

Date: December 08, 2011

Re: 1215 Blakely Drive Construction Info from Rich Williams

Below I have discussed the reasons why the circumstantial evidence given by Rich Williams is suspect and we will refrain from basically calling David Bustos a fabricator of the information given to us on the 1st day of this month.

The issue is that the work Mr. Bustos said he was doing does not require a permit. It is all inside work and according to City and Mid-Columbia staff no inspections are required. The secretary of Mid-Columbia Bld. Codes said that Mr. Bustos had called in and inquired as to the need of obtaining a permit for the work he was doing at 1215 Blakely Dr. And she informed him that none were needed. The staff at Mid-Columbia offered information about Mr. Bustos to the effect that in his business as a Building Contractor he was one of the most diligent and cooperative contractors they deal with and they didn't believe that he would jeopardize his Contractor's License by doing something as suggested by Mr. Williams.

I have driven by the residence weekly since the 15th of November without observing any signs of building materials, scrap material, debris in general, etc...

COPY



CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX (541) 296-6906

December 8, 2011

Ms. Jennifer Blevins
1212 Blakely Drive
The Dalles, OR 97058

RE: Follow up to Inquiry about interior work at 1215 Blakely Drive

Dear Ms. Blevins:

Our Code Enforcement Inspector contacted the State Building Codes Office, and confirmed that the type of interior work, which Mr. Bustos indicated he was doing, as set forth in my letter of December 2, 2011, does not require a building permit. If Mr. Bustos installed an interior staircase in a portion of the duplex, he would be required to obtain a building permit, and the State Building Codes office indicated they had no records on file that Mr. Bustos had indicated he intended to build such a staircase. If he built the staircase without a building permit, he would be facing significant sanctions from the Buildings Code Office, including the possible loss of his contractor's license. The Building Codes Office indicated Mr. Bustos is a diligent and forthright contractor.

It does not appear there is sufficient or substantial evidence to indicate that Mr. Bustos is engaging in any activity, which violates the City's Land Use Ordinance, so we will not be pursuing any further investigation of this particular issue.

Very truly yours,


Gene E. Parker
City Attorney

GEP/cmb

cc; John Dennee

COPY

#46

John Dennee

From: Gene Parker
Sent: Tuesday, December 13, 2011 8:47 AM
To: John Dennee
Subject: 1215 Blakely

John: After we talked last week, I received another phone call from Rich Williams, who is the boyfriend of Ms. Blevins, still expressing concern about the work that Mr. Bustos was doing inside of the property, and concerned that he was somehow doing work that was not allowed under our LUDO, or was in violation of the state building codes. I called the Building Codes Division, and they indicated that they would need to have Mr. Bustos's permission to go inside the residence to inspect the work he was doing before they could determine if there was a violation.

I called and left a message for Mr. Bustos and he returned my call. I explained to him that we were still receiving complaints about his work, particularly that an interior staircase had been installed. Mr. Bustos explained to me that there were headers for a staircase inside the property and apparently he has done some work on the headers, but this work apparently did not require a building permit. I asked Mr. Bustos if he would allow you to inspect the inside of the property to verify the work he is doing, and he indicated that he would agree to allow you to inspect the property. I was thinking it might be appropriate for me to come along with the inspection so that I can get a firsthand look at the work he is doing. Mr. Bustos indicated he was busy this week, but would be available next week. My schedule is open next week so whenever you can schedule the inspection, I should be available.

I think the source of the complaints is that Ms. Blevins and Mr. Williams seem to be under the impression that we were going to require Mr. Bustos to restore the area that used to be a garage, to a garage use, and that is not correct. As long as there is only one dwelling unit in the area where there was a staircase, I don't think there is a problem is the staircase restored that connects the upper and lower area of the dwelling unit.

Gene

Gene E. Parker
City Attorney
City of The Dalles
313 Court Street
The Dalles, OR 97058
Phone: (541) 296-5481 ext. 1123
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TENNESON

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CONSULTING ENGINEERS • SURVEYORS • PLANNERS

DR AFT

#47

409 LINCOLN STREET
THE DALLES, OR 97058

PHONE (541) 296-9177
FAX (541) 296-6657

MEMO

Date: October 11, 2001
To: File - Doug Kirchhofer
From: Dan Meader
Re: Site Visit of October 11, 2001.

I arrived on-site at 1215 Blakely Drive at 7:30 a.m. and met with the owner.

Entered the lower level of the converted garage, into the laundry room which contained a furnace, cabinetry, under-the-cabinet microwave, washer and dryer, and a sink. There was no evidence of a 220 outlet for a range.

The next room appeared to be a living room with couch, t.v., etc.

The back room is a bedroom with an exterior door and a bath with shower. The upstairs level, accessed by an outside staircase, contained a living room, kitchen facilities including a stove, refrigerator, and sink, and a bedroom and bath.

Entered lower level main living unit. Separate apartment. Complete facilities with kitchen, etc.

Pictures are in the file.

Spoke with the owner a bit. At one point it had been used as a triplex. There are three electric meters. One, according to the owner, is inoperable. Suggested he remove it.

OCT 11 2001

#48

REEVES, KAHN, HENNESSY & ELKINS

ATTORNEYS AT LAW

TELEPHONE (503) 777-5473
FAX (503) 777-8566

H. PHILIP EDER (1927-2004)
TIFFANY A. ELKINS*
PEGGY HENNESSY*
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JARED B. KAHN
MARTIN W. REEVES*

4035 SE 52nd AVENUE
P.O. BOX 86100
PORTLAND, OREGON 97286-0100

Please Reply To P.O. Box

direct e-mail:
phennessy@rkr-law.com

*Also Admitted in Washington

February 22, 2011

Gene E. Parker
City Attorney
313 Court Street
The Dalles, OR 97058

Re: 1215-1217 Blakeley Drive, The Dalles, Oregon

Dear Gene:

Thank you for your help in communicating with the Planning Department regarding the Applicant's withdrawal of its Home Business Permit application regarding the above property. As you know, our office continues to represent Jennifer Blevins, who lives at 1212 Blakeley Drive.

While we appreciate that there will not be a home occupation operated at the property, we understand that the property may still be in violation of the City's off-street parking requirements set forth in section 3.090.070 (A) (3) (c) of the City's LUDO.

As I recall, in May of 2009, the City had a pending enforcement action to limit the use of the property at 1215-1217 Blakeley Drive to a duplex, **and to require the provision of four off-street parking spaces**. The property was recognized as a nonconforming duplex, but conversion of the garage to living space had not been addressed. You indicated that there was a pending sale of the property at that time, and that any new owner would have to comply with existing code requirements, including provision of four off-street parking spaces for the property.

In June of 2009, you said that "[t]he City has temporarily suspended proceeding with the pending code enforcement to determine if the proposed sale of the property will be completed. If the transaction is not completed, the enforcement proceeding will be reinstated."

Last March, you confirmed that the garage space for the duplex could be used as living space (as a modification or enlargement of a nonconforming residential use) only if the off-street parking requirements of the City's LUDO were satisfied. This would necessarily include the provision of four off-street parking spaces.

It is our understanding that four vehicles cannot be safely parked on the property. Please let me know the City's standards for determining the amount of space required for each vehicle, and safety requirements for ingress and egress from the property.

I look forward to hearing from you soon.

Sincerely,

REEVES, KAHN, HENNESSY & ELKINS

Peggy Hennessy
Peggy Hennessy

PH:blb
cc: Client

3-25-11 #49

Hi, My Name is David Bustos. I am the owner of the building across the street. I wanted to let you know the situation of this home. I bought this home a little less than a year ago. With in that time I have remodeled both units completely, painted the whole interior/exterior of the home, converted it from a tri-plex to a du-plex, did a lot of yard work outside with numerous dump loads, took out all the dead plants, planted roses and flowers, put bark down, along with my construction job. From what I have seen this house has turned around for the best and looks nice now. This is my first home and trying to do the best I can. It sounds like you have an issue with my parking. I met with the city yesterday and everything complies for 4 parking spots and that is why I had to make yellow lines and make it look like an apartment! I plan on this summer putting a new lawn and new concrete but would like to get this issue taken care of so I don't have to feel I'm being watched and taken pictures of all the time. I don't know If I did something to make you mad but If I did I am truly sorry and hope that we can get through this and become good neighbors. If you have any questions or concerns feel free to call my cell 5412886152 and well see if I can get it taken care of.

David Bustos

#50

Gene Parker

From: John Dennee
Sent: Thursday, April 22, 2010 5:00 PM
To: Gene Parker
Subject: 1215 Blakely Dr.

Gene,

I made contact with David Bustos today regarding his plans for the duplex at 1215 Blakely Drive. His plans are to do some remodeling and maintain it as a duplex. As reported to you this morning he had the third meter head removed by PUD in the past two or three weeks since he acquired the property. The present tenants have been notified that they are to vacate the premises within the next week or so. He said that there are at least five unrelated adults living in the one duplex. His intent is to have the new renters keep their vehicles on the parking area and not hanging out into the public right of way.

Ample space is available to park four vehicles, which is the minimum for the two dwelling units planned for the property.

I asked him to keep us in the loop and to give us a call if he has any questions.

John



#51

CITY OF THE DALLES

313 COURT STREET
THE DALLES OREGON 97058
(541) 296-5481 ext. 1122
FAX (541) 296-6906

APR 29 2011

April 28, 2011

Ms. Peggy Hennessy
Reeves, Kahn, Hennessy & Elkins
4035 SE 52nd Avenue
P.O. Box 86100
Portland, OR 97286-0100

Re: 1215-1217 Blakely Drive

Dear Peggy:

Mr. Dennee, our Planning Code Compliance Officer, and I met with Mr. Bustos on the site this morning. We observed that there was some personal property (a garbage can, recycling containers, and a barbecue that were being stored next to the residence) which may be contributing to the problem of vehicles overhanging on the public street. Mr. Bustos agreed to remove those items. He is planning to make improvements to the driveway surface, which will include adding some additional width to a portion of the driveway. The City believes that his property is in compliance with the requirement to provide four off-street parking spaces. If a vehicle is observed parked in a manner where a portion of the vehicle is hanging over the street right-of-way, this is a matter for the police department to enforce, and if we receive those types of complaints, we will refer them to the police department.

Very truly yours,

Gene E. Parker
City Attorney

cc: John Dennee

#52

REEVES, KAHN, HENNESSY & ELKINS

H. PHILIP EDER (1927-2004)
TIFFANY A. ELKINS*
J. MICHAEL HARRIS
PEGGY HENNESSY*
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MARTIN W. REEVES*

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4035 SE 52nd AVENUE
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PORTLAND OREGON 97286-0100

Please Reply To P.O. Box

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FAX (503) 777-8566

direct e-mail:
phennessy@rke-law.com

*Also Admitted in Washington

July 6, 2012

Jennifer Blevins
1212 Blakely Drive
The Dalles, Oregon 97058

Re: Jennifer Blevins – Petition for Enforcement of City Code
Failure to Provide Mandatory Off-Street Parking at 1215-1217 Blakely Drive
Appeal Deadline: July 15, 2012

Dear Jennifer:

I am enclosing a copy of Dan Durow's interpretation of the parking requirements under the City's Land Use Development Ordinance. As you can see, he finds that it is "possible" to park four cars on the site so there is no violation of the City's code.

According to Mr. Durow, because you could park six to eight Smart Cars in the parking area, and because the City has no size requirements for the four mandatory spaces, there is no violation of the requirement to provide four off-street parking spaces.

He appears to concede that the actual situation on the property violates other code provisions (e.g. prevention of vehicles from backing up into the flow of traffic); however, Mr. Durow states that this is a code enforcement issue and the basic site design is fine. The fact that there are no minimum parking space dimensions set forth in the code makes it challenging to show that four vehicles *cannot* be accommodated. Mr. Durow appears to believe that the general intent for off-street parking can be met by providing sufficient space for four Smart Cars even if you know that there will be full size pickup trucks parking on the site.

The Planning Director's decision can be appealed to the Planning Commission. Perhaps the Planning Commission will have a different view of the *intent* of the off-street parking requirements. The appeal would be due within ten (10) days of mailing the notice of decision. Gene Parker mailed the decision to me on July 5, 2012. So, to be safe, the appeal should be filed no later than July 16, 2012. I am enclosing a copy of the provisions governing an appeal to the Planning Commission for your information.

Jennifer Blevins
July 6, 2012
Page 2

#53

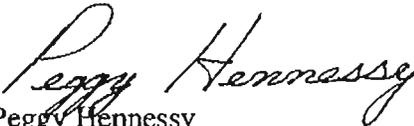
If you believe the members of the Planning Commission are likely to rubber-stamp the Planning Director's decision, I would recommend against an expensive appeal. However, if you think there is a chance that the Planning Commission would interpret the code to require sufficient space for four standard vehicles (not Smart Cars), it may be worth pursuing.

A more certain approach may be to amend the City Code to include dimensional requirements for each space, but that would apply to future development – the duplex may be grandfathered in because it was there before the dimensional requirements existed. In any event, the choice you must make now is whether to appeal the Planning Director's decision to the Planning Commission by July 15, 2012.

Please let me know how you would like to proceed.

Sincerely,

REEVES, KAHN, HENNESSY & ELKINS


Peggy Hennessy

PH/blb
Enclosures

#54

Gene Parker

From: John Dennee
Sent: Tuesday, April 05, 2011 10:06 AM
To: Gene Parker
Subject: Emailing: March 31, 2011 001, March 31, 2011 002, March 31, 2011 003, March 31, 2011 004
Attachments: March 31, 2011 001.jpg; March 31, 2011 002.jpg; March 31, 2011 003.jpg; March 31, 2011 004.jpg

Gene,

Since discussing the possibility with David Bustos of painting appropriate spacing, as per the measurements of the City parking lot spaces, I visited the site and photographed the minimum spacing stripes that indicates the position of the 4-5 parking spaces available at the site.

Any questions, let me know?

John

The message is ready to be sent with the following file or link attachments:

March 31, 2011 001
March 31, 2011 002
March 31, 2011 003
March 31, 2011 004

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

City can find compliance with the requirement to provide 4 off-street parking spaces based on the repeated and documented circumstances where the vehicles extend into the street and create traffic hazards. #55

You indicated that the Code Compliance Officer has had several discussions with the property owner regarding this issue - so, apparently, the Officer recognized the problem. However, no action has been taken to rectify the situation and vehicles continue to hang over into the street. Please provide us with documentation in the City records that is related to any reports or findings of the Code Compliance Officer, including findings in support of the conclusion that the off-street parking requirements are met.

I look forward to your response.
Peggy

On 2/22/2012 9:07 AM, Gene Parker wrote:

Peggy: I apologize that I did not respond previously to your letter of January 17, 2012. I thought I had prepared a letter and sent it to you, but I realized yesterday that I had not actually sent the letter. We do not have any detailed findings by the Planning Code Compliance Officer. He used the typical dimensions of a parking space in the City Hall Parking lot (18 feet long and 9 feet wide) as a guide when measuring the available parking space in the driveway for the property. He determined that there was sufficient parking space for four vehicles, as required by our land use ordinance. He has had several discussions with Mr. Bustos, the owner of the property concerning the requirement to provide four off street parking spaces which provide adequate room to ensure that vehicles are not overhanging into the public right-of-way.

As far as we know, there have not been any problems with on site circulation for the vehicles parking in the driveway. It is the City's position that Mr. Bustos's property is in compliance, and we do not believe there is sufficient evidence to pursue any enforcement action related to the requirement for four off street parking spaces.

Gene E. Parker
City Attorney
City of The Dalles
313 Court Street
The Dalles, OR 97058
Phone: (541) 296-5481 ext. 1123
Fax: (541) 296-6906 FAX
gparker@ci.the-dalles.or.us

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--

Peggy Hennessy

REEVES, KAHN, HENNESSY & ELKINS

Post Office Box 86100

Portland OR 97286-0100

Phone: (503) 777-5473

I realized yesterday that I had not actually sent the letter. We do not have any detailed findings by the Planning Code Compliance Officer. He used the typical dimensions of a parking space in the City Hall Parking lot (18 feet long and 9 feet wide) as a guide when measuring the available parking space in the driveway for the property. He determined that there was sufficient parking space for four vehicles, as required by our land use ordinance. He has had several discussions with Mr. Bustos, the owner of the property concerning the requirement to provide four off street parking spaces which provide adequate room to ensure that vehicles are not overhanging into the public right-of-way.

#50

As far as we know, there have not been any problems with on site circulation for the vehicles parking in the driveway. It is the City's position that Mr. Bustos's property is in compliance, and we do not believe there is sufficient evidence to pursue any enforcement action related to the requirement for four off street parking spaces.

Gene E. Parker
City Attorney
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--

Peggy Hennessy
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Phone: (503) 777-5473

--

Peggy Hennessy
REEVES, KAHN, HENNESSY & ELKINS
Post Office Box 86100
Portland OR 97286-0100

Phone: (503) 777-5473

#58

park four vehicles of 'standard size' and not violate the general intent in Section 6.060.020. This standard size would be a reasonable "anticipated" storage length needed to meet the general intent. Whether the residents in fact always park accordingly is an enforcement issue. If the four vehicles parking at this site were extended cab, dual-wheel, pickup trucks, then from a practical standpoint the general intent of this section may not be met because the vehicles could block the flow of traffic or cause some on-site safety issues. It is also reasonable to believe that as many as six or eight Smart Cars could park in this same space and not violate the general intent.

However, these situations do not change the fact that there is sufficient room for parking four vehicles of a more standard size or in various sizes to fit the spaces. Since there are no stated length or width standards for residential off-street parking, having sufficient room for standard size vehicles would be the correct and reasonable interpretation of the general intent stated in Section 6.060.020. The record shows that the general intent for off-street, residential parking provided at this two-family dwelling has been met.

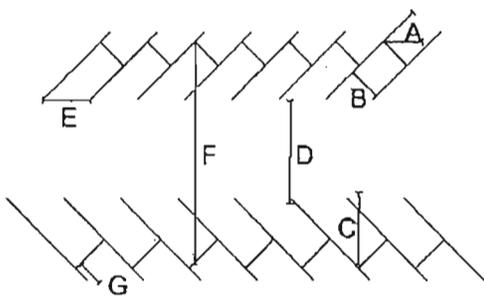
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Figure 7-1

OFF-STREET SURFACE PARKING DIMENSIONS
Required Space and Aisle Dimensions in Feet

		COMPACT					STANDARD						
	A	B	C	D	E	F	G	B	C	D	E	F	G
60°								9.0	19.0	16.0	10.4	54.0	2.5
								9.5	19.0	15.0	11.0	53.0	2.5
		8.0	17.0	14.0	9.20	44.0	2.5	10.0	19.0	14.0	11.6	52.0	2.5
90°								9.0	18.5	26.0	9.0	63.0	3.0
								9.5	18.5	25.0	9.5	62.0	3.0
		8.0	16.5	24.0	8.0	58.0	3.0	10.0	18.5	24.0	10.0	61.0	3.0

Stall width dimensions may be distributed as follows: 70% standard spaces, 30% compact spaces. All compact spaces shall be labeled as such.



- A** Parking Angle
- B** Stall Width
- C** Stall Depth (no bumper overhang)
- D** Aisle Width between stall lines
- E** Stall Width parallel to aisle
- F** Module Width (no bumper overhang)
- G** Bumper Overhang

#60

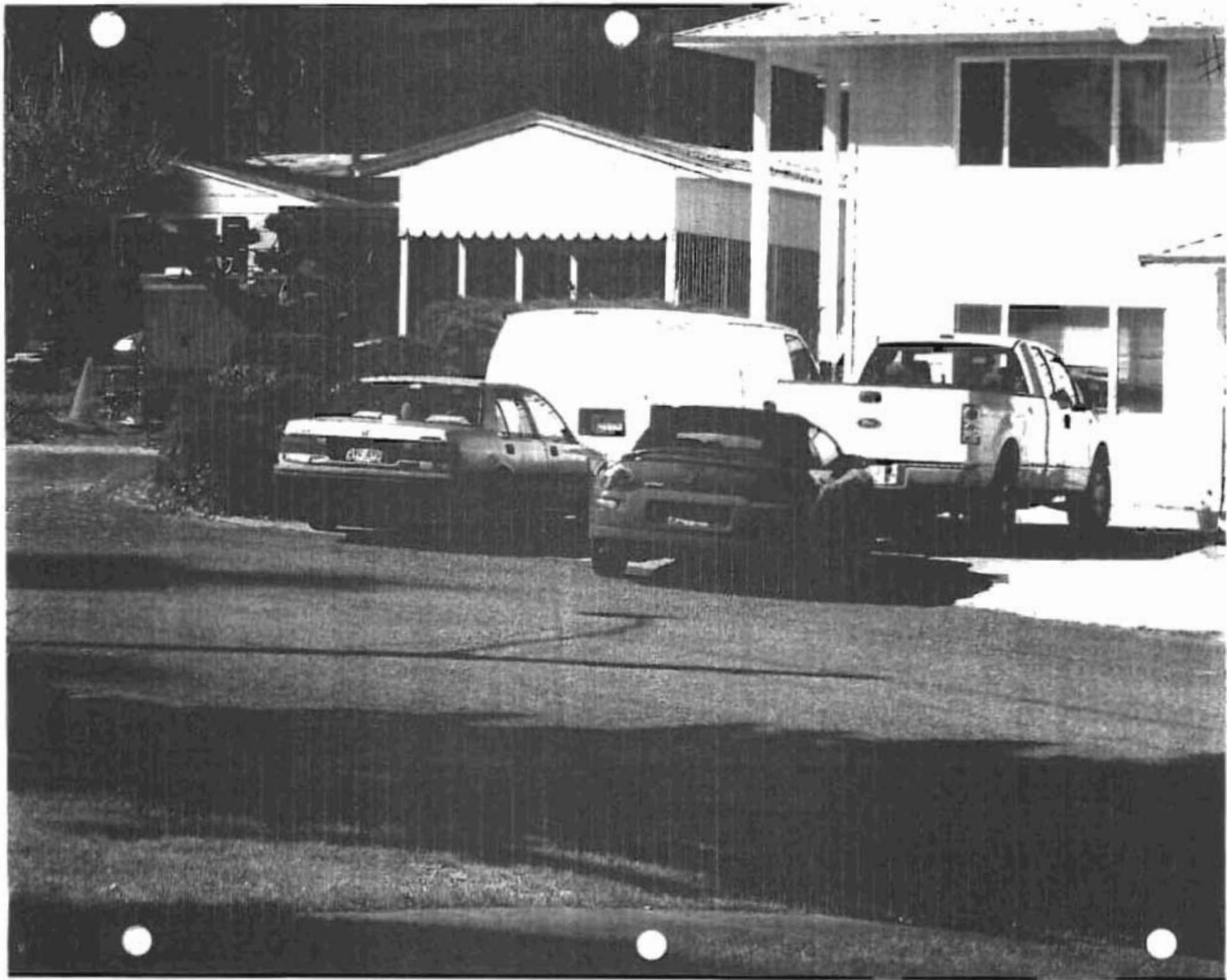


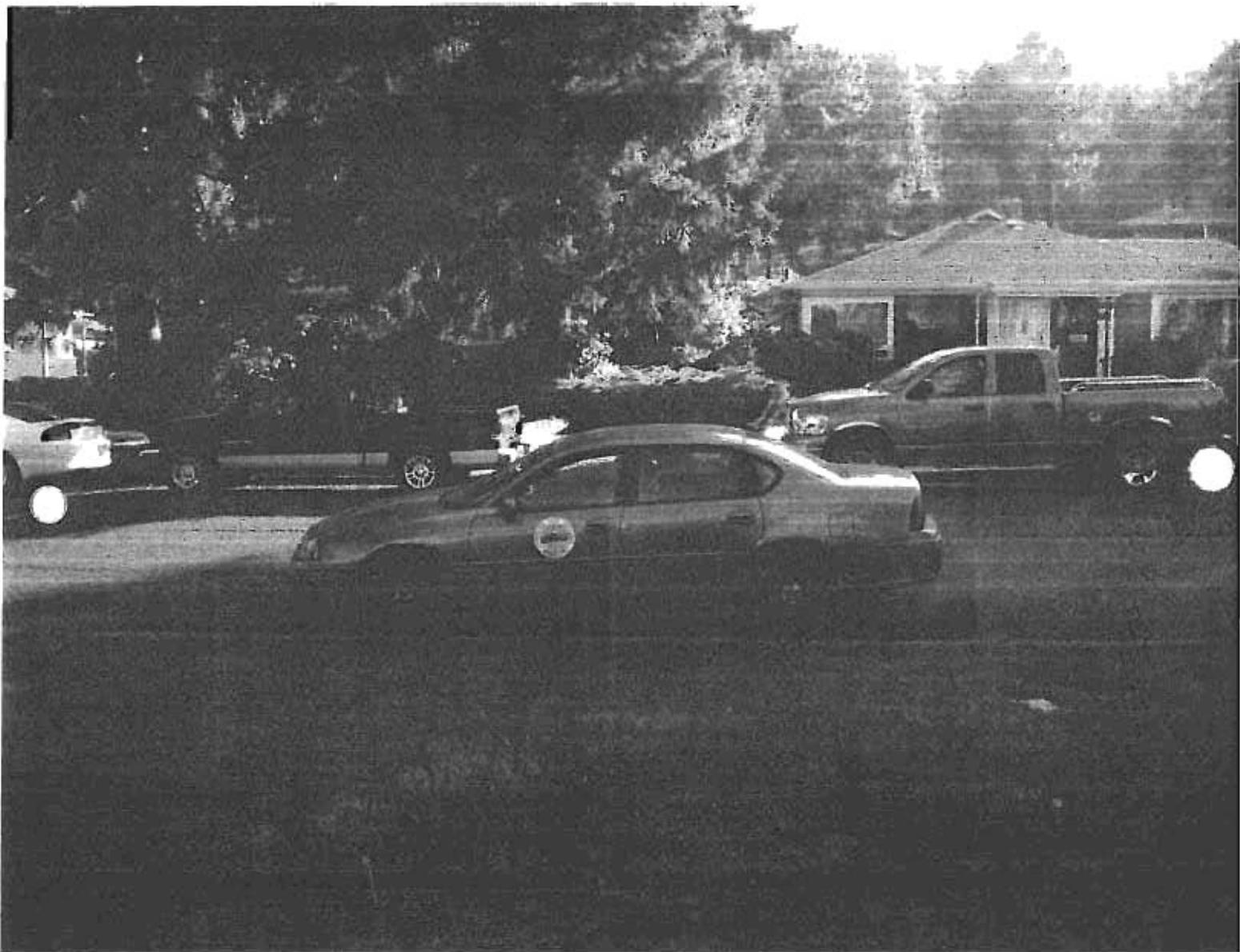
BUSTOS & HERNANDEZ





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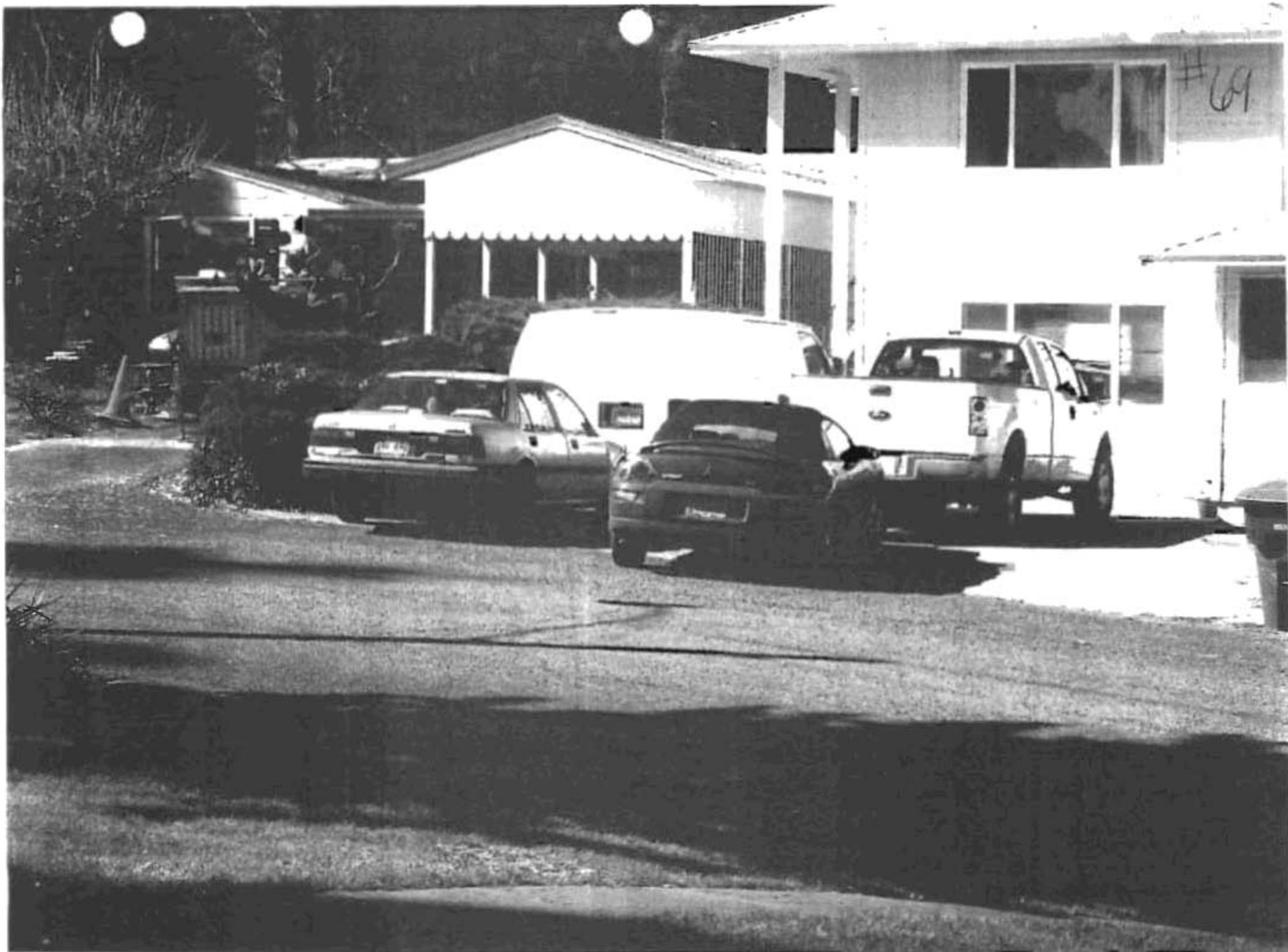
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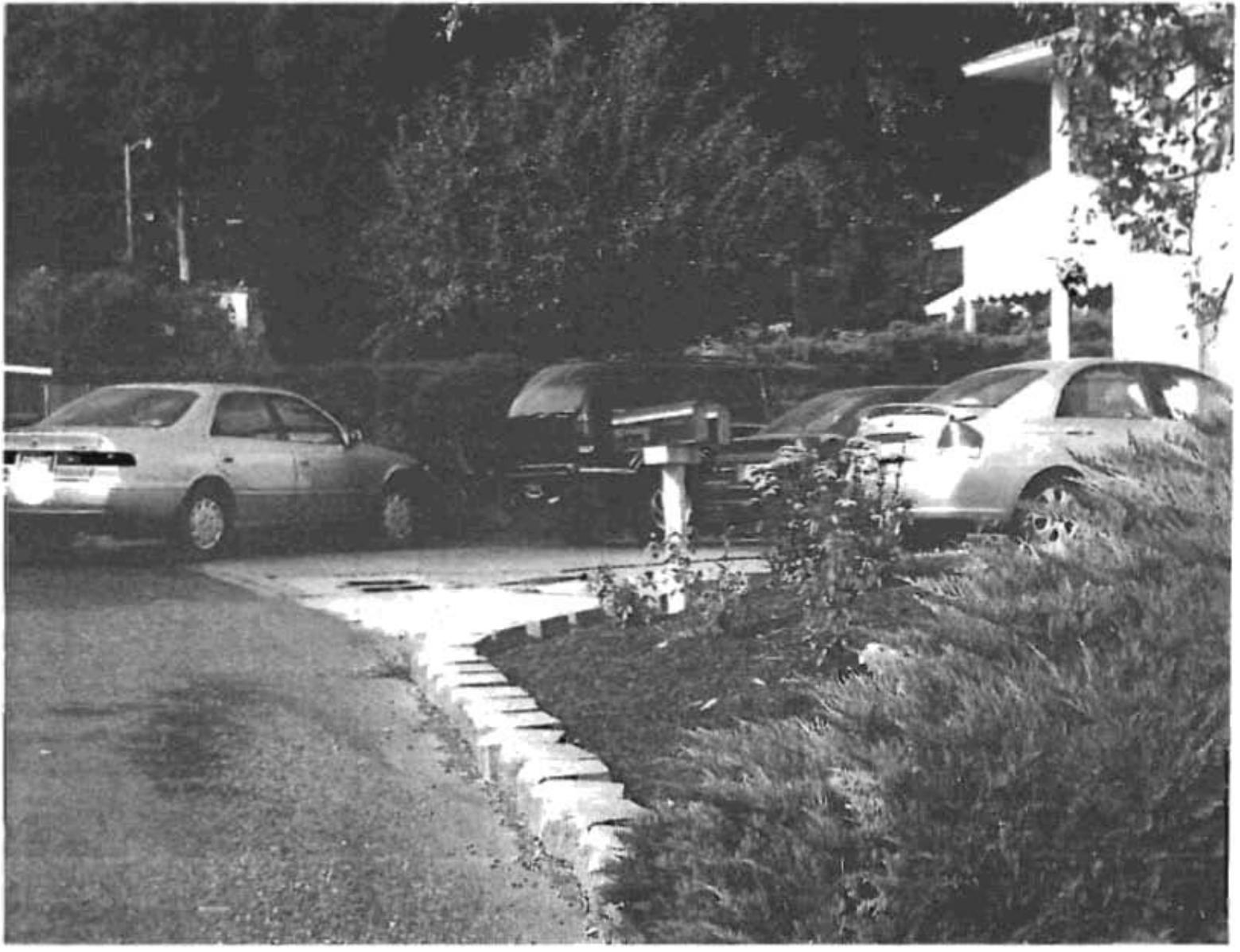




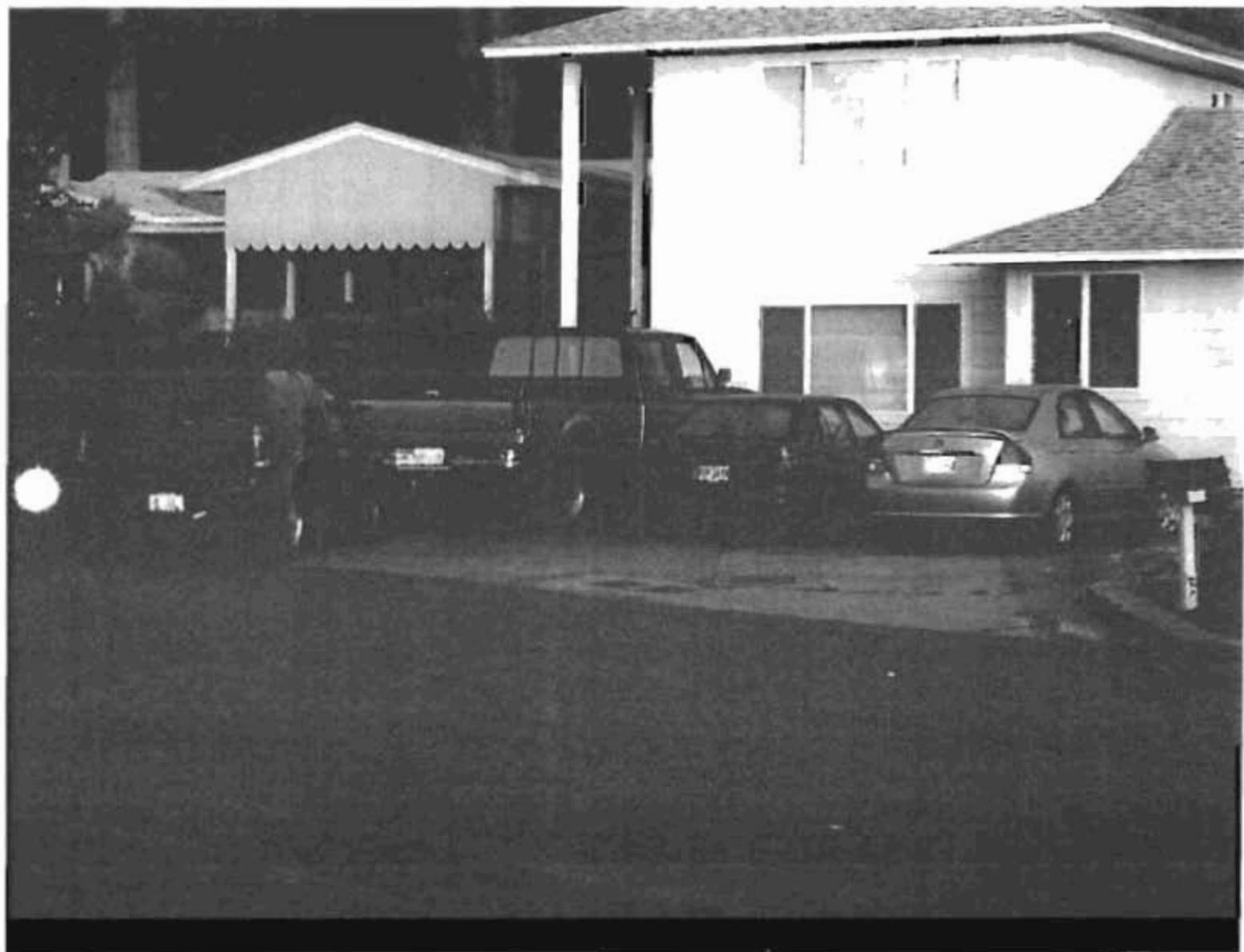
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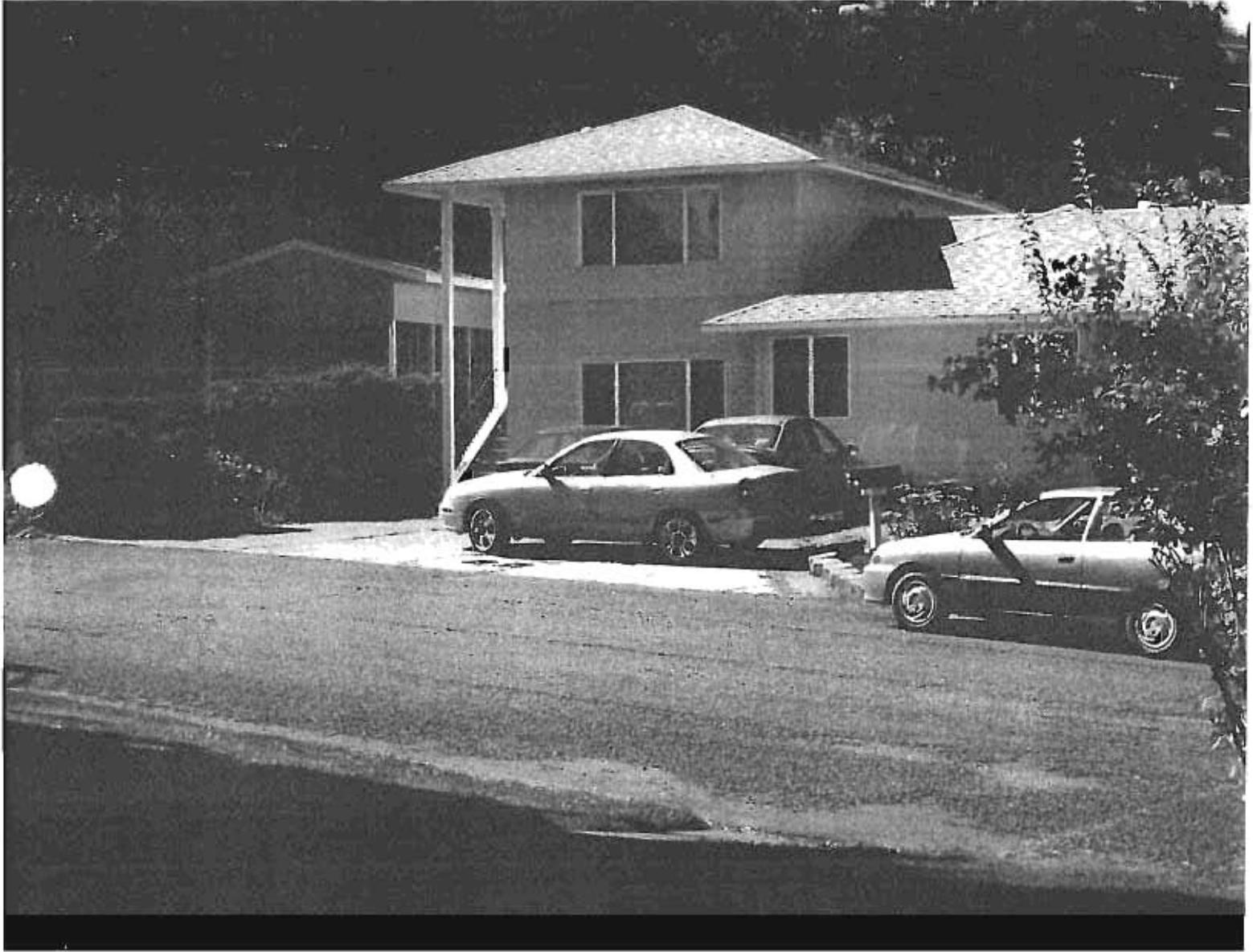
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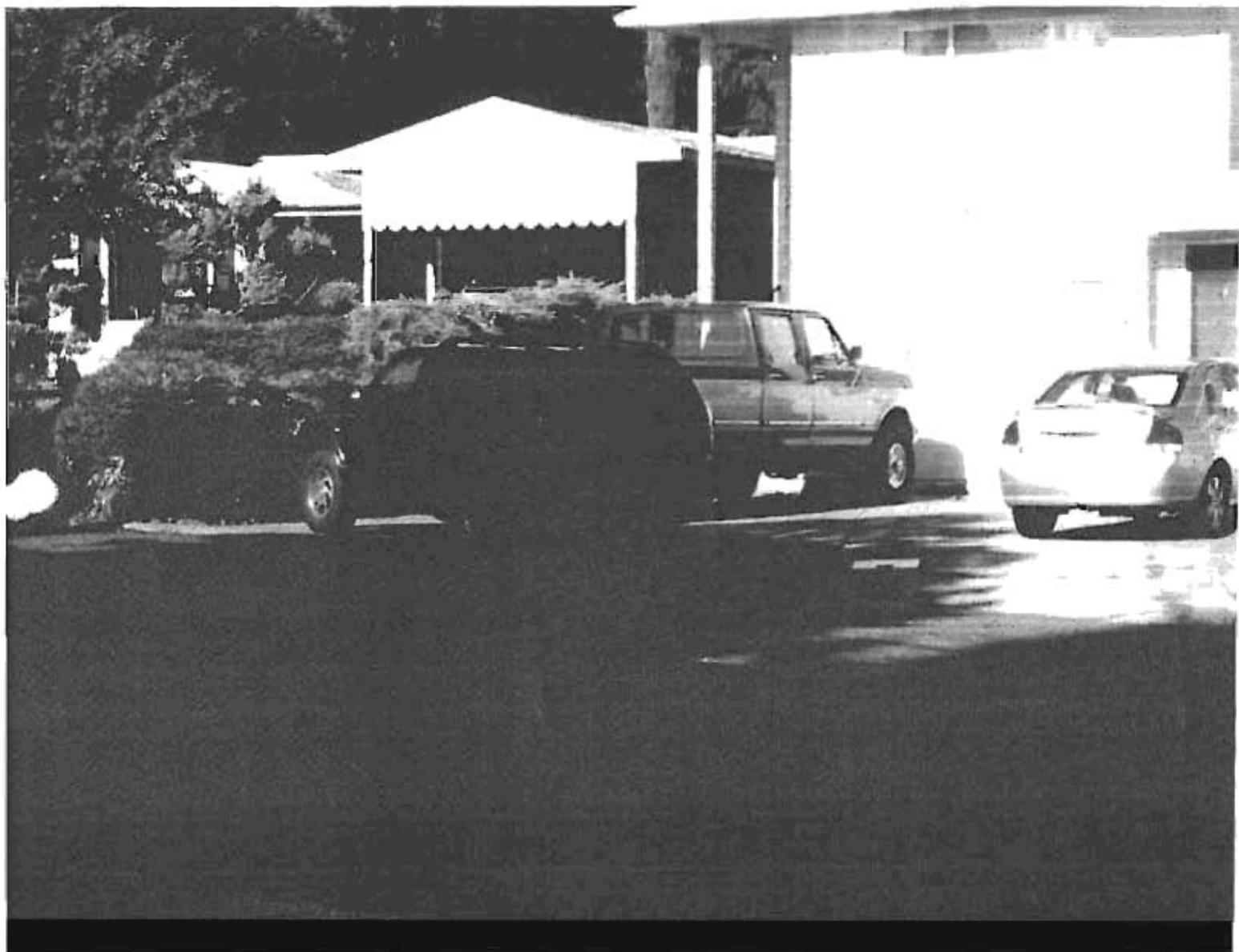
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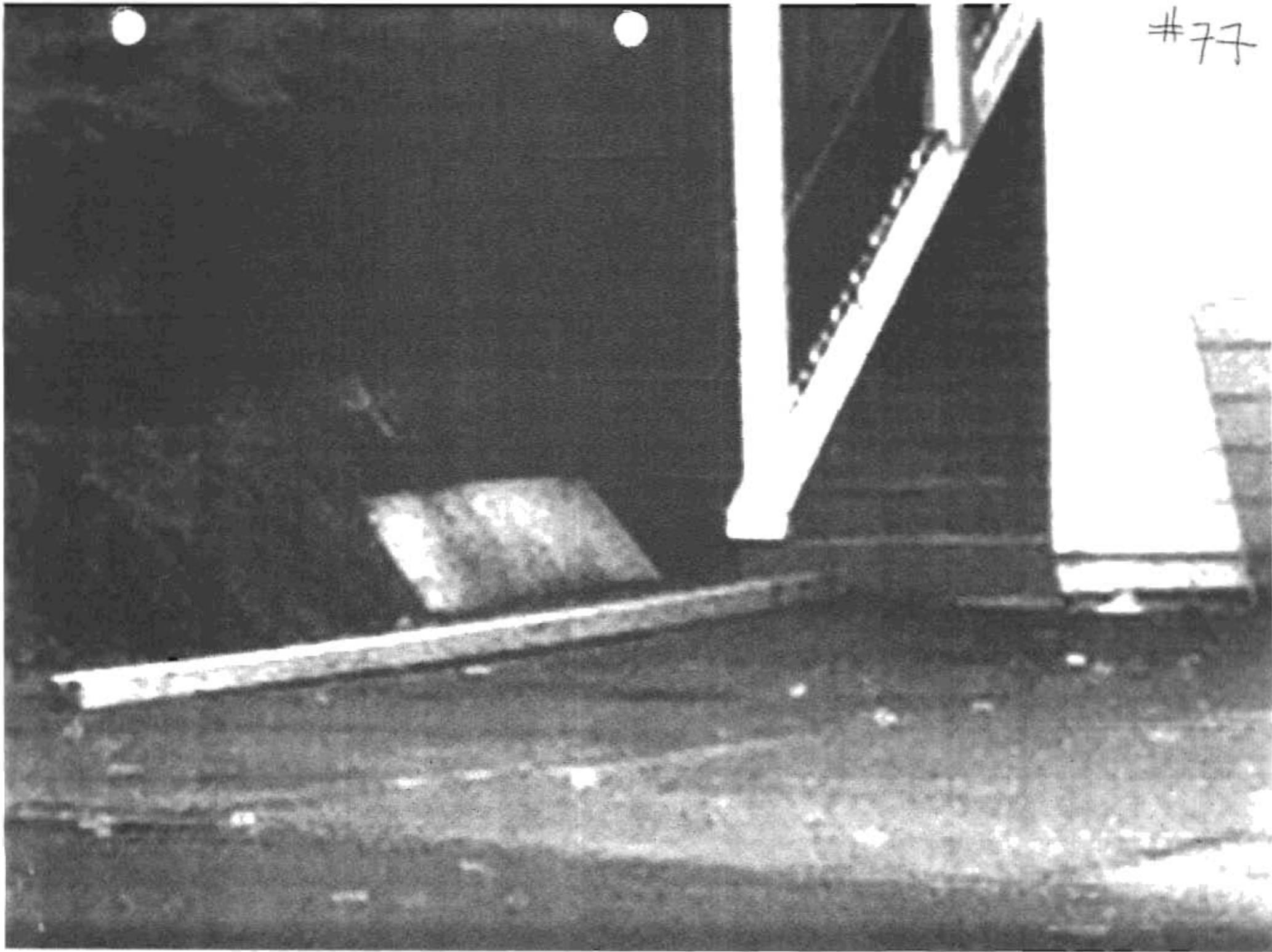
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City of The Dalles

Staff Report

Appeal 23-12

Appeal of Interpretation

Jennifer Blevins

Residential Parking Requirements

1215-1217 Blakely Drive

Prepared by: Dick Gassman, Senior Planner 

Procedure Type: Quasi-judicial

Hearing Date: September 20, 2012

Assessor's Map: Township 1 North, Range 13 East, Map 5 AA, tax lot 200

Address: 1215 and 1217 Blakely Drive (Duplex)

Comprehensive Plan "RL" Low Density Residential

Zoning District: "RL" Low Density Residential

City Limits: Inside

Applicant: Jennifer Blevins

Application: Request for Director's interpretation on parking requirements for one and two family dwellings.

Appeal: Applicant is appealing the Director's interpretation.

BACKGROUND INFORMATION

The subject property is currently occupied with a duplex. A duplex is required to provide four off street parking spaces. The applicant has questioned the size of the parking area and whether it is sufficient for the four parking spaces required. The applicant submitted a Petition for Enforcement of City Code, dated May 15, 2012, a copy of which is attached. That was referred by the City Council to the Community Development Director for an interpretation of the City's parking dimensions for one and two family dwellings. The Director prepared an interpretation, a copy of which is also attached.

LUDO Section 1.090 states that interpretations may be appealed to the Commission according to the provisions of LUDO Section 3.020.080.

NOTIFICATION

Notice of public hearing was mailed on September 7, 2012.

COMMENTS

No comments were received as of the preparation of this staff report. Any comments received prior to the hearing will be presented to the Commission at the hearing.

REVIEW

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

Section 3.020.080 Appeal Procedures:

Subsection A. De Novo. Appeals shall be a de novo evidentiary hearing.

FINDING 1: The hearing set for September 20 will be a de novo evidentiary hearing. The Planning Commission will have the opportunity to review the entire application and make a new decision. Criterion met.

Subsection B. Right to Appeal Decision. Any party of record may file an appeal.

FINDING 2: The appeal was filed by the applicant. Criterion met.

Subsection C. Filing Appeals.

FINDING 3: The filing of the appeal with the information required in the appeal, and payment of the appeal fee, was completed within the time lines set out in the ordinance. Criterion met.

Subsection G. Notification of Appeal Hearing. For appeals from an interpretation there is no notice requirement, other than to the appellant who in this case is also the applicant.

FINDING 4: The applicant was notified of the hearing on September 7, 2012. Criterion met.

Subsection H. Decision of Appeal. The Commission may affirm, reverse, or modify the interpretation. The Commission shall make findings and conclusions, and make a decision based on the hearing record.

FINDING 5: To help the Commission in its deliberations, attached to this report is a copy of the request, a copy of the interpretation, and a copy of the appeal from the applicant. Criterion will be met with the Commission's decision.

DISCUSSION

The LUDO does not prescribe the size of parking spaces for one and two family dwellings. The only requirement is that a total of four off street parking spaces be provided. For commercial areas the LUDO has a series of dimensional requirements, depending on the angle. Looking at those parking spaces with a 90 degree angle, the minimum width for commercial spaces is 8 feet wide and the minimum depth is 18.5 feet.

While there are no specific dimensional standards for one and two family homes, the parking arrangement still must meet the overall purposes of the LUDO as contained in Section 6.060.010: "... ensure that traffic congestion and hazards are avoided, vehicular and public safety are protected, and adequate vehicular circulation is maintained at connections to City streets and alleys."

In one and two family dwellings, unlike commercial parking areas, cars are allowed to be stacked, meaning they can be parked one behind the other. With no more than four parking spaces, cars are also allowed to back out into the street.

If we are to take a practical approach it is useful to look at the length of a typical passenger vehicle. Vehicles come in all sizes, but for purposes of determining what is an adequate space, the average length of a typical passenger vehicle is most relevant. This topic was looked at in a study for the City of Portland which found that the average length of midsized sedans measured just over 13.5 feet in length. Using that length as a rough idea of what might be considered adequate for a residential parking area, we then look at the actual space on site to determine if four vehicles could be parked off street.

The property in question has a driveway in front of a converted garage. No spaces are contained in the garage, so the driveway must have room for all four required spaces. The driveway is an irregular shape. The width is generally uniform and has been measured at various times as 25 feet to 27 feet 11 inches. In any situation, the width is sufficient for three cars to be parked side by side. The length varies from about 35 feet on the south end to more than 35 in the middle and then back to about 31 feet on the north end. A map drawn by John Dennee of the City is attached for your information. Using the information from the Portland study which shows the average length is about 13.5 feet, then it follows that a length of over 30 feet is sufficient to accommodate two cars. With length dimensions from 31 to over 35 feet on the driveway, two average vehicles could be stacked in the driveway. Two of these cars could be stacked on the driveway most easily using the middle portion, but could also be stacked on the southern

side of the driveway, and might also be able to be stacked on the north side. This would allow for a total of at least four parking spaces, and possibly five or six spaces.

There is no code requirement that cars actually be parked in off street spaces, only that such spaces be provided. It is possible that if cars have to be stacked, the owners will choose to park what would be the stacked car in an on street parking space if one is available. Cars may be parked in available spaces on the street on a first come, first served basis, even if space is available for off street parking.

In conclusion, where dimensional requirements for parking spaces are absent, we have looked at the site on a more practical basis. Using this approach there is adequate space on site for at least four parking spaces, the minimum required. If cars are being parked on site in a manner which encroaches into the public right of way, that could be a violation. If it is, that would be subject to enforcement by the City Police. Improper parking such as extending into the right of way is not a LUDO violation.

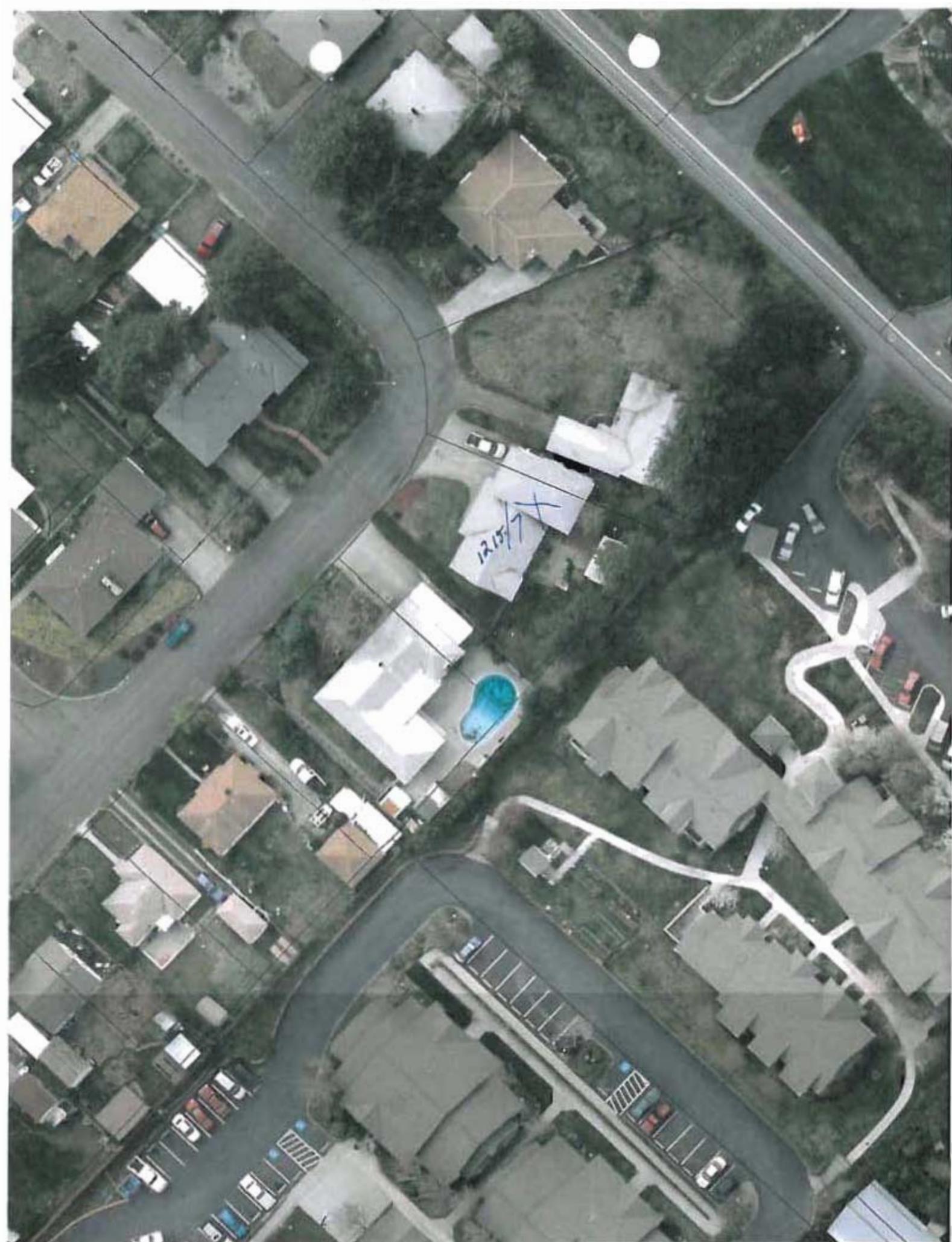
If the Commission agrees with the Interpretation of the Director that the onsite parking is adequate, then the Commission should deny the appeal, with appropriate findings of fact. If the Commission agrees with the appellant, the Commission will then need to either prepare a new interpretation or give guidance to staff to prepare a new interpretation to be presented to the Commission at a later date.

RECOMMENDATION

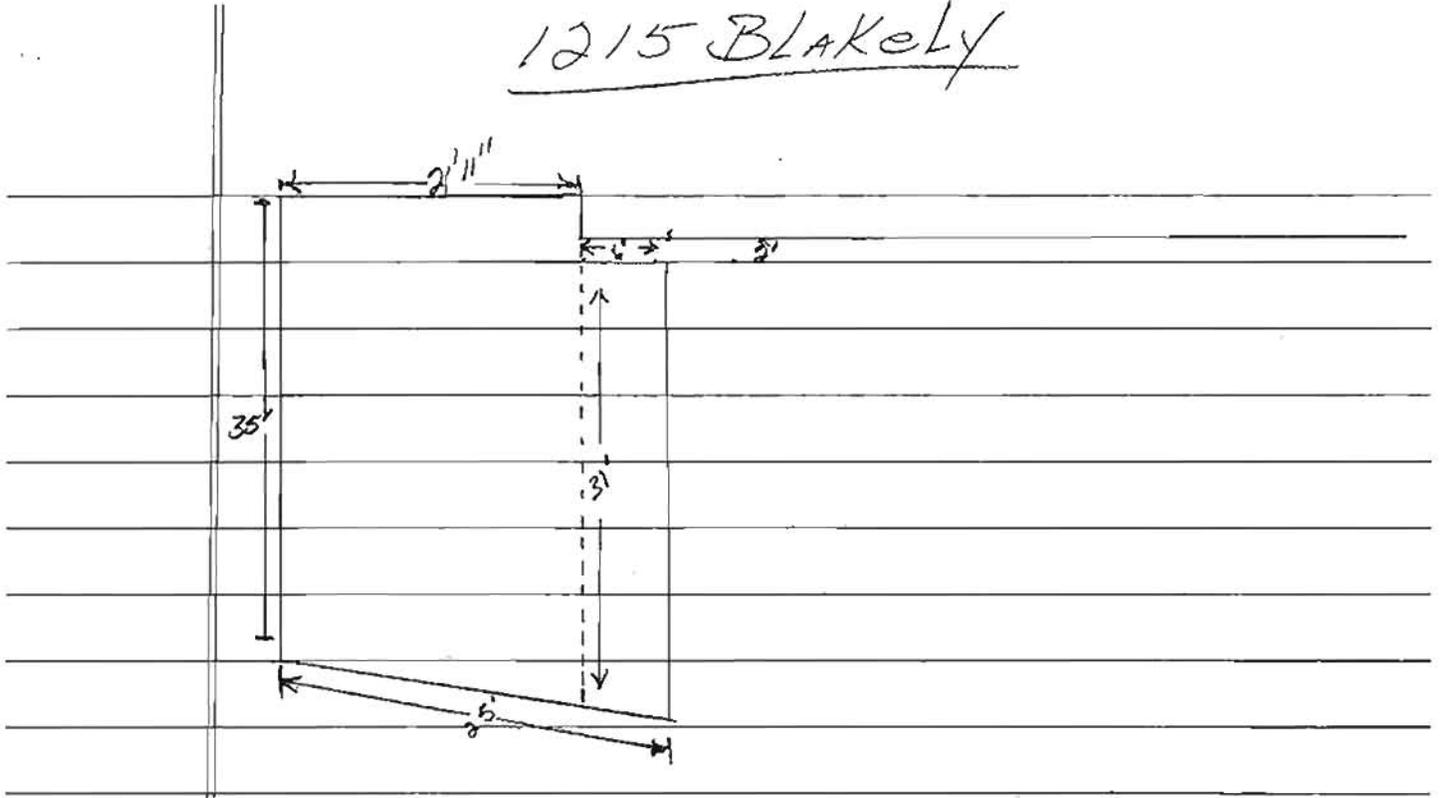
Staff recommends that the Commission deny the appeal and confirm the Director's interpretation.

Attachments

1. Petition for Enforcement of City Code, dated May 15, 2012.
2. Interpretation of Off-Street Parking Requirements, dated July 3, 2012.
3. Appeal of Interpretation from Attorney Hennessy, dated July 13, 2012.
4. Hand drawn map of driveway area at 1215-1217 Blakely Drive.



1215 Blakely





CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125

FAX: (541) 298-5490

Community Development Dept.

September 6, 2012

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of The Dalles Planning Commission will conduct a quasi-judicial public hearing on **Thursday, September 20, 2012 at 6:00 pm**, in the City Hall Council Chambers, 313 Court Street, The Dalles, Oregon 97058. The meeting will be conducted in a handicap accessible meeting room. Anyone requiring accommodations may call the office of the City Clerk, (541) 296-5481 ext. 1120, Monday through Friday, from 8:00 a.m. to 5:00 p.m. to make arrangements.

This notice is being sent to affected agencies, parties of record, and property owners within 300 feet of the subject property. The request is outlined below, and the procedures for the public hearing are also shown. **The application and all related documents, as well as the applicable criteria are available for viewing at the Community Development Department in City Hall.**

APPLICANT: Jennifer Blevins

APPLICATION NUMBER: APL 23-12

REQUEST: Appeal of a land use interpretation of off-street parking requirements dated July 3, 2012.

PROPERTY OWNER: David J. Bustos

LOCATION: Property is located at 1215-1217 Blakely Drive, The Dalles, OR and further described as 1N 13E 5AA 200. Property is zoned "RL"- Residential Low Density District.

REVIEW CRITERIA: City of The Dalles Land Use and Development Ordinance No. 98-1222, Section 1.090 – Interpretation; Section 3.020.080 – Appeals; and Section 5.010 – "RL" – Low Density Residential District.

COMMENT PROCEDURE:

1. Signed written comments may be submitted prior to the hearing by mail or personal delivery. Faxes will only be accepted if sent to 541-298-5490. Emails will only be accepted if sent to rgassman@ci.the-dalles.or.us. All comments must include the name and address of the person making the comments. Comments for a quasi-judicial hearing which are longer than one side of one page shall be accepted only by mail or in person and only if 12 copies are presented. Comments must be at least equal in size to ten point type. Comments must be received by 5 p.m. on the hearing date, or may be presented in person at the hearing. Additional information relating to

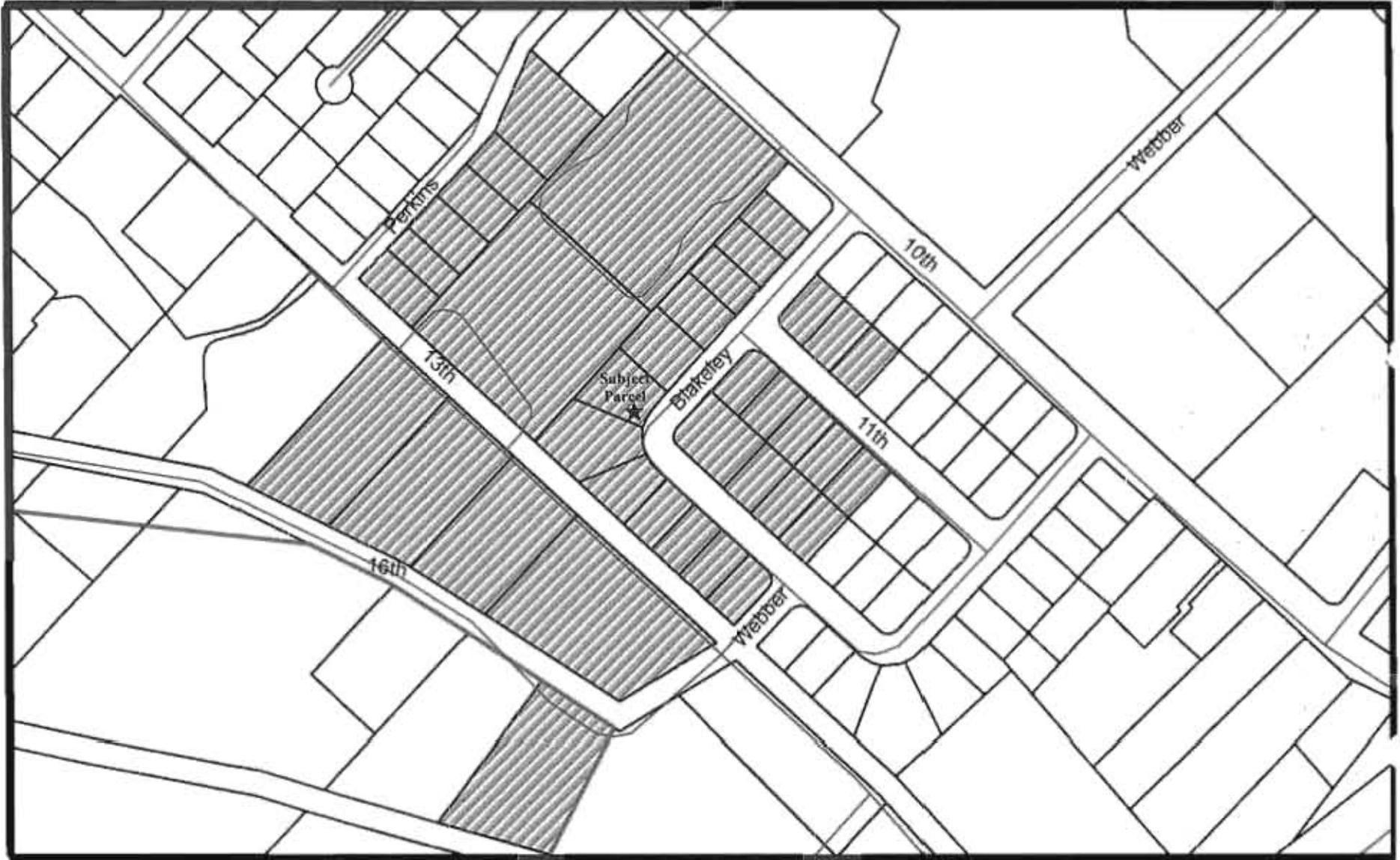
comments and the quasi-judicial hearing process can be found in LUDO Section 3.020.070. The full LUDO is on line at www.ci.the-dalles.or.us.

2. Failure to raise an issue during the public hearing process, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue will preclude an appeal to the City Council and the Land Use Board of Appeals based upon that issue.
3. Copies of all review criteria and evidence relied upon by the decision maker or evidence provided by the applicant are available for free review or may be purchased at the Community Development Department, 313 Court Street, The Dalles, Oregon 97058. **A Staff Report will be available for inspection seven days prior to the hearing.**

DECISION PROCESS:

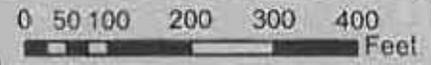
1. An application is received, decision date set, and notice mailed to property owners within 300' of the subject property.
2. All affected City departments and other agencies are asked to comment.
3. All timely comments and the application are weighed against the approval criteria in a Staff Report.
4. The provisions of the Land Use and Development Ordinance No. 98-1222 and the City of The Dalles Comprehensive Plan must be met.
5. A decision is reached by the Planning Commission based on the Findings of Fact in the Staff Report and other evidence submitted.
6. Parties of Record (notified property owners, affected public agencies, and other parties who make timely comment) will receive a Notice of Decision.
7. Aggrieved parties may appeal a Quasi-Judicial decision to the City Council within 10 days of the date a Notice of Decision is mailed, subject to the requirements for appeal procedures.

If you have any questions, please call the Community Development Department, Richard Gassman, Senior Planner at (541) 296-5481, ext. 1151 or contact via e-mail at rgassman@ci.the-dalles.or.us.



- Legend**
- Roads
 - Parcels
 - ▨ Notified Properties
 - Urban Growth Boundary

Notice of Public Hearing - September 20, 2012
 Jennifer Blevins - APL 23-12
 Appeal of Land Use Interpretation - Parking



Community Development Dept.
 September 7, 2012 ~ DMH

September 5, 2012
PO# 183866

NOTICE OF PUBLIC HEARING

The City of The Dalles Planning Commission will hold a public hearing on Thursday, September 20, 2012, at 6:00 pm. The meeting will take place in the City Council Chambers at City Hall, 313 Court Street, The Dalles, Oregon. The purpose of the hearing is to receive public testimony regarding the following application:

APPLICATION NUMBER: APL 23-12; Jennifer Blevins; REQUEST: Appeal of a land use interpretation of off-street parking requirements dated July 3, 2012.

LOCATION: Property is located at 1215-1217 Blakely Drive, The Dalles, Oregon, and is further described as 1N 13E 5AA tax lot 200. Property is zoned "RL"- Residential Low Density District.

All information relating to the application and review criteria are available at, and comments may be delivered to, the Community Development Department, Richard Gassman, Senior Planner, phone 541-296-5481, ext. 1151. Signed written comments may be submitted prior to the hearing by mail or personal delivery. Faxes will be accepted only if sent to 541-298-5490. Emails will only be accepted if sent to rgassman@ci.the-dalles.or.us. All comments must include the name and address of the person making the comments. Comments for a quasi-judicial hearing which are longer than one side of one page shall be accepted only by mail or in person and only if 12 copies are presented. Comments must be at least equal in size to ten point type. Comments must be received by the hearing date, or may be presented at the hearing. Additional information relating to comments and the quasi-judicial hearing process can be found at Section 3.020.070 in the LUDO. The LUDO is on line at www.ci.the-dalles.or.us.

The meeting will be conducted in a handicap accessible meeting room. Anyone requiring accommodations may call the office of the City Clerk, 541-296-5481 ext. 1120, Monday through Friday, from 8:00 a.m. to 5:00 p.m. to make arrangements.

****PLEASE PUBLISH ONCE, SUNDAY, SEPTEMBER 9, 2012**
THANK YOU, CAROLE TRAUTMAN, ADMINISTRATIVE SECRETARY.



CITY OF THE DALLES
NOTICE OF APPEAL FOR LAND USE DECISIONS

APPELLANT'S NAME & ADDRESS: Jennifer Blevins
1212 Blakely Drive
The Dalles, OR 97058

Please state the reasons why the appellant qualifies as a party entitled to file a notice of appeal:
Appellant Jennifer Blevins, qualifies as a party entitled to file a notice of appeal because she was the Petitioner seeking an interpretation of the applicable parking and driveway requirements that mandate the accommodation of four separate vehicles, without any encroachment into the public right of way and without the creation of any unsafe conflicts with on-site circulation.

Please provide the date and a brief description of the decision being appealed:
The decision is dated July 3, 2012; however, it was mailed on July 5, 2012. The Community Development Director ("Director") agreed that the residential use of the subject duplex property requires provision of four (4) off-street parking spaces. Then, he found that the record shows that there is sufficient room to park four vehicles of 'standard size' and there is no violation of the general intent of Section 6.060.020. A copy of the Director's Decision is attached hereto.

Please cite the specific grounds why the decision should be reversed or modified, and cite the applicable criteria or procedural error which supports the grounds for the appeal.*
The subject property is in violation of Section 6.060 of the LUDO based upon the failure to provide a driveway design (to accommodate the 4 mandatory spaces) which prevents vehicles from backing up into the flow of traffic on Blakely Drive and which causes unsafe conflicts with on-site circulation by blocking unobstructed ingress and egress.

(see attached pages for additional explanation of the grounds for appeal)

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

7/14/12 Appeal fee received

Continued explanation of the specific grounds why the decision should be reversed:

While the City code does not specify mandatory dimensional requirements for each parking space, the City's own parking lot has *standard* spaces which are 9 feet by 18 feet. There is *no* available area in the designated parking area of the duplex to accommodate four 9 by 18-foot parking spaces on site.

The evidence in the record shows that actual use of the parking area often results in vehicles extending into the public right of way or impeding on-site circulation, in violation of LUDO Section 6.060.020, which provides that:

[t]he length of driveways shall be designed to accommodate the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing up into the flow of traffic on a public street or causing unsafe conflicts with on-site circulation.

The Director erred in finding that the parking situation is consistent with the intent of this section, when the evidence shows repeated violations. He further erred in determination that the recurring code violations (extension into the public right of way and creation of unsafe conditions on site) are merely *enforcement* issues which are unrelated to the question of whether four vehicles *can* be accommodated on site.

The fact that four Smart Cars *could* fit in the designated parking area does not satisfy the requirement for four *standard* parking spaces. None of the tenants has a Smart Car and there is no requirement that all duplex tenants drive Smart Cars. Therefore, the size of a Smart Car is not a relevant consideration. There is *no* evidence in the record showing four lawfully parked *standard sized* vehicles.

Prior to conversion of the garage to living space, there were four *legitimate* parking spaces on site: three in front plus the garage. Upon the conversion of the garage, one space was lost and it has not been replaced. The Director cannot simply state that there is *sufficient* room for four vehicles in light of the well-documented and repeated situations in which the vehicles extend from the parking area into the public right of way.

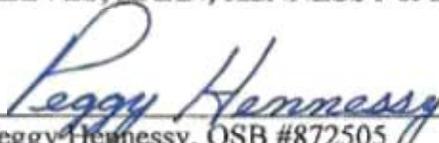
Based upon the foregoing, we respectfully request that the planning commission reverse the Director's decision and enforce the requirement for four off-street parking spaces by:

- 1) Restoring the garage parking space; or
- 2) Creating a fourth parking space on the property that is otherwise consistent with the City's code requirements.

DATED this 13th day of July, 2012.

Respectfully submitted,

REEVES, KAHN, HENNESSY & ELKINS


Peggy Hennessy, OSB #872505
Of Attorneys for Appellant, Jennifer Blevins



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 298-5481 ext. 1125
FAX: (541) 298-5490
Community Development Dept.

Memorandum

To: Peggy Hennessy, REEVES, KAHN, HENNESSY & ELKINS
From: Daniel C. Durow, Community Development Director 
Date: July 3, 2012
Re: Off-Street Parking Requirements; Petition for Interpretation of Code

The City Council was sent a petition from you on behalf of your client, Ms. Blevins, for an interpretation of the City's Land Use and Development Ordinance (LUDO), specifically the off-street parking requirements. The City attorney advised that interpretations of the LUDO are first provided by the Community Development Director as outlined in the procedures described in the LUDO. The Director's interpretation can then be appealed to the Planning Commission, which can subsequently be appealed to the City Council.

City staff, including the City Attorney, Code Enforcement Officer, Senior Planner, and myself, has reviewed your petition for interpretation of the LUDO, along with the extensive files on this issue, specifically for off-street parking requirements in a residential zone. The LUDO Sections 7.060 and 6.060 are specifically cited in your petition.

It is clear, and agreed, that the residential use at 1215 & 1217 Blakely Drive is a two family dwelling. It is also clear, and agreed, from the language in Section 7.060 of the LUDO that four (4) off-street parking spaces are required for a two family residential dwelling.

The LUDO Section 6.060 Driveway and Entrance Standards, and specifically Section 6.060.020 General Standards, states that "[t]he length of driveways shall be designed to accommodate the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing up into the flow of traffic on a public street or causing unsafe conflicts with on-site circulation". There are no length or width standards indicated for residential off-street parking spaces in the LUDO. Section 6.060.020 of LUDO provides that there should be enough room for four vehicles to park and not violate the intent, which is to not block the flow of traffic or cause other unsafe, on-site conditions.

Every property has conditions that are unique and these must be considered in the context of the site. In this case, although not in an ideal configuration, the record shows that there is sufficient room to

park four vehicles of 'standard size' and not violate the general intent in Section 6.060.020. This standard size would be a reasonable "anticipated" storage length needed to meet the general intent. Whether the residents in fact always park accordingly is an enforcement issue. If the four vehicles parking at this site were extended cab, dual-wheel, pickup trucks, then from a practical standpoint the general intent of this section may not be met because the vehicles could block the flow of traffic or cause some on-site safety issues. It is also reasonable to believe that as many as six or eight Smart Cars could park in this same space and not violate the general intent.

However, these situations do not change the fact that there is sufficient room for parking four vehicles of a more standard size or in various sizes to fit the spaces. Since there are no stated length or width standards for residential off-street parking, having sufficient room for standard size vehicles would be the correct and reasonable interpretation of the general intent stated in Section 6.060.020. The record shows that the general intent for off-street, residential parking provided at this two-family dwelling has been met.

REEVES, KAHN, HENNESSY & ELKINS

ATTORNEYS AT LAW

4035 SE 52nd AVENUE
P.O. BOX 86100
PORTLAND, OREGON 97285-0100

Please Reply To P.O. Box

TELEPHONE (503) 777-5473
FAX (503) 777-8566

direct e-mail:
phennessy@rke-law.com

H. PHILIP EDER (1927-2004)
TIFFANY A. ELKINS*
J. MICHAEL HARRIS
PEGGY HENNESSY*
GARY K. KAHN*
MARTIN W. REEVES*

*Also Admitted in Washington

May 15, 2012

Mayor Jim Wilcox
The Dalles City Hall
313 Court Street
The Dalles, Oregon 97058

Carolyn Wood, Councilor At Large
The Dalles City Hall
313 Court Street
The Dalles, Oregon 97058

Timothy McGlothlin, Councilor, Position #1
The Dalles City Hall
313 Court Street
The Dalles, Oregon 97058

Dan Spatz, Councilor, Position #2
The Dalles City Hall
313 Court Street
The Dalles, Oregon 97058

Bill Dick, Councilor, Position #3
The Dalles City Hall
313 Court Street
The Dalles, Oregon 97058

Brian Ahier, Councilor, Position #4
The Dalles City Hall
313 Court Street
The Dalles, Oregon 97058

Re: Jennifer Blevins – Petition for Enforcement of City Code
Failure to Provide Mandatory Off-Street Parking at 1215-1217 Blakely Drive

Dear Honorable Mayor Wilcox and Members of the City Council:

Our office represents Jennifer Blevins with respect to her interest in the enforcement of the off-street parking requirements for her neighbor's property. I am enclosing our formal Petition for Enforcement of City Code.

When the existing garage on the subject property was converted to living space, one of the off-street parking spaces was lost. Ms. Blevins has attempted to resolve this matter with the City Attorney and the City Code Enforcement Officer. However, notwithstanding photographic evidence of repeated encroachment by vehicles into the public right of way, and the inability to provide two 9' by 18' stacked parking spaces in addition to the other two single vehicle spaces, the City has found that the property is in compliance with the City Code.



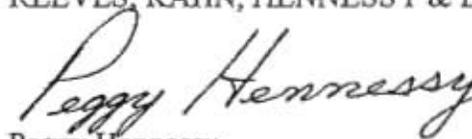
Mayor and City Council
The Dalles, Oregon
May 15, 2012
Page 2

As the governing body of the City of The Dalles, the City Council is to interpret the City Code, and reviewing bodies will defer to that interpretation. Accordingly, Ms. Blevins respectfully requests that you make a determination as to whether the property at 1215-1217 Blakely Drive, The Dalles, Oregon can accommodate four legitimate off-street parking spaces (without the single car garage space), as required by the City Code.

Please let me know when this issue will be placed on the City Council agenda. Thank you for your consideration of our request.

Sincerely,

REEVES, KAHN, HENNESSY & ELKINS



Peggy Hennessy

PH/blb

Enclosures

cc: Nolan Young, City Manager (w/encl.)
Gene Parker, City Attorney (w/encl.)
John Dennee, Planning Code Compliance Officer (w/encl.)
David Bustos, Property Owner (w/encl.)
Client (w/encl.)

BEFORE THE CITY COUNCIL
FOR THE CITY OF THE DALLES, OREGON



In the Matter of the Failure to Provide Four
Off-Street Parking Spaces for the Duplex at
1215-1217 Blakely Drive, The Dalles,
Oregon in Violation of the City Code

DAVID J. BUSTOS /Owner

Case No.

PETITION FOR
INTERPRETATION
OF CITY CODE
(Off-Street Parking Requirements)

I. INTRODUCTION

This Petition is filed on behalf of Jennifer Blevins (hereinafter, "Petitioner") based on the failure of David J. Bustos (hereinafter, "Owner") to provide (and the City's failure to require) four legitimate off-street parking spaces (as mandated by Section 7.060 of the City Code), for the duplex at 1215-1217 Blakely Drive, The Dalles, Oregon (hereinafter, "Property"). There appear to be three uncovered parking spaces on site. In addition to the three spaces in the driveway, the site previously included a single car garage which constituted the fourth on-site parking space required for the duplex. However, since the conversion, the garage is no longer available for parking.

When the existing garage was converted to living space, this was an expansion of the nonconforming use as a duplex, and the burden was on the Owner to show that the off-street parking requirements could still be met. Prior to conversion, the 4-space requirement was met by including one off-street parking space in the garage. The owner has not carried his burden to show compliance with the City Code. Petitioner seeks an interpretation of the City Code by the City Council to determine whether there are four legitimate off-street parking spaces remaining on the Property after exclusion of the parking spot in the converted garage.

II. FACTS

The City has approved the subject Property for use as a duplex, which is a non-conforming use. The prior owner converted the garage to living space, thereby eliminating one of the off-street parking spaces. On August 24, 2010, the City Attorney notified the current Owner that he is required to comply with the City's off-street parking requirements which mandate provision of four off-street parking spaces for this Property. Exhibit 1.

Petitioner, who lives across the street from the subject Property, has repeatedly requested compliance with the mandatory off-street parking requirements. The lack of adequate parking space results in unsafe encroachment of the vehicles into the public right of way. The attached photographs show that the site cannot reasonably accommodate more than three cars. Exhibit 2.

Notwithstanding the lack of space for more than three vehicles, the City Code Enforcement Officer and the City Attorney have taken the position that there are, indeed, four *legitimate* off-street parking spaces – even without the garage. On April 22, 2010, John Dennee reported to the City Attorney that “[a]mple space is available for four vehicles, which is the minimum for the two dwelling units planned for the properties.” Exhibit 3. On March 4, 2011, Gene Parker, the City Attorney, reiterated that the “City’s Planning Code Enforcement Officer has inspected the driveway for the subject properties, and has determined that there is sufficient space to satisfy the City’s requirement for four off-street parking spaces.” Exhibit 4. Mr. Parker recently confirmed that “[t]he City’s position is that this property is in compliance with [the City’s] LUDO requirements and [the City] will not pursue any enforcement action unless there is documented evidence that the LUDO has been violated.” Exhibit 5. Petitioner believes that there is, indeed, documented evidence that the LUDO has been violated. Exhibit 2.

III. ARGUMENT

Section 7.060 of the City's Land Use and Development Ordinance provides that there must be four off-street parking spaces for a duplex. The duplex at 1215 - 1217 Blakely Drive previously met this requirement with a single car garage, plus three parking spaces in the driveway. When the former owner of the duplex converted the garage to living space, this was an expansion of the nonconforming duplex use and the owner was required to show how the property was still in compliance with the applicable parking regulations.

The City has no mandatory dimensional requirements for each parking space, but appears to acknowledge that 9 feet by 18 feet is a relatively standard size. Exhibit 5. Petitioner does not dispute that there is sufficient space for three vehicles pulled in at 90 degree angles. However, Mr. Parker alleges that there is also room to stack two vehicles in the center space, "the center area can accommodate two parking spaces that would measure at least 18 feet in length by 9 feet in width." Exhibit 5. There is *no* available area in the driveway, which measures 9 feet in width by 36 feet in length, to accommodate two stacked vehicles on site.

Moreover, the photographs showing actual use of the parking area demonstrate that attempts to stack vehicles result in the second vehicle extending into the public right of way. Exhibit 2. The Property cannot accommodate four off-street parking spaces without using the garage as one of the four spaces.

In his March 4, 2011 letter, the City Attorney stated that "[i]f it is established that the vehicles are being parked in the driveway in such a manner that they violate the above cited provisions [7.060 and 6.060], the City will pursue appropriate enforcement proceedings to ensure that the use of the off-street parking spaces complies with [the] LUDO." Exhibit 4.

Notwithstanding the photographic evidence that there are not four legitimate off-street parking spaces which can keep four separate vehicles entirely on the premises (Exhibit 2), and notwithstanding the photographic evidence that the length of the driveway cannot accommodate stacked vehicles in a manner that prevents vehicles from backing into the flow of traffic on a public street or causing unsafe conflicts with on-site circulation, the City has taken the position that there is no documented evidence to show that the LUDO has been violated. Accordingly, the City Code Enforcement Officer (with the support of the City Attorney) has refused to take any enforcement action. Exhibit 5.

The City Council, as the governing body, has the responsibility to interpret the City Code. Petitioner believes that City staff has misinterpreted the requirements of Sections 7.060 and 6.060 of the City's LUDO with respect to their application to the subject Property. Accordingly, Petitioner respectfully requests a determination by the City Council of whether the subject Property is in full compliance with Sections 7.060 and 6.060 of the LUDO.

IV. CONCLUSION

Petitioner seeks a formal City Council interpretation of the applicable parking and driveway requirements that mandate the accommodation of four separate vehicles, without any encroachment into the public right of way and without the creation of any unsafe conflicts with on-site circulation. Based on the foregoing, because the Property cannot accommodate four off-site parking spaces without the garage, Petitioner respectfully requests that:

1. The City Council declare that the Property is in violation of Section 7.070 of the LUDO based upon the failure to provide four functional off-street parking spaces for the duplex on the subject Property;

2. The City Council declare that the Property is in violation of Section 6.060 of the LUDO based upon the failure to provide a driveway design (to accommodate the 4 mandatory spaces) which prevents vehicles from backing up into the flow of traffic on Blakely Drive and which causes unsafe conflicts with on-site circulation by blocking unobstructed ingress and egress; and

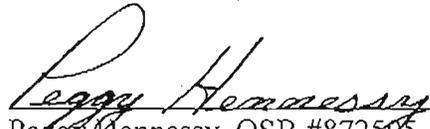
3. The City Council prohibit continued use of the Property as a duplex unless the garage is restored to provide a fourth functional off-street parking space (this would effectively allow the continued nonconforming status for the duplex while assuring compliance with the City's off-street parking requirements); or, in the alternative,

4. If the Owner chooses not to restore the garage to provide a legitimate parking space, that the City Council limit use of premises to a single family dwelling which does not require four off-street parking spaces because the expansion of the nonconforming duplex use cannot satisfy the requirements of the City's LUDO.

DATED this 15th day of May, 2012.

Respectfully submitted,

REEVES, KAHN, HENNESSY & ELKINS


Peggy Hennessy, OSB #872505
Attorney for Petitioner Jennifer Blevins



CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX (541) 296-6908

August 24, 2010

FILE COPY

Mr. David J. Bustos
P.O. Box 113
The Dalles, OR 97058

Re: 1215 and 1217 Blakely Drive

Dear Mr. Bustos:

It is my understanding you recently purchased the property located at 1215 and 1217 Blakely Drive. As you may be aware, the City has approved the property for the use as a duplex as a non-conforming use. One of the conditions for the non-conforming use to continue is that the residential off-street parking requirements of the City's Land Use and Development Ordinance must be met. These requirements provide that four off-street parking spaces must be provided.

I have recently received concerns raised by local neighbors who are convinced that there is not sufficient room in the existing driveway to allow for the parking of four vehicles. The neighbors have claimed that they have observed the back part of certain vehicles hanging out into the street while they are parked in the driveway, which is a violation of the City's ordinances.

In order to address the neighbor's concerns, I would like to meet with you to discuss these concerns, and what your plans are to ensure that the off-street parking requirements will be satisfied. Please contact my office to schedule an appointment at your earliest convenience.

Very truly yours,

Gene E. Parker
Gene E. Parker
City Attorney

Exhibit 1
Page 1 of 1



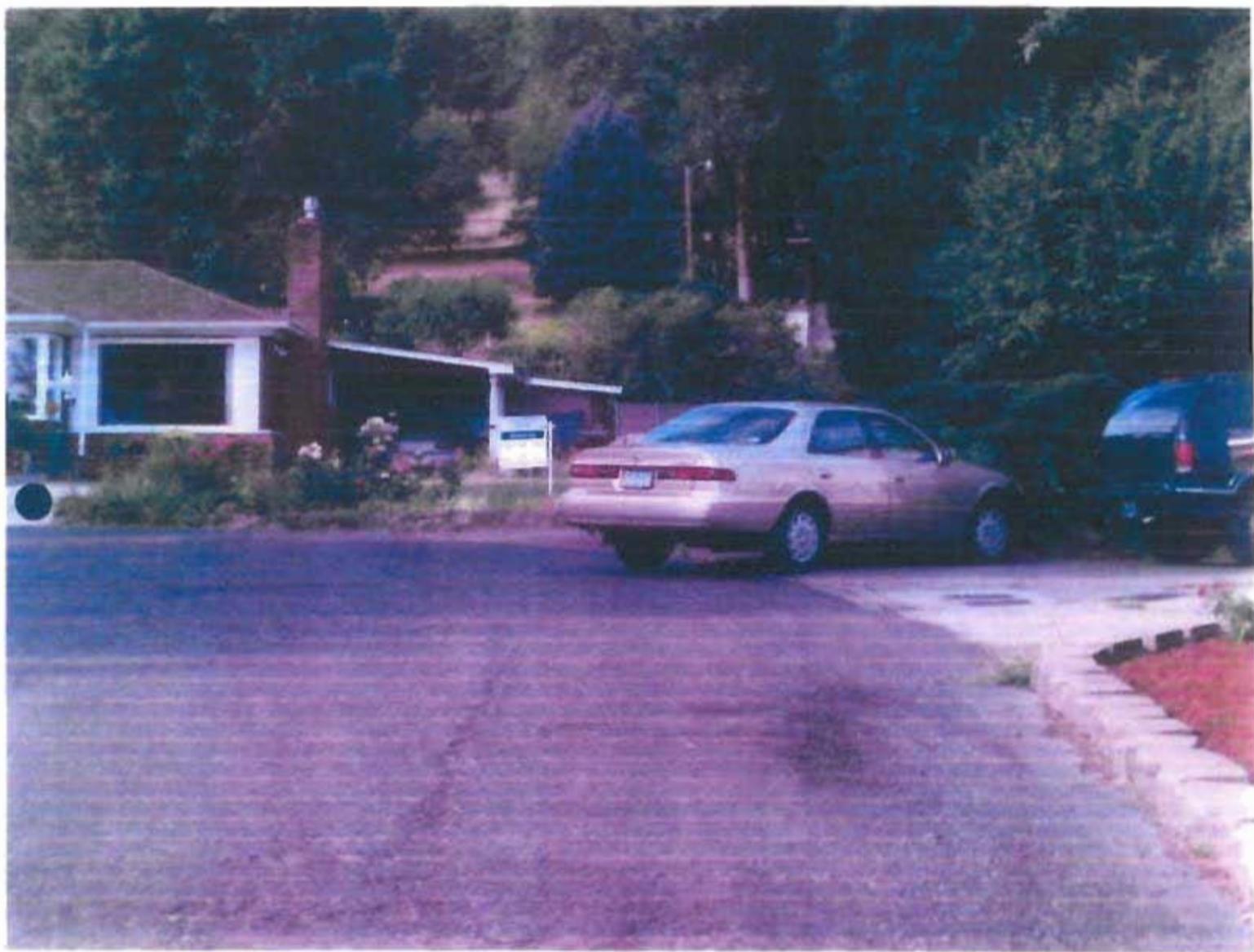




Exhibit 2
Page 3 of 5





Gene Parker

From: John Dennee
Sent: Thursday, April 22, 2010 5:00 PM
To: Gene Parker
Subject: 1215 Blakely Dr.

Gene,

I made contact with David Bustos today regarding his plans for the duplex at 1215 Blakely Drive. His plans are to do some remodeling and maintain it as a duplex. As reported to you this morning he had the third meter head removed by PUD in the past two or three weeks since he acquired the property. The present tenants have been notified that they are to vacate the premises within the next week or so. He said that there are at least five unrelated adults living in the one duplex. His intent is to have the new renters keep their vehicles on the parking area and not hanging out into the public right of way.

Ample space is available to park four vehicles, which is the minimum for the two dwelling units planned for the property.

I asked him to keep us in the loop and to give us a call if he has any questions.

John



CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058
(541) 296-5481 ext. 1122
FAX (541) 296-6906

March 4, 2011

Ms. Peggy Hennessy
Reeves, Kahn, Hennessy & Elkins
Attorneys at Law
4035 SE 52nd Avenue
P.O. Box 86100
Portland, OR 97286-0100

Re: 1215 & 1217 Blakely Drive, The Dalles, Oregon

Dear Ms. Hennessy:

In response to your letter of February 22, 2011, Section 7.060 of the City's Land Use and Development Ordinance, which provides that a structure including two dwelling units must provide four off-street parking spaces, does not contain any specific requirements as to the dimensions for such parking spaces. Section 7.020.020 of the LUDO provides that development applications for one and two family structures are subject to the appropriate requirements of Section 6.060, Driveway and Entrance Standards. A copy of Section 6.060 is enclosed for your reference.

Section 6.060.020 provides that "The length of driveways shall be designed to accommodate the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing up into the flow of traffic on a public street or causing unsafe conflicts with on-site circulation". The City's Planning Code Enforcement Officer has inspected the driveway for the subject properties, and has determined that there is sufficient space to satisfy the City's requirement for four off-street parking spaces.

If it is established that vehicles are being parked in the driveway in such a manner that they violate the above cited provisions, the City will pursue appropriate enforcement proceedings to ensure that the use of the off-street parking spaces complies with our LUDO.

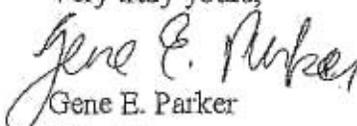
Very truly yours,

Gene E. Parker
City Attorney

Exhibit 4
Page 1 of 1

cc: Planning Department

COPY



CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX (541) 296-6906

Ms. Peggy Hennessy
Reeves, Kahn, Hennessy & Elkins
4035 SE 52nd Avenue
P.O. Box 86100
Portland, OR 97286-0100



Re: 1215-1217 Blakely Drive

Dear Peggy:

For your information, I am enclosing copies of photographs that were taken by the Planning Code Compliance Officer on March 31, 2011 and April 26, 2011. These photographs show the yellow areas that mark off three parking areas on Mr. Bustos's driveway. The photographs also show a dividing mark in the middle parking area.

The diagram showing the measurements of the parking area, which has been provided to you, show that the width of this area adjacent to the structure measures a total of 27 feet, 11 inches. The enclosed photographs show that on the left side of the driveway, there is sufficient room for a parking space that would measure at least 18 feet in length by 9 feet in width; the center area can accommodate two parking spaces that would measure at least 18 feet in length by 9 feet in width; and the right side of the driveway can accommodate a parking space which measures at least 18 feet by 9 feet.

Although these pictures show a recycling container and waste container in a portion of the parking area, it is Mr. Bustos's responsibility to ensure the vehicles fit within the area that can provide parking spaces. The City's position is that his property is in compliance with our LUDO requirements, and we will not pursue any enforcement action unless there is documented evidence that the LUDO has been violated.

Very truly yours,

Gene E. Parker
Gene E. Parker
City Attorney

cc: John Dennee

Exhibit 5
Page 1 of 1



CITY OF THE DALLES
Department of Public Works
1215 West First Street
The Dalles, Oregon 97058

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
December 10, 2012	Contract Review Board 12, A	12-087

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

THRU: Nolan K. Young, City Manager *nyj*

DATE: November 27, 2012

ISSUE: Award of Water Management and Conservation Plan Development Contract.

CITY COUNCIL GOALS: NA

BACKGROUND: Over the last few years, City staff has been working with a water rights consultant, GSI Water Solutions Inc, to complete work related to a number of the City's water rights. In the last three years we have:

- Perfected the transfer of water rights from the abandoned Mill Creek Well to the Marks Well
- Finalized a transfer of water rights from the abandoned City Hall Well to Lone Pine Well for future use
- Perfected water rights on three dewatering wells for which beneficial use of the water occurs
- Completed an extension of water rights related to the future expansion of Crow Creek Dam to 2021 (reservoir permits can only be extended 10 years at a time) and 2041 for use of that water
- Completed an extension of the City's water right on the Columbia River to 2073.

As conditions of two of these actions, the extensions of the Crow Creek Dam and Columbia River water right permits, the City is required to develop a Water Management and Conservation Plan (WMCP) that must be submitted to and approved by the Oregon Water Resources Department. For each permit extension, the requirement is that the WMCP be completed within three years of the permit extension approval. The Crow Creek Dam water right permit extension was finalized in October 2011 so the WMCP must be approved by Water Resources Department by October 2014.

Since development of a Water Management and Conservation Plan could take close to a year to complete including state approval, the project was budgeted to begin in the current fiscal year. GSI submitted a proposal to develop a WMCP for the City, a copy of which is attached for review. Staff is recommending that the City enter into a professional services contract with GSI Water Solutions by direct appointment for the development of a WMCP. GSI's prior work with the City on these water rights processes has given them a very good understanding of our water rights "story" and the City's plans for incremental development of each water source. Their work for the City has always been excellent. The project manager for the proposed development of a WMCP is the same one with which the City has worked on all the water rights issues listed above. He previously worked for the Water Resources Department and has an excellent relationship with the staff there, as well as a thorough understanding of the regulations related to water rights and WCMs. GSI has significant experience developing WCMs for other cities and water utilities in the state.

BUDGET IMPLICATIONS: Within Fund 53, the Water Capital Reserve Fund, line 053-5300-510.64-10, \$60,000 is budgeted for this project. The proposal amount is a not-to-exceed price of \$60,000. Budgeted funds are adequate to cover the cost of the project.

RECOMMENDATIONS:

1. **Staff Recommendation:** *Authorize the City Manager to enter into contract with GSI Water Solutions Inc in an amount not-to-exceed \$60,000 for the development of a Water Management and Conservation Plan.*
2. Deny authorization for a direct appointment contract with GSI Water Solutions and direct staff to issue a Request for Proposals for the development of a Water Management and Conservation Plan.
3. Provide additional direction to staff about how to proceed.



Water Solutions, Inc.

November 19, 2012

Dave Anderson
Public Works Director
City of The Dalles
1215 West 1st Street
The Dalles, OR 97058

Dear Mr. Anderson,

GSI Water Solutions, Inc. (GSI), is pleased to have the opportunity to provide a proposal to the City of The Dalles (City) to provide support for the development of the City's Water Management and Conservation Plan (WMCP).

GSI is a 50-person firm with offices in Portland, Bend, and Corvallis, Oregon; Kennewick, Washington; Boise, Idaho; and Santa Barbara, California. We are a specialized consulting firm providing innovative solutions to water resource, groundwater, and environmental contamination issues for municipalities, water districts, agribusiness, and industries in the Pacific Northwest, California, and overseas.

Our firm is dedicated to providing clients with the highest level of service and technical capabilities in developing cost-effective and timely solutions to water resource challenges. For the City's WMCP project, GSI brings extensive experience in successfully developing WMCPs for numerous municipalities in Oregon. We are experts in crafting a wide variety of water rights strategies to address a municipality's specific water needs. Our consultants have in-depth knowledge of the Oregon Water Resources Department's (OWRD) requirements and work closely with clients to develop WMCPs to meet our clients' current and future needs while complying with OWRD's requirements. Recently, we have successfully developed WMCPs for the Eugene Water and Electric Board (EWEB) and the Cities of Bend, Sisters, Prineville, Florence, Lake Oswego, Newberg, Tigard, and Veneta.

GSI has assisted the City with its water rights since 2007. A few successes stemming from this work include securing the City's water supply by obtaining approval of modifications to groundwater registrations, certifying water right transfers and permits, and obtaining extensions of time to continue development of the City's water use permits.

In terms of regulatory drivers, GSI understands that the City's permits S-53930 (use of water from the enlarged Crow Creek reservoir) and S-49653 (use of water from the Columbia River) are conditioned to require submission of a WMCP. OWRD's final order extending the development deadlines for the City's permits includes a condition stating that access to additional water under these permits is contingent on a final order approving a WMCP and that the required WMCP shall be submitted to the OWRD within 3 years of an approved extension application.

Project Objectives

The primary project objective is to comply with the regulatory requirements to increase access to water under the City's water use permits. In addition to meeting OWRD's requirements, the WMCP also will provide direct benefits to the City by:

- Updating supply and demand forecasts with the most recent available information. This activity will be invaluable in understanding peak season and year-round water needs.
- Updating and highlighting new and ongoing conservation and stewardship activities by the City.
- Evaluating OWRD-prescribed conservation measures and establishing 5-year benchmarks for required measures and for measures deemed feasible and appropriate to pursue.
- Developing cost-to-benefit analyses for proposed conservation measures.
- Evaluating the extent to which conservation can provide the additional supply necessary to meet the City's future water demands.

Staff Qualifications

Following is a brief description of key staff members who would assist in development of the City's WMCP.

Adam Sussman, our project manager, worked at OWRD for 14 years before becoming a consultant. While at OWRD, he was instrumental in developing WMCP rules adopted by the Oregon Water Resources Commission in 2002 and the administrative rules for municipal water rights permit extensions that are tied to the WMCPs. Adam has a thorough understanding of Oregon water laws, water rights, and the administrative rules and processes governing water transactions.

While working at another consulting firm, Adam was project manager for developing WMCPs for the Cities of Sandy and Lake Oswego. He also participated in the development of WMCPs for the Medford Water Commission, Kernville-Glendon Beach-Lincoln Beach Water District, Port of St. Helens, Port of Umatilla, City of Newberg, and McMinnville Water & Light. At GSI, Adam and a team of GSI staff members have developed WMCPs for the Cities of Prineville, Lake Oswego, Sisters, Bend, Veneta, Florence, Corvallis, and Tigard, and the Joint Water Commission and EWEB.

Kim Grigsby worked at OWRD for 7 years as a water resources planner and water policy analyst before joining GSI as a water resources consultant. While at OWRD, she developed expertise in water right processes and procedures, and water resource policy. As a water resources consultant, she assists clients in developing strategic approaches to secure and maximize their water rights. She has also led efforts to complete WMCPs, including those for the Cities of Tigard and Bend. She has worked with Adam on numerous projects and is a skilled technical writer.

Suzanne de Szoeko specializes in watershed management and planning. Her expertise includes water rights management, watershed restoration issues, and stream ecology. She has experience working with watershed councils, state and federal agencies, irrigation districts,

municipalities, and landowners. In her 3 years at GSI, Suzanne has taken lead staff roles and assisted in developing WMCPs for several Oregon cities and utilities including: the Cities of Veneta, Corvallis, Bend, and Florence; Running Y Inc. (Klamath Falls); and EWEB.

Scope of Work

Project deliverables include a draft WMCP for City review, a final draft WMCP submitted to OWRD, and (after incorporating any comments provided by OWRD) a final WMCP submitted to OWRD.

Specific tasks are likely to include:

1. **Kickoff Meeting** - Attend kickoff meeting in The Dalles to discuss objectives, schedule, project approach, data needs, and team members.
2. **Water Use Data Collection and Analysis** - Work with City staff to acquire relevant recent water use data. Analyze water use data to determine annual/monthly/daily values for water diverted, gross water production, net water production, unaccounted for water, and consumption by customer class. Also, work with the City to collect updated data regarding customer mix, service population, and rate structure. Data will need to be collected and compiled for the last 5 years or more.
3. **Water Use Projections** - Using the City's 2006 Water System Master Plan as a starting point, develop water use projections for 10 years, 20 years, and longer, if appropriate.
4. **Conservation Measures** - Describe recent management and operational procedures implemented by the City (and its customers) that contribute to conservation.
5. **Curtailment Planning** - Work in cooperation with the City to develop a curtailment plan that meets the WMCP rule requirements and that can be efficiently implemented.
6. **Develop Draft WMCP** - Prepare a Draft WMCP for the City's review. The anticipated plan outline is as follows:
 - (a) **Executive Summary and Overview Chapter (Chapter ES)** - Provide an overview of the plan, highlighting the City's stewardship activities and the conservation benchmarks it intends to adopt.
 - (b) **Introduction (Chapter 1)** - Provide background information about the WMCP.
 - (c) **Water Supplier Chapter (Chapter 2)** - Describe water source(s), interconnections, intergovernmental agreements, service area, service population, adequacy and reliability of existing water supplies, water demands, water rights, identification of streamflow-dependent species, customer descriptions, system schematic, and unaccounted-for water. To the extent possible, GSI will use information developed as part of the City's 2006 Water System Master Plan.
 - (d) **Water Conservation Chapter (Chapter 3)** - Describe existing conservation programs. Develop 5-year benchmarks for all conservation measures required by the WMCP

administrative rules. These benchmarks include, but are not limited to, annual water audits, meter testing and replacement, rate structures and billing practices, public education, technical and financial assistance to customers to implement conservation, and inefficient fixture replacement programs.

- (e) **Water Curtailment Plan Chapter (Chapter 4)** - Describe the City's curtailment plan.
 - (f) **Water Supply Chapter (Chapter 5)** - Delineate future service areas and population served, forecast demand during the next 10 years, 20 years, and more, if applicable; describe the schedule to exercise existing water right permits; compare projected need to existing supply; evaluate alternative sources (including new source development cost as compared to conservation savings); quantify projected use in maximum rate and monthly volume; and describe mitigation actions needed to comply with federal requirements.
7. **Develop Final Draft WMCP** - Incorporate the City's comments on the Draft WMCP and, 30 days before submitting the Final Draft WMCP to OWRD, seek comments from affected local governments regarding consistency with the local government's comprehensive land use plan. Work with the City to address relevant comments by affected local governments before submitting the Final Draft WMCP to OWRD.
 8. **Respond to OWRD Comments and Third-Party Comments and Submit Final WMCP** - Respond to any comments from third parties, as appropriate, and from OWRD following its review of the Final Draft WMCP, and submit the Final WMCP for approval.
 9. **Meetings with City** - The scope of this project includes up to three meetings with the City. The topics and timing for the meetings can be adjusted as jointly determined by City staff and GSI depending on the progress of the work. Meetings may include:
 - Kickoff meeting (discussed above)
 - Meeting to review demand and consumption analysis, and to collect information on recent conservation programs
 - Presentation of Final WMCP to City, as appropriate.

Budget

The budget for the work describe in this scope of work is not to exceed \$60,000 without prior approval of the City. This work will be conducted on a time and materials basis.

Schedule

We are prepared to begin work immediately upon receiving authorization to proceed. The following estimated schedule is based on obtaining a notice to proceed by January 1, 2013.

The following is for demonstration purposes and can be refined when a contract is executed:

- Kick-off meeting during mid-January 2013
- Draft of Sections 2 and 3 by first week of May 2013
- Draft of Section 5 by last week of July 2013
- Draft of entire WMCP by first week of September 2013
- Incorporate City comments and send notice to affected local governments by first week of October 2013
- Incorporate any comments from local governments and send draft WMCP to the OWRD by first week in December 2013.
- Respond to OWRD comments as appropriate

Our consultants' in-depth knowledge of the regulatory requirements, excellent relationship with OWRD personnel, and understanding of the City's needs will provide an important advantage to the City as it develops its WMCP. If this scope of work meets with your approval, we are ready to work with City staff to execute a Professional Services Agreement.

Thank you for the opportunity to work with the City on this project.

Sincerely,
GSI Water Solutions, Inc.



Adam Sussman
Principal Water Resources Consultant



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481
FAX (541) 296-6906

AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
December 10, 2012	Contract Review Board 12, B	12-089

TO: Mayor and City Council

FROM: Nolan K. Young, City Manager 

DATE: November 27, 2012

ISSUE: Acceptance of Grant from Google and Award of Contract to Gorge.net for Expansion of Public Wi Fi System

BACKGROUND: Google has offered the City an additional \$50,000 grant to expand our existing public Wi Fi system initially built through grants from Google and QLife. The QLife board has approved an additional \$52,000 toward this project. Four sites have been selected for the expansion: Discovery Center, Riverfront Park, Sorosis Park, and Kramer Field. The Discovery Center expansion includes an increase in the broadband infrastructure to that facility that will allow the Discovery Center to have increased broadband speed with no increased price from Gorge.net who provides their broadband service.

Gorge.net is currently operating the Wi Fi system and were the contractor on the initial project, therefore, have been selected as a sole source to provide the expansion for \$74,475. QLife will be paying a portion of that and providing additional funds for the fiber optic expansion needed and provide free fiber for the Public Wi Fi system.

BUDGET IMPLICATIONS: No City funds will be needed for this expansion including the three year maintenance and operating agreement.

COUNCIL ALTERNATIVES:

1. Staff recommendation: *Authorize the City Manager to accept a grant from Google and QLife for expansion of the public Wi Fi System and award the contract for installation and three year maintenance to Gorge.net in the amount not to exceed \$74,475.*



CITY OF THE DALLES
Department of Public Works
1215 West First Street
The Dalles, Oregon 97058

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
December 10, 2012	Action Item 13, A	12-086

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

THRU: Nolan K. Young, City Manager *NKY*

DATE: November 27, 2012

ISSUE: Adoption of updated Wastewater Facility Capital Improvement Plan.

CITY COUNCIL GOALS: NA

PREVIOUS AGENDA REPORT NUMBERS: Agenda Staff Report #12-080.

BACKGROUND: On November 26, 2012, City Council was presented with a draft updated Wastewater Facility Capital Improvement Plan (CIP) and alternative scenarios to fund operations and the CIP over the next 10 years. In that meeting, Council expressed its general support for the CIP as presented including treatment plant modifications that will improve its visual aesthetics. In addition, Council expressed a preference for the funding alternative that will utilize the issuance of revenue bonds in 2014, 2017 and 2020 to fund the next three phases of improvements to the wastewater collection and treatment systems.

The Council was also presented information related to Wastewater System Development Charges (SDCs). The current Wastewater SDC is \$1789/unit. A single family residence is one unit. For commercial developments, the number of units can be based upon such things as the number of employees, number of hospital beds, number of apartments, number of washing machines for laundromats, or amount of wastewater generated for businesses that discharge large volumes to the sewer system, whichever is most appropriate to the type of business. The financial analysis conducted as part of the Wastewater Facility Master Plan update indicated that the Wastewater SDC could be raised to as much as \$2572/unit if desired.

Council requested additional information related to Wastewater SDCs as they would apply to commercial and industrial developments. The following is a summary of four different SDC scenarios to assist Council in their deliberations. The first scenario reflects the current SDC rate.

The second scenario reflects increasing the Wastewater SDC to the full amount that can be justified (a 43.8% increase). The third scenario looks at raising the Wastewater SDC to a level halfway between the current rate and the maximum rate (a 21.8% increase). And the fourth scenario looks at raising the Wastewater SDC to a level that matches our current Water SDC for a ¾” meter (a 29.5% increase). For ease and consistency, all of the SDC scenarios presented below show the total Wastewater SDCs that would be assessed before any credits are applied for job creation; six of the examples listed below received a 1% reduction in SDCs for each new full time job created.

Development	Number of Units	Current SDC \$1789/unit	Max SDC \$2572/unit	Mid SDC \$2180/unit	Water SDC \$2317/unit
Veterans Home Addition	2	\$ 3,578.00	\$ 5,144.00	\$ 4,360.00	\$ 4,634.00
LaClinica del Carino	15	\$ 26,835.00	\$ 38,580.00	\$ 32,700.00	\$ 34,755.00
Lone Pine Dialysis Center	7	\$ 12,523.00	\$ 18,004.00	\$ 15,260.00	\$ 16,219.00
Readiness Center	36	\$ 64,404.00	\$ 92,592.00	\$ 78,480.00	\$ 83,412.00
MCMC Wellness Facility-Clinic 1st fl	6	\$ 10,734.00	\$ 15,432.00	\$ 13,080.00	\$ 13,902.00
MCMC Wellness Facility-Bistro	5	\$ 8,945.00	\$ 12,860.00	\$ 10,900.00	\$ 11,585.00
MCMC Wellness Facility-Health Club	6	\$ 10,734.00	\$ 15,432.00	\$ 13,080.00	\$ 13,902.00
MCMC Wellness Facility-Clinic 2nd fl	9	\$ 16,101.00	\$ 23,148.00	\$ 19,620.00	\$ 20,853.00
MCMC Wellness Facility-Clinic 3rd fl	14	\$ 25,046.00	\$ 36,008.00	\$ 30,520.00	\$ 32,438.00
Cousins Motel Expansion	2	\$ 3,578.00	\$ 5,144.00	\$ 4,360.00	\$ 4,634.00
Metro Car Wash	6	\$ 10,734.00	\$ 15,432.00	\$ 13,080.00	\$ 13,902.00

As was mentioned in the Financial Plan presentation on November 26, based on recent historical SDC collections, adopting the maximum Wastewater SDC would provide an estimated \$40,000/year in revenues to help fund growth-related capital projects. As the amount of new development increases in the community, SDC revenues would increase accordingly.

At this time, Council has the opportunity to adopt the Wastewater Facility Capital Improvement Plan and call for public hearings to establish Wastewater rates and SDCs to support the CIP. A copy of the proposed CIP is attached. Staff is recommending that a public hearing be held on January 14, 2013 to receive testimony related to a wastewater rate schedule that would support both operations and the CIP utilizing the issuance of revenue bonds and projected annual rate increases of 3.44% from 2013 to 2022. Staff is also recommending that a second public hearing be held on

January 28, 2013 to receive testimony related to an adjustment of Wastewater SDCs, if Council supports changing them from their current level.

BUDGET IMPLICATIONS: None at this time. If Council adopts the updated Wastewater CIP, public hearings would be held to consider rate and SDC adjustments at a future date.

RECOMMENDATIONS:

1. **Staff Recommendation:** *Move to adopt the updated Wastewater Facility Capital Improvement Plan, call for a public hearing to receive testimony related to Wastewater rate adjustments to be held on January 14, 2013, and call for a public hearing to receive testimony related to Wastewater SDCs to be held on January 28, 2013.*
2. Move to adopt the updated Wastewater Facility Capital Improvement Plan and call for a public hearing to receive testimony related to Wastewater rate adjustments to be held on January 14, 2013.
3. Reject the updated Wastewater Facility Capital Improvement Plan and provide additional direction to staff.

Capital Improvements Plan

Description		FY 2013/2014	FY 2014/2015	FY 2015/2016	FY 2016/2017	FY 2017/2018	FY 2018/2019	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023	
Collection System¹												
P-1	6th Street - South	\$ 290,000	\$ 290,000									
P-2	Laughlin Street	\$ 240,000							\$ 240,000			
P-3	Near 1st Street	\$ 390,000										
P-4	Union Street/2nd Street	\$ 180,000										
P-5	6th Street - North	\$ 610,000			\$ 305,000	\$ 305,000						
P-6	2nd Street	\$ 650,000	\$ 650,000									
P-7	Snipes Street	\$ 120,000									\$ 120,000	
P-8	Chenoweth Loop Road/Irvine Street/10th Street	\$ 850,000								\$ 425,000	\$ 425,000	
P-9	8" Sewer to serve Septic Area	\$ 250,000								\$ 250,000		
LS-1	8th Street Lift Station Replacement ²	\$ 340,000		\$ 340,000								
LS-2	Cliff Lift Station Replacement ³	\$ 340,000			\$ 340,000							
Total		\$ 4,260,000	\$ 290,000	\$ 650,000	\$ 340,000	\$ 645,000	\$ 305,000	\$ -	\$ -	\$ 240,000	\$ 675,000	\$ 545,000
Treatment Plant⁴												
T-1	Administration Building ⁴	\$ 1,200,000						\$ 300,000	\$ 600,000	\$ 300,000		
T-2	IPS	\$ 1,660,000	\$ 415,000	\$ 830,000	\$ 415,000							
T-3	Headworks	\$ 2,320,000	\$ 580,000	\$ 1,160,000	\$ 580,000							
T-4	Aeration Basin	\$ 3,560,000						\$ 882,500	\$ 1,795,000	\$ 882,500		
T-5	Secondary Clarifier	\$ 1,791,000			\$ 448,000	\$ 895,000	\$ 448,000					
T-6	GBT Addition	\$ 670,000			\$ 167,500	\$ 502,500						
T-7	Digester 2 Conversion	\$ 690,000	\$ 345,000	\$ 345,000								
T-8	Storage Tank	\$ 920,000			\$ 230,000	\$ 460,000	\$ 230,000					
T-9	Aesthetic Improvements ⁵	\$ 210,000	\$ 52,500	\$ 157,500								
Total		\$ 13,021,000	\$ 1,392,500	\$ 2,492,500	\$ 995,000	\$ 845,500	\$ 1,857,500	\$ 678,000	\$ 1,182,500	\$ 2,395,000	\$ 1,182,500	\$ -
Total Treatment and Collections		\$ 17,281,000	\$ 1,682,500	\$ 3,142,500	\$ 1,335,000	\$ 1,490,500	\$ 2,162,500	\$ 678,000	\$ 1,182,500	\$ 2,635,000	\$ 1,857,500	\$ 545,000

NOTES:

¹ Collection system improvements P-1 through P-9 include 15% for engineering, legal, and administration costs.

² Collection system improvements LS-1, LS-2, and treatment plant Improvements T-1 through T-9 include 25% for engineering, legal, and administration costs.

³ Planned improvements in current CIP.

⁴ Cost included in CIP is for a 6' standard masonry block/brick building with nominal aesthetic features. For a stone faced building similar to the neighboring Festival Park area, allow an additional \$100,000.

⁵ Cost included in CIP is for a 6' tall louvered security fence with stone-faced pilasters and precast concrete caps. For a 6' tall security fence without louvered sections similar to the fence at the new park, allow a deduct of \$50,000.

Capital Improvements Plan

Description			FY 2023/2024	FY 2024/2025	FY 2025/2026	FY 2026/2027	FY 2027/2028	FY 2028/2029	FY 2029/2030	FY 2030/2031
Collection System										
P-1	6th Street - South	\$ 290,000								
P-2	Laughlin Street	\$ 240,000								
P-3	Near 1st Street	\$ 390,000					\$ 195,000	\$ 195,000		
P-4	Union Street/2nd Street	\$ 180,000				\$ 180,000				
P-5	6th Street - North	\$ 610,000								
P-6	2nd Street	\$ 650,000								
P-7	Snipes Street	\$ 120,000								
P-8	Chenoweth Loop Road/Irvine Street/10th Street	\$ 850,000								
P-9	8" Sewer to serve Septic Area	\$ 250,000								
LS-1	8th Street Lift Station Replacement ²	\$ 340,000								
LS-2	Cliff Lift Station Replacement ²	\$ 340,000								
Total		\$ 4,260,000	\$ -	\$ -	\$ -	\$ 180,000	\$ 195,000	\$ 195,000	\$ -	\$ -
Treatment Plant										
T-1	Administration Building ⁴	\$ 1,200,000								
T-2	IPS	\$ 1,660,000								
T-3	Headworks	\$ 2,320,000								
T-4	Aeration Basin	\$ 3,560,000								
T-5	Secondary Clarifier	\$ 1,791,000								
T-6	GBT Addition	\$ 670,000								
T-7	Digester 2 Conversion	\$ 690,000								
T-8	Storage Tank	\$ 920,000								
T-9	Aesthetic Improvements ⁵	\$ 210,000								
Total		\$ 13,021,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Treatment and Collections		\$ 17,281,000	\$ -	\$ -	\$ -	\$ 180,000	\$ 195,000	\$ 195,000	\$ -	\$ -

NOTES:

¹ Collection system improvements P-1 through P-9 include 15% for engineering, legal, and administration costs.

² Collection system improvements LS-1, LS-2, and treatment plant improvements T-1 through T-9 include 25% for engineering, legal, and administration costs.

³ Planned Improvements in current CIP.

⁴ Cost included in CIP is for a 6' standard masonry block/brick building with nominal aesthetic features. For a stone faced building similar to the neighboring Festival Park area, allow an additional \$100,000.

⁵ Cost included in CIP is for a 6' tall louvered security fence with stone-faced pilasters and precast concrete caps. For a 6' tall security fence without louvered sections similar to the fence at the new park, allow a deduct of \$50,000.



AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
December 10, 2012	Action Items 13, B	12-084

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager

DATE: November 27, 2012

ISSUE: Recommendation from Columbia Gorge Regional Airport Board to Approve a Third Addendum for Lease Agreement with Shearer Sprayers.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: On November 16, 2012, The Columbia Regional Airport Board voted to recommend approval of a Third Addendum for the Lease Agreement with Shearer Sprayers for the lease of property at the Columbia Gorge Regional Airport. A copy of the proposed Third Addendum is enclosed with this staff report. The Lease Agreement was originally entered into on December 21, 1987. The Agreement has a provision allowing for extension of the lease for 3 successive periods of 5 years each. Two previous Addendums have been entered into extending the lease. Under the proposed Third Addendum, the term of the Lease Agreement would end on

December 21, 2017. At the end of the lease, the hangar which exists upon the property will become the property of the City and the County.

Under the Third Addendum, the amount of annual rent paid by Shearer Sprayers will increase from \$1,223.82 to \$1,368.23. Shearer Sprayers will be responsible for pay for the portion of real property taxes imposed by Klickitat County as a result of the Lease Agreement.

BUDGET IMPLICATIONS: Approval of the Use Agreement will generate additional revenue for the Airport fund.

ALTERNATIVES:

- A. Staff Recommendation. *Move to approve the Third Addendum for the Lease Agreement with Shearer Sprayers, and authorize execution of the Third Addendum.*

**THIRD ADDENDUM TO LEASE AGREEMENT WITH
SHEARER SPRAYERS FOR PROPERTY LOCATED
AT COLUMBIA GORGE REGIONAL AIRPORT**

WHEREAS, Shearer Sprayers, Inc., hereinafter referred to as “Lessee”, entered into a Lease Agreement for the premises located at the Columbia Gorge Regional Airport in Dallesport, Washington, with the City of The Dalles, on or about December 21, 1987; and

WHEREAS, the lease agreement provides that Lessee has the option to extend the lease for three successive periods of five (5) years each upon 30 days written notice to Lessor; and

WHEREAS, on November 1, 2002, the City and Klickitat County, Washington entered into a Joint Operating Agreement for the operation and management of the Columbia Gorge Regional Airport, and pursuant to that agreement, the City and Klickitat County are joint owners of the Airport, and will hereinafter be referred to as “Lessor”; and

WHEREAS, the Joint Operating Agreement provides that any agreement with a duration of two (2) years or more which is proposed by the Regional Board created by the Agreement must be approved by both the City and Klickitat County before such an agreement can take effect; and

WHEREAS, Lessor and Lessee entered into a First Addendum to the Lease Agreement on January 10, 2003, to extend the term of the lease from December 21, 2002 to December 21, 2007; and

WHEREAS, Lessor and Lessee entered into a Second Addendum to the Lease Agreement on December 6, 2007 to extend the term of the lease from December 21, 2007 to December 21, 2012; and

WHEREAS, Lessee has provided Lessor with written notice of its intent to exercise its option a third time to extend the term of the lease for an additional five (5) year period;

NOW, THEREFORE, in consideration of the mutual promises and conditions set forth in this Third Addendum, it is hereby agreed as follows:

Section 1. Lessor and Lessee have agreed that the Lessee shall continue to lease the premises located at the Columbia Gorge Regional Airport, for an additional five (5) year period under the terms and conditions set forth in the December 21, 1987 Lease Agreement, and the Third Addendum to said Lease Agreement, with said term terminating upon December 21, 2017. The annual rental payment shall be \$1,368.23, and shall be paid on the 21st day of each year.

Section 2. Lessor and Lessee have agreed the Lessee is responsible for real property taxes imposed by Klickitat County upon the premises which shall be collected annually.

Section 3. Except as modified by the terms of this Third Addendum, the First Addendum entered into on January 10, 2003, and the Second Addendum entered into on December 6, 2007, the terms and conditions of the December 21, 1987 Lease Agreement shall remain in full force and effect.

Dated this _____ day of _____, 2012.

**CITY OF THE DALLES
COMMISSIONERS**

Nolan K. Young, City Manager

ATTEST:

Julie Krueger, MMC. City Clerk

Approved as to form:

Gene E. Parker, City Attorney

SHEARER SPRAYERS, INC.

By: _____
John Shearer, President

**BOARD OF COUNTY
Klickitat County, Washington**

Chairman

Commissioner

Commissioner

ATTEST:

By: _____
Clerk of the Board

Approved as to form:

Prosecuting Attorney



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX: (541) 296-6906

AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
December 10, 2012	Action Items 13, C	12-085

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager *nyj*

DATE: November 28, 2012

ISSUE: Recommendation from Columbia Gorge Regional Airport Board to Approve a Use Agreement for Team Oregon Motorcycle Safety for use of Airport Runway.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: On November 16, 2012, The Columbia Regional Airport Board voted to recommend approval of a Use Agreement with Team Oregon Motorcycle Safety for the use of Abandoned Runway 2/20 at the Columbia Gorge Regional Airport. A copy of the proposed agreement is enclosed with this staff report. The Use Agreement is an extension of the existing agreement which expires on December 31, 2012. The term of the proposed Agreement would begin on January 1, 2013 and end on December 31, 2017. Since the Agreement is for a proposed term of 4 years, the Joint Operating Agreement between the City and the County requires that the City and County approve the proposed Agreement.

Under the proposed Use Agreement, TEAM Oregon would be paying a usage fee of \$225 per weekend. The Use Agreement also includes a provision for increasing the usage fee due to inflation if the parties mutually agree upon an increase.

BUDGET IMPLICATIONS: Approval of the Use Agreement will generate additional revenue for the Airport fund.

ALTERNATIVES:

- A. Staff Recommendation. *Move to approve the Use Agreement with TEAM Oregon Motorcycle Safety for use of Airport Runway 2/20, and authorize execution of the Agreement by AMI.*

USE AGREEMENT

This Use Agreement is entered into by and between the State of Oregon acting by and through the State Board of Higher Education on behalf of Oregon State University and its TEAM OREGON Motorcycle Safety Program ("University") and Columbia Gorge Regional Airport, ("Owner").

1. FACILITY:

Owner will allow University to use the following described Facility or Facilities ("Facility"):
Columbia Gorge Regional Airport
Abandoned Runway 2/20
P.O. Box 285
Dallesport, WA 98617

2. TERM:

The term of this Use Agreement shall commence on January 1, 2013 and end on December 31, 2017. This Use Agreement may be renewed for additional Terms by written amendment signed by both parties. However, in no event, shall the entire Term including any renewals total a period of more than ten (10) years.

3. DATES OF FACILITY USE:

The exact dates of Facility use will be negotiated each year directly between the Owner and the University's authorized representative. A list of agreed upon courses scheduled at the Facility will be provided to the Owner thirty (30) days prior to commencement of the first course.

4. USAGE FEE:

The 2013 usage fee for Facility shall be \$ 225.00 per week-end. Future year payments may be adjusted for inflation-subject to mutual agreement. Payment will be made promptly upon receipt of invoices, made payable to "City of The Dalles" and mailed to: 313 Court Street, The Dalles, OR. 97058.

5. CANCELLATION:

In the event of cancellation due to low enrollment the University will not be charged a usage fee for the Facility providing that the University gives at least ten (10) days' notice prior to the beginning of the scheduled class. When a course is canceled due to hazardous conditions, University will not be required to pay the usage fee for the days the course was scheduled.

6. TERMINATION:

At any time during the Term either party may terminate this Use Agreement without further obligations or liability, with not less than one hundred and eighty (180) days prior written notice.

7. INSURANCE:

University is insured for tort liability with respect to personal injury and property damage for its TEAM OREGON Motorcycle Safety Program subject to the Oregon Tort Claims Act (ORS 30.260-30.300). Coverage limits shall not be less than \$1,000,000 per occurrence and \$2,000,000 aggregate. A Certificate of Insurance will be provided to Owner.

Owner shall secure at its own expense and keep in effect during the Term of this Use Agreement, general liability insurance, including contractual liability and completed operations, with minimum limits of \$1,000,000 per occurrence.

This insurance policy is to be issued by an insurance company authorized to do business in the State of Oregon. A Certificate of Insurance will be provided to University.

8. INDEMNITY:

Subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution, Article XI, Section 7, University agrees to be responsible for damage or third party liability which may arise from its use of the Facility, to the extent liability arises out of the negligence of the University, its officers, divisions, agents and employees. University shall not be required to indemnify or defend Owner for liability arising out of the negligent acts of Owner, its officers, contractors, employees or agents.

Owner shall indemnify and hold harmless the University as named in this Use Agreement, including its officers, divisions, agents and employees, from all claims, suits, or actions of any nature resulting from the negligent acts of the Owner, its officers, contractors, employees or agents under this Use Agreement.

9. FUNDING:

University certifies that sufficient funds are available and authorized for expenditure to finance this Use Agreement within its current biennial appropriation or expenditure limitation, provided, however, that continuation of the Use

Agreement or any extension after the end of the fiscal period in which it is written, is contingent upon a new appropriation or limitation for each succeeding fiscal period for the purpose of this Use Agreement.

10. RELATIONSHIPS:

University and Owner intend that their relationship at all times and for all purposes under this Use Agreement be that of independent contractors. Neither party is to be considered an agent or employee of the other party for any purpose.

11. APPLICABLE LAW; JURISDICTION AND VENUE:

- a. This Use Agreement is governed and shall be construed in accordance with the laws of the State of Oregon, without resort to any other jurisdiction's conflict of law rules or doctrines. Any claim, action, or suit between University and Owner that arises out of or relates to performance of this Use Agreement must be brought and conducted solely and exclusively within the Circuit Court for Marion County, for the State of Oregon.
- b. Notwithstanding the foregoing paragraph, if a claim must be brought in federal forum, it must be brought and adjudicated solely and exclusively in the United States District Court for the District of Oregon. This paragraph applies to a claim brought against University only to the extent Congress has validly abrogated OSU's sovereign immunity and is not consent by University to be sued in federal court. This paragraph is also not a waiver by University of any form of immunity, including without limitation sovereign immunity and immunity based on the Eleventh Amendment to the United States Constitution.
- c. Except as set forth in the paragraph above, the parties consent to in personam jurisdiction in the above courts and waive any objection to venue and any objection that the forum is inconvenient.

12. NOTICE:

All notices or other communications under this Use Agreement must be in writing and, unless otherwise expressly set forth in this Use Agreement, shall be delivered in person, by email (and confirmed by mail), first class mail, fax (and confirmed by mail), registered or certified mail, or overnight delivery service to the other party at its respective address, email address, or fax number set forth below. All notices are effective upon receipt by the party to be notified.

For University:

Ron Augustynovich, Operations Manager
TEAM OREGON Motorcycle Safety Program
1749 NW Jolie Place
Portland, OR 97229
Office 541-760-3397
Fax 503-626-0842
Email: Ron.august@oregonstate.edu

w/copy to:

Nicole Neuschwander, Real Property Manager
OSU Business Services
100 Cascade Hall
Corvallis, OR 97333
Ph. 541.737.6925
Fax. 541.737.2488
E-Mail: Nicole.neuschwander@oregonstate.edu

For Owner:

Name: Jim Broehl
Title: Vice President
Address: P.O. Box 285
City, State, Zip: Dallesport, WA 98617
Phone: 509-767-2272
Fax:
E-Mail: airporttd@gorge.net

13. ASSIGNMENT:

Owner shall not assign, directly or indirectly, or otherwise transfer all or part of its rights or obligations under this Use Agreement without the prior written consent of the University, which consent shall not be unreasonably withheld or delayed.

14. MERGER:

This Use Agreement constitutes the entire agreement between the parties. No waiver, consent, modification or change of terms of this Use Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Use Agreement. Owner, by the signature below of its authorized representative, hereby acknowledges that owner has read this Use Agreement, understands it, and agrees to be bound by its terms and conditions.

This Use Agreement shall not become effective and shall not be binding upon the State of Oregon or any agency thereof until it has been executed, in the signature spaces provided below, by all parties to this Use Agreement.

OWNER:

UNIVERSITY:

_____ Date: _____
Jim Broehl
Vice President

_____ Date: _____
Nicole Neuschwander
Property Manager

_____ Date: _____
Name: _____
Title: _____

_____ Date: _____
Steve Garets
Director, TEAM OREGON



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX: (541) 296-6906

AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
December 10, 2012	Action Items 13, D	12-082

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager 

DATE: November 27, 2012

ISSUE: Resolution No. 12-020, amending the City Fee Schedule to include fees related to applications for secondhand dealers, and for use fees associated with the Lewis & Clark Festival Area Park.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: On November 26, 2001, the Council adopted Resolution No. 01-030 establishing a City Fee Schedule. Before any new or increased fee can be included in the fee schedule, ORS 294.160 requires the City to allow an opportunity for public comment upon any new or increased fee.

On September 5, 2012, the City Council adopted General Ordinance No. 12-1317 establishing new regulations for secondhand dealers. Section 5 of General Ordinance No. 12-1317 provides that applicants for a secondhand dealer license shall pay the appropriate fees, including an application fee and investigation fee. The City's current Fee Schedule includes a fee of \$25.00 for a secondhand dealer license, but does not establish an investigation fee. Staff recommends that the investigation fee for secondhand dealers be set at \$10, which is the investigation fee which applicants for a transient merchant license must pay.

City staff has prepared use agreements for the Lewis & Clark Festival Park Area, which propose to establish a use fee of \$50 and a refundable security deposit of \$100. Staff is recommending that the Council approve these fees as part of the adoption of Resolution No. 12-020 which would amend the City's Fee Schedule.

BUDGET IMPLICATIONS: Collection of these new fees will increase the revenue for the City's general fund.

ALTERNATIVES:

- A. **Staff Recommendation.** *Move to adopt Resolution No. 12-020.*

RESOLUTION NO. 12-020

**AMENDING THE CITY FEE SCHEDULE TO INCLUDE FEES
RELATED TO APPLICATIONS FOR SECONDHAND
DEALERS AND FOR USE FEES ASSOCIATED WITH THE
LEWIS & CLARK FESTIVAL AREA PARK**

WHEREAS, the City Council adopted Resolution No. 01-030 on November 26, 2001, establishing a city fee schedule; and

WHEREAS, on September 10, 2012, the City Council adopted General Ordinance No. 12-1317 establishing new regulations for secondhand dealers; and

WHEREAS, Section 5 of General Ordinance 12-1317 provides that applicants for a secondhand dealer license shall pay the appropriate fees, including an application fee and investigation fee, in an amount established by Council resolution; and

WHEREAS, the current fee schedule does not include an investigation fee for applicants seeking a secondhand dealer license; and

WHEREAS, the Council concurs with the staff's recommendation that the investigation fee for secondhand dealers should be established at \$10, which is consistent with the investigation fee paid by applicants for a transient merchants license; and

WHEREAS, City staff has prepared a use agreement for the Lewis and Clark Festival Park, which agreement proposes to establish a use fee of \$50 and a refundable security deposit of \$100; and

WHEREAS, pursuant to ORS 294.160 the City Council provided an opportunity on December 10, 2012 to allow for public comment upon the establishment of the new fees; and

WHEREAS, the City Council believes it is in the best interest of the City to adopt a revised fee schedule which establishes an investigation fee for the issuance of secondhand dealer licenses, and establishes fees associated with the use of the Lewis & Clark Festival Park;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
RESOLVES AS FOLLOWS:**

Section 1. Amended Fee Schedule. The City Council approves the amended fee schedule, a copy of which is attached hereto as Exhibit "A".

Section 2. Effective Date. This resolution shall be considered effective as of December 10, 2012.

PASSED AND ADOPTED THIS 10TH DAY OF DECEMBER, 2012

Voting Yes, Councilor: _____

Voting No, Councilor: _____

Absent, Councilor: _____

Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 10TH DAY OF DECEMBER, 2012

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

CITY OF THE DALLES
CITY FEE SCHEDULE
Effective December 10, 2012

<u>POLICE DEPARTMENT</u>	
Report Search & copy	\$ 5.00
Request for Fingerprints	\$ 10.00
Police Officer Written Exam	\$ 15.00
Administrative Fee for Towing Vehicles - Traffic Offenses	\$ 100.00
Burglary Alarm Permit (annual fee)	\$ 8.00
Robbery Alarm Permit (annual fee)	\$ 8.00
<u>LIBRARY</u>	
Overdue materials fee - juvenile, per day	\$ 0.05
Overdue materials fee - juvenile, maximum	\$ 0.50
Overdue materials fee - adult, per day	\$ 0.10
Overdue materials fee - adult, maximum	\$ 1.00
Interlibrary Loan	\$ 1.00
Non-resident borrowing privilege (annual fee)* *Residents of Fort Vancouver Library District	\$ 25.00
Non-resident borrowing privilege (annual fee)** **Non-residents of Special Library District (the Wasco County Library Service District) or the Sage Library System	\$ 75.00
<u>FINANCE DEPARTMENT</u>	
Transaction fee (when account is set up)	\$ 20.00
Delinquency Processing Fee (door hanger)	\$ 20.00
After hours call out fee (for overtime)	\$ 20.00
Non-sufficient funds check fee	\$ 25.00
Animal License Fee	\$ 25.00
Peddler's License Fees:	
Investigation Fee	\$ 10.00

<u>FINANCE DEPARTMENT</u> , Continued	
Monthly license	\$ 25.00
Yearly license	\$ 50.00
Commercial Resale License (annual fee)	\$ 25.00
Investigation Fee	\$ 10.00
<u>UTILITIES</u>	
Industrial Pretreatment Fees:	
Initial permit application fee	\$ 1,000.00
Renewal of permit	\$ 500.00
Annual permit fee:	
SIU (Significant Industrial User)	\$ 500.00
Non-SIU	\$ 335.00
Annual monitoring fee	Actual Lab & Shipping Costs
Monthly fees for Industrial User (IU) under Pretreatment Program:	
Volume charge: one sewer unit per 10,000 gallons of discharge.	
Strength surcharges:	
BOD greater than 200 mg/L, per pound BOD	\$ 0.50
TSS greater than 200 mg/L, per pound TSS	\$ 0.25
Discharge fees for batch discharges by permit under Pretreatment Program:	
One time discharger (per gallon/minimum \$250.00)	\$ 0.05
Batch basis discharger (per gallon)	\$ 0.05
Residential Water Rates (Monthly Fixed Charge):	
Meter size 0.75" (volume \$1.45 per 1,000 gallons over 10,000 gallons per month)	\$ 47.88
Meter size 1" (volume \$1.45 per 1,000 gallons over 10,000 gallons per month)	\$ 47.88
Meter size 1.5" (volume \$1.45 per 1,000 gallons over 10,000 gallons per month)	\$ 57.45
Meter size 2" (volume \$1.45 per 1,000 gallons over 10,000 gallons per month)	\$ 72.78
Meter size 3" (volume \$1.45 per 1,000 gallons over 10,000 gallons per month)	\$ 105.35

<u>UTILITIES</u>, Continued	
Commercial Water Rates (Monthly Fixed Charge):	
Meter size 0.75" (volume \$3.12 per 1,000 gallons over 5,000 gallons per month)	\$ 38.58
Meter size 1" (volume \$3.12 per 1,000 gallons over 5,000 gallons per month)	\$ 43.54
Meter size 1.5" (volume \$3.12 per 1,000 gallons over 5,000 gallons per month)	\$ 53.30
Meter size 2" (volume \$3.12 per 1,000 gallons over 5,000 gallons per month)	\$ 68.35
Meter size 2.5" (volume \$3.12 per 1,000 gallons over 5,000 gallons per month)	\$ 88.18
Meter size 3" (volume \$3.12 per 1,000 gallons over 5,000 gallons per month)	\$ 103.02
Meter size 4" (volume \$3.12 per 1,000 gallons over 5,000 gallons per month)	\$ 157.51
Meter size 6" (volume \$3.12 per 1,000 gallons over 5,000 gallons per month)	\$ 281.43
Outside city limits WATER RATES ONLY (residential and commercial) are charged 1.5 times the applicable rates, in lieu of debt service property taxes collected inside the City for bonded water system improvements	
Sewer Fees:	
Inside city limits (per unit, per month)	\$ 41.85
Outside city limits (per unit, per month)	\$ 71.15
Systems Development Fees (water):	
Application (per unit)	\$ 2,317.00
<u>Water Unit Calculations</u>	
.75" service or meter = 1 unit	
1" service or meter = 2 units	
1.5" service or meter = 4 units	
2" service or meter = 7 units	
3" service or meter = 14 units	
4" service or meter = 25 units	
6" service or meter = 50 units	
8" service or meter = 80 units	
Systems Development Fees (sewer):	
Application fee (per unit)	\$ 1,789.00

<u>UTILITIES, Continued</u>	
<u>Sanitary Sewer Unit Calculations</u>	
Residential Dwelling = 1 unit	
Multiple Family Dwelling = 1 unit per residential dwelling	
Motor Courts, Motels, Hotels = 1 unit per 2 rental rooms	
Recreational Camping Parks = 1 unit per 2 spaces	
Schools:	
High & Middle Schools = 1 unit per 15 students	
Elementary Schools = 1 unit per 20 students	
Restaurants, Cafes, Coffee Shops = 1 unit per 10 seats	
Banquet rooms, Taverns, Lounges = 1 unit per 10 seat capacity	
Hospitals:	
With Laundry Facilities = 1 unit per bed	
Without Laundry Facilities = 1 unit per 2 beds	
Rest Homes = 1 unit per 2 beds	
Commercial = 1 unit per 9 or less employees	
Laundromats = 1 unit per machine	
Theaters = 1 unit per 100 seat capacity	
Churches = 1 unit per 100 seat capacity	
Auto Service Stations = 1 unit per 9 employees	
Commercial car washes = 1 unit per 10,000 gallons per month	
Medical, Veterinary = 1 unit per 10,000 gallons per month or 1 unit per 2 exam rooms	
Prison, Jails = 0.5 unit per bed	
Industrial, Domestic Strength = 1 unit per 10,000 gallons per month	
System Development Fees: (storm water) (Rate multiplied by the number of Equivalent Residential Units)	\$ 342.00
Storm Water Fee: (Monthly rate per Equivalent Residential Unit)	\$ 2.00
<u>Storm Water Equivalent Residential Unit Calculations</u>	

<u>UTILITIES</u>, Continued	
Single family residential unit = 1 ERU	
Property other than a single family residential unit = 1 ERU per 3,000 feet of impervious surface	
Mobile Home Park = 1 ERU per space	
Multiple family building or facility = 1 ERU per multiple family unit on property	
Contractor Water - From Hydrant Meter:	
Hydrant meter placement/removal	\$60.00
Hydrant meter with backflow device - Placement/testing/removal	\$85.00
Hydrant meter with backflow device - Move and retest	\$85.00
Hydrant meter fee: (Not prorated; provide 24 hours notice for removal)	
3" meter on 2½" hydrant port: Up to two days	\$35.00
Weekly rate	\$75.00
¾" meter on 2½" hydrant port: Up to two days	\$25.00
Weekly rate	\$55.00
Water Usage - At commercial volume rate per 1000 gallons (No gallonage included)	\$3.12
Loss or damage	Full Repair or Replacement cost
Contractor Water - From Public Works Department fill station:	
Fill Station Access Fee - At 2" commercial meter rate per calendar month	\$62.13
Water Usage - At commercial volume rate per 1000 gallons (No gallonage included)	\$3.12
Loss or damage	Full Repair or Replacement cost
<u>PUBLIC WORKS</u>	
Application Fee for Reimbursement District (actual fee calculated at 5% of project value with no minimum fee)	\$10,000.00 Maximum

Banner Permit	\$ 25.00
Document Fees:	
Aerial copies (11"x17", per page)	\$ 25.00
Blue line/large format copies (per square foot)	\$ 0.50
Development standards, hardcopy	\$ 25.00
Development standards, electronic copy	\$ 15.00
Large maps/drawings (per square foot)	\$ 0.50
Wicks Treatment Plant Lab Fees:	
Turbidity	\$ 16.00
pH (certified)	\$ 20.00
Alkalinity	\$ 20.00
Aluminum	\$ 24.00
Calcium	\$ 16.00
Copper	\$ 16.00
Fluoride	\$ 32.00
Hardness	\$ 24.00
Iron	\$ 16.00
Lead	\$ 16.00
Manganese	\$ 24.00
Phosphate - Ortho	\$ 24.00
Phosphate - Total	\$ 36.00
Silica	\$ 32.00
Sulfate	\$ 32.00
Certified Bio-Lab Tests	
Total Coliform/ <i>E. coli</i> by CF Method	\$ 30.00
Total Coliform/ <i>E. coli</i> by CF-Quanti-Tray Method	\$ 50.00
Nitrate	\$ 30.00

<u>PLANNING DEPARTMENT</u>	
Adjustment - Administrative	\$ 60.00
Adjustment - Quasi	\$ 235.00
Annexation	\$ 65.00
Appeal	\$ 380.00
Ballot Measure 37 Claim Application Fee	\$ 300.00
Building Permit - Major	\$ 105.00
Building Permit - Minor	\$ 30.00
Comprehensive Plan Amendment	\$ 450.00
Comprehensive Plan/Zone Change	\$ 775.00
Conditional Use	\$ 420.00
Historical Review	\$ 25.00
Home Occupation	\$ 65.00
Major Partition	\$ 380.00
Minor Partition	\$ 250.00
Mobile Home Park	\$ 450.00
Non-conforming Use - Administrative	\$ 60.00
Non-conforming Use - Quasi	\$ 235.00
Physical Constraints	\$ 25.00
Planned Unit Development	\$ 480.00
System Development Charges: (transportation) Calculated using Discounted Transportation SDC per Unit of Development, as shown in Table 10 attached as Exhibit "A"	
Property Line Adjustment	\$ 65.00
Sidewalk/Approach Permit	\$ 15.00
Sign - Sidewalk Signboard Permit (one time fee)	\$ 15.00
Sidewalk Signboard Impound Redemption fee (1 st violation)	\$ 10.00
Sidewalk Signboard Impound Redemption fee (2 nd violation)	\$ 50.00

<u>PLANNING DEPARTMENT</u>, Continued	
Sidewalk Signboard Impound Redemption fee (3 rd & subsequent violations)	\$ 100.00
Sign - Flush Mount	\$ 30.00
Sign - Freestanding under 8'	\$ 65.00
Sign - Freestanding over 8'	\$ 90.00
Sign - over 250 square feet	\$ 155.00
Site Plan Review	\$ 335.00
Subdivision	\$ 480.00
Utility Verification	\$ 10.00
Vacation (Street)	\$ 380.00
Variance	\$ 380.00
Zone Change	\$ 450.00
Document Fees:	
Comprehensive Plan	\$ 10.00
Comprehensive Plan Map	\$ 5.00
Geologic Hazard Study	\$ 20.00
Zoning Ordinance (LUDO)	\$ 10.00
Zoning Map	\$ 5.00
<u>ADMINISTRATIVE FEES</u>	
Parking Permit Fees (City lots):	
Monthly	\$ 15.00
Annually	\$ 150.00
Reserved space/annual - first year	\$ 325.00
Reserved space/annual - subsequent years	\$ 300.00
Photocopy Fees:	
Per page (less than 50 pages)	\$ 0.25
Document (between 50 and 100 pages)	\$ 15.00
Document (over 100 pages)	\$ 25.00

<u>ADMINISTRATIVE FEES</u>, Continued	
Ordinances, maps, odd size documents, filling public records requests that do not fit in another category, including research time, supervision, etc.	\$ 25.00 per hour
Liquor Licenses (OLCC):	
New Outlet	\$ 100.00
Change in Ownership/Privilege	\$ 75.00
Annual Renewals	\$ 35.00
Tape recording of a proceeding or meeting	\$ 10.00
Lewis & Clark Festival Park:	
User Fee	\$ 50.00
Security Deposit (refundable)	\$ 100.00



CITY of THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX: (541) 296-6906

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
December 10, 2012	Action Items 13, E	12-083

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager *ny*

DATE: November 27, 2012

ISSUE: Adoption of Resolution No. 12-024, approving a rate increase resulting from increased landfill disposal costs and operational costs incurred by The Dalles Disposal Service, Inc.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: Enclosed with this staff report is a letter dated October 31, 2012 from Jim Winterbottom, site manager for The Dalles Disposal, submitting a request to the City to consider granting an increase averaging approximately 1.9% in the rates charged by the company for solid waste and recycling services, to be effective January 1, 2013. The increase is being requested due to increased operational costs and tip fees. The operational costs include such items as health care, and truck and equipment repair. Mr. Winterbottom notes that the Wasco County Landfill anticipates increasing both its gate rate and the pass-through Household Hazardous Waste tax, by a total amount of 1.9% effective January 1, 2013. A copy of the proposed revised rate schedule is also enclosed with this staff report.

General Ordinance No. 92-1155 which contains provisions regulating franchisees who collect solid waste, requires the City Council to review rates charged by franchisees to determine if the rates are reasonable and just and adequate to provide collection service. Oregon law requires that the City Council provide an opportunity for public comment upon any proposed increase in fees, includes rates to be charged by City franchisees.

BUDGET IMPLICATIONS: As a result of the approved rate increase, the City will probably receive a modest increase in the amount of the franchise fee collected from The Dalles Disposal, as the franchise fee is calculated on the amount of gross revenue received by The Dalles Disposal.

ALTERNATIVES:

- A. Staff Recommendation. *Move to adopt Resolution No. 12-024, approving a rate increase for increased costs incurred by The Dalles Disposal Service for operational costs and disposal of material at the Wasco County Landfill.*
- B. Move to approve a lesser percentage rate increase request, and direct staff to prepare a revised resolution approving the rate increase for consideration at the January 14, 2013 Council meeting.
- C. Move to deny approval of the requested rate increase.



WASTE CONNECTIONS, INC.

Connect with the Future[®]

The Dalles Disposal

October 31, 2012

City of The Dalles
313 Court Street
The Dalles, Or. 97058

Attn:
Gene Parker, City Attorney

Dear Mr. Parker, Honorable Mayor and Council Members:

The Dalles Disposal would like to respectfully request a rate adjustment averaging approximately 1.9% to help offset rising operational costs and tip fees. We request this adjustment to be effective January 1, 2013. Some examples of these increases include, but are not limited to, health care, and truck and equipment repair.

We use the Federal Bureau of Labor Statistics CPI index for Portland/Salem to benchmark our changes in operational costs. This index is computed as of June 30 and December 31. The most recent June to June comparison increased 2.20%, and we believe this is a good indicator of our overall experience. The Wasco County Landfill anticipates increasing both its gate rate and the pass-through Household Hazardous Waste tax by 1.9%, effective January 1. We have incorporated these increases into the attached proposed rate schedule.

Individual rates change by different percentages based upon the disposal weight component of each rate. A service with no weight (eg, a carry out charge) might increase 2.20%, while a per ton drop box overage charge will only increase 0.4%. All the other rates will increase by some combination of the two percentages, averaging out at about 1.9%.

We would like to be scheduled on the council agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide the City of The Dalles with high quality solid waste service.

Sincerely,

Jim Winterbottom
Site Manager

Enclosure: Proposed Rate Sheets

RESOLUTION NO. 12-024

**A RESOLUTION APPROVING A RATE
INCREASE RESULTING FROM INCREASED
OPERATIONAL AND TIPPING FEE COSTS
INCURRED BY THE DALLES DISPOSAL SERVICE**

WHEREAS, The Dalles Disposal Service, Inc. submitted a request on October 31, 2012, for a rate increase averaging approximately 1.9% for increased operational costs and tip fees, and for an adjustment to the company's rate schedule as a result of anticipated increases by Wasco County Landfill for both its gate rate and the pass through Household Hazardous Waste Tax, which increase should total 1.9% effective January 1, 2013; and

WHEREAS, Section 11 of General Ordinance No. 92-1155 provides that the City Council shall review all requests for a rate increase for companies providing solid waste collection services, to determine whether the proposed rates are just and reasonable and adequate to provide necessary collection services; and

WHEREAS, pursuant to ORS 294.160, the City Council provided an opportunity at the December 10, 2012 Council meeting for public comment upon the proposed rate increase; and

WHEREAS, The Dalles Disposal Service, Inc. submitted testimony that the company has incurred recent increased operational costs including costs for health care, and truck and equipment repair; and

WHEREAS, The Dalles Disposal Service, Inc. provided further testimony that their company uses the Federal Bureau of Labor Statistics CPI Index for Portland/Salem to benchmark their operational costs, and the most recent comparison for the months of June 2011 to June 2012 showed an increase of 2.20%; and

WHEREAS, The Dalles Disposal Inc. submitted additional testimony that the individual rates change by different percentages based upon the disposal weight component of each rate, and that a service with no weight, such as a carry out charge, might increase 2.20%, while a per ton drop box overage charge would only increase 0.4%, and that a comparison of other rates indicated that the average increase would be approximately 1.9%; and

WHEREAS, the City Council finds that approval of the requested rate increase resulting from the increase costs of disposal of waste material at the Wasco County Landfill and increased operational costs, is appropriate and necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE DALLES AS FOLLOWS:

Section 1. Rate Increases Approved. The rate increase requested by The Dalles Disposal Service, Inc., resulting from increased costs for disposal of material at the Wasco County Landfill and increased operational costs, as set forth in the attached Exhibit "A", is hereby approved, and shall take effect on January 1, 2013.

Section 2. Effective Date. The effective date of this Resolution shall be December 10, 2012.

PASSED AND ADOPTED THIS 10TH DAY OF DECEMBER, 2012

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 10TH DAY OF DECEMBER, 2012

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

THE DALLES CITY GARBAGE RATES
Proposed Increase January 1, 2013

SERVICE	CURRENT RATE	Total LF Increase	Business Increase	Franchise Fee	TOTAL INCREASE	NEW RATE
RESIDENTIAL						
CANS/ROLLCARTS						
Weekly						
- (1) 20 gal can	\$10.78	\$0.05	\$0.16	\$0.01	\$0.21	\$10.99
- (1) 32 gal can	\$15.56	\$0.08	\$0.22	\$0.01	\$0.31	\$15.87
- 90 gal rollcart	\$22.80	\$0.21	\$0.25	\$0.02	\$0.48	\$23.28
- 105 gal cart (Phase Out)	\$24.52	\$0.25	\$0.26	\$0.02	\$0.52	\$25.04
- each add'l can	\$15.56	\$0.08	\$0.22	\$0.01	\$0.31	\$15.87
EOW						
- (1) 32 gal can	\$12.68	\$0.05	\$0.19	\$0.01	\$0.25	\$12.93
Call In						
- (1) 32 gal can	\$11.08	\$0.02	\$0.16	\$0.01	\$0.21	\$11.29
- 90 gal rollcart	\$16.58	\$0.06	\$0.26	\$0.01	\$0.33	\$16.91
YARD DEBRIS						
* 12 month min sign-up period						
* \$18 restart fee if service cancelled and restarted w/in year						
* 60 gal yard debris cart						
Weekly	\$7.70	\$0.05	\$0.03	\$0.00	\$0.08	\$7.78
EOW	\$5.28	\$0.03	\$0.03	\$0.00	\$0.06	\$5.34
SPECIAL CHARGES						
* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.						
Additional Charge:						
- Sunken Can	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
- Excess distance	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
- Steps/stairs	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
- Through gate	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
-extra can/bag/box	\$6.13	\$0.01	\$0.10	\$0.00	\$0.12	\$6.25
- loose yardage per yd	\$26.11	\$0.16	\$0.35	\$0.02	\$0.53	\$26.64
(over-the-top extra around conls-cans-rollcarts or on the ground)						
- bulk items (*Bring to transfer station)						
- return trip can	\$6.79	\$0.01	\$0.12	\$0.00	\$0.13	\$6.92
- return trip rollcart	\$9.03	\$0.00	\$0.16	\$0.01	\$0.17	\$9.20
- rollcart redelivery	\$9.35	\$0.00	\$0.17	\$0.01	\$0.18	\$9.53
- Off day PU	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
- Delinquent fee	\$11.75	\$0.00	\$0.21	\$0.01	\$0.22	\$11.97
(Acct delinquent after 30 days from billing)						
- NSF/unhonored check fee	\$27.75	\$0.00	\$0.51	\$0.02	\$0.52	\$28.27
- New Acct set up fee	\$5.36	\$0.00	\$0.10	\$0.00	\$0.10	\$5.46
- Change in service (name/address/service)	\$5.35	\$0.00	\$0.10	\$0.00	\$0.10	\$5.45

THE DALLES CITY GARBAGE RATES

Proposed Increase January 1, 2013

SERVICE	CURRENT RATE	Total LF Increase	Business Increase	Franchise Fee	TOTAL INCREASE	NEW RATE
COMMERCIAL						
Weekly						
- (1) 32 gal can	\$18.58	\$0.08	\$0.28	\$0.01	\$0.37	\$18.95
- 90 gal rollcart	\$28.05	\$0.21	\$0.35	\$0.02	\$0.58	\$28.63
- 105 gal cart (Phase Out)	\$28.60	\$0.25	\$0.33	\$0.02	\$0.60	\$29.20
- each add'l can	\$18.58	\$0.08	\$0.28	\$0.01	\$0.37	\$18.95
EOW						
- (1) 32 gal can	\$15.51	\$0.05	\$0.25	\$0.01	\$0.30	\$15.81
Call In						
- (1) 32 gal can	\$12.19	\$0.02	\$0.20	\$0.01	\$0.24	\$12.43
- 90 gal rollcart	\$18.32	\$0.06	\$0.29	\$0.01	\$0.36	\$18.68

SPECIAL CHARGES

* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.

Additional Charge:

- Sunken Can	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
- Excess distance	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
- Steps/stairs	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
- Through gate	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
-extra can/bag/bex	\$6.13	\$0.01	\$0.10	\$0.00	\$0.12	\$6.25
- loose yardage per yd	\$26.11	\$0.16	\$0.35	\$0.02	\$0.53	\$26.64
(*extra garbage ontop or around cans and rollcarts which must be manually handled & placed in truck)						
- bulk items (*Bring to transfer station)						
- return trip can	\$6.79	\$0.01	\$0.12	\$0.00	\$0.13	\$6.92
- return trip rollcart	\$9.06	\$0.02	\$0.15	\$0.01	\$0.18	\$9.24
- rollcart redelivery	\$9.35	\$0.00	\$0.17	\$0.01	\$0.18	\$9.53
- Off day PU	\$6.70	\$0.00	\$0.12	\$0.00	\$0.13	\$6.83
- Delinquent fee	\$11.75	\$0.00	\$0.21	\$0.01	\$0.22	\$11.97
(Acct delinquent after 30 days from billing)						
- NSF/unhonored check fee	\$27.75	\$0.00	\$0.51	\$0.02	\$0.52	\$28.27
- New Acct set up fee	\$5.36	\$0.00	\$0.10	\$0.00	\$0.10	\$5.46
-Mileage 15 miles RT from LF	\$2.40	\$0.00	\$2.40	\$0.08	\$2.40	\$2.40
- Change in service (name/address/service)	\$5.36	\$0.00	\$0.10	\$0.00	\$0.10	\$5.46

THE DALLES CITY GARBAGE RATES

Proposed Increase January 1, 2013

SERVICE	CURRENT RATE	Total LF Increase	Business Increase	Franchise Fee	TOTAL INCREASE	NEW RATE
CONTAINERS						
1 1/2 Yd Containers						
- Call In	\$28.34	\$0.13	\$0.41	\$0.02	\$0.57	\$28.91
- EOW	\$41.48	\$0.29	\$0.53	\$0.03	\$0.85	\$42.33
- 1XPW	\$83.01	\$0.57	\$1.07	\$0.06	\$1.70	\$84.71
- Additional day rate = # days x 1 x wk rate						
2 Yd Containers						
- Call In	\$39.91	\$0.18	\$0.59	\$0.03	\$0.79	\$40.70
- EOW	\$55.47	\$0.38	\$0.72	\$0.04	\$1.14	\$56.61
- 1XPW	\$110.90	\$0.76	\$1.43	\$0.08	\$2.27	\$113.17
- Additional day rate = # days x 1 x wk rate						
3 Yd Containers						
- Call In	\$56.67	\$0.26	\$0.83	\$0.04	\$1.13	\$57.80
- EOW	\$82.96	\$0.57	\$1.07	\$0.06	\$1.70	\$84.66
- 1XPW	\$166.02	\$1.14	\$2.14	\$0.12	\$3.40	\$169.42
- Additional day rate = # days x 1 x wk rate						
SPECIAL CHARGES						
- Delivery	\$30.22	\$0.00	\$0.55	\$0.02	\$0.57	\$30.79
- Rent	\$29.47	\$0.00	\$0.54	\$0.02	\$0.56	\$30.03
- Rent-a-bin	\$67.21	\$0.00	\$1.23	\$0.04	\$1.27	\$68.48
- Loose yardage	\$26.11	\$0.16	\$0.35	\$0.02	\$0.53	\$26.64
Containers with difficult access (per cont chg)						
- Not on solid surface	\$7.38	\$0.00	\$0.13	\$0.00	\$0.14	\$7.52
- Stuck in the mud	\$7.38	\$0.00	\$0.13	\$0.00	\$0.14	\$7.52
- Lodged in loose gravel	\$7.38	\$0.00	\$0.13	\$0.00	\$0.14	\$7.52
- Overweight	\$7.38	\$0.00	\$0.13	\$0.00	\$0.14	\$7.52
- Excess distance	\$7.38	\$0.00	\$0.13	\$0.00	\$0.14	\$7.52
- Rolloff curb	\$7.38	\$0.00	\$0.13	\$0.00	\$0.14	\$7.52

THE DALLES CITY GARBAGE RATES

Proposed Increase January 1, 2013

SERVICE	CURRENT RATE	Total LF Increase	Business Increase	Franchise Fee	TOTAL INCREASE	NEW RATE
COMPACTORS						
* 50,000 max gross weight - Per compacted yard	\$28.91	\$0.45	\$0.18	\$0.02	\$0.65	\$29.56
- over 2 tons for 10 yds						
- over 4 tons for 20 yds						
- over 6 tons for 30 yds						
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$327.35	\$0.00	\$5.97	\$0.20	\$6.17	\$333.52
DROP BOXES						
- 10 yd min fee empty	\$180.53	\$1.62	\$2.04	\$0.13	\$3.79	\$184.32
- 15 yd min fee empty	\$278.11	\$2.43	\$3.19	\$0.20	\$5.82	\$283.93
- 20 yd min fee empty	\$361.06	\$3.24	\$4.07	\$0.26	\$7.58	\$368.64
- 30 yd min fee empty	\$541.60	\$4.86	\$6.11	\$0.40	\$11.37	\$552.97
- Delivery	\$62.94	\$0.00	\$1.15	\$0.04	\$1.19	\$64.13
- Pickup	\$62.94	\$0.00	\$1.15	\$0.04	\$1.19	\$64.13
- Swap	\$62.94	\$0.00	\$1.15	\$0.04	\$1.19	\$64.13
- Ex miles	\$62.94	\$0.00	\$1.15	\$0.04	\$1.19	\$64.13
- Demurrage per day after 5 days	\$13.40	\$0.00	\$0.24	\$0.01	\$0.25	\$13.65
- LS ydg	\$18.06 \$0.00	\$0.16	\$0.20	\$0.01	\$0.38	\$18.44
- over 2 tons for 10 yds						
- over 4 tons for 20 yds						
- over 6 tons for 30 yds						
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$327.35	\$0.00	\$5.97	\$0.20	\$6.17	\$333.52

THE DALLES CITY GARBAGE RATES

Proposed Increase January 1, 2013

SERVICE	CURRENT RATE	Total LF Increase	Business Increase	Franchise Fee	TOTAL INCREASE	NEW RATE
TRANSFER STATION						
Minimum Charge:						
Household Garbage						
* 1 can or 1 bag	\$6.81	\$0.01	\$0.11	\$0.00	\$0.13	\$6.94
- Per Yard (After Minimum)	\$12.71	\$0.09	\$0.17	\$0.01	\$0.26	\$12.97
- MINIMUM YARD CHARGE (3 Yards)	\$25.42			\$0.00	\$0.52	\$25.94
Bulk Items:						
- Mattress/box springs						
- Recliners/large chairs						
- Couches/furn/tv's (minimum fee plus)	\$8.05	\$0.00	\$0.15	\$0.00	\$0.15	\$8.20
Appliances:						
- each	\$10.73	\$0.00	\$0.20	\$0.01	\$0.20	\$10.93
- Refrigerators	\$29.92	\$0.00	\$0.55	\$0.02	\$0.56	\$30.48
- Tires (each)	\$12.05	\$0.00	\$0.22	\$0.01	\$0.23	\$12.28
- Tires with rims to 16" (each)	\$24.12	\$0.00	\$0.44	\$0.01	\$0.45	\$24.57
Brush and Wood:						
(Must be clean/no garbage/ for recycling)						
- Per Yard (After Minimum)	\$6.25	\$0.09	\$0.05	\$0.01	\$0.14	\$6.39
- MINIMUM YARD CHARGE (3 Yards)	\$18.75			\$0.00	\$0.42	\$19.17

Yardage calculation: multiply width x length x height divide by 27 = total yards