

MINUTES

COUNCIL WORK SESSION
OF
OCTOBER 1, 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, Brian Ahier, Tim McGlothlin

COUNCIL ABSENT: None

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, Community Development Director Dan Durow, Engineer Dale McCabe, Senior Planner Dick Gassman, Police Captain Ed Goodman

CALL TO ORDER

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

ROLL CALL

Mayor Wilcox noted all Councilors present.

DISCUSSION REGARDING RESIDENTIAL INFILL DEVELOPMENT POLICIES AND PROCEDURES

Administrative Fellow Garrett Chrostek reviewed the staff report, highlighting the recommendations from the committee that worked on the policies in 2007, including

implementation of a five year capital improvement plan schedule; discontinuing use of waivers of remonstrance; only using local improvement districts in emergency situations; and providing multi-frontage relief in assessments. He reviewed possible options including prohibiting all development on under-improved streets; requiring installation of street improvements contemporaneously with development; deferring installation or obligation to pay for the improvements until a later point in the development process; requiring nothing and using LID's to complete all improvements; and pursuing other approaches to encourage street improvements. Chrostek described each option as he reviewed them.

Chrostek reviewed the recommendation to adopt a combination of Alternatives 2 and 3 which were to require developers to install street improvements or make payment in lieu as a condition to land use approvals and building permits and the ability to defer the developer's obligation to pay for or install the improvements until later in the development process.

Councilor Wood said the confusion seemed to be the definition of development. She said she had not been aware that it included a minor partition. There was agreement among the Council that they believed development to be an action that was adding value to a piece of property, not a simple division of the property into two lots.

Chrostek noted the Land Use Development Ordinance (LUDO) did define a partition as development. He said the recommendation to allow payment deferral would be helpful to people who wanted to partition their property because they would not have to pay the assessments until the property was sold.

Councilor Dick said it was expensive for a property owner to divide their property because they had to pay for surveys, plats, and other fees. He said for the purposes of infill, property owners should be allowed to divide and sell one lot without having to pay the development assessments.

Mayor Wilcox said the City could re-define development so it did not include a minor partition action.

City Manager Young said property owner surprise regarding the assessments seemed to be the most concerning issue. He said it was important to make sure the property owners were aware of the costs in advance and noted the staff recommendation did include an option for people to defer the payment, but it was important to have an agreement with the property owner at the time of a property sale. Young recommended modifying the recommendation to include attaching an obligation to the property at the time of partition, obligating the developer, and that the payment would be due at the time a building permit was applied for.

Councilor Dick said he was interested in allowing for an exception for single lots. Councilor

Spatz agreed, saying he would support the inclusion of an exception for single lot partitions.

Public Comment

Dave Link, 2923 East Ninth Street, The Dalles, said he believed realtors should have some responsibility to know what encumbrances were on property they listed for sale. Link said he had participated on the task force and said that builders and developers who were on the task force had said they would not feel obligated to tell buyers about the future development costs. He said a developer should pay for the costs or at least include it in the cost of the sale of property.

Randy Hager, 2804 East Tenth Street, The Dalles, compared current development standards to past, saying when the Thompson Addition neighborhood was developed, it did meet the City standards, and it should now be the City's responsibility to pay for improvements to bring it up to a new standard. Mr. Hager read a letter into the record regarding his concerns (attached as Exhibit "A"). He added that it seemed unfair that the proposed cost of \$80,000 to his property for improvements could be done by private enterprise at a cost of \$21,000 to \$23,000, but the City would not allow the improvements to be made privately.

City Manager Young explained that the improvements were required to be engineered. He said if the engineering was completed, property owners could hire private companies to install the improvements, but the engineering was not done yet. It was estimated the cost of engineering was 15 to 20% of the project cost.

Public Works Director Anderson noted that the task force had considered, but rejected, the concept of reimbursement districts for street improvements, such as was in place for water and sewer improvements. He suggested the concept could be re-visited.

John Pereira, 2815 East Tenth Street, The Dalles, expressed concern regarding the future sale of his property. He said people wanted answers regarding their ability to divide and/or sell their properties so they could make plans for the future.

City Manager Young said if the property was divided presently, street improvements would need to be paid for; and if the policy was changed as recommended, the payment could be deferred in the manner decided on by the Council.

Bill McBurney, The Dalles, said the public utilities and streets should be paid for by the City, not property owners. He said it was not a matter of money, but a matter of leadership and a lack of will. He said the City needed to develop a new direction and create a nice place for the residents and that placing a public responsibility on private citizens was wrong.

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Councilor Dick said he had participated in an LID process for sewer service in his neighborhood and was happy to do it because it helped his entire neighborhood and allowed for additional development in the area. He said sometimes citizens were called upon to help make their community better.

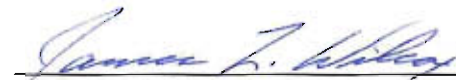
City Manager Young said staff would develop additional alternatives, with a focus on a combination of options #2 and #3, work on timing concerns, definitions, and inheritance issues. It was the consensus of the Council to schedule an additional work session to complete the discussion with the additional information.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:45 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:



James L. Wilcox, Mayor

ATTEST:



Julie Krueger, MMC, City Clerk

Sept. 28, 2012
2804 B E. 10th ST.
The Dalles, Oreg. 97058

Dick Gassman
Senior Planner + More
City The Dalles
313 Court St.

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Exhibit "A"
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Dear Dick,

Thank you for your Sept 22nd visit to my property on E. 10th St, and answering the questions that I posed that developed as a result of my having read the 22 page agenda notice to the city council work session coming up Oct. 1, 2012, regarding residential in fill development policies and procedures. I trust you've had an opportunity to review.

as I informed you on the 22nd, my purchase of 2804 E. 10th, a .91 ac. parcel, was presented to me by Tadness Realty as dividable in to 3 lots with service development charges ranging, for 1 sewer, 1 water hookup provided by City of The Dalles public works, at a cost of \$3,172.00, or a 3 lot sewer and water hook up provided at \$8,292.00 total cost. Service development charges for the 3 lot service is quoted at \$268.00 each included in the \$8292. figure

I have never been informed, or gleaned information, that those quotes made available to me, signed by City of The Dalles public works Daniel M. Roberts dated May 2002 were not still valid quotes.

Now im seeing proposed in the agenda notice for city council Oct 1, that some very strict and somewhat offensive manners of location and procedure regarding property rights are in print, and certainly do not include some elements of law that are made available through the laws provided us by the Oregon legislature; namely, the language + structure of local improvement districts, LIDs.

Having purchased 2804 E 10th as an investment with gradual development in mind, these most unusual proposals are of deep concern to me, especially after hearing from you the potential consequences if acted upon by our city Council

If in reading these proposed development procedures I can only write and regret that I have not completed my work in the Dallas and moved on to accomplish my greater goals.

I want to reiterate some of our 9/22 discussion and once reviewed by you, receive a written verification from you ASAP as to the accuracy of your earlier statements.

1. should I choose to sell all of 2904 as one parcel I am bound to pay in to the city development fund, which for my frortage amounts to about \$80,000. This is work that I have private free enterprise quotes for that range from \$21,000 to \$23,000. and that you're telling me I cannot do the work at this time as the city will not allow me to proceed until the storm drain system is in place. To sell I can only pay the \$80,000 and walk away, future owners have no assurance that street improvements will ever occur.

2. should I choose to sell off 1 lot, thereby following my investment plan now which I only have the no-option to pay the city development fee of \$80,000, even though charter allows me the one lot sale. So I sell off one \$30,000 - \$40,000 lot, come up with the remaining obligation of the \$80,000, and that only allows the sale to go through. also, I no longer own the sold parcel to develop that we paid exorbitant taxes on for 10+ years.

3. I select to further develop and request a building permit for construction, and once again I am obligated to pay the entire development fee of \$80,000, and never know when or if the city development work is going to occur, or if permits are being granted.

4. at present I am anticipating your answer as to the city's wishes + dates of installation of storm drain facilities in E. 10th st east of its present termination, if such should exist.

(3)

So, Dick I request/demand an either/or posture regarding the city's intervention in my investment plans. I can't be left with the exclusion of free enterprise in its entirety. There simply can not be a no choices only offered to me or any of us in the vicinity of The Dalles.

as a consequence of these considerations, and inherent in our conversation, stands the obligation to request - demand, that every available piece of language that exists in the legislated LID format, be screened and opened for this communities benefit. Both the procedure and implementation of the LID potential stands as the correct resource to serve the purpose we are pondering.

Though it may be slower than the prescribed demands to pay upfront, regardless of ones request, it proves itself the most legal and prudent manner to catch up on what what Mayor VanCleave 8 yrs ago, referred to as 150 years of catching up.

Local 'improvement' means just that. There is by the nature of time + use the obligation to restore/improve. This does not place each + every single act or obligation of investment or change to fall under the category of developer. Such is the case with Thompson Addition and all other 'developed' additions in the vicinity of The Dalles. The true development of streets and lots took place in the past and though it may be time for some 'improvements', the notions set forth in the OCT 1 agenda are harsh and unsecure, and should be laid aside, as ill thoughts, and replaced with present day aptitude + logic refraining from the inherent potential financial burdens placed on a people familiar with free enterprise.

I hope and intend that this letter suffice to encourage and entice you in your updated position to secure for and serve honorably a community that certainly deserves and cries out for leadership.

I will anticipate your requested discernments.
Thank you

R.G. HAGER

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