

AGENDA

REGULAR CITY COUNCIL MEETING

October 28, 2013

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.

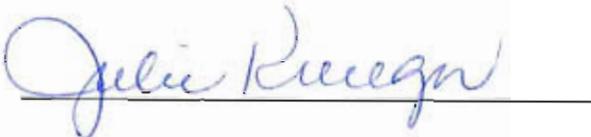
CITY OF THE DALLES

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

- A. Approval of September 23, 2013 Regular City Council Meeting Minutes
 - B. Approval of September 16, 2013 Special City Council Meeting Minutes
 - C. Approval to Declare Public Works Department Equipment as Surplus Property
 - D. Resolution No. 13-032 Adopting a Policy of Nondiscrimination on the Basis of Handicapped Status
 - E. Resolution No. 13-034 Authorizing the Planning Director to Execute Documents Related to the CDBG Housing Rehabilitation Grant Program
11. PUBLIC HEARINGS
- A. Public Hearing to Receive Testimony Regarding Amendments to the Land Use Development Ordinance (LUDO) **[Agenda Staff Report #13-072]**
12. CONTRACT REVIEW BOARD ACTIONS
- A. Authorization to Purchase Street Sweeper **[Agenda Staff Report #13-071]**
 - B. Award Contract for Surge Tank Construction **[Agenda Staff Report #13-073]**
13. ACTION ITEMS
- A. Request to Remove Waiver of Remonstrance Agreement From Property at 2919 East Ninth Street **[Agenda Staff Report #13-069]**
 - B. General Ordinance No. 13-1330 Approving Zone Change Amendment No. 84-13 and Comprehensive Plan Amendment No. 40-13 for Property Located at 1015 Walnut Street **[Agenda Staff Report #13-070]**
14. DISCUSSION ITEMS
- A. Bicycle Master Plan Update **[Agenda Staff Report #13-074]**
15. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk



Julie Krueger



CITY of THE DALLES

313 COURT STREET
THE DALLES, OR 97058
PH. (541) 296-5481
FAX (541) 296-6906

AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 28, 2013	Consent Agenda 10, A - E	N/A

TO: Honorable Mayor and City Council
FROM: Julie Krueger, MMC, City Clerk
THRU: Nolan K. Young, City Manager
DATE: October 16, 2013

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

A. **ITEM:** Approval of September 23, 2013 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the September 23, 2013 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 September 23, 2013 regular City Council meeting.

B. **ITEM:** Approval of September 16, 2013 Special City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the September 16, 2013 special City Council meeting have been prepared and re submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the September 16, 2013 special City Council meeting.

- C. **ITEM:** Approval to Declare Public Works Department Equipment as Surplus Property.

BUDGET IMPLICATIONS: Any proceeds from sale of scrap will be credited to the appropriate fund. The sweeper unit will be used as trade.

SYNOPSIS: The Public Works Department is requesting the following items be declared surplus:

From Wastewater Collection Division:

1999 M9D Sweeper (Unit #50);19,000 hours of use; Serial # 1A9Y25DB9WR059062

From Water Treatment Fund:

1986 Bolens lawn tractor City Asset Tag 01781

From Wastewater Fund

1979 Onan Generator, 365 kw; Model 502FDR7020DDW; Serial # JK-92632-9

The sweeper will be used as trade on the purchase of a replacement unit. The other items will be disposed of as scrap recycling.

RECOMMENDATION: That City Council declare the equipment as surplus property and authorize staff to dispose of the items in an appropriate manner.

- D. **ITEM:** Resolution No. 13-032, setting forth the City's policy of nondiscrimination on the basis of handicapped status.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The City recently received a Community Development Block Grant for implementation of the Mid-Columbia Home Repair Program for Wasco, Hood River, and Sherman Counties. The state of Oregon is prepared to begin the process of approving draw down requests for this grant program. In order to process requests for the draw down payments, the state has advised the City that the City needs to adopt an updated resolution setting forth the City's policy of nondiscrimination on the basis of handicapped status. Enclosed with this staff report is a proposed updated resolution for the Council's review and approval. The updated resolution is based upon language recommended by the state of Oregon.

RECOMMENDATION: Approve Resolution No. 13-032.

E. **ITEM:** Resolution No. 13-034 Authorizing the Planning Director to Execute Documents Related to the CDBG Housing Rehabilitation Grant Program.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The City recently received a Community Development Block Grant for implementation of the Mid-Columbia Home Repair Program for Wasco, Hood River, and Sherman Counties. The Community Development Block Program typically provides that the City's highest elected official, which would be the Mayor for the City of The Dalles, executes documents related to any grant that is award to a local government.

In the past when the City has applied for and received grants under the Community Development Block Grant Program, the City's Planning Director has provided an active role in the grant application and implementation process. The State of Oregon will allow for grant related documents to be signed by a person who has been duly authorized to sign the documents, in addition to the City's highest elected official. To facilitate the administration of the recent grant received by the City, staff is recommending that the Council adopt a resolution authorizing the City Planning Director to sign documents related to the grant.

RECOMMENDATION: Adopt Resolution No. 13-034.

MINUTES

REGULAR COUNCIL MEETING
OF
SEPTEMBER 23, 2013
5:30 P.M.

THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Steve Lawrence

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

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Clerk Julie Krueger, Public Works Director Dave Anderson, Police Chief Jay Waterbury, Engineer Dale McCabe, Senior Planner Dawn Hert, Administrative Fellow Jon Chavers

CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:34 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; all Councilors present.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

A supplemental agenda including Resolution No. 13-033 authorizing signature of a Rural Enterprise Zone Long Term Agreement with Design, LLC; approval of distribution of Enterprise

MINUTES (Continued)
Regular Council Meeting
September 23, 2013
Page 2

Zone fees from Agreement with Design, LLC; and approval of distribution of the City's share of annual Enterprise Zone fees from Agreement With Design, LLC; and addition of an OLCC Application for Change in Ownership for Romul's Restaurant, were added to the agenda.

It was moved by Wood and seconded by McGlothlin to approve the agenda as amended. The motion carried unanimously.

PRESENTATIONS/PROCLAMATIONS

Mayor Lawrence introduced his twin brother Joe, who was in town visiting.

Senior Center Update Presented by Scott McKay

Scott McKay said September was National Senior Center Month and was a good time to provide an update of activities to the City Council. He highlighted recent accomplishments, noting a Committee had been formed to develop a plan to raise funds for the installation of an elevator. He noted programs and said the Senior Center had many volunteers. McKay said the Senior Center operated on a very small budget of \$100,000 per year. He also noted the Senior Center had many partnerships.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

None.

CITY COUNCIL REPORTS

Councilor Wood said she had attended the dedication of the opening of the historic highway between McCord and Moffet Creeks, connecting Cascade Locks to Troutdale. She said this completed a six mile section of the trail. Wood said the Council of Governments would have a public hearing on October 1 at 5:30 p.m., at the PUD building to consider increasing building permit fees. She said the current proposal was to increase 20%, 10%, and 10%, over a three year period.

Councilor McGlothlin said the focus of the recent Traffic Safety Commission meeting was discussing concerns and support of the improvements on Kelly Avenue between 10th and 12th Streets. He said the project had been paid for out of general street improvement funds and was

needed to improve pedestrian safety and install ADA access in the area. McGlothlin said he had attended the Airport Board meeting and progress was being made with the water district, industrial park, and an additional FAA Grant had been received, in the amount of \$993,000, for taxiway improvements.

Councilor Spatz said he had attended a round table meeting with agricultural representatives to discuss challenges and opportunities that may be addressed in the work force training programs. He said the college was planning to update the institutional academic master plan. Spatz noted that aviation training had also been identified as a field which needed workforce training.

Councilor Miller said she attended the Urban Renewal Advisory Committee meeting, noting the Advisory Committee had forwarded a recommendation to the Agency to approve two rehabilitation grant applications. She said an update had been asked for concerning the Granada Block Redevelopment, but there was nothing new to report at that time.

CONSENT AGENDA

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

The items approved by Consent Agenda were: 1) approval of the September 9, 2013 regular City Council meeting minutes; and 2) authorization for City Clerk to endorse an OLCC Change in Ownership application for Romul's Restaurant.

PUBLIC HEARINGS

Continuation of Public Hearing to Receive Testimony Regarding a Re-Zone Request by Karl Rozentals

Mayor Lawrence re-opened the public hearing.

Senior Planner Hert reviewed the staff report.

Testimony

Applicant Karl Rozentals, 2103 East 12th Street, The Dalles, said he had purchased the property in the early 1970's and it had always been in commercial use. He said over the years, he had made improvements and had permits for them, so was surprised there was no record of the commercial zoning on the property.

Hearing no further testimony, the public hearing was closed.

Council Deliberation

It was moved by McGlothlin and seconded by Miller to direct staff to prepare an ordinance approving Comprehensive Plan Amendment 40-13 and Zoning Ordinance Amendment 84-13 as approved by the Planning Commission, based on appropriate findings of fact and conclusions of law, to be presented for adoption at a future City Council meeting. The motion carried unanimously.

ACTION ITEMS

Special Ordinance No. 13-558 Assessing Certain Lots and Tracts of Land Within the City of The Dalles a Proportionate Share of the Cost of West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase 2

City Clerk Krueger said this was the final step in completing the assessments for the project and recommended the City Council adopt the Ordinance by title.

City Clerk Krueger read Special Ordinance No. 13-558 by title.

It was moved by Wood and seconded by McGlothlin to adopt Special Ordinance No. 13-558 assessing certain lots and tracts of land within the City of The Dalles a proportionate share of the cost of West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase 2, by title. The motion carried, Miller voting no.

Resolution No. 13-031 Setting Forth the City's Policy for Implementation of Fair Housing Act of 1988 Amendments and the City's Fair Housing Program

City Manager Young reviewed the staff report, noting this was to update a very old resolution the City had on file for the Fair Housing Act.

It was moved by Spatz and seconded by Wood to adopt Resolution No. 13-031 setting forth the City's policy for implementation of Fair Housing Act of 1988 amendments and the City's Fair Housing Program. The motion carried unanimously.

Resolution No. 13-033 Authorizing a Second Enterprise Tax Abatement Agreement With Wasco County and Design, LLC

City Manager Young reviewed the staff report. He said this would be a separate agreement and would be for a term of 15 years if Google proceeded with construction of a new facility on their property. Young said if the City Council approved the Resolution, the Wasco County Commission would consider it at their meeting scheduled for September 24.

It was moved by Spatz and seconded by Wood to adopt Resolution No. 13-033 authorizing signature of a second Enterprise Tax Abatement Agreement with Wasco County and Design LLC.

Robert Camarillo, Portland, Oregon, said the Ironworkers Local Union supported Google, but asked that the City encourage them to hire locally for the construction jobs.

Clarence Wilson, 3386 WyEast Road, Hood River, urged the City to hire local labor for the construction work. He said there were many qualified local workers who needed the jobs.

The motion to adopt Resolution No. 13-033 was voted on and carried unanimously.

City Manager Young said he had spoken with Google and they had been encouraged to hire locally if possible. He said he would pass on the comments to them.

Approval of Distribution of Enterprise Zone Fees From Agreement With Design, LLC

City Manager Young reviewed the staff report. He said the initial fee was set at \$1,200,000 and would be distributed for projects that would have an immediate impact on services provided in the community. He noted \$484,464 would go to Mid-Columbia Fire and Rescue to remodel and place in service, Station #2; \$100,000 would go to Northern Wasco County Parks and Recreation District for several projects that would benefit the community; \$425,845 to Wasco County for payment of the remaining Discovery Center infrastructure debt; \$129,691 to pay the remaining debt for the Union Street Undercrossing project; and \$60,000 to Columbia Gorge Regional Airport to help with projects as needed. Young said there was also an \$800,000 annual fee which would be distributed 35% to the City (\$280,000); 35% to Wasco County (\$280,000) and 30% to Northern Wasco County School District 21 (\$240,000). He said the expenditures would be determined through an intergovernmental agreement.

MINUTES (Continued)
Regular Council Meeting
September 23, 2013
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Mayor Lawrence noted the funding for the Fire District would be good for the entire community because it would improve the fire rating and reduce insurance premiums. He said the Parks District would be able to complete some projects that would help bring more people to the community for sporting events.

Public Comment

Mid-Columbia Fire and Rescue Chief Bob Palmer thanked the City for including them in the distribution of the funds.

Candy Armstrong, School District 21 Superintendent, thanked the City for including the School District and said she appreciated being included in the process. City Manager Young noted that part of the funds could be used to pay for the school mascot change because it had been a mandate.

Bob McNary, 1525 East Ninth Street, The Dalles, said 15 years was a long time for the tax abatement and said many other entities may have a need for a bond issue during that period of time.

Airport Manager Chuck Covert expressed appreciation for the support of the Airport during the process.

It was moved by Wood and seconded by Dick to approve the proposed distribution of the Enterprise Zone fees from the agreement with Design, LLC, contingent upon approval by Wasco County Commission. The motion carried unanimously.

Approval of Distribution of City's Share of Annual Enterprise Zone Fees from Agreement With Design, LLC

City Manager Young reviewed the staff report. He explained the proposal was to provide \$75,000 to Columbia Gorge Community College for their regional center of innovation program; \$90,000 to Mid-Columbia Fire & Rescue which would be for a student-volunteer program and a method of retiring debt to construct a new training tower; and \$115,000 to the City, use to be determined through the annual budget process.

Councilor Spatz said he was an employee of the college, but did not have a conflict of interest because he would not gain financially from the decision.

Councilor McGlothlin noted he was an employee of School District 21, but also said it was not a conflict of interest as he would not have any financial gain from the decision.

MINUTES (Continued)
Regular Council Meeting
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It was moved by Dick and seconded by Miller to approve the proposed distribution of the City's share of the annual Enterprise Zone fees from the agreement with Design, LLC, and direct the City Manager to negotiate intergovernmental agreements with Columbia Gorge Community College and Mid-Columbia Fire and Rescue District. The motion carried unanimously.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:40 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

MINUTES

SPECIAL COUNCIL MEETING
OF
SEPTEMBER 16, 2013
12:00 P.M.

THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Steve Lawrence

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

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Clerk Julie Krueger

CALL TO ORDER

Mayor Lawrence called the meeting to order at 12:00 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; all Councilors present.

APPROVAL OF AGENDA

It was moved by Spatz and seconded by Wood to approve the agenda as presented. The motion carried unanimously.

EXECUTIVE SESSION

Mayor Lawrence recessed the meeting to Executive Session at 12:00 p.m. in accordance with ORS 192.660 (2) (g) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

MINUTES (Continued)
Special Council Meeting
September 16, 2013
Page 2

Reconvene to Open Session

The meeting reconvened to open session at 12:41 p.m.

ADJOURNMENT

Being no further business, the meeting adjourned at 12:41 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

RESOLUTION NO. 13-032

**A RESOLUTION SETTING FORTH THE CITY'S POLICY OF
NONDISCRIMINATION THE BASIS OF HANDICAPPED STATUS**

WHEREAS, the City was the recent recipient of a Community Development Block Grant for the implementation of the Mid-Columbia Regional Home Repair Program for Wasco, Hood River, and Sherman Counties; and

WHEREAS, in order to process requests for draw down payments under the grant, the City is required to adopt a resolution reaffirming its policy of nondiscrimination on the basis of handicapped status;

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

Section 1. The City Council declares that it is the policy of the City of The Dalles that the City does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in, its federally assisted programs or activities.

Section 2. The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's (HUD) regulations implementing Section 504 (24 CFR Part 8, dated June 2, 1988).

Gene E. Parker, City Attorney
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1123 (voice)
1-800-735-2900 (TTY)

Section 3. This Resolution shall take effect on October 14, 2013.

PASSED AND ADOPTED THIS 14TH DAY OF OCTOBER, 2013

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

AND APPROVED BY THE MAYOR THIS 14TH DAY OF OCTOBER, 2013

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

RESOLUTION NO. 13-034

A RESOLUTION AUTHORIZING THE CITY PLANNING DIRECTOR TO EXECUTE DOCUMENTS RELATED TO COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE MID-COLUMBIA REGIONAL HOME REPAIR PROGRAM

WHEREAS, the City was the recent recipient of a Community Development Block Grant for the implementation of the Mid-Columbia Regional Home Repair Program for Wasco, Hood River, and Sherman Counties, which was assigned Project Number H13006

WHEREAS, the Community Development Block Grant Program typically provides that the City's highest elected official, which would be the Mayor, executes documents related to the Block Grant Program;

WHEREAS, the Community Development Block Grant Program also provides for the option for a City to designate a person other than the Mayor to have the authority to execute documents associated with a grant awarded under the Community Development Block Grant Program; and

WHEREAS, for previous grants which have been awarded to the City under the Community Block Development Program, the City's Planning Director has been actively involved in the administration of the grants; and

WHEREAS, the City Council determines it would be in the best interest of the City to grant the City Planning Director the authority to execute documents associated with the grant awarded for the Mid-Columbia Regional Home Repair Program, Project No. H13006, to facilitate the administration of the grant;

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

Section 1. The City Council authorizes Richard Gassman, the City's current Planning Director, or any other designee duly authorized by the City Manager, to execute any and all necessary documents associated with the Oregon Community Development Block Grant for the Mid-Columbia Regional Home Repair Program, Project No. H13006.

Section 2. This Resolution shall take effect on October 28, 2013.

PASSED AND ADOPTED THIS 28TH DAY OF OCTOBER, 2013

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 28TH DAY OF OCTOBER, 2013

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 28, 2013	Public Hearings 11, A	13-072

TO: Honorable Mayor and City Council
FROM: Richard Gassman, Planning Director
THRU: Nolan Young, City Manager *nyj*
DATE: October 28, 2013

ISSUE: Land Use and Development Ordinance Amendments, ZOA 85-13.

RELATED CITY COUNCIL GOAL: N/A

PREVIOUS AGENDA REPORT NUMBERS: N/A

BACKGROUND: In the legislative session that ended last summer, the State passed HB 3479. This bill prohibits the City from using waivers of remonstrance or the ability to require a prepayment of development costs in minor partition cases on residential property. The attached amendments are intended to bring our Land Use and Development Ordinance (LUDO) into compliance with State law.

PROCESS: The proposed amendments were sent to the Land Conservation and Development Department on August 20, 2013. The Planning Commission held a public hearing on October 3, 2013 and recommended the Council adopt the attached amendments.

NOTICE: Notice of this public hearing was published in The Chronicle on October 18, 2013.

COMMENTS: No comments have been received as of the preparation of this staff report.

ATTACHMENTS: A copy of the staff report to the Planning Commission along with a copy of the proposed amendments, draft minutes from the Planning Commission hearing, a copy of HB 3479, as well as copies of documents submitted to the Commission at the hearing are all attached to this staff report.

BUDGET IMPLICATIONS: There are no direct budget implications, other than some printing costs.

DISCUSSION: The code provisions for residential minor partitions are only one part of the larger topic commonly referred to as residential infill. The minor partition amendments are being brought forward first in order to bring our LUDO into compliance with State law. The proposed amendments would modify the LUDO by deleting waivers of remonstrance for residential minor partitions, but still retain their possible use for non-residential minor partitions. The proposed amendments would also take out the LUDO provisions authorizing development costs to be prepaid in residential minor partition cases. The requirements for subdivisions and for non-residential minor partitions would not be changed.

If these amendments are approved, development requirements, if any, would be required at the time of issuance of a building permit for a new dwelling unit, as contained in LUDO Section 10.030 A.

The Planning Commission will begin discussion of other issues relating to residential infill requirements at their November 7, 2013 session.

All of the proposed amendments are subject to revision or elimination by the City Council. Any approved changes will be incorporated in the final draft of the Ordinance.

RECOMMENDATION: Adopt the LUDO amendments as recommended by the Planning Commission.

SUGGESTED MOTION: *Move to direct staff to prepare an ordinance approving amendments to the Land Use and Development Ordinance as recommended by the Planning Commission, including any changes approved by the City Council, based upon appropriate findings of fact and conclusions of law, to be presented for adoption at a future City Council meeting.*

ALTERNATIVE MOTION: Move to deny all amendments and give further direction to staff.

**City of The Dalles
Planning Commission Staff Report**

**Amendments to the
Land Use and Development Ordinance**

ZOA 85-13

Prepared by: Richard Gassman, Planning Director *RLG*

For: City of The Dalles Planning Commission

Procedure Type: Legislative Hearing

Meeting Date: October 3, 2013

Request: Amendments to the Land Use and Development Ordinance

Properties: All properties within the City of The Dalles land use jurisdiction

Applicant: City of The Dalles
Planning Department
313 Court Street
The Dalles, OR 97058

BACKGROUND INFORMATION

The Land Use and Development Ordinance (LUDO) contains the City's procedural and substantive requirements for land division, property development, and zoning. From time to time the City amends the base document as needed to keep the LUDO up to date. The list of amendments attached to this staff report is in response to House Bill 3479, passed by the State of Oregon during the last legislative session.

This application is a legislative action under the provisions of Section 3.110.020 and 3.020.060(A)(2). The role of the Planning Commission is to review the proposed amendments, amend as needed, and forward a recommendation to the City Council. The final decision on the proposed amendments will be made by the City Council.

NOTIFICATION

Notice of this public hearing was published in The Dalles Chronicle on September 22, 2013. Notice of the proposed amendments was sent to the State Department of Land Conservation and Development on August 20, 2013.

COMMENTS

As of the date of the preparation of this staff report, no comments had been received.

REVIEW

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

1. PROCEDURE

a. Section 3.010.040 Applications:

FINDING A-1: This application is initiated by the Director pursuant to the provisions of Section 3.010.040 F. Criterion met.

b. Section 3.020.060 Legislative Actions:

Subsection A. Decision types. 2. Ordinance Amendments:

FINDING A-2: This application is for a group of Ordinance Amendments per Section 3.110. Criterion met.

Subsection B. Public Hearings. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.

FINDING A-3: The public hearing has been set for October 3, 2013. Criterion met.

d. Section 3.020.060 Legislative Actions:

Subsection C. Notice of Hearing. At least 10 days before the legislative hearings, notice of the hearing shall be published in a newspaper of general circulation.

FINDING A-4: A notice of hearing containing the information required was published in The Dalles Chronicle on September 22, 2013. Criterion met.

e. Notice of Hearing as required by ORS 227.186.

ORS 227.186 requires that all property owners whose property is rezoned must be provided notice at least 20 days but no more than 40 days prior to the date of the first hearing. For purposes of this provision, rezone includes any change that limits or prohibits uses previously allowed in a zone.

FINDING A-5: Staff has determined that none of the proposed amendments comes within the definition of rezone as contained in the statute. Notices to individual property owners were not required. Criterion met.

f. Section 3.020.070(A)(3) Staff Report.

A staff report shall be presented which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

FINDING A-6: The staff report has identified the criteria and standards as they relate to this application and has summarized the basic findings of fact. The staff report does include a recommendation for approval. Criterion met.

2. REVIEW

a. Section 3.110.030 Review Criteria

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.

FINDING A-7: The City of The Dalles has broad discretion to adopt zoning textual changes. Each of the proposed amendments is consistent with the Comprehensive Plan, State Laws, and Administrative Rules. Criterion met.

B. COMPREHENSIVE PLAN

1. Goal #1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policy 3. The land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land.

FINDING B-1: This proposal is consistent with goals and policies of the Comprehensive Plan. A notice of public hearing has been published and the public has an opportunity to provide testimony on the proposed changes to the Commission. The Commission can make alterations in the proposed amendments based on testimony at this hearing. There will be another public hearing before the City Council and that body will also have the opportunity to consider testimony from citizens and make changes. Criterion met.

2. Goal #2. Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Policy 6. Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.

FINDING B-2: These amendments update the existing zoning ordinance, following the directive of the Comprehensive Plan. Criterion met.

DISCUSSION

In the recent legislative session, the State adopted HB 3479 which prohibits the City of the Dalles from making certain requirements as part of a minor partition. The attached language is intended to bring the City's LUDO into compliance with the provisions of HB 3479. The bold print indicates new language, the strikethrough indicates text to be removed. All of the proposed amendments are subject to revision or elimination.

This is the first part of a two part review. The next part will be a more in depth review of the requirements associated with the residential development process.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the Council the approval of the amendments as shown on the attached pages, with any additional changes from the Commission.

Proposed LUDO Amendments to Address
House Bill 3479

1. Definition of "Development" Page 2-6. Revise the definition of development as follows:

Development - Making a material change in the use or appearance of a structure (internal and external) or land, ~~dividing land into two or more parcels, creation of three or more units of land in a calendar year,~~ changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development. Development includes, but is not limited to, constructing, filling, grading, paving, excavating, and drilling.

2. Section 6.110 WAIVER OF RIGHT TO REMONSTRATE Page 6-67. Revise the section to read as follows:

Effective February 12, 2007, an applicant who submits a request for a single family dwelling building permit or a single family accessory structure will not be required to execute a waiver of remonstrance agreement for the formation of a local improvement district. Waivers of remonstrance shall be required for **non-residential** planning actions and for other building permit applications if the proposed development would increase traffic flow on any street not fully improved to City standards. Waiver of remonstrance agreements executed prior to February 12, 2007, shall be processed ~~under the provision of Resolution No. 07-007, establishing an implementation policy for the City Council for local improvement districts under~~ **pursuant to the provisions of General Ordinance No. 91-1127, which set forth the procedures for formation of local improvement districts.**

~~In the event the Director has determined, pursuant to a review of the applicable criteria set forth in Section 3 of Resolution No. 07-007 that installation of full street improvements (including paving, curb, gutter, sidewalk, sanitary sewer, water, and where applicable, storm sewer) is not required at the time of development, the applicant submitting the request for the building permit for a new residential unit or units, or for a planning action shall pay the amount established by the City annually on a front footage basis, into the City's improvement fund, subject to any provision for multi-frontage relief.~~

3. Section 9.020.030(B) Waiver of Right to Remonstrate. Page 9-10. Subsection B would be deleted as follows:

~~B. Waiver of Right to Remonstrate. In all cases, applicants who develop residential rear lots shall agree to waive any future rights to remonstrate against future public improvements, per the provisions of Section 6.110: *Waiver of Right to Remonstrate*. All waivers of right to remonstrate shall be deed recorded.~~

The current subsections (C) through (I) would be renumbered (B) through (H).

4. Section 9.030.040 Partition Application Review, Subsection C, Page 9-17. This section would be revised to read as follows:

(C) Period of Approval. Approval of a partition application shall be valid for a period of one year from the effective approval date. Upon written request, filed with the Director prior to the expiration date, approvals may be extended annually four times provided the relevant provisions of this ordinance have not changed. If **an approval is extended**, any fees or charges, ~~including the pay into the fund option~~, will be assessed at the rate in existence at the time they are paid, not the rate in existence at the time of the original approval. If no final partition plat is submitted within one year, or within any timely extension, the partition application shall become void and a new application required.

5. Section 9.030.050 Final Partition Plat Review. Subsection B. Review of Final Partition Plat Application, Page 9-19. Subsection (B)(2) would be revised to read as follows:

2. ~~Any required improvements not completed shall be subject to the Agreement for Improvement provisions in Section 9.040.050(H): *Installation of Required Improvements*.~~

(a) **For a partition of non-residentially zoned property, on which no existing residential structure is located, any required street improvements (including paving, curb, sidewalk, sanitary sewer, water and where applicable, storm sewer) shall be subject to the Agreement for Improvement provisions in Section 9.040.060(H); *Installation of Required Improvements*.**

(b) **For a partition of a vacant parcel of property which is zoned for residential development, or a partition of a parcel upon which an existing residential structure is located, prior to the approval of the final plat, the applicant shall not be required to install required street improvements; installation of required street improvements shall occur consistent with the provisions of Section 10.030(A).**

6. Section 9.030.050 Final Partition Plat Review. Subsection C. Final Plat Approval. Page 9-19. Subsection C(1) would be revised by inserting the following new subsections (1) and (2):

C. Final Plat Approval. Prior to final approval, the City shall be assured that:

1. ~~The applicant has installed, agreed to install for nonresidential development, or has gained approval to form an improvement district for installation of required improvements in~~

accordance with the provisions of Chapter 10: *Improvements Required with Development*. For a partition of non-residentially zoned property, on which no existing residential structure is located, the applicant has installed, or executed a deferred development agreement, or has gained approval to form an improvement district for installation of required improvements in accordance with the provisions of *Chapter 10: Improvements Required with Development*, or the applicable provisions of General Ordinance No. 06-1275 concerning reimbursement districts. Improvements that may be required include street, street lights or other signals, sanitary sewer, storm drainage, water, pedestrian way and bikeway improvements, electrical power, natural gas, cable television, telephone service, and other improvements required with the partition application.

2. For a partition of a vacant parcel which is zoned for residential development, or a partition of a parcel of property upon which an existing residential structure is located, the applicant's responsibility for installing required public street improvements shall occur in accordance with the provisions of Section 10.030(A).

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, October 3, 2013

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

6:00 p.m.

CALL TO ORDER:

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

ROLL CALL:

BOARD MEMBERS PRESENT:

Bruce Lavier, Rob Raschio, Dennis Whitehouse, Jeff Stiles

BOARD MEMBERS ABSENT:

Chris Zukin, Mark Poppoff, Mike Zingg

STAFF MEMBERS PRESENT:

City Attorney Gene Parker, Planning Director 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; Zukin, Poppoff and Zingg were absent.

APPROVAL OF MINUTES:

It was moved by Whitehouse and seconded by Raschio to approve the August 22, 2013 minutes as submitted. Whitehouse, Raschio, and Stiles approved, Lavier abstained. The motion carried; Zukin, Poppoff and Zingg were absent.

PUBLIC COMMENT:

Steve Kelsey, 3850 Nob Hill Road, The Dalles, Oregon, suggested opening up available City commission/committee positions to residents outside City limits. City Attorney Parker stated there were some ordinances that required commission/committee members to reside within City limits, and City Council would need to make ordinance changes. Jim Wilcox, 416 West 7th Street, The Dalles, Oregon, said that when he was Mayor of The Dalles, there were some adhoc committees (such as the Burn Committee) that could be opened up to residents outside City limits, and he would use those opportunities to bring others in to help.

LEGISLATIVE HEARING:

Application Number: ZOA 85-13; **City of The Dalles;** **Request:** Amendments to the Land Use and Development Ordinance (LUDO) as they pertain to the provisions of House Bill 3479.

Director Gassman commented that City Council planned on having a full scale discussion on residential infill policy after these proposed LUDO amendments were completed. Gassman explained that these amendments were designed to free up the minor partition process as it pertained to House Bill 3479 (HB 3479), because currently the LUDO was in conflict with the House Bill. He emphasized that this legislative hearing was not a full review of the City's residential infill policies. Gassman said the proposed amendments would go before City Council in a public hearing, then, if adopted, to the County Commissioners for review so amendments could potentially be applied to the Urban Growth Boundary (UGB) areas. He pointed out that City Council could only approve the amendments for areas inside City limits, and the County would need to approve the

amendments for the UGB areas. Gassman handed out a copy of HB 3479 (Attachment 1). He explained that the proposed amendment language was intended to distinguish between residential and non-residential property, and some language was added in Section 2 to differentiate. References to pre-payment of funds in lieu of Waivers of Remonstrance and language regarding waivers of remonstrance as it pertained to minor partitions of residential property were omitted.

Whitehouse asked what impact the proposed amendments would have for property owners in the minor partition process, if adopted. Director Gassman said the minor partition process would remain the same, but as part of the process there would be no requirements to pay into a development fund, sign a Waiver of Remonstrance, or provide any improvements at the time of the minor partition application. Gassman explained that property owners could sell partitioned lots with no improvement encumbrances.

Testimony:

Jim Wilcox, 416 West 7th Street, The Dalles, Oregon, said that it was confusing to follow the references in the proposed language, because some of the references were general ordinances rather than Land Use and Development Ordinances. Mr. Wilcox stated that one of the ordinances he reviewed allowed property owners to Bancroft improvement expenses at 10% interest. He said City Council changed the interest rate to 1% over cost, and the current LUDO did not reflect that change. Mr. Wilcox said he felt residential, commercial and industrial parcels should not be charged to “draw a line on a map.”

Steve Kelsey, 3850 Nob Hill Road, The Dalles, Oregon, said that in the County, the people would go to the County and ask for a Local Improvements Distric (LID). The County would not require an LID. He said the City should not go to the people and require an LID. Mr. Kelsey also stated that people were not going to pay for developments, and the Planning Commission should tell the staff what to do.

Randy Hagar, 2804 East 10th Street, The Dalles, Oregon, read portions of past correspondence between he and Director Gassman (Attachments 2-5) regarding minor partitioning.

Raschio asked Director Gassman if HB 3479 only applied within City limits and not to properties within the Urban Growth Boundary. Gassman said he and City Attorney Parker both agreed that was the literal reading of HB 3479.

Randy Hagar, 2804 East 10th Street, The Dalles, Oregon, read HB 3479 and said that the City’s testimony at the State House of Representatives hearing was that the UGB was not to be excluded from the HB 3479.

Raschio asked if the proposed LUDO amendments would apply to the UGB areas as well as properties within City limits. City Attorney Parker said the LUDO amendments would only apply to the UGB properties if the County chose to adopt them. City’s recommendation would be to adopt the amendments. Director Gassman clarified that the City had jurisdiction for planning purposes in the UGB but no authority to adopt UGB rules. Typically, Gassman advised, when the County adopts its rules, the City administers those rules.

John Dennee, 2651 East Tenth Street, The Dalles, Oregon, read Mr. Hunicutt’s interpretation (Attachment 6) of the proposed LUDO amendments. In summary, Mr. Hunicutt’s opinion was that, due to the cross referencing in the proposed changes, the amendments would require a property owner to enter into an agreement with the City to install improvements prior to the City approving the final partition plat; and, therefore, the partition would not occur due to costs that would exceed property values.

Jerry Johnson, 3102 East 13th Street, The Dalles, Oregon, stated he understood that HB 3479 included the UGB areas because UGB residents were governed by the City. Director Gassman said the UGB areas were not governed by the City; they were governed by the County, and up to this point the County had adopted what the City had adopted. Johnson said there needed to be discussion on the definition of development at some point. He believed some current development definitions, such as drilling, could be used to require UGB property owners to install improvements.

Steve Kelsey, 3850 Nob Hill Road, The Dalles, Oregon, urged the Planning Commission to do the research and make a strong recommendation to the County that HB 3479 intended to include the UGB areas.

Chair Lavier asked staff what the process would be for making changes on residential infill policy. Director Gassman stated after these LUDO amendments were completed, the Planning Commission would have a series of work sessions to address the larger issues. Language would be drafted, and the Planning Commission would hold a public hearing to make a recommendation to City Council. City Council would then hold a public hearing.

Mayor Lawrence stated he understood Director Gassman's explanation of the process to be what City Council had directed. Gassman listed other issues that needed to be addressed as follows: 1) who would be responsible for the installation of public improvements; 2) who would pay for public improvements; 3) what to do with past Waivers of Remonstrance; 4) what to do with LIDs; and 5) what to do with street standards.

Chair Lavier called for a recess at 7:25 pm and reconvened the meeting at 7:35 pm.

After reviewing Mr. Hunicutt's written comments, Director Gassman stated there was some confusion on Mr. Hunicutt's part regarding his reference to Section 9.040.060(H) regarding street improvement requirements. Section 9.040 applied to subdivisions, not minor partitions; and Section 9.040.060 did not apply to minor partitions except for a provision in Section 9.030.050. Gassman explained that Section 9.030 pertained to minor partitions, and Section 9.040 pertained to subdivisions. Currently, LUDO had a cross reference from Section 9.030 to Section 9.040 that requires minor partitions to meet the same requirements as subdivisions. Gassman said that is why, in the proposed amendments, page 2, the cross reference was deleted so that minor partition applicants would not be required to comply with Section 9.040.060(H). In summary, Gassman advised that the proposed amendments omitted street improvements for minor partitions, while street improvement requirements would remain for non-residential properties and the construction of new dwellings.

Raschio clarified that these proposed amendments would shift the costs away from the minor partition applicant. Director Gassman said that was correct.

Chair Lavier closed the public hearing at 7:44 p.m.

Deliberation

Whitehouse clarified that these LUDO amendments were the first step in the process. Director Gassman said the amendments, if approved, would bring the City's code into compliance with HB 3479. In doing so, they would remove the street improvement requirements from the minor partition application on residentially-zoned property. Whitehouse said he was concerned about setting up two different standards for an unrepresented group. Gassman said the City did not want two different standards.

It was moved by Raschio and seconded by Stiles to recommend to City Council approval of the proposed LUDO amendments of ZOA 85-13 as submitted in staff's report. The motion carried unanimously; Zukin, Poppoff and Zingg were absent.

It was moved by Stiles and seconded by Whitehouse to recommend to City Council and the County Commission Board to adopt the proposed LUDO amendments and to include the Urban Growth Boundary areas. The motion carried unanimously; Zukin, Poppoff and Zingg were absent.

Stiles stated, for the record, that timing was an issue, and this process needed to move as quickly as possible.

Whitehouse said he hoped that, in the future, all Planning Commissioners would be in attendance for future meetings as much as possible.

STAFF/COMMISSIONER COMMENTS:

Director Gassman reported that the next regularly scheduled meeting of October 17, 2013 was cancelled. Raschio asked if the Planning Commission should meet then to continue work on the residential infill policies. Gassman said staff would not be ready by then and the Commission would meet the first Thursday in November as scheduled.

Director Gassman introduced Nick Kraemer, Planning Department's new Associate Planner.

Raschio asked if code enforcement could inspect a large growth of puncture vine on some city-owned property at Case and Kelly Streets.

Director Gassman reported that the Google project was moving forward and would have a very positive impact on the City. There was also some new development at West 6th Street and Cherry Heights in front of the new Goodwill structure, tenants to be determined.

Randy Hagar, 2804 East Tenth Street, The Dalles, Oregon, summarized the challenges some UGB property owners had faced with property values and sales.

ADJOURNMENT:

Chair Lavier adjourned the meeting at 8:00 pm.

Respectfully submitted by Carole J. Trautman, Administrative Secretary

Bruce Lavier, Chairman

View: Fit 50% 100% 200%

77th OREGON LEGISLATIVE ASSEMBLY--2013 Regular Session

**Enrolled
House Bill 3479**

Sponsored by Representative HUFFMAN

CHAPTER

AN ACT

Relating to city fees; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. When the owner of property that is located in a city in Wasco County with a population greater than 5,000 and that is zoned for residential use files an application for a partition, as defined in ORS 92.010, or a subsequent application for a permit in furtherance of the partition, for the property, the city may not, as a condition of approval of the application:

(1) Assess:

(a) A charge in lieu of forming a local improvement district; or

(b) A prepayment against an assessment for a future local improvement district; or

(2) Require the owner of the property to enter into a nonremonstrance agreement with respect to the future formation of a local improvement district.

SECTION 2. Section 1 of this 2013 Act is repealed on July 1, 2023.

SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

6/26/13

Attachment 2

26 June 2013
2804B
E. 10th Street
The Dalles, OR 97058

Dick Gassman
Director of Planning & other public obtacles
City of The Dalles
313 Court Street, The Dalles, OR 97058

Regarding: Partition

Dear Dick,

Please consider this partition idea that I've worked on over the last few years. A reminder Dick, that when I bought 2804 E. 10th in 2002, I was given paperwork signed by Daniel Roberts (then director or acting director of public works) stating that I could divide this .91 acre lot into 3 lots, that I confirmed with planning at which time planning was in the basement of City Hall. You'll remember that all of the sewer and water service and connection fees were identified in that paperwork. Then a lot of water under the bridge, and then the challenges of wording the ordinance with City Council and staff, leading to the planning commission hearing and subsequently the Governor signing House Bill 3479 into law this June.

Now I'm living with rumors and newspaper articles and fears and angst from people all over town; from the Mayor and past Mayors and neighbors, to comments from Nolan and Gene Parker at City Council and their advertized comments in print.

Which leads me to locate **ONE** solution. And so once again I turn to you. The question being; what is the law today specifying the complete answer to the quest for a lot partition in the urban growth boundary of The Dalles Oregon; particularly for my own home and property? I'm not after any postures or predictions. Just what can I do today that is governed by law. Please recall that my primary home has its own well and septic as is the case with the 2011/2012 constructed accessory dwelling. I clearly have been held in limbo since 2007 awaiting a legal determination over this partition issue and the development of clearly defined ordinance.

Thank you.
Sincerely,

Randolph Hager

6/28/13

**CITY of THE DALLES**313 COURT STREET
THE DALLES, OREGON 97058(541) 296-5481 ext. 1125
FAX: (541) 298-5490
Planning Department

June 28, 2013

Randy Hager
2804 B East 10th Street
The Dalles, OR 97058

Re: Partition

Dear Randy,

You have inquired about the current status of the rules relating to minor partitions in The Dalles after the passage of HB 3479. I have attached a copy of your letter and a copy of HB 3479 for reference.

First, a careful reading of HB 3479 reveals that it relates only to property in a city in Wasco County. Your property on East 10th is not inside the city limits of The Dalles, therefore the provisions of that bill do not apply to your property. As a result, the rules for minor partitions have not changed.

The final conditions for approval of a minor partition can only be determined by submitting an application. However, in the past, for those properties that are situated on unimproved streets and seek to partition, we have required full improvement. Full improvement usually means the installation of sewer and water utilities and a street with sidewalks, curbs and half street pavement. Again, the exact details depend on a variety of factors and can only be determined through a formal process.

If you are required to put in improvements as a condition of approval, that condition can be met in one of the methods provided for in the LUDO. In general you have the option of installing the improvements, paying the estimated costs of the improvements, agreeing to put in the improvements and providing financial guarantees for the estimated costs, or forming a local improvement district to install the improvements.

The City Council has indicated an intent to change the minor partition rules but put that on hold until the legislature finished with HB 3479. The Council's interest in a change will be reviewed again, beginning with a joint work session of the Council and Planning Commission on July 18. Whether the public will be allowed to participate in that discussion is up to the Council and Planning Commission. If that work session determines that changes in the LUDO are needed, there will be public hearings held at a later date.

I hope this answers the issues you raise in your letter.

Sincerely,

Richard Gassman
Director

Attachment 4

September 26, 2013

Dick Gassman
Director of Planning
City of The Dalles, OR 97058

Re: Long delayed partition

Dear Dick,

In my last correspondence, June of 2013 I requested present law definition of my right to partition.

Your response letter to me of June 28th identified that it was the city's position that as a result of the wording of HB 3479 "within a city in Wasco county", the old ordinance still demanded that I "pay into a fund" due to the location of my lot in the urban growth boundary across the street from city limits.

This bearing on my ownership of .91 acres which when purchased in 2002 addressed the then requested opportunity to partition into 3 lots with infrastructure and connection to city services projected to cost me approximately \$8900.00.

I have now proceeded to survey and describe a lot division of 1 lot into 2 lots as was allowed for the neighboring Denee property, with no requirements for fees or infrastructure improvements. This is based on our discussion following your June 28th letter, in which you identified to me that the city would not likely enforce any costs or implementation of improvements should I partition into a front lot with street frontage and a rear lot with a described ingress/egress easement.

I have now agreed to rent the house on the front lot and was asked if I would consider selling that lot once the partition was approved and recorded, which I would do probably spring of 2014. My present question being; is it still valid as you have described, that because I am not altering the frontage or requesting additional access points at the frontage, that this lot division can proceed without ordinance encumbrance? I want to address this potential scenario with my renter early in the next week beginning September 29th, 2013.

Thank you for your regards.
Sincerely,

Randolph Hager

Attachment 5

October 04, 2013

To: Planning Commission

Regards: HB 3479 vs. City of The Dalles, Wasco County Intergovernmental Agreement and Partition Jurisdiction

Planning Commission, City staff, City Council, Community and Honorable Mayor Lawrence

Records will disclose that the intergovernmental agreement recognizes the jurisdiction the City of The Dalles planning staff has over all planning actions and decisions governing my home and property at 2804 East 10th street within the urban growth boundary.

This city planning jurisdiction was in place at the time of my 2002 purchase at which time I received and verified signed paperwork on City of The Dalles public works letterhead identifying a requested 3-lot partition and the costs pertaining to that partition all under the jurisdiction of the city planning office with no mention of non-remonstrance, LIDs, or fees or funds for street improvements.

I was required to purchase a building permit under city jurisdiction for the construction of my art studio in approximately 2003 with no mention or demands for signing non-remonstrance or notice of any payment into a fund or a planning action for streets or infrastructure improvements.

In 2011 after multiple visits over three years with Dick Gassman requesting a move toward partitioning for further construction we had determined that I could, and did build a 600 square foot accessory dwelling over a garage at 2804 E. 10th street, all under the jurisdiction of city planning with no mention of fees or funds or infrastructure, or street improvements, as a consequence of the building permit.

Shortly following my move-in in September 2012, city council directed staff to provide for 3-lot partitions to occur under city ordinance with the elimination of a demand for non-remonstrance or pre payments or for demands for infrastructure improvements. There would be no need or request for city services on my property as each dwelling was served by its own domestic well and septic system. I understand that I was still postured to look to the future should a LID ever become formed. My conversations with Dick indicated that the present rate of development may indicate that east 10th street could get and LID in 50 to 100 years.

Staff failed to provide the requested ordinance change which met with disapproval by the planning commission spring of 2013 with a directive to "go back and do it right".

Presentations were then made to the Oregon Legislature and HB 3479 became LAW in June 2013 which directed the city planning authority to 'cease the demand' for non-remonstrance, and the demands for specific fee payments for infrastructure improvements, in the case of partitions up to 3 lots.

City planning staff then determined that due to the wording "within a city" that they, even though they have jurisdiction over city/county planning authority, would disallow the authority of the new law to govern their jurisdiction outside city limits within the urban growth boundary.

As a result of the new law I wrote Mr. Gassman of June 26, 2013 and requested clarity as to the present implications regarding my partition request at 2804 east 10th.

His response was to specify that HB 3479 did not provide me any protection from city ordinance that the city had jurisdiction over and that clarity could only be had by submitting an application for a minor partition.

At this point the incomprehensible becomes apparent. The city planning staff handles jurisdiction of authority. City council directs that authority to cease specific actions and provide an ordinance of recognition. Staff refuses to take the directive of city council and refuses to apply the law to the extent of their jurisdiction. The entirety of ordinance and jurisdiction becomes so thwarted that the planning commission and again the city council and the entire community have to face the insult and embarrassment of mis-guided actions and unfulfilled obligations.

My question right here is:

WILL YOU AS PLANNING COMMISSIONERS, WITNESS TO THIS DISARRAY, IN THE PRESENCE OF THIS COMMUNITY AND ON MY BEHALF, AND ON BEHALF OF SO MANY OTHERS WHO COULD PROCEED AND PROSPER WITH THE WILL OF THEIR OWN LIVES, STAND AND CORRECT THESE INJUSTICES AND BREACH OF DUTY WHILE IT IS APPARENT WHAT FAILS TO BE CORRECTED.

I have worked to have the development of the law on partitions; I seek the protection of the law on partitions; and do herein request your support in observation of the intent of the law.

I have reviewed the proposed ordinance changes. Here's what they do:

*sent out email
Dave Horvath 10/14/13*

Attachment 6

Staff proposes to amend Section 9.030.050(B)(2) of the LUDO to provide that street improvements do not have to be installed prior to the approval of a final partition plat, but must occur consistent with the provision of Section 10.030(A) of the LUDO.

Section 10.030(A) of the LUDO requires street improvements to be installed per the provisions of Section 9.040.060(H) of the LUDO. Section 9.040.060(H) of the LUDO requires the property owner to either 1) install the improvements, 2) agree to install the improvements, or 3) form an improvement district, before approval of a final partition plat.

Staff then proposes to amend Section 9.030.050(C) of the LUDO to require the applicant for a partition to install street improvements in accordance with Section 10.030(A) of the LUDO. As discussed above, Section 10.030(A) sends you to Section 9.040.060(H) of the LUDO, which requires street improvements to be installed or agreed upon, or an LID to be formed, before the final partition plat can be approved.

So staff is suggesting two amendments to LUDO 9.030.050. The first amendment (to subsection (B)(2)) says that street improvements don't have to be installed before a final partition plat is recorded, but that the property owner must 1) agree to install the improvements or 2) form an improvement district before the final partition plat is approved. But there is no definition in the LUDO for what constitutes an "improvement district" or how one gets formed (it doesn't appear that an "improvement district" is the same thing as a "local improvement district" under Chapter 2 of the City's Ordinances, but that is unclear.

In order to enter into an agreement to 1) install the improvements, or 2) form an improvement district (whatever that is), the property owner seeking the partition has to post a bond or prove that they have the money to pay for the improvements, and give the City Engineer the right to hold the money to ensure that the improvements are made. Given the scope of the improvements demanded by the City, no one will do this.

So, if these changes were to be approved, what the City is essentially demanding is that the street improvements be made before the final partition plat is approved, even though they're saying that's not the case. That will be the effect of these amendments.

I believe the option of agreeing to form an improvement district under LUDO 9.040.060(H)(3) before a final plat can be approved is inconsistent with HB 3479, and therefore unenforceable. I believe that the option of installing the street improvements under LUDO 9.040.060(H)(1) as a condition of obtaining final approval of the partition plat is plainly inconsistent with the staff's recommended amendments to Section 9.030.050(B)(2), and is therefore unenforceable. However, I believe that it is possible to apply LUDO 9.040.060(H)(2) consistently with both the staff recommended amendment to Section 9.030.050(B)(2) and HB 3479, meaning that if these amendments are accepted by the City Council, staff could require that a property owner enter into an agreement with the City to install all of the street/sidewalk improvements before the City would agree to approve the final partition plat. That means, of course, that the partition will never occur, as the costs to install the street/sidewalk improvements will exceed the sales price for the parcels created by the partition.



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 #
October 28, 2013	Contract Review Board 12, A	13-071

TO: Honorable Mayor and City Council
FROM: Dave Anderson, Public Works Director
THRU: Nolan K. Young, City Manager *NKY*
DATE: October 16, 2013

ISSUE: Authorization to purchase a new street sweeper

CITY COUNCIL GOALS: NA

BACKGROUND: Funds were included in the current budget to purchase a new street sweeper. The existing mechanical broom unit is 15 years old and has 19,000 hours of use on it. To put this in perspective, if the sweeper was a car and the car was driven at 55 mph for 19,000 hours, it would translate into over 1,000,000 miles traveled. Maintenance needs have been increasing on this unit. The sweeper generally runs five days per week and is used for generally street cleaning, leaf pickup in the fall, reclamation of sanding rock in the winter, and cleaning of streets after construction activities.

Following is a summary of the maintenance costs for the existing street sweeper over the last few years, excluding the routine annual costs of broom and tire replacement; those two costs combined run about \$7400 annually.

Calendar Year	Repairs/Maintenance
2008	\$9,124
2009	\$7,969
2010	\$10,547
2011	\$5,379
2012	\$2,350
2013 (9 mos)	\$1,998

The existing unit needs an engine rebuild, estimated to cost \$14,000. Its oil pressure is reading 5 psi at idle and 15 psi at full throttle; these values should be 30 and 60 psi respectively. The hydraulic speed control for the brooms and elevator chain has failed and the cost to repair this system is unknown. The fan on the engine is worn and needs replacing (\$1065). The elevator floor has a hole worn through it and needs replacing. The unit is due for new tires. Since the purchase of a new unit was scheduled for this year, needed maintenance has been deferred to minimize expenses. If the City were to keep the existing sweeper for another year, it is anticipated that over \$20,000 will be needed to maintain it over the next 12 months.

The need to replace the existing street sweeper was initially identified in the Public Works Capital Improvement Plan (CIP) developed in 2010-11 as maintenance costs on the existing unit began to escalate; the planned purchase has been identified in every CIP since. It was originally scheduled to occur in the 2012-13 fiscal year but was postponed until 2013-14 to allow time to build funds sufficient to purchase a unit with the best all-around performance, largely in response to concerns raised by downtown business representatives.

In preparing for this purchase, staff reviewed technical data on different sweeper technologies. The three basic types are mechanical broom sweepers, vacuum sweepers and regenerative air sweepers. Very generally speaking, broom units work better on larger heavy debris while vacuum and regenerative air units can sometimes do better at picking up very fine dust. Both vacuum and regenerative air units are also much noisier since they are essentially large vacuum cleaners and have loud blowers. The City still has a vacuum sweeper that is used to clean storm water catch basins each fall and can be placed in service as a second sweeper during the heaviest leaf-fall periods.

Representatives of the downtown businesses have expressed concern about dusty conditions in the winter after sanding rock has been used. Therefore, the evaluation criteria for selecting a new unit included trying to find one that did a better job of cleaning up residual dust associated with sanding rock while still being able to adequately handle larger, heavier debris. This objective was also consistent with addressing potential future storm water quality regulations which may require doing a better job of removing fine pollutant-laden debris from streets. Maneuverability was an important evaluation criterion therefore a shorter unit that could turn sharper was desirable. And finally, it was desired to find a unit that was quiet so that the current practice of sweeping the downtown and other business areas at night, when cars are not parked there, could continue without adversely impacting motels and bed & breakfast businesses.

Performance and Price: After the literature review was completed, staff tested five different sweepers. Following is a summary of the sweeper units evaluated. Purchase prices were not obtained for all the units tested since quotes were not requested for units that performed poorly.

Global Python S3000 truck-mounted mechanical broom sweeper - \$269,268.

This unit performed well in that it did a good job of sweeping heavy materials. However, it was a larger truck-mounted unit with a wider turning radius making it difficult to maneuver in cul-d-sacs and around parked vehicles.

Centurion truck mounted vacuum/mechanical broom combination unit - \$250,000.

This unit was closely evaluated since it utilized a technology that seemed promising,

combining both a mechanical broom and vacuum systems. There was also a lot of interest because a demo unit was available for \$195,000. However, the machine performed poorly in its ability to pick up heavy debris.

Two regenerative air sweepers sold by Enviro-Clean - \$220,000 for used demo unit; options would need to have been added at additional cost.

These two units were tested and their performance was judged to be inferior for picking up heavy debris. These results would not meet the objective of wanting to do a better job of cleaning downtown streets. Since these units performed poorly, more detailed pricing was not obtained.

Global N4 mechanical broom sweeper - \$243,860.

The Global N4 is the sweeper selected by both the states of California and New York based upon performance testing. The N4 is a complete unit built solely as a street sweeper rather than a sweeper unit being mounted on a truck chassis, therefore all systems are designed toward the purpose of street cleaning. It is a short unit that is maneuverable, is quiet, and has a brush system that is expected to perform better than the City's existing unit in terms of picking up both large and fine debris. It has nearly twice the hopper capacity of the current unit which means less time being spent traveling to and from dumping sites.

Noise: Noise has not been an issue with the existing M9D unit since it is a mechanical broom machine. However, when the older vacuum unit was used as the primary street sweeper, numerous noise complaints were received due to the loud blowers. This situation made it very difficult to operate a successful street sweeping program since streets in the business districts that have on-street parking are most effectively cleaned at night when there are few cars parked along the streets. The Global N4 is also a mechanical broom sweeper. Therefore, noise is not expected to be an issue.

Fuel consumption: Unfortunately, there are no "fuel mileage ratings" available for street sweepers. The engine in the Global N4 has a slightly smaller displacement than the existing City sweeper (6.7L vs 6.9L), but is turbocharged and produces more horsepower. The engine in the N4 would be more efficient in compliance with 2007 EPA regulations. With a hopper size on the N4 being 30% larger than the current unit, travel time to and from dump sites will be reduced by 23%. Fuel consumption with the proposed new sweeper is expected to be similar to or less than the existing unit for the same amount of sweeping.

Insurance: The annual insurance premium for the existing street sweeper is \$432. The premium for a new unit with a value of about \$240,000 is estimated by the City's insurance agent to be about \$1200/year.

The Global N4 is available for purchase through a contract issued by the Houston-Galveston Area Cooperative (HGAC) purchasing compact. This is a public bidding process that can be utilized by other public entities and which has been reviewed and approved by the City Attorney as complying with the cooperative procurement provisions of the City's Contract Review Board Rules, similar to the method that we use to tie onto the Oregon state vehicle bids without having to bid the purchase ourselves. This is the same system through which the Asphalt Zipper was purchased in 2009.

Staff is proposing to trade in the 1999 M9D street sweeper on the new unit, receiving a \$10,000 credit toward the purchase of the new Global N4 street sweeper.

BUDGET IMPLICATIONS: Within Fund 9, the Public Works Reserve Fund, budget line 009-9000-431.74-20, \$250,000 is budgeted for the purchase of a new street sweeper. The cost of the new Global N4 through the HGAC contract is \$233,860 with trade-in of the 1999 M9D sweeper, including freight and start-up training. The proposed purchase price is within the amount budgeted for this purpose.

RECOMMENDATIONS:

1. **Staff Recommendation:** *Move to authorize the purchase of a new Global N4 street sweeper in an amount not to exceed \$233,860 including trade-in of the City's M4D sweeper.*
2. Deny authorization to purchase a new street sweeper and provide additional direction to staff.



CITY OF THE DALLES
Department of Public Works
1215 West 1st Street
The Dalles, Oregon 97058

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 28, 2013	Contract Review Board 12, B	13-073

TO: Honorable Mayor and City Council

FROM: Dale S. McCabe, City Engineer

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

DATE: October 16, 2013

ISSUE: Sorosis Pump Station Surge Tank Contract No. 2014-002.

RELATED CITY COUNCIL GOAL: None.

BACKGROUND: The City completed the Terminal Reservoir (now called the Vista Reservoir) and Pump Station Construction Project in 2012. The Project consisted of constructing a new 2.7 million gallon reservoir, installing approximately 10,000 linear feet of new 16-inch ductile iron transmission main, and construction of an new 1,600 gallon per minute pump station. Once the new infrastructure from the project was installed and completed, the new facilities were connected to the existing transmission and distribution infrastructure and put into service. After the new infrastructure was on line, initial testing and operation of the system revealed surge pressures due to the starting and stopping of the pumps to be larger than were anticipated from the original design and associated hydraulic modeling. These surges are normally minimized through the use of electronic controls that start and stop the pumps gradually. However, in the event of a power outage, any pumps that are running at that time shut down suddenly creating large pressure surges, or water hammer, that can cause catastrophic failure of water mains. The pressure surges experienced during testing when one pump was suddenly shut down were so high that testing with two pumps running, a normal operating condition, was not conducted for fear of damaging the distribution system piping.

Late in 2012, the City contracted with Kennedy/Jenks Consultants, the design consultants for the Terminal Reservoir and Pump Station Project, to perform a Surge Analysis/Evaluation of the City's system with the newly added infrastructure from the Terminal Reservoir and Pump Station Project. A Technical Memorandum was prepared and received by the City in November 2012. The Technical Memorandum recommended that a 2000-gallon surge tank be added to the system at or adjacent to the Pump Station that was constructed at the Sorosis Reservoir site. Kennedy/Jenks was then contracted to design and develop technical specifications for the surge tank construction project; that design was completed in June 2013. This project is a result of meeting the requirements of the Surge Analysis recommendation and subsequent design effort.

The surge tank is a vessel that is partially filled with water and partially with air. In the event of a pressure surge, the air in the tank serves as a cushion to absorb the additional pressure rather than transmitting it into the distribution system, thereby protecting downstream piping systems. So far, we've been fortunate that there have been no power outages at a time when these pumps have been running. However, until the surge tank is installed, there is an elevated risk of damage to the water distribution system piping.

The City of The Dalles Public Works Department advertised for bids for the Sorosis Pump Station Surge Tank, Contract No. 2014-002 on September 12, 2013. The scope of work for the project was stated as follows: "The work to be performed shall consist of furnishing all materials, labor, and equipment necessary in the installation of pump station surge tank including foundation, piping and wiring. All work will be conducted in accordance with the contract documents."

The bid opening for the contract was held on October 10th at 2:00 p.m. for which we received two bids. The bids received were as follows:

1. Crestline Construction Co. LLC, in the amount of \$179,000.00.
2. 2KG Contractors, Inc., in the amount of \$190,942.00.

The bids were reviewed by City staff to make sure that the proper material was submitted and the bids were deemed complete. The lowest responsive bidder for this project was Crestline Construction.

BUDGET IMPLICATIONS: Within the 2013-2014 Budget, funding for this project has been allocated to Fund 53, line 053-5300-510.75-10, within which there are adequate funds for this project. The Department recommends the City move forward with the project and award the contract to Crestline Construction, in an amount not to exceed \$179,000.00.

ALTERNATIVES:

- a. **Staff Recommendation:** *Move to authorize the City Manager to enter into contract with Crestline Construction for Contract No. 2014-002 in an amount not to exceed \$179,000.00.*

- b. Provide additional research in response to questions raised by City Council.
- c. Not to proceed with the contract.



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 #
October 28, 2013	Action Item 13, A	13-069

TO: Mayor and City Council

FROM: Nolan K. Young, City Manager *ny*

DATE: October 16, 2013

ISSUE: Request to remove waiver of remonstrance agreement from property at 2919 East 9th Street.

BACKGROUND: The Manning's, who live at 2919 East 9th Street have been in the process of trying to sell their home. They have run into some difficulty because of two waivers of remonstrances that are recorded on the property (attached). One was entered into during the original land partition in 1994 for all public improvements and a second when the home was built in 1996 for just a six inch water main.

Kindra Manning has requested that the Council remove both waivers of remonstrance agreements recorded on this property. The Manning's have reported that they lost one sale from a buyer that contacted the Planning Department and was informed that the first waiver, which was for all improvements on 9th Street could cost as much as \$60,000 (current estimate is around \$40,000).

Mrs. Manning has also received an indication from a realtor that other buyers have walked away from the property because of concerns over these agreements, and in this realtor's opinion, the waivers have made the property unsellable. The Manning's currently have a buyer looking at the property and wish to address this issue. I have been working with Mrs. Manning and have provided her with the attached letter clarifying the City's policy regarding local improvement districts (LID).

She feels even with this letter with the waiver of remonstrance agreements have created a difficulty in selling the property.

Staff has identified the following alternatives:

- a. Amend Resolution No. 07-007. Under this option Council would direct staff to prepare for the October 28, 2013 Council Meeting a proposed amendment to Resolution No. 07-007, stating that the City will not initiate LID's on non-collector (neighborhood) residential streets, and would only consider requests supported by 51% of the property owners. We would propose under this option that the resolution would clarify that the 51% would be based on number of property owners and those with waivers of remonstrances would **not** automatically be counted in support of the proposed improvements. This policy could only be changed through a public hearing process.
- b. Deny the Manning's request and take no additional action.
- c. Remove the first waiver of remonstrance on this property. The first of the two waivers of remonstrance agreement was for full City infrastructure improvements. The first waiver of remonstrance was placed on a much larger lot that was first divided into three lots. The property was subsequently divided into a second group of three lots, which includes a lot containing the property currently owned by the Mannings. This property was then sold to a previous owner who was required to sign the second waiver on a 6 inch waterline when they built on the property. The City Attorney has provided an opinion that both remonstrances recorded against the property are legally binding. The Mannings are concerned that since the second waiver was only for the water line it could mislead other purchasers, as it did them, about the need for the full cost of future public improvements. One way to correct this confusion would be for the Council to direct staff to void the original waiver, leaving a waiver of remonstrance for only the 6 inch water line improvement.
- d. Grant the Manning's request to void both waivers of remonstrance on their property at 2919 East 9th Street because of the confusion of having two conflicting recorded waivers on this property.

BUDGET IMPACT: Although this action may not have an immediate impact on the budget, it may have an impact on when residential local improvements are done within the City.

COUNCIL ALTERNATIVES

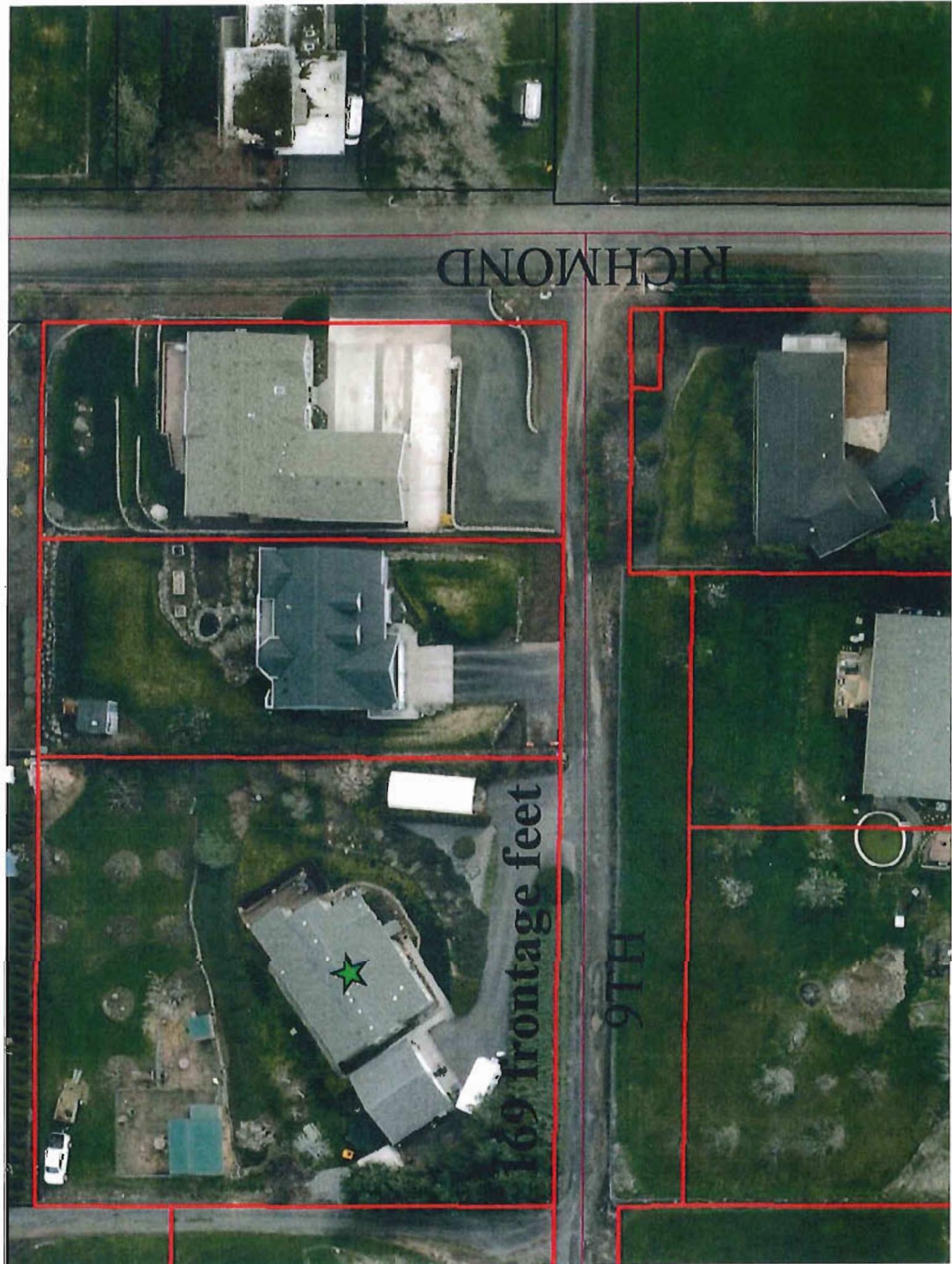
1. **Staff Recommendation:** *Direct staff to bring to the City Council on October 28, 2013 a proposed amendment to Resolution No. 07-007, stating that the City will not initiate LID's on non-collector (neighborhood, residential) streets and will only consider requests supported by 51% of the property owners.*
2. Direct staff to void the 1994 waiver of remonstrance only for the property at 2919 East 9th Street.

3. Approve the request from the Manning's to void all waivers of remonstrance agreements on the property at 2919 East 9th Street, because the existence of two agreements has caused some confusion that has resulted in an undue hardship for the property owners and direct staff to prepare necessary documents to accomplish this request.
4. Grant the Manning's request to void both waivers of remonstrance on their property at 2919 East 9th Street.
5. Decline to take any action on the Manning's request to void the waivers of remonstrance on the property at 2919 East 9th Street.

RICHMOND

9TH

169 frontage feet



WAIVER OF REMONSTRANCE AGREEMENT

Agreement made this _____ day of _____, 19____, by and between the City of The Dalles, a municipal corporation of the State of Oregon, hereinafter "City", and David Kenworthy hereinafter collectively known as "Applicant".

WHEREAS, Applicant desires to partition parcel into 3 lots located within the City of The Dalles, at Richmond and Old Dufur Road and

WHEREAS, City land use laws, rules and policy require that certain public improvements be installed to serve the land proposed for such use:

NOW, THEREFORE, in return for the mutual promises and consideration contained herein, City and Applicant, as a condition to approval of the ~~building~~ XXXXX permit to ~~XXXXXX~~ divide the subject parcel, agree as follows:

1. City to Forbear Improvement Requirements. City agrees to forbear requiring Applicant to construct the public improvements listed above as a requirement of the building permit approval.
2. Waiver of Remonstrances. In the event action is taken to implement a local improvement district to improve future East 9th St. and/or Old Dufur Rd. and/or Richmond St. to meet all City Standards.

APPLICANT AND THEIR SUCCESSORS IN INTEREST WAIVE ANY RIGHT TO REMONSTRANCE AGAINST THE PROPOSED LOCAL IMPROVEMENT DISTRICT AND WAIVE ANY RIGHT TO REMONSTRATE AGAINST THE COST OF SUCH IMPROVEMENT.

Applicant further agrees that they or their successors shall bear the assessed cost of construction of public improvements located upon or adjacent to the land described in this agreement. In the event the Applicant or their successors in interest fail or refuse to construct improvements required by the City, the City shall be entitled to construct the improvements or to contract to have them constructed and to assess the cost of construction together with legal, engineering and administrative costs against the Applicant's land. APPLICANT AND THEIR SUCCESSORS IN INTEREST AGREE THAT THE ASSESSMENT LIEN SHALL BE SUBJECT TO FORECLOSURE BY THE CITY IN THE MANNER PROVIDED BY LAW.

3. Agreement to be Covenant Running with the Land. Applicant agrees that the provisions of this agreement regarding public improvements 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 lands to which this agreement is applicable. The agreement shall be legally binding upon Applicant's heirs or successors in interest.

4. Agreement to be Recorded. This agreement shall be recorded in the Deed records of Wasco County at Applicant's expense.

5. Land to which Applicable. The real property to which the agreement applies is known as IN-13-1C:2300

6. Attorney Fees and Costs in the Event of Litigation. In the event of litigation concerning this agreement, Applicant agrees to save and hold the City harmless from any claim, award, or judgment and to pay all costs of litigation incurred by the City including attorney fees in defending its rights hereunder regardless of the outcome of the litigation.

DONE AND DATED THIS 15TH DAY OF JAN., 1994.

CITY OF THE DALLES, a municipal corporation of the State of Oregon

APPLICANT
David Kenworthy
Applicant

By [Signature]
Community and Economic Development Department

Approved as to form:

[Signature]
Clayton E. Parker, City Attorney

Applicant

STATE OF OREGON) ss.
County of Wasco)

STATE OF OREGON) ss.
County of Wasco)

The foregoing instrument was acknowledged before me on _____ 19____ by _____ to be his/her voluntary act and deed.

The foregoing instrument was acknowledged before me on JAN 15 1994 by DAVID KENWORTHY to be his/her voluntary act and deed.

Notary Public for Oregon
My commission expires: _____

Notary Public for Oregon
My commission expires: 6-20-94



After recording return to:
City Clerk
City of The Dalles
313 Court Street
The Dalles, Oregon 97058

940723
INDEXED
JUN 31 12 52 PM '94

COMPANED
STATE OF OREGON
County of Wasco
Notary Public
My commission expires: _____

940723 (1)

WAIVER OF REMONSTRANCE AGREEMENT

Agreement made this 10 day of April, 1996, by and between the City of The Dalles, a municipal corporation of the State of Oregon, hereinafter "City", and Gary A. & Virginia R. Nichols hereinafter collectively known as "Applicant".

RECITALS:

WHEREAS, Applicant desires to have public water service located within the City of The Dalles, at 2919 E Ninth St

WHEREAS, City land use laws, rules and policy require that certain public improvements be installed to serve the land proposed for such use;

NOW, THEREFORE, in return for the mutual promises and consideration contained herein, City and Applicant, as a condition to approval of above described project agree as follows:

1. City to Forbear Improvement Requirements. City agrees to forbear requiring Applicant to construct the public improvements listed above as a requirement of the building permit approval.

2. Waiver of Remonstrances. In the event action is taken to implement a local improvement district to install a 6" water main

APPLICANT AND THEIR SUCCESSORS IN INTEREST WAIVE ANY RIGHT TO REMONSTRANCE AGAINST THE PROPOSED LOCAL IMPROVEMENT DISTRICT AND WAIVE ANY RIGHT TO REMONSTRATE AGAINST THE COST OF SUCH IMPROVEMENT.

Applicant further agrees that they or their successors shall bear the assessed cost of construction of public improvements located upon or adjacent to the land described in this agreement. In the event the Applicant or their successors in interest fail or refuse to construct improvements required by the City, the City shall be entitled to construct the improvements or to contract to have them constructed and to assess the cost of construction together with legal, engineering and administrative costs against the Applicant's land. APPLICANT AND THEIR SUCCESSORS IN INTEREST AGREE THAT THE ASSESSMENT LIEN SHALL BE SUBJECT TO FORECLOSURE BY THE CITY IN THE MANNER PROVIDED BY LAW.

3. Agreement to be Covenant Running with the Land. Applicant agrees that the provisions of this agreement regarding public improvements 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 lands to which this agreement is applicable. The agreement shall be legally binding upon Applicant's heirs or successors in interest.

4. Agreement to be Recorded. This agreement shall be recorded in the Deed records of Wasco County at Applicant's expense.

5. Land to which Applicable. The real property to which this agreement applies is known as Tract 1 - Riverside Addition Wasco Co. Map No: 1CA Tax Lot 1101

(Notes and bounds legal description of property)

6. Attorney Fees and Costs in the Event of Litigation. In the event of litigation concerning this agreement, Applicant agrees to save and hold the City harmless from any claim, award, or judgment and to pay all costs of litigation incurred by the City including attorney fees in defending its rights hereunder regardless of the outcome of the litigation.

DONE AND DATED THIS 10 DAY OF April, 1996.

CITY OF THE DALLES, a municipal corporation of the State of Oregon

By [Signature] Community and Economic Development Department

Approved as to form: [Signature] Gene E. Parker, City Attorney

APPLICANT

[Signature] Applicant

[Signature] Applicant

STATE OF OREGON) ss. County of Wasco)

The foregoing instrument was acknowledged before me on 4/10, 1996, by Gary & Virginia Nichols to be his/her voluntary act and deed.

[Signature] Notary



RECORDED IN WASCO COUNTY OREGON 10, 5 13 10 19 AM '96

Impact of Waiver of Remonstrance Agreements

The purpose of this document is to identify the City's current policies regarding the waiver of remonstrances that currently exist or may be placed on property in the City of The Dalles.

Waiver of remonstrance agreements are used only should there be a local improvement district proposed for public improvements on a street where a property is located. City Ordinance #07-1276 regulates local improvement districts. This ordinance complies with state law which allows for local improvement districts to be formed for assessing properties within that district for the benefit they receive from those local improvements. Typically, this benefit is assessed by street frontage.

The City's current policy is that the City will only initiate residential local improvement districts (LID) on streets designated as collector streets. By ordinance, the City does not proceed with the LID if property owners representing at least 2/3 of the total cost of the public improvements file remonstrances against the proposed LID. This does not prohibit the owner of the property from opposing the improvements and asking the City Council not to proceed. By resolution the City Council has restricted its use of waiver of remonstrances against the improvements. The City Council will not initiate a neighborhood residential neighborhood street LID and will only proceed with such an LID if 51% of the property owners in the proposed improvement district support the project. Those properties with waiver of remonstrance agreements will **not** automatically be counted in support of the proposed improvements.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481
FAX (541) 296-6906

September 30, 2013

Kindra Manning
2919 East 9th Street
The Dalles, OR 97058

RE: Waiver of Remonstrances

Dear Ms. Manning,

The purpose of this letter is to identify for you the City's current policies regarding the waiver of remonstrances that currently exist on the property at 2919 East 9th Street.

The attached waiver of remonstrance agreement is used only should there be a local improvement district proposed for public improvements on East 9th Street that includes your property at 2919 East 9th. City Ordinance #07-1276 regulates local improvement districts. This ordinance complies with state law which allows for local improvement districts to be formed to assess properties within that district for the benefit they receive from those local improvements. Typically, this benefit is assessed by street frontage.

The City's current policy is that the City will only implement residential local improvement districts (LID) with prior notice to property owners. By ordinance, the City does not proceed with the LID if property owners representing at least 2/3 of the total cost of the public improvements file remonstrances against the proposed LID. The effect of the waiver of remonstrance agreement is that this property cannot submit a remonstrance against the improvements. This does not prohibit the owner of the property from opposing the improvements and asking the City Council not to proceed. In practice, the current City Council has not proceeded with an LID if properties representing 51% of the value of the proposed improvements oppose the project. This does not mean that Councils in the future may not change that policy.

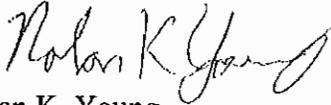
Unless some other type of development activity takes place on this property, formation of a reimbursement district is the only way that any charge will be accessed for public improvements.

This property currently has a frontage of 169 feet. The City's current design is that the improvements required on 9th Street would include a 6 inch water line; 12 inch storm sewer line; a 19' wide street with curbs and gutters on both sides and a sidewalk on one your side. If an LID is approved your property would be assessed for half of the cost of the street frontage, which measures 169 feet.

The goal of this letter is to give any prospective buyers an understanding of potential requirements of this property, in regards to public infrastructure improvements. It is not intended to specifically spell out future action or any potential assessment against the property, as any such assessment would have to happen through a specific process. The City does not have any intention to implement an LID to assess the property at this time.

You have requested that the City remove both of the waivers of remonstrance agreements attached to 2919 East 9th Street. We are willing to take this request to the City Council at their October 14, 2013 meeting that starts at 5:30 p.m.

Regards,

A handwritten signature in black ink, appearing to read "Nolan K. Young". The signature is written in a cursive, flowing style.

Nolan K. Young
City Manager



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 #
October 28, 2013	Action Items 13, B	13-070

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

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

DATE: October 10, 2013

ISSUE: General Ordinance No. 13-1330, approving Zoning Ordinance Amendment No. 84-13 and Comprehensive Plan Amendment No. 40-13 for a parcel measuring approximately .226 acres, located at 1015 Walnut Street.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: 13-063.

BACKGROUND: On July 11, 2013, Mr. Karl Rozentals submitted an application requesting a zone change and a comprehensive plan amendment for a parcel measuring approximately .226 acres located at 1015 Walnut Street, to change the Zoning Ordinance Map and Comprehensive Plan Map from "RM" - Medium Density Residential to "NC" - Neighborhood Center Overlay District. The City Planning Commission conducted a public hearing on the request on August 22, 2013 and voted to recommend the City Council approve the request.

On September 23, 2013, the City Council conducted a public hearing, and following the public hearing, voted to approve the request and directed staff to prepare an ordinance setting forth proposed findings of fact and conclusions of law. General Ordinance No. 13-1330 sets forth the proposed findings of fact and conclusions of law and is attached for the Council's review and approval. Notice of adoption of the ordinance has been posted in accordance with the City Charter and the ordinance can be adopted by title only.

BUDGET IMPLICATIONS: None.

ALTERNATIVES:

Staff Recommendation. Move to adopt General Ordinance No. 13-1330 by title only.

GENERAL ORDINANCE NO. 13-1330

AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT NO. 84-13 AND COMPREHENSIVE PLAN AMENDMENT NO. 40-13 FOR A PARCEL MEASURING APPROXIMATELY .226 ACRES, LOCATED AT 1015 WALNUT STREET

WHEREAS, on July 11, 2013, Karl Rozentals submitted an application requesting a zone change and a Comprehensive Plan amendment for a parcel measuring approximately .226 acres located at 1015 Walnut Street, to change the Zoning Ordinance Map and Comprehensive Plan Map from “RM” - Medium Density Residential to “NC” - Neighborhood Center Overlay District; and

WHEREAS, the City Planning Commission conducted a public hearing on August 22, 2013 on the application, and voted to adopt Resolution No. PC 533-13 recommending that the City Council approve the requested zone change and Comprehensive Plan Amendment; and

WHEREAS, on September 23, 2013, the City Council conducted a public hearing on the application; and

WHEREAS, a staff report was presented to the City Council and public testimony was received at the public hearing; and

WHEREAS, following the close of the public hearing, the City Council deliberated and voted to approve the requested zone change and Comprehensive Plan amendment, based upon findings of fact and conclusions of law; and

WHEREAS, the City Council directed staff to prepare an ordinance setting forth proposed findings of fact and conclusions of law; and

WHEREAS, the City Council has reviewed the proposed findings of fact and conclusions of law, attached to this Ordinance as Exhibit “A”, which is incorporated herein by this reference;

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

Section 1. Findings Adopted. The City Council hereby adopts and approves the findings of fact and conclusions of law set forth in Exhibit "A". Based upon these findings of fact and conclusions of law, the application of Karl Rozentals for Zoning Ordinance Amendment No. 84-13 and Comprehensive Plan Amendment No. 40-13 concerning a request to change the zone designation for a parcel measuring approximately .226 acres located at 1015 Walnut Street, from "RM" - Medium Density Residential to "NC" - Neighborhood Center Overlay District, is hereby approved.

Section 2. Effective Date. This Ordinance shall be effective thirty (30) days after its passage and approval.

PASSED AND ADOPTED THIS 28TH DAY OF OCTOBER, 2013

Voting, Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 28TH DAY OF OCTOBER, 2013.

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

Exhibit "A"

FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR ZONING ORDINANCE AMENDMENT NO. 84-13 AND COMPREHENSIVE PLAN AMENDMENT NO. 40-13

BACKGROUND INFORMATION

The subject property is a single tax lot located on the west side of Walnut Street. All of the lots on the west side of Walnut Street in this area are zoned "RM" - Medium Density Residential. The properties located across Walnut Street are zoned "NC" - Neighborhood Center Overlay District. The subject property is developed with a commercial building that has been on site and used commercially for a number of years beginning in 1967 or 1968 according to the Applicant. The City has no information on when the building was constructed.

The address of the subject site is 1015 Walnut Street, The Dalles, Oregon, and the property is more particularly described as Assessor's Map Township 2 North, Range 13 East, Map 33CC, Tax Lot 1100. The Comprehensive Plan designation and Zoning District is described as "RM" Medium Density Residential District..

REVIEW OF APPLICABLE CRITERIA

A. LAND USE AND DEVELOPMENT ORDINANCE #98-1222

Chapter 3. Application Review Procedures

Section 3.010.040(B) Completeness. An application shall be considered complete when it contains the information required by this Ordinance, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 1.120: Fees, of this Ordinance. Complete applications shall be signed and dated by the Director.

FINDING #1: The application was found to be complete on July 11, 2013. The 120 day state mandated decision deadline is November 8, 2013. The hearing will be held within the required time line.

CONCLUSION: The criteria in Section 3.010.040(B) have been satisfied.

Section 3.020.050(A) Decision Types. Quasi-judicial actions include, but are not limited to, the following:

8. Zone Changes (Section 3.100).
10. Comprehensive Plan changes as part of the general authority of the Planning Commission.

FINDING #2: This application is for a Zone Change pursuant to Section 3.100 of the Land Use and Development Ordinance (LUDO) and a Comprehensive Plan Map change per Goal #2, Land Use Planning, of the Comprehensive Plan. The hearings have been combined because the issues are essentially the same for both requests.

CONCLUSION: The criteria in Section 3.020.050(A)(8) and (10) have been satisfied.

Section 3.020.050(B). Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

FINDING #3: The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to the request.

CONCLUSION: The criteria in Section 3.020.050(B) have been satisfied.

Section 3.020.050(C). Public Hearings. The quasi-judicial process requires a public hearing within 45 days from the date the application is deemed complete.

FINDING #4: The application was deemed complete on July 11, 2013. The 45 day period ended on August 25, 2013. The public hearing before the Planning Commission was held on August 22, 2013.

CONCLUSION: The criteria in Section 3.020.050(C) have been satisfied.

Section 3.020.050(D) Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notices shall be mailed to property owners within 300 feet of the subject property.

FINDING #5: Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on July 31, 2013. A public notice for the Planning Commission hearing was published in The Dalles Chronicle on August 11, 2013. A public notice of the City Council hearing was published in The Dalles Chronicle on September 12, 2013.

CONCLUSION: The criteria in Section 3.020.050(D) have been satisfied.

Section 3.100.030 Review Criteria

A Zone Change shall be granted if the following criteria are met:

- A. *Conformance. The proposed Zone Change conforms with the Comprehensive Plan and all other provisions of this Ordinance.*

- B. *Suitability. The site is adequate in size and shape for the uses normally allowed by the proposed zone.*
- C. *Streets and Traffic. The site is, or will be adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone.*
- D. *Adverse Effect. The proposed Zone Change shall have minimal adverse effect on existing and future surrounding development.*

FINDING #6: In the application for the Zone Change, the Applicant noted that the subject property is isolated from other lots, with the front (eastside) facing Walnut Street, and the back (southside) facing 9th Place, and the northside facing the alley. Across the street are the storage sheds upon Wasco County's property. The subject property includes a one-story building which measures 3,850 square feet, with a paved parking lot on the South and East side which can accommodate 18 cars. On the west side of the lot, there is a large garage, which was originally built for a re-upholstery and automobile restoration shop. Although the property has been used for commercial purposes since its construction in 1967 or 1968, no documentation could be found to explain which property did not currently have a commercial zoning designation. Based upon these findings, the Council concludes that there are special circumstances for the subject property which do not apply to other properties in the same vicinity and zone.

FINDING #7: Concerning any difficulties or hardship which would be created if the Zone Change were not granted for the subject property, the Applicant provided testimony for both the Planning Commission and the City Council concerning the extensive history of the commercial use of the building, and the significant expense which he incurred to remodel the building, including computer software updates which were required to provide the services being offered by Applicant for his customers, and subsequent renovations including the installation of a handicapped restroom, installation of new tile and commercial flooring, and interior and exterior painting. Based upon these findings, the Council concludes that denial of the zone change request would prevent the commercial use of the property, which would significantly reduce the value of the property.

FINDING #8: Regarding the potential impact of the requested Zone Change upon the public safety, health, and welfare, the Applicant presented testimony that the subject property was used for commercial purposes for many years which benefitted the local economy, and included a building in good condition with ample parking for employees and customers. Based upon this testimony, the Council finds that approval of the requested Zone Change would not have a negative impact upon the public health, safety and welfare.

FINDING #9: Concerning the criteria that granting of the Zone Change be consistent with the intent of the LUDO, the Applicant presented testimony that the building located upon the subject property has been continually used as a commercial building since its construction. The Applicant indicated he had checked the records in 1972, and was told that the property has been "spot zoned" commercially. The Applicant testified in 1978, when he added on to the building for a commercial use, the building permit, and the plumbing and electrical permits, were

approved for the use of the building as a commercial use. The Applicant asserted that given the history of commercial use of the property, approval of the requested Zone Change would not be contrary to the LUDO; rather, such approval would correct the zoning for the property to be consistent with the use which was originally intended for the property. Based upon these findings, the Council concludes that granting approval of the requested Zone Change is not contrary to the intent of the LUDO.

FINDING #10: The request is to change the zoning map and the comprehensive plan map which will make the zone change conform to the comprehensive plan map. The Council finds that the proposed Zone Change complies with the requirement that the requested change conform with the applicable provisions of the LUDO. As noted in the following section which reviews the Comprehensive Plan criteria, the City Council concludes that the application complies with the applicable review criteria in the City's Comprehensive Plan.

CONCLUSION: The criteria in Section 3.100.030(A) have been satisfied.

FINDING #11: Concerning the criteria of suitability, the Council finds that the subject property is approximately .225 acres in size. The record contains substantial evidence that the subject property has been previously developed for a commercial use, and has been used for commercial purposes for many years. The Council finds that the subject property is adequate in size and shape for the types of commercial uses typically allowed in the Neighborhood Center Overlay District.

CONCLUSION: The criteria in Section 3.100.030(B) have been satisfied.

FINDING #12: Regarding the criteria related to the streets and traffic, there is substantial evidence in the record establishing that the subject property is served by Walnut Street to the east, and 9th Place to the south, and the existing streets have provided sufficient capacity to serve the variety of commercial activities which have occurred upon the subject property. The Council finds that the existing site is adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone.

CONCLUSION: The criteria in Section 3.100.030(C) have been satisfied.

FINDING #13: Regarding the criteria that the proposed Zone Change have minimal adverse effect on existing and future development, the Council finds that the properties across Walnut Street to the east are already zoned Neighborhood Center Overlay District. The remainder of the surrounding properties are zoned Medium Density Residential. However, the subject property has been used for commercial purposes for approximately 40 years, and there have been no documented negative impacts upon the surrounding properties as a result of the commercial use of the subject property. The Council concludes that the proposed Zone Change will have a minimal adverse effect upon existing and future surrounding development.

CONCLUSION: The criteria in Section 3.100.030(D) have been satisfied.

COMPREHENSIVE PLAN

Goal #2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Policy #5: Evaluate proposed Comprehensive Plan amendments according to the following criteria:

- a. Compliance with the statewide land use goals and related administrative rules.*
- b. Conformance with the Comprehensive Plan goals, policies and implementation measures is demonstrated.*
- c. The change will not adversely affect the health, safety and welfare of the community.*
- d. Adequate public facilities, services and transportation networks are in place, or are planned to be provided with the proposed change.*
- e. Plan changes should be consistent with the current vision statement and action plan.*

Goal #9: Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's cities.

FINDING #14: The Council finds that the language used in Goal #2 and Goal #9 of the City's Comprehensive Plan, is the same as the language used in the statewide land use Goal #2 and Goal #9, and therefore, the proposed Comprehensive Plan amendments comply with the stateside land use goals and associated administrative rules. Page 29 of the City's Comprehensive Plan notes under Goal #9, that "In order to capitalize on long-range economic and employment shifts, The Dalles will need to add to its existing supply of land for commercial uses within the UGB". Goal #9 also lists the following economic development goals

- * Diversify the economic base of the community
- * Encourage the growth of existing employers and attract new employers to The Dalles that complement the existing business community.

The Council finds that approving the requested Zone Change will provide the opportunity for commercial activities to occur upon the subject property, which will provide opportunities to attract new employers, and contribute to the local economic base. The Council concludes that the requested comprehensive plan amendment is consistent with the Goals and policies of the City's Comprehensive Plan.

As noted in Finding #13 above, there is substantial evidence in the record establishing that the requested Zone Change would have a minimal adverse effect upon existing surrounding development and future development. For the reasons noted in Finding #13, the Council finds that the requested Comprehensive Plan Amendment will not adversely affect the health, safety and welfare of the community. The evidence in the record establishes that many commercial

activities have been conducted upon the property, and that they have been supported by existing public facilities, including the adjacent streets. The Council concludes there are adequate public facilities, services, and transportation networks in place for the proposed Comprehensive Plan Amendment to change the designation for the subject site to Neighborhood Center Overlay District.

The City's Vision Action Plan 2030 includes the following statement on page 20:

“The importance of maintaining a safe, quiet and affordable community has resulted in neighborhoods that use a mixture of compatible housing types, and commercial developments, to make areas that are more convenient.”

The Council concludes that the requested Comprehensive Plan Amendment is consistent with the City's Vision Action Plan, in that it will allow the subject property to provide the opportunity for commercial development, which has existed successfully with the area for many years and has established such use as compatible with the surrounding residential uses.

CONCLUSION: The criteria in the City's Comprehensive Plan have been satisfied.



AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 28, 2013	Discussion Items 14, A	13-074

TO: Mayor and City Council

FROM: Jon Chavers, Administrative Fellow

THROUGH: Nolan Young, City Manager *nyj*

DATE: October 28, 2013

ISSUE: Bicycle Master Plan Update.

BACKGROUND: Update of the 1993 Bicycle Master Plan has commenced and requires public input to continue.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The purpose of this agenda item is to obtain council input on a public process to update the Bicycle Master Plan last updated in 1991. The City's Traffic Safety Committee implemented this process with a Bicycle Summit in August.

The City could hire a consultant to help with this process. We propose having staff do this work primarily through the Administrative Fellow position.

In order to gain public input on the Master Plan update, staff recommends the Mayor invite stakeholders and interested parties to form an ad-hoc Bicycle Advisory Committee for the purpose of updating the Bicycle Master Plan. The Master Plan will be reviewed by the Bicycle Advisory Committee, Planning Commission and City Council, then updated and published.

Proposed Order of Events

- Publish and distribute survey (draft copy attached), collect results
- Management team review of draft master plan including survey results
- Mayor appoints ad-hoc bicycle advisory committee
- Committee reviews master plan draft and survey results
- 2nd draft prepared by Administrative Fellow
- Review for changes/revisions to Comprehensive Plan/LUDO by Planning and Administrative Fellow
- Management Team reviews 2nd draft
- Ad-hoc bicycle advisory committee finalizes draft
- Ad-hoc bicycle advisory committee presents final draft to Planning Commission
- Planning Commission recommends updated Bicycle Master Plan to City Council

COUNCIL ALTERNATIVES:

This is a discussion issue to receive council input so no motion is required.

Draft 2013 Bicycle Master Plan Resident Survey

1 What kind of bicycle(s) do you ride? (Check all that apply.)

- Road/street bike
- Mountain bike
- Other (explain) _____

2 How often do you ride a bike in The Dalles? (Check all that apply.)

- | | Miles per week | Times per week |
|---|----------------|----------------|
| <input type="radio"/> Commuting (work/school) | _____ | _____ |
| <input type="radio"/> Errands/shopping | _____ | _____ |
| <input type="radio"/> Recreation/On-road | _____ | _____ |
| <input type="radio"/> Recreation/Off-road | _____ | _____ |

3 Where do you park/lock your bike? (Check all that apply.)

- Sign posts
- Street lamps
- Street benches
- Indoors
- Other (explain) _____

4 If you do commute by bike to work/school, please tell us why. (Check all that apply.)

- I work close to home.
- It is healthy and good exercise.
- It is environmentally friendly.
- It is faster than a car.
- I can park my bike indoors.
- Bike facilities provide direct routes between home and work/school.

5 If you do not commute by bike to work/school, why not? (Check all that apply.)

- | | |
|--|--|
| <input type="radio"/> I work/attend school too far from home. | <input type="radio"/> No shower/change facility at work/school. |
| <input type="radio"/> Roadway surface conditions are poor. | <input type="radio"/> No bike lanes/routes from my residence to my work/school location. |
| <input type="radio"/> No safe storage facility for my bike. | <input type="radio"/> It is a longer time/distance to commute by bicycle. |
| <input type="radio"/> Too much traffic/Uninviting driver behavior. | <input type="radio"/> I do not own a bike |

6 To the nearest 1/4th mile, how far are you (would you be) willing to bike...?

- to work/school
- for errands or shopping
- for social activities/recreation

7 To the nearest 1/4th mile, how far are you (would you be) willing to bike by...?

Bike lane _____ miles Shared roadway _____ miles
Bike path _____ miles Bike shoulder _____ miles

8 How satisfied are you with recreational bicycling opportunities in The Dalles?

- Very
- Somewhat
- Not at all

9 How satisfied are you with the amount of current bicycle facilities (bike lanes, bike shoulders, bike racks, etc.) in The Dalles?

	We have enough	I am indifferent	We need more
Bike lanes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bike paths	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Shared Roadways	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bike shoulder	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10 How important to you is riding in a bike lane or shoulder separated by vehicle traffic lanes by a white line, colored field, or physical barrier?

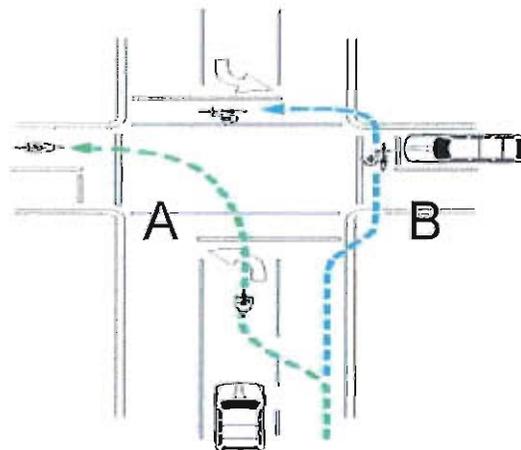
- Very
- Somewhat
- Not at all

11 If there were bike routes designating shortest distance/lowest grade routes in The Dalles, would you ride more?

- Yes
- No

12 Which one of these two left turns do you feel more comfortable making? (Check one.)

- A (use shared left turn lane in traffic)
- B (dismount and use crosswalk with pedestrians)
- No preference



13 What specific barriers or difficulties to bicycling do you encounter? Check all that apply.

- Car traffic makes bicycling unsafe
- Cross traffic, or vehicles entering or exiting perpendicular to travel route, makes bicycling unsafe or impractical
- Debris in bike lane/path/shoulder
- Distances between destinations within the City are too great to cover by bicycle
- Hills make bicycling uphill impractical
- Inattentive drivers
- Lack of bike lane/path/shoulder
- Lack of control over dogs in residential areas
- Lack of designated bike parking
- Lack of safe space operating in traffic without an established bike lane
- Lack of local organized cycling activities
- Lack of marked or signalized bike lanes/paths
- Mill Creek Bridge (W. 3rd Place) is too narrow
- Motorists not sharing shared roadways
- Puncture vine damage to tires
- Too few street lights to safely bike at night
- Other (explain)

14 Tell us a little about yourself (optional)

Gender

- Female
- Male

Age

- Under 18
- 18-24
- 25-44
- 45-64
- 65 or older