

AGENDA

REGULAR CITY COUNCIL MEETING

November 25, 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
  - A. Presentation by Mid Columbia Economic Development District Regarding AGORA Investment Platform
  - B. 2013 Audit Presentation [**Agenda Staff Report #13-078**]
6. RECESS TO URBAN RENEWAL AGENCY MEETING
7. RECONVENE CITY COUNCIL MEETING
8. 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.
9. CITY MANAGER REPORT
10. CITY ATTORNEY REPORT
11. CITY COUNCIL REPORTS

**CITY OF THE DALLES**

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

12. 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.

- A. Approval of October 28, 2013 Regular City Council Meeting Minutes

13. ACTION ITEMS

- A. Request by The Dalles Disposal for a Rate Increase [**Agenda Staff Report #13-079**]
1. Public Comment
  2. Resolution No. 13-035 Approving a Rate Increase Resulting From Increased Operational and Tipping Fee Costs Incurred by The Dalles Disposal Service, Effective January 1, 2014
- B. General Ordinance No. 13-1331 Approving Zoning Ordinance Amendment No. 83-13 Amending Section 6.080 (A) (2) of General Ordinance No. 98-1222, the City's Land Use Development Ordinance [**Agenda Staff Report #13-076**]
- C. General Ordinance No. 13-1332 Approving Zoning Ordinance Amendment No. 85-13 Amending Certain Sections of General Ordinance No. 98-1222, the City's Land Use Development Ordinance, Related to Passage of House Bill 3479 [**Agenda Staff Report #13-077**]

14. DISCUSSION ITEMS

- A. Annual Update Regarding Transportation Systems Development Charge Credits [**Agenda Staff Report #13-075**]

15. ADJOURNMENT

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**This meeting conducted in a handicap accessible room.**

Prepared by/  
Julie Krueger, MMC  
City Clerk

  
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**AGENDA STAFF REPORT**  
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
November 25, 2013	Presentations 5, B	13-078

**TO:** Honorable Mayor and City Council  
**FROM:** Kate Mast, Finance Director  
**THRU:** Nolan K. Young, City Manager *nyj*  
**DATE:** November 13, 2013

**ISSUE:** Presentation of FY 12/13 Audit by Merina & Company.

**BACKGROUND:** This is the third year that Merina & Company has audited our books and we continue to enjoy working with them and learning from them. Our Audit Manager is Tonya Moffitt, and she will be presenting the audit to you at the Council Meeting.

The Auditor's letter to the Council (SAS 114) is attached to this report. The bottom line is that we have two (2) audit findings this year. Both are Oregon Budget Law violations. The first finding was due to an error on my part. When I sent the notice of the supplemental budget that we did last winter to the paper to be published, I failed to attach the actual notice, but inadvertently attached the staff report. So the paper published the staff report instead of the required notice. I did not catch the error until a few months later – too late to correct it. The second finding was the result of over-expendiing the Materials and Services category in the Legal/Judicial Department, which is also a budget violation.

The result of Budget Law violations like these is usually a letter from the Secretary of State requiring a response outlining the steps the City will take to avoid such violations in the future. This response will be in the form of a resolution that will come before the Council for adoption sometime in the next few months.

**BUDGET IMPLICATIONS:** None.

**ALTERNATIVES:**

- A. **Staff Recommendation:** *Move to accept the FY12/13 Audit as presented.*

November 12, 2013

To the Honorable Mayor and City Council  
City of The Dalles, Oregon

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of The Dalles, Oregon for the year ended June 30, 2013. Professional standards (for Certified Public Accountants) require that we provide you with information about our responsibilities under general accepted auditing standards, *Government Auditing Standards*, and OMB Circular A-133, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 14, 2013. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by City of The Dalles, Oregon are described in Note I to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2013. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

Management's estimate of the accumulated depreciation is based on historical cost or estimated historical cost if purchased or constructed and donated capital assets are recorded at estimated fair market value at the date of donation.

Management's estimate of the compensated absences payable is based on current wages.

Management's estimate of the allowance for doubtful accounts is based on a percentage of total receivables.

Management's estimate of the Other Post Employment Benefits (OPEB) is based on an actuarial valuation.

We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were:

The disclosure of Capital Assets in Note III.D to the financial statements summarizes the changes in capital assets for the year ended June 30, 2013.

The disclosure of Long-Term Obligations in Note III.E to the financial statements summarizes the changes in long-term obligations for the year ended June 30, 2013.

The disclosure of Commitments, Contingencies, and Subsequent Events in Note IV.D to the financial statements summarizes the City's commitments, contingencies, and subsequent events.

The financial statement disclosures are neutral, consistent, and clear.

#### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

#### *Disagreements with Management*

For purposes of this letter, professional standards define a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

#### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated November 12, 2013.

### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the governmental unit’s financial statements or a determination of the type of auditor’s opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

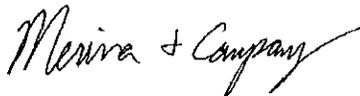
### Other Matters

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of the Mayor and City Council and management of City of The Dalles, Oregon and is not intended to be and should not be used by anyone other than these specified parties.

If you should have any questions or comments, we will be pleased to discuss this report with you at your convenience.

Very truly yours,

A handwritten signature in cursive script that reads "Merina & Company".

Merina & Company, LLP  
Certified Public Accountants and Consultants

**CITY OF THE DALLES, OREGON  
SINGLE AUDIT REPORT**

**FOR THE YEAR ENDED JUNE 30, 2013**

**MERINA  
& COMPANY, LLP**

**CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS**

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**5499 AMY STREET • WEST LINN, OR 97068  
PHONE: (503) 723-0300 • FAX: (503) 723-9946 • WWW.MERINACPAS.COM**

**City of The Dalles, Oregon  
Single Audit Report**

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**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED  
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
WITH *GOVERNMENT AUDITING STANDARDS***

Honorable Mayor and City Council  
City of The Dalles, Oregon  
The Dalles, Oregon

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of The Dalles, Oregon, as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the City of The Dalles, Oregon's basic financial statements and have issued our report thereon dated November 12, 2013.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City of The Dalles, Oregon's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City of The Dalles, Oregon's internal control. Accordingly, we do not express an opinion on the effectiveness of the City of The Dalles, Oregon's internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. *A material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of The Dalles, Oregon's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in cursive script that reads "Merina & Company".

Merina & Company, LLP  
West Linn, Oregon  
November 12, 2013

**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR  
EACH MAJOR PROGRAM, ON INTERNAL CONTROL OVER COMPLIANCE, AND ON THE  
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS REQUIRED BY OMB CIRCULAR  
A-133**

Honorable Mayor and City Council  
City of The Dalles, Oregon  
The Dalles, Oregon

Report on Compliance for Each Major Federal Program

We have audited the City of The Dalles, Oregon's compliance with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on each of the City of The Dalles, Oregon's major federal programs for the year ended June 30, 2013. The City of The Dalles, Oregon's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the City of The Dalles, Oregon's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City of The Dalles, Oregon's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the City of The Dalles, Oregon's compliance.

Opinion on Each Major Federal Program

In our opinion, the City of The Dalles, Oregon complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2013.

## Report on Internal Control Over Compliance

Management of the City of The Dalles, Oregon is responsible for establishing and maintaining effective internal control over compliance with the requirements referred to above. In planning and performing our audit, we considered the City of The Dalles, Oregon's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City of The Dalles, Oregon's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that a material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

## Report on Schedule of Expenditures of Federal Awards Required by OMB Circular A-133

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of The Dalles, Oregon, as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the City of The Dalles, Oregon's basic financial statements. We issued our report thereon dated November 12, 2013, which contained an unmodified opinion on those financial statements that collectively comprise the basic financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the City of The Dalles, Oregon's basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information

directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated, in all material respects, in relation to the financial statements as a whole.

A handwritten signature in cursive script that reads "Merina & Company".

Merina & Company, LLP  
West Linn, Oregon  
November 12, 2013

CITY OF THE DALLES, OREGON  
 SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
 for the Fiscal Year Ended June 30, 2013

GRANTOR AND PROGRAM TITLE	FEDERAL CFDA NUMBER	FY12/13 FEDERAL EXPENDITURE
U.S. Environmental Protection Agency Passed Through the State of Oregon Capitalization Grants for Drinking Water State Revolving Funds Business Development Department - Terminal Reservoir Project ARRA Forgivable Loan ARRA F-1 Loan SDWRLF F-2 Loan Total CGDA 66.468	66.468	61,421.00
U.S. Department of Transportation Direct Programs Airport Improvement Program Federal Aviation Administration - AIP 3-41-0059-009 Runway Pavement Rehabilitation - Phase 1: Design and Construction	20.106	694,049.00 **
Federal Transit Administration Transit in the Park Program Dam Shuttles - OR-20-0004-00	20.xxx	144,950.00
Passed through the State of Oregon National Highway Traffic Safety Administration Alcohol Impaired Driving Countermeasures Incentive Grants State & Highway Safety - Traffic Safety Division DUII Grant	20.601	1,900.00
Passed through the State of Oregon Highway Planning and Construction PD Speed Equipment Grant SC 13-35-14	20.205	1,895.00
Federal Emergency Management Agency (FEMA) Passed through the State of Oregon State Homeland Security Program (SHSP Grant # 11-288) Radio and MDT - The Dalles Police Dept	97.073	2,387.00
State Homeland Security Program (SHSP Grant # 11-288) Antenna Structure - The Dalles Police Dept	97.073	6,529.00
<b>TOTAL EXPENDITURES OF FEDERAL AWARDS</b>		<b>913,131.00</b>

\*\* Signifies Major Program

**CITY OF THE DALLES, OREGON**  
**NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**  
**June 30, 2012**

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Note 1. General

The accompanying schedule of expenditures of federal awards presents the activity of all federal financial assistance programs of the City of The Dalles, Oregon.

Note 2. Significant Accounting Policies

**Reporting Entity:** The reporting entity is fully described in Note 1 to the City's basic financial statements. The schedule includes all federal financial assistance programs administered by the City for the year ended June 30, 2013.

**Basis of Presentation:** The information in the Schedule is presented in accordance with OMB Circular A-133.

**Federal Financial Assistance:** Pursuant to the Single Audit Act and OMB Circular A-133, federal financial assistance is defined as assistance provided by a federal agency, either directly or indirectly, in the form of grants, contracts, cooperative agreements, loans, loan guarantees, property, interest subsidies, insurance or direct appropriations. Accordingly, nonmonetary federal assistance, including federal surplus property, is included in federal financial assistance and, therefore, is reported on the Schedule, if applicable. Federal financial assistance does not include direct federal cash assistance to individuals. Solicited contracts between the state and federal government for which the federal government procures tangible goods or services are not considered to be federal financial assistance.

**Major Programs:** The Single Audit Act and OMB Circular A-133 establish criteria to be used in defining major federal financial assistance programs. Major programs for the City are those programs selected for testing by the auditor using a risk-assessment model, as well as certain minimum expenditure requirements, as outlined in A-133. Programs with similar requirements may be grouped into a cluster for testing purposes.

**Revenue Recognition:** The receipt and expenditure of federal awards are accounted for under the modified accrual method of accounting. Revenues are recorded as received in cash or when measurable and available. Expenditures are recorded when the liability is incurred.

**CITY OF THE DALLES, OREGON**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**June 30, 2013**

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**Section I – Summary of Auditor’s Results**

**Financial Statements**

Type of auditor’s report issued Unmodified

Internal control over financial reporting:

Material weakness(es) identified?  Yes  No

Significant deficiency(s) identified that are  
Not considered to be material weaknesses?  Yes  None reported

Noncompliance material to financial statements noted?  Yes  No

**Federal Awards**

Internal Control over major programs:

Material weakness(es) identified?  Yes  No

Significant deficiency (s) identified that are  
Not considered to be material weaknesses?  Yes  None reported

Type of auditor’s report issued on compliance for major  
Programs: Unmodified

Any audit findings disclosed that are required to be  
Reported in accordance with OMB Circular A-133,  
Section 510(a)?  Yes  No

**Identification of major programs:**

**CFDA Number    Name of Federal Program or Cluster**

20.106                  Airport Improvement Program

Dollar threshold used to distinguish between Type A  
Type B programs: \$300,000

Auditee qualified as low-risk auditee?  Yes  No

**CITY OF THE DALLES, OREGON**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**June 30, 2013**

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**Section II – Financial Statement Findings**

None

**Section III – Federal Awards Findings and Questioned Costs**

None

**Sction IV – Schedule of Prior Federal Award Findings and Questioned Costs for the Years Ended June 30, 2012**

None



**CITY of THE DALLES**

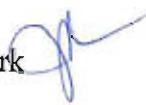
313 COURT STREET  
THE DALLES, OR 97058

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

**AGENDA STAFF REPORT**  
**CITY OF THE DALLES**

<b>MEETING DATE</b>	<b>AGENDA LOCATION</b>	<b>AGENDA REPORT #</b>
November 25, 2013	Consent Agenda 12, A	N/A

**TO:** Honorable Mayor and City Council

**FROM:** Julie Krueger, MMC, City Clerk 

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

**DATE:** November 13, 2013

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

A. **ITEM:** Approval of October 28, 2013 Regular City Council Meeting Minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the October 28, 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 October 28, 2013 regular City Council meeting.

## MINUTES

REGULAR COUNCIL MEETING  
OF  
OCTOBER 28, 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 Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Police Chief Jay Waterbury, Engineer Dale McCabe, Administrative Fellow Jon Chavers, Planning Director Dick Gassman, Finance Director Kate Mast

### CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:30 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

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

### **PRESENTATIONS/PROCLAMATIONS**

Mayor Lawrence read a letter from the Mid Columbia Senior Center into the record, requesting their \$5,000 disbursement to be used for the elevator project. It was noted this amount had been included in the City's budget and would be paid.

Darcy Long-Curtis, 1700 Nevada Street, The Dalles, reported that a delegation from the Sister City, Myoshi City, would be in The Dalles November 2 through 5. She asked that the funds budgeted for Sister City Association be used to pay for transportation between the Airport and The Dalles, and for a gift that the Mayor would present to delegation. She encouraged the City Council to attend the farewell party for the delegation on November 5 at 6:00 p.m. and said she hoped to have this event at City Hall. Long-Curtis said host families were still needed and if anyone was interested in serving as a host family, they could contact her or Dan Spatz.

### **AUDIENCE PARTICIPATION**

None.

### **CITY MANAGER REPORT**

City Manager Young reported a grant had been received by the Museum Foundation for the construction of a new roof on the Anderson Barn at Ft. Dalles Museum complex. Young said he had sent information to the Council regarding a grant received to enhance the City's public Wi Fi system. He said areas that would be considered for expansion included West Sixth Street between Chenoweth Loop Road and Walnut Street; inside of the Civic Auditorium; Kelly View Point; Ft. Dalles Museum; Quinton Ballpark; and a portion of Klindt Drive near the pocket park.

Young said he had attended the Oregon Connections Conference and participated in discussions regarding community usage of the internet compared to access ability. Young said the City was currently recruiting for a Dog Control Officer. He reported the security cameras at the Library, Dock, and Festival Park had been installed. Young said Klickitat County had awarded a contract for the construction of the Industrial Park at the Airport.

### **CITY ATTORNEY REPORT**

City Attorney Parker said he had been helping the Airport staff with a lease for Life Flight at the Airport. Parker said staff had been working on drafting new language for the Transient Room Tax Ordinance, but had recently learned there was a lawsuit filed against the new State law to include internet hotel rentals, so staff would not proceed with changing the City's ordinance at this time.

MINUTES (Continued)  
Regular Council Meeting  
October 28, 2013  
Page 3

Parker reported he was working with Finance Department staff to prepare a Request for Proposals to hire a title company to provide title reports for the foreclosure proceedings.

### **CITY COUNCIL REPORTS**

Councilor Wood said she had attended the Mid Columbia Council of Governments hearing, saying the Board had approved a 20% increase in building permit fees, noting this was the first increase in many years. Wood said she would be attending the QLife Agency meeting on October 31.

Councilor McGlothlin provided an update of projects at the Airport, including the Water District contract being awarded; construction of a Business Park would begin soon; and continuing work on Runway 31-13. McGlothlin said he had attended the Reconnect to the River Festival and the PEO tour of downtown second stories. He said both events had a good turn out.

Councilor Dick said he would be attending the QLife Agency meeting on October 31. Dick congratulated The Dalles Wahtonka football team for their victory over Hood River.

Councilor Spatz reported on the Regional Solutions Team meeting, saying the group was making a priority of working on the industrial land development and identifying wetlands in the industrial areas. He said they were also working on a mitigation strategy for attainable housing. Spatz noted that the Small Business Development Center Director Mary Merrill was retiring and would be missed very much.

Councilor Miller said she had also attended the Council of Governments meeting and had attended the Urban Renewal Advisory Committee meeting, where the Committee forwarded a recommendation to the Agency to approve two grant requests.

Mayor Lawrence reported he had attended the League of Oregon Cities Conference and had appreciated the ethics and open meeting law seminar there. He said he had attended the Council of Governments meeting and believed they had a good discussion and compromise regarding the increase of the building permit fees.

Lawrence reported he had met with Artist Jeff Stewart regarding the Lewis and Clark statue for the Festival Park and had been very impressed with the proposal. He said he hoped the City could secure funding to proceed with the project. Lawrence said he had attended the Community Outreach Team meeting and that group had worked on priorities for their next trip to Washington, D.C. in the Spring.

MINUTES (Continued)  
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Lawrence said he had attended a meeting on affordable housing and the needs of each community were discussed. Mayor Lawrence said the Council should discuss what affordable housing meant according to the Comprehensive Plan.

### **CONSENT AGENDA**

Mayor Lawrence asked if the Council would move item C, surplus Public Works equipment, off the Consent Agenda and address it during the discussion regarding the Contract Review Board Item to approve the purchase of a new street sweeper.

It was moved by Wood and seconded by McGlothlin to approve the Consent Agenda as amended, by moving item C to Contract Review Board Item 12, A. The motion carried unanimously.

Items approved by Consent Agenda were: 1) approval of September 23, 2013 regular City Council meeting minutes; 2) approval of September 16, 2013 special City Council meeting minutes; 3) Resolution No. 13-032 adopting a Policy of Nondiscrimination on the basis of handicapped status; and 4) Resolution No. 13-034 authorizing the Planning Director to execute documents related to the CDBG Housing Rehabilitation Grant Program.

### **PUBLIC HEARINGS**

#### **Public Hearing to Receive Testimony Regarding Amendments to the Land Use Development Ordinance (LUDO)**

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

Planning Director Gassman reviewed the staff report. He noted one written comment had been received from Jim Wilcox since the staff report had been prepared (attached as Exhibit "A"). Gassman noted the purpose of this proposed amendment was only to address the requirements of House Bill 3479. He said the Planning Commission would be taking up other issues of development requirements in work sessions beginning in November. Gassman said this amendment would eliminate waivers of remonstrance for residential minor partitions only.

In response to a question, Gassman said the language was saying that a Waiver of Remonstrance currently in place would remain in place, subject to this ordinance. It was again noted that other issues would be addressed by the Planning Commission and come before the Council for consideration at a later time.

Mayor Lawrence asked for clarification regarding lot development. Planning Director Gassman said the allowance to create three lots per calendar year was for a single or adjoining property.

#### Testimony

Linda Quackenbush, 1005 Richmond Street, The Dalles, said all the property owners in the Manning's neighborhood supported her request to remove the two waivers of remonstrance on her property so it could be sold. She said it was everyone's responsibility to help pay for street improvements but the price should not be so high for property owners. She said property owners had been asking for seven years to reduce the cost to property owners for infrastructure development and to be reasonable. She asked the Council to act now so they didn't have to go to the State Legislature again to resolve their issues.

Hearing no further testimony, the public hearing was closed.

#### Council Deliberation

It was the consensus of Council to direct staff to include language in the Development Section of the Ordinance to better define that the three lot maximum applied to a single piece or adjoining piece of property.

It was moved by Dick and seconded by Wood to direct staff to prepare an ordinance approving amendments to the Land Use Development Ordinance as recommended by the Planning Commission, including any changes approved by City Council, 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.

### **CONTRACT REVIEW BOARD ACTIONS**

#### Authorization to Purchase Street Sweeper

Public Works Director Anderson reviewed the staff report. He noted the mechanical broom unit was now 15 year old and had 19,000 hours of use on it, which translated into over 1,000,000 miles. Anderson said maintenance costs were increasing and said funds had been placed in the budget for the past couple of years in anticipation of replacement of the sweeper.

Councilor Miller asked if there was a back up unit. Public Works Director Anderson said the City would keep the old vacuum unit, which was mostly used for cleaning catch basins and to help during the heavy leaf season.

In response to a question, Anderson said maintenance had been deferred in anticipation of purchasing a new sweeper.

Mayor Lawrence asked if the City had a capital savings program for replacement of equipment. City Manager Young said the City did not have a motor pool replacement fund. He said it was a challenge to create the initial fund and the City hadn't been able to catch up with replacing very old vehicles and equipment, though it was improving.

It was moved by Wood and seconded by McGlothlin 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 and to declare the current sweeper as surplus property.

It was moved by Wood and seconded by Dick to amend the motion to include the surplus of the other equipment that had been included in the Consent Agenda item C. The motion to amend was voted on and carried unanimously.

The amended motion 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 and to declare all the equipment listed in Consent Agenda Item C as surplus property was voted on and carried unanimously.

#### Award Contract for Surge Tank Construction

The staff report was reviewed by Public Works Director Anderson.

Mayor Lawrence questioned why it was not known this was needed when the previous work was done in the area. Public Works Director Anderson said it was mainly due to the lack of proper maps of the system. He said the water system was very old and the City didn't always have an accurate picture of the piping. Lawrence asked if staff had considered hiring someone else to design the surge tank. Anderson said they did consider it but this firm had all the background information. Anderson said the City continued to update their system maps as new line was placed.

It was moved by Spatz and seconded by Dick to authorize the City Manager to enter into contract with Crestline Construction for Contract No. 14-002 in an amount not to exceed \$179,000.00. The motion carried unanimously.

### **ACTION ITEMS**

#### **Request to Remove Waiver of Remonstrance Agreement From Property at 2919 East Ninth Street**

City Manager Young reviewed the staff report.

Kindra Manning, 2919 East Ninth Street, The Dalles read a statement into the record (attached as Exhibit "B"). She asked the City Council to consider removing both the waivers of remonstrance attached to her property so she could sell the property.

There was discussion regarding the six inch water line requirement of one of the waivers. Councilor Dick questioned whether a one inch line was sufficient for the three homes it was currently serving. Ms. Manning said the six inch line was proposed for future development if any more homes needed to connect to water service.

City Manager Young said the current service line was in the right of way and connected at Richmond Street.

It was the consensus of the City Council that this was a special circumstance and that the waivers of remonstrance should be removed for this piece of property.

It was moved by McGlothlin and seconded by Miller to grant the Manning's request to void both waivers of remonstrance on their property at 2919 East Ninth Street. The motion carried unanimously.

#### **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**

The staff report was reviewed by City Attorney Parker.

City Clerk Krueger read General Ordinance No. 13-1330 by title.

It was moved by Wood and seconded by Spatz to adopt 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, by title. The motion carried unanimously.

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**DISCUSSION ITEMS**

Bicycle Master Plan Update

Administrative Fellow Chavers reviewed the staff report.

Councilor Spatz noted that the Mid Columbia Economic Development District was in the process of a transportation study and asked that the City coordinate its efforts with them.

Mayor Lawrence asked that the Administrative Fellow also collaborate with the Gorge Pathway Project. He said the path would be completed in 2016 and could have a big economic impact on the community. Lawrence said an Ad Hoc committee should include people who are involved in the biking community.

City Manager Young said the City had an opportunity to work with a team from Portland State University but it would mean a two to three month delay. It was the consensus of the City Council to wait until the City could develop a team and get the assistance of Portland State University.

Councilor Spatz asked how the survey would be distributed to the public. Administrative Fellow Chavers said it would be set up as a link on the City's website and paper copies would be distributed to schools, the hospital and the Senior Center.

It was suggested the survey be more widely distributed, and to include the local bike shop.

**ADJOURNMENT**

Being no further business, the meeting adjourned at 7:14 p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

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Stephen E. Lawrence, Mayor

ATTEST:

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Julie Krueger, MMC, City Clerk

October 24, 2013

City Council

Re: October 28, 2013 Council Meeting

I have to work Monday night and will be unable to attend the Council meeting. There are two items on the agenda I would like to comment on as part of the public record. In keeping with my commitment to remain free of political correctness and beating around the bush, I submit the following testimony.

The first issue would fall under Item 6 (Audience Participation) but relates to Item 13-B on the agenda: I support the recommended action. What I do not support and believe to be an outrageous barrier to economic development is the processes, time and fees to get to this point. The subject property was in the area annexed within the past 5 years. The commercial use has been consistent since at least 1969 when the original building was built. It should have been an administrative issue to grandfather the zoning and use without charging the owner over \$700 for the application process. Annexation is costing the owner over \$600 per year in additional City property taxes. The 3+ months it took to get through the process cost the owner a potential tenant on the front end and who knows how many potential tenants while he waited for the City process. Once again a potential generator of economic activity has been stifled by 'processes. This unnecessary 'process' is a VERY LARGE *BARRIER TO ECONOMIC ACTIVITY SOLELY BECAUSE OF THE CITY*. At the very least the applicant should get the application fees back and Council should seriously consider taking proactive action to remove this barrier. By the way, the comprehensive plan calls for neighborhood center overlays all across the community and this area fits the description.)

The second issue is item 11-A (LUDO Amendments Hearing). I support the action with the following comments:

1) Had this been completed by February this year as it should have been you wouldn't be dealing with the legislature making local decisions for you. Council

Jim Wilcox  
416 W 7th St  
The Dalles, OR 97058

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Exhibit "A"  
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made it very clear in November and December meetings last year that the building permit was the trigger point for SDCs. The new Council again confirmed the position in January. Staff never brought back to the Council what the Council directed so fed up citizens took it to the legislature and took the decision away from The Dalles City Council. (I'm very disappointed that the citizens did not allow a sympathetic Council to work through the issue but the price of infinite delay is now being paid.) Being an absolute slave to 'process' once again created a situation that should have never happened.

2) The ordinance only applies to residential. It should apply to everything. The Council already confirmed their position that SDCs should be charged when building permits are sought on Commercial property when NW Aluminum (or their successors) divided some land on River Road prior to marketing for sale (somewhere between 2007 & 2010). Lines on a map do not create a need for services...development does!

3) If you look at the staff report and the ordinance it refers other ordinances. Some of those ordinances are in the LUDOs and others are in the General Ordinances. I have years of experience researching and reading ordinances and I could not find the ordinance referenced in General Ordinances. I called Clerk Julie and she was able to give me a clue, from memory, as to which section the ordinance was in. It was in no way intuitive and I would have been out of luck without her excellent memory. What happens when Julie is on vacation, sick, retired or sick and tired? The ordinances MUST be usable by the general, reasonably intelligent (I know that leave me out) public. Council needs to seriously consider overhaul of the ordinances to make them user AND staff friendly.

We tout 'user/business friendly'. It is past time that Council seriously considers the barriers they have created, or allow to exist, to small business economic growth and development. You don't have to look far, just look at the *LUDOs* and *processes* for a place to start.

I will now fall off my soapbox. Thank you all for your well compensated service to our community 😊

VOTE YES ON THE PARKS AND RECREATION POOL BOND.

Dear City Council, Staff & Honorable Mayor,

My name is Kindra Manning. My husband Sean and I and our two children reside at 2919 E. 9<sup>th</sup> Street in The Dalles. Due to employment demands and availability of work for my husband, we accepted his job transfer to Martinez, California in April of 2013.

We listed our home, situated on .8 acre connected to city water and equipped with its own septic; for sale with Bonnie Long in May 2013. This listing brought to our attention a potential lien in the form of a non-remonstrance signed in January 1994 by previous owner, David G. Kenworthy. Prior to this title report we were not every made aware that a city lien encroached on our homes title. As a matter of fact Sean and I both attended a city council meeting December 5, 2005 at which time, having notice from our city manager, Nolan Young, that issues regarding facilities development and the continued promotion of Gravel Street policies would be on the agenda. A vote by city council concluded not to proceed with any infrastructure or facilities development and with no other facilities development pending we concluded that our obligation was complete. That may have been a bit naive but there was nothing to tell us any different.

In June, shortly after listing our property, we received a near full price offer from a local family. After speaking with Dick Gassman and being told that a \$60-80k lien was on our title, this buyer terminated their offer and wrote so in addendum on July 28, 2013.

Another buyer revoked their offer after speaking with a city staff member and was told that if they were to purchase our home they would certainly be forced to pay for street improvements as soon as any development occurred, on any properties adjoining east 9<sup>th</sup> street.

The costs that were being quoted to prospective buyers by the

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Exhibit "B"  
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city is approximately 40% of the value of our home. I cannot imagine how gifting up to 40% of our homes value for a street and a larger waterline will greatly improve our lives.

The first lien was placed on our property in 1994 and since then costs associated with the cities LID's have grown disproportionately to our home's real market value making this ordinance an obsolete tool for the city's future ideals for building roads in residential areas. We will not ever be able to create future streets in The Dalles or improve infrastructure by clinging to these ordinances of the past. The city of The Dalles should not continue to support ordinances that will likely assess homeowners out of their homes and literally onto the streets we were forced to pay for.

I should have the right to sell my home without the encumbrance of this lien and ask that the city remove all waivers of remonstrance associated with the property at 2919 E 9th so that buyers can live without the threat of future costs holding them hostage as we have felt it has held us for so many years now.

Nolan has said in the Agenda Staff Report that city council has the ability to change its policies and to remove the waiver of remonstrance on our title allowing us to sell our home unencumbered. I strongly urge the council to make these policy changes today so as to avoid a tidal wave of sales forfeitures across the city of The Dalles.

Granting our request for removal of both waivers of remonstrance will not have any direct impact on the City budget and will not likely interfere with future LID projects. It is a time for growth and forward progress in The Dalles and it is time to rid our city of ordinances and policies that hold back the opportunities for growth and prosperity. I want to thank you in advance for being the voice of change and allowing me to reconnect my family through the sale of our home.

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Sincerely,  
Kindra Manning

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## 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 #
November 25, 2013	Action Items 13, A	13-079

**TO:** Honorable Mayor and City Council

**FROM:** Gene E. Parker, City Attorney

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

**DATE:** November 13, 2013

**ISSUE:** Adoption of Resolution No. 13-035, approving a rate increase resulting from increased landfill disposal costs and operational costs incurred by The Dalles Disposal Service, Inc., effective January 1, 2014.

**RELATED CITY COUNCIL GOAL:** None.

**PREVIOUS AGENDA REPORT NUMBERS:** None.

**BACKGROUND:** Enclosed with this staff report is a letter dated October 30, 2013 from Erwin Swetnam, District Manager for The Dalles Disposal, submitting a request to the City to consider granting an increase averaging approximately 1.9% in the rates charged by the company for solid waste and recycling services, to be effective January 1, 2014. The increase is being requested due to increased operational costs and tip fees. The operational costs include such items as health care, and truck and equipment repair. Mr. Swetnam notes that the Wasco County Landfill anticipates increasing both its gate rate and the pass-through Household Hazardous Waste tax, by a total amount of 1.0% effective January 1, 2014. A copy of the proposed revised rate schedule is attached to Resolution No. 13-035, which proposes to approve the requested increase.

General Ordinance No. 92-1155 which contains provisions regulating franchisees that collect solid waste, requires the City Council to review rates charged by franchisees to determine if the rates are reasonable and just and adequate to provide collection service. Oregon law requires

that the City Council provide an opportunity for public comment upon any proposed increase in fees, includes rates to be charged by City franchisees.

**BUDGET IMPLICATIONS:** As a result of the approved rate increase, the City will probably receive a modest increase in the amount of the franchise fee collected from The Dalles Disposal, as the franchise fee is calculated on the amount of gross revenue received by The Dalles Disposal.

**ALTERNATIVES:**

- A. **Staff Recommendation.** *Move to adopt Resolution No. 13-035, approving a rate increase for increased costs incurred by The Dalles Disposal Service for operational costs and disposal of material at the Wasco County Landfill, effective January 1, 2014.*
- B. Move to approve a lesser percentage rate increase request, and direct staff to prepare a revised resolution approving the rate increase for consideration at the December 9, 2013 Council meeting.
- C. Move to deny approval of the requested rate increase.

**RESOLUTION NO. 13-035**

**A RESOLUTION APPROVING A RATE INCREASE RESULTING FROM INCREASED OPERATIONAL AND TIPPING FEE COSTS INCURRED BY THE DALLES DISPOSAL SERVICE, EFFECTIVE JANUARY 1, 2014**

**WHEREAS**, The Dalles Disposal Service, Inc. submitted a request dated October 30, 2013 for a rate increase averaging approximately 1.9% for increased operational costs and tipping fees, and for an adjustment to the company's rate schedule as a result of anticipated increases by Wasco County Landfill for both its gate rate and the pass through Household Hazardous Waste Tax, which increase should total 1.0% effective January 1, 2014; and

**WHEREAS**, Section 11 of General Ordinance No. 92-1155 provides that the City Council shall review all requests for a rate increase for companies providing solid waste collection services, to determine whether the proposed rates are just and reasonable and adequate to provide necessary collection services; and

**WHEREAS**, pursuant to ORS 294.160, the City Council provided an opportunity at the November 25, 2013 Council meeting for public comment upon the proposed rate increase; and

**WHEREAS**, The Dalles Disposal Service submitted testimony that the company has incurred recent increased operational costs including costs for health care, and truck and equipment repair; and

**WHEREAS**, The Dalles Disposal Service, Inc. provided further testimony that their company uses the Federal Bureau of Labor Statistics CPI index for Portland/Salem to benchmark their operational costs, and the most recent comparison for the months of June 2012 to June 2013 showed an increase of 1.90%; and

**WHEREAS**, The Dalles Disposal Service, Inc. submitted additional testimony that individual rates change by different percentages based upon the disposal weight component of each rate, and that a service with no weight, such as a carry out charge, might increase 1.90%, while a per ton drop box overage charge would increase only 0.4%, and that a comparison of other rates indicated that the average increase would be approximately 1.6%; and

**WHEREAS**, the City Council finds that approval of the requested rate increase resulting from the increased costs of disposal of waste materials at the Wasco County Landfill and increased operational costs, is appropriate and necessary;

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

**Section 1. Rate Increase Approved.** The rate increase requested by The Dalles Disposal Service, Inc., resulting from increased costs for disposal of material at the Wasco County Landfill and increased operational costs, as set forth in the attached Exhibit "A", is hereby approved, and shall take effect on January 1, 2014.

**Section 2. Effective Date.** The effective date of this Resolution shall be November 25, 2013.

**PASSED AND ADOPTED THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2013**

Voting Yes, Councilors: \_\_\_\_\_

Voting No, Councilors: \_\_\_\_\_

Absent, Councilors: \_\_\_\_\_

Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2013**

\_\_\_\_\_  
Stephen E. Lawrence, Mayor

ATTEST:

\_\_\_\_\_  
Julie Krueger, MMC, City Clerk

Resolution No. 13-035 - Exhibit "A"

**THE DALLES CITY GARBAGE RATES**

Proposed Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Franchise Fee	Total Increase	New Rate
<b>RESIDENTIAL</b>						
<b>CANS/ROLLCARTS</b>						
Weekly						
- (1) 20 gal can	\$10.99	\$0.02	\$0.17	\$0.01	\$0.20	\$11.19
- (1) 32 gal can	\$15.87	\$0.04	\$0.24	\$0.01	\$0.29	\$16.16
- 90 gal rollcart	\$23.28	\$0.10	\$0.29	\$0.01	\$0.41	\$23.69
- 105 gal cart	\$25.04	\$0.12	\$0.30	\$0.01	\$0.43	\$25.47
- each add'l can		\$0.04	-\$0.06	\$0.00	-\$0.02	-\$0.02
	\$15.87					
EOW						
- (1) 32 gal can		\$0.02	-\$0.03	\$0.00	-\$0.01	-\$0.01
	\$12.93					
Call In						
- (1) 32 gal can	\$11.29	\$0.01	\$0.20	\$0.01	\$0.21	\$11.50
- 90 gal rollcart	\$16.91	\$0.03	\$0.28	\$0.01	\$0.32	\$17.23
<b>YARD DEBRIS</b>						
12 month minimum sign-up period						
\$18 restart fee if service is cancelled and restarted within a year						
60 gal yard debris cart						
Weekly	\$7.78	\$0.03	\$0.05	\$0.00	\$0.08	\$7.86
EOW	\$5.34	\$0.02	\$0.04	\$0.00	\$0.06	\$5.40
<b>SPECIAL CHARGES</b>						
The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.						
Additional Charge:						
- Sunken Can	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
- Excess distance	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
- Steps/stairs	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
- Through gate	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
-extra can/bag/box	\$6.25	\$0.00	\$0.11	\$0.00	\$0.12	\$6.37
- loose yardage per yd	\$26.64	\$0.08	\$0.39	\$0.02	\$0.48	\$27.12
(extra garbage on top or around cans and rollcarts which must be manually handled & placed in truck)						
- bulk items						
- return trip can	\$6.92	\$0.00	\$0.12	\$0.00	\$0.13	\$7.05
- return trip rollcart	\$9.20	\$0.00	\$0.17	\$0.01	\$0.18	\$9.38
- rollcart redelivery	\$9.53	\$0.00	\$0.18	\$0.01	\$0.18	\$9.71
- Off day pick up	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
- Delinquent fee	\$11.97	\$0.00	\$0.22	\$0.01	\$0.23	\$12.20
(Acct delinquent after 30 days from billing)						
- NSF/unhonored check fee	\$28.27	\$0.00	\$0.53	\$0.02	\$0.55	\$28.82
- New Acct set up fee	\$5.46	\$0.00	\$0.10	\$0.00	\$0.11	\$5.57
- Change in service	\$5.46	\$0.00	\$0.10	\$0.00	\$0.11	\$5.57

**THE DALLES CITY GARBAGE RATES**

**Proposed Increase January 1, 2014**

	Current Rate	Landfill Increase	Business Increase	Franchise Fee	Total Increase	New Rate
<b>COMMERCIAL</b>						
Weekly						
- (1) 32 gal can	\$18.95	\$0.04	\$0.30	\$0.01	\$0.35	\$19.30
- 90 gal rollcart	\$28.63	\$0.10	\$0.39	\$0.02	\$0.51	\$29.14
- 105 gal cart	\$29.20	\$0.12	\$0.38	\$0.02	\$0.52	\$29.72
- each add'l can	\$18.95	\$0.04	\$0.30	\$0.01	\$0.35	\$19.30
EOW						
- (1) 32 gal can	\$15.81	\$0.02	\$0.26	\$0.01	\$0.30	\$16.11
Call In						
- (1) 32 gal can	\$12.43	\$0.01	\$0.22	\$0.01	\$0.24	\$12.67
- 90 gal rollcart	\$18.68	\$0.03	\$0.31	\$0.01	\$0.35	\$19.03

**SPECIAL CHARGES**

The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.

**Additional Charge:**

- Sunken Can	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
- Excess distance	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
- Steps/stairs	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
- Through gate	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
-extra can/bag/box	\$6.25	\$0.00	\$0.11	\$0.00	\$0.12	\$6.37
- loose yardage per yd	\$26.64	\$0.08	\$0.39	\$0.02	\$0.48	\$27.12
(extra garbage on top or around cans and rollcarts which must be manually handled & placed in truck)						
- bulk items						
- return trip can	\$6.92	\$0.00	\$0.12	\$0.00	\$0.13	\$7.05
- return trip rollcart	\$9.24	\$0.01	\$0.16	\$0.01	\$0.17	\$9.41
- rollcart redelivery	\$9.53	\$0.00	\$0.18	\$0.01	\$0.18	\$9.71
- Off day pick up	\$6.83	\$0.00	\$0.13	\$0.00	\$0.13	\$6.96
- Delinquent fee	\$11.97	\$0.00	\$0.22	\$0.01	\$0.23	\$12.20
(Acct delinquent after 30 days from billing)						
- NSF/unhonored check fee	\$28.27	\$0.00	\$0.53	\$0.02	\$0.55	\$28.82
- New Acct set up fee	\$5.46	\$0.00	\$0.10	\$0.00	\$0.11	\$5.57
- Change In service	\$5.46	\$0.00	\$0.10	\$0.00	\$0.11	\$5.57

**THE DALLES CITY GARBAGE RATES**

Proposed Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Franchise Fee	Total Increase	New Rate
<b>CONTAINERS</b>						
<b>1 1/2 Yd Containers</b>						
- Call In	\$28.91	\$0.06	\$0.45	\$0.02	\$0.53	\$29.44
- EOW	\$42.33	\$0.14	\$0.60	\$0.03	\$0.76	\$43.09
- 1XPW	\$84.71	\$0.28	\$1.20	\$0.05	\$1.52	\$86.23
- Additional day rate = # days x 1 x wk rate						
<b>2 Yd Containers</b>						
- Call In	\$40.70	\$0.08	\$0.64	\$0.02	\$0.75	\$41.45
- EOW	\$56.61	\$0.18	\$0.80	\$0.03	\$1.02	\$57.63
- 1XPW	\$113.17	\$0.37	\$1.60	\$0.07	\$2.04	\$115.21
- Additional day rate = # days x 1 x wk rate						
<b>3 Yd Containers</b>						
- Call In	\$57.80	\$0.13	\$0.90	\$0.04	\$1.07	\$58.87
- EOW	\$84.66	\$0.28	\$1.20	\$0.05	\$1.52	\$86.18
- 1XPW	\$169.42	\$0.55	\$2.40	\$0.10	\$3.05	\$172.47
- Additional day rate = # days x 1 x wk rate						
<b>SPECIAL CHARGES</b>						
- Delivery	\$30.79	\$0.00	\$0.58	\$0.02	\$0.60	\$31.39
- Rent	\$30.03	\$0.00	\$0.56	\$0.02	\$0.58	\$30.61
- Rent-a-bin	\$68.48	\$0.00	\$1.28	\$0.04	\$1.33	\$69.81
- Loose yardage	\$26.64	\$0.08	\$0.39	\$0.02	\$0.48	\$27.12
<b>Containers with difficult access (per cont chg)</b>						
- Not on solid surface	\$7.52	\$0.00	\$0.14	\$0.00	\$0.15	\$7.67
- Stuck in the mud	\$7.52	\$0.00	\$0.14	\$0.00	\$0.15	\$7.67
- Lodged in loose gravel	\$7.52	\$0.00	\$0.14	\$0.00	\$0.15	\$7.67
- Overweight	\$7.52	\$0.00	\$0.14	\$0.00	\$0.15	\$7.67
- Excess distance	\$7.52	\$0.00	\$0.14	\$0.00	\$0.15	\$7.67
- Rolloff curb	\$7.52	\$0.00	\$0.14	\$0.00	\$0.15	\$7.67

**THE DALLES CITY GARBAGE RATES**

Proposed Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Franchise Fee	Total Increase	New Rate
<b>COMPACTORS</b>						
* 50,000 max gross weight - Per compacted yard	\$29.56	\$0.21	\$0.25	\$0.02	\$0.48	\$30.04
- over 2 tons for 10 yds - over 4 tons for 20 yds - over 6 tons for 30 yds						
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$333.52	\$0.00	\$6.25	\$0.21	\$6.45	\$339.97
<b>DROP BOXES</b>						
- 10 yd min fee empty	\$184.32	\$0.78	\$2.35	\$0.11	\$3.24	\$187.56
- 15 yd min fee empty	\$283.93	\$1.17	\$3.67	\$0.17	\$5.01	\$288.94
- 20 yd min fee empty	\$368.64	\$1.56	\$4.71	\$0.22	\$6.48	\$375.12
- 30 yd min fee empty	\$552.97	\$2.34	\$7.06	\$0.33	\$9.73	\$562.70
- Delivery	\$64.13	\$0.00	\$1.20	\$0.04	\$1.24	\$65.37
- Demurrage per day after 5 days	\$13.65	\$0.00	\$0.26	\$0.01	\$0.26	\$13.91
- Loose ydg	\$18.44	\$0.08	\$0.24	\$0.01	\$0.32	\$18.76
- over 2 tons for 10 yds - over 4 tons for 20 yds - over 6 tons for 30 yds						
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$333.52	\$0.00	\$6.25	\$0.21	\$6.45	\$339.97

**THE DALLES CITY GARBAGE RATES**

Proposed Increase January 1, 2014

	Current Rate	Landfill Increase	Business Increase	Franchise Fee	Total Increase	New Rate
<b>TRANSFER STATION</b>						
Minimum Charge:						
Household Garbage						
* 1 can or 1 bag	\$6.94	\$0.01	\$0.12	\$0.00	\$0.13	\$7.07
- Per Yard (After Minimum)	\$12.97	\$0.04	\$0.19	\$0.01	\$0.23	\$13.20
- <b>MINIMUM YARD CHARGE (3 YARDS)</b>	\$25.94			\$0.00	\$0.46	\$26.40
Bulk Items:						
- Mattress/box springs						
- Recliners/large chairs						
- Couches/furniture/televisions (minimum fee plus)	\$8.20	\$0.00	\$0.15	\$0.01	\$0.16	\$8.36
Appliances:						
- each	\$10.93	\$0.00	\$0.20	\$0.01	\$0.21	\$11.14
- Refrigerators	\$30.48	\$0.00	\$0.57	\$0.02	\$0.59	\$31.07
- Tires (each)	\$12.28	\$0.00	\$0.23	\$0.01	\$0.24	\$12.52
- Tires with rims to 16" (each)	\$24.57	\$0.00	\$0.46	\$0.02	\$0.48	\$25.05
Brush and Wood:						
(Must be clean/no garbage/ for recycling)	\$6.39					
- Per Yard (After Minimum)	\$19.17	\$0.04	\$0.30	\$0.01	\$0.35	\$19.52
- <b>MINIMUM YARD CHARGE (3 YARDS)</b>				\$0.00	\$58.56	\$58.56

Yardage calculation: multiply width x length x height divide by 27 = total yards



**CITY OF THE DALLES**

313 COURT STREET  
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**AGENDA STAFF REPORT**  
CITY OF THE DALLES

<b>MEETING DATE:</b>	<b>AGENDA LOCATION:</b>	<b>AGENDA REPORT #</b>
November 13, 2013	Action Items 13, B	13-076

**TO:** Honorable Mayor and City Council

**FROM:** Gene E. Parker, City Attorney

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

**DATE:** November 13, 2013

**ISSUE:** General Ordinance No. 13-1331, approving Zoning Ordinance Amendment No. 83-13, amending Section 6.080(A)(2) of General Ordinance No. 98-1222, the City’s Land Use and Development Ordinance.

**RELATED CITY COUNCIL GOAL:** None.

**PREVIOUS AGENDA REPORT NUMBERS:** 13-058.

**BACKGROUND:** On April 4, 2013, the City Planning Commission conducted a public hearing concerning a proposed amendment to the City’s Land Use and Development Ordinance (LUDO) relating to setback requirements for open sided structures. Following the public hearing, the Planning Commission voted to recommend approval of the proposed amendment.

On July 22, 2013, the City Council conducted a public hearing on the proposed amendment. Following the close of the public hearing, the Council voted to approve the proposed amendment and directed staff to prepare an ordinance setting forth the findings of fact and conclusions of law for the amendment. Enclosed with this staff report is General Ordinance No. 13-1331 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:**

- A. **Staff Recommendation.** Move to adopt General Ordinance No. 13-1331 by title only.

**GENERAL ORDINANCE NO. 13-1331**

**AN ORDINANCE APPROVING ZONING ORDINANCE  
AMENDMENT NO. 83-13 AMENDING SECTION 6.080(A)(2)  
OF GENERAL ORDINANCE NO. 98-1222, THE CITY'S  
LAND USE AND DEVELOPMENT ORDINANCE**

**WHEREAS**, the City Planning Commission conducted a public hearing on April 4, 2013, concerning a proposed amendment to the City's Land Use and Development Ordinance relating to setback requirements for open sided structures; and

**WHEREAS**, following the public hearing, the Planning Commission voted to recommend approval of the proposed amendment; and

**WHEREAS**, on July 22, 2013, the City Council conducted a public hearing on the proposed amendment to the City's Land Use and Development Ordinance; 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 proposed 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 proposed amendment to Section 6.080(A)(2) of the Land Use and Development Ordinance concerning setback requirements for open sided structures is hereby approved.

Section 2. Ordinance Amendment. Section 6.080(A)(2) of General Ordinance No. 98-1222 shall be amended to read as follows:

2. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues may project up to 3 feet into a required yard, provided a 30 inch minimum setback is maintained from any property line. Structures that are open on three sides, with a minimal number of support beams, are subject only to the setback requirements of Section 6.080(A)(2), and are exempt from the provisions of Section 6.080(A)(3).

Section 3. Effective Date. This Ordinance shall be effective thirty (30) days after it's passage and approval.

**PASSED AND ADOPTED THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2013**

Voting, Yes, Councilors: \_\_\_\_\_

Voting No, Councilors: \_\_\_\_\_

Absent, Councilors: \_\_\_\_\_

Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 25<sup>TH</sup> DAY OF NOVEMBER, 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. 83-13

#### BACKGROUND INFORMATION

This is a single proposed change in the Land Use and Development Ordinance (#98-1222), hereafter referred to as "LUDO". The issue first arose as part of a variance request, which was denied by the Planning Commission. The Planning Commission then recommended that the matter be reviewed for a possible LUDO amendment. The request would allow carports and other similar structures to be located within 30 inches of a property line. The current provisions in the LUDO require a five foot setback.

The Planning Commission conducted a public hearing on the proposed amendment on April 4, 2013, and voted to recommend approval of the proposed amendment.

#### REVIEW OF APPLICABLE CRITERIA

##### A. LAND USE AND DEVELOPMENT ORDINANCE #98-1222

#### Chapter 3. Application Review Procedures

*Section 3.010.040(F) Applications for Legislative Actions. A legislative action may be initiated by the Director, the Historic Landmarks Commission, the Planning Commission, the Council, or at the request of an applicant or resident of the City.*

**FINDING #1:** The application was initiated by the Director pursuant to the provisions of Section 3.010.040(F).

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

*Section 3.020.060(A) Decision Types. Legislative actions include, but are not limited to, the following:*

2. *Ordinance Amendments (Section 3.110).*

*Section 3.020.060(B) Public Hearings*

2. *The Council shall hold a legislative hearing on applications for legislative actions within 30 days of the date of the Planning Commission or, where appropriate, the Historic Landmarks Commission resolution recommending approval, conditional approval, or denial of the request.*

*Section 3.020.060(C) Notice of Hearing. At least 10 days before the legislative hearings of the Historic Landmarks Commission, the Planning Commission, or the Council, notice of the*

hearing shall be published in a newspaper of general circulation. Such notice shall:

1. *Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized.*
2. *List the applicable Ordinance standards and/or criteria, Comprehensive Plan Policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, and Oregon Revised Statutes that apply to the particular application.*
3. *Set forth the geographical reference to the subject area.*
4. *State that in order to preserve any potential appeal rights to LUBA, persons must participate orally or in writing in the legislative action proceeding in question.*
5. *Include the name and telephone number of the Director to contact for additional information.*

**FINDING #2:** This application is for an amendment to the LUDO pursuant to Section 3.110. The public hearing has been scheduled for the City Council for July 22, 2013. Notice of the proposed LUDO amendment was sent to the Department of Land Conservation and Development at least 35 days prior to the Planning Commission hearing conducted on April 4, 2013. A notice was also published in The Dalles Chronicle prior to the Planning Commission hearing and prior to the City Council hearing.

**CONCLUSION:** The criteria in Section 3.020.060(A), (B) and (C) have been satisfied.

*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 #3:** 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 of the proposed LUDO amendment.

**CONCLUSION:** The criteria in Section 3.020.070(A)(3) have been satisfied.

**Section 3.110.030 Review Criteria** *Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.*

## **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.*

**FINDING #4:** 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 LUDO amendment complies with the statewide land use goals and associated administrative rules. The proposed language would allow structures like carports to be closer to a property line than currently allowed. The City currently allows ground level paving to go up to a property line, and the City allows eaves to be placed within 30 inches of a property line. This effectively requires a carport to apply for a variance to be located closer than five feet from a property line. However, satisfying the criteria for a variance can be difficult, which often results in the application for a variance being denied. The proposed language would provide an alternative to the process which results in denial of the variance applications.

**FINDING #5:** The proposed amendment will address issues of setbacks for structures upon particular parcels of property. The evidence in record establishes that approval of the amendment should not have a negative impact upon the general community. The Council finds that the requested LUDO Amendment will not adversely affect the health, safety and welfare of the community.

**CONCLUSION:** The criteria in Section 3.110.030 have been satisfied.



**CITY OF THE DALLES**  
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## AGENDA STAFF REPORT

### CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
November 13, 2013	Action Items 13, C	13-077

**TO:** Honorable Mayor and City Council

**FROM:** Gene E. Parker, City Attorney

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

**DATE:** November 13, 2013

**ISSUE:** General Ordinance No. 13-1332, approving Zoning Ordinance Amendment No. 85-13, amending certain sections of General Ordinance No. 98-1222, the City's Land Use and Development Ordinance, related to passage of House Bill 3479.

**RELATED CITY COUNCIL GOAL:** None.

**PREVIOUS AGENDA REPORT NUMBERS:** 13-072.

**BACKGROUND:** On April 6, 2013, the Oregon Legislature passed House Bill 3479, which prohibits the City from using waivers of remonstrance or the ability to require prepayment of development costs for minor partition applications on residential property. City staff prepared proposed amendments to the City's Land Use and Development Ordinance (LUDO) which were designed to bring the City's LUDO into compliance with the provisions of House Bill 3479. On October 3, 2013, the City Planning Commission conducted a public hearing concerning proposed amendments to the City's Land Use and Development Ordinance (LUDO), which were assigned the reference number ZOA 85-13 by the City Planning Department. Following the

public hearing, the Planning Commission voted to recommend approval of the proposed amendments.

On October 28, 2013, the City Council conducted a public hearing on the proposed amendment ZOA 85-13. Following the close of the public hearing, the Council voted to approve the proposed amendments and directed staff to prepare an ordinance setting forth the findings of fact and conclusions of law for the amendment. Enclosed with this staff report is General Ordinance No. 13-1332 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:**

A.                **Staff Recommendation.** Move to adopt General Ordinance No. 13-1332 by title only.

**GENERAL ORDINANCE NO. 13-1332**

**AN ORDINANCE APPROVING ZONING ORDINANCE  
AMENDMENT NO. 85-13 AMENDING CERTAIN SECTIONS  
OF GENERAL ORDINANCE NO. 98-1222, THE CITY'S LAND  
USE AND DEVELOPMENT ORDINANCE, RELATED TO  
PASSAGE OF HOUSE BILL 3479**

**WHEREAS**, on June 6, 2013, the Oregon Legislature passed House Bill 3479, which prohibits the City of The Dalles from using waivers of remonstrance or the ability to require a prepayment of development costs for minor partition applications on residential property; and

**WHEREAS**, City staff prepared proposed amendments to the City's Land Use and Development Ordinance (LUDO), which were designed to bring the City's LUDO into compliance with the provisions of House Bill 3479; and

**WHEREAS**, on October 3, 2013, the Planning Commission conducted a public hearing upon the proposed amendments, which were assigned the reference number ZOA 85-13 by the City Planning Department; and

**WHEREAS**, following the public hearing, the Planning Commission voted to recommend approval of the proposed amendment ZOA 85-13; and

**WHEREAS**, on October 28, 2013, the City Council conducted a public hearing on the proposed amendment ZOA 85-13 to the City's Land Use and Development Ordinance; 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 proposed amendment ZOA 85-13, 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 proposed amendment ZOA 85-13 to the City’s LUDO concerning compliance with the provisions of House Bill 3479 is hereby approved.

Section 2. Ordinance Amendments. The following amendments to the City’s LUDO are hereby approved:

- A. In Section 2.030, the definition for “Development” shall be revised to read as follows:

**Development** - Making a material change in the use or appearance of a structure (internal and external) or land,, creation of three or more units of land on a single parcel or adjoining pieces of property 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.

- B. Section 6.110, **WAIVER OF RIGHT TO REMONSTRATE**, shall be revised 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 pursuant to the provisions of General Ordinance No. 91-1127, which set forth the procedures for formation of local improvement districts.

- C. Section 9.020.030(B) Waiver of Right to Remonstrate, shall be revised by deleting subsection (B), and renumbering the current subsections (C) through (I) to be (B) through (H).
- D. Section 9.030.040 Partition Application Review, subsection (C), shall 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 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.
- E. Section 9.030.050 Final Partition Plat Review, subsection (B)(2) shall be revised to read as follows:
2. (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).
- F. Section 9.030.050 Final Partition Plat Review, Subsection C. Final Plat Approval, shall be revised to read as follows:
- C. Final Plat Approval. Prior to final approval, the City shall be assured that:
1. 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).

Section 3. Effective Date. This Ordinance shall be effective thirty (30) days after its passage and approval.

**PASSED AND ADOPTED THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2013**

Voting, Yes, Councilors: \_\_\_\_\_

Voting No, Councilors: \_\_\_\_\_

Absent, Councilors: \_\_\_\_\_

Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 25<sup>TH</sup> DAY OF NOVEMBER, 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. 85-13

#### BACKGROUND INFORMATION

On June 6, 2013, the Oregon Legislature passed House Bill 3479. The legislation prevents the City of The Dalles from using waivers of remonstrance or the ability to require a prepayment of development costs for minor partition applications on residential property. The proposed amendments set forth in ZOA No. 85-13 are designed to bring the City's LUDO into compliance with the provisions of House Bill 3479. The proposed amendments would modify the LUDO by deleting waivers of remonstrance for residential minor partitions. The possible use of waivers of remonstrance for non-residential partitions would be retained. The proposed amendments would also delete provisions in the LUDO authorizing development costs to be prepaid in residential minor partition cases. The requirements for subdivisions and non-residential minor partitions would not be changed under the proposed amendments.

The Planning Commission conducted a public hearing on the proposed amendment on October 3, 2013, and voted to recommend approval of the proposed amendment.

#### REVIEW OF APPLICABLE CRITERIA

##### A. LAND USE AND DEVELOPMENT ORDINANCE #98-1222

#### Chapter 3. Application Review Procedures

*Section 3.010.040(F) Applications for Legislative Actions. A legislative action may be initiated by the Director, the Historic Landmarks Commission, the Planning Commission, the Council, or at the request of an applicant or resident of the City.*

**FINDING #1:** The application was initiated by the Director pursuant to the provisions of Section 3.010.040(F).

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

*Section 3.020.060(A) Decision Types. Legislative actions include, but are not limited to, the following:*

2. *Ordinance Amendments (Section 3.110).*

#### *Section 3.020.060(B) Public Hearings*

2. *The Council shall hold a legislative hearing on applications for legislative actions within 30 days of the date of the Planning Commission or, where appropriate, the Historic Landmarks Commission resolution recommending approval, conditional approval, or denial of the request.*

*Section 3.020.060(C) Notice of Hearing. At least 10 days before the legislative hearings of the Historic Landmarks Commission, the Planning Commission, or the Council, notice of the hearing shall be published in a newspaper of general circulation. Such notice shall:*

- 1. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized.*
- 2. List the applicable Ordinance standards and/or criteria, Comprehensive Plan Policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, and Oregon Revised Statutes that apply to the particular application.*
- 3. Set forth the geographical reference to the subject area.*
- 4. State that in order to preserve any potential appeal rights to LUBA, persons must participate orally or in writing in the legislative action proceeding in question.*
- 5. Include the name and telephone number of the Director to contact for additional information.*

**FINDING #2:** This application is for a series of amendments to the LUDO pursuant to Section 3.110. The public hearing has been scheduled for the City Council for October 28, 2013. Notice of the proposed LUDO amendment was sent to the Department of Land Conservation and Development at least 35 days prior to the Planning Commission hearing conducted on October 3, 2013. A notice was also published in The Dalles Chronicle on September 22, 2013 prior to the City Council hearing.

**CONCLUSION:** The criteria in Section 3.020.060(A), (B) and (C) have been satisfied.

*Notice of Hearing as required by ORS 227.186*

**FINDING #3:** 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, a rezone includes any change that limits or prohibits uses previously allowed in a zone. The Council finds that none of the proposed amendments includes any change that limits or prohibits a use previously allowed within a zoning district. The Council further finds that notices to individual property owners were not required under the provisions of ORS 227.186.

**CONCLUSION:** The criteria in ORS 227.186 have been satisfied.

*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 #4:** 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 of the proposed LUDO amendment.

**CONCLUSION:** The criteria in Section 3.020.070(A)(3) have been satisfied.

**Section 3.110.030 Review Criteria** *Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.*

### **COMPREHENSIVE PLAN**

*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 part of the basis for all decision and actions relating to the use of land.*

**FINDING #5:** The proposal is consistent with the goals and policies of the Comprehensive Plan. Notices of the public hearings before the Planning Commission and the City Council were published, and the public had the opportunity to provide testimony at both hearings concerning the proposed LUDO amendments. The City Council determined that some amendments should be made to the proposed amendments which were considered at the Planning Commission hearing.

**CONCLUSION:** The criteria in Goal 1 of the City's Comprehensive Plan have been satisfied.

*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 #5:** The City conducted two public hearings during which public testimony was taken concerning the proposed amendments, and whether they complied with the provisions of House Bill 3479. The Council finds that the proposed amendments are consistent with the provisions of House Bill 3479, and that they are intended to ensure that the City's LUDO complies with House Bill 3479, which is consistent with the directive of the Comprehensive Plan

**CONCLUSION:** The criteria in Goal 2 of the City's Comprehensive Plan have been satisfied.



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

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## **AGENDA STAFF REPORT**

### **CITY OF THE DALLES**

<b>MEETING DATE</b>	<b>AGENDA LOCATION</b>	<b>AGENDA REPORT #</b>
November 25, 2013	Discussion Items 14, A	13-075

**TO:** Honorable Mayor and City Council

**FROM:** Dave Anderson, Public Works Director

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

**DATE:** November 12, 2013

**ISSUE:** Third Annual Review of 2010 Transportation Systems Development Charge Credits.

**RELATED CITY COUNCIL GOALS:** NA

**PREVIOUS AGENDA REPORT NUMBERS:** 10-038; 10-055; 11-086; 12-065.

**BACKGROUND:** The City Council adopted General Ordinance No. 10-1305 (copy attached) on July 12, 2010. That General Ordinance provided additional credits towards Transportation System Development Charges (TSDCs) in an effort to encourage economic development within the City consistent with recommendations from the Transportation SDC Work Group formed to study the issue. The General Ordinance also required that the City Council evaluate the implementation of the new credits within one year, and that any changes to the SDC credits authorized in the General Ordinance be enacted by ordinance adopted by City Council. Reports were provided to Council in September 2011 and October 2012 summarizing information from each year of implementation. Following each of those reports, Council decided to keep the additional credits in effect for another year. This report provides information from the third year of implementation related to new non-residential development or re-development applications received since the adoption of General Ordinance No. 10-1305 and associated Transportation SDCs.

Between September 1, 2012 and October 31, 2013, 12 non-residential building permit applications were received by the City's Planning Department for developments totaling

\$9,073,396 in value. Of those 12 new non-residential development, five were eligible to be assessed TSDCs. One of those five developments received a full credit against any new TSDCs due to the previous use on the site and a second development received a 25% credit for job creation; these types of credits are allowed in the City's original SDC ordinances and are not related to General Ordinance 10-1305. Two of the remaining three developments received TSDC credits provided under General Ordinance 10-1305, one at 50% and one at 75% relief levels. The fifth development did not qualify for any TSDC credits under the 2010 ordinance. The total amount of Transportation SDCs collected over this period of time after credits were applied was \$111,151.48; the credits provided under General Ordinance No. 10-1305 in this 13-month period totaled \$3,310.36. The total amount of Transportation SDC credits provided under the General Ordinance since it was adopted in 2010 has been \$196,244.08.

Staff is not aware of any potential applicants that expressed interest in initiating a development during this period of time but decided not to proceed due to SDC charges.

**BUDGET ALLOCATION:** None at this time – Discussion Item only.

**ALTERNATIVES:** Provide direction to staff regarding any desired revisions to the Transportation SDC credits.

GENERAL ORDINANCE NO. 10-1305

COPY

AN ORDINANCE AMENDING SECTION 6 OF GENERAL ORDINANCE NO. 07-1286 TO ESTABLISH ADDITIONAL CREDITS TOWARDS THE TRANSPORTATION SYSTEM DEVELOPMENT CHARGES APPLICABLE AT THE TIME OF APPLICATION FOR A BUILDING PERMIT

WHEREAS, on November 13, 2007, the City Council adopted General Ordinance No. 07-1286, imposing Transportation System Development Charges on new development applicable at the time of application for a building permit; and

WHEREAS, on April 26, 2010, the City Council directed staff to form a Work Group to evaluate the potential impacts of the City's current Transportation System Development Charges on growth and development in the community, particularly any impact related to local businesses which desired to expand or relocate; and

WHEREAS, on June 14, 2010, the Transportation SDC Work Group presented a report to the City Council, including six specific recommendations related to the City's Transportation SDC's; and

WHEREAS, the rationale for the Work Group's recommendations included the following reasons: to provide incentives for businesses to relocate and/or expand within the City and facilitate the filling of existing vacant buildings within the City, with an emphasis on the Downtown Commercial District (CBC Zone); to reduce the costs of expansion for existing businesses which have been in the City for a minimum of two years, including businesses who seek to relocate to a new site involving the construction of new facilities; and to provide incentives to encourage new small scale developments, primarily by small businesses, to locate within The Dalles; and

WHEREAS, following the presentation of the report by the Transportation SDC Work Group to the City Council on June 14, 2010, the Council directed staff to prepare an ordinance implementing the Work Group's recommendations, for the Council's consideration at the July 12, 2010, Council meeting; and

WHEREAS, the City Council provided an opportunity for additional public testimony at the July 12, 2010, Council meeting, concerning the proposed ordinance to implement the recommendations submitted by the Transportation SDC Work Group; and

WHEREAS, based upon the comments and testimony provided by the Transportation SDC Work Group during the presentation of its report on June 14, 2010, and additional public testimony and comment received during the July 12, 2010 Council meeting, the City Council finds that adoption of the recommendations submitted by the Transportation SDC Work Group will have a positive and stimulating effect upon growth and development in the community, particularly for local businesses which desire to expand or relocate in The Dalles, and that adoption of General Ordinance No. 10-1035 is in the best interest of the health and welfare of the community;

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

Section 1. Section 6 of General Ordinance No. 07-1286, shall be amended by adding new subsections, 6(A), 6(A)(1), 6(A)(2), and 6(A)(3), which new subsections shall read as follows:

Section 6(A). Additional SDC Credits. In addition to the credits provided for in Section 6 of this Ordinance, the City shall grant the following additional credits against the City's SDC which is otherwise assessed for the following types of New Development:

- A. For New Development involving the re-use or redevelopment of an existing building, including an expansion of an existing vacant building, upon a parcel of property located within the Downtown Commercial District (CBC Zone). For an expansion to qualify for this credit, it cannot exceed fifty percent (50%) of the size of the existing footprint of the building, and the size of the expansion cannot exceed 5,000 square feet. Verification that the proposed expansion qualifies with the size restrictions set forth in this subsection shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to one hundred percent (100%) of the proposed Transportation SDC.
- B. For New Development involving the re-use or redevelopment of an existing building, including an expansion of an existing vacant building, upon a parcel of property located within any zoning district within the City limits other than the Downtown Commercial District (CBC Zone). For an expansion to qualify for this credit, it cannot exceed fifty percent (50%) of the size of the existing footprint of the building, and the size of the expansion cannot exceed 5,000 square feet. Verification that the proposed expansion qualifies with the size restrictions set forth in this subsection shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to seventy-five percent (75%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled .
- C. For New Development involving expansion of an existing business through new construction on the current site of the business, upon a parcel of property located within any zoning district within the City limits. To qualify for this credit, the existing business must have been in operation in The Dalles for a minimum of two years. Verification that the existing business complies with the minimum requirement for years of operation shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to fifty percent (50%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.

- D. For New Development involving the relocation of an existing business in the City to a new site with construction of new facilities, upon a parcel of property located within any zoning district within the City limits. To qualify for this credit, the existing business must have been in operation in The Dalles for a minimum of two years. Verification that the existing business complies with the minimum requirement for years of operation shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to fifty percent (50%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.
  
- E. For New Development involving construction of a development which creates employment for ten (10) persons or less, and involves construction of a new facility which is limited in size to 5,000 square feet or less, upon a parcel of property located within any zoning district within the City limits. Verification that the New Development has complied with the eligibility requirements for the number of employees set forth in this subsection shall occur six (6) months after the date when the New Development opened for business. The amount of the credit shall be equivalent to seventy-five percent (75%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.
  
- F. For New Development involving construction of a development which creates employment for twenty (20) persons or less, and involves construction of a new facility which is limited in size to 10,000 square feet or less, upon a parcel of property located within any zoning district within the City limits. Verification that the New Development has complied with the eligibility requirements for the number of employees set forth in this subsection shall occur six (6) months after the date when the New Development opened for business. The amount of the credit shall be equivalent to fifty percent (50%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.

Section 6(A)(1). Relationship to Transportation System Development Charge for Chenowith IAMP. The credits established under Section 6(A) of this Ordinance shall not be applicable to reduce the amount of the Transportation System Development Charges imposed for the Chenowith Interchange Area Management Plan.

Section 6(A)(2). Appeal of Adverse Decision Concerning Credit Eligibility. Any applicant who desires to appeal an adverse determination of the Administrator or the City Manager concerning the applicant's eligibility for any of the credits listed in Section 6(A) of this ordinance, may appeal that decision to the City Council under the process set forth in Section 11(C) of this ordinance.

Section 6(A)(3). Review of Credits; Modification. Within one year from adoption of this Ordinance, the City Council shall evaluate the implementation of the credits established by this Ordinance. Any increase, decrease, or termination of any of the credits at the time of this one year review, or at any future time, shall be enacted by an ordinance adopted by the City Council.

Section 2. Section 11(C)(2) of General Ordinance No. 07-1286 shall be amended by revising the last sentence in this Section to read as follows:

Such hearing shall be held within twenty-one (21) days of the date the appeal was filed, provided that the hearing date falls within a time period when the City Council is regularly scheduled to meet.

Section 3. Emergency. WHEREAS, in order to stimulate local economic growth and assist local businesses who desire to expand or relocate their businesses within the City, it is necessary and appropriate for the proposed credits against the Transportation System Development Charges to become effective as soon as possible, to benefit the economic welfare of the local community; NOW, THEREFORE, an emergency is declared to exist, and this Ordinance shall go into effect immediately upon its passage and approval.

PASSED AND ADOPTED THIS 12<sup>TH</sup> DAY OF JULY, 2010.

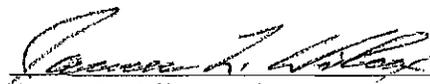
Voting Yes, Councilor: Wood, Spatz, Ahier, Dick, McGlothlin

Voting No, Councilor: None

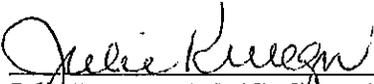
Absent, Councilor: None

Abstaining, Councilor: None

AND APPROVED BY THE MAYOR THIS 12<sup>TH</sup> DAY OF JULY, 2010.

  
James L. Wilcox, Mayor

Attest:

  
Julie Krueger, MMC, City Clerk