

## **MINUTES**

TOWN HALL MEETING  
OF  
MAY 6, 2013  
5:30 P.M.  
MID COLUMBIA SENIOR CENTER  
THE DALLES, OREGON

**PRESIDING:** Mayor Steve Lawrence

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

**COUNCIL ABSENT:** Dan Spatz

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

### **CALL TO ORDER**

Mayor Lawrence called the meeting to order at 5:30 p.m.

### **PRESENTATION REGARDING INFILL DEVELOPMENT**

Administrative Fellow Garrett Chrostek reviewed the staff report, noting the purpose of the meeting was to address associated issues with residential infill. He highlighted the issues of the level of improvements required, reimbursement districts, local improvement district (LID) priority plan, uniform local improvement rates, and street maintenance. Chrostek noted the alternatives listed in the staff report were just ideas, not recommendations.

### **PUBLIC COMMENT**

April Moore, John L. Scott Real Estate, said development fees put in place by the City encumbered development. She said current housing stock was bad, but new development didn't

occur because people were stopped by the high fees. She said a portion of East 12<sup>th</sup> Street had been vacated outside the city limits a few years ago and the people who had paid for future improvements had to go to City Council to get their money refunded even after staff had said there would be no development in the area for 50 to 100 years. She said people were not treated fairly regarding the fees. Moore said some people who put in manufactured homes didn't have to pay the fees, while other people did have to pay development fees. Moore said she had a client with property on East Second Street and he could not afford to develop his property because the City would require sidewalks and it was too expensive. She said it would cost approximately \$100,000 in fees to develop the property.

Mayor Lawrence asked Ms. Moore if she was referring to systems development charges. Moore said that was correct.

City Manager Young said it would be a pre-assessment charge. He said developers would either install the improvements at the time they developed a property or would pay into a fund and the improvements would be put in at a later time.

Chrostek noted the \$351 per lineal foot cost was for full improvements, including water, street, storm and sanitary sewer. He said if some of those improvements were already in place, the cost would be lower.

Heather McCloud, 920 Richmond Street, The Dalles, asked if she would be subject to pay development fees if she sold her property.

City Manager Young said fees would not be assessed if a property was partitioned, but if the partitioned property was then developed, the assessment would be made.

Mrs. McCloud said the development fees would be approximately \$63,000 which was more than the value of the property. She said it would be difficult to sell a partitioned parcel because no one would want to pay the development fees or would ask that the price be reduced to pay for them. McCloud said she believed being forced to sign a non-remonstrance agreement was a violation of her Second Amendment rights to free speech because signing the document would not allow her to object to an LID project in the future.

Steve Stroud, 3004 East 12<sup>th</sup> Street, The Dalles, said he had been involved in the vacation of East 12<sup>th</sup> Street. He said staff had agreed to return \$10,000 to the property owners, but the owners had to approach City Council to get the remaining \$8,000 back. Mr. Stroud said the City should not try to establish a "one system fits all" approach. He said the City needed to be able to think

creatively and to recognize there would be different circumstances for every development. He said the City didn't contribute to the development costs and property owners were not allowed to hire private contractors to install the improvements, which would be about one-third the cost to the property owner.

Councilor Wood noted that if the engineering was done, property owners did have the option of paying a contract to install the improvements. She said it had always been the responsibility of a property owner to install new improvements and once completed, the City maintained them.

Mr. Stroud said many cities did not have or require full street improvements.

Randy Hager, 2804 East 10<sup>th</sup> Street, The Dalles, expressed concern that only a few people received notice of the meeting by mail. He said the entire community should have been mailed notices about the meeting. Hager said he had learned that the law required only that cities have a plan for development, but not that it had to be a specific way. He noted the Comprehensive Plan said social, economic and environmental costs should be minimized. He said the City Council was not speaking to the citizens or they would know that no one wanted the unaffordable improvement costs imposed by the City. He said he had a friend who had to turn his property back to the original owner because he could not afford to pay for the required improvements. Hager said the costs were too high and said that non-remonstrance agreements were not used by most cities. He said staff had made a policy to require them and would not back away from that policy. Hager said he had joined a group who met with State legislators to clarify local improvement district language to allow for the sale of property to not be a trigger for paying improvement assessments. He said the people they had met with were surprised the Council didn't support the citizens. Hager urged the City Council to recognize the process being used was not a good plan.

Jerry Johnson, 3102 East 13<sup>th</sup> Street, The Dalles, said he was concerned that the City Council had the ability to make land use decisions for his property, outside the City limits, while he had no City Council representation.

City Manager Young said the City and Wasco County had an agreement which was put in place many years ago that established properties within the Urban Growth Boundary would have City land use laws applied because they would be in the City at some time in the future.

Mr. Johnson said the rules said that annexation would be done only after development was completed. He questioned why streets were not brought up to City standards before annexations occurred. He said people who lived outside the city limits had paid for the roads that were in place through their taxes and should not have to pay additional money so it could be improved to a different standard.

Councilor Wood noted that the roads did not meet City standards because they often didn't have storm water systems in place. She said property owners had always paid for those improvements, and once installed, the City paid to maintain them.

Johnson said everyone in the City should pay for the cost of the improvements, not just people being annexed or developing their property. He said he didn't feel he had a voice, or representation since the City administered the land use regulations, but he didn't live in the City.

John Pereira, 2815 East 10<sup>th</sup> Street, The Dalles, said the City had not followed through with proposed changes to the policy and was unhappy that citizens had to go to the State to get assistance with their issues. He questioned why the meeting information was not sent to everyone in the community who might be affected by the policies.

Colleen Tenold Sauter, The Dalles, said she had been very involved in the procedures for improvements when she was installing manufactured homes in her subdivision. She said she had paid approximately \$56,000 for improvements, such as sidewalks that dead ended. Tenold asked how the \$351 per foot cost compared to private contractor bids.

City Manager Young said the \$351 figure was developed based on contracts the City had for various projects. He said private contractors could probably install improvements at a lower amount because they may not be subject to prevailing wage requirements as the City was.

Public Works Director Anderson confirmed the rate was established using comparable rates from recent projects in 2007. He said it also included contingency and engineering costs. He noted the information had been updated in 2008, but the Council declined to increase the fee due to the poor economy.

Ms. Sauter suggested the City investigate changes to the budget that would change Public Works from capital improvement projects to a maintenance program, which would save money. She said another cost savings measure would be to stop paying for plans on the proposed Urban Growth Boundary expansion, saying the money already spent for plans, contained outdated information by the time it could be used.

Richard Havig, 3015 East 12<sup>th</sup> Street, The Dalles, asked how many LID's had been requested by property owners, or if they were all initiated by the City.

City Manager Young said for the past 16 years, only commercial LID's had been completed and said no residential LID's had been applied for. He said non-remonstrance agreements helped to allow for residential development and to put needed improvements in place.

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Mr. Havig said he believed 100% of property owners would object to an LID and said the requirement to sign non-remonstrance agreements was forcing the improvements on people.

Young said, as an example, the Thompson Street LID had approximately 50% of property owners who objected to the project.

Havig said the cost per foot for improvements should be reduced by half. He asked if the assessments were based on lineal feet. City Manager Young said it was based on the amount of assessments.

Mr. Havig said storm sewers were not needed everywhere and that ditches could serve the community. He said the requirement for a 32 foot street was ridiculous.

Bob Perkins, 2845 East 10<sup>th</sup> Street, The Dalles, said his property had streets on both the front and back sides and it would cost approximately \$87,750 in improvement fees. He asked if he would be required to disclose the potential cost for future improvements if he sold his property.

City Manager Young said if the property was partitioned, the proposed assessments for improvements would show up in the title search, but that the property could be sold without being partitioned.

April Moore said that if a property owner had received any kind of notice from the governing body that there could be a future assessment for improvements, the property owner was required by law to disclose the information.

Mr. Havig said one non-remonstrance was not recorded by the City for a period of three years. He said he didn't think it was a legal document since it was not recorded in a timely manner.

Mayor Lawrence asked staff to describe how the issue of recording documents had been corrected. Administrative Fellow Chrostek said there had been a question as to what documents could be recorded with the County Clerk, but that had been resolved. He said once resolved, the Council had made a decision that if the ownership had not changed on a property, the City would proceed with recording the non-remonstrance agreements, and if a property had sold, the agreement would not be filed.

City Manager Young said if an LID was approved and constructed, everyone in the District would pay their share, regardless of whether they had a non-remonstrance agreement filed. He said the agreement was just saying the owner would not object to the LID when it was proposed in the future, to complete improvements.

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In response to an audience question, City Manager Young said if a property had streets on both front and back, the policy was to only assess for frontage along one street.

Randy Hager said for the past several years, there had been many misconceptions and illegal decisions made. He said the community at large needed to have access to free legal counsel, and that it should not be limited to City staff and the Council. He said the task force appointed in 2007 had recommended the City abandon non-remonstrance agreements, but the recommendation was not respected.

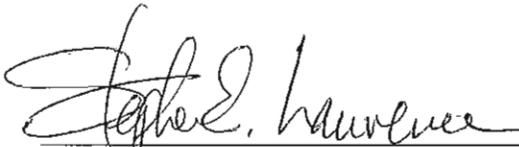
**ADJOURNMENT**

The meeting adjourned at 7:10 p.m.

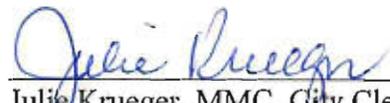
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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

  
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Stephen E. Lawrence, Mayor

ATTEST:

  
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Julie Krueger, MMC, City Clerk