

AGENDA**REGULAR CITY COUNCIL MEETING****July 12, 2021****5:30 p.m.****VIA ZOOM**<https://zoom.us/j/95292615269?pwd=QktHVEZrUkdDZ3ZEeTN0bFR0dU8rQT09>

Meeting ID: 952 9261 5269

Passcode: 554709

Dial +1 346 248 7799 OR +1 669 900 6833

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. 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.

6. CITY MANAGER REPORT
7. CITY ATTORNEY REPORT
8. CITY COUNCIL REPORTS
9. 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 the June 28, 2021 Regular City Council Meeting Minutes
- B. Approval of the June 30, 2021 Special City Council Meeting Minutes

CITY OF THE DALLES**"By working together, we will provide services that enhance the vitality of The Dalles."**

- C. Resolution No. 21- 017 Concurring with the Mayor's Appointment to the Beautification Committee

10. PUBLIC HEARINGS

- A. Special Ordinance No. 21-588 Granting Zoning Ordinance Amendment #103-21 And Comprehensive Plan Amendment \$48-21 for Property Located on East Second Street, Further Described as 1N 13E 1AA, Tax Lot 100

11. CONTRACT REVIEW BOARD ACTIONS

- A. Authorization to Purchase a new Cat 315 Excavator

12. ACTION ITEMS

- A. Special Ordinance No. 21-587 Annexing Certain Additional Properties Located in the Urban Growth Boundary of the City of The Dalles Pursuant to ORS 222.125 (Consent Annexations; ANX#74-21 Decker, ANX #75-21 Legacy Development Group, ANX #76-21 City of The Dalles, and ANX#77-21 Lloyd)
- B. Approval of Transfer of Airport Management Contract

13. ADJOURNMENT

This meeting conducted VIA Zoom

Prepared by/
Izetta Grossman, CMC
City Clerk

CITY OF THE DALLES

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



AGENDA STAFF REPORT

AGENDA LOCATION: Item #9 A-C

MEETING DATE: July 12, 2021

TO: Honorable Mayor and City Council

FROM: Izetta Grossman, CMC, City Clerk

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

- A. **ITEM:** Approval of the June 28, 2021 Regular City Council Meeting Minutes

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the June 28, 2021 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 June 28, 2021 Regular City Council meeting minutes.

- B. **ITEM:** Approval of the June 30, 2021 Special City Council Meeting Minutes

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the June 30, 2021 Special City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the June 30, 2021 Special City Council meeting minutes.

C. ITEM: Concurrence with Mayor's Appointment to Beautification Committee

BUDGET IMPLICATIONS: None.

SYNOPSIS: The Resolution has been prepared and is submitted for review and approval.

RECOMMENDATION: That City Council approve Resolution No. 21- 017 Concurring with the Mayor's Appointment to the Beautification Committee.

MINUTES

CITY COUNCIL MEETING

June 28, 2021

5:30 p.m.

VIA ZOOM

LIVESTREAM VIA City website

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Darcy Long-Curtiss, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Julie Krueger, City Clerk Izetta Grossman, Finance Director Angie Wilson, Community Development Director Alice Cannon, Public Works Director Dave Anderson, Human Resources Director Daniel Hunter

CALL TO ORDER

The meeting was called to order by Mayor Mays at 5:30 p.m.

ROLL CALL OF COUNCIL

Roll Call was conducted by City Clerk Grossman. All Councilors present.

PLEDGE OF ALLEGIANCE

Mayor Mays asked Councilor McGlothlin to lead the Pledge of Allegiance.

Councilor McGlothlin invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Runyon and seconded by Long-Curtiss to approve the agenda as submitted. The motion carried 5 to 0; Runyon, Long-Curtiss, McGlothlin, Randall, Richardson voting in favor; none opposed.

AUDIENCE PARTICIPATION

Kenny LaPoint, Mid-Columbia Community Action Council (MCCAC) reported they had received a \$1.5 million grant for development of a Navigation Center in the Dalles. He said the center would house multiple agencies, creating a one stop shop for services, and become the site for the pallet shelters.

He said the Mayor's Unhoused Taskforce had a subcommittee looking for a site for the Center.

Runyon asked if MCCAC would be moving to the new location. LaPointe said it would, and the current house would be sold.

Scott McKeown, representative of the LLC owning the 6th Street Food Cart Pod said his experience with the City had been very positive. He said Joshua Chandler in the planning department was great. He said Chandler helped him find ways to make things work. He said Jill Hoyenga from Public Works was very knowledgeable and helpful.

Anna Granados, The Nextdoor, Inc told the Council about the vital programs the Nextdoor has provided to The Dalles for years.

CITY MANAGER REPORT

City Manager Julie Krueger said City facilities would open on Wednesday with regular schedules.

She said all committees/commissions and the Council meetings would continue via Zoom until September. She said the Council Chamber was being updated in August.

City Manager Krueger said a number of Oregon cities and counties were banning fireworks due to the extreme heat, fire danger and forecast windy conditions through the first week of July. She at 5 today she was presented with the declaration from Bend allowing commercial displays and banning all personal fireworks in Bend.

She asked if Council was interested in such a declaration.

Mayor Mays asked if the City Manager had talked to the Fire Chief. She said they had discussed a joint statement asking people to not use fireworks over the holiday. She said the declaration banned fireworks and had a punitive component.

Mayor Mays, Councilor Long-Curtiss, Councilor Richardson, Councilor McGlothlin and Councilor Runyon were in favor of a ban due to the heat and wind.

There was some discussion regarding the amount of a fine.

City Manager Krueger said the time was very short, through July 9, the excessive heat period.

It was moved by Long-Curtiss and seconded by McGlothlin to use the Bend declaration as a model, due to the short time frame.

Runyon asked to amend the motion to reflect “not to exceed \$750 fine”. Long-Curtiss accepted the friendly amendment.

The motion as carried as amended 5 to 0; Runyon, Long-Curtiss, McGlothlin, Randall, Richardson voting in favor; none opposed.

Richardson asked that staff work hard to get the message out to the public quickly.

CITY ATTORNEY REPORT

City Legal Counsel Jonathan Kara said Mayor Mays had asked him to attend the Unhoused Taskforce meeting July 20 with a presentation regarding the new legislation. He said he would be giving the same presentation to City Council at the July 26 Council meeting.

CITY COUNCIL REPORTS

Councilor Runyon reported:

- LOC Statewide Call
- Narrator for Northwest Passage a Fundraiser for The Civic Auditorium
- Q-Life Agency Board Mtg
- Attended Annie Jr at the Civic. A fund raiser for the Children’s Theatre Group

Councilor Long-Curtiss reported:

- Conversations regarding downtown public restroom for tourist and community
- Meeting with City Manager

Councilor Randall reported:

- Historic Landmarks Commission approved a request for façade on the Recreation Building and a mural on The Workshop building.

Councilor Richardson reported:

- Brownfields Advisory Committee
- Traffic Safety Commission
- The Chamber’s Governmental Affairs
- Community Outreach Team

MINUTES

Regular City Council Meeting

June 28, 2021

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Mayor Mays reported:

- KODL
- Michael Held with Business Oregon
- Community Outreach Team

Mayor Mays said there was thought of postponing the City's Vision Action Plan until a new City Manager was hired. He asked for Council thoughts.

After some discussion it was the consensus of the Council to ahead with the Vision Action Plan.

CONSENT AGENDA

It was moved by Long-Curtiss and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 5 to 0; Runyon, Long-Curtiss, McGlothlin, Randall, Richardson voting in favor; none opposed.

Items approved on the consent agenda were: 1) The minutes of the June 14, 2021 Regular City Council Meeting; 2) solution No. 21-016 Concurring with the Mayor's Appointment to the Beautification Committee; 3) Approval of Intergovernmental Agreement with Wasco County for GIS Services from July 1, 2021 to July 1, 2024.

ACTION ITEMS

Recruitment Firm for City Manager

City Manager Julie Krueger said she had completed the reference checks on both Jensen and Prothman. She said there were no negative reviews.

It was moved by Runyon and seconded by Randall to hire Prothman for the city manager search. The motion carried 5 to 0; Runyon, Long-Curtiss, McGlothlin, Randall, Richardson voting in favor; none opposed.

DISCUSSION ITEMS

City's Use of American Rescue Plan Funds

City Manager Julie Krueger reviewed the staff report.

Mayor Mays said he would allow audience participation.

City Manager Krueger said she was recommending that \$30,000 of the recovered Transient Room Tax revenue be given to The Dalles Area Chamber of Commerce, as they reduced their budget largely due to anticipated loss of those funds.

She reminded the Council that the list provided was for discussion, additions, new ideas. She said this was only for the first half of the funds.

She suggested deferring the 12th Street project for the second half of funding.

Scott Baker, Northern Wasco County Parks and Recreation Director, asked for funding for the rehabilitation of Sorosis Park (see attached). He without the help of City, County through the ARP funds, and the Parks System Development Charges it would take years to redevelop Sorosis Park. He said this project would give the whole community hope.

Anna Granados reminded the Council that the NextDoor was a 50-year-old organization in The Dalles and had many vital programs.

After some discussion the Council largely agreed with recommendations of the City Manager with the following suggestions:

Deferring the 12th Street Project

\$400,000 to the rehabilitation of Sorosis Park

Social Services funding requests for next round – with proposals, plans, budgets

Council asked the City Manager to bring back a proposal for their approval at the next Council meeting.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:08 p.m.

Submitted by/
Izetta Grossman, CMC
City Clerk

SIGNED:

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC City Clerk

FAMILY SERVICES

Community Closet - Free children's clothing and supplies*

Healthy Families – Home visiting and mentoring for families with new babies

Children in Between – Parenting classes for divorcing parents

Imagination Library – Partnership with The Dollywood foundation providing monthly books to children ages 0-5

YOUTH SERVICES

Family Support & Connections – Coaching for families with children at risk of entering foster care

Gorge Youth Mentoring – Matches adult role models with children and teens, ages 6 – 21

Independent Living – Provides life skills to prepare teens to succeed after foster care.

Oregon Trail Transitional Living – Housing for formerly homeless 17-25 year olds*

Summer Youth Employment – Summer employment for 10-30 teens to work on trails and campgrounds Supporting,

Preserving & Reunifying Families – Intensive services for families working with the child welfare system

Nurturing Visitation – Counseling during visitation for families in the child welfare system

In-Home Safety & Reunification Services – Stabilizing families in crisis and keeping children out of foster care

Youth Connection – Short term counseling and referrals to mental health therapy for teens at Hood River Valley High School and referrals for teen victims of crime**

Bridges to Health – Community Health Workers connect children and families to needed services and resources

ECONOMIC DEVELOPMENT SERVICES

Promoviendo Prosperidad/Promoting Prosperity – Business assistance for small Latino-owned businesses

Roots/Raíces Cooperative Farm – Educational garden program. Families grow vegetables and improve nutrition**

HEALTH PROMOTION SERVICES

Advance Directives (AD) - outreach campaign on AD, to raise awareness of the AD to our adult communities in the Gorge.

Drug Free Communities (DFC) Odell Hispanic Coalition – Leadership and Drug Prevention Promotion Coalition**

HAPA (Hombres Autoresponsables para Parar el Abuso) - Domestic violence treatment for Spanish-speaking perpetrators**

HPV vaccinations for me, for my kids, for my community - Outreach & Education to raise awareness about - HPV Vaccines

Hood River County Community Identification Card – ID Cards for all residents of Hood River County**

Mid-Columbia Health Equity Advocates – Leadership development for individuals to improve issues affecting their health

Valle Verde – Mental & emotional health promotion program for Community Health Workers

TREATMENT SERVICES

Community Attention Home – Foster care and treatment in Wasco and Hood River Counties

Foster Parent Training – Trauma-informed counseling for family foster care providers

Kelly Ave School – Alternative school and treatment in The Dalles for local teens*

Klahre House – Alternative school and treatment in Hood River for teens in foster homes**

Outpatient Behavioral Health - individual and family therapy services, case management, skills training, and substance abuse

CONSULTING SERVICES

Diversity and Equity Training –Workshops on topics of diversity and more with Popular Education Methods

Focus Group Facilitation and Research – Planning, recruitment and facilitation of focus groups for the Latino Community

Language Support – Offering Spanish interpretation and Plain Language training



COVID-19 RELATED PROGRAMS

Handmade Brigade 50 (HMB50) - partnership to gather donations (over \$300,000) for this initiative that helps manufacture Personal Protective Equipment (PPE) for healthcare and other providers in our community and beyond. PPE includes isolation gowns, masks, face shields, and caps. Thousands have been made and distributed around the Gorge and around the country.

Volunteers in Action - partnership to manage grocery store accounts for volunteers who shop for homebound elderly and vulnerable community members.

Supporting Your Next Door Neighbors' Needs - special fundraising campaign to raise money to distribute financial assistance to our vulnerable program participants during the pandemic. Debit gift cards totaling over \$60,000 were distributed to nearly 200 households in our community to help them pay for rent, utilities, food, and gasoline.

The Next Connection - special information and referral phone line (541-308-7099) for community members to get Gorge-related resource information during the pandemic. The line is staffed by bilingual (English/Spanish) operators who know our community and resources available. The line is open Monday-Friday 9am-5pm.

Communication Dyads for Healthcare Providers - facilitation of stress-reducing communication pairs for healthcare providers.

Migrant and Seasonal Farmworker (MSFW) Outreach Coordination - coordination of efforts across the Gorge to address the needs of migrant and seasonal farmworkers by facilitating efforts in six focus areas: 1) PPE, 2) food access, 3) housing, 4) orchard workplace safety, 5) packinghouse workplace safety and 6) communications/messaging. Social media videos are being created to distribute more information out about sanitation, masks, testing, and care in light of the growing risk of COVID-19. In addition, banners and billboards that promote community unity and strength through diversity to decrease any stigma that our Latinx community may be subjected to being displayed.

Native American Outreach Coordination - coordination of efforts across the Gorge to meet the needs of Native Americans in sites bordering the Columbia River. Efforts include 1) food distribution, 2) COVID testing and care, and 3) provision of other resources.

Oregon Worker Relief Fund - The Next Door is one of 20 community-based organizations in Oregon that are navigating unemployed workers who don't qualify for unemployment insurance through this fund, into which the state contributed \$20 million. Only Oregon and California have recognized that undocumented workers who lost their jobs deserve financial assistance during this time. In total, we've helped over 250 workers receive over \$400,000!

Housing Support for Migrant and Seasonal Farmworkers (MSFW) - Support to migrant and seasonal farmworkers who are placed off their worksites in hotels, motels, short-term rentals, etc. so that orchards can follow new OSHA regulations on physical distancing.



June 25, 2021

The Dalles City Council
The Dalles City Hall
313 Court Street
The Dalles, Oregon

RE: Coronavirus State and Local Fiscal Recovery Funds

Dear Honorable Mayor Mays and City Council,

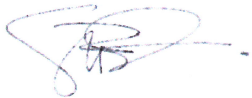
This letter is a request from the Northern Wasco County Parks & Recreation District for City Council to allocate \$400,000 of the 3.5 million in ARP Funds to support the rehabilitation of Sorosis Park.

The help we request is eligible within the criteria set by the Treasury and will have an immediate and direct benefit for every citizen within your jurisdiction. If the City, County, and Park District can pool our resources, we can rehabilitate the park in months, rather than the years it would take for us to do on our own. It is our hope that we will be able to secure the same amount through Wasco County, which, along with \$200,000 from the Park District and \$100,000 from private donations will give us the 1.1 million needed to restore the crown jewel of our park system. The parks served as a refuge for our citizens these last sixteen months, and continue to serve a vital role in our recovery. Let's continue to build upon the interagency "Team Dalles" approach that has led to so many community successes over the last four years.

I have attached pages from the Coronavirus State and Local Fiscal Recovery Funds FAQ which demonstrates the eligibility of this project in question 2.18.

Thank you for your consideration.

Sincerely,



Scott Baker
Executive Director

Coronavirus State and Local Fiscal Recovery Funds

Frequently Asked Questions

AS OF JUNE 24, 2021

This document contains answers to frequently asked questions regarding the Coronavirus State and Local Fiscal Recovery Funds (CSFRF / CLFRF, or Fiscal Recovery Funds). Treasury will be updating this document periodically in response to questions received from stakeholders. Recipients and stakeholders should consult the [Interim Final Rule](#) for additional information.

- For overall information about the program, including information on requesting funding, please see <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>
- For general questions about CSFRF / CLFRF, please email SLFRP@treasury.gov
- Treasury is seeking comment on all aspects of the Interim Final Rule. Stakeholders are encouraged to submit comments electronically through the Federal eRulemaking Portal (<https://www.regulations.gov/document/TREAS-DO-2021-0008-0002>) on or before July 16, 2021. Please be advised that comments received will be part of the public record and subject to public disclosure. Do not disclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Questions added 5/27/21: 1.5, 1.6, 2.13, 2.14, 2.15, 3.9, 4.5, 4.6, 10.3, 10.4 (noted with “[5/27]”)

Questions added 6/8/21: 2.16, 3.10, 3.11, 3.12, 4.7, 6.7, 8.2, 9.4, 9.5, 10.5 (noted with “[6/8]”)

Questions added 6/17/21: 6.8, 6.9, 6.10, 6.11 (noted with “[6/17]”)

Questions added 6/23/21: 1.7, 2.17, 2.18, 2.19, 2.20, 3.1 (appendix), 3.13, 4.8, 6.12 (noted with “[6/23]”)

Question added 6/24/21: 2.21 (noted with “[6/24]”)

Answers to frequently asked questions on distribution of funds to non-entitlement units of local government (NEUs) can be found in this [FAQ supplement](#), which is regularly updated.

1. Eligibility and Allocations

1.1. Which governments are eligible for funds?

The following governments are eligible:

- States and the District of Columbia
- Territories

public health emergency, including by identifying how the program addresses the identified need or impact faced by small businesses. This can include assistance to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID-19 public health emergency.

As part of program design and to ensure that the program responds to the identified need, recipients may consider additional criteria to target assistance to businesses in need, including to small businesses. Assistance may be targeted to businesses facing financial insecurity, with substantial declines in gross receipts (e.g., comparable to measures used to assess eligibility for the Paycheck Protection Program), or facing other economic harm due to the pandemic, as well as businesses with less capacity to weather financial hardship, such as the smallest businesses, those with less access to credit, or those serving disadvantaged communities. For example, a recipient could find based on local data or research that the smallest businesses faced sharply increased risk of bankruptcy and develop a program to respond; such a program would only need to document a population or group-level negative economic impact, and eligibility criteria to limit access to the program to that population or group (in this case, the smallest businesses).

In addition, recognizing the disproportionate impact of the pandemic on disadvantaged communities, the Interim Final Rule also identifies a set of services that are presumptively eligible when provided in a Qualified Census Tract (QCT); to families and individuals living in QCTs; to other populations, households, or geographic areas identified by the recipient as disproportionately impacted by the pandemic; or when these services are provided by Tribal governments. For more information on the set of presumptively eligible services, see the Interim Final Rule section on *Building Stronger Communities through Investments in Housing and Neighborhoods* and FAQ 2.11.

2.18. Would investments in improving outdoor spaces (e.g. parks) be an eligible use of funds as a response to the public health emergency and/or its negative economic impacts? [6/23]

There are multiple ways that investments in improving outdoor spaces could qualify as eligible uses; several are highlighted below, though there may be other ways that a specific investment in outdoor spaces would meet eligible use criteria.

First, in recognition of the disproportionate negative economic impacts on certain communities and populations, the Interim Final Rule identifies certain types of services that are eligible uses when provided in a Qualified Census Tract (QCT), to families and individuals living in QCTs, or when these services are provided by Tribal governments. Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic.

These programs and services include services designed to build stronger neighborhoods and communities and to address health disparities and the social determinants of health. The Interim Final Rule provides a non-exhaustive list of eligible services to respond to the needs of communities disproportionately impacted by the pandemic, and recipients

may identify other uses of funds that do so, consistent with the Rule’s framework. For example, investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments and outdoor recreation and socialization to mitigate the spread of COVID-19.

Second, recipients may provide assistance to small businesses in all communities. Assistance to small businesses could include support to enhance outdoor spaces for COVID-19 mitigation (e.g., restaurant patios) or to improve the built environment of the neighborhood (e.g., façade improvements).

Third, many governments saw significantly increased use of parks during the pandemic that resulted in damage or increased maintenance needs. The Interim Final Rule recognizes that “decrease[s to] a state or local government’s ability to effectively administer services” can constitute a negative economic impact of the pandemic.

2.19. Would expenses to address a COVID-related backlog in court cases be an eligible use of funds as a response to the public health emergency? [6/23]

The Interim Final Rule recognizes that “decrease[s to] a state or local government’s ability to effectively administer services,” such as cuts to public sector staffing levels, can constitute a negative economic impact of the pandemic. During the COVID-19 public health emergency, many courts were unable to operate safely during the pandemic and, as a result, now face significant backlogs. Court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic decreased the government’s ability to administer services. Therefore, steps to reduce these backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case resolution, and other expenses to expedite case resolution are eligible uses.

2.20. Can funds be used to assist small business startups as a response to the negative economic impact of COVID-19? [6/23]

As discussed in the Interim Final Rule, recipients may provide assistance to small businesses that responds to the negative economic impacts of COVID-19. The Interim Final Rule provides a non-exclusive list of potential assistance mechanisms, as well as considerations for ensuring that such assistance is responsive to the negative economic impacts of COVID-19.

Treasury acknowledges a range of potential circumstances in which assisting small business startups could be responsive to the negative economic impacts of COVID-19, including for small businesses and individuals seeking to start small businesses after the start of the COVID-19 public health emergency. For example:

The Dalles City Council Meeting:

The Next Door has been serving the Gorge community for 50 years and in this time we grown to offer nearly 50 programs, each created to serve our unique community and its ever-changing needs.

The most recognizable of these programs are our Therapeutic Foster Care and Gorge Youth Mentoring programs. These, and most of our programs, are focused on creating stabilization or treatment for youths who need a lifeline.

Just in the last year, The Next Door has added 15 new programs to serve those most affected by the COVID-19 pandemic. Those facing joblessness, financial challenges, family turmoil, physical and mental health struggles, and many more have benefitted from The Next Door's services. We were able to immediately shift our programs to accommodate the incredible needs of our community. Those who struggled without an income, those who struggled to keep their kids engaged in distance learning, those who needed mental health support to help them process the uncertainty. We proved, instantly, our value to this community.

I am here tonight to remind the Council, and the City of The Dalles, that The Next Door is an important part of the community and the services we provide are a critical need.

MINUTES

SPECIAL CITY COUNCIL MEETING

June 30, 2021

3:00 p.m.

VIA ZOOM

LIVESTREAM VIA City website

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Darcy Long-Curtiss, Rod Runyon, Scott Randall,

COUNCIL ABSENT: Tim McGlothlin, Dan Richardson

STAFF PRESENT: City Manager Julie Krueger, City Clerk Izetta Grossman, City
Legal Counsel Jonathan Kara, Finance Director Angie Wilson,
Public Works Director Dave Anderson

CALL TO ORDER

The meeting was called to order by Mayor Mays at 3:00 p.m.

ROLL CALL OF COUNCIL

Roll Call was conducted by City Clerk Grossman. Councilors McGlothlin and Richardson absent.

APPROVAL OF AGENDA

It was moved by Long-Curtiss and seconded by Randall to approve the agenda as submitted. The motion carried 3 to 0; McGlothlin and Richardson absent; Long-Curtiss, Randall, Runyon voting in favor; none opposed.

ACTION ITEMS

Emergency Ordinance No. 21-1385 Declaring a State of Emergency in The City of The Dalles as a result of Extreme Weather Conditions

City Legal Counsel Jonathan Kara reviewed the staff report. He noted the Ordinance could be extended if necessary due to weather conditions.

Mayor Mays asked if there was anyone who wanted to comment.

Rodger Nichols said Wasco County had done a ban earlier in the day, that expired July 14.

Craig Warneking, 5352 Hollysteel Road, Pastor of Lighthouse Church asked if fireworks sales were banned. He said fireworks sales were an annual fundraiser for the church.

Mr. Kara said sales were not banned. He further said banned fireworks were in accordance with ORS 480.111, the State Statute.

Warneking asked if there would be any relief for lost sales due to the band.

Mayor Mays said it had not been discussed.

Long-Curtiss said she had noticed on various Facebook pages people asking how to support to Lighthouse Church's fundraiser and keep the community safe. She said she would help Warneking identify those posts.

Runyon said cities on both sides of the river were declaring an emergency and banning fireworks.

It was moved by Randall and seconded by Long-Curtiss to adopt Emergency Ordinance No. 21-1385 Declaring a State of Emergency in The City of The Dalles as a result of Extreme Weather Conditions. The motion carried 3 to 0; McGlothlin and Richardson absent; Long-Curtiss, Randall, Runyon voting in favor; none opposed.

MINUTES
Regular City Council Meeting
June 28, 2021
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ADJOURNMENT

Being no further business, the meeting adjourned at 3:16 p.m.

Submitted by/
Izetta Grossman, CMC
City Clerk

SIGNED:

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC City Clerk

RESOLUTION NO. 21-017

**A RESOLUTION CONCURRING WITH THE MAYOR'S APPOINTMENTS
TO THE BEAUTIFCATION COMMITTEE**

WHEREAS, there are vacancies on the City of The Dalles Beautification Committee; and

WHEREAS, the Mayor has elected to appoint Adam Rahmlow to the Beautification Committee.

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

Section 1. The City Council concurs with the appointment of:

Adam Rahmlow to the Beautification Committee an Ad-Hoc Committee of the City of The Dalles.

Section 2. This Resolution shall be effective July 12, 2021.

PASSED AND ADOPTED THIS 12th DAY OF JULY, 2021.

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

AND APPROVED BY THE MAYOR THIS 12th DAY OF JULY, 2021.

SIGNED: _____ ATTEST: _____
Richard A. Mays, Mayor Izetta Grossman, CMC, City Clerk



AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #10A

MEETING DATE: July 12, 2021

TO: Honorable Mayor and City Council

FROM: Dawn Marie Hert, Senior Planner,
Community Development Department

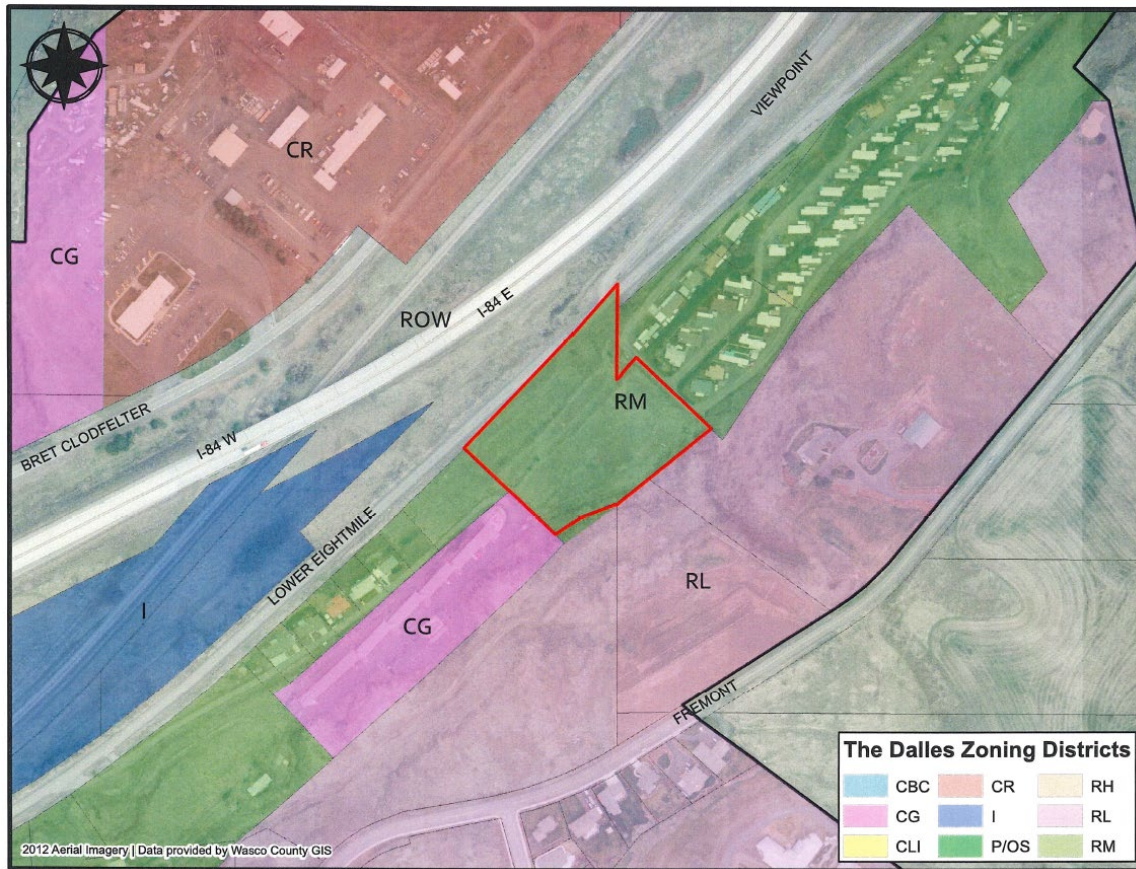
ISSUE: Legislative Public Hearing and consideration of Special Ordinance No. 21-588.

BACKGROUND: The applicant, Umair Sheikh, has filed a Zone Map change and Comprehensive Plan Map amendment request for a parcel of land [AC1][CDD2] located adjacent to his family's Celilo Inn Motel, located at 3550 East 2nd Street. The subject site is currently vacant and is approximately 4.23 acres in size.

After this past year of interrupted commerce resulting from the COVID-19 pandemic, the applicant stated their business needed to diversify and be creative in the services they offer. They believe the adjacent parcel is an ideal location to host weddings and special events, complimenting and benefitting the existing motel business.

Review of previous zoning and Comprehensive maps show the subject property was previously zoned Commercial. From 1965 to 1994, the Comprehensive zoning designation was Commercial. In 1994 the Comprehensive Plan went through an extensive update resulting in a rezoning of the subject property to Residential Manufactured Home (RMH). In 1998, the zoning map was amended and the zone changed to match the Comprehensive plan. The RMH zone was later renamed Residential Medium Density (RM).

Adjacent land uses are Residential Medium Density, including a Manufactured Dwelling Park to the east and Residential Low Density to the south. Commercial Recreational, Commercial General, and Industrial zones are to the west and north of the subject property. (See current zoning map below.)



At the June 14, 2021, Planning Commission Public Hearing, the Commission voted unanimously to recommend to the City Council the approval of Zoning Ordinance Map Amendment ZOA#103-21 and Comprehensive Plan Map Amendment CPA#48-21, adopting the proposed zoning map and comprehensive map amendments, and adopting the findings included in the staff report.

NOTIFICATION

A 35-day notice was provided to Oregon Department of Land Conservation and Development (DLCD) and a public hearing notice was mailed to property owners within 300 feet, City Departments, franchise utilities, Oregon Department of Transportation, Mid-Columbia Fire & Rescue, Wasco County Health Department, and Wasco County Building Codes.

COMMENTS

As of the writing of the agenda report for City Council, no comments have been received on the applications. Public comments received after publication of the agenda report will be entered into the administrative record at the City Council hearing.

REVIEW CRITERIA:

CITY OF THE DALLES MUNICIPAL CODE – TITLE 10 - LAND USE AND DEVELOPMENT

Chapter 10.3 – Application Review Procedures, Section 10.3.010.040 Applications.

E. Applications for Planning Actions. A planning action may be initiated by the Director, the Commission, the Council, or at the request of the applicant.

Two copies of a complete application shall be submitted to the Department in order to initiate a planning action.

1. Complete applications shall include:
 - a. The name and address of the applicant(s) and recorded land owner(s).
 - b. The County Assessor's property description—Township, range, section, and tax lot(s).
 - c. All of the information required by this Title for the specific action requested.
 - d. An application form completely filled out and signed by one or more of the property owners for which the action is being requested.
2. The Director shall review each application for completeness, notify the applicant of exactly what information is missing within 30 days of receipt of application, and allow the applicant to submit the missing information. The application shall be considered complete for processing when the Director receives the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the 31st day after the application was first received, in accordance with ORS 227.178 (2), "Final action on certain applications required within 120 days."

FINDING #1: This application was initiated by the applicant and was deemed complete on May 13, 2021. The public hearing for the Planning Commission was completed on June 17, 2021, followed by the public hearing before the City Council on July 12, 2021. The date 120 days from the application being deemed complete is September 10, 2021.

Article 10.3.020.050 Quasi-Judicial Actions

Section A. Decision types.

7. Zone Changes

FINDING #2: This application is for Zone Change per Article 10.3.100.

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

FINDING #3: This document shall serve as the staff report.

Section C. Public Hearings.

1. Commission or Council meeting within 45 days from the date the application is deemed complete...

FINDING #4: The first public hearing was held on Thursday, June 17, 2021, 35 days from the date the application was deemed completed.

Section D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing...

FINDING #5: The public hearing before the Planning Commission was held on Thursday, June 17, 2021. A notice was sent to the local newspaper and published on June 2, 2021. Notices were also mailed to property owners within 300 feet and agencies of the subject property on June 5, 2021. The public hearing before the City Council is scheduled for Monday, July 12, 2021. A notice was sent to the

local newspaper and published on June 30, 2021. Notices were also mailed to property owners within 300 feet and agencies of the subject property on June 25, 2021. Criterion met.

Notice of Amendments as required by the State of Oregon, Department of Land Conservation and Development.

The Department of Land Conservation and Development requires a 35 day advance notice of any proposed amendments.

FINDING #6: The required notice was sent and accepted by the Department of Land Conservation and Development on May 13, 2021, 35 days prior to the first public hearing.

Section 10.3.020.070(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 #7: 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 includes a recommendation for approval.

II. REVIEW:

CITY OF THE DALLES MUNICIPAL CODE – TITLE 10 - LAND USE AND DEVELOPMENT

Section 10.3.100.020 Review Procedures

- A. Applications. Applications for zone changes shall be made in accordance with the provisions of Article 3.010: Application Procedures.*
- B. Review. Requests for zone changes shall be processed as either quasi-judicial or legislative actions, and approved or denied by the Council.*
 - 1. Quasi-Judicial Zone Changes. The Council shall approve or deny quasi-judicial zone change applications, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, with the following addition:
Applications for quasi-judicial zone changes shall be reviewed by the Commission, per the legislative hearing procedure of Section 10.3.020.070(B): Legislative Hearing Procedure. The Commission shall make a recommendation to approve or deny the zone change, and this recommendation will be made a part of the staff report prepared for the Council's quasi-judicial hearing of the application.*
- C. Adoption by Ordinance. Approved zone changes shall be adopted by ordinance per the provisions of Chapter VIII, Ordinances, of the City Charter.*
- D. Zoning Map Amendment. Approved zone changes shall automatically amend the official zoning map in order to reflect the change(s).*
- E. Comprehensive Plan Map Amendments. Approved Comprehensive Plan map amendments shall automatically effect zone changes and zoning map amendments.*

FINDING #8: The application is being reviewed as a Quasi-Judicial zone change and will be required to follow the legislative hearing procedures. The Planning Commission reviewed the applications and has made a

recommendation to the City Council. The hearing before the City Council is scheduled for July 12, 2021, and includes the unanimous recommendation to approve applications ZOA#103-21 and CPA#48-21.

Section 10.3.100.030 Review Criteria

A zone change shall be granted if the following criteria are met:

- A. *Conformance. The proposed zone change conforms to the Comprehensive Plan, including the Transportation System Plan, and all other provisions of this Title.*

FINDING #9: The proposed zone change, together with the proposed comprehensive plan map amendment, will conform to the Transportation System Plan (TSP) and other provisions of the Land Use and Development Ordinance. In addition, see Finding #23 and #24 below detailing conformance with the State transportation rule.

- B. *Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone.*

FINDING #10: Article 5.060 of The Dalles Municipal Code, Title 10 – Land Use and Development, establishes the development standards for uses in the Commercial General zone. The minimum parcel size is 10,000 square feet and the property’s 4.23 acres satisfies this requirement. Overall development of this parcel will be governed by the Commercial General Zone (CG) and the Comprehensive Plan Commercial designation.

- C. *Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone, and the planned function, capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.*

FINDING #11: The subject property is located on East Second Street and is accessed via an existing easement provided by a parcel to the west of the existing motel. This easement provided access to six single family homes as well as the existing motel. There is a substantial elevation change from East Second Street to the motel and upper portion of the subject parcel. There are no known plans for additional access points along East Second Street.

The adopted TSP designates East Second Street as a “Proposed Minor Collector”. The function of collector streets, per the TSP, “is equally divided between mobility and access. Collector streets connect local neighborhoods or district traffic to the arterial network.” East Second Street has the capacity to accommodate anticipated increase in traffic attributed to the future buildout of the subject property, whether it be as Residential Medium Density or developed for the motel’s use as Commercial General. In addition, see Finding #23 and #24 below detailing conformance with the State transportation rule.

D. Adverse Effect. The proposed zone change shall have minimal adverse effect on existing and future surrounding development.

FINDING #12: Staff believes this parcel is better suited as Commercial than Residential due to its location being adjacent to a major highway (I-84), the railroad, industrial uses to the north, an existing motel to the west, and a steep hillside behind the property. These types of surrounding uses create incompatibilities with the property being used for living arrangements due to noise, traffic, light pollution, and barriers to biking and pedestrian trips from the property to shopping and other tasks. Commercial uses on the property would be more appropriate for the site.

Future development of the property will be guided by the development standards. Adherence to these standards will act to minimize potential adverse impacts on adjacent land uses. Staff's opinion is the request, as submitted, satisfies the criteria established in Section 3.100.030 of The Dalles Municipal Code, Title 10 – Land Use and Development.

THE DALLES COMPREHENSIVE PLAN

In addition to the zone change application, the applicant requested an amendment to the property's Comprehensive Plan land use designation. The current land use designation is Medium Density Residential (RM), which is the corresponding land use designation to the RM Residential Medium Density zoning. The requested amendment to Commercial is consistent with the requested Commercial General Zoning.

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

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

FINDING #13: The proposal is consistent with goals and policies of the Comprehensive Plan. A notice of public hearing has been published and the public has an opportunity to provide testimony on the proposed changes to the Commission. The second public hearing before the City Council provides an additional opportunity for public involvement and that body will have the opportunity to consider testimony from citizens and make changes.

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 #14: These proposed zoning map amendments update the existing zoning maps and follow the directive of the Comprehensive Plan.

Goal #10. Housing. *To provide for the housing needs of citizens of the state.*

Policy 6. *Encourage energy conservation by increasing residential densities in mixed use centers, along major linear streets that may one day serve as future transit corridors, and near commercial and employment centers.*

FINDING #15: Goal 10 requires the City to maintain and plan for an adequate

supply of land to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households.

Comprehensive plans are required to include an analysis of local housing needs by type and affordability, an assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis and increase the likelihood needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements.

The City previously prepared but has not yet adopted an updated Housing Needs Analysis (HNA). The City plans to adopt the HNA by reference in the Comprehensive Plan Amendment soon. The HNA provides information about the factors potentially affecting housing development, including demographics, affordability trends, workforce housing availability, market health, and regulatory structure. The HNA includes the City's buildable lands inventory (BLI) for housing within the UGB. The BLI is required by Goal 10 to ensure current use designations provide an adequate short- and long-term land supply for housing development to meet both existing needs and those of projected growth. It analyzes existing development patterns and intensity, land and development values, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land likely to be redeveloped and compares the existing supply of land to emerging trends and indicators for future estimates of demand.

The 2017 HNA also found there is enough land zoned for needed housing types in the City; however, land zoned for these housing types must be developed at a higher density than in the past.

Rezoning this 4.23 acre parcel back to its pre-1994 designation will provide flexibility and the opportunity to have the parcel developed as mixed use for both commercial and residential uses.

Policy 8. *Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.*

FINDING #16: The proposed map amendments are consistent with the Comprehensive Plan Policy #8 by providing flexibility for a variety of housing options and development scenarios. The proposed zone change will allow for an opportunity to develop the site as mixed use and open up a variety of development scenarios and possible housing options.

Policy 12. *High density residential areas shall be located near commercial and employment areas, along major streets, and where streets and other public facilities have adequate capacity.*

FINDING #17: The proposed map amendments are consistent with the Comprehensive Plan Policy #12 by expanding the existing Commercial General

zone is located adjacent to Medium Density zoned properties. This proposed zone change will allow for infill development and a possibility of new commercial uses, employment opportunities, and services associated with commercial uses located next to the existing residentially zoned property and uses.

Implementing Measures. Mixed Use Residential Measures. *Mixed-Use (Commercial and Residential) developments can take many forms, including retail space on the ground floor with office space above, rental apartments above ground floor retail space, and structures combining offices and hotels or hotels and private residential units.*

FINDING #18: The proposed map amendments are consistent with the Comprehensive Plan Implementing Measures by their provision of an opportunity for the parcel to be developed as mixed use. The implementing measures specifically call out the mixed use of hotels and private residential uses: while this is not part of the current property owners plan, this zone change will afford the opportunity for future development of the property as mixed use.

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

Industrial and Commercial Land Use Needs. *In order to capitalize on long-range economic and employment shifts, The Dalles will need to add to its existing supply of land for commercial uses within the UGB. Similar conversions of Port industrial lands along the riverfront can produce a mixed use area to accommodate a slightly different market, including freeway commercial and recreational users. Smaller gains are provided through the use of Neighborhood Centers to allow residential and neighborhood commercial uses to develop near focal intersections in town. Finally, The Dalles has voiced a desire to accommodate reasonable home business opportunities that can provide an affordable start-up location for emerging businesses.*

FINDING #19: The proposed zone change will add to the existing commercial land supply and allow for an existing motel business to expand onto an adjacent parcel.

Economic Opportunities Analysis. *In 2006, the City of The Dalles contracted with Winterbrook Planning and ECONorthwest, a land use economics consulting firm, to prepare an updated Economic Opportunities Analysis (EOA) consistent with the requirements of statewide planning Goal 9 and the Goal 9 administrative rule (OAR 660-009 as revised in December 2005).*

The 2011 EOA identified potential growth industries for The Dalles as follows:

- **Retail and Services.** *The State's forecast for nonfarm employment forecast for 2004 to 2014 projects that more than half of employment growth in Region 9, which includes Wasco County, will be in Retail and Services. As a regional center for retail and services, The Dalles may attract the following industries:*
 - *The Dalles may be attractive to big-box and mid-sized retail The Dalles may have growth in small and specialty retail shops and*

offices for business, professional, and health care services as population increases.

- *The Dalles' setting within the Columbia River Gorge, access to a variety of outdoor recreation, and the growing presence of viniculture make The Dalles attractive to tourists. Industries that serve tourists, such as food services and accommodations, are likely to grow if tourism increases.*
- *The Dalles' may be attractive for firms engaged in professional, scientific and technical services, such as software design, engineering, and research.*

FINDING #20: The proposed comprehensive map amendment follows the directive of the Comprehensive Plan by providing an opportunity to expand an existing tourist-oriented business onto an adjacent vacant parcel of land.

Goal #9 Policies

10. *Encourage tourism-related services as an element in the diversification of the community's economy.*
14. *Encourage the start-up and growth of small to medium sized businesses providing family wage jobs. Develop reasonable standards to allow home business start-ups.*

FINDING #21: The proposed map amendment follows established Goal #9 policies of the Comprehensive Plan by providing an opportunity to expand tourism-related lodging as well as allowing for the growth an existing small/medium sized business.

STATE-WIDE PLANNING GOALS

In conformity with all applicable State statutes;

FINDING #22: Staff has examined the record in this matter and finds the applicant has met the criteria. The proposed zone change/plan amendment is governed by ORS 197.610, Local Government Notice of Amendment or New Regulation; ORS 197.250, Compliance with Goals Required, and ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements. The applicable City of The Dalles Municipal Code standards were developed in compliance with the applicable State statutes and implement their requirements. Notice of the proposed amendment has been provided to DLCDD as required by ORS 197.610. Notice and availability of the staff report and the conduct of the Planning Commission's hearing will be consistent with ORS 197.763.

In conformity with the State-wide planning goals whenever they are determined to be applicable;

FINDING #23: Staff has examined the record in this matter and finds the applicant has met the criteria. Statewide Planning Goals 1, 2, 10 and 12 apply to this application and are satisfied as discussed individually below:

Statewide Goal #1 - Citizen Involvement. The City's land use process provides for public notice of proposed zone changes and plan amendments and opportunities for citizen involvement that meet the State's Goal #1 criteria. This application is consistent with those land use processes. The City provided mailed notice to surrounding property owners located within 300 feet of the parcel and published

notice of the public hearing in the local newspaper. All interested or affected parties are afforded the opportunity to appear personally (via Zoom) or in writing before the Planning Commission and the City Council.

Statewide Goal 2- Land Use Planning. The City’s existing land use planning process and policy framework has been applied in this application. At least two public hearings will be held on this application. The City will provide information about the plan amendment/zone change to the public and has addressed the applicable criteria. Any changes to the Comprehensive Plan and Zone Map will occur only after the Planning Commission makes a recommendation to the City Council and the Council enacts the change by ordinance. The City Council will adopt findings that explain the Council’s decision and the facts that the Council relied on in making that decision.

Statewide Goal 10 - Housing. Goal 10 requires local jurisdictions to provide sufficient lands to accommodate a variety of housing types. The City’s buildable lands inventory, a component of the City’s Comprehensive Plan, provides an accounting of the need and supply of housing. The 2017 Residential Land Needs Assessment Buildable Lands Inventory shows an oversupply of residential buildable lands within the urban growth boundary. According to the inventory, there is a need of 232.5 net acres of land for multi-family and single-family attached housing through 2036, but a supply of 480 acres of lands allowed for residential uses. Consequently, while the proposed zone change/plan amendment will reduce the supply of Residential Medium Density designated land, there will remain an excess of supply over need. It should also be noted the zone change still allows for mixed-use. (See figure 6.5 table below)

The following table shows the same comparison, converting the forecasted residential need and capacity by acres, rather than units. There is a projected need for 232.5 acres of new residential development, but a buildable capacity of 480 acres.

FIGURE 6.5: COMPARISON OF FORECASTED FUTURE LAND NEED (2036) WITH AVAILABLE CAPACITY

<u>LAND INVENTORY VS. LAND NEED</u>	<u>Unit Type</u>			<u>TOTAL</u>
	Single Family Detached	Medium-Density Attached*	Multi-Family	
Buildable Land Inventory (Acres):	304.4	49.4	126.3	480.0
Estimated Land Need (Acres):	185.3	35.7	11.4	232.5
Land Surplus (Inventory - Need:)	119.1	13.7	114.8	247.6

Sources: City of The Dalles BLI, Johnson Economics

Statewide Goal #12 – Transportation. Goal 12 is implemented by OAR 660-12-0060, commonly referred to as the Transportation Planning Rule (TPR). The TPR provides: *Oregon Administrative Rule - OAR 660-12-0060*

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation

facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

(4): Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the

improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b) (A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b) (D) and (E) of this section.

FINDING #24: Staff has examined the record in this matter and finds the application meets the criteria. The subject property is not located within an interstate interchange area and staff determined the proposed zone change did not have a significant effect on the existing or planned transportation facility. It was determined a traffic analysis was not necessary with this request.

City Engineering provided trip generation data from the Institute of Transportation Engineer’s manual (ITE) comparing both Residential single-family and multi-family uses with trip generations for motels. Based upon the ITE, trip generation for single-family and multi-family apartments range from 2.55 to 3.31 daily (weekday) trips per person. Based on an average household size of 2.53 people, this provides a range of 6.45 to 8.37 daily trips per residence. Hotels/motels, which can include supporting facilities such as restaurants, cocktail lounges, and meeting and banquet rooms are calculated at 8.92 daily (weekday) trips per occupied room. Staff determined the rezone of this property to Commercial to allow for an expansion of the existing motel would slightly increase the trip generation for the property.

Although the proposal could slightly increase the daily trips, staff believes all intersections in the proximity would continue to operate acceptably over the planning horizon contemplated by the City’s TSP (adopted in 2017 with a 20-year life), a component of the Comprehensive Plan, based on City performance standards established in The Dalles Municipal Code, Title 10 – Land Use and Development.

BUDGET IMPLICATIONS: None.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to approve Special Ordinance No. 21-588 , An Ordinance Granting Zoning Ordinance Amendment #103-21 and Comprehensive Plan Amendment #48-21 for Property Located on East Second Street, further described as 1N 13E 1AA, tax lot 100.*
2. Decline adoption of Special Ordinance No. 21-588.

ATTACHMENTS

- Special Ordinance 21-588, with Exhibit A – Findings of Fact.
- DRAFT Planning Commission Meeting Minutes, dated June 14, 2021.

SPECIAL ORDINANCE NO. 21-588

AN ORDINANCE GRANTING ZONING ORDINANCE AMENDMENT #103-21 AND COMPREHENSIVE PLAN AMENDMENT #48-21 FOR PROPERTY LOCATED ON EAST SECOND STREET, FURTHER DESCRIBED AS 1N 13E 1AA, TAX LOT 100

WHEREAS, Umair Sheikh, the applicant, submitted an application for a Zone Change and Comprehensive Plan Amendment for the property located on East Second Street, depicted in Assessor's Map No. 1N 13E 1AA as Tax Lot 100, to change the zoning designation and comprehensive plan designation from RM - Residential Medium Density to CG - Commercial General; and

WHEREAS, the Planning Commission conducted a public hearing for the application on June 17, 2021; and

WHEREAS, following the close of its public hearing, the Planning Commission deliberated and voted unanimously to recommend the City Council approve the requested Zone Change and Comprehensive Plan Amendment, based upon findings of fact; and

WHEREAS, the City Council conducted a public hearing on July 12, 2021, to review the Planning Commission's recommendation concerning the proposed Zoning Ordinance Amendment and Comprehensive Plan Amendment for the property located on East Second Street; and

WHEREAS; following the close of its public hearing, the City Council deliberated and voted to approve Zoning Ordinance Amendment #103-21 and Comprehensive Plan Amendment #48-21 for the property located on East Second Street; and

WHEREAS, the City Council has reviewed the proposed findings of fact and conclusions of law attached to and made part of this Special Ordinance as Exhibit "A", and desires to adopt an Ordinance approving the proposed findings of fact and conclusions of law.

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

Section 1. Approval of Zoning Ordinance and Comprehensive Plan Amendments. The City Council hereby approves and adopts the findings of fact and conclusions of law set attached to and made part of this Special Ordinance as Exhibit "A". The City Council approves Zoning Ordinance Amendment #103-21 and Comprehensive Plan Amendment #48-21 for the property located on East Second Street, depicted in Assessor's Map No. 1N 13E 1AA as Tax Lot 100.

PASSED AND ADOPTED THIS 12th DAY OF JULY, 2021.

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Abstaining, Councilors: _____

Absent, Councilors: _____

AND APPROVED BY THE MAYOR THIS 12TH DAY OF JULY, 2021.

Richard A. Mays, Mayor

Attest:

Izetta Grossman, City Clerk

EXHIBIT “A”

FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR ZOA#103-21 AND CPA 48-21

BACKGROUND INFORMATION: The applicant, Umair Sheikh, has filed a Zone Map change and Comprehensive Plan Map amendment request for a parcel of land located adjacent to his family’s Celilo Inn Motel, located at 3550 East 2nd Street. The subject site is currently vacant and is approximately 4.23 acres in size.

After this past year of interrupted commerce resulting from the COVID-19 pandemic, the applicant stated their business needed to diversify and be creative in the services they offer. They believe the adjacent parcel is an ideal location to host weddings and special events, complimenting and benefitting the existing motel business.

Review of previous zoning and Comprehensive maps show the subject property was previously zoned Commercial. From 1965 to 1994, the Comprehensive zoning designation was Commercial. In 1994 the Comprehensive Plan went through an extensive update resulting in a rezoning of the subject property to Residential Manufactured Home (RMH). In 1998, the zoning map was amended and the zone changed to match the Comprehensive plan. The RMH zone was later renamed Residential Medium Density (RM).

Adjacent land uses are Residential Medium Density, including a Manufactured Dwelling Park to the east and Residential Low Density to the south. Commercial Recreational, Commercial General, and Industrial zones are to the west and north of the subject property

REVIEW OF APPLICABLE CRITERIA:

CITY OF THE DALLES MUNICIPAL CODE – TITLE 10 - LAND USE AND DEVELOPMENT

Chapter 10.3 – Application Review Procedures, Section 10.3.010.040 Applications.

- E. Applications for Planning Actions. A planning action may be initiated by the Director, the Commission, the Council, or at the request of the applicant. Two copies of a complete application shall be submitted to the Department in order to initiate a planning action.*
- 1. Complete applications shall include:*
 - a. The name and address of the applicant(s) and recorded land owner(s).*
 - b. The County Assessor’s property description—Township, range, section, and tax lot(s).*
 - c. All of the information required by this Title for the specific action requested.*
 - d. An application form completely filled out and signed by one or more of the property owners for which the action is being requested.*
 - 2. The Director shall review each application for completeness, notify the applicant of exactly what information is missing within 30 days of receipt of application, and allow the applicant to submit the missing information. The application shall be considered complete for processing when the Director receives the missing information.*

If the applicant refuses to submit the missing information, the application shall be deemed complete on the 31st day after the application was first received, in accordance with ORS 227.178 (2), "Final action on certain applications required within 120 days."

FINDING #1: This application was initiated by the applicant and was deemed complete on May 13, 2021. The public hearing for the Planning Commission was completed on June 17, 2021, followed by the public hearing before the City Council on July 12, 2021. The date 120 days from the application being deemed complete is September 10, 2021.

Article 10.3.020.050 Quasi-Judicial Actions

Section A. Decision types.

7. Zone Changes

FINDING #2: This application is for Zone Change per Article 10.3.100.

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

FINDING #3: This document shall serve as the staff report.

Section C. Public Hearings.

- I. *Commission or Council meeting within 45 days from the date the application is deemed complete...*

FINDING #4: The first public hearing was held on Thursday, June 17, 2021, 35 days from the date the application was deemed completed.

Section D. Notice of Hearing. *At least 10 days before a scheduled quasi-judicial public hearing...*

FINDING #5: The public hearing before the Planning Commission was held on Thursday, June 17, 2021. A notice was sent to the local newspaper and published on June 2, 2021. Notices were also mailed to property owners within 300 feet and agencies of the subject property on June 5, 2021. The public hearing before the City Council is scheduled for Monday, July 12, 2021. A notice was sent to the local newspaper and published on June 30, 2021. Notices were also mailed to property owners within 300 feet and agencies of the subject property on June 25, 2021. Criterion met.

Notice of Amendments as required by the State of Oregon, Department of Land Conservation and Development.

The Department of Land Conservation and Development requires a 35 day advance notice of any proposed amendments.

FINDING #6: The required notice was sent and accepted by the Department of Land Conservation and Development on May 13, 2021, 35 days prior to the first public hearing.

Section 10.3.020.070(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 #7: 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 includes a recommendation for approval.

II. REVIEW:

CITY OF THE DALLES MUNICIPAL CODE – TITLE 10 - LAND USE AND DEVELOPMENT

Section 10.3.100.020 Review Procedures

- A. Applications. Applications for zone changes shall be made in accordance with the provisions of Article 3.010: Application Procedures.*
- B. Review. Requests for zone changes shall be processed as either quasi-judicial or legislative actions, and approved or denied by the Council.*
 - 1. Quasi-Judicial Zone Changes. The Council shall approve or deny quasi-judicial zone change applications, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, with the following addition:*

Applications for quasi-judicial zone changes shall be reviewed by the Commission, per the legislative hearing procedure of Section 10.3.020.070(B): Legislative Hearing Procedure. The Commission shall make a recommendation to approve or deny the zone change, and this recommendation will be made a part of the staff report prepared for the Council’s quasi-judicial hearing of the application.
- C. Adoption by Ordinance. Approved zone changes shall be adopted by ordinance per the provisions of Chapter VIII, Ordinances, of the City Charter.*
- D. Zoning Map Amendment. Approved zone changes shall automatically amend the official zoning map in order to reflect the change(s).*
- E. Comprehensive Plan Map Amendments. Approved Comprehensive Plan map amendments shall automatically effect zone changes and zoning map amendments.*

FINDING #8: The application is being reviewed as a Quasi-Judicial zone change and will be required to follow the legislative hearing procedures. The Planning Commission reviewed the applications and has made a recommendation to the City Council. The hearing before the City Council is scheduled for July 12, 2021, and includes the unanimous recommendation to approve applications ZOA#103-21 and CPA#48-21.

Section 10.3.100.030 Review Criteria

A zone change shall be granted if the following criteria are met:

- A. Conformance. The proposed zone change conforms to the Comprehensive Plan, including the Transportation System Plan, and all other provisions of this Title.*

FINDING #9: The proposed zone change, together with the proposed comprehensive plan map amendment, will conform to the Transportation System Plan (TSP) and other provisions of the Land Use and Development Ordinance. In addition, see Finding #23 and #24 below detailing conformance with the State transportation rule.

B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone.

FINDING #10: Article 5.060 of The Dalles Municipal Code, Title 10 – Land Use and Development, establishes the development standards for uses in the Commercial General zone. The minimum parcel size is 10,000 square feet and the property’s 4.23 acres satisfies this requirement. Overall development of this parcel will be governed by the Commercial General Zone (CG) and the Comprehensive Plan Commercial designation.

C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone, and the planned function, capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.

FINDING #11: The subject property is located on East Second Street and is accessed via an existing easement provided by a parcel to the west of the existing motel. This easement provided access to six single family homes as well as the existing motel. There is a substantial elevation change from East Second Street to the motel and upper portion of the subject parcel. There are no known plans for additional access points along East Second Street.

The adopted TSP designates East Second Street as a “Proposed Minor Collector”. The function of collector streets, per the TSP, “is equally divided between mobility and access. Collector streets connect local neighborhoods or district traffic to the arterial network.” East Second Street has the capacity to accommodate anticipated increase in traffic attributed to the future buildout of the subject property, whether it be as Residential Medium Density or developed for the motel’s use as Commercial General. In addition, see Finding #23 and #24 below detailing conformance with the State transportation rule.

D. Adverse Effect. The proposed zone change shall have minimal adverse effect on existing and future surrounding development.

FINDING #12: Staff believes this parcel is better suited as Commercial than Residential due to its location being adjacent to a major highway (I-84), the railroad, industrial uses to the north, an existing motel to the west, and a steep hillside behind the property. These types of surrounding uses create incompatibilities with the property being used for living arrangements due to noise, traffic, light pollution, and barriers to biking and pedestrian trips from the property to shopping and other tasks. Commercial uses on the property would be more appropriate for the site.

Future development of the property will be guided by the development standards. Adherence to these standards will act to minimize potential adverse impacts on adjacent land uses. Staff’s opinion is the request, as submitted, satisfies the criteria

established in Section 3.100.030 of The Dalles Municipal Code, Title 10 – Land Use and Development.

THE DALLES COMPREHENSIVE PLAN

In addition to the zone change application, the applicant requested an amendment to the property's Comprehensive Plan land use designation. The current land use designation is Medium Density Residential (RM), which is the corresponding land use designation to the RM Residential Medium Density zoning. The requested amendment to Commercial is consistent with the requested Commercial General Zoning.

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

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

FINDING #13: The proposal is consistent with goals and policies of the Comprehensive Plan. A notice of public hearing has been published and the public has an opportunity to provide testimony on the proposed changes to the Commission. The second public hearing before the City Council provides an additional opportunity for public involvement and that body will have the opportunity to consider testimony from citizens and make changes.

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 #14: These proposed zoning map amendments update the existing zoning maps and follow the directive of the Comprehensive Plan.

Goal #10. Housing. *To provide for the housing needs of citizens of the state.*

Policy 6. *Encourage energy conservation by increasing residential densities in mixed use centers, along major linear streets that may one day serve as future transit corridors, and near commercial and employment centers.*

FINDING #15: Goal 10 requires the City to maintain and plan for an adequate supply of land to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households.

Comprehensive plans are required to include an analysis of local housing needs by type and affordability, an assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis and increase the likelihood needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements.

The City previously prepared but has not yet adopted an updated Housing Needs Analysis (HNA). The City plans to adopt the HNA by reference in the Comprehensive

Plan Amendment soon. The HNA provides information about the factors potentially affecting housing development, including demographics, affordability trends, workforce housing availability, market health, and regulatory structure. The HNA includes the City's buildable lands inventory (BLI) for housing within the UGB. The BLI is required by Goal 10 to ensure current use designations provide an adequate short- and long-term land supply for housing development to meet both existing needs and those of projected growth. It analyzes existing development patterns and intensity, land and development values, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land likely to be redeveloped and compares the existing supply of land to emerging trends and indicators for future estimates of demand.

The 2017 HNA also found there is enough land zoned for needed housing types in the City; however, land zoned for these housing types must be developed at a higher density than in the past.

Rezoning this 4.23 acre parcel back to its pre-1994 designation will provide flexibility and the opportunity to have the parcel developed as mixed use for both commercial and residential uses.

Policy 8. *Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.*

FINDING #16: The proposed map amendments are consistent with the Comprehensive Plan Policy #8 by providing flexibility for a variety of housing options and development scenarios. The proposed zone change will allow for an opportunity to develop the site as mixed use and open up a variety of development scenarios and possible housing options.

Policy 12. *High density residential areas shall be located near commercial and employment areas, along major streets, and where streets and other public facilities have adequate capacity.*

FINDING #17: The proposed map amendments are consistent with the Comprehensive Plan Policy #12 by expanding the existing Commercial General zone is located adjacent to Medium Density zoned properties. This proposed zone change will allow for infill development and a possibility of new commercial uses, employment opportunities, and services associated with commercial uses located next to the existing residentially zoned property and uses.

Implementing Measures. Mixed Use Residential Measures. *Mixed-Use (Commercial and Residential) developments can take many forms, including retail space on the ground floor with office space above, rental apartments above ground floor retail space, and structures combining offices and hotels or hotels and private residential units.*

FINDING #18: The proposed map amendments are consistent with the Comprehensive Plan Implementing Measures by their provision of an opportunity for the parcel to be developed as mixed use. The implementing measures specifically call out the mixed use of hotels and private residential uses: while this is not part of the current property owners plan, this zone change will afford the opportunity for future development of the property as mixed use.

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

Industrial and Commercial Land Use Needs. *In order to capitalize on long-range economic and employment shifts, The Dalles will need to add to its existing supply of land for commercial uses within the UGB. Similar conversions of Port industrial lands along the riverfront can produce a mixed use area to accommodate a slightly different market, including freeway commercial and recreational users. Smaller gains are provided through the use of Neighborhood Centers to allow residential and neighborhood commercial uses to develop near focal intersections in town. Finally, The Dalles has voiced a desire to accommodate reasonable home business opportunities that can provide an affordable start-up location for emerging businesses.*

FINDING #19: The proposed zone change will add to the existing commercial land supply and allow for an existing motel business to expand onto an adjacent parcel.

Economic Opportunities Analysis. *In 2006, the City of The Dalles contracted with Winterbrook Planning and ECONorthwest, a land use economics consulting firm, to prepare an updated Economic Opportunities Analysis (EOA) consistent with the requirements of statewide planning Goal 9 and the Goal 9 administrative rule (OAR 660-009 as revised in December 2005).*

The 2011 EOA identified potential growth industries for The Dalles as follows:

- *Retail and Services.* *The State's forecast for nonfarm employment forecast for 2004 to 2014 projects that more than half of employment growth in Region 9, which includes Wasco County, will be in Retail and Services. As a regional center for retail and services, The Dalles may attract the following industries:*
 - *The Dalles may be attractive to big-box and mid-sized retail. The Dalles may have growth in small and specialty retail shops and offices for business, professional, and health care services as population increases.*
 - *The Dalles' setting within the Columbia River Gorge, access to a variety of outdoor recreation, and the growing presence of viticulture make The Dalles attractive to tourists. Industries that serve tourists, such as food services and accommodations, are likely to grow if tourism increases.*
 - *The Dalles' may be attractive for firms engaged in professional, scientific and technical services, such as software design, engineering, and research.*

FINDING #20: The proposed comprehensive map amendment follows the directive of the Comprehensive Plan by providing an opportunity to expand an existing tourist-oriented business onto an adjacent vacant parcel of land.

Goal #9 Policies

10. *Encourage tourism-related services as an element in the diversification of the community's economy.*
14. *Encourage the start-up and growth of small to medium sized businesses providing family wage jobs. Develop reasonable standards to allow home business start-ups.*

FINDING #21: The proposed map amendment follows established Goal #9 policies of the Comprehensive Plan by providing an opportunity to expand tourism-related lodging as well as allowing for the growth an existing small/medium sized business.

STATE-WIDE PLANNING GOALS

In conformity with all applicable State statutes;

FINDING #22: Staff has examined the record in this matter and finds the applicant has met the criteria. The proposed zone change/plan amendment is governed by ORS 197.610, Local Government Notice of Amendment or New Regulation; ORS 197.250, Compliance with Goals Required, and ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements. The applicable City of The Dalles Municipal Code standards were developed in compliance with the applicable State statutes and implement their requirements. Notice of the proposed amendment has been provided to DLCD as required by ORS 197.610. Notice and availability of the staff report and the conduct of the Planning Commission’s hearing will be consistent with ORS 197.763.

In conformity with the State-wide planning goals whenever they are determined to be applicable;

FINDING #23: Staff has examined the record in this matter and finds the applicant has met the criteria. Statewide Planning Goals 1, 2, 10 and 12 apply to this application and are satisfied as discussed individually below:

Statewide Goal #1 - Citizen Involvement. The City's land use process provides for public notice of proposed zone changes and plan amendments and opportunities for citizen involvement that meet the State’s Goal #1 criteria. This application is consistent with those land use processes. The City provided mailed notice to surrounding property owners located within 300 feet of the parcel and published notice of the public hearing in the local newspaper. All interested or affected parties are afforded the opportunity to appear personally (via Zoom) or in writing before the Planning Commission and the City Council.

Statewide Goal 2- Land Use Planning. The City’s existing land use planning process and policy framework has been applied in this application. At least two public hearings will be held on this application. The City will provide information about the plan amendment/zone change to the public and has addressed the applicable criteria. Any changes to the Comprehensive Plan and Zone Map will occur only after the Planning Commission makes a recommendation to the City Council and the Council enacts the change by ordinance. The City Council will adopt findings that explain the Council’s decision and the facts that the Council relied on in making that decision.

Statewide Goal 10 - Housing. Goal 10 requires local jurisdictions to provide sufficient lands to accommodate a variety of housing types. The City’s buildable lands inventory, a component of the City’s Comprehensive Plan, provides an accounting of the need and supply of housing. The 2017 Residential Land Needs Assessment Buildable Lands Inventory shows an oversupply of residential buildable lands within the urban growth boundary. According to the inventory, there is a need of 232.5 net acres of land for multi-

family and single-family attached housing through 2036, but a supply of 480 acres of lands allowed for residential uses. Consequently, while the proposed zone change/plan amendment will reduce the supply of Residential Medium Density designated land, there will remain an excess of supply over need. It should also be noted the zone change still allows for mixed-use. (See figure 6.5 table below)

The following table shows the same comparison, converting the forecasted residential need and capacity by acres, rather than units. There is a projected need for 232.5 acres of new residential development, but a buildable capacity of 480 acres.

FIGURE 6.5: COMPARISON OF FORECASTED FUTURE LAND NEED (2036) WITH AVAILABLE CAPACITY

LAND INVENTORY VS. LAND NEED	Unit Type			TOTAL
	Single Family Detached	Medium-Density Attached*	Multi-Family	
Buildable Land Inventory (Acres):	304.4	49.4	126.3	480.0
Estimated Land Need (Acres):	185.3	35.7	11.4	232.5
Land Surplus (Inventory - Need:)	119.1	13.7	114.8	247.6

Sources: City of The Dalles BLI, Johnson Economics

Statewide Goal #12 – Transportation. Goal 12 is implemented by OAR 660-12-0060, commonly referred to as the Transportation Planning Rule (TPR). The TPR provides:

Oregon Administrative Rule - OAR 660-12-0060

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:*

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

(4): Determinations under sections (1)–(3) of this rule shall be coordinated with affected

transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b) (A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b) (D) and (E) of this section.

FINDING #24: Staff has examined the record in this matter and finds the application meets the criteria. The subject property is not located within an interstate interchange area and staff determined the proposed zone change did not have a significant effect on the

existing or planned transportation facility. It was determined a traffic analysis was not necessary with this request.

City Engineering provided trip generation data from the Institute of Transportation Engineer's manual (ITE) comparing both Residential single-family and multi-family uses with trip generations for motels. Based upon the ITE, trip generation for single-family and multi-family apartments range from 2.55 to 3.31 daily (weekday) trips per person. Based on an average household size of 2.53 people, this provides a range of 6.45 to 8.37 daily trips per residence. Hotels/motels, which can include supporting facilities such as restaurants, cocktail lounges, and meeting and banquet rooms are calculated at 8.92 daily (weekday) trips per occupied room. Staff determined the rezone of this property to Commercial to allow for an expansion of the existing motel would slightly increase the trip generation for the property.

Although the proposal could slightly increase the daily trips, staff believes all intersections in the proximity would continue to operate acceptably over the planning horizon contemplated by the City's TSP (adopted in 2017 with a 20-year life), a component of the Comprehensive Plan, based on City performance standards established in The Dalles Municipal Code, Title 10 – Land Use and Development.

MINUTES

PLANNING COMMISSION MEETING

June 17, 2021
5:30 p.m.

VIA ZOOM

PRESIDING: Brent Bybee, Chair

COMMISSIONERS PRESENT: Karly Aparicio, Cody Cornett, Linda Miller, Mark Poppoff

COMMISSIONERS ABSENT: Alan Easling and Philip Mascher

STAFF PRESENT: Director Alice Cannon, City Attorney Jonathan Kara, Senior Planner Dawn Marie Hert, Associate Planner Joshua Chandler, Secretary Paula Webb

CALL TO ORDER

Chair Bybee called the meeting to order at 5:32 p.m.

PLEDGE OF ALLEGIANCE

Chair Bybee led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Miller and seconded by Cornett to approve the agenda as presented. The motion carried 5/0; Aparicio, Bybee, Cornett, Miller and Poppoff voting in favor, none opposed, Easling and Mascher absent.

APPROVAL OF MINUTES

It was moved by Cornett and seconded by Bybee to approve the minutes of May 20, 2021 as submitted. The motion carried 5/0; Aparicio, Bybee, Cornett, Miller and Poppoff voting in favor, none opposed, Easling and Mascher absent.

PUBLIC COMMENT

Eloise Trujillo, 5100 Woodworth Dr., Mt. Hood/Parkdale, Oregon, 97041

Ms. Trujillo's telephone connection was inaudible. After failed attempts to communicate, Chair Bybee directed Ms. Trujillo to contact Staff directly.

STAFF COMMENTS / PROJECT UPDATES

Director Cannon stated the following projects will be addressed in September, 2021:

- First Street Streetscape Project
- Industrial Code Amendments
- Legislative Session Update – The session remains open. Director Cannon will provide an update to City Council in July. The information will be presented to Planning Commission shortly thereafter.
- Transitional Housing – City Council requested land use regulations that would allow the use of transitional housing inside the City Limits within certain limitations.

COMMISSIONER COMMENTS / QUESTIONS

Commissioner Poppoff asked if the Commission would return to in-person meetings in July. Director Cannon replied Staff will return to work when the Governor lifts the mask restrictions. In-person meetings will likely return in September, after renovations to Council Chambers are completed.

Commissioner Miller stated City Council does not hold meetings in August and asked if the Planning Commission recessed in August. Director Cannon replied she would like to honor that tradition. She noted a meeting would be held if a deadline fell during that time. Commission consensus was in favor of an August recess.

Director Cannon stated the Housing Code Amendments were unanimously approved by City Council at the June 14, 2021 meeting. Cannon expressed her thanks for work completed by the Planning Commission.

Chair Bybee stated he would be transitioning to a new position in Crook County. He will step down from his position in July.

QUASI-JUDICIAL PUBLIC HEARING

Zoning Ordinance Amendment 103-21 and Comprehensive Plan Amendment 48-21, Umair Sheikh

Chair Bybee read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest or bias, which would prevent an impartial decision. Hearing none, Chair Bybee opened the public hearing at 5:58 p.m.

Senior Planner Hert provided the staff report and presentation, Exhibit 1.

Commissioner Poppoff stated this is next door to an existing residential area. He asked if with a zone change, a conditional use permit could be issued with a condition of approval requiring events to end by 11 p.m.

Senior Planner Hert replied for a zone change there are no provisions in the Code to regulate timing unless it is a conditional use permit. This application does not include a land use

application for a commercial use. The motel is a permitted outright use, and does not have restrictions or limitations associated with that use.

Director Cannon noted all areas of the City are covered by Article 5.08.020 Drinking and Unnecessary Noise, which states:

“No person shall create or assist in creating or permit the continuance of unreasonable noise in the City...

Using or operating an automatic or electric piano, musical instrument, radio, stereo, loudspeaker, or other sound-amplifying device so loudly that it disturbs any person(s) in its vicinity, or in a manner that makes it a public nuisance. The use or operation of any such device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.”

Umair Sheikh, 477 NW Phoenix Drive, Troutdale, Oregon 97060

Mr. Sheikh stated he is in favor of the application. He noted the subject property is adjacent to the motel. The view is breathtaking; many guests request holding a wedding there. Weddings, by their nature, typically end by 10 p.m. The Celilo Inn has a 4.5 rating with Tripadvisor. This will add value to our property, as well as surrounding businesses that cater to weddings. This will be an asset to the motel as well as the City of The Dalles.

Zar Sheikh, 15401 SE Mill Plain Blvd., Vancouver, Washington 98684

Mr. Sheikh is the owner of both the Celilo Inn and the Comfort Inn. Both properties are good citizens of the City of The Dalles. This will be a good investment providing opportunities to the community.

Terry Wilcox-Uribe, 3550 E. Second Street, The Dalles, Oregon 97058

Ms. Wilcox-Uribe stated the motel has a curfew, strictly enforced. She is excited about this opportunity.

Chair Bybee clarified this application is only for the zone change; the eventual use is not included in this application.

Chair Bybee closed the public hearing at 6:23 p.m.

It was moved by Cornett and seconded by Miller to recommend to the City Council the approval of Zoning Ordinance Map Amendment ZOA 103-21 and Comprehensive Plan Map Amendment CPA 48-21, adopting the proposed zoning map and comprehensive map amendments and adopting findings included in this staff report. The motion carried 5/0; Aparicio, Bybee, Cornett, Miller and Poppoff voting in favor, none opposed, Easling and Mascher absent.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:25 p.m.

Submitted by/
Paula Webb, Secretary
Community Development Department

SIGNED: _____
Brent Bybee, Chair

ATTEST: _____
Paula Webb, Secretary
Community Development Department

DRAFT



City of The Dalles Planning Commission

THURSDAY, JUNE 17, 2021 | 5:30 PM

Zoning Map Amendment - ZOA #103-21 & Comprehensive Map Amendment - CPA #48-21

Applicant: Umair Sheikh

Address: Vacant Parcel adjacent to 3550 East 2nd Street

Assessor's Map and Tax Lot: 1N 13E 1 AA 100

Zoning District: Residential Medium Density

Proposal: *Consideration of Zoning Map change and a Comprehensive Plan Land Use Designation amendment from Residential Medium Density to General Commercial.*

Subject Property



Photos



Photos of Subject Property



Photos of Adjacent Motel Property



Photos of Surrounding Properties



The Dalles Municipal Code Zone Change Review Criteria (Section 10.3.100.030)

A zone change shall be granted if the following criteria are met:

- A. Conformance. The proposed zone change conforms to the Comprehensive Plan, including the Transportation System Plan, and all other provisions of this Title.*
- B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone.*
- C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone, and the planned function, capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.*
- D. Adverse Effect. The proposed zone change shall have minimal adverse effect on existing and future surrounding development.*

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A zone change shall be granted if the following criteria are met:

- A. Conformance. The proposed zone change conforms to the Comprehensive Plan, including the Transportation System Plan, and all other provisions of this Title. **Criterion met.***
- B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone.*
- C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume generated by uses that may be permitted in the new zone, and the planned function capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.*
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- C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume generated by uses that may be permitted in the new zone, and the planned function capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.*
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- B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone. **Criterion met.***
- C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume generated by uses that may be permitted in the new zone, and the planned function capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060. **Criterion met.***
- D. Adverse Effect. The proposed zone change shall have minimal adverse effect on existing and future surrounding development.*

The Dalles Municipal Code Zone Change Review Criteria (Section 10.3.100.030)

A zone change shall be granted if the following criteria are met:

- A. Conformance. The proposed zone change conforms to the Comprehensive Plan, including the Transportation System Plan, and all other provisions of this Title. **Criterion met.***
- B. Suitability. The site is adequate in size and shape for uses normally allowed by the proposed zone. **Criterion met.***
- C. Streets and Traffic. The site is, or will be, adequately served by streets for the type and volume generated by uses that may be permitted in the new zone, and the planned function capacity, and performance standards as adopted in the Transportation System Plan. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060. **Criterion met.***
- D. Adverse Effect. The proposed zone change shall have minimal adverse effect on existing and future surrounding development. **Criterion met.***

The Dalles Comprehensive Plan

- **Goal #1. Citizen Involvement.**
To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.
- **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.
- **Goal #10. Housing.**
To provide for the housing needs of citizens of the state.
- **Goal #9. Economic Development.**
To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The Dalles Comprehensive Plan

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

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

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

The Dalles Comprehensive Plan

Goal #10. Housing.

To provide for the housing needs of citizens of the state.

Policy 6. Encourage energy conservation by increasing residential densities in mixed use centers, along major linear streets that may one day serve as future transit corridors, and near commercial and employment centers.

Policy 8. Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.

Policy 12. High density residential areas shall be located near commercial and employment areas, along major streets, and where streets and other public facilities have adequate capacity.

Implementing Measures. Mixed Use Residential Measures. Mixed-Use (Commercial and Residential) developments can take many forms, including retail space on the ground floor with office space above, rental apartments above ground floor retail space, and structures combining offices and hotels or hotels and private residential units.

The Dalles Comprehensive Plan

Goal #9. Economic Development.

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Industrial and Commercial Land Use Needs. *In order to capitalize on long-range economic and employment shifts, The Dalles will need to add to its existing supply of land for commercial uses within the UGB. Similar conversions of Port industrial lands along the riverfront can produce a mixed use area to accommodate a slightly different market, including freeway commercial and recreational users. Smaller gains are provided through the use of Neighborhood Centers to allow residential and neighborhood commercial uses to develop near focal intersections in town. Finally, The Dalles has voiced a desire to accommodate reasonable home business opportunities that can provide an affordable start-up location for emerging businesses.*

Economic Opportunities Analysis. *In 2006, the City of The Dalles contracted with Winterbrook Planning and ECONorthwest, a land use economics consulting firm, to prepare an updated Economic Opportunities Analysis (EOA) consistent with the requirements of statewide planning Goal 9 and the Goal 9 administrative rule (OAR 660-009 as revised in December 2005).*

The 2011 EOA identified potential growth industries for The Dalles as follows:

Retail and Services. The State's forecast for nonfarm employment forecast for 2004 to 2014 projects that more than half of employment growth in Region 9, which includes Wasco County, will be in Retail and Services. As a regional center for retail and services, The Dalles may attract the following industries:

The Dalles' setting within the Columbia River Gorge, access to a variety of outdoor recreation, and the growing presence of viticulture make The Dalles attractive to tourists. Industries that serve tourists, such as food services and accommodations, are likely to grow if tourism increases.

Policy #10. *Encourage tourism-related services as an element in the diversification of the community's economy.*

Policy #14. *Encourage the start-up and growth of small to medium sized businesses providing family wage jobs. Develop reasonable standards to allow home business start-ups.*

Oregon Statewide Planning Goals

The Proposed Zoning Map Amendment and Comprehensive Map Amendment is:

- In conformity with all applicable State statutes.
 - ORS 197.610, Local Government Notice of Amendment or New Regulation;
 - ORS 197.250, Compliance with Goals Required, and
 - ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings
- Applicable Municipal Code standards, were developed in compliance with the applicable State statutes and implement their requirements.
 - Notice of the proposed amendment has been provided to DLCD as required by ORS 197.610.
 - Notice and availability of the staff report and the conduct of the Planning Commission's hearing will be consistent with ORS 197.763.
- In conformity with the Statewide planning goals whenever they are determined to be applicable.
 - Goal #1 - Citizen Involvement
 - Goal #2- Land Use Planning
 - Goal #10 - Housing
 - Goal #12- Transportation

Staff Recommendation

Planning Commission: *Move to recommend to the City Council the approval of Zoning Ordinance Map Amendment ZOA#103-21 and Comprehensive Plan Map Amendment CPA#48-21, adopting the proposed zoning map and comprehensive map amendments and adopting findings included in the staff report.*



AGENDA STAFF REPORT

AGENDA LOCATION: Contract Review Board #11-A

MEETING DATE: July 12, 2021

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

ISSUE: Authorization for purchase of a new Cat 315 Excavator

BACKGROUND: An item included in the City's 2021/22 Budget is the purchase of a larger excavator for the Wastewater Collection Division. This is a purchase for which the Public Works Department has been accumulating funds for several years.

The Department has an active program to maintain its sanitary and storm sewer systems. Much of the maintenance is completed through the use of trenchless technologies such as the annual slip-lining contracts and the use of "stint" repairs for smaller leaks. However, there are times that replacement of the sewer line is needed; much of this work is most economically completed in-house. Historically, the City had small mini-excavators to do work on shallow lines. Then, a few years ago, a larger mid-sized excavator was purchased which increased the Department's capabilities to replace or install new lines at deeper depths while still working in the tight confines of alleys. Many situations still arise where a larger excavator is needed, and equipment has to be rented to meet those needs.

A number of factors have combined to warrant the planned purchase of a larger excavator. First, as the Department has completed a lot of the needed maintenance work on the shallower mains, much of the remaining work to be done is on the deeper systems. Second, it was previously determined that the City's shoring systems for trench work needed to be upgraded. The new system is too heavy to lift with any of the Department's existing excavators and can only be handled with a loader which has very limited reach; the safest way to maneuver the shoring box is by use of an excavator large enough to handle the additional weight. And third, with the current housing development climate, the City is constructing more new sanitary sewer and water mains into areas where they do not exist so that single lots can develop. Without the City's participation, the costs to install these new utility mains often exceed the financial capacity of a single-home developer. When the City does install new mains for development, the developer reimburses the City. The City does not install utilities for subdivisions.

The unit proposed to be purchased is a 36,000-pound class of excavator that can dig about 19 feet deep; this is the largest machine that can be transported with the Department’s existing trucks and trailers. A Caterpillar 315 model has been selected because the Department owns other Cat equipment and there is a local dealer for service as needed.

The used equipment market was checked for pricing and availability of comparable units. The type of use and maintenance histories are largely unknown with used machines. The costs of some of the used Cat 315 excavators from around the US (and one in Canada) were as follows:

<u>Year</u>	<u>Hours</u>	<u>Price</u>	<u>Location</u>
2021	9	\$235,295	New York
2019	2101	\$145,000	Pennsylvania
2018	2075	\$193,303	British Columbia
2016	2526	\$165,000	California
2020	587	\$199,080	Utah
2018	1998	\$185,000	Unknown

The City can purchase a new excavator locally from Peterson Cat through a Sourcewell pricing agreement at substantial savings. Sourcewell is a competitive purchasing program which the City has successfully used previously to buy equipment. Through this program, the City can receive a 19% discount on the purchase price. The price to purchase a new Cat 315 excavator, set up as desired, through Sourcewell is \$212,633. This price would include 2 buckets and a 5-year/1000-hour warranty. It would be delivered for free. In light of this information and the value of a new machine with a warranty over one with an unknown history and no warranty, staff recommends the purchase of a new excavator that will serve the City for many years to come.

Staff is also recommending the purchase of two additional attachments for the excavator.

1. Tilting 54-inch ditch cleaning bucket
2. 30-inch rock ripper

The total proposed purchase price, with the recommended attachments, would be \$229,946.99. The total discount available for this proposed purchase is \$48,951.60.

BUDGET ALLOCATION: The adopted FY2021-22 budget includes \$335,000 in line 009-9000-000.74-20 of the Public Works Reserve Fund allocated for the purchase of a new 36,000-pound excavator. The total cost of the proposed purchase with both optional attachments is \$229,946.99. There are adequate funds available for this purchase.

COUNCIL ALTERNATIVES:

1. ***Staff Recommendation: Move to authorize the purchase of a new Cat 315 excavator with an optional tilting bucket and rock ripper from Peterson Cat through a Sourcewell pricing agreement in an amount not to exceed \$229,946.99.***
2. Move to authorize the purchase of a new Cat 315 excavator with an optional rock ripper from Peterson Cat through a Sourcewell pricing agreement in an amount not to exceed \$219,416.99.

3. Deny authorization to purchase a new Cat 315 excavator and provide additional direction to staff on how to proceed.



315C/315C L
Hydraulic Excavator



Weights		
Operating Weight -	16 400 kg	36,160 lb
Standard Undercarriage	<ul style="list-style-type: none"> • Standard undercarriage, 3100 mm (10'2") stick and 600 mm (24") shoes 	
Operating Weight -	16 750 kg	36,930 lb
Long Undercarriage	<ul style="list-style-type: none"> • Long undercarriage, 3100 mm (10'2") stick and 600 mm (24") shoes 	

Engine		
Engine Model	Cat® 3046 T	
Flywheel Power	82 kW	110 hp
Gross Power	86 kW	115 hp



AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #12A

MEETING DATE: July 12, 2021

TO: Honorable Mayor and City Council

FROM: Dawn Marie Hert, Senior Planner
Community Development Department

ISSUE: Special Ordinance No. 21-587, annexing nine properties located in the Urban Growth Boundary of the City pursuant to ORS 222.125.

BACKGROUND On April 26, 2021, the City Council conducted a public hearing and voted unanimously to approve annexation of several parcels, pursuant to ORS 222.120. At the time, staff disclosed to Council the next step in the process involved returning to Council for approval of a Special Ordinance to officially memorialize the annexation of said properties. All properties are listed on the schedule of properties attached as Exhibit “A”, pursuant to the consent annexation provisions of ORS 222.125.

Notice of the proposed adoption of Special Ordinance No. 21-587 annexing the properties has been posted in accordance with the relevant provisions of the City’s Charter, and the ordinance may be adopted by title only.

BUDGET IMPLICATIONS Completion of the annexations will result in additional property taxes paid to the City for annexed private property. The annexations are planned to be completed in time for the City to begin receiving its share of property taxes from the designated parcels effective November 2022. Upon annexation, the City will begin receiving additional revenue from franchise utilities collected from the subject properties.

COUNCIL ALTERNATIVES

1. **Staff Recommendation:** *Move to adopt Special Ordinance No. 21-587 Annexing Certain Additional Properties Located in the Urban Growth Boundary of the City of The Dalles Pursuant to ORS 222.125 (Consent Annexations; ANX#74-21 Decker, ANX #75-21 Legacy Development Group,*

*ANX #76-21 City of The Dalles, and ANX#77-21 Lloyd),
by title only.*

2. Decline to adopt Special Ordinance 21-587, and give staff further direction.

ATTACHMENTS

Exhibit A – List of properties to be annexed.

Exhibit B – Proposed Findings for Special Ordinance No. 21-587.

Exhibit C – Legal descriptions of properties to be annexed.

SPECIAL ORDINANCE NO. 21-587

AN ORDINANCE ANNEXING CERTAIN ADDITIONAL PROPERTIES LOCATED IN THE URBAN GROWTH BOUNDARY OF THE CITY OF THE DALLES PURSUANT TO ORS 222.125 (CONSENT ANNEXATIONS: ANX#74-21- DECKER, ANX#75-21- LEGACY DEVELOPMENT GROUP, ANX#76-21- CITY OF THE DALLES, AND ANX#77-21- LLOYD)

WHEREAS, on April 26, 2021, the City Council conducted a public hearing pursuant to ORS 222.120 to consider annexation of several parcels of property where the City has received consent of the property owners proposing to be annexed, which properties are listed on the schedule of properties attached to and made part of this Special Ordinance as Exhibit "A"; and

WHEREAS, the City Council has reviewed the written consents to annexation submitted by the property owners and any electors residing in the territories proposing to be annexed, and the waiver of the one-year period submitted by the property owners, and the Council finds the consents to annexation and waivers of the one-year period are valid under the provisions of ORS 222.125; and

WHEREAS, the City Council has reviewed the proposed findings submitted in support of the proposed consent annexations attached to and made part of this Special Ordinance as Exhibit "B", and the Council has approved and adopted the proposed findings.

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

Section 1. Properties to be annexed. Based upon the findings set forth in Exhibit "B", the City Council finds the properties listed in Exhibit "A" are contiguous to the City limits, and that where applicable, the electors and landowners residing on the contiguous properties to be annexed consented in writing prior to the public hearing conducted on April 26, 2021, in accordance with ORS 222.120 and 222.125. The subject properties listed in Exhibit "A" are hereby proclaimed to be annexed to the City of The Dalles in accordance with ORS 222.120 and 222.125. The legal description for each of the subject properties is attached to and made part of this Special Ordinance as Exhibit "C".

Section 2. Submittals. The City Clerk shall submit, within the proper time frames, all necessary copies of this Special Ordinance and any supporting documents required by the various state statutes to the appropriate state and county officials and departments.

Section 3. Effective Date of Annexation. The effective date of this annexation shall be complete from the date of filing the annexation records with the Secretary of State, as set forth in ORS 222.180.

Section 4. Effective Date of Ordinance. The effective date of this Special Ordinance shall be 30 days from its adoption, subject to any referendum being filed.

PASSED AND ADOPTED THIS 12TH DAY OF JULY, 2021.

Voting Yes, Councilor: _____

Voting No, Councilor: _____

Absent, Councilor: _____

Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 12TH DAY OF JULY, 2021.

Richard A. Mays, Mayor

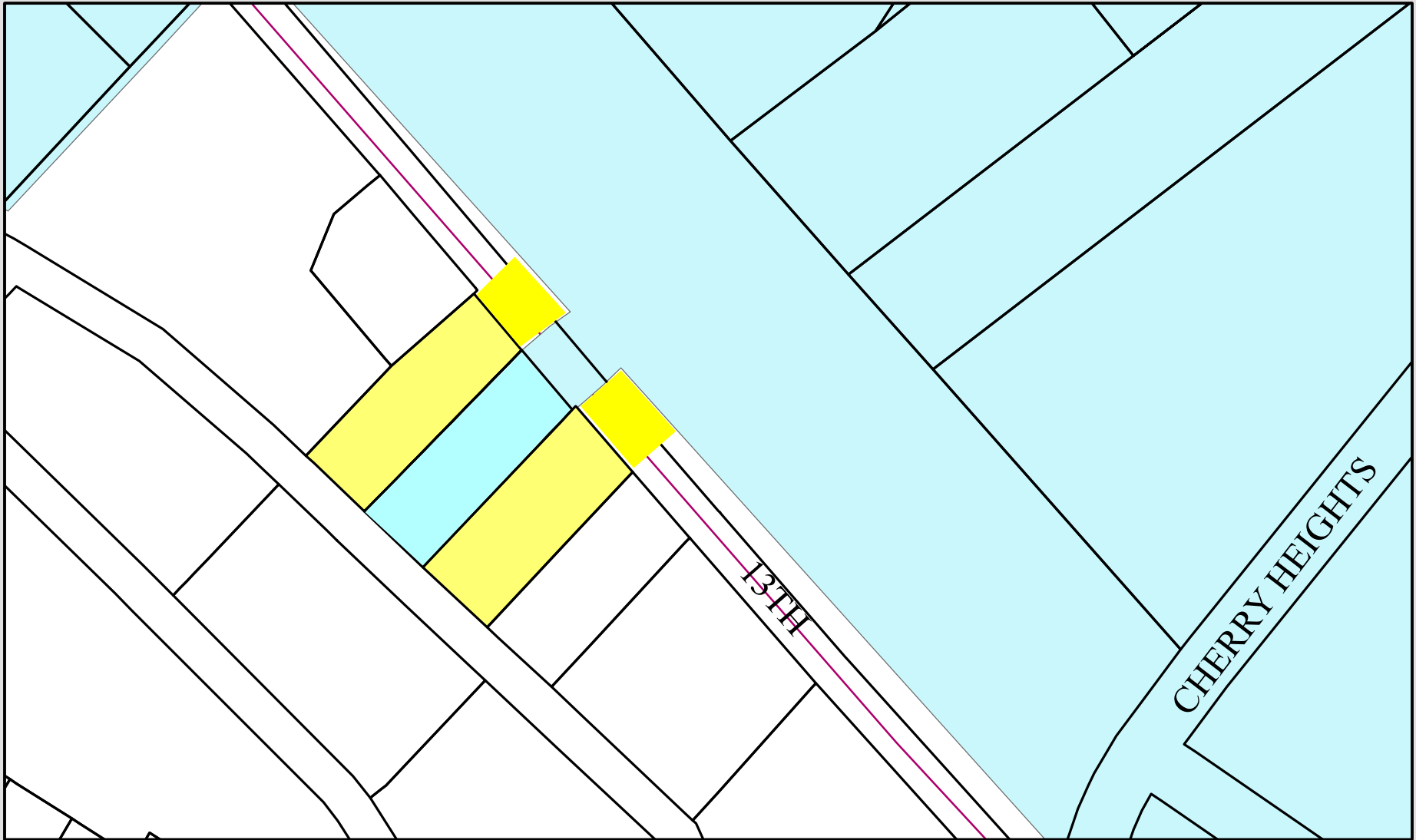
Attest:

Izetta Grossman, CMC, City Clerk





EXHIBIT "A"

<u>TAX LOT</u>	<u>CURRENT OWNER</u>
1. 1N 13E 4BB 6100*	Bruce & LaJuana Decker Map No. 1
2. 1N 13E 4BB 6200*	Lacy Lloyd Map No. 1
3. 1N 13E 1C 200*	Riverview Orchards, LLC Map No. 2
4. 1N 13E 1C 201*	Riverview Grove, LLC Map No. 2
5. 1N 13E 11AA 1400*	Debra Tipton Map No. 3
6. 1N 13E 11AA 1500*	Scott Gayer Map No. 3
7. 1N 13E 11AA 1501*	Andrew Frater Map No. 3
8. 1N 13E 11AA 1502*	Jerrold & Jessica Donnell Map No. 3
9. 1N 13E 11AA 1503*	Robert & Nicole Hughes Map No. 3

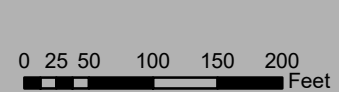
*In addition, all right-of-way adjacent to the subject properties.



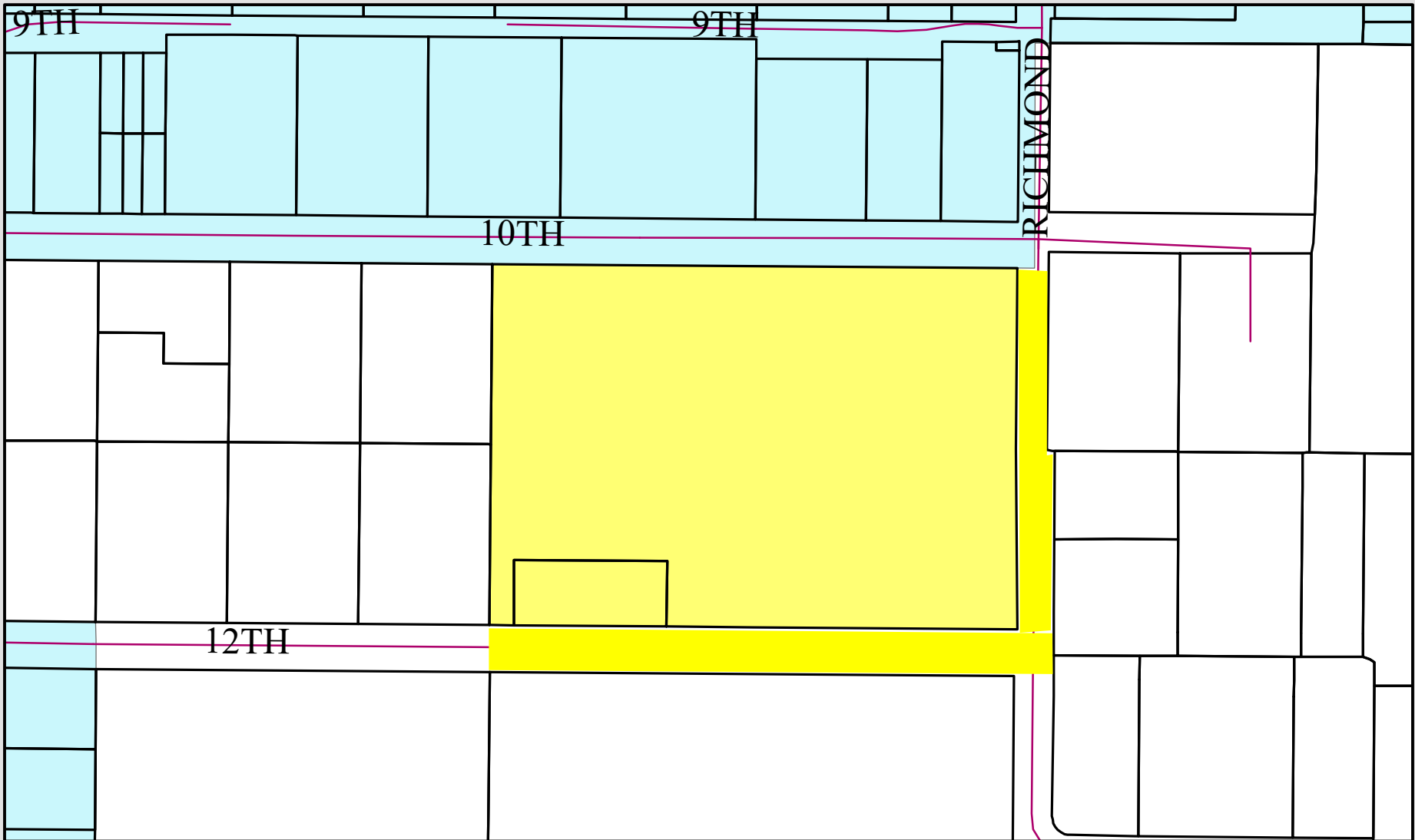
Legend

-  Taxlots
-  Subject Parcels
-  City Limits
-  Roads





ANX#74-21, Bruce & LaJuana Decker
 ANX#77-21, Lacy Lloyd
 Consent annexation of two parcels:
 Map 1N 13E 4BB
 Tax lots 6100 & 6200



Community Development Dept.
 Special Ordinance No. 21-587
 July 12, 2021



Legend

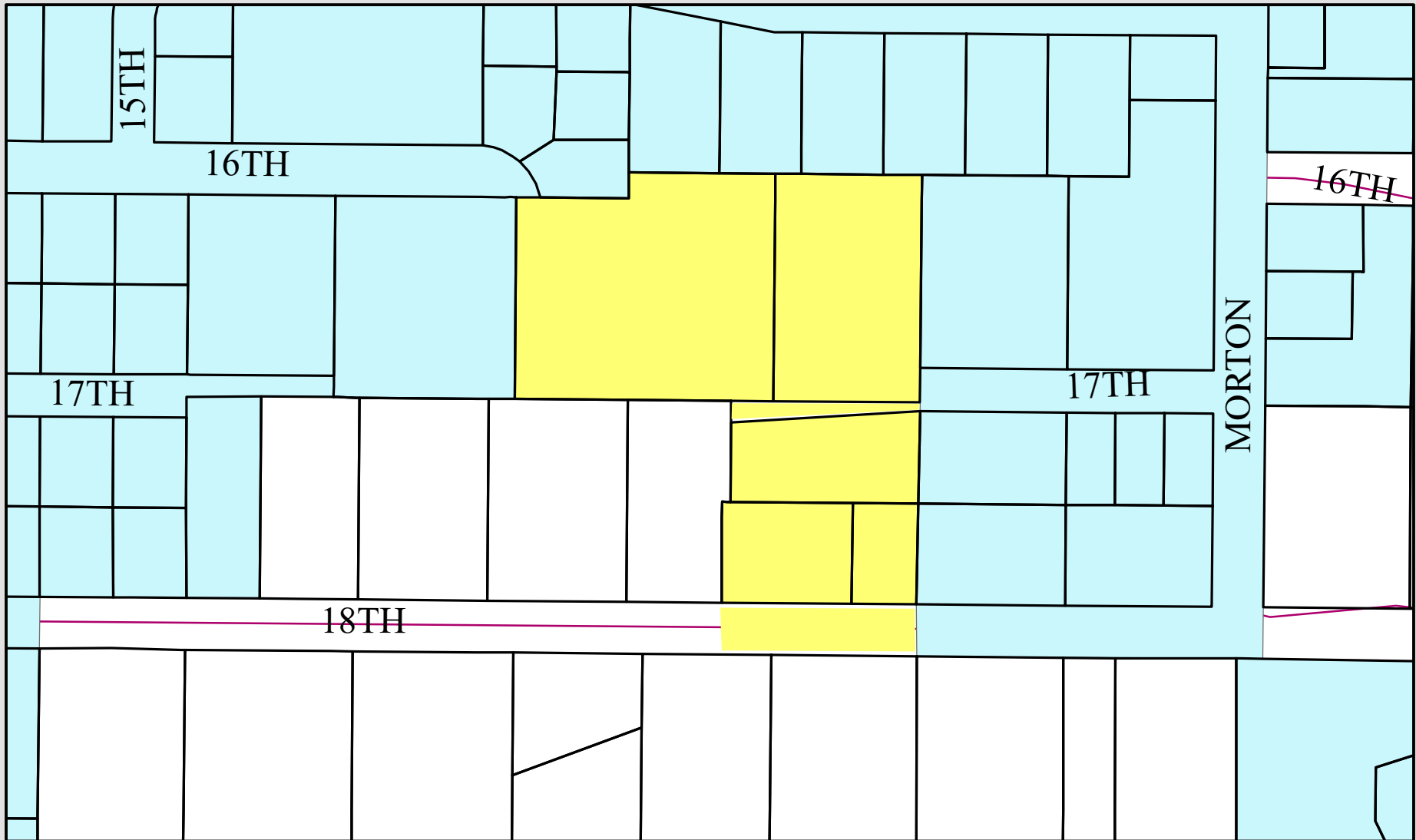
-  Roads
-  Taxlots
-  Subject Parcels
-  City Limits

ANX#75-21, Legacy Development Group
 & Riverview Orchards, LLC
 Consent Annexation of Two Parcels:
 Map 1N 13E 1C, tax lots 201 & 200


0 75 150 225 300
 Feet



Community Development Dept.
 Special Ordinance No. 21-587
 July 12, 2021



Legend

-  Taxlots
-  Subject Parcels
-  TheDallesCityLimits
-  Roads

ANX#76-21, City of The Dalles
 Consent Annexation of Five Parcels:
 Map 1N 13E 11 A
 Tax lots 1400, 1500, 1501,
 1502 & 1503



Community Development Dept.
 Special Ordinance No. 21-587
 July 12, 2021

EXHIBIT "B"

PROPOSED FINDINGS FOR SPECIAL ORDINANCE NO. 21-587

Section 10.14.010.040 of the City's Municipal Code, Title 10 - Land Use and Development Ordinance provides that annexations shall be subject to the following criteria:

- A. The territory is contiguous to the City limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750.
- B. The territory is within the Urban Growth Area.
- C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.
- D. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing City limits.
- E. The annexation conforms to the Comprehensive Plan.

For the each of the properties listed in Exhibit "A" attached to and made part of Special Ordinance No. 21-587, the Council finds and concludes the property is contiguous to the City limits, and the territories proposed to be annexed qualify as consent annexations, pursuant to ORS 222.125. The City Council concludes the criteria in Section 10.14.010.040(A) have been satisfied.

Testimony was also presented during the hearing the properties listed in Exhibit "A" were located within the City's Urban Growth Area. The City Council finds the criteria set forth in Section 10.14.010.040(B) have been satisfied.

The properties proposed to be annexed will be served by City utilities. The City has previously annexed portions of property, making the affected properties contiguous to the City limits. The City has been planning for the additional resources required to extend utilities and maintain the roads necessary to provide urban services for the annexed properties. The City Council finds and concludes annexation of the properties listed in Exhibit "A" is consistent with the rational and logical extension of utilities and roads to the surrounding area, and the City is capable of providing and maintaining its full range of urban services to the properties listed in Exhibit "A" without negatively impacting the City's ability to adequately serve all areas within the existing City limits. The City Council finds and concludes the criteria set forth in Section 10.14.010.040(C) and (D) have been satisfied.

Goal #14, Urbanization, of the City's Comprehensive Plan is "[t]o provide for an orderly and efficient transition from rural to urban use". Goal #14 includes certain sub-goals. Sub-goal #2 of Goal #14 is "[t]o coordinate with Wasco County in order to manage the urban growth

boundary and the conversion of land within the boundary for urban uses." The City has complied with Sub-goal #2 of Goal #14 by entering into an intergovernmental agreement with Wasco County for the joint management of the Urban Growth Area, which includes the land area within the Urban Growth Boundary and outside the city limits of the City of The Dalles. Section 8 of the intergovernmental agreement provides as follows:

8. Annexation

- A. Annexation of areas within the Urban Growth Boundary shall be in accordance with relevant annexation procedures contained in Oregon Revised Statutes, City Ordinances, or approved annexation plan.
- B. Annexation by the City will occur only after development is completed.

The proposed annexation is consistent with the provisions of Section 8 of the intergovernmental agreement with Wasco County for annexation of properties within the Urban Growth Area. The proposed annexation has been conducted in accordance with the relevant provisions for annexation set forth in the Oregon Revised Statutes, including ORS 222.120 and 222.750, and the annexation is occurring for properties where development has been completed.

Policies 6, 7, and 8 for Goal #14 of the City's Comprehensive Plan provides as follows:

- 6. Encourage the orderly annexation of land within the Urban Growth Boundary to the City of The Dalles.
- 7. Adequate public facilities shall be planned or provided for, per local and State statutes, to service an area when annexation is considered. This includes, but is not limited to, storm sewers, sanitary sewer and water service.
- 8. Public facilities such as roads, water, sewer, and storm sewer will be required for development of the area in question and shall be subject to review prior to annexation and shall comply with The Dalles Transportation Systems Plan (TSP), Water Master Plan, Sewer Master Plan, and Storm Water Master Plan.

The proposed annexation complies with the urbanization goal set forth in Goal #14 by encouraging the orderly annexation of land within the Urban Growth Boundary of the City of The Dalles, and also provides for the orderly and efficient provision of public facilities and services. The properties to be included in the annexation have been developed, or have been planned for the extension of public facilities and utilities, to ensure the properties will have sufficient services, including but not limited to water and sanitary sewer service, storm sewers, streets, parks, and fire hydrants. Extension of the city limit boundaries to include the properties will allow the City to maintain the facilities and utilities in proper working order to provide services to the residents of these properties and also provide a basis for the City to continue an orderly process of continuing to annex other properties within the Urban Growth

Boundary, as the City continues to experience economic growth and development. Inclusion of the properties within the City limits will provide an opportunity for the City to plan and design its public utilities and facilities, including streets, storm system, and water and sanitary sewer system, to ensure the City can provide necessary public services to its citizens in an orderly and efficient manner, and consistent with the City's Transportation Systems Plan, Water Master Plan, Sewer Master Plan, and Storm Water Master Plan.

The annexation of the subject properties is reasonable because it is consistent with the provisions of the City's Comprehensive Plan and the intergovernmental agreement with Wasco County for the joint management of property within the Urban Growth Area, for the reasons set forth above. Annexation of these properties will allow the City to maintain the public utilities and facilities serving these properties and to make any necessary improvements to allow the City to continue providing necessary services for the residents of the properties. Inclusion of these properties within the City limits will transfer responsibility for law enforcement activities related to these properties to the City. This will create a more uniform and efficient system of law enforcement, eliminating confusion over which law enforcement agency is responsible for providing services to the properties. For all of these reasons, the City Council concludes the proposed annexation complies with the "reasonableness" requirement for annexations under state law.

The City Council finds and concludes the criteria set forth in Section 10.14.010.040(E) have been satisfied.

EXHIBIT "C"

1. 1400 Block of West 13th Street

1N 13E 4BB 6100

LEGAL DESCRIPTION
for
Annexation Area
(Tax Lot 01N-13E-04BB 6100)

A tract of land lying in Parcel 1 of Partition Plat 2005-0008 and in West 13th Street in the Northwest 1/4 of the Northwest 1/4 of Section 4, Township 1 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, being more particularly described as follows:

Beginning at the Westmost corner of said Parcel 1; thence on the Northwesterly line of said Parcel 1, North 42°43'36" West 124.75 feet; thence North 47°49'00" East 110.66 feet to the Northmost corner of said Parcel 1 and intersection with the Southwesterly right-of-way line of said West 13th Street; thence on the Northeasterly extension of the Northwesterly line of said Parcel 1, North 47°49'00" East 45.01 feet to the intersection with the Northeasterly right-of-way line of said West 13th Street; thence on said Northeasterly right-of-way line, South 41°09'00" East 71.34 feet to a point being North 43°25'45" East from the Eastmost corner of said Parcel 1; thence leaving said Northeasterly right-of-way line, South 43°25'45" West 45.20 feet to the Eastmost corner of said Parcel 1; thence on the Southeasterly line of said Parcel 1, South 43°25'45" West 227.32 feet to the Southmost corner of said Parcel 1; thence on the Southwesterly line of said Parcel 1, North 47°03'31" West 81.40 feet to the point of beginning.

Contains 0.50 acre, more or less.

2. 1400 Block of West 13th Street

1N 13E 4BB 6200

LEGAL DESCRIPTION
for
Annexation Area
(Tax Lot 01N-13E-04BB 6200)

A tract of land lying in Parcel 1 of Partition Plat 2019-0013 and in West 13th Street in the Northwest 1/4 of the Northwest 1/4 of Section 4, Township 1 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, being more particularly described as follows:

Beginning at the Westmost corner of said Parcel 1; thence on the Northwesterly line of said Parcel 1, North 42°42'16" East 219.21 feet to the Northmost corner of said Parcel 1 and intersection with the Southwesterly right-of-way line of said West 13th Street; thence on the Northeasterly extension of said Westerly line, North 42°42'16" East 45.26 feet to the intersection with the Northeasterly right-of-way line of said West 13th Street; thence on said Northeasterly right-of-way line, South 41°09'00" East 88.59 feet to a point which bears North 42°40'30" East from the Eastmost corner of said Parcel 1; thence leaving said Northeasterly right-of-way line, South 42°40'30" West 45.26 feet to the Eastmost corner of said Parcel 1; thence on the Southeasterly line of said Parcel 1, South 42°40'30" West 210.10 feet to the Southmost corner of said Parcel 1; thence on the Southwesterly line of said Parcel 1, North 47°03'01" West 88.21 feet to the point of beginning.

Contains 0.53 acre, more or less.

- | | |
|---|----------------------|
| 3. 2845 East 12th Street | 1N 13E 1C 200 |
| 4. No site address, 2800 Block of East 10th & 12th Streets | 1N 13E 1C 201 |

LEGAL DESCRIPTION

for

Annexation Area

(Tax Lots 01N-13E-01C 200 and 201)

A tract of land lying in Parcels 1 and 2 of Partition Plat 2019-0018, East 12th Street, and Richmond Street in the Southwest 1/4 of Section 1, Township 1 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, being more particularly described as follows:

Beginning at the Northwest corner of said Parcel 1; thence on the North line of said Parcel 1 and Easterly extension thereof, South 89°36'39" East 719.76 feet, more or less, to the intersection with the East right-of-way line of Richmond Street, also being the West line of Block 3, Cherry Park Addition; thence on said West line, South 00°18'47" West 233.57 feet, more or less, to the Southwest corner of said Block 3; thence on the South line of said Block 3, South 89°38'07" East 12.63 feet to the Northwest corner of Block "A", Sorenson's Addition; thence on the West line of said Block "A" and Southerly extension thereof, South 00°21'25" West 293.50 feet, more or less, to the intersection with the Easterly extension of the South line of East 12th Street in Thompson's Addition; thence on said extension and said South right-of-way line, North 89°38'09" West 734.11 feet, more or less, to a point which bears South 00°06'13" West from the Southwest corner of said Parcel 1; thence leaving said South right-of-way line, North 00°06'13" East 60.00 feet to the Southwest corner of said Parcel 1; thence on the West line of said Parcel 1, North 00°06'13" East 233.22 feet; thence North 00°22'08" East 234.22 feet to the point of beginning.

Contains 8.80 acres, more or less.

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|--|-------------------------|
| 5. No site address, 2500 Block of East 17th Street | 1N 13E 11AA 1400 |
| 6. No site address, 2500 Block of East 17th Street | 1N 13E 11AA 1500 |
| 7. No site address, 2500 Block of East 17th Street | 1N 13E 11AA 1501 |
| 8. No site address, 2500 Block of East 18th Street | 1N 13E 11AA 1502 |
| 9. 2549 East 18th Street | 1N 13E 11AA 1503 |

LEGAL DESCRIPTION

for

Annexation Area

(Tax Lots 01N-13E-11A 1400, 1500, 1501, 1502, and 1503)

A tract of land lying in vacated 16th Street, Lots 6, 7, 8, 13, and 14 of Block 14, Thompson's Addition, and in East 18th Street in the Northeast 1/4 of Section 11, Township 1 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, being more particularly described as follows:

Beginning at the Southeast corner of Parcel 3 of Partition Plat 2019-0017; thence on the Southerly extension of the East line of said Parcel 3, South 00°21'58" West 60.00 feet to the intersection with the South line of East 18th Street; thence on said South line, North 89°37'25" West 229.93 feet to a point that bears South 00°21'43" West from the Southwest corner of Parcel 2 of said Partition Plat 2019-0017; thence leaving said South line, North 00°21'43" East 60.00 feet to the Southwest corner of said Parcel 2; thence on the West line of said Parcel 2, North 00°21'43" East 116.97 feet to the Northwest corner of said Parcel 2; thence on the North line of said Parcel 2, South 89°37'36" East 10.00 feet to the Southwest corner of Parcel 2 of said Partition Plat 2019-0017; thence on the West line of said Parcel 1 and Northerly extension thereof, North 00°21'43" East 117.00 feet to the Northwest corner of said Partition Plat 2019-0017 and intersection with the South line of said Lot 7; thence on the South line of said Lot 7 and said Lot 6, North 89°37'36" West 249.98 feet to the intersection with the East line of the West 40.00 feet of said Lot 6; thence leaving said South line on the East line of said West 40.00 feet, North 00°21'36" East 233.96 feet to the intersection with the North line of said Lot 6; thence on the North line of said Lot 6, South 89°37'46" East 129.99 feet to the Northwest corner of said

Lot 7, said point also being the Southeast corner of Parcel 3 of Partition Plat 2007-0013; thence leaving said North line on the East line of said Parcel 3, North 00°21'43" East 30.00 feet to the intersection with the centerline of East 16th Street, as vacated in Special Ordinance No. 01-484; thence on said vacated centerline, South 89°37'46" East 339.97 feet to a point that bears North 00°21'58" East from the Northeast corner of said Lot 8; thence South 00°21'58" West 30.00 feet to the Northeast corner of said Lot 8; thence on the East line of said Lot 8, South 00°21'58" West 233.98 feet to the Northeast corner of said Partition Plat 2019-0017; thence on the East line of said Partition Plat 2019-0017, South 00°21'58" West 233.98 feet to the point of beginning.

Contains 4.28 acres, more or less.



AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #12-B

MEETING DATE: July 12, 2021

TO: Honorable Mayor and City Council

FROM: Julie Krueger, City Manager

ISSUE: Approval of transfer of ownership of Aviation Management Services

BACKGROUND: The agreement with Aviation Management Services requires City Council and Klickitat County approval to assign services of the agreement, and states consent shall not be unreasonably withheld. The original agreement was assigned to Dave and Aryn Rasmussen in April, 2019.

Dave and Aryn Rasmussen have taken employment elsewhere and are assigning the agreement to Jeff Renard.

BUDGET IMPLICATIONS: None.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to approve the transfer of ownership of Aviation Management Services to Jeff Renard.*
2. If the City Council does not approve the transfer of ownership, the City and Klickitat County will develop a plan to provide management of the Airport.

**FIRST AMENDMENT TO
AIRPORT MANAGEMENT AGREEMENT**

This FIRST AMENDMENT TO AIRPORT MANAGEMENT AGREEMENT (“First Amendment”) is entered into by and between the **CITY OF THE DALLES** (“City”), an Oregon municipal corporation, **Klickitat County** (“County”), a municipal corporation of the State of Washington, and **AVIATION MANAGEMENT SERVICES, LLC** (“Contractor”), an Oregon corporation licensed in Washington.

WHEREAS, the City, County, and Contractor entered into that certain Airport Management Agreement (“AMA”) on January 9, 2018;

WHEREAS, Contractor’s ownership was assigned by its then-owner Chuck Covert to David and Aryn Rasmussen in April 2019;

WHEREAS, Contractor’s ownership is now contemplated to be transferred from David and Aryn Rasmussen to Jeff Renard;

WHEREAS, Section 4.6, Assignment Clause, requires consent of the City and County to assign ownership and states consent shall not be unreasonably withheld;

WHEREAS, the Parties now desire to amend the AMA to reflect the most recent change in ownership to Jeff Renard.

NOW, THEREFORE, in consideration of the terms and provisions set forth in this First Agreement, the Parties agree:

1. The text of AMA Section 4.2(C) shall be revised to read:

C. To the CONTRACTOR: Jeff Renard
 Aviation Management Services, LLC.

2. This First Amendment is effective July 15, 2021.

3. Except as modified by this First Amendment, the terms and conditions of the AMA shall remain in full force and effect.

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CITY OF THE DALLES

**KLICKITAT COUNTY
COMMISSIONERS**

Richard A. Mays, Mayor

Chair

Attest: _____
Izetta Grossman, CMC, City Clerk

Commissioner

Commissioner

Approved as to form:
Jonathan Kara, City Attorney

Attest: _____
Clerk of the Board

Approved as to form:
Prosecuting Attorney

AVIATION MANAGEMENT SERVICES, LLC

By: _____
Jeff Renard