

# CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, September 17, 2009

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

*Conducted in a handicap accessible room*

## **CALL TO ORDER:**

Chair Bruce Lavier called the meeting to order at 6:30 pm.

## **BOARD**

### **MEMBERS PRESENT:**

Bruce Lavier

Ron Ahlberg

Mark Poppoff

Dean Wilcox

Chris Zukin

Ted Bryant – Returning Planning Commissioner filling the vacant position

## **BOARD**

### **MEMBERS ABSENT:**

Benjamin Hoey

## **STAFF PRESENT:**

Senior Planner, Richard Gassman

Planning Tech., Denise Ball

## **APPROVAL OF AGENDA:**

It was moved by Ted Bryant and seconded by Dean Wilcox to approve the agenda as submitted. The motion carried unanimously, Hoey absent.

## **APPROVAL OF MINUTES:**

It was moved by Ron Ahlberg and seconded by Chris Zukin to approve the minutes of August 20, 2009 as submitted. The motion carried unanimously, Hoey absent, Wilcox and Bryant abstaining.

## **PUBLIC COMMENT:** None

## **LEGISLATIVE PUBLIC HEARING:**

Senior Planner Gassman explained that this is a Legislative Public Hearing to provide the public to comment on the Chenoweth Interchange Area Management Plan – IAMP, with less formal hearing procedures. He told the Planning Commission that they are being asked to make a recommendation to the City Council for the Chenoweth Interchange Area Management Plan (IAMP) that has been discussed at multiple work sessions. The City Council hearing is scheduled for October 12<sup>th</sup> at this time. Gassman handed out a draft Resolution as well as comments from Gary Robinson, ODOT, and

J.D. Hattenhauer.

Gassman said this is a very significant and complex plan that will affect the west end of town. It is a very lengthy plan with Sections 7 and 8 being very significant. The Plan is available for viewing in the Planning Office and also on the ODOT website. Options have been designed to solve specific problems and it is unknown if any of the traffic problems will actually happen. The short term options consist of traffic signals and roundabouts. Mid-term options will be triggered by higher traffic levels. These are alternatives that can be used.

There will be a separate process to analyze the costs for additional SDC's in the study area if the Plan is adopted. Gassman asked if the Commission had any questions for him. There were none.

Gassman introduced Susan Wright and Marc Butorac, Consultants from Kittelson and Associates. Ms. Wright explained the process that has taken place in the development of the IAMP. The zone change of the property near the interchange triggered the need for the IAMP and modification of the Transportation System Plan.

The IAMP will provide clarity for future developers, minimize future spending, and sets the community up for grants and stimulus funds. The IAMP options use a 75% maximum build out scenario.

Four local connectivity areas have been identified: 1) North end of W. 2<sup>nd</sup> Street Overpass - \$20 million cost – 7 properties affected; 2) Chenoweth Loop - \$20 - \$30 million cost – 20 properties affected; 3) Hostetler - \$14.1 million – 4 properties affected; 4) Snipes - \$32.2 million cost – 26 properties affected.

Ms. Wright went on to give a brief overview of the Hostetler railroad crossing and the need for a grade separated, under crossing.

Mitigation measures in the Plan for West 6<sup>th</sup> Street show a maximum of five lanes with a possible median allowing left turn only. This is similar to the design used at the Safeway and Mt. Hood intersection. Flexibility is written into the plan to allow for a design that will accommodate existing businesses at the time the trigger for the traffic control is met. Nothing in the IAMP is pre-emptive. It will develop based upon an increasing need for new traffic control measures.

There will be a future work session on the proposed SDC totaling approximately \$36 million. Funding projections are: Supplemental grants/stimulus=\$14 to \$16 million; City of The Dalles=\$3 to \$5 million; ODOT=\$3 to \$5 million; Private Property Owners=\$16 to \$28 million.

In addition, Ms. Wright explained that the IAMP will be subject to a Periodic Review every five years or when significant development in the IAMP project area takes place.

Commissioner Bryant asked who is responsible for the traffic counts that could “trigger” the traffic mitigation. Mr. Butorac explained the process of using a licensed traffic engineer and transportation manuals to determine traffic counts.

Commissioner Zukin asked what the percentage of traffic River Road will carry and secondly, could

the Webber Street interchange be made part of the plan to mitigate W. 6<sup>th</sup> Street traffic?

Ms. Wright said, in hindsight, the Webber Street interchange should have been included in the IAMP because it is interconnected with the traffic using W. 6<sup>th</sup> Street and the River Road Interchange. However, it would be a nine month process to perform the Webber Street interchange study and ODOT does not have the funding for that study.

Mr. Butorac answered the River Road traffic question. Currently the PM peak, 4:30 to 5:30 in the afternoon, traffic is 150 trips/hr and projected full build-out PM peak traffic is 800-900 trips/hr which equals 15 vehicles every minute. Full build-out equals 3 ½ million square feet of industrial development in the project area.

Mr. Butorac emphasized that the IAMP is designed to minimize and mitigate traffic impacts caused by future development. West 6<sup>th</sup> Street is already in the current TSP as a five lane street so the IAMP is not recommending anything new. The proposed roundabouts allow for legal U-turns when increased traffic flow makes a left turn impossible.

**Public Testimony:** Chair Lavier asked the audience if anyone would like to give public comment.

Karen A. Feil, Attorney at Law, The Dalles, Oregon said she is representing Hattenhauer Distributing Co. Ms. Feil distributed a handout to the Commissioners and Staff. She voiced the following objections to the draft IAMP:

1. The draft I-84 Chenoweth IAMP is not required by any statute, regulation or ordinance and should be abandoned or tabled pending further study and analysis. It was created solely as a result of an agreement between ODOT, WM3 Inc., and The City of The Dalles to avoid an appeal by ODOT of the WM3 Inc. zone change approval.
2. The draft I-84 Chenoweth IAMP incorporates an Access management Plan that does not comply with the law.
3. The draft I-84 IAMP violates due process of law by failing to provide adequate notice and a meaningful opportunity to be heard by business and property owners whose property rights will be substantially and detrimentally affected by adoption of the IAMP.

Ms. Feil requests for her client either forwarding a resolution to the City Council recommending denial of the draft IAMP until further analysis can be performed, including but not limited to a comprehensive economic impact study. An alternative would be the granting of a deviation allowing continuation of the existing access to the Hattenhauer Distributing Company's business at their W. 6<sup>th</sup> Street location.

Jim Shaver, NW Aluminum Specialties, The Dalles, spoke next. He told the Commissioners that 90 employees own this business. The Union Pacific siding is used by the Specialties plant and handles 14 million pounds a month. Mr. Shaver said the statement that the existing private railroad crossing at Hostetler only serves the vacant smelter plant is untrue. Mr. Shaver said the seven or eight proposed public streets going through the aluminum plant property are insane. There are huge environmental concerns on that property also. The process is flawed because no one sat down, across the table, from the affected property owners and talked with them about what was being planned. The homework was not done on where the roads should go.

Steve Hunt, 3226 W. 2<sup>nd</sup> Street, said no one has talked to him, but he is assuming his property is one of the four parcels that will be affected by the undercrossing. Mr. Hunt said his business, K & H Specialties, has been there for 20 years. If he has no access to the property, the value of both the property and the business operating there is severely affected. Who will determine what fair compensation for the business value will be?

Shirley Hovda spoke regarding her property on the corner of W. 2<sup>nd</sup> and Hostetler. Mrs. Hovda said she and her husband have owned and developed the property since 1970 and she does not want to see that shop go. Mrs. Hovda added that she lost her husband two years ago and it would kill her to see that happen. The proposed undercrossing on Hostetler would take away all access to the property and make it an island. Mrs. Hovda said she feels Kittelson is stuck on the Hostetler undercrossing even though City Council has asked them to come back with an alternative. Mrs. Hovda asked why a Super Wal-Mart store should take precedence or be more valuable than her business that has been in The Dalles for over 20 years. Mrs. Hovda concluded that this plan will hold her property and three others hostage for 10 to 20 years, and revisit it every 5 years. She also asked about the current at grade railroad crossing at Webber and Union and why they aren't required to be undercrossings also. Mrs. Hovda ended by saying she is all for development but please don't destroy four existing properties to do it.

Gary Robinson, 3800 W. 6<sup>th</sup>, said the median on W. 6<sup>th</sup> will not allow manufactured homes to be moved which would severely and negatively impact his business. There are significant grade differences if additional access points at the rear of his property were being considered. Mr. Robinson added that he is excited about having a lot of traffic on the street in front of his business but he has to be able to move the homes from his property.

Chair Lavier asked Staff if Mr. Robinson will be compensated for losing partial access to his property. Mr. Gassman said that is really a question for City Attorney, Gene Parker, but there is a process for compensation.

Commissioner Bryant asked Gary Robinson if he had been directly contacted to discuss this proposed plan. Mr. Robinson said the only person who had contacted him was Mr. Hattenhauer.

Marc Butorac said removable bollards could be one option if the W. 6<sup>th</sup> street median barrier is ever installed. Butorac added that roundabouts can be designed large enough to handle very long loads but that may not be the answer. Butorac added that no traffic mitigation measures will be installed before the traffic volume dictates that they are necessary. Also, 3 ½ million square feet of development will have to happen to create the contemplation for traffic mitigation. Some of these traffic mitigation measures are in the existing Transportation Systems Plan.

Brad Timmons, P.O. Box 2250, The Dalles, representing Chris Robinson, Gary's brother and Northwest Aluminum Specialties, and concurs with Ms. Feil. Mr. Timmons cautioned the Commission to not adopt a plan for something that may never happen. He added that this "penciling in" concept makes it too easy for people to say "Well, it's always been that way".

Galen May, Project Manager N.W. Aluminum, recommends the 2<sup>nd</sup> Street overpass option. The proposed streets and roads shown on the Aluminum Plant property would take away 5 to 10 acres of industrial property. Mr. May also informed the Commission that the undercrossing at Hostetler will require 24/7 pumping of water due to the ground water level 25 feet below the railroad tracks. That is

an on-going cost to the City. He feels people will take the freeway and avoid the roundabouts being proposed. The discussion should be tabled for now and ODOT and the City should meet with all the affected property owners.

Commissioner Ahlberg asked Mr. May about the hazardous waste concerns on the property. Mr. May said there are a CRCLA and a RCRA site on the property. Senior Planner Gassman added that there will have to be public roads through the aluminum plant property at some time in the future.

Commissioner Wilcox asked how firm the private crossing agreement is between the railroad and NW Aluminum. Mr. May said the agreement or permit is renewed annually and he sees no reason why that agreement should not go on indefinitely, as long as the property remains industrial.

Commissioner Ahlberg asked when the rail spur was last used. Mr. May said it has been used this year. He added that prospective buyers have shown an interest in the rail spur availability.

Steve Hunt, 3226 W. 2<sup>nd</sup> Street, stated that by adopting the IAMP plan the value of the affected properties will be immediately affected.

John Nelson, 524 W. 3<sup>rd</sup> Place, said he actually is in favor the proposed IAMP. This will put a plan in place that shows there will be orderly development. Mr. Nelson said the devil is in the details. His concern is the future development of the property to the northwest, currently in the NSA, and what could take place there that would threaten the eco-environment of Chenoweth Creek. He also thinks the Webber Street Interchange should be addressed in the IAMP. Another concern Mr. Nelson voiced is the traffic through the 3<sup>rd</sup> Place corridor.

Marc Butorac responded to the public comments. An IAMP is required when significant changes take place, and a large development, such as WalMart, will create a significant change.

Mr. Butorac asked the Commission to look at Page 13, Section 2, table 2.2 in the IAMP shows the public involvement process. There have been two public meetings, three public work sessions, and tonight is the first public hearing. The public involvement documentation is also available on the ODOT website.

Butorac next discussed IAMP Section 4, which is existing traffic patterns, and Section 5, which show's how the traffic will be impacted with development. The IAMP is a response plan for traffic triggers, it does not create them. The plan simply provides alternatives for dealing with increased traffic that the existing roads will be unable to handle in their current conditions. Flexibility has been built into the Plan as shown on page 135. This is a playbook for orderly local development and gives the City a competitive advantage with developers, for stimulus grants, and for the UGB expansion.

Commissioner Zukin asked how the plan is amended once it is adopted. Mr. Gassman said all three parties of the Inter Governmental Agreement would have to agree on the changes.

Chair Lavier asked Mr. Gassman if City Attorney Parker could prepare information for the Commission that would discuss possible condemnation valuation ideas and how the process will work. Gassman said he would discuss the request with Parker when he returns from vacation.

**Deliberation:** Chair Lavier said he does not feel comfortable making a recommendation to City Council until City Attorney Parker can provide insight into how the City plans to compensate affected property owners.

Commissioner Ahlberg said he doesn't feel it is important for the Commission to know all the specifics. That will be for the City Council or the courts to decide.

Commissioner Zukin said there are different ways to value property. Zukin feels it would be best for the City to formalize a valuation process now and not leave a cloud hanging over the property owners for 10, 15, or 20 years from now.

Commissioner Ahlberg asked Zukin if he feels it is for the Planning Commission to decide. Zukin replied that it is a City decision and he feels it could be Planning Commission's role to recommend that the City Attorney and City Council come up with a formal process for valuation condemnation agreements.

Commissioner Bryant said that the Consultants are very well prepared and feel, in their minds, that they have contacted all the affected people. Tonight, however, he has heard from the affected property owners who say they have not been contacted. Bryant said he does not feel he would be doing his job if he said let's just send it to City Council.

Commissioner Ahlberg said this is not the first meeting and he has seen several of these property owners at the other meetings. He agrees that the economic elements should be investigated; however, the Hostetler undercrossing is the best, long range plan that affects the least number of properties. Ahlberg also likes the idea of access through the aluminum plant property.

Commissioner Wilcox said it will probably be twenty years before that decision needs to be made. He added that the aluminum plant property might be sold as one large property with the private railroad crossing available to a future owner. New owners might not want roads through their development. Wilcox added it is almost impossible to make a decision now for something that might never happen.

Mr. Butorac pointed out that there are six unique alternatives that were developed by the public during previous work sessions. The public also requested that flexibility be added to the plan so the City and property owners can address traffic issues individually when and/or if they arise. Public comment was against roundabouts, so traffic signals were added to several intersections should the need arise for that level of mitigation. Mr. Butorac added that they have walked the properties and talked to all the property owners and heard their concerns. Mr. Butorac asked what specific information the Planning Commission wants the Consultant to obtain by talking with the property owners again.

Commissioner Zukin said the Webber Interchange and the Freeway exit by Denny's restaurant should be a part of the IAMP. Butorac said that discussion has taken place and Webber Interchange will be a future project. The Webber Interchange will be approximately \$30 to \$40 million.

Commissioners and Staff discussed language for a motion.

**Motion 1:**

Commissioner Wilcox moved to recommend the City Council approve the IAMP plan with the

removal of E2, the consideration on a below grade railroad crossing on Hostetler until the first trigger point occurs. Additionally, W1 of the IAMP is to be eliminated meaning there are to be no medians or access restrictions in the Plan for W. 6<sup>th</sup> Street between Chenoweth Loop and the River Road Interchange. The motion was seconded. Chair Lavier asked if there was discussion needed.

Commissioner Zukin said he cannot vote for this motion because the undercrossing on Hostetler is still on the table when the first trigger point occurs. Zukin also wants the City to have a process in place for condemnation valuation.

The motion ended in a tie with Wilcox, Ahlberg, and Bryant voting for and Lavier, Zukin, and Poppoff voting against.

**Motion 2:**

Commissioner Zukin moved to continue the hearing with no recommendation, which will allow City Attorney Parker to prepare information and guidance for the Commission. That information will have a process for determining the estimated condemnation valuation of the affected properties and businesses that will be impacted by a proposed undercrossing on W. 2<sup>nd</sup> Street and Hostetler. Additionally, the IAMP needs to include the Webber St. Intersection with a proposed railroad underpass as well as improvements for the Denny's Restaurant freeway exit. Ron Ahlberg seconded that motion. The motion carried with Lavier, Zukin, Ahlberg, Poppoff, and Bryant voting aye and Wilcox voting nay.

**RESOLUTION:** Not applicable for this meeting as no recommendation was made.

**COMMISSIONER/STAFF COMMENTS**

Commissioner Poppoff mentioned that a resident of the Commodore complained to the paper about the noise during the Hot August Nights celebration. Staff replied that the Police Department should be contacted if someone has a complaint about a noise ordinance violation.

Senior Planner Gassman welcomed Ted Bryant back to the Commission. He is filling the position vacated by Derek Hiser.

**NEXT MEETING:** The next scheduled meeting is October 1, 2009.

**ADJOURNMENT:** The Planning Commission meeting was adjourned at 10:08 p.m.

Submitted by  
Denise Ball, Planning Tech.



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Bruce Lavier, Planning Commission Chair