**CITY of THE DALLES**
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**THE DALLES, OREGON 97058**

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Hon. Senator Arnie Roblan
900 Court Street NE
Suite S-417
Salem, OR 97301

May 28, 2013

Senator Roblan,

This letter is in regards to the proposed A6 amendments to HR 3479. While we appreciate how the proposed A6 amendments narrow the focus of the legislation exclusively to residential partitions, we cannot support these amendments because they deny the City of The Dalles a tool to manage development that is commonly employed in other communities and because the A6 amendments would preempt our local solution. Accordingly, the City urges the Committee to reject this proposed amendment or consider the revisions proposed in this letter.

As I identified at my testimony and in previous letters, the general rule throughout the state is that property owners are responsible for bringing sub-standard streets up to City standards. This is a health and safety issue as it is the City's obligation to make sure properties are habitable (have sewer and water), address their run-off issues (via stormwater drains), can be safely traversed by pedestrians (sidewalks), and that emergency responders can access the property (streets of width and quality meeting City code).

The overwhelming majority of communities, including Grants Pass, Portland, Albany, and Eugene, require that property owners satisfy their local improvement obligation at the partition phase by either installing the improvements themselves or entering into a non-remonstrance agreement if it is not feasible to install the improvements at the time of partition. This is the standard arrangement because most communities take the policy position that developers are in a better position to account for these improvements than are property owners down the line who may be elderly, subject to a mortgage, or both. The non-remonstrance agreement is thus an important tool for Cities to ensure that the local improvement obligation will be satisfied and thus Section 1(2) of the proposed A6 amendments should be removed from further consideration. It should also be noted that non-remonstrance agreements also provide additional notice to future buyers of the obligation for local improvements as many buyers are unaware of the implications for buying property on a sub-standard street.

The City also cannot support this legislation because it preempts our local solution. Under our local solution, the residential partitioner can avoid paying for local improvements by signing a non-remonstrance agreement. The residential vertical developer would then be responsible for the paying for or installing the local improvements, on the portion of the original lot, subject to the

building permit. Our City Council sought to include a non-remonstrance agreement requirement specifically because it provides notice to subsequent buyers and because it provides assurance to the City that the local improvement obligation will eventually be satisfied.

If this legislation does move forward, we strongly encourage the Committee to include a sunset clause. In time, we may find that the ideal fit for our community is to charge some portion of the costs at the partition phase (potentially to fund engineering) and place the remainder of the obligation on the vertical developer.

Thank you for your attention and please feel free to contact me at any time if you have further questions.

Respectfully,

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CC: Hon. Sens. Herman Baertschiger Jr., Ginny Burdick, Betsy Close, & Floyd Prozanski, Committee Administrator Racquel Rancier & Committee Assistant Shelley Raszka