AGENDA
CITY OF THE DALLES PLANNING COMMISSION
THURSDAY, MAY 21, 2020
6:00 P.M.

PUBLIC VIEWING:
Via Live Stream: http://www.thedalles.org.Live_Streaming
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+1 312 626 6799 US (Chicago) +1 929 436 2866 US (New York)
Meeting ID: 945 8088 8385
Password: 347145

I. CALL TO ORDER
II. ROLL CALL
III. APPROVAL OF AGENDA
V. PUBLIC COMMENT
VI. QUASI-JUDICIAL PUBLIC HEARING
A. Appeal 030-20 of SUB 74-19, Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, and Damon Hulit

REQUEST: Appeal of the administrative approval on March 9, 2020, of Subdivision 74-19, Legacy Development Group, to divide one 6.92 acre parcel into 72 lots of varying size with a proposed community park.

VII. RESOLUTIONS
A. Resolution 590-20: Approval of ADJ 050-19, Michael and Christine Irish
B. Resolution 592-20: Denial of MIP 371-20, Daniel Sanchez
C. Resolution 593-20: Denial of APL 030-20 and affirming approval of SUB 74-19

– or –

Resolution 593-20: Approval of APL 030-20 overturning Staff’s approval of SUB 74-19

X. STAFF COMMENTS
Next regularly scheduled meeting: June 4, 2020

XI. COMMISSIONER COMMENTS OR QUESTIONS

XII. ADJOURNMENT
STAFF REPORT
Appeal No. 030-20
of SUB 74-19 - Legacy Development Group, LLC

Procedure Type: Quasi-Judicial
Assessor’s Map: Township 1 North, 13 East, Section 1 C
Tax Lot: 201
Address: No Address Assignment
Zoning District: “RH” High Density Residential
Prepared by: Joshua Chandler, Planner
Diana McDougle, City Attorney
Date Prepared: May 11, 2020
Hearing Date: May 21, 2020

SYNOPSIS: This staff report will include the following:
- Background of Appeal No. 030-20 (APL 030-20)
- Notification of APL 030-20
- Review Criteria of Subdivision No. 74-19 (SUB 74-19)
- Review Criteria of APL 030-20
- Arguments – Appellants’ Attorney’s March 18, 2020 correspondence
- Comments Received: APL 030-20 (as of May 11, 2020)
- Traffic Impact Study: Preliminary Findings
- Commission Alternatives
- Conditions of Approval
- Attachments

BACKGROUND: On March 9, 2020, The Dalles Community Development Department (CDD) approved an Administrative Application for Subdivision No. 74-19 (SUB 74-19) for Legacy Development Group to divide one (1) parcel (6.92 acres) into seventy-three (73) parcels of varying sizes (72 dwelling parcels and 1 parcel dedicated as a “community park” for the development). A copy of that Staff Report and the Notice of Decision have been included as attachments with this staff report (Appendixes I and III).
Dwelling parcels for the subdivision proposal range in size from 2,122 ft² to 6,095 ft², with a 5,654 ft² parcel size for the community park. As a Condition of Approval for SUB 74-19, the Applicant was required to submit a Traffic Impact Study (TIS) prior to the approval of the final plat. Since the initial approval on March 9, the Applicant has submitted a TIS which will be discussed in subsequent sections of this report. From preliminary findings found in this study, a modification of the initial site plan occurred, resulting in the overall number of dwelling parcels decreasing from 72 to 69, and the community park increases in size from 5,654 ft² to 11,724 ft².

The property which is the subject of this appeal is located in East The Dalles abutting East 10th Street to the north, E. 12th Street to the south, and Richmond Street to the east. The property is currently vacant and has no address. The Assessor’s Map and Tax Lot number for the property is 1N 13E 1 C Tax Lot 201. Tax Lot 201 is the result of a Minor Partition No. 366-19 (MIP 366-19) approved on October 31, 2019, which created Tax Lot 201 (6.92 acres) and Tax Lot 200 (0.38 acre). Upon recording, Tax Lot 200 retained the existing Assessor’s Map and Tax Lot number, street address (2845 E. 12th Street), and Account Number 8222. MIP 366-19 was submitted under previous ownership. The Comprehensive Plan and Zoning District Designation for the property is “RH” High Density Residential. The subject parcel has held this designation since the adoption of TDMC, on June 11, 1998; Wasco County has confirmed this zoning designation since at least 1994.

On March 19, 2020, a Notice of Appeal for Land Use Decision of SUB 74-19 was received by the Community Development Department (CDD). A copy of the Notice of Appeal, along with associated documents, is also included as an attachment to this staff report.

NOTIFICATION: A Notice of Public Hearing was published in The Dalles Chronicle on May 6, 2020. Pursuant to directives in the Governor’s Keep Oregon Working Executive Order No. 20-16, dated April 15, 2020, the meeting will be held through an online conferencing platform. Additionally, on May 7, 2020, notification of the public hearing was sent to the Applicants, Appellants, Appellants’ Attorney, all previous parties of record (SUB 74-19), property owners within 300 feet, as well as any affected governmental agency, department, or public district within whose boundaries the subject property lies. The property owner notification radius was increased from 100 ft. to 300 ft. for the appeal public hearing.

REVIEW CRITERIA (SUB 74-19):

I. City of The Dalles Municipal Code, Title 10 Land Use and Development
   Section 10.3.010.040 General Provisions
   A. Acceptance

   FINDING #1: The subdivision application with 50% of the application fee was submitted to the CDD on July 26, 2019, which scheduled a Site Team meeting on August 8, 2019. On January 10, 2020, the Applicant submitted the remaining balance of the application fee as well as additional documents for review, effectively establishing the starting date for completion review. Criterion met.

   B. Completeness

   FINDING #2: The application was deemed complete on January 23, 2020. Criterion met.
Section 10.3.020.040 Administrative Actions

B. Decision Types.

**FINDING #3:** Pursuant to The Dalles Municipal Code (TDMC), subdivisions are processed as Administrative Actions unless elevated to a Quasi-Judicial Action. **Criterion met.**

C. Notice of Application

**FINDING #4:** A Notice of Administrative Action was mailed on January 24, 2020, to property owners within 100 ft., as well as any affected governmental agency, department, or public district within whose boundaries the subject property lies. Due to inconsistencies with property figures as a result of a recent minor partition application on the subject property (MIP 366-19), as well as an error in the noticing by The Dalles Chronicle, CDD Staff re-noticed the application on January 31, 2020. The new 14-day comment deadline was then set for February 14, 2020, 21 days following the initial notice. At the time of the re-notice, CDD Staff included the original parcel number (tax lot 200) and property address (2845 E. 12th Street) as the Wasco County Assessor’s Office had yet to assign a parcel number to the newly created parcels. **Criterion met.**

D. Time Limits

**FINDING #5:** The 45-day deadline from the date the application was deemed complete, January 24, 2020, is March 8, 2020. With the 45-day deadline occurring on a Sunday, this decision was made on the next business day, March 9, 2020. **Criterion met.**

E. Staff Report

**FINDING #6:** The original staff report dated March 9, 2020, (SUB 74-19) was updated to include responses specific to APL 030-20 and has been included as Appendix I for reference. This new staff report is dated May 11, 2020. **Criterion met.**

Section 10.5.020.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential use types:
   

2. Residential building types:

   
   c. Duplex and single-family attached (zero lot line, 2 units)

   d. Small lot single-family detached dwellings (3 to 8 unit clusters) and attached town houses (zero lot line, 3 to 8 unit clusters).

**FINDING #7:** The Applicant submitted a proposed “neighborhood layout” for the development, which features 11 single family detached dwellings with both attached and detached accessory dwelling units (ADUs), seven (7) single family attached units (townhouses, three (3) units), and 20 single family attached (zero lot line) structures. **Criterion met.**

B. Accessory Uses Permitted Outright

1. Accessory dwelling units

**FINDING #8:** The Applicant is proposing 11 ADUs as accessory uses to 11 single family detached dwellings. For reference in subsequent findings, Staff has provided that Section
10.5.020.090 (B) states that permitted accessory dwellings shall not be counted in density calculations for proposed development. For additional clarification, ADUs are not included in the overall dwelling count of “dwelling units per lot.” **Criterion met.**

**Section 10.5.020.060 Development Standards**

<table>
<thead>
<tr>
<th>RH High Density Residential</th>
<th>One Dwelling Unit per Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>1,500 ft² per dwelling unit, not to exceed 25 units per gross acre</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>25 ft. for corner lots and lots with townhome end-units; and lot ft. for interior lots</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>60 ft.</td>
</tr>
</tbody>
</table>

**FINDING #9:** The Applicant submitted a request to divide one (1) parcel (6.92 acres) into 73 parcels of varying sizes (72 dwelling lots and 1 parcel dedicated as a “community park” for the development). The RH zone requires a minimum lot size of 1,500 ft²; minimum lot widths of 25 ft. for corner lots/ lots with townhome end-units and 20 ft. for interior lots; and minimum depths of 60 ft. The Applicant is proposing lot sizes ranging between 2,122 ft² to 6,095 ft²; corner lots/lots with townhome end-units ranging between 24.16 ft. to 62 ft. and interior lots ranging from 22.96 ft. to 64.71 ft.; and lot depths 92.62 ft. to 94.20 ft. Staff determined from the neighborhood layout and “plat proposal”, that the parcel labeled “Lot 62” is less than the required 25 ft. for corner lots/ lots with townhome end-units. Staff will include as a condition of approval that the Applicant modify the lot width of “Lot 62” to comply with the minimum lot width standards of the RH zoning district (25 ft. for corner lots/ lots with townhome end-units), per Section 10.5.020.060. **Criterion met with conditions.**

**Article 6.010 Landscaping Standards**

**FINDING #10:** The Applicant is proposing 72 dwelling unit parcels with this subdivision application. Pursuant to Section 10.6.010.020 (B), single family dwellings are required to landscape the undeveloped portions of the front yard within the first six (6) months after occupancy; therefore, CDD Staff will not be reviewing landscaping requirements at this time. **Criterion not applicable.**

**Article 6.030 Accessory Development**

**FINDING #11:** The Applicant is proposing 11 ADUs as accessory uses to 11 single family detached dwellings. CDD Staff will address standards of Article 6.030 at the time of each ADU building permit. **Criterion not applicable.**

**Article 6.050 Access Management**

C. **Corner Clearance.**

**FINDING #12:** Pursuant to The Dalles Transportation System Plan (TSP) Functional Roadway Classification System, East 12th Street is classified as a “minor collector”, while both East 10th and Richmond Streets are classified as “local streets”. Table 1 of Section 10.6.050.040 requires a minimum spacing between driveways and/or streets on minor collectors of 75 ft. to 150 ft., with no standards for local streets. Staff determined from the
plat proposal that all proposed access points, streets and alleyways, will be no less than 75 ft. from existing intersections. Staff will include as a condition of approval that the minimum spacing requirements (75 ft.) of Section 10.6.050.040 be included as part of the final plat. Criterion met with conditions.

E. Emergency Access.

**FINDING #13:** During the August 8, 2019, Site Team meeting, representatives from Mid-Columbia Fire and Rescue provided information to the Applicant on requirements for fire apparatus roads throughout the development. At that time, the Fire Chief determined that E. 11th Street, when developed to City standards, will meet the requirement of a fire apparatus road; while the half-street right of way (ROW) dedication of Bradley Drive must be a minimum of 26 ft. in width to meet these requirements. Staff determined that the Applicant has provided approximately 30 ft. of ROW for Bradley Drive; therefore, in compliance with fire apparatus requirements. Staff will include as a condition of approval that a minimum of 26 ft. of ROW for Bradley Drive be dedicated with this proposal. Criterion met with conditions.

**Article 6.060 Driveway and Entrance Standards**

**FINDING #14:** The Applicant has stated that the subdivision will provide alleyway access to all proposed lots and maintain all driveway and covered parking to the rear of each lot. From the plat proposal, Staff determined that two full east/west alleyways (dividing the E. 10th/11th Street blocks and 11th/12th Street blocks), as well as one north/south alley along both the E. 10th and 12th Street frontages are proposed with this development. No additional driveways or entrances are proposed at this time. Criterion met.

**Chapter 10.7 Parking Standards**

**FINDING #15:** Pursuant to Section 10.7.010.010 (A), off-street parking shall be provided for all development requiring a building permit. At this time, the Applicant is proposing a subdivision application only with no associated building permits. CDD Staff will address parking requirements at the time of each building permit. Criterion not applicable.

**Chapter 10.8 Physical and Environmental Constraints**

**FINDING #16:** The Applicant is not proposing any grading, filling, cutting, or other earth-moving activity at this time. All of these activities involving more than 50 yds³ must submit a Physical Constraints Permit, with more than 250 yds³ requiring an engineered set of plans. Both of these actions require the review and approval of the City Engineer. Staff will include this criterion as a condition of approval. Criterion met with conditions.

**Section 10.9.020.020 General Provisions**

A. Applicability

**FINDING #17:** The submitted land division is in conformance with the requirements of the RH zoning district, as well as all other applicable provisions of Title 10 of TDMC. The Applicant is not requesting any modifications to the above mentioned criteria with this application. Criterion met.

B. Annexation

**FINDING #18:** The subject property is located outside the City Limits within the Urban Growth Boundary (UGB). Prior to the review of SUB 74-19, the previous owner was approved for MIP 366-19, which resulted in the creation of the subject parcel. As a condition of approval with MIP 366-19, a Consent to Annexation with a one (1) year waiver was required to be signed and recorded with Wasco County. The Wasco County Clerk’s
Office lists February 13, 2020, as the recording date of these documents. As a result, the subject property will be annexed into the City Limits at a date undetermined by City Council at this time. **Criterion met.**

C. **Blocks**

**FINDING #19:** TDMC states that local streets and minor collector block lengths shall be a minimum of 300 ft. and a maximum of 600 ft. From the plat proposal, Staff determined that the interior block of E. 11th Street is approximately 649 ft. in length, thus greater than the 600 ft. maximum. Staff will include as a condition of approval that the Applicant modify the plan proposal to comply with block length standards of Section 10.9.020.020 (C). As an alternative to this condition, the Applicant may request an exception to this standard by submitting proof that a reasonable standard of public safety exists as provided by a licensed professional engineer specializing in traffic, pursuant to Section 10.6.050.050. **Criterion met with conditions.**

D. **General Lot Requirements**

1. **Size and Shape**

**FINDING #20:** See Finding #9. **Criterion met with conditions.**

2. **Access**

**FINDING #21:** The subject property has street frontage on three (3) sides: E. 10th Street (north), E. 12th Street (south), and Richmond Street (east). The Applicant is proposing to dedicate a full east/west ROW (E. 11th Street) and a half-street north/south ROW on the western boundary line (Bradley Drive). Additionally, the Applicant is proposing two (2) full east/west alleyways (dividing the E. 10th/11th Street blocks and 11th/12th Street blocks), as well as one (1) north/south alley along both the E. 10th and 12th Street frontages. **Criterion met.**

3. **Access Points**

**FINDING #22:** The Applicant has stated that the subdivision will provide alleyway access to all proposed lots and maintain all driveway and covered parking to the rear of each lot. From the plat proposal, Staff determined that two full east/west alleyways (dividing the E. 10th/11th Street blocks and E. 11th/12th Street blocks), as well as one north/south alley along both the E. 10th and 12th Street frontages are proposed with this development. Staff has included as a condition of approval that the proposed access points be recorded as part of the final plat. **Criterion met with conditions.**

4. **Through Lots**

**FINDING #23:** No through lots are proposed with this application. **Criterion not applicable.**

5. **Lot Side Lines**

**FINDING #24:** From the plat proposal, staff determined that all proposed lot lines are at right angles. **Criterion met.**

6. **Lot Grading**

**FINDING #25:** See Finding #16. **Criterion met with conditions.**

8. **Redevelopment Plans**

**FINDING #26:** The Dalles Comprehensive Plan (TDCP) calls for a range of 10 to 25 units per gross acre within the RH zone. Based on the total gross acreage of the subject
property, 7.36 acres, the subject property could support 73 to 184 units. Seventy percent (70%) of the maximum Comprehensive Plan density of 184 units for the subject property is 128 units. The Applicant is proposing 73 parcels total (72 dwelling unit parcels and 1 parcel dedicated as a “community park” for the development), which is the minimum of TDCP density requirement for the RH zone. Staff was able to determine from the proposed lot sizes in the neighborhood plan that further partitioning of the single family detached dwelling lots (numbers 6, 15, 21, 31, 34, 40, 41, 44, 45, 60, and 63, as well as the “community park”) could accommodate 15 additional parcels if developed to the minimum lot size standards of 10.5.020.060. All other lots could not accommodate further partitioning. As noted in Finding #8, ADUs are not included in the overall dwelling count of “dwelling units per lot.” **Criterion met.**

**Section 10.9.040.050 Construction Drawings and Specifications**

**FINDING #27:** The Applicant submitted a neighborhood layout and plat proposal with lot sizes and configurations, utilities, and street designs for reference in reviewing this application. Engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC and TSP. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

**Section 10.9.040.060 Final Subdivision Plat Review**

**FINDING #28:** See Finding #27. **Criterion met with conditions.**

**Section 10.10.040 Pedestrian Requirements**

**FINDING #29:** Section 10.10.040 requires that all sidewalks on collector streets have a minimum width of 5 ft. and must extend through the site to the edge of adjacent properties. As mentioned in Finding #27, engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC and TSP. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

**Section 10.10.050 Bicycle Requirements**

A. **Bike Lanes**

**FINDING #30:** Pursuant to Section 10.10.050, on-street bike lanes are required on all new arterial and major collectors. As mentioned in Finding #30, The Dalles TSP Functional Roadway Classification System, classifies E. 12th Street as a minor collector and E. 10th Street as a local street; therefore, the Applicant is not required to provide bike lanes with this development. **Criterion not applicable.**

**Section 10.10.060 Street Requirements**

A. **Traffic Impact Studies**

**FINDING #31:** Due to this subdivision exceeding 16 parcels, the Applicant will be required to provide a Traffic Impact Study (TIS) to the City Engineer for review. The City Engineer has provided parameters and requirements for this study to the Applicant. As of the date of the staff report, no TIS has been submitted, but the Applicant has stated it is currently being performed. Pursuant to Section 10.10.060 (A, 5), the City may require the construction of off-site improvements to **mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards.** Staff will include this criterion as a condition of approval. **Criterion met with conditions.**
B. Pass Through Traffic

**FINDING #33:** No pass-through ROWs are proposed with this development. **Criterion not applicable.**

C. Improved to Standards

**FINDING #34:** The Applicant will be required to improve the full frontage of the subject property of all existing ROWs abutting the subject property (E. 10th, E. 12th, and Richmond Streets), as well as full-street improvements on E. 11th Street and half-street improvements on Bradley Drive. All improvements must be improved to City standards. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

D. Orderly Development

**FINDING #35:** See Finding #34. **Criterion met with conditions.**

E. Connectivity

**FINDING #36:** The Applicant is proposing to dedicate a full east/west ROW (E. 11th Street) and a half-street north/south ROW on the western boundary line (Bradley Drive) of the subject property. East 11th Street is consistent with the alignment of E. 11th Street west of the subject property, at Morton Street. Bradley Drive is not continuing an existing ROW path, but its location on the western property line establishes block dimensions and promotes circulation of the proposed parcels within the existing neighborhood. **Criterion met.**

F. Street Names

**FINDING #37:** CDD Staff discussed the proposed half-street ROW dedication on the western property line (“Bradley Drive”) with the local Postmaster to ensure that no proposed street names will be duplicated or confused with names of existing streets. Due to the fact that Bradley Drive currently exists in Hood River, the Postmaster recommended that if Bradley remains the street name of choice, it should be accompanied by “Street” rather than “Drive”. The Postmaster also verified that future block numbers of the proposed ROW (1001 to 1299), will not conflict with the block numbers (3000s) associated with the Bradley Drive location in Hood River. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

G. Alleys

**FINDING #38:** See Finding #14. **Criterion met.**

H. Unusual Situations

**FINDING #39:** No unusual situations have been noted. **Criterion not applicable.**

J. Location, Grades, Alignment and Widths

**FINDING #40:** See Finding #36. **Criterion met.**

Section 10.10.070 Public Utility Extensions

**FINDING #41:** During the August 8, 2019, Site Team meeting, it was determined that there is currently no public water, sanitary sewer and storm drainage available to the subject parcel. As a result, the Applicant will be required to extend the main line for each of these utilities to and through the development and must provide services to each parcel. Design and installation of public utilities shall conform to City standards and must be reviewed and approved by the City Engineer. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**
Section 10.10.080 Public Improvement Procedures

FINDING #42: Pursuant to Section 10.10.080, public improvements installed in conjunction with development shall be constructed in accordance with all applicable City policies, standards, procedures, and ordinances. The developer shall warranty all public improvements against defect for one (1) year from the date of final acceptance by the City. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

Section 10.10.100 Franchise Utility Installations

A. General

FINDING #43: During the August 8, 2019, Site Team meeting, representatives from NW Natural Gas and Northern Wasco PUD provided information to the Applicant regarding available utility options near the subject property. The Applicant did not provide information regarding the installation of franchise utilities with the preliminary utility plan. All proposed franchise utilities will be required to be installed in accordance with each utility provider. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

F. Street Lighting

FINDING #44: Pursuant to Section 10.10.100 (F), the Applicant shall be responsible for street lighting along all public streets and/or intersections improved in conjunction with the proposed development. Design and installation of public utilities shall conform to City standards and must be reviewed and approved by the City Engineer. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

Section 10.10.110 Land for Public Purposes

D. Dedication of Right-of-Way and Easements

FINDING #45: The Applicant is proposing to dedicate a full east/west ROW (E. 11th Street) and a half-street north/south (ROW) on the western boundary line (Bradley Drive) of the subject property. During the August 8, 2019, Site Team meeting, Staff discussed the need for E. 11th Street to provide a 54 ft. ROW width dedication, consistent to the “Neighborhood Street” standards of Section 10.10.060 of TDMC, and half-street ROW for Bradley Drive requiring a 25 ft. width dedication, consistent with the “Local Street” standards of the TSP (50 ft. minimum ROW width). The Applicant did not provide width dimensions for E. 11th Street; however, Staff determined from the plat proposal an approximate 54 ft. ROW width dimension. Due to the conflicting street classifications and dimensions in TDMC and the TSP, and pursuant to Section 10.10.110 (D), the widths of each dedication shall be determined by the City Engineer. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

E. Recording Dedications

FINDING #46: The Applicant will be required to deed record all ROW dedications proposed for this development. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

Section 10.10.120 Mail Facility Services

FINDING #48: As of the date of this Staff Report, the US Postal Service did not provide comment regarding this application. The Applicant will be required to contact the Postmaster to ensure that the proper mailboxes are provided for this Subdivision. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**
REVIEW CRITERIA (APL 030-20):

I. **City of The Dalles Municipal Code, Title 10 Land Use and Development**

   **Section 10.3.020.080 Application Review Procedures**

   B. **Right to Appeal Decisions**

      1. Any party of record to the particular action.

   **FINDING #49:** The appeal of the Administrative Decision of March 9, 2020, was filed by Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, Damon Hulit and Roberta Kay Wymore-Hulit on March 19, 2020. All of the Appellants listed in the Appellants’ Attorney’s March 18, 2020, correspondence are parties of record, except Roberta Kay Wymore-Hulit. Wymore-Hulit did not submit comment, nor is listed in the County’s record of notified properties. Damon Hulit did not submit comment; however, is listed in the County’s record of notified properties. **Criterion met.**

   C. **Filing Appeals**

      1. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Department. The standard appeal fee shall be required as part of the notice of appeal.

   **FINDING #50:** Notice of Appeal for Land Use Decision and fee was received by the Community Development Department on March 19, 2020. **Criterion met.**

      2. The notice of appeal and appeal fee must be received at the Community Development Department office no later than 5:00 PM on the tenth day following the date of mailing of the notice of decision. (See Section 1.110: Computation of Time for an explanation of how days are counted).

   **FINDING #51:** The Notice of Decision for SUB 74-19 is dated March 9, 2020; the Notice of Appeal for Land Use Decision was received by the Community Development Department on March 19, 2020. **Criterion met.**

   D. **Notice of Appeal**

      1. Appellant’s name and address, and a statement describing how the appellant qualifies as a party.

   **FINDING #52:** The Appellants’ Notice of Appeal for Land Use Decision provides the names and addresses for each appellant, and states why the appellants qualify as parties entitled to file a notice of appeal. As mentioned, Staff determined that Roberta Kay Wymore-Hulit is not eligible to appeal. **Criterion met.**

      2. The date and a brief description of the decision being appealed.

   **FINDING #53:** The Appellants’ Attorney’s March 18, 2020, correspondence meets this requirement. **Criterion met.**

      3. The specific grounds why the decision should be reversed or modified, based on the applicable criteria or procedural error.

   **FINDING #54:** The Appellants’ Attorney’s March 18, 2020, correspondence meets this requirement. **Criterion met.**

      4. The standard appeal fee.

   **FINDING #55:** The fee to file an appeal on a land use decision was received by the Community Development Department on March 19, 2020. **Criterion met.**
E. Jurisdictional Defects.

1. Any notice of appeal which is filed after the deadline set forth in paragraph (C)(2) of this section, or which is not accompanied by the required fee set forth in paragraph (D)(4) of this section, shall not be accepted for filing.

2. The failure to comply with any other provision of subsection C or D of this section shall constitute a jurisdictional defect. A jurisdictional defect means the appeal is invalid and no appeal hearing will be held. Determination of a jurisdictional defect shall be made by the Director, with the advice of the City Attorney, after the expiration of the 10-day appeal period described in paragraph (C)(2) of this section. The Director’s determination may be subject to appeal to State Land Use Board of Appeals.

FINDING #56: Five (5) of the six (6) appellants are parties of record and thus have standing to appeal; therefore, the appeal is not defective. Criterion met.

ARGUMENTS (APL 030-20): The following arguments were provided on March 19, 2020, (dated March 18, 2020), as part of the Notice of Appeal for Land Use Decision by the Appellants’ Attorney Steve C. Morasch. Responses to each of these arguments have been provided in association with the City of The Dalles Community Development and Legal Departments.

Argument #1; Airport Approach Zone: “Article 5.120, Airport Approach Zones, applies to this application because the property is within 10,000 feet of the runway…the property is also within the ‘Approach Surface’ as that term is defined in Section 10.5.120.020. Since Article 5.120 applies, notice of the application was required to be provided to the airport sponsor and the Department of Aviation (See Section 10.5.120.030), findings based on evidence must be made under Section 10.5.120.040 and the anti-glare provisions of Section 10.5.120.060.B must be met. There is no evidence in the record or findings on any of these issues.”

Response to Appellants’ Argument #1: Please see Appendix VIII, which is an excerpt from the FAA’s Part 77 document which “establishes standards and notification requirements for objects affecting navigable airspace.” Specifically, Subparts B and C provide evidence that the provisions set forth in Article 5.120, Airport Approach Zones, do not apply to the land use application that is the subject of this appeal because the various heights of the structures proposed do not impede the area to be protected under Article 5.120, Airport Approach Zones.

Additionally, Appendix VIII notwithstanding, Article 5.120, Airport Approach Zones, is intended to protect the interests of the Columbia Gorge Regional Airport (the “Airport”) as evidenced by the language in Article 5.120, which states, “[N]o development or operational characteristic will be allowed that would hinder the use of the airspace.” Appellants do not have standing to raise Argument #1 because Appellants do not have an interest in the “hinder[ance] of the use of the airspace”. This Ordinance provision was intended to protect against harm caused to the Airport, not the Appellants.

Argument #2; Landscape Review: “Finding #10 improperly defers landscaping review until building permits for individual houses. Per Article 10.6.010, this requires that a landscape plan that complies with Section 10.6.010.030(B) to be reviewed at the time of development review of the subdivision. Section 10.610.020(B) authorizes installation of front yard landscaping for single-family dwellings to be deferred for six months after occupancy, but that section does not authorize review of the proposed landscaping to be deferred. Moreover, only the front yard landscaping

1 See https://www.faa.gov/airports/central/engineering/part77/
installation may be deferred, not installation of landscaping in the side or rear yard, nor installation of landscaping of the proposed park.”

**Response to Appellants’ Argument #2:** See Finding #10.

Argument #3; Lot Size: “In addition to landscaping, the applicant must provide plans showing that the lot sizes and configurations are adequate to meet the 60% maximum lot coverage standard (Section 10.05.020.060), as well as all setback, driveway walkway, landscaping and parking requirements.”

**Response to Appellants’ Argument #3:** See Finding #9 and #20; also see Condition of Approval #1.

Argument #4; Tree Preservation: “Further, the requirement of Section 10.6.010.030H requires preservation of significant trees. This was supposed to have been reviewed at the time of subdivision approval to ensure that the significant trees are preserved to the greatest extent practical and are not being inadvertently removed to make way for infrastructure supporting the subdivision. The Property contained an historic orchard that was removed about a year ago, in apparent preparation for development. The City should impose some type of tree mitigation requirement on the applicant to remedy this apparent violation of the tree preservation provisions of local code.”

**Response to Appellants’ Argument #4:** Based upon information provided by the Wasco County Assessor’s Office, Wasco Title had notified the Assessor’s Office on December 19, 2019, stating that the previous property owner, John Geiger, had removed the orchard in 2018 and would not be replanting due to the sale of the parcel. On December 12, 2019, the Assessor’s Office disqualified the agricultural use, and the previous owner paid the disqualified amount on December 19, 2019. Additionally, the former orchard trees are not included in any historic inventories for the City of The Dalles.

Argument #5; Connectivity: “There are no findings or evidence on the ‘connectivity’ requirement of Section 10.6.050.030.B.”

**Response to Appellants’ Argument #5:** See Finding #36.

Argument #6; Off-Site Roads: “Section 10.6.050.040.B must be addressed for the roads in the subdivision as well as the off-site roads, which are substandard and unsafe due to grades and narrow roadways. Reviews by a licensed professional engineer is required during the land use process for review of the preliminary plat. This type of finding cannot be deferred until the final plat. The review must also address sight distance and safe stopping distance of…of all subdivision roads and off-site roads serving the subdivision…”

**Response to Appellants’ Argument #6:** See Finding #12 and Finding #13 – Review by a licensed engineer is appropriate where “vertical or horizontal curves are located within the City’s preferred access separation distance.” See Section 10.6.050.040 (B).

Argument #7; Driveway Locations: “The application does not show driveway locations so there are inadequate findings and a lack of evidence to show that Section 10.6.060.020 or 10.6.050.040 can be met.”

**Response to Appellants’ Argument #7:** See Finding #12 – “…staff determined from the plat proposal that all proposed access points, streets and alleyways, will be no less than 75 ft. from existing intersections.”; also see Condition of Approval #2.

Argument #8; Grade Requirements for Sidewalks, TDMC and the ADA: “The application lacks substantial evidence and findings that the grade requirements for sidewalks of Section 10.6.060.030 can and will be met. Additionally, the ADA also applies to cross walk grades and...
crossings. More importantly, ADA compliant curb ramps are required under ORS 801.220, ORS 447.310 and the DOJ 2010 ADA Standards for Accessible Design…"

**Response to Appellants’ Argument #8:** See Finding #27 and Finding #29.

**Argument #9; Parking:** “Section 10.7.060.010 requires two off street parking spaces per dwelling. Finding #15 improperly defers review of this requirement until building permits for the individual dwellings. At the preliminary plat stage there must be evidence and findings that the proposal can meet the requirement. There are no parking spaces shown in the application…Additional evidence and findings are required.”

**Response to Appellants’ Argument #9:** Section 10.7.060.010 does not set forth any requirement that “there must be evidence and findings” at the proposal stage and appellants do not cite any authority for this proposition.

**Argument #10; Physical Constraints Permit:** “Section 10.8.020.010.A requires a Physical Constraints Permit for all development [in 7 specified circumstances]. Finding #16 improperly defers findings under these standards until review of the final plat. The construction of the subdivision infrastructure triggers review under these standards and findings based on substantial evidence must be made at the preliminary plat review stage of the application where the public can review and comment on the proposal. At a minimum, the City needs to be able to make findings that these requirements can be met before approving the preliminary plat. Due to the complete lack of evidence or findings, such a finding cannot be made.”

**Response to Appellants’ Argument #10:** See Finding #16 – Appellants do not indicate which of the 7 specified circumstances apply; additionally, Applicant is not proposing any grading, filling, cutting or other earth-moving activity at this time (see Finding #16); also see Condition of Approval #4.

**Argument #11; Traffic Impact Study:** “Since the development includes more than 16 lots and will likely generate more than 400 daily trips, a transportation impact study is required. Section 10.10.060.A.1. Any trip counts done for such a traffic study would obviously need to be done during a time when there was not a coronavirus quarantine in effect. Section 10.10.060.A.5 states: ‘The City may deny, approve or approve a proposal with conditions necessary to meet operational and safety standards.’…It was therefore premature to approve the application before the applicant submitted the transportation impact study for review. There is a lack of evidence relating to the safety for drivers using the streets and roads serving the proposed subdivision when making trips to and from the proposed subdivision.”

**Response to Appellants’ Argument #11:** See Finding #31; also see Condition of Approval #8.

**Argument #12; Off-Site Improvements; Requirement for Licensed Engineer:** “Section 10.10.060.A.5.b requires construction of off-site improvements to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards…There is no analysis in the record from a licensed engineer relating to the impacts of all this new traffic on the substandard streets and roads serving the proposed subdivision.”

**Response to Appellants’ Argument #12:** See Finding #41 – Review of improvements must conform to City standards and must be approved by the City Engineer as a condition of approval.

**Argument #13; Sidewalks Required Along Collector or Local Streets:** “Sidewalks meeting the standards of Section 10.040.A are required along collector and local streets. In addition, that section requires sidewalks along arterials. There is a lack of evidence relating to the safety for pedestrians walking along the streets and roads serving the proposed subdivision to and from the proposed subdivision.”

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Response to Appellants’ Argument #13: See Finding #29 – Engineered plans must be submitted to the City Engineer for final review and approval; also see Condition of Approval #9.

Argument #14: Pedestrian Facilities: “Section 10.10.040.B requires “safe and convenient” pedestrian facilities, which “means pedestrian facilities that are reasonably free from hazards which would interfere with or discourage pedestrian travel for short trips, that provide a direct route of travel between destinations, and that meet the travel needs of pedestrians considering destination and length of trip. There is a complete lack of evidence supporting this criterion, both for internal pedestrian connections, but also for the streets and roads that serve the proposed subdivision.”

Response to Appellants’ Argument #14: See Finding #29 – Engineered plans must be submitted to the City Engineer for final review and approval; also see Conditions of Approval #9 and #11.

Argument #15: Bike Lanes: “There is a lack of evidence and findings that bike lanes both in the proposed subdivision or on the surrounding streets and roads serving the proposed subdivision meet the criteria of Section 10.10.050.”

Response to Appellants’ Argument #15: See Finding #30 – Section 10.10.050 requires on-street bike lanes for “new arterial and major collector streets…”; Criterion not applicable.

Argument #16: Stormwater: “There is also inadequate evidence that Section 10.10.070 is met particularly in relation to stormwater.

Response to Appellants’ Argument #16: See Findings #41, #42, and #43 – “Design and installation of public utilities shall conform to City standards and must be reviewed and approved by the City Engineer” as condition of approval; also see Condition of Approval #13.

Argument #17: Franchise Utilities: “Further, Section 10.10.100.A.1 requires: ‘Where a land division is proposed, the developer shall provide franchise utilities to the development site.’ These include natural gas and cable TV. There is insufficient evidence in the record that such utilities, or indeed any utilities can be provided to the site. In addition to natural gas, telephone and cable TV, the applicant must submit evidence of adequacy of water, sanitary sewer, storm sewer to the property…”

Response to Appellants’ Argument #17: See Findings #41, #42, and #43; also see Condition of Approval #13.

Argument #18: Findings are Conclusory and not Supported by Substantial Evidence: “Findings that criteria are met may not be conclusory and must be supported by substantial evidence in the record Lowell v. Jackson County, 75 OR LUBA 251 (2017). In establishing that a request for land use approval complies with applicable approval standards, a local government may find that the approval standards can be met through conditions only if there is substantial evidence in the record to support a finding that any needed technical solutions that may be required to comply with the standard are ‘possible, likely and reasonably certain to succeed.’” Gould v. Deschutes County, 216 OR App 150, 161, 171 P3d 1017 (2007) (citing Meyer v. City of Portland, 67 OR App 274, 281-82, 678 P2d 741 (1984).

Response to Appellants’ Argument #18: Appellants’ repeated assertion that the City’s findings and evidence are inadequate is resolved through the City’s requirement that engineered plans be submitted to the City Engineer for final review and approval, including the submission of a finalized Traffic Impact Study. However, because Appellants do not provide an analysis of Argument #18 as applied to any specific condition(s) of approval, it is impracticable to respond to the legal precedent cited in Argument #18.
COMMENTS (APL 030-20): No comments concerning Appeal No. 030-20 were received by the time this document was published.

TRAFFIC IMPACT STUDY: PRELIMINARY FINDINGS (SUB 74-19): Pursuant to the Conditions of Approval set forth in the Notice of Decision for SUB 74-19, the Applicant is required to submit a Traffic Impact Study (TIS) for the proposed subdivision, with methodology in accordance with standard engineering practices. The study will be required to be reviewed and approved by the City Engineer. As of the date of this staff report, the Applicant has submitted a preliminary TIS produced by DKS Associates; however, the final draft of this document has yet to be submitted.

In reviewing the preliminary TIS, CDD Staff discovered the Traffic Engineer’s use of “Multi-Family” to describe the seven (7) 3-dwelling unit structures proposed in the subdivision. This designation is inconsistent with Staff’s findings as these structures are defined as single family attached units per TDMC. To avoid confusion with both the Staff Report and the TIS, Staff discussed this definition with the Traffic Engineer and was provided with an explanation of this discrepancy.

Within the 10th Edition of the ITE Trip Generation Manual, there are only two categories of housing: Single Family Detached (LU 210), or Multi-Family (LU 220-222); however, there is no Single Family Attached, and neither available category perfectly fits the Duplex/Zero-Lot Line scenario in this development. Older versions of the ITE Trip Generation Manual (including the 9th Edition) included a Residential Condo (LU 230) that was traditionally used for duplex type units. Peak hour and daily trip generation rates for the now defunct LU 230 are very similar to the Low-Rise Multi Family (LU 220) we applied. During discussions with Staff, it was stated that the implications of using Single Family vs. Multi-Family will be negligible in regards to the findings and recommendations in the TIS.

With concerns raised by neighboring property owners, as well as additional discussion with the City Engineer and the transportation engineers, it was determined that a “blind hill” exists at the northwestern corner of the subject property. This “blind hill” is the location of the proposed Bradley Drive and was determined to pose some potential traffic safety concerns with ingress/egress into the proposed subdivision. As a result, the Applicant has modified the overall site plan of the proposed subdivision by relocating Bradley Drive further east approximately 170 feet. The relocation of Bradley Drive resulted in a full-street dedication, reduction of overall residential building parcels from 72 to 69, as well as the relocation and size increase of the development’s community park from 5,654 ft² to 11,724 ft². This reconfiguration further satisfied Conditions of Approval #2 and #5 of the Notice of Decision for SUB 74-19.

COMMISSION ALTERNATIVES:

1. **Staff recommendation:** The Planning Commission move to direct Staff to prepare a resolution denying the appeal and affirming Staff’s approval of Subdivision No. 74-19, as revised (May 11, 2020) with the proposed conditions of approval included with this report, as well as those included in the SUB 74-19 Staff Report, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report.

2. If the Planning Commission desires to grant the appeal, move to direct staff to prepare a resolution granting the appeal and overturning Staff’s decision. The Planning Commission would need to identify the specific criteria which the application failed to meet, and the reasons why the criteria were not met.
PROPOSED CONDITIONS OF APPROVAL:

1. The Applicant will be required to modify the lot width of “Lot 62”, as labeled on the neighborhood plan, to comply with the minimum lot width standards of the RH zoning district (25 ft. for corner lots/lots with townhome end-units), as stated in Section 10.5.020.060.

2. The Applicant will be required to maintain the minimum spacing between driveways and/or streets on minor collectors (75 ft.), as stated in Section 10.6.050.040. Spacing requirements must be included on the final plat.

3. The proposed half-street ROW dedication (Bradley Drive) must be a minimum of 26 ft., to comply with fire apparatus requirements as determined by the Fire Chief.

4. A Physical Constraints Permit will be required with all cuts and fills exceeding 50 cubic yards. Engineered cut and fill plans will be required prior to any cut or fills over 250 cubic yards. Disturbance of more than an acre will require a 1200-C permit to be obtained from the DEQ.

5. The Applicant will be required to modify the overall subdivision layout to comply with the maximum block width standards (600 ft.) of Section 10.9.020.020 (C). As an alternative to this condition, the Applicant may request an exception to this standard by submitting proof that a reasonable standard of public safety exists as provided by a licensed professional engineer specializing in traffic, pursuant to Section 10.6.050.050.

6. The Applicant will be required to record all proposed access points with the final plat.

7. Engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC and TSP.

8. A Traffic Impact Study will be required to be completed and submitted for the proposed subdivision, with methodology in accordance with standards engineering practices. The study will be required to be reviewed and approved by the City Engineer.

9. The Applicant will be required to improve the full frontage of the subject property of all existing ROWs abutting the subject property (E. 10th, E. 12th, and Richmond Streets), as well as full-street improvements on E. 11th Street and half-street improvements on Bradley Drive. All improvements must be improved to City standards.

10. The proposed half-street ROW dedication, Bradley Drive, shall be renamed to read “Bradley Street” to avoid any confusion with Bradley Drive currently located in Hood River. Should the Applicant request a new name for this dedication, the proposed name shall be verified by the CDD prior to implementation.

11. All design and installation of public improvements shall be installed or bonded by the Applicant in accordance with the City of The Dalles Municipal Code, Title 10 – Land Use and Development Public Improvement Procedures and the APWA standards, specifications, and drawings, as amended and adopted by the City and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City.

12. The developer shall warranty all public improvements against defect for one (1) year from the date of final acceptance by the City.

13. All franchise utilities must be installed by the Applicant in accordance with the Land Use Development Ordinance Public Improvement Procedures and the APWA standards, specifications, and drawings, as amended and adopted by the City and approved by the
City Engineer, or otherwise guaranteed to be completed by the Applicant to the satisfaction of the City and the franchise utility.

14. If applicable, all easements for public utilities on private property shall be shown on the final plat.

15. Due to the conflicting street classifications and dimensions in TDMC and the TSP, and pursuant to Section 10.10.110 (D), the widths of each ROW dedication shall be determined by the City Engineer.

16. The Applicant will be required to deed record all ROW dedications proposed for this development.

17. Requirements for a mail delivery facility will be determined by the local United States Postal Service (USPS). Installation of facilities, if any, will be required to meet the USPS standards and will be required to be installed prior to a signature on the final plat.

18. Final plat submission must meet all the requirements of The Dalles Municipal Code, Title 10 Land Use and Development, and all other applicable provisions of The Dalles Municipal Code.

19. All development shall be in accordance with The Dalles Municipal Code, Title 10 Land Use and Development. Proposed construction and development plans must be reviewed by the City Engineer, per established standards.

20. A pre-construction meeting is required prior to construction or site prep work. Said meeting shall include the City Engineer and Development Inspector. All public improvements shall first obtain design approval from the City Engineer. All public improvements require construction approval by the City Engineer.

21. All required improvements must be installed or bonded prior to the City signing the final plat.

22. Three (3) copies of the surveyed and recorded plat must be received in the Community Development Department within two (2) years from the effective approval date.

23. All Conditions of Approval must be reviewed by City Staff and met prior to the signing of the final plat.

ATTACHMENTS:

Appendix I – Staff Report: SUB 74-19 and Appendix I
Appendix II – Appendix II from Staff Report: SUB 74-19
Appendix III – Notice of Decision: SUB 74-19
Appendix IV – Original Site Plans
Appendix V – Revised Site Plan
Appendix VI – Notice of Appeal for Land Use Decision and Appellants’ Arguments
Appendix VII – The Grove Subdivision: Traffic Impact Study – Preliminary Draft
Appendix VIII – FAA Part 77: Subparts B and C
STAFF REPORT
Subdivision No. 74-19
Legacy Development Group

Procedure Type: Administrative
Assessor’s Map: Township 1 North, 13 East, Section 1 C
Tax Lot: 201
Address: No Address Assignment
Zoning District: “RH” High Density Residential
Prepared by: Joshua Chandler, Planner
Date Prepared: March 9, 2020

REQUEST: The Applicant submitted a request to divide one (1) parcel (6.92 acres) into seventy-three (73) parcels of varying sizes (72 dwelling parcels and 1 parcel dedicated as a “community park” for the development).

NOTIFICATION: A Notice of Administrative Action was mailed on January 24, 2020 to property owners within 100 feet, as well as any affected governmental agency, department, or public district within whose boundaries the subject property lies. Due to inconsistencies with property figures as a result of a recent minor partition application on the subject property (MIP #366-19), as well as an error in the noticing by The Dalles Chronicle, Community Development Department (CDD) Staff re-noticed the application on January 31, 2020. The new 14-day comment deadline was then set for February 14, 2020, 21 days following the initial notice. At the time of the re-notice, CDD Staff included the original parcel number (tax lot 200) and property address (2845 E. 12th Street) as the Wasco County Assessor’s Office had yet to assign a parcel number to the newly created parcels.

A pre-application meeting (Site Team) was held on August 8, 2019; comments from the meeting have been incorporated into this staff report. Agencies represented at this meeting included: the City, County, Mid-Columbia Fire and Rescue, NW Natural Gas, Northern Wasco PUD, and QLife.

COMMENTS RECEIVED: As of the February 14, 2020 comment deadline, CDD Staff received 22 letters in opposition of the proposal. Included in these letters, was an anonymously prepared document accompanied with 26 local residents’ signatures.

Staff determined the major discussion points in each of these letters and provided comments in the attached document (Appendix I). Each submission was assigned an identifier (i.e. “Exhibit A”),
and each discussion point assigned a number (i.e. “A-1); followed by Staff responses (i.e. “Response (A-1)”) A list of these submissions has been included below:

- **Exhibit A: “Neighborhood Mailer”**
  Received between 2/5/20 – 2/14/20
  1. Lois & Lawrence Hughes, 2803 E 12th St: 2-5-20
  2. Ernie Piehl, 2823 E. 12th St: 2-6-20
  3. Robert & Denise Bokum, 2735 E. 12th St. | PO Box 1041, TD, OR: 2-6-20
  4. Milton Mauldin, 2732 E 12th St.: 2-7-20
  5. Sherry Munro, 2500 E 12th St.: 2-10-20
  6. Leo & Jessie Kochis, 2521 & 2523 E. 12th St.: 2-11-20
  7. Don Kelsey, 3035 E 12th St.: 2-12-20
  8. Billie Sue Kelsey, 3035 E. 12th St.: 2-12-20
  9. Mariem Havig, 3015 E. 12th St.: 2-12-20
  10. Christopher Lente, 3051 E. 12th St.: 2-12-20
  11. Nic Jenkins, 2510 E 10th St.: 2-13-20
  12. Steve Stroud, 3004 E 12th St.: 2-14-20
  13. Brian Grubs, 3005 E 13th St.: 2-14-20
  14. Loyal and Linda Quackenbush, 1005 Richmond St.: 2-14-20
  15. Jamie and Andrew Kerr, 2617 E 10th St.: 2-14-20
  16. Andrew Stanek, 2623 E 10th St.: 2-14-20
  17. Jesse Jacobsen, 1204 Richmond St.: 2-14-20
  18. Erica Jacobsen, 1204 Richmond St.: 2-14-20
  19. William Gatton, 2732 E. 12th St.: 2-14-20
  20. Anna Gatton, 2732 E. 12th St.: 2-14-20
  21. Rena Mae Mauldin, 2732 E. 12th St.: 2-14-20

- **Exhibit B: Lois & Lawrence Hughes, 2803 E 12th St: 2-5-20 (on the bottom of the mass mail-out)**
- **Exhibit C: Ernie Piehl & Judy Ringo, 2823 E 12th St.: 2-6-20**
- **Exhibit D: Timothy & Mary Sipe, 1105 Morton St. E.: 2-6-20**
- **Exhibit E: Eric Pyles, 1212 Morton St.: 2-7-20**
- **Exhibit F: Randy Kaatz, 2724 E 12th St.: 2-7-20**
- **Exhibit G: Bob Perkins, 2845 E. 10th St.: 2-10-20**
- **Exhibit H: Lou & Jody Caracciolo, 2616 E. 10th St.: 2-10-20**
- **Exhibit I: Kay Havig, 3015 E. 12th St.: 2-12-20**
- **Exhibit J: Ben & Debbie Rivers, 2809 E. 12th St.: 2-13-20**
- **Exhibit K: Eric J. Pyles, 1212 Morton St.: 2-14-20**
- **Exhibit L: Terri Gingrich, 2835 E 10th St.: 2-14-20**
- **Exhibit M: Gary Gingrich, 2835 E 10th St.: 2-14-20**
- **Exhibit N: Randy Hager, 2800 E. 10th St.: 2-14-20**
- **Exhibit O: Damon Hulit, 2830 E. 10th St.: 2-14-20**
- **Exhibit P: Frank Pyles, 2436 Old Dufur Rd.: 2-14-20**
- **Exhibit Q: Jon Farquharson, 2707 E 14th St.: 2-14-20**
- **Exhibit R: Amy Manzella, 1505 Thompson St.: 2-14-20 (email)**
- **Exhibit S: Robert & Jozetta Schultens, 2637 E. 10th St.: 2-14-20**
- **Exhibit T: Steve Murray, 2645 E. 11th St.: 2-14-20 (additionally signed by Jack & Una Harmon, 2637 E. 11th St)**
- **Exhibit U: Karen Murray, 2645 E. 11th St.: 2-14-20**
- **Exhibit V: Karen Murray, 2645 E. 11th St.: 2-14-20**
REVIEW CRITERIA:

I. City of The Dalles Municipal Code, Title 10 Land Use and Development

Section 10.3.010.040 General Provisions

A. Acceptance

FINDING #1: The subdivision application with 50% of the application fee was submitted to the CDD on July 26, 2019, which scheduled its Site Team meeting on August 8, 2019. On January 10, 2020, the Applicant submitted the remaining balance of the application fee as well as additional documents for review, effectively establishing the starting date for completion review. Criterion met.

B. Completeness

FINDING #2: The application was deemed complete on January 23, 2020. Criterion met.

Section 10.3.020.040 Administrative Actions

B. Decision Types.

FINDING #3: Pursuant to The Dalles Municipal Code (TDMC), subdivisions are processed as Administrative Actions unless elevated to a Quasi-Judicial Action. Criterion met.

C. Notice of Application

FINDING #4: A Notice of Administrative Action was mailed on January 24, 2020 to property owners within 100 feet, as well as any affected governmental agency, department, or public district within whose boundaries the subject property lies. Due to inconsistencies with property figures as a result of a recent minor partition application on the subject property (MIP #366-19), as well as an error in the noticing by The Dalles Chronicle, Community Development Department (CDD) Staff re-noticed the application on January 31, 2020. The new 14-day comment deadline was then set for February 14, 2020, 21 days following the initial notice. At the time of the re-notice, CDD Staff included the original parcel number (tax lot 200) and property address (2845 E. 12th Street) as the Wasco County Assessor’s Office had yet to assign a parcel number to the newly created parcels. Criterion met.

D. Time Limits

FINDING #5: The 45-day deadline from the date the application was deemed complete, January 24, 2020, is March 8, 2020. With the 45-day deadline occurring on a Sunday, this decision was made on the next business day, March 9, 2020. Criterion met.

E. Staff Report

FINDING #6: This document serves as the staff report. Criterion met.

Section 10.5.020.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential use types:

2. Residential building types:
   c. Duplex and single-family attached (zero lot line, 2 units)
d. Small lot single-family detached dwellings (3 to 8 unit clusters) and attached town houses (zero lot line, 3 to 8 unit clusters).

**FINDING #7:** The Applicant submitted a proposed “neighborhood layout” for the development, which features 11 single family detached dwellings, with both attached and detached accessory dwelling units (ADUs), seven (7) single family attached units (townhouses, three (3) units), and 20 single family attached (zero lot line) structures. **Criterion met.**

**B. Accessory Uses Permitted Outright**

1. Accessory dwelling units

**FINDING #8:** The Applicant is proposing 11 ADUs as accessory uses to 11 single family detached dwellings. For reference in subsequent findings, Staff has provided that Section 10.5.020.090 (B) states that permitted accessory dwellings shall not be counted in density calculations for proposed development. For additional clarification, ADUs are not included in the overall dwelling count of “dwelling units per lot.” **Criterion met.**

**Section 10.5.020.060 Development Standards**

<table>
<thead>
<tr>
<th>Standards</th>
<th>RH High Density Residential</th>
<th>One Dwelling Unit per Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>1,500 ft² per dwelling unit, not to exceed 25 units per gross acre</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>25 ft. for corner lots and lots with townhome end-units; and lot ft. for interior lots</td>
<td></td>
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<tr>
<td>Minimum Lot Depth</td>
<td>60 ft.</td>
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</tbody>
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**FINDING #9:** The Applicant submitted a request to divide one (1) parcel (6.92 acres) into 73 parcels of varying sizes (72 dwelling lots and 1 parcel dedicated as a “community park” for the development). The RH zone requires a minimum lot size of 1,500 ft²; minimum lot widths of 25 ft. for corner lots/lots with townhome end-units and 20 ft. for interior lots; and minimum depths of 60 ft. The Applicant is proposing lot sizes ranging between 2,122 ft² to 6,095 ft²; corner lots/ lots with townhome end-units ranging between 24.16 ft. to 62 ft. and interior lots ranging from 22.96 ft. to 64.71 ft.; and lot depths 92.62 ft. to 94.20 ft. Staff determined from the neighborhood layout and “plat proposal”, that the parcel labeled “Lot 62” is less than the required 25 ft. for corner lots/ lots with townhome end-units. Staff will include as a condition of approval that the Applicant modify the lot width of “Lot 62” to comply with the minimum lot width standards of the RH zoning district (25’ for corner lots/ lots with townhome end-units), per Section 10.5.020.060. **Criterion met with conditions.**

**Article 6.010 Landscaping Standards**

**FINDING #10:** The Applicant is proposing 72 dwelling unit parcels with this subdivision application. Pursuant to Section 10.6.010.020 (B), single family dwellings are required to landscape the undeveloped portions of the front yard within the first six (6) months after occupancy; therefore, CDD Staff will not be reviewing landscaping requirements at this time. **Criterion not applicable.**
Article 6.030 Accessory Development

FINDING #11: The Applicant is proposing 11 ADUs as accessory uses to 11 single family detached dwellings. CDD Staff will address standards of Article 6.030 at the time of each ADU building permit. **Criterion not applicable.**

Article 6.050 Access Management

C. Corner Clearance.

FINDING #12: Pursuant to The Dalles Transportation System Plan (TSP) Functional Roadway Classification System, East 12th Street is classified as a “minor collector”, while both East 10th and Richmond Streets are classified as “local streets”. Table 1 of Section 10.6.050.040 requires a minimum spacing between driveways and/or streets on minor collectors of 75’ to 150’, with no standards for local streets. Staff was able to determine from the plat proposal that all proposed access points, streets and alleyways, will be no less than 75’ from existing intersections. Staff will include as a condition of approval that the minimum spacing requirements (75’) of Section 10.6.050.040 be included as part of the final plat. **Criterion met with conditions.**

E. Emergency Access.

FINDING #13: During the August 8, Site Team meeting, representatives from Mid-Columbia Fire and Rescue provided information to the Applicant on requirements for fire apparatus roads throughout the development. At that time, the Fire Chief determined that E. 11th Street, when developed to City standards, will meet the requirement of a fire apparatus road; while, the half-street right of way (ROW) dedication of Bradley Drive must be a minimum of 26’ in width to meet these requirements. Staff determined that the Applicant has provided approximately 30’ of ROW for Bradley Drive; therefore, in compliance with fire apparatus requirements. Staff will include as a condition of approval that a minimum of 26’ of ROW for Bradley Drive be dedicated with this proposal. **Criterion met with conditions.**

Article 6.060 Driveway and Entrance Standards

FINDING #14: The Applicant has stated that the subdivision will provide alleyway access to all proposed lots and maintain all driveway and covered parking to the rear of each lot. From the plat proposal, Staff determined that two full east/west alleyways (dividing the E. 10th/11th Street blocks and 11th/12th Street blocks), as well as one north/south alley along both the E. 10th and 12th Street frontages are being proposed with this development. No additional driveways or entrances are being proposed at this time. **Criterion met.**

Chapter 10.7 Parking Standards

FINDING #15: Pursuant to Section 10.7.010.010 (A), off-street parking shall be provided for all development requiring a building permit. At this time, the Applicant is proposing a subdivision application only with no associated building permits. CDD Staff will address parking requirements at the time of each building permit. **Criterion not applicable.**

Chapter 10.8 Physical and Environmental Constraints

FINDING #16: The Applicant is not proposing any grading, filling, cutting, or other earth-moving activity at this time. All of these activities involving more than 50 yds³ must submit a Physical Constraints Permit; with more than 250 yds³ requiring an engineered set of plans. Both of these actions require the review and approval of the City Engineer. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**
Section 10.9.020.020 General Provisions

A. Applicability

FINDING #17: The submitted land division is in conformance with the requirements of the RH zoning district, as well as all other applicable provisions of Title 10 of TDMC. The Applicant is not requesting any modifications to the above mentioned criteria with this application. Criterion met.

B. Annexation

FINDING #18: The subject property is located outside the City Limits within the Urban Growth Boundary (UGB). Prior to the review of Subdivision #74-19, the previous owner was approved for MIP #366-19, which resulted in the creation of the subject parcel. As a condition of approval with MIP #366-19, a Consent to Annexation with a one (1) year waiver was required to be signed and recorded with Wasco County. The Wasco County Clerk’s Office lists February 13, 2020, as the recording date of these documents. As a result, the subject property will be annexed into the City Limits at a date undetermined by City Council at this time. Criterion met.

C. Blocks

FINDING #19: TDMC states that local streets and minor collector block lengths shall be a minimum of 300’ and a maximum of 600’. From the plat proposal, Staff determined that the interior block of E. 11th Street is approximately 649’ in length, thus greater than the 600’ maximum. Staff will include as a condition of approval that the Applicant modify the plan proposal to comply with block length standards of Section 10.9.020.020 (C). As an alternative to this condition, the Applicant may request an exception to this standard by submitting proof that a reasonable standard of public safety exists as provided by a licensed professional engineer specializing in traffic, pursuant to Section 10.6.050.050. Criterion met with conditions.

D. General Lot Requirements

1. Size and Shape

FINDING #20: See Finding #9. Criterion met with conditions.

2. Access

FINDING #21: The subject property has street frontage on three (3) sides: E. 10th Street (north), E. 12th Street (south), and Richmond Street (east). The Applicant is proposing to dedicate a full east/west ROW (E. 11th Street) and a half-street north/south ROW on the western boundary line (Bradley Drive). Additionally, the Applicant is proposing two (2) full east/west alleyways (dividing the E. 10th/11th Street blocks and 11th/12th Street blocks), as well as one (1) north/south alley along both the E. 10th and 12th Street frontages. Criterion met.

3. Access Points

FINDING #22: The Applicant has stated that the subdivision will provide alleyway access to all proposed lots and maintain all driveway and covered parking to the rear of each lot. From the plat proposal, Staff determined that two full east/west alleyways (dividing the E. 10th/11th Street blocks and 11th/12th Street blocks), as well as one north/south alley along both the E. 10th and 12th Street frontages are being proposed with this development. Staff has included as a condition of approval that the proposed access points be recorded as part of the final plat. Criterion met with conditions.
4. **Through Lots**

**FINDING #23:** No through lots are being proposed with this application. **Criterion not applicable.**

5. **Lot Side Lines**

**FINDING #24:** From the plat proposal, staff determined that all proposed lot lines are at right angles. **Criterion met.**

6. **Lot Grading**

**FINDING #25:** See Finding #16. **Criterion met with conditions.**

8. **Redevelopment Plans**

**FINDING #26:** The Dalles Comprehensive Plan (TDCP) calls for a range of 10 to 25 units per gross acre within the RH zone. Based on the total gross acreage of the subject property, 7.36 acres, the subject property could support 73 to 184 units. Seventy percent (70%) of the maximum Comprehensive Plan density of 184 units for the subject property is 128 units. The Applicant is proposing 73 parcels total (72 dwelling unit parcels and 1 parcel dedicated as a “community park” for the development), which is the minimum of TDCP density requirement for the RH zone. Staff was able to determine from the proposed lot sizes in the neighborhood plan that further partitioning of the single family detached dwelling lots (#s 6, 15, 21, 31, 34, 40, 41, 44, 45, 60, and 63, as well as the “community park”) could accommodate 15 additional parcels if developed to the minimum lot size standards of 10.5.020.060. All other lots could not accommodate further partitioning. As noted in Finding #8, ADUs are not included in the overall dwelling count of “dwelling units per lot.” **Criterion met.**

**Section 10.9.040.050 Construction Drawings and Specifications**

**FINDING #27:** The Applicant submitted a neighborhood layout and plat proposal with lot sizes and configurations, utilities, and street designs for reference in reviewing this application. Engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC and TSP. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

**Section 10.9.040.060 Final Subdivision Plat Review**

**FINDING #28:** See Finding #27. **Criterion met with conditions.**

**Section 10.10.040 Pedestrian Requirements**

**FINDING #29:** Section 10.10.040 requires that all sidewalks on collector streets have a minimum width of 5’ and must extend through the site to the edge of adjacent properties. As mentioned in Finding #27, engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC and TSP. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

**Section 10.10.050 Bicycle Requirements**

**A. Bike Lanes**

**FINDING #30:** Pursuant to Section 10.10.050, **on-street bike lanes are required on all new arterial and major collectors**; therefore, the Applicant is not required to provide bike lanes with this development. **Criterion not applicable.**
Section 10.10.060 Street Requirements

A. Traffic Impact Studies

**FINDING #31:** Due to this subdivision exceeding 16 parcels, the Applicant will be required to provide a Traffic Impact Study (TIS) to the City Engineer for review. The City Engineer has provided parameters and requirements for this study to the Applicant. As of the date of the staff report, no TIS has been submitted, but the Applicant has stated that it is currently being performed. Pursuant to Section 10.10.060 (A, 5), the City may require the construction of off-site improvements to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

B. Pass Through Traffic

**FINDING #33:** No pass-through ROWs are being proposed with this development. **Criterion not applicable.**

C. Improved to Standards

**FINDING #34:** The Applicant will be required to improve the full frontage of the subject property of all existing ROWs abutting the subject property (E. 10th, E. 12th, and Richmond Streets), as well as full-street improvements on E. 11th Street and half-street improvements on Bradley Drive. All improvements must be improved to City standards. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

D. Orderly Development

**FINDING #35:** See Finding #34. **Criterion met with conditions.**

E. Connectivity

**FINDING #36:** The Applicant is proposing to dedicate a full east/west ROW (E. 11th Street) and a half-street north/south ROW on the western boundary line (Bradley Drive) of the subject property. East 11th Street is consistent with the alignment of E. 11th Street west of the subject property, at Morton Street. Bradley Drive is not continuing an existing ROW path, but its location on the western property line establishes block dimensions and promotes circulation of the proposed parcels within the existing neighborhood. **Criterion met.**

F. Street Names

**FINDING #37:** CDD Staff discussed the proposed half-street ROW dedication on the western property line (“Bradley Drive”) with the local Postmaster to ensure that no proposed street names will be duplicated or confused with names of existing streets. Due to the fact that Bradley Drive currently exists in Hood River, the Postmaster recommended that if Bradley remains the street name of choice, it should be accompanied by “Street” rather than “Drive”. The Postmaster also verified that future block numbers of the proposed ROW (1001 to 1299), will not conflict with the block numbers (3000s) associated with the Bradley Drive location in Hood River. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

G. Alleys

**FINDING #38:** See Finding #14. **Criterion met.**
H. Unusual Situations

**FINDING #39:** No unusual situations have been noted. **Criterion not applicable.**

J. Location, Grades, Alignment and Widths

**FINDING #40:** See Finding #36. **Criterion met.**

Section 10.10.070 Public Utility Extensions

**FINDING #41:** During the August 8, Site Team meeting, it was determined that there is currently no public water, sanitary sewer and storm drainage available to the subject parcel. As a result, the Applicant will be required to extend the main line for each of these utilities to and through the development and must provide services to each parcel. Design and installation of public utilities shall conform to City standards and must be reviewed and approved by the City Engineer. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

Section 10.10.080 Public Improvement Procedures

**FINDING #42:** Pursuant to Section 10.10.080, public improvements installed in conjunction with development shall be constructed in accordance with all applicable City policies, standards, procedures, and ordinances. The developer shall warranty all public improvements against defect for one (1) year from the date of final acceptance by the City. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

Section 10.10.100 Franchise Utility Installations

A. General

**FINDING #43:** During the August 8, Site Team meeting, representatives from NW Natural Gas and Northern Wasco PUD provided information to the Applicant regarding available utility options near the subject property. The Applicant did not provide information regarding the installation of franchise utilities with the preliminary utility plan. All proposed franchise utilities will be required to be installed in accordance with each utility provider. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

F. Street Lighting

**FINDING #44:** Pursuant to Section 10.10.100 (F), the Applicant shall be responsible for street lighting along all public streets and/or intersections improved in conjunction with the proposed development. Design and installation of public utilities shall conform to City standards and must be reviewed and approved by the City Engineer. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

Section 10.10.110 Land for Public Purposes

D. Dedication of Right-of-Way and Easements

**FINDING #45:** The Applicant is proposing to dedicate a full east/west ROW (E. 11th Street) and a half-street north/south (ROW) on the western boundary line (Bradley Drive) of the subject property. During the August 8 Site Team meeting, Staff discussed the need for E. 11th Street to provide a 54’ ROW width dedication, consistent to the “Neighborhood Street” standards of Section 10.10.060 of TDMC, and half-street ROW for Bradley Drive requiring a 25’ width dedication, consistent with the “Local Street” standards of the TSP (50’ minimum ROW width). The Applicant did not provide width dimensions for E. 11th Street; however, Staff was able to determine from the plat proposal an approximate 54’ ROW width dimension. Due to the conflicting street classifications and dimensions in TDMC and the TSP, and pursuant to Section 10.10.110 (D), the widths of each dedication shall be
determined by the City Engineer. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

**E. Recording Dedications**

**FINDING #46:** The Applicant will be required to deed record all ROW dedications proposed for this development. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

**Section 10.10.120 Mail Facility Services**

**FINDING #48:** As of the date of this Staff Report, the US Postal Service did not provide comment regarding this application. The Applicant will be required to contact the Postmaster to ensure that the proper mailboxes are provided for this Subdivision. Staff will include this criterion as a condition of approval. **Criterion met with conditions.**

**RECOMMENDATION:** Approval, with conditions, based on the following findings of fact.

**CONDITIONS OF APPROVAL:**

1. The Applicant will be required to modify the lot width of “Lot 62”, as labeled on the neighborhood plan, to comply with the minimum lot width standards of the RH zoning district (25’ for corner lots/lots with townhome end-units), as stated in Section 10.5.020.060.
2. The Applicant will be required maintain the minimum spacing between driveways and/or streets on minor collectors (75’), as stated in Section 10.6.050.040. Spacing requirements must be included on the final plat.
3. The proposed half-street ROW dedication (Bradley Drive) must be a minimum of 26’, to comply with fire apparatus requirements as determined by the Fire Chief.
4. A Physical Constraints Permit will be required with all cuts and fills exceeding 50 cubic yards. Engineered cut and fill plans will be required prior to any cut or fills over 250 cubic yards. Disturbance of more than an acre will require a 1200-C permit to be obtained from the DEQ.
5. The Applicant will be required to modify the overall subdivision layout to comply with the maximum block width standards (600’) of Section 10.9.020.020 (C). As an alternative to this condition, the Applicant may request an exception to this standard by submitting proof that a reasonable standard of public safety exists as provided by a licensed professional engineer specializing in traffic, pursuant to Section 10.6.050.050.
6. The Applicant will be required to record all proposed access points with the final plat.
7. Engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC and TSP.
8. A Traffic Impact Study will be required to be completed and submitted for the proposed subdivision, with methodology in accordance with standards engineering practices. The study will be required to be reviewed and approved by the City Engineer.
9. The Applicant will be required to improve the full frontage of the subject property of all existing ROWs abutting the subject property (E. 10th, E. 12th, and Richmond Streets), as well as full-street improvements on E. 11th Street and half-street improvements on Bradley Drive. All improvements must be improved to City standards.
10. The proposed half-street ROW dedication, Bradley Drive, shall be renamed to read “Bradley Street” to avoid any confusion with Bradley Drive currently located in Hood River. If the Applicant request another name for this dedication, this name change will need to be verified by the CDD before doing so.

11. All design and installation of public improvements shall be installed or bonded by the Applicant in accordance with the City of The Dalles Municipal Code, Title 10 – Land Use and Development Public Improvement Procedures and the APWA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City.

12. The developer shall warranty all public improvements against defect for one (1) year from the date of final acceptance by the City.

13. All franchise utilities must be installed by the Applicant in accordance with the Land Use Development Ordinance Public Improvement Procedures and the APWA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the Applicant to the satisfaction of the City and the franchise utility.

14. If applicable, all easements for public utilities on private property shall be shown on the final plat.

15. Due to the conflicting street classifications and dimensions in TDMC and the TSP, and pursuant to Section 10.10.110 (D), the widths of each ROW dedication shall be determined by the City Engineer.

16. The Applicant will be required to deed record all ROW dedications proposed for this development.

17. Requirements for a mail delivery facility will be determined by the local United States Postal Service (USPS). Installation of facilities, if any, will be required to meet the USPS standards and will be required to be installed prior to a signature on the final plat.

18. Final plat submission must meet all the requirements of The Dalles Municipal Code, Title 10 Land Use and Development, and all other applicable provisions of The Dalles Municipal Code.

19. All development shall be in accordance with The Dalles Municipal Code, Title 10 Land Use and Development. Proposed construction and development plans must be reviewed by the City Engineer, per established standards.

20. A pre-construction meeting is required prior to construction or site prep work. Meeting needs to include the City Engineer and Development Inspector. All public improvements shall first obtain design approval from the City Engineer. All public improvements need construction approval by the City Engineer.

21. All required improvements must be installed or bonded prior to the City signing the final plat.

22. Three (3) copies of the surveyed and recorded plat must be received in the Community Development Department within two (2) years from the effective approval date.
ATTACHMENTS:

Appendix I – CDD Staff responses to 14-Day Comment Period submitted comments
Appendix II – 14-Day Comment Period submitted comments (copies available upon request)
APPENDIX I
Subdivision No. 74-19
Legacy Development Group

- Exhibit A: “Neighborhood Mailer”
  Received between 2/5/20 – 2/14/20
  Signed by: 21 residents
  1. Lois & Lawrence Hughes, 2803 E 12th St: 2-5-20
  2. Ernie Piehl, 2823 E 12th St: 2-6-20
  3. Robert & Denise Bokum, 2735 E. 12th St. | PO Box 1041, TD, OR: 2-6-20
  4. Milton Mauldin, 2732 E 12th St.: 2-7-20
  5. Sherry Munro, 2500 E 12th St.: 2-10-20
  6. Leo & Jessie Kochis, 2521 & 2523 E. 12th St.: 2-11-20
  7. Don Kelsey, 3035 E 12th St.: 2-12-20
  8. Billie Sue Kelsey, 3035 E. 12th St.: 2-12-20
  9. Marieum Havig, 3015 E. 12th St.: 2-12-20
 10. Christopher Lente, 3051 E. 12th St.: 2-12-20
 11. Nic Jenkins, 2510 E 10th St.: 2-13-20
 12. Steve Stroud, 3004 E 12th St.: 2-14-20
 13. Brian Grubbs, 3005 E 13th St.: 2-14-20
 14. Loyal and Linda Quackenbush, 1005 Richmond St.: 2-14-20
 15. Jamie and Andrew Kerr, 2617 E 10th St.: 2-14-20
 16. Andrew Stanek, 2623 E 10th St.: 2-14-20
 17. Jesse Jacobsen, 1204 Richmond St.: 2-14-20
 18. Erica Jacobsen, 1204 Richmond St.: 2-14-20
 19. William Gatton, 2732 E. 12th St.: 2-14-20
 20. Anna Gatton, 2732 E. 12th St.: 2-14-20
 21. Rena Mae Mauldin, 2732 E. 12th St.: 2-14-20

- Exhibit B: Lois & Lawrence Hughes, 2803 E 12th St: 2-5-20 (on the bottom of the mass mail-out)
- Exhibit C: Ernie Piehl & Judy Ringo, 2823 E. 12th St.: 2-6-20
- Exhibit D: Timothy & Mary Sipe, 1105 Morton St. E.: 2-6-20
- Exhibit E: Eric Pyles, 1212 Morton St.: 2-7-20
- Exhibit F: Randy Kaatz, 2724 E 12th St.: 2-7-20
- Exhibit G: Bob Perkins, 2845 E. 10th St.: 2-10-20
- Exhibit H: Lou & Jody Caracciolo, 2616 E. 10th St.: 2-10-20
- Exhibit I: Kay Havig, 3015 E. 12th St.: 2-12-20
- Exhibit J: Ben & Debbie Rivers, 2809 E. 12th St.: 2-13-20
- Exhibit K: Eric J. Pyles, 1212 Morton St.: 2-14-20
- Exhibit L: Terri Gingrich, 2835 E 10th St.: 2-14-20
- Exhibit M: Gary Gingrich, 2835 E 10th St.: 2-14-20
- Exhibit N: Randy Hager, 2800 E. 10th St.: 2-14-20
- Exhibit O: Damon Hulit, 2830 E. 10th St.: 2-14-20
- Exhibit P: Frank Pyles, 2436 Old Dufur Rd.: 2-14-20
- Exhibit Q: Jon Farquharson, 2707 E 14th St.: 2-14-20
- Exhibit R: Amy Manzella, 1505 Thompson St.: 2-14-20 (email)
A-1: Citation of The Dalles Comprehensive Plan (TDCP): The Dalles Comp Plan, Appendix B, page c: “in areas where multi-family structures are to mix with single-family residence, the multi-family building shall be designed to be compatible with surrounding properties”

Response (A-1): The Dalles Municipal Code (TDMC) defines multifamily dwelling as “a structure or development containing at least 3 dwelling units in any vertical or horizontal arrangement, located on a single lot”. The proposed subdivision has zero parcels that meet this description. In total, the proposed development features 11 single family detached dwellings, with both attached and detached accessory dwelling units (ADUs), seven (7) single family attached units (townhouses, 3 units), and 20 single family attached (zero lot line) units.

A-2: The proposed number of units (83) is two and a half times the current number of residences in the neighborhood (33); bringing the total to 116 units in just over one block.

Response (A-2): Criterion used to review the Subdivision proposal is based upon lot density allowances and not by comparison of the density of the current residences in the neighborhood. It is evident that a large number of properties located in the neighborhood that are also zoned High Density Residential (RH) zone are developed at a density lower than the range for the subject zoning district.

A-3: Concerns about financing and the devaluation of ADUs, which were addressed in the Planning Commission meeting minutes of May 3, 2018, page 33 of 33.

Response (A-3): TDMC does not reference any criteria regarding property values.

A-4: Most of the proposed dwellings would have two or more occupants, therefore having one or more vehicles. Traffic will increase significantly on 10th, 12th, Richmond, and Fremont Streets. The intersection at Fremont and Highway 197 is already dangerous and busy. Many communities require the developer to provide road improvements: sidewalks, curbs, acceleration lanes, and left-hand turn lanes. How and when will this be addressed?

Response (A-4): As a condition of approval, this proposal is required to perform a Traffic Impact Study to be submitted to the City Engineer for review to address the impacts from this development. The level of ROW improvements will be determined from this study. TDMC does require subdivisions to make all improvements (curbs, sidewalks, utilities, etc.).

A-5: The population of this neighborhood would increase significantly which will impact the school system, Mid-Columbia Fire and Rescue, Wasco County Road Department, and the Wasco County Sheriff Department. How is the Sheriff’s Department preparing to increase patrols and coverage to accommodate this increase population density?

Response (A-5): This proposal was reviewed at a Site Team meeting on August 8, 2019, with representatives from the City, County, Mid-Columbia Fire and Rescue, NW Natural Gas, Northern Wasco PUD, and QLife. As with all Site Team meetings, all public agencies are encouraged to attend these meetings with suggestions, requests, or concerns that may occur with future
developments. The details and requirements of this development were discussed at that time. In addition, this application was noticed pursuant to Section 10.3.020.040 for Administrative Actions with a 14-day comment period provided to property owners within 100 feet of the subject property, as well as any affected governmental agencies, departments, or public districts. The initial Notice of Administrative Action occurred on January 24, 2020. Due to inconsistencies with property figures as a result of a recent minor partition application on the subject property (MIP #366-19), as well as an error in the noticing by The Dalles Chronicle, Community Development Department (CDD) Staff re-noticed the application on January 31, 2020. The new 14-day comment deadline was then set for February 14, 2020, 21 days following the initial notice. As of the date of this document, CDD Staff has not received comment from any of the local agencies other than those comments discussed and addressed at the associated Site Team meeting. If an agency has an issue with a certain development, it is customary that comments are provided detailing necessary improvements needed. The staff report details the comments received from City staff, Mid-Columbia Fire and Rescue, NW Natural Gas and Northern Wasco County PUD. No other agency provided comments on the application.

A-6: The proposal does not discuss parking. Parking needs to be contained within the development and not create a burden on neighborhood streets.

Response (A-6): Parking is not criteria that is reviewed at the time of a land division application. However, per TDMC, two (2) off-street parking spaces are required for a single family dwelling, with no parking required for ADUs. At the time of each submitted building permit, CDD Staff will determine that each dwelling/property have two (2) off-street parking spaces detailed on each site plan. Parking spaces can be provided within a garage or a paved parking area. Additionally, parking within the public ROW is permitted for all residents on a first come, first park basis, so as long as the parking does not obstruct traffic flow.

A-7: Concerns about the devaluation of existing homes due to the lower value of high-density dwellings proposed for this neighborhood.

Response (A-7): TDMC is absent of criteria pertaining to overall valuation/devaluation of property values as a result of land divisions.

A-8: It is assumed that these dwellings will be rentals. There are virtually no yards for these homes, resulting in residents looking elsewhere for recreation.

Response (A-8): This application is for a Subdivision and occupancy type is not criterion used in the review process. All residential structures will be required to obtain a building permit and meet all the requirements set forth in TDMC.

A-9: It is feared that surrounding properties would be subject to trespassing for various uses. This is not only dangerous, but will cause friction and calls to the Sheriff’s Department.

Response (A-9): TDMC is absent of criteria pertaining to subsequent trespassing as a result of land divisions. Additionally, the CDD does not enforce trespassing of private property. All residents are encouraged to report trespassing cases to City or County law enforcement.

A-10: Recognition of the need to address housing needs and affordable housing and realize this proposal will address this need. However, the need should be spread out among other more compatible neighborhoods, who have the proper infrastructure.
Response (A-10): The City of The Dalles has been labeled by the State as a Severely Rent Burdened City, with 29.4% of the population paying more than 50% of their household income on gross rent for housing. In 2016, Johnson Economics conducted a Housing Needs Assessment for the City of The Dalles comparing current housing stock with current and future population growth, and it was determined that 1,770 dwelling units are needed by 2036, or an average of 88.5 dwelling units per year (page 44 of 116, HNA).

Regarding the location of this proposed development, TDMC does not restrict the location of residential development within the RL, RM, RH zoning districts; however, the development must meet the requirements of each zone as stated in Title 10 of TDMC. Since 2014, three (3) of the last six (6) residential subdivisions have been approved on the east side of The Dalles. With data collected by Angelo Planning Group's Buildable Lands Inventory for the City of The Dalles (2017), staff was able to determine that within the Urban Growth Boundary, there are 480 non-constrained vacant and partially vacant acres. Of those 480 acres, 62.7% are located in eastern The Dalles (geographically divided by Union Street); almost 2/3 more vacant land than that of western The Dalles.

B-1: With the only buffer to the south (12th Street) being 50’ of separation between the high density proposal and agricultural farming, it seems risky to expose 60-80 families to these farming operations

Response (B-1): Criterion for a Subdivision does not include analysis of the other properties in the vicinity.

C-1: The area is more of a rural setting with orchards and farm animals, nightly visits from deer, people walking their dogs, and this would all change with the amount of homes being built.

Response (C-1): This comment has been determined as personal opinion.

C-2: The resulting traffic would be horrendous, and the trucks during construction would disrupt the quiet, peaceful neighborhood.

Response (C-2): City Staff is aware of the temporary impacts that may occur as a result of development (noise, road construction, road closures, etc.), and will require that the Applicant take precaution during this period and only perform work within the specified hours of construction pursuant to Section 5.08.020 (B,1,e) which states: Construction, excavation, demolition, alteration or repair of a building between the hours of 8:00 p.m. and 7:00 a.m., except by special permit granted by the City.

C-3: This development would greatly decrease their property value

Response (C-3): See Response (A-7)

C-4: The property owners currently look forward to yard activities and entertaining in the spring and summer, but they will all change with the traffic noise during construction.

Response (C-4): This comment has been determined as personal opinion.

C-5: The property owners stated that everyone in the area is in agreement with their concerns, and request that the City leave the low density rural area as it has always been, not a high density congested area.
Response (C-5): This comment has been determined as personal opinion.

**D-1:** The proposal is not compatible with the existing structures of the neighborhood

Response (D-1): Pursuant to Section 10.9.040.040 Subdivision Application Review, subdivision applications shall be reviewed to assure consistency with state statues, this Title, and the applicable provisions of Chapters 10.5 to 10.10 of TDMC. Sections referencing “compatible/compatibility” are not applicable to this subdivision application for multiple reasons (i.e.: Airport Zone, Planned Developments, Commercial/Industrial driveways, etc.). This comment has been determined as personal opinion.

D-2: No accommodations were made in the development for parking, and the “Street” is not wide enough to accommodate parking safely.

Response (D-2): See Response (A-6)

D-3: Close proximity of all the structures with little area for residents to play, resulting in streets and neighboring properties as the location for playing and trespassing.

Response (D-3): See Response (A-8)

D-4: The area has inadequate water drainage, which would result in flooding the houses below the development.

Response (D-4): As a condition of approval, the Applicant will be required to extend the main lines of all city utilities (water, sanitary sewer, and storm water) to all proposed parcels. The design and installation of these utilities, including storm water drainage and management, must be reviewed and approved by the City Engineer prior to approval of the final plat.

D-5: Tenth (10th) and 12th Streets are inadequate for additional traffic


D-6: Speeding is an issue, which would put people in more danger when riding their bikes or horses

Response (D-6): This is not criterion reviewed for a Subdivision. The CDD does not enforce traffic violations. Section 6.04.040 of TDMC assigns City Council the authority to exercise all municipal traffic safety authority for the City, including but not limited to initiating proceedings to change speed zones (B, 6). Continued concern for excessive speeds on any street within the City may be discussed the third Wednesday of every month at the City’s Traffic Safety Committee. Additional information and monthly agendas may be obtained by contacting Public Works.

D-7: An increase in traffic would occur on East 13th Street, which was stated as not being maintained, as Richmond Street is a very steep hill. This would result in increased traffic at Old Dufur/Fremont, as well as Fremont/197 intersections.

Response (D-7): See Response (A-4).

D-8: How will the City and County increase services like police, medical and fire response, which along with street maintenance is already limited?

D-9: Understanding the need for the City to grow, but feels a 40 unit development would be a better option.

Response (D-9): This comment has been determined as personal opinion.

D-10: Since 1955, the development has been consistent with the rural setting, but this development will have a negative impact on the current neighborhood.

Response (D-10): This comment has been determined as personal opinion.

E-1: The proposed development is entirely inconsistent and incompatible with the existing neighborhood, as it is currently a mix of single family residential homes and agriculture, with roughly 45 to 50 residents.

Response (E-1): See Response (D-1).

E-2: This proposal would bring 155 residents, or three times the current neighborhood.

Response (E-2): This comment has been determined as personal assumption. CDD Staff is unable to verify the number of residents with a Subdivision application.

E-3: Citation of The Dalles Comprehensive Plan (TDCP): The Dalles Comp Plan, Appendix B, page c: "in areas where multi-family structures are to mix with single-family residence, the multi-family building shall be designed to be compatible with surrounding properties"


E-4: How/why this area is zoned high density, and long it has been in effect?

Response (E-4): The subject property is located within the RH zoning district, and has held this designation since at least 1998. Prior Comprehensive Plan dated 1978 show that properties in this area were zoned “Urban Residential” which are defined as Multi-Family Residential; and the 1969 Comprehensive Plan identified the property as Medium Density which allowed for single and multi-family residential uses.

E-5: Adjacent areas are EF1 (exclusive farm use).

Response (E-5): The subject property is at least 1,000 feet from the UGB/NSA line, which is the boundary line dividing City and County zoning; therefore, all adjacent parcels are within designated City zoning districts. Agricultural zoning is not a zoning district within TDMC, and is only present in County zoning. The subject property abuts RH zoning to the north and west, and abuts RL zoning to the south and east.

E-6: Is the City's intent to annex all properties from Morton Street East to Richmond, and if so, will agricultural activities be severely impacted?

Response (E-6): Annexations are defined in Chapter 10.14 of TDMC, and must meet criteria A-E of 10.14.010.040 to be considered for annexation. At this time, the City is not pursuing an annexation process of all properties from Morton to Richmond; however, use of City utilities and land divisions would result in the requirement to sign a Consent to Annex.
E-7: Will Oregon Right to Farm and Wasco County Right to Farm have precedence?

Response (E-7): This property is zoned RH and is proposed to be developed as a residential subdivision. The Oregon Right to Farm protections are afforded to existing farms. This property is no longer being used as an agricultural use.

E-8: How will the traffic impacts from this development be addressed?


E-9: The proposal does not show or discuss parking needs, resulting in most units needing to use on-street parking.


E-10: The small lot sizes would have virtually no green spaces, and would be mainly family rentals.

Response (E-10): Pursuant to the lot coverage requirements of the RH zoning district, all proposed dwellings may not exceed 60% of total lot coverage (percent of development covered by paved surface areas and buildings).

E-11: Surrounding properties will become appealing to trespassing for various activities.

Response (E-11): See Response (A-9)

E-12: An additional concern was raised regarding the short comment period, for such a large proposal that affects many of the local services.

Response (E-12): This application was noticed pursuant to Section 10.3.020.040 for Administrative Actions with a 14-day comment period provided to property owners within 100 feet of the subject property, as well as any affected governmental agencies, departments, or public districts. The initial Notice of Administrative Action occurred on January 24, 2020. Due to inconsistencies with property figures as a result of a recent minor partition application on the subject property (MIP 366-19), as well as an error in the noticing of The Dalles Chronicle, CDD Staff re-noticed the application on January 31, 2020. The new 14-day comment deadline was then set for February 14, 2020, 21 days following the initial notice.

F-1: The Dalles Comp Plan and the importance of compatibility with future development. He believes that the only aspect compatible with this development is the proposed single family dwellings. He provided that 6 out of 83 units are single family (7%); with 93% no single family dwellings, therefore not compatible with the surrounding area.

Response (F-1): See Response (A-1).

F-2: Citation of TDMC: 3. Availability of, and impacts on existing infrastructure and utilities. All three (3) roads bounding the development (10th, 12th, and Richmond) are not improved and provide no safe walking space. Without proper sidewalks beyond the development, this development becomes a big safety concern.

Response (F-2): The required traffic study will detail any necessary off-site improvements for this development.
F-3: The increase in traffic resulting from the development will be dangerous to pedestrians. Speeding continues to be an issue on 12th Street, and due to the lack of improvements in the area, makes this development incompatible.

Response (F-3): See Response (D-6).

F-4: The Site Plan is absent of off-street parking requirements. Parking on developed streets in The Dalles creates a hazard. This added to the narrow and unimproved adjacent streets, and the actual impact of the development could be detrimental.

Response (F-4): See Response (A-4).

F-5: High density development is best located, preferably, within walking distance to services. This location is impractical to walk to services for the average person, and requires a vehicle; further adding to the traffic problem.

Response (F-5): This is not criterion used to review a subdivision.

F-6: Possible alternatives for the development: 1) Use the talent of professionals to find more compatible locations, and 2) The leveling of six city blocks that have residences beyond their usable life span and placing the development there.

Response (F-6): This comment has been determined as personal recommendation.

F-7: The property owner believes that with all the problems and incompatibility, this proposal reflects poorly on the part of The Dalles Planning Commission and The Dalles Planning Department. He believes that this is an embarrassment and he cannot see any city official or planner putting their signature of approval on this application.

Response (F-7): This comment has been determined as personal opinion.

G-1: The narrow country roads that service the area are narrow two lanes with little to no shoulder.

Response (G-1): This comment addresses current road conditions. All streets adjacent to this proposed subdivision are City owned and are not currently built to the width that is platted. The subdivision will be required to construct the streets to the standards set forth in TDMC and the Transportation System Plan (TSP).

G-2: The proposed 80 plus units and 200-300 more people is inconsistent with this part of town and is not keeping with the values and standards of living currently enjoyed.

Response (G-2): This comment has been determined as personal opinion.

G-3: He stated that he has witnessed Hood River and White Salmon change into tourist destinations, which are no longer affordable to the people that were born there, and currently watches as Lyle and Mosier being to change as well. He believes that is important for The Dalles to not “jump on the band wagon of high density quick dollar development” but rather seek a more sustainable option for the community and neighborhoods.

Response (G-3): This comment has been determined as personal opinion.

G-4: The mass number of people will bring strain to roadway efficiency, with rolling hills that will effectively create blind spots.
Response (G-4): Any new street connections for the subdivision will be reviewed by the City Engineer per established standards, which include safety. If it is determined that a blind spot is created, it will be addressed by the City Engineer.

G-5: This development into high density is inconsistent with the neighborhood over the past 30 years.

Response (G-5): See Response (E-4).

G-6: The high density designation does not allow for a smooth transition of uses, which is inconsistent with standards used across the nation. More green spaces and breaks should be incorporated. The proposed harsh transition maximizes profit, not livability and keeping with the values of the community.

Response (G-6): This comment has been determined as personal opinion.

G-7: Concerns in regard to the impact this development will have on his property value. This development will decrease the value of his home and his return on retirement investment.

Response (G-7): See Response (A-7).

G-8: The development will adversely impact the character of his home with the congestion and tightly packed multi-family residences

Response (G-8): This comment has been determined as personal opinion.

G-9: Concern regarding run-off, as the former orchard will now be an impermeable blacktop with 100-200 cars operated from it daily, and claims that there are no plans for storm water swales or green spaces to mitigate run off.

Response (G-9): See Response (D-4).

G-10: Request for the Department to require setbacks and green space with swales for surface water runoff, vegetation screens to lessen the immediate visual impact and roads within the subdivision designed to decrease the line of sight and provide a less rowed, massed, and tightly packed group of houses.

Response (G-10): This comment has been determined as personal recommendation.

G-11: The development is a stark contrast to the open beauty of the area.

Response (G-11): This comment has been determined as personal opinion.

H-1: When viewing aerial imagery of the area, it is clear to see that the surrounding area is not high density. Why is the city now wanting to make this property high density zoning?

Response (H-1): See Response (E-4).

H-2: Cramming this amount of units on this parcel is inconsistent and incompatible with the surrounding neighborhoods, which will effectively devalue neighboring properties.

H-3: How is water and sewer going to be addressed, as water pressure has consistently been dropping over the past 15 years? The addition of 200 residents will negatively impact these services.

Response (H-3): See Response (D-4).

H-4: What negative environmental impacts the new development will have, as 83 units in such a small area will add a significant burden on garbage disposal and our landfill.


H-5: Emergency, medical, and law enforcement services are going to be adversely impacted as well.


H-6: 10th and 12th Streets are main corridors, not constructed to absorb the additional traffic of the proposed development.


H-7: There is currently a speeding problem, which will only increase with the proposal.

Response (H-7): See Response (D-6).

H-8: This “over-development” will do nothing favorable for the community and will ruin the rural identity.

Response (H-8): This comment has been determined as personal opinion.

I-1: Do not understand why the City feels it has the right to change the identity of the neighborhood, and believes single family homes with decent size lots is a better fit.

Response (I-1): This comment has been determined as personal opinion.

I-2: How will parking and traffic be addressed?

Response (I-2): See Response (A-4) and (A-6)

I-3: How would we feel if someone approved a high rise, high density development next to our own homes?

Response (I-3): This comment has been determined to be a personal question with no basis regarding TDMC.

J-1: They live 184 feet from the subject property, and question why they did not receive a notice. They believe that the required 100 feet notice is an inadequate distance, as their property will be dramatically impacted by increased traffic, noise, and devaluation of home values.

Response (J-1): See Responses (E-12), (A-4), (C-2), and (A-7).

J-2: Recently informed that their property has been rezoned to High Density Residential, and questions why the change was made from Medium Density, as they were not notified.

Response (J-2): See Response (E-4). Additionally, the 1998 Zoning Map has the neighboring property designated as RH.
J-3: In favor of improving the housing shortage in The Dalles, but this proposal will not be an enhancement to the quality of life in The Dalles.

Response (J-3): This comment has been determined as personal opinion.

J-4: The CDD should consider limiting the number of living units proposed to a number more compatible with the surrounding properties.

Response (J-4): This comment has been determined as personal opinion.

K-1: Why is this proposal an Administrative Decision?

Response (K-1): Pursuant to TDMC Section 10.3.020.040 (B, 5), subdivision applications are processed as Administrative Actions.

K-2: Why can concerns only be voiced after the proposal has been approved by the CDD?

Response (K-2): Pursuant to Section 10.3.020.040 (C, 2) TDMC requires that the City provide a 14-day comment period for Administrative Actions provided to property owners within 100 feet of the subject property, as well as any affected governmental agencies, departments, or public districts. The initial Notice of Administrative Action occurred on January 24, 2020. Due to inconsistencies with property figures as a result of a recent minor partition application on the subject property (MIP 366-19), as well as an error in the noticing of The Dalles Chronicle, CDD Staff re-noticed the application on January 31, 2020. The new 14-day comment deadline was then set for February 14, 2020, 21 days following the initial notice.

K-3: Why such rush to make a decision?

Response (K-3): Pursuant to TDMC, Section 10.3.020.040 (D), All applications processed as administrative actions shall be approved, approved with conditions, denied, or postponed with consent of the applicant within 45 days after the filing of a complete application. In addition, ORS 227.178 requires that the governing body of a city or its designee take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

K-4: Regarding an Oregon legislative bill regarding “in-fill”, do legislators in Salem know more what our community needs than we do?

Response (K-4): Pursuant to Section 10.9.040.040 Subdivision Application Review, subdivision applications shall be reviewed to assure consistency with state statues, this Title, and the applicable provisions of Chapters 10.5 to 10.10 of TDMC.

K-5: Does the CDD know better than the community at-large?

Response (K-5): See Response (K-4).

K-6: It appears the CDD wants no public input on the decision.

Response (K-6): See Response (K-2).

K-7: Has any city department surveyed underdeveloped or vacant properties in The Dalles?

Response (K-7): This is not criterion used in reviewing a Subdivision application. However in 2016, the City of The Dalles completed a Residential Buildable Lands Inventory. The survey
results from that study provided calculations of both vacant and partially vacant residential lands in our Urban Growth Boundary. Based upon that study, it is projected that there are 480 acres of vacant and partially vacant lands which could net 3,689 residential units. Removing the partially vacant lands from that projection indicates that there are 239.1 acres of vacant land which could net 1,644 residential units.

K-8: The property is zoned high-density, and it appears that the City and the developer are in agreement, thus pushing concerned property owners aside.

Response (K-8): This comment has been determined as personal opinion.

K-9: Whether this development is meeting a state mandate, making a UGB expansion easier to accomplish, or the desire to annex more properties, it does not seem that this proposal is well thought or planned.

Response (K-9): This comment has been determined as personal opinion.

L-1: Objections: losing our rural, quiet environment, our peace, our beauty, personal home value, traffic safety, criminal safety

Response (L-1): This comment has been determined as personal opinion. In addition, see Response (A-7), (D-6), and (A-9). All residents are encouraged to report criminal activity to City or County law enforcement.

L-2: Proposal not consistent with the following documents (Citation):

L-2.1: Comp Plan Mission Statement: “Working for our community through professional and accountable code compliance to enhance the beauty, livability, economy, health and safety of Wasco County.” Proposal does nothing to “enhance..., beauty, livability, economy, health, and safety”; instead, it will produce overcrowding, strain resources, obliterate greenspace, and create dangerous intersections.

Response (L-2.1): This comment has been determined as personal opinion.

L-2.2: TDCP Goal 10: 3 a: Build on the pattern of concentrating higher residential densities near downtown, along arterial and collector streets, and neighborhood centers where services and activity are nearby.

Response (L-2.2): Pursuant to TSP, E. 12th Street is designated as a minor collector; therefore, this high density development has southern frontage along a collector street.

L-2.3: TDCP Goal 10: 3 b. Continue the pattern of a transition of residential densities from higher density near commercial area and major streets, to lower densities at higher elevations along the gorge bluff and stream corridors.

Response (L-2.3): The Comprehensive Plan is a guiding document for TDMC. Zoning for this property was established using the Comprehensive Plan policies.

L-2.4: TDCP Goal 10: 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.
Response (L-2.4): The Subdivision application is planned along two major linear streets. At this time, our public transit is in its early stages. Beginning in 2019, Mid-Columbia Economic Development District (MCEDD) initiated a local fixed transit route, and is assessing future expansion of these services. Also, the 2017 TSP shows a proposed fixed-route public transit on E. 12th running directly adjacent to this proposed development. (See Exhibit 5-10 of the 2017 TSP)

L-2.5: TDCP Goal 10: 11. Areas for low density residential development shall be at higher elevations along the Gorge bluff, in steeply sloped areas, along protected stream corridors, and where streets and other public facilities have limited capacity.

Response (L-2.5): See Response (L-2.3)

L-2.6: TDCP Goal 10: 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.

Response (L-2.6): See Response (L-2.3)

L-2.7: TDCP Goal 10: 23. All future residential development and design standards shall strive to create a "streetscape" that is aesthetic, functional, and beneficial to the neighborhood and community.

a. Streetscape refers to the aesthetic quality of the public and semi-public space. The public space includes the improved right-of-way, with street, curbs, sidewalks, street trees, street furniture, and utilities.

b. The semi-public space is the front yard of adjacent property, and is named due to its visual access, connection, and influence on the quality of the streetscape.

Response (L-2.7): This application will be required to meet the established street design as indicated in TDMC.

L-2.8: Parks and Recreation Goals: To develop, acquire, and maintain a balance of recreation opportunities and open spaces in order to improve the livability within the urban growth boundary. The City needs neighborhood and community parks designed to serve the day-to-day recreational needs of its residents. The City should address parks and open space needs based on the standard of 10 acres per 1,000 population (Residential Needs Analysis, 2006); currently 32 acres short, per Table 8-1 (2006 numbers).

Response (L-2.8): Northern Wasco County Parks and Recreation District recently adopted their Master Plan which includes plans to acquire needed parks and open space. The Applicant has also provided a small 5,654 ft² community park within their subdivision.

L-2.9: TDCP Goal 8: 5. Subdivision and site plan regulations and review should encourage incorporation of public recreational trails, bikeways and other recreational facilities in the area's bikeway and trail systems.

Response (L-2.9): The subject property is not located near any public recreational trails, bikeways and other recreational facilities in the area's bikeway and trail systems. All properties located adjacent to these facilities are required to comply with standards of Chapter 10.10, Improvements Required with Development of TDMC.
L-2.10: TDCP Goal 8: 11. The Parks Master Plan shall strive to provide neighborhood parks within a 5 minute walk or 1,500 feet of all residential areas.

Response (L-2.10): This is not criterion used in reviewing a Subdivision application. However, as stated in response L-2.8, Northern Wasco County Parks and Recreation District is working towards meeting this goal.

L.2.11: TDMC Section 10.5.020.010 “Adequate urban services shall be available to all development without exception.”

Response (L.2.11): See Response (D-4).

L.3: The proposal does not appear to provide required levels of off-street parking and open-space.


L.4: Multiple-family dwellings are not selling in TD (W. 10th and Mt. Hood; 4 units on Lone Pine)

Response (L.4): See Response (A-1). TDMC is absent of criteria pertaining to property transactions. This is not criterion used in reviewing a Subdivision application.

L.5: Strongly disagrees with the no parking requirement for ADUs.

Response (L-5): This comment has been determined as personal opinion.

L.6: Open area requirements shall apply to all development with 4 or more dwelling units per lot. A minimum of 30% of the gross lot area shall be developed as permanent open area. (TDMC Section 10.5.020.080).

Response (L-6): As discussed in Response (A-2), there are zero multi-family dwellings proposed with this development, per TDMC. Therefore, the above mentioned TDMC citation is not applicable to this proposal.

L.7: Citation of TDMC 10.7.060.010:

Parking: Minimum for 1, 2, and 3 dwelling units is 2 spaces per unit.

In multifamily developments, the applicant may elect to apply a minimum parking requirement of 1 parking space for every 2 bedrooms, but not less than 1 parking space per dwelling unit.

Response (L.7): See Responses (A-6) and (L-6).

L.8: What is the goal of the proposed Subdivision 74-19?

Response (L.8): As provided in the project narrative, the Applicant has stated that the goal of this subdivision is “to provide higher density housing typologies adequate to support “Missing Middle” incomes.”

L.9: Is it to provide “Affordable Housing”?

Response (L.9): The Applicant has not specified whether incentives for affordable housing will be applied for with this proposal. However, the Applicant has provided that the goal for this development is to provide “Attainable Housing.”

Response (L.10): The Applicant has not provided this information to the CDD. Also, this is not information that is required with a Subdivision application.

L.11: Will there be an HOA to maintain the requirements?
Response (L.11): The Applicant has mentioned the intent to establish an HOA to maintain the common grounds of the development; however, establishing an HOA is not required or administered by the CDD.

L.12: How can safe access be provided?
Response (L.12): Application will be required to meet standards set forth in TDMC for access. Access will be reviewed at time of building permit for each residence.

L.13: Is there turnaround space allowance in the alleyways?
Response (L.13): Pursuant to The Dalles Transportation System Plan (TSP) and TDMC, the proposed alleyways are designed in compliance with ROW dimensions.

Response (L.14): The above mentioned points of interest are not proposed with this development.

L.15: Provisions for children to play?
Response (L.15): The Applicant is proposing a 5,654 ft² Community Park with this proposal.

L.16: Feels that the comment period was brief.

L.17: Hopes the CDD denies the poorly planned project and engage the community in a process to develop something that more closely fits the characteristics of the neighborhood.
Response (L.17): This comment has been determined as personal opinion.

M-1: The property is incompatible with the property location and surrounding neighborhood
Response (M-1): See Response (D-1).

M-2: It will compromise the safety and “quality of life” of the neighborhood’s current and future residents
Response (M-2): This comment has been determined as personal opinion.

M-3: It is not the best use of this valuable residential property resource
Response (M-3): This comment has been determined as personal opinion.

M-4: Although the recently adopted comp plan arguably permits “high density” residential development on this property, the proposed density is unprecedented in The Dalles.
Response (M-4): This comment has been determined as personal opinion; however, Staff has provided that TDCP has not been amended since May 23, 2011, per General Ordinance 11-1312.

M-5: It is nearly double the suggested density for this site in the comp plan; which appears neither necessary, mandated, desirable nor wise.
Response (M-5): TDCP calls for a range of 10 to 25 units per gross acre. Based on the total gross acreage of the subject property, 7.36 acres, the subject property could support 73 to 184 units. The Applicant is applying for 72 single-family dwellings, and 11 ADUs, for a total of 83 dwellings. Other than the density requirements stated in TDCP, Staff was unable to determine the “suggested” density of the site.

M-6: The development will virtually assure future accidents, injury and possibly deaths, by increasing traffic at each of these intersections

Response (M-6): This comment has been determined as personal opinion.

M-7: Listed 3 hazardous intersections: 3 exiting and two proposed

Intersection 1: 10th Street, Thompson, Old Dufur Road – Listed as the primary point of entry/egress; westbound traffic is nearly impossible to see; northbound vehicles on Thompson are concealed from view by on-street parking; Hazardous in its present state and additional traffic should not be routed into it.

Intersection 2: Richmond, Old Dufur Road – Richmond is steep and northbound traffic having difficulty stopping at the intersection – all conditions, but dangerous with frost, gravel, moisture, ice, or snow – all of which frequently occur on this shaded, north-facing slope

Intersection 3: Fremont, Hwy 197 – This is a well-known existing hazard. The development would significantly increase use and risk at this intersection

Intersection 4: “Bradley (Proposed)”, 10th Street

Intersection 5: an unnamed north-south street in the plan and 10th Street


M-9: From the provided site plan, both the “Bradley (Proposed)”, 10th Street and north alleyway, 10th Street intersection are on either side of a steep hilltop. At each intersection, vehicles are not visible until they are within 110 feet, at the posted speed (25 mph) a vehicle would travel that distance in 3 seconds. Both intersections are unsafe and should not be permitted.


M-10: Although this is an administrative application, its impact should be discussed between planners, residents, surrounding property owners, and developers.

Response (M-10): All land use decisions allow for dialogue between all parties involved.

M-11: Although the notice and information made available may satisfy legal obligations, it has been inadequate to permit full community participation in the disposition of the property

Response (M-11): This comment has been determined as personal opinion.

M-12: Urging the denial this proposal, engage the neighborhood, and establish a better plan.

Response (M-12): This comment has been determined as personal opinion.
N-1: Past meetings occurred with the City and the community in 2012-2013 to discuss the need for upgrades and additions to the quality and quantity of future housing needs. It was determined at that time that the top priority would be to upgrade and expand housing in the central core including utilization of 2nd floor businesses and proceed to enhance and develop available housing through all possible processes. In the future, if it became necessary, expand the core from the center outward to the present boundaries, thereby avoiding the possibility of developers attempting to make use of open lands along the UGB, thereby leaving the central core to eventually deteriorate and degrade the quality of life. This wisdom is still viable and demonstrates why the present outpouring of desperation is prevailing over the proposal.

New Director, Staff, and Municipal overviews looking to approve up to 120 dwellings, mostly rentals, 1.5 miles east of City Center, on what has been 8, one acre parcels for 100 years.

Response (N-1): This is not criterion used in reviewing a Subdivision application.

O-1: Do not feel that ample time was provided for a complete and accurate response from all affected properties.

Response (O-1): See Response (E-12).

O-2: Proposal fails to properly analyze the following sections (Citation):

O-2.1: Citation of TDMC 10.9.010.010, Purpose of Chapter. This proposal fails in this area with over-developed space and increase to the population, vehicles, traffic flows, and safety to surrounding neighbors, intersection, etc.

Response (O-2.1): This comment has been determined as personal opinion.

O-2.2: Citation of TDMC 10.9.020.030 (C), Public Improvements. …Public improvements shall be placed within easements or rights of way per city standards; if not sufficient to accommodate, additional easement shall be acquired from adjacent property owner. This affects this property more than others, as it is the abutting property. The required access must have a dedicated right of way at least 40’ in width and improved to city standards. The proposed Bradley Drive, running north and south between 10th and 12th is only 31.77’ wide. He will not accept destruction of his property and loss of space to accommodate the access way.

Response O-2.2: Not applicable. Section 10.9.020.030 of TDMC refers to Residential Rear Lot Development. The Applicant is not proposing any rear lot development with this proposal.

O-2.3: Questions how his deed will be interfered or obstructed with?

Response O-2.3: This proposal will have no impact on surrounding property deeds.

O-2.4: What about my potential loss of land, obvious devaluation of property value, and reduced potential for future sales ability?

Response O-2.4: See Response (A-7).

O-3: Provisions must meet all requirements A-J (TDMC 10.9.050.030). Four have an issue:
O-3.1: TDMC 10.9.050.030, D. Does the City intend to upgrade everything surrounding to support the additional use of the subdivision at the City's expense?

Response (O-3.1): Not applicable. Section 10.9.050.030 of TDMC refers to Planned Developments. The Applicant is applying for a subdivision, not a Planned Development.

O-3.2: TDMC 10.9.050.030, E. The proposal is a complete fail in regard to the surrounding properties. Everyone who owns property in this area has done so to not be in a dense "in town" environment. With the number of duplexes and triplexes proposed, this will not be owner occupied project but rather a rental village, completely inappropriate for this area.

Response (O-3.2): Not applicable. See Response (O-3.1).

O-3.3: TDMC 10.9.050.030, I. This impact statement should be provided to all affected property owners. Was this completed, and is it available?

Response (O-3.3): Not applicable. See Response (O-3.1).

O-3.4: TDMC 10.9.050.030, J. With the maximum density as seen on the proposed map, there is certainly not 25% devoted for this. The proposed park is only 0.13 of an acre; the 5% minimum needs to be at least 0.346 acre.

Response (O-3.4): Not applicable. See Response (O-3.1).

O-4: Proposal fails to properly address the following Section 10.10.060 (A) of TDMC. Where is the traffic impact study? Why has it not been provided to affected property owners? With 83 units multiplied by 2 vehicles is 166 vehicles. With normal daily commuters and other travel, this will translate to more than 400 daily motor trips to an area not supportive of this structure. There is no way to prepare our systems to handle this.


O-5: With the development pushed to the setback lines and density, there will be no space for social activity for children and teens which will push issues onto surrounding property owners. This increase to our personal liability should not be acceptable.

Response (O-5): See Response (E-10)

O-6: Understanding that development is inevitable, but the whole surrounding neighborhood is strongly opposed.

Response (O-6): This comment has been determined as personal opinion.

O-7: Request to re-evaluate the proposal with all the concerns raised.

Response (O-7): This comment has been determined as personal opinion.

P-1: This development is not compatible or consistent with properties and neighborhoods

Response (P-1): See Response (D-1).

P-2: The high density zoning designation does not hold water

Response (P-2): See Response (E-4). Also, the property is currently zoned RH.
P-3: What about infrastructure in this area and surrounding areas? Streets are narrow with no “on-street” parking, with small sections of curbs/sidewalks going nowhere.

Response (P-3): Both East 10th and East 12th Streets have 60 feet platted right-of-way. They are currently not built to City standards. The applicant will be required to install street improvements adjacent to the Subdivision as well as any additional improvements deemed necessary from the required Traffic Impact Study.

P-4: What about storm water run-off and drainage from this development?

Response (P-4): See Response (D-4).

P-5: What about sanitary sewer? Currently goes to Morton St on 10th St, and a short distance East of Morton on 12th Street.

Response (P-5): See Response (D-4).

P-6: Leapfrogging past existing infrastructure will create the need to fill in the gaps, which is poor planning.

Response (P-6): This comment has been determined as personal opinion.

P-7: The cost of infrastructure improvements in the surrounding areas will be at the cost of the property owners. The cost of those future improvements on the retired and fixed income residents will be huge. How will the development department sell that to these people?

Response (P-7): Pursuant to Section 10.10.060 of TDMC, the Applicant will be required to improve the abutting streets of the subject property (E. 10th, 12th, and Richmond Streets), as well as the proposed streets (E. 11th Street and Bradley Drive) to City standards along the full frontage of the property. Therefore, surrounding property owners will not be required to improve the right of way frontage abutting their own personal property at this time.

P-8: How are landscaping, adequate off-street parking, and green space areas addressed with this development?

Response (P-8): Landscaping, off-street parking, lot coverage/green per parcel, are all criteria addressed at the time of each building permit.

P-9: What about carbon footprint and lowering carbon emissions and sequestering carbon from the atmosphere?

Response (P-9): TDMC does not include ‘carbon footprints’ as criterion for a Subdivision application.

P-10: This development is reminiscent of urban sprawl and tract development of the 50s, 60s, and 70s that then called for planning and responsible development

Response (P-10): This comment has been determined as personal opinion.

P-11: Are we going backwards? I don’t see any way this proposed development would be friendly to the environment or compatible with the area and property owners.

Response (P-11): This comment has been determined as personal opinion.
P-12: What about off-street parking? Not just off-street parking, but adequate parking for the realistic size and quantity of vehicles people have. What about RVs?

Response (P-12): See Response (A-6). TDMC does not have minimum/maximum on-site parking requirements for recreational vehicles (RVs). Additionally, Section 6.04.160 – Traffic Control, Prohibited Parking of TDMC provides regulations for the parking of recreational vehicles on any public right-of-way within the City.

P-13: Why is this an “administrative decision”? With so many impacted, it should be a public decision followed by a decision derived from public testimony. Appealing an administrative decision is much more difficult than making good decisions in the first place.

Response (P-13): See Responses (E-12) and (K-1).

Q-1: Approval of the high density development is not similar to other property types available in the immediate area, with typically larger lots, limited traffic, and more private parcels

Response (Q-1): See Response (E-4).

Q-2: Proposed density would put undue burden on road and safety as traffic will increase


Q-3: The distance to services will not provide easy access to community needs

Response (Q-3): This comment has been determined as personal opinion.

Q-4: Desired density will lead to overcrowded streets with no off-street parking, creating congestion and reducing safety for walkers due to no sidewalks in the surrounding area

Response (Q-4): See Response (A-6).

Q-5: Reduced safety, dissimilar property types and increased traffic in addition to likely non-owner occupied dwellings will have an impact on neighborhood culture, safety, and property values

Response (Q-5): This comment has been determined as personal opinion.

Q-6: Bureaucratic rezoning to high density does not follow conforming neighborhoods or reasonable planning

Response (Q-6): See Response (E-4)

Q-7: Residents in this area pay higher property taxes and destroying these amenities will degrade our city and lives of its residents

Response (Q-7): This comment has been determined as personal opinion.

Q-8: Recommend reconsideration of classification of the property to low density housing to preserve type and quality of neighborhoods for our community

Response (Q-8): This comment has been determined as personal opinion.

R-1: The City needs new housing, but opposing this development

Response (R-1): This comment has been determined as personal opinion.
R-2: Structures appear to be right on top of each other
Response (R-2): This comment has been determined as personal opinion.

R-3: Do not think the developer should be allowed to divide into 64-80 lots, rather a smaller number.
Response (R-3): This comment has been determined as personal opinion.

R-4: The houses and the ‘plexes’ should be together, rather than the mix of housing types
Response (R-4): This comment has been determined as personal opinion.

R-5: What amount is the City contributing to this project from tax payer dollars?
Response (R-5): This subdivision application and project are being proposed by a private developer. This is not a City funded project.

S-1: Citation of The Dalles Comprehensive Plan (TDCP): The Dalles Comp Plan, Appendix B, page c: “in areas where multi-family structures are to mix with single-family residence, the multi-family building shall be designed to be compatible with surrounding properties.” Proposed development is neither consistent nor compatible with the existing neighborhood
Response (S-1): See Response (A-1).

S-2: Property not in the city limits; concerning as the city will not be required or compelled to provide correct infrastructure
Response (S-2): All property being developed within the Urban Growth Boundary is required to meet the standards set forth in TDMC, which includes infrastructure meeting the City’s standards and specifications.

S-3: Are there plans to alter the water and sewer lines?
Response (S-3): See Response (D-4).

S-4: Surrounding streets are narrow, no sidewalks, and there is a speeding problem
Response (S-4): This comment addresses current road conditions. Please see Response (D-6).

S-5: Are there plans to make pedestrians travel safe?
Response (S-5): See Response (A-4). S-6: Is it possible to make the streets wide enough to accommodate pedestrian and bicycle traffic?
Response (S-6): Street standards are addressed in TDMC. All streets within the proposed development will be required to meet the established standards and specifications for the road classification.

S-7: Speeding is a problem in the area, and there have been no plans to provide safety and support, despite the increased usage
Response (S-7): See Response (D-6).

S-8: Dry Hollow Elementary is already exceeding capacity, is there any consideration for this situation?
Response (S-8): This is not criterion used in reviewing a Subdivision application.

S-9: There are ample sites within the city limits to build developments similar to this one, and they would be consistent and compatible with existing properties.

Response (S-9): This comment has been determined as personal opinion.

T-1: High density development would not be consistent with the existing neighborhood.

Response (T-1): The subject property is currently zoned RH, and abuts RH zoning on the north and west of the property.

T-2: Effect of neighboring property values may be significant.


T-3: Appears that all pertinent regulations that would prohibit the development of such an inconsistent neighborhood have recently been amended.

Response (T-3): This comment has been determined as personal opinion.

T-4: Recent code changes were discussed at a public hearing, but the meeting was not well publicized and neighbors were not adequately notified.

Response (T-4): All land use applications are required to meet public notification requirements which include notifications in The Dalles Chronicle. There were multiple public hearings before both the Planning Commission and the City Council prior to the code changes being adopted.

T-5: This does not seem like the City was interested in learning what the people affected thought.

Response (T-5): This comment has been determined as personal opinion.

T-6: This development will add hundreds of vehicle trips a day, and the current capacity of existing streets will be overwhelmed.


T-7: A blind hill on 10th Street adds to further complications for traffic leaving the development onto 10th Street.

Response (T-7): See Response (G-4).

T-8: Speeding is a problem.

Response (T-8): See Response (D-6).

T-9: This development will add to the overcrowding at Dry Hollow.

Response (T-9): This is not criterion used in reviewing a Subdivision application.

T-10: Has the School District been consulted about such an impact?

Response (T-10): This is not criterion used in reviewing a Subdivision application.

T-11: Drainage will become a serious problem.

Response (T-11): See Response (D-4).
T-12: Understands The Dalles has a critical shortage of affordable rentals, but this is not the solution
Response (T-12): This comment has been determined as personal opinion.

T-13: Other areas in town are more appropriate for high density development
Response (T-13): The subject property is zoned RH. This comment has been determined as personal opinion.

T-14: This project has been rushed through in near secrecy. Please allow more input into this development
Response (T-14): See Responses (E-12) and (K-3).

U-1: Why wasn’t she notified?
Response (U-1): See Response (E-12).

U-2: Why is there only a 100’ notification for such a project?
Response (U-2): See Response (E-12).

U-3: There is a dangerous “blind hill” in the area that is located near a proposed alley to the development
Response (U-3): See Response (G-4).

U-4: Why is there so much crammed into this 7 acre parcel? It is too much.
Response (U-4): See Response (M-5).

U-5: Not enough open space for children, and the community park is only 2% of the development
Response (U-5): This comment has been determined as personal opinion.

U-6: Thought that high density rules require 30% open space
Response (U-6): Pursuant to Section 10.5.020.080 Open Area of TDMC, open area requirements shall apply to all development with 4 or more dwelling units per lot. The Applicant is proposing 72 dwelling unit parcels, with zero multi-family units proposed. However, the RH zoning district requires a minimum of 40% total lot coverage on each parcel; with lot coverage defined as percentage of a development site covered by paved surface areas and buildings.

U-7: Why can’t we spread out these developments, make them smaller, and build closer to services like grocery stores?
Response (U-8): This comment has been determined as personal opinion/recommendation.

U-8: Does this mean that all cherry orchards, once sold, will be zoned high density? Just some of them?
Response (U-8): Unless a formal Comprehensive Plan and Zone Change application is requested, only those cherry orchards currently zoned high density will retain this designation upon, not as a result of, the sale of the property.
V-1: The additional traffic on 10th Street would be abhorrent

Response (V-1): This comment has been determined as personal opinion.

V-2: Speeding is currently a problem on 10th Street

Response (V-2): See Response (D-6).

V-3: With no sidewalks, children safety that might be walking to town is questionable.

Response (V-3): Lack of sidewalks throughout our community have continued to be a problem. A few years ago a small group of citizens worked with State Legislators to pass Oregon House Bill 3479 from the 2013 Regular Session that placed restrictions on the City of The Dalles’ ability to require improvements on various development options; therefore, street improvements will not be required with this application. That House Bill coupled with zoning code amendments and removal of all waivers-of-remonstrance for right of way improvements has allowed for development to occur without street and sidewalk improvements being installed.

V-4: Additional pollution and hardship caused by the distance from services would be substantial.

Response (V-4): All development included in this subdivision will be connected to City services which will help decrease the ground pollution that could be caused by septic sewer systems.

V-5: Project seems rushed and without neighborhood input.

Response (V-5): See Responses (E-12) and (K-3).

V-6: This should be more than an administrative decision, with 300+ individuals being affected that presently live in the area

Response (V-6): See Response (K-1).

V-7: An informational/input meeting ahead of the decision might be beneficial

Response (V-7): This comment has been determined as personal opinion.

V-8: Recent land use changes resulted in neighborhood compatibility and design standards not important and no longer needing to be met.

Response (V-8): Recent amendments to TDMC were made to bring the code in compliance with the State’s requirements to have clear and objective standards. Design standards are still required to be met at the time of building permit for each parcel.

V-9: Appalled by close proximity of dwellings, and lack of open space

Response (V-9): This comment has been determined as personal opinion.

V-10: Did the 30% open space requirement for high density land use guidelines recently change as well?

Response (V-10): See Response (U-6)

V-11: People need more space and should not be crammed in.

Response (V-11): This comment has been determined as personal opinion.
V-12: This project would not meet the requirements that the “purpose of the land use and development was to protect and improve the aesthetic and visual qualities of the living environment”

Response (V-12): This comment has been determined as personal opinion.

V-13: The goal to “aid in securing safety from fire, natural disaster and other dangers” will not be met as the blind hill on 10th is an accident waiting to happen

Response (V-13): See Response (G-4)

V-14: The streets through the development should be wider as another goal speaks to “provide adequate access to and through the property.”

Response (V-14): Street design standards are established by the TSP and detailed in TDMC. The street widths are determined by engineers and are based upon capacity standards. The Traffic Impact Study will provide details on the streets and widths necessary to serve the existing and proposed development.

V-16: The goal to “promote health, safety and general welfare” does not seem to be meant with the units being so close together, with little recreational space available close-by and the grocery stores so far away

Response (V-16): This comment has been determined as personal opinion.

V-17: It seems incompatible.

Response (V-17): This comment has been determined as personal opinion.

V-18: Spread the high density housing need throughout our community and not just in one project

Response (V-18): This comment has been determined as personal opinion.
Attached are the comments received as of February 14, 2020, at 5pm, regarding Subdivision application #74-19. Names, addresses, and date of submission have been provided below:

- **Exhibit A:** “Neighborhood Mailer”  
  Received between 2/5/20 – 2/14/20  
  Signed by: 21 residents  
  1. Lois & Lawrence Hughes, 2803 E 12th St: 2-5-20  
  2. Ernie Piehl, 2823 E. 12th St: 2-6-20  
  3. Robert & Denise Bokum, 2735 E. 12th St. | PO Box 1041, TD, OR: 2-6-20  
  4. Milton Mauldin, 2732 E 12th St.: 2-7-20  
  5. Sherry Munro, 2500 E 12th St.: 2-10-20  
  6. Leo & Jessie Kochis, 2521 & 2523 E. 12th St.: 2-11-20  
  7. Don Kelsey, 3035 E 12th St.: 2-12-20  
  8. Billie Sue Kelsey, 3035 E. 12th St.: 2-12-20  
  9. Marium Havig, 3015 E. 12th St.: 2-12-20  
  10. Christopher Lente, 3051 E. 12th St.: 2-12-20  
  11. Nic Jenkins, 2510 E 10th St.: 2-13-20  
  12. Steve Stroud, 3004 E 12th St.: 2-14-20  
  13. Brian Grubs, 3005 E 13th St.: 2-14-20  
  14. Loyal and Linda Quackenbush, 1005 Richmond St.: 2-14-20  
  15. Jamie and Andrew Kerr, 2617 E 10th St.: 2-14-20  
  16. Andrew Stanek, 2623 E 10th St.: 2-14-20  
  17. Jesse Jacobsen, 1204 Richmond St.: 2-14-20  
  18. Erica Jacobsen, 1204 Richmond St.: 2-14-20  
  19. William Gatton, 2732 E. 12th St.: 2-14-20  
  20. Anna Gatton, 2732 E. 12th St.: 2-14-20  
  21. Rena Mae Mauldin, 2732 E. 12th St.: 2-14-20

- **Exhibit B:** Lois & Lawrence Hughes, 2803 E 12th St: 2-5-20 (on the bottom of the mass mail-out)
- **Exhibit C:** Ernie Piehl & Judy Ringo, 2823 E. 12th St.: 2-6-20
- **Exhibit D:** Timothy & Mary Sipe, 1105 Morton St. E.: 2-6-20
- **Exhibit E:** Eric Pyles, 1212 Morton St.: 2-7-20
- **Exhibit F:** Randy Kaatz, 2724 E 12th St.: 2-7-20
- **Exhibit G:** Bob Perkins, 2845 E. 10th St.: 2-10-20
- **Exhibit H:** Lou & Jody Caracciolo, 2616 E. 10th St.: 2-10-20
- **Exhibit I:** Kay Havig, 3015 E. 12th St.: 2-12-20
- **Exhibit J:** Ben & Debbie Rivers, 2809 E. 12th St.: 2-13-20
- **Exhibit K:** Eric J. Pyles, 1212 Morton St.: 2-14-20
- **Exhibit L:** Terri Gingrich, 2835 E 10th St.: 2-14-20
- **Exhibit M:** Gary Gingrich, 2835 E 10th St.: 2-14-20
- **Exhibit N:** Randy Hager, 2800 E. 10th St.: 2-14-20
- **Exhibit O:** Damon Hulit, 2830 E. 10th St.: 2-14-20
- **Exhibit P:** Frank Pyles, 2436 Old Dufur Rd.: 2-14-20
• Exhibit Q: Jon Farquharson, 2707 E 14th St.: 2-14-20
• Exhibit R: Amy Manzella, 1505 Thompson St.: 2-14-20 (email)
• Exhibit S: Robert & Jozetta Schultens, 2637 E. 10th St.: 2-14-20
• Exhibit T: Steve Murray, 2645 E. 11th St.: 2-14-20 (additionally signed by Jack & Una Harmon, 2637 E. 11th St)
• Exhibit U: Karen Murray, 2645 E. 11th St.: 2-14-20
• Exhibit V: Karen Murray, 2645 E. 11th St.: 2-14-20
February 4, 2020

The Dalles Community Development Department
313 Court Street
The Dalles, OR 97058

Reference: File # SUB 74-19, 2845 E. 12th Street, 1N 13E 1 C tax lot 200

To Whom It May Concern:

We the undersigned hereby submit our objections to the proposed development of the above referenced property. Below is a discussion and list of our objections.

The Dalles Comprehensive Land Use Plan (May 2011), Appendix B, page c, High Density, High Density Residential Standards bullet 2 specifically states "in areas where multi-family structures are to mix with single-family residence, the multi-family building shall be designed to be compatible with surrounding properties."

The proposed development is neither consistent nor compatible with the existing neighborhood.

Description:
For purposes of this letter, we define the existing neighborhood as Morton Street to the west, 10th Street to the north, 12th Street to the south and Richmond (from Old Dufur to 13th Streets) to the east.

- The referenced lot is located in rural Wasco County, not in the City of The Dalles
- It is contained within the urban growth boundary.
- Properties located to the south and east of the lot are zoned residential low density.

This neighborhood is a mix of agriculture, single family homes, most having .91 acres

- Some lots have subdivided, some are larger properties.
- The few multi-family dwellings are small & contained within the City.
- Total number of dwellings contained in the neighborhood is 33.
- Agricultural uses in this neighborhood consist of cherry orchards, horses, alpacas, cattle and sheep.

Streets and Drainage:

- Morton is steep and is gravel only.
- Richmond is steep to the north of where it intersects with 10th, with some recent drainage improvement, but is still poor.
- Traffic can be heavy during commuting times and school bus runs and the intersection at Old Dufur must be approached with caution.

10th and 12th Streets

- Two lane chip sealed roads with gravel shoulders
- Major east-west corridors
- Used by walkers, some bicycles, even horses, people walking dogs and also walking farm animals.
- During harvest & other times, farm vehicles and equipment use the road heavily, moving equipment, vehicles and produce from one orchard to the other.
- Although the speed limit is posted at 25 mph, this is rarely observed.

**Drainage**
- There are no drainage ditches on 10th or 12th east of Morton, to carry any water run-off.
- Water drains onto properties on the north sides of the streets. This needs to be addressed no matter what type of development occurs.

**Objections:**
1. The proposal calls for a total of 83 residential units. This is two and a half times the current number of residences in the neighborhood (33), bringing the total to 116 units in just over one block.
   - Eleven ADU’s are proposed.
   - Concerns about financing, and devaluation of ADU’s were addressed in Planning Commission meeting minutes of May 3, 2018, page 33 of 33.
2. Most of these dwellings would have two or more occupants, many having one or more vehicles.
   - Traffic would increase significantly on 10th, 12th, Richmond and Fremont.
   - The intersection at Fremont and 197 is already dangerous and busy.
   - In many communities, developers are required to provide road improvements. This is more than sidewalks and curbs but includes acceleration lanes and left hand turn lanes. How will this be addressed?
   - For a plan of 83 residences, a road study is required. When will this take place?
3. The population of this neighborhood would increase significantly.
   - This will impact the school system, Mid-Columbia Fire and Rescue, Wasco County Road Department and the Wasco County Sheriff Department.
   - How is the Sheriff’s department preparing to increase patrols and coverage to accommodate this increased population density?
4. The proposal does not discuss or show parking.
   - People in this neighborhood do not park in the streets. They park in garages and/or driveways.
   - Parking needs to be contained within the development, either by parking spaces at dwellings or by a common parking lot, not burdening neighborhood streets.
5. Attached is a map of the surrounding homes, like the one provided with the notification letter.
   - It shows Zillow approximated value of the surrounding properties, as well as the # of bedrooms and baths.
   - The proposed residences are smaller, with no yards and would be primarily rental properties of lesser value than the homes in the neighborhood.
   - We are concerned about devaluation of existing homes due to the lower value of high-density dwellings proposed for this neighborhood.
6. These dwellings would be primarily family rentals.
   - There are virtually no yards for these homes, leaving residents, especially children, to look elsewhere for recreation.
• The surrounding orchards and homes would subject to trespassing for various uses, including dog walking, kids playing, bicycle riding, soccer fields, picnic areas and ATV riding. This is not only dangerous but will cause a lot of friction and calls to the Sheriff in this well-established, rural neighborhood.
• The Parks & Recreation District Master plan identifies this area (A2) as an underserved area.

7. We understand that The Dalles needs to comply with Oregon law regarding "infill" and provide more affordable housing in the area.
• We feel that the seven-acre property in this small, rural neighborhood is being used to bring the City into compliance with Oregon Code.
• The burden to comply needs to be spread out among other more compatible neighborhoods, who have the proper infrastructure already in place to support such dense housing and impact.

**Alternative:**
We reviewed the information available for Park Place, a development being built by Curtis Homes. The size and value of the homes appear to be more in line with the existing residences in this area. They also have yards and parking. Children would be less likely to use the neighborhood orchards and properties as playgrounds, and the residents would not need to rely on the streets for parking vehicles.

Please consider our concerns and objections as you proceed. We would like to be informed of any future meetings or decision regarding this property.

Sincerely,

[Signature]

**Name**: Maria Perez Hernandez  
**Date**: 2-4-20  
**Address**: 2803 E. 12th  
**Phone**: 541-296-2451  

*We would like to add several observations that are of personal concerns to us. We purchased 1.8 acres in 1954 that are 340 ft. to the west of the "high density" proposal. In 1960 by an act of United State Congress, the Department of Interior surveyed and Engineed an irrigation system for agriculture ground that included the proposed development. As people purchased land in this area over the last 60 years they learned to co-exist with herbicides and pesticides being applied on the irrigable acres by ground sprayers and airplanes. With the only buffer to south (12th st) being 50' of separation, between the "high density proposal" and agriculture farming, it would seem to make to be a*
very "Risky" liability to exposed 60-80 families to these farming operations.

Sincerely, [Signature]
Feb 4, 2020
Ernie Pichl

The Dalles Community Development Dept.

To Whom it may Concern:

We are writing this as concerned property owners of said property 1823 East 12 Street. The property in question is located at 2845 E. 12 Street.

We live next door on the adjoining property. We have many concerns with the proposed building site of so many homes on this size property! Our area is more of a rural area.

We have orchards, people that have horses, goats, alpacas. Lots of people that walk their dogs etc. All of this would change with the proposed amount of homes they plan to build. The traffic would be horrendous, we have deer that come down into that area nightly that would end! The construction of said houses with all the trucks going up and down 12 street as well as Richmond will totally disrupt our quiet, peaceful neighborhood.
plus it will greatly decrease our property value. It's a quiet peaceful neighborhood, not after they build all the homes next door. Not that we plan to sell our property or have even thought of moving, but having this in our back yard "so to speak, we may want to move"! We always look forward to spring and summer, picnics, gardening, having company over for a peaceful day. That will all change with the traffic, noise from building "I will be a three ring circus!"

Everyone in our area is in agreement, our neighbors on 7st, as well as the people that live on Richmond and 10th st. This is a low density rural area, please leave it as its always been! Note high density, congested area.

Sincerely,

Ernie Pichl / Judy Ringo

Ps. Ernie's parents built this home, planted every tree in the fifties, I would be a sad day to see all of this changed!!
February 6, 2020

The Dalles Community Development Department

313 Court Street

The Dalles, OR 97058

Reference: File# SUB 74-19, 2845 E. 12th Street, 1N 13E 1 C tax lot 200

To Whom It May Concern:

We the undersigned hereby submit our objections to the proposed development of the above property. Below is a discussion and list of our objections.

An 80 unit sub development in this setting would not be compatible with the existing structures in the neighborhood.

There does not seem to be any accommodations for parking in the development, and the Street is not wide enough to accommodate parking safely.

With the structures so tight there would be little area for residence to play, the street would then be the location for playing. Or neighboring properties would be used.

Water drainage from the extra streets would tend to flood the houses below the development. There is inadequate drainage in that area.

10th and 12th Streets are not adequate for the extra traffic. And there is already a tendency of people to speed on these narrow Streets. This would put the people that walk and ride bikes or their horses in more danger of an accident.

From what I understand 13th St. is not a maintained street but is an access road. A lot of the traffic would go that way since Richmond is a very steep hill. This will increase traffic at the intersection of Old Dufur Rd. and Fremont which is already dangerous. Also the intersection of Fremont and 197 will have increased traffic and this is already a dangerous intersection.

How would the City and county increase services like police presence, medical, and fire response to this area. Along with extra street maintenance, this now is very limited.
I know the city needs to grow but I would hope that these developments would be more consistent with existing dwellings. A reduction to at the most 40 units would be better.

I have been at this location since 1955, and it has been in the family since that time. And up till now the development has stayed consistent with the rural setting. I feel going forward with this plan would have a negative impact on the neighborhood as it is.

Sincerely,

[Signature]

Name: [Name]
Address: 1105 Morton St E
Phone: 541-993-8777

Name: [Name]
Address: 1105 Morton St E
Phone: 541-993-0747

I would like to know final decision.
February 4, 2020

The Dalles Community Development Department
313 Court St.
The Dalles, OR 97058

Reference: File# SUB 74-19, 2845 East 12th St., The Dalles

To whom it may concern,

This above referenced application to divide IN 13E IC tax lot 200, a 7.21 acres parcel into 72 lots, totaling 83 units, is entirely inconsistent and incompatible with the existing neighborhood. The existing neighborhood being defined as from Morton St. East with 14th St to the South and 10th St. to the North.

This neighborhood is a mix of single family residential homes & agriculture; I believe many having a large lot size of .91 acres and with roughly 45 to 50 residents. The proposal would conservatively bring 155 residents, which is three times the amount of the neighborhood at large.

The Dalles Comprehensive Land Use Plan (May 2011), Appendix B, High Density, states: “in areas where multi-family structures are to mix with single family residences, the multi-family building shall be designed to be compatible with surrounding properties”.

How does this proposal even come close to that standard? I would also like to know how/why this area is zoned “High Density Residential” and how long that has been in affect. Areas adjacent are EF1 (exclusive Farm use). The proposed sub-division is in Wasco County not The Dalles City boundary, but is in the Urban Growth area.

Is it the city’s intent to annex all lots and properties from Morton Street East to Richmond? If so, will agriculture activities be severely impacted? Or will Oregon Right to Farm and Wasco County Right to Farm have precedence? How will the proposals impact on local traffic be addressed?
This proposal does not show or discuss parking needs, with very small lot sizes, etc. Most units would have to use on-street parking. Those units would be mainly family rentals, with virtually no green space.

The surrounding orchards and larger lot homes would become even more appealing to trespassing for various activities including but not limited to: dog walking, children playing, bike riding and other activities.

I am very concerned that such a short time period for comments has been given in regards to such a large proposal that affects many factors including traffic, roads, infrastructure, utilities, services, schools, etc.

I hope that you have or will consider these concerns and objections. Also, I would like to be informed of any meetings or decisions regarding this proposal.

Sincerely,

Eric J. Pyles  
1212 Morton St.  
The Dalles, OR 97058  
541-993-5061
February 7, 2020

The Dalles Community Development
313 Court Street
The Dalles, OR 97058

Public Comment

File Number: SUB 74-19
Location: 2845 East 12th Street
IN 13E 1 C Tax Lot 200

Point 1 in opposition

The following text is taken directly from *The Dalles Municipal Code, Title 10
Land Use and Development Ordinance*. It should be noted that the code citations
are from various zones. As evidence by the code, *COMPATIBILITY* is an
important consideration for future development. While the Comprehensive Plan
likely has requirements for what type of zones need to be utilized for future
growth, it also needs to be VERY cognizant of the requirement of
*COMPATIBILITY*. About the only part of this proposed development that is
compatible is the Single Family Dwelling. Six (6) out of eighty three (83) units are
single family. This constitutes about 7% compatibility...hence 93% of the
proposed dwellings are NOT *Compatible* with the surrounding area.

Point 2 in opposition

As pointed out in one of the follow code citations, 3. Availability of, and impacts on
existing infrastructure and utilities. The three streets bounding this development, Richmond, 10th
Street and 12th Street are not improved and provide NO safe walking space. I live on 12th Street
and we walk our dog on all these streets every day. It is hazardous for adults. It becomes very
hazardous for children. With the quantity of people living in the proposed development, the
pedestrian traffic will be greatly increased. Without proper sidewalks beyond the development,
this becomes a big safety concern.
Point 3 in opposition

The increased traffic from this proposed development will add to the danger to pedestrians. As you drive on these streets, it feels rural and as a result the average traffic travels at 35mph and more. We have seen vehicles traveling upwards of 80mph on 12th Street. Add this to the inadequate infrastructure development noted in Point 2 in opposition and it makes this development incompatible.

Point 4 in opposition

The Site Plan provided offers no indication of meeting the off-street parking requirements. Parking on developed streets in The Dalles creates a hazard. Add to that the narrow and unimproved adjacent streets to the proposed project and the actual impact could be detrimental.

Point 5 in opposition

High Density development is best located, preferably, within walking distance to services. This location it impractical to walk to any services, for the average person. A vehicle is required which adds to the traffic problem.

Possible Alternative Solution

While it is easy to be critical because the development is in my “backyard”, consider using the talent of professionals to find alternative locations that are more compatible. Have you considered leveling six city blocks that have residences that are beyond their usable life span and place this development there?

Summary Comment

The proposed development has so many problems and incompatibility issues that it reflects VERY POORLY on the part of The Dalles Planning Commission and The Dalles Planning Department. From my perspective as a design professional, this is an embarrassment and I cannot see any city official or planner putting their signature of approval on this project.

It is true that we currently have a housing shortage. That is not a good reason to approve this development.
The Dalles Municipal Code
Title 10 Land Use and Development Ordinance
(Excerpts)

10.3.030.010 Purpose

The purpose of the site plan review is to enable the approving authority to review development proposals for compliance with City ordinances, local standards, conformance with the Comprehensive Plan and compatibility with surrounding development, and to add any conditions of approval necessary to ensure such compliance, conformance and compatibility.

10.5.070.010 Purpose

A. This district implements the CLI - Commercial/Light Industrial zone district as part of the Commercial Comprehensive Plan designation and is intended to provide an area for commercial uses and certain light industrial uses. New development shall be designed to promote clustering of businesses where appropriate, and use of common access and traffic controls. Where appropriate, safe and convenient pedestrian and bicycle circulation between the particular use and the adjoining street/sidewalk shall also be provided.

B. This district also accommodates business parks that provide for a mixture of commercial and light industrial uses in a campus-like setting where business activities are conducted indoors. To ensure compatibility with adjacent residential neighborhoods, business parks shall be reviewed through the planned development process set forth in Article 9.050.

10.9.050.020 Purpose

Planned development review procedures are established in this Article to promote flexibility in design and allow diversity and creativity in the location of structures; promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities; preserve to the greatest extent possible existing landscape features and usable open space, and incorporate these into the overall site plan; provide for more usable and suitably located recreation facilities, open space, and other public and common facilities than would otherwise be provided under conventional land development procedures; encourage mixed uses in a development project; combine and coordinate architectural styles, building forms and building relationships within the planned development; and, to provide greater compatibility with surrounding land uses than what may occur with a conventional project.

10.9.050.050 Conceptual Development Plan Review

A. Review Procedure. Planned development conceptual development plans shall be reviewed by the Commission, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, as part of the conditional use permit.
B. Review Criteria. Requests for approval of a conceptual development plan shall be reviewed to assure consistency with the purposes of this Chapter, the Comprehensive Plan, the appropriate site plan review criteria, and applicable provisions of this Title and other City ordinances, policies and standards. **In addition, the following compatibility factors shall be considered:**

1. Basic site design (the organization of uses on a site).

2. Visual elements (scale, structural design and form, materials, and so forth).

3. **Availability of, and impacts on existing infrastructure and utilities.**


5. Noxious odors.

6. Surface water run-off and methods to control run-off.

7. Lighting.

8. Signage.


10. Traffic.

11. Effects on off-site parking.

12. Effects on air and water quality.

**10.5.120.060 Land Use Compatibility Requirements**

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein.

**10.9.050.060 Detailed Development Plan Review**

A. Application Requirements. Applications for detailed development plans shall meet the application and review requirements specified for conceptual development plans in Sections 10.9.050.040 and 10.9.050.050 of this Article, and include the following:

2. Narrative Requirements. In addition to the narrative requirements specified in Section 10.9.050.040: Conceptual Development, the detailed development plan shall include:

c. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.
10.5.020.070 Design Standards

A. Single-Family and Two-Family Development. All one- and two-family dwelling units located on a single tax lot shall utilize 6 or more of the following design features to provide visual relief along the front of the residence(s):

1. Attached garage or carport (1 per dwelling).

2. Roof pitch greater than 3/12 (a nominal slope of 3 feet in height for every 12 feet in width).

3. Commercially available siding.

4. Covered front porch entries.

5. Recessed front entries.

6. Eaves, minimum 12” projection.

7. Bay or bow windows.

8. Exterior window sills.

9. Gables in addition to the primary roof pitch.

10. Other features subject to the approval of the Director.

Randy L. Kaatz
2724 East 12th Street
The Dalles, OR 97058
541-296-8213
February 2, 2020

The Dalles Community Development Department
313 Court Street
The Dalles, OR 97058

RE: Request for Administrative action by Legacy Development Group File no.
SUB 74-19

To Whom It May Concern,

I am writing as an immediate neighbor to the proposed subdivision referenced above. I am a 35 year business owner and resident of the The Dalles. My neighbors and I have invested a considerable amount of our lives work and energy into this community and have worked to foster a quality of life in keeping with this communities’ values. I moved to my home on East 10th Street 30 years ago. This neighborhood is in a rural part of the city defined by large lots, cherry orchards and a view, from the heights, of the city and river spread below. The narrow country roads that service this area are two laned with little to no shoulder. I have enclosed pictures of the area to be developed. The proposed subdivision which will bring up to 80 plus housing units and 200-300 more people to a neighborhood of a handful of homes and families is inconsistent with this part of town and is not in keeping with the our communities values and the standards of living we enjoy. I have watched as Hood River and White Salmon changed significantly becoming tourist communities which are no longer affordable to the people that are born there. I am watching now as Mosier and Lyle change from small communities of neighbors to bedroom

(over)
communities of strangers. It is important that The Dalles not jump on the band wagon of high-density quick dollar development but seeks a sustainable development of our community and of our neighborhoods.

The sheer mass of the number of people that this development will bring to this rural neighborhood will strain the ability of the roads to allow efficient access. The rolling roads which picturesquely brought us through the orchards to our homes will now be a series of blind spots with a high volume of vehicles struggling to come and go from this proposed subdivision. There are only two points of entry to the location of the proposed subdivision. Both are narrow two-lane roads, that either take you through rural neighborhoods or on steep approaches coming up brewer’s grade. The infrastructure of this rural neighborhood is not suited to meet the needs of the number of people that will be brought here by this proposed subdivision.

The development of this area into high density housing is inconsistent with how this neighborhood has existed for all the time I have lived there. I was stunned to learn that the cherry orchard across the street, surrounded by homes on large lots was zoned high density. The designation of high-density housing does not allow for a smooth transition of uses, which is inconsistent with standards used across the nation. Where uses are zoned to phase use from rural, to standard single family residential, to multi-family residential, to commercial and industrial uses, generally with green space and breaks to allow normal and natural groupings of peoples into neighborhoods. This harsh transition which maximizes the space for profit and not livability is not in keeping with the values of this community.

I do worry about the direct impact this will have on my home as well. I bought my home for the location and surrounding space. I remodeled and improved its value with an eye towards investment when I retire and downsize. This proposed subdivision will adversely impact the character of my home with cars, congestion, and an eyesore of tightly packed multi-family residences where an orchard once stood. I worry about run off. Where there was an orchard there will now be impermeable blacktop with 100–200 cars being operated from it every day. There are no plans for storm water swales or green spaces to mitigate run off as it runs down slope to the homes below and the river at the bottom. I
fear all of this will decrease the value of my home and the return on my retirement investment.

I ask that the Department consider the values of this community when it comes to quality of life and the impact of this incongruent development in a rural part of the city. I ask that this department require at the very least setbacks and green space with swales for surface water runoff, vegetation screens to lessen the immediate visual impact and roads within the subdivision designed to decrease the line of sight and provide a less rowed, massed, and tightly packed group of houses. The quality of life that I am seeking to uphold applies to the people who will move to this proposed subdivision as well. The Dalles sits on the eastern edge of the Columbia River Gorge and as much as it is an eastern gateway to the Gorge it is a western gateway to the open spaces of the Columbia Basin. The confined tightly packed proposed subdivision sits in stark contrast to the open beauty of this area that we all value and enjoy. Please be thoughtful in your decision making. Be thoughtful of the residents that have invested their lives here and thoughtful of the future residents who will make this community their home. Finally, be thoughtful of what our city is, the cherry city. I don’t want us to be like a Portland Metro urban development with a name like quail run where there are no quail to be found. Where development kills the very thing that brought people here in the first place.

Sincerely,

Bob Perkins
2845 S. 10th Street
The Dalles, OR

Enclosure
Subject: File #SUB 74-19, 2845 E. 12th St., 1N 13E 1 C Tax Lot 200
To: The Dalles Community Development Department

Please consider this letter an objection to the subdivision proposed by the Legacy Development Group at the property located at 2845 E. 12th St., The Dalles, OR 97058.

While our property is not within the proposed neighborhood, it is directly west of it — bounded by 10th St. on the North and 11th St. on the South. Looking at an aerial view, you will clearly see that the surrounding neighborhoods are not High Density Residential zones. So, why does the City now want to make this property a high density zone? The idea of cramming 83 units into a 7.21 acre parcel is completely inconsistent and incompatible with the surrounding neighborhoods. A high density subdivision at the subject location does nothing but devalue our properties.

How are water and sewer services going to be addressed? Over the last 15 years we’ve seen the available water pressure consistently drop. Adding say another 200 residents to this neighborhood is going to negatively impact those services.

What about the negative environmental impacts? The addition of 83 units in such a small area will add a significant burden on garbage disposal and our landfill. Emergency, Medical, and Law Enforcement services are going to be adversely impacted as well.

Both 10th and 12th St. are main corridors to this property and they are not constructed to absorb the additional traffic that the proposed subdivision would bring. There has been and there remains a speeding problem on these roadways and that will likely increase with the surplus of vehicles that will be traveling on them.

In closing, this “community” over-development proposal by the Legacy Development Group does nothing but provide unfavorable conditions for the surrounding neighborhoods, and therefore we profoundly object to it. The plan does nothing but ruin our rural identity. We urge The Dalles Community Development Department deny the application. We would also like to be informed of any future meetings or decisions regarding this specific subdivision proposal.

Thank you!

Lou & Jody Caracciolo
2616 E. 10th St.
The Dalles, OR 97058
541-705-0342
ljcaracciolo@embarqmail.com

8 February 2020
The Dalles Community Development Community
313 Court Street
The Dalles, OR 97058

Reference: File # SUB 74-19, 2825 E 12th Street, IN 13E 1 C tax lot 200

To Whom It May Concern:

As a homeowner on 12th and Richmond streets I STRONGLY oppose the proposed development going in across the street from me.

When we bought our lot and built our house we moved in to a great neighborhood. Everyone has nice big lots with lot of room. All single dwelling homes, with room to park and no traffic concerns.

When we moved in we knew that there was a possibility of the orchard being developed, but never in our wildest dreams did we ever expect the city to approve anything like the current proposal.

I do not understand why the city feels it has the right to change the entire complication of our neighborhood. Developing the lot with single dwelling and homes with decent size lots is what fits our neighborhood. Certainly not the 80 structures you have proposed for this land.

What are your plans for parking? How are you going to deal with the traffic? We do not want or desire this issue in our quiet rural neighborhood.

How would you feel if someone decided that they would approve a high rise high density jammed packed facility next to your home?

Sincerely,
Kay Havig 3015 E 12th St The Dalles, OR 541-980-7063

[Signature]

[Stamp: RECEIVED FEB 12 2020]
City of The Dalles Community Development Department
February 8, 2020

The Dalles Community Development Department
313 Court Street
The Dalles, OR 97058

To Whom It May Concern

We are writing to express concern regarding the proposed development Number MIP366-19, property located at 2845 E 12th Street and further described as 2N 113E 1C tax lot 200.

Our property, 2809 E 12th Street is one lot (184 ft.) removed from the proposed development. I was not given notice from the city of this development. I learned of it from a concerned neighbor. I am told the city is only required to notify property owners within 100 feet of a proposed development. That seems an inadequate distance. My property will be dramatically affected by this development. Increased traffic, noise and devaluation of my homes value.

I am told my property has been rezoned High Density Residential. When was this change made from Medium Density Residential? I was never notified.

You will be receiving letters from concerned neighbors regarding this proposed development. I will not reiterate their well thought out concerns however we agree with their objections.

We are all in favor of improving the housing shortage in The Dalles but this proposal will not be an enhancement to the quality of life in The Dalles.
I ask the Community Development Department to consider limiting the number of living units proposed to a number that will be compatible with the surrounding properties and lifestyle.

Let’s do something we can all be proud to have in the neighborhood.

Ben & Debbie Rivers

2809 E 12th Street

The Dalles, OR 97058
The Dalles Community Development Department  
313 Court St.  
The Dalles, OR  97058 

Reference: File# SUB 74-19, 2845 East 12th St., The Dalles

In regards to the above mentioned proposal, I would like to know 
why this is merely an “Administrative Decision” and that those 
concerned/opposed can only voice these concerns after the proposal is 
approved by the planning department. That seems very backwards to me. 
Why such a rush and why such an agenda?

It has been stated that because of an Oregon legislative bill regarding 
“in-fill”, The Dalles falls short of these requirements, so this development 
proposal is needed. Do legislators in Salem know more about what we need 
or want as a community than we do? Does the planning department know 
better than the community at large? It seems as they want no public input 
into this decision.

This proposal is an “expansion“, not an “in-fill”. 
Has any city department surveyed underdeveloped or vacant properties in 
The Dalles? It has also been said that this parcel is zoned “high density 
residential”, so it must be developed to that density level. Again, this makes 
no sense. It seems that the city and the developer/property owner of this 
proposal are all in agreement, which is pushing the concerns of the other 
affected property owners aside. How unfortunate that this seems to be the 
case.

Whether it be meeting a state mandate, making an urban growth 
boundary expansion easier to accomplish, or simply a desire to annex more 
areas into the city and receive more revenue, etc.; this proposal is not being 
well thought out or planned as to the implications.

Sincerely,

Eric J. Pyles  
1212 Morton St., The Dalles
February 12, 2020

The Dalles Community Development Department
313 Court Street
The Dalles, OR 97058

Reference: File # SUB 74-19, 2845 E. 12th Street, 1N 13E 1 C tax lot 200

To Whom It May Concern:

I am writing to oppose the proposed partition and development of this property. I agree with the objections lodged by my neighbors and strongly suggest that you deny this application.

There are many reasons that I object to the proposed plans besides just losing our rural, quiet environment, our peace, our beauty, personal home value, our traffic safety, our criminal safety, etc, etc, etc. But I am providing a few citations from the Wasco County documents to explain why we do NOT think that the plans for this development are consistent with the comprehensive plan or municipal ordinances.

The “MISSION STATEMENT” of the comprehensive plan is:

"Working for our community through professional and accountable code compliance to enhance the beauty, livability, economy, health and safety of Wasco County"

The proposed partition plan certainly does nothing to “enhance … beauty, livability, economy, health … safety”. Instead, it would produce overcrowding, strained resources, obliteration of greenspace, and dangerous intersections. It is in direct violation of the following planning requirements:

THE PROPOSED LOCATION OF THIS HIGH DENSITY ZONE IS NOT CONSISTENT WITH GOAL 10 POLICIES:

3 a  “Build on the pattern of concentrating higher residential densities near downtown, along arterial and collector streets, and neighborhood centers where services and activity are nearby.

3 b  Continue the pattern of a transition of residential densities from higher density near commercial area and major streets, to lower densities at higher elevations along the gorge bluff and stream corridors.”

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.

11  Areas for low density residential development shall be at higher elevations along the Gorge bluff, in steeply sloped areas, along protected stream corridors, and where streets and other public facilities have limited capacity.”

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.”
Furthermore, TD MUNICIPAL CODE states:

10.5.020.010 RH: High Density: allows for 7-25 units per acre.

But "Adequate urban services shall be available to ALL development without exception!"

23 All future residential development and design standards shall strive to create a "streetscape" that is aesthetic, functional, and beneficial to the neighborhood and community.

A. Streetscape refers to the aesthetic quality of the public and semi-public space. The public space includes the improved right-of-way, with street, curbs, sidewalks, street trees, street furniture, and utilities."

B. The semi-public space is the front yard of adjacent property and is named due to its visual access, connection, and influence on the quality of the streetscape."

THE PROPOSED DEVELOPMENT DOES NOT APPEAR TO PROVIDE REQUIRED LEVELS OF OFF-STREET PARKING or OPEN SPACE:

=================================================================

MULTI-FAMILY DWELLINGS ARE NOT SELLING IN TD:

Several have been for sale and it appears that there is not the great need for 80 more units.

Examples:

4 Plex on W 10th Street – Aldridge: Beautiful inside, single garage, No yard, no parking except on 10th st Not 1 has sold for $349,000 in over a year!

LONE PINE CONDOS:

ON Riverside, Views, 2 bd, 2 bath, 1248 Sq ft, Attached garage, HOA $279/mo

4 units currently for sale $249 - $260

RECREATIONAL NEEDS: GOAL 8

“TD also needs neighborhood and community parks designed to serve the day-to-day recreational needs of its residents.” As density increases, the City should address parks and
open spaces needs based on the standard of 10 acres per 1,000 population. TD is currently about 32 acres short of meeting this standard.” Table 8-1

Park and Recreation Goals: “To develop, acquire, and maintain a balance of recreation opportunities and OPEN SPACES in order to improve the livability with the urban growth boundary.”

Goal 8 Policies #5 – “Subdivision and site plan regulations and review should encourage incorporation of public recreational trails, bikeways and other recreational facilities in the area’s bikeway and trail systems.”

#11 - The Parks Master Plan shall strive to provide neighborhood parks within a 5 minute walk or 1,500 feet of ALL residential areas.”

ADU – Accessory Dwelling Units:

There are 11 proposed ADU’s (529 sq ft) on small lots with a single home. ‘ADUs are permitted IF the off-street parking requirement for the primary dwelling unit continues to be met’

Section 6.030 B

ADUs don’t have to be owner of the lot or single home

“ADU Front Setbacks: must be located behind a line established parallel with the front building of the primary dwelling” Section 6.030 C

“ADUs Rear Setback: The minimum rear setback may be reduced to 5 feet if the structure is less than 15

ADU PARKING: NO off-street parking needs to be provided for 1 ADU on a single lot as long as parking requirement for the primary dwelling unit are met.” WE STRONGLY DISAGREE WITH THIS

MULTI FAMILY UNITS – DUPLEX and TRIPLEX

OPEN AREA: “Open Area requirements shall apply to all development with 4 or more dwellings. A minimum of 30% of the gross lot area shall be developed as permanent open area.” 5.020.080

This plan has .13 acres of total lot of 6.19 acres. This is NOT an adequate Open Area

PARKING:

7.060 Minimum for 1,2 and 3 dwelling units is 2 spaces per unit
("In multifamily developments the applicant may elect to apply parking requirement of 1 parking space for every 2 bedrooms, but not less than 1 space per dwelling unit." But "MULTIFAMILY" means 4+ units)

**LANDSCAPING:** RH: Equal to 1.5 times the 1st floor area of all structures minimum 6.010

**What is the Goal of the proposed SUB-DIVISION 74-19?**

After reviewing all the information I can find related to this plan, there are some obvious remaining questions about its purpose and goals:

- Is it to provide "Affordable Housing"?
- Will there be a HOA? Home Owners Association to maintain the requirements?
- How can safe access be provided?
- Is there turn around space allowance in the alleyways?
- Provisions for children to play?

In the brief time I have been permitted to enter comments, it has not been possible to prepare a concise, exhaustively researched response. I have provided the foregoing quotations for you to consider in the hope that you will deny this poorly planned project and engage us in the process of developing a plan that more closely fits the characteristics of this property and the needs of our community.

Sincerely,

[Signature]

Terri Gingrich
2835 E 10th Street
February 12, 2020

The Dalles Community Development Department
313 Court Street
The Dalles, OR 97058

Reference: File # SUB 74-19, 2845 E. 12th Street, 1N 13E 1 C tax lot 200

To Whom It May Concern:

I am writing to register my opposition to the proposed partition of this property. The proposed partition and development is incompatible with the property location and surrounding neighborhood. It will compromise the safety and “quality of life” of the neighborhood’s current and future residents. It is not the “best use” of this valuable residential property resource.

Although the recently adopted comprehensive plan arguably permits “high density” residential development on this property. The “density” proposed by this partition is unprecedented in our city. It is nearly double the suggested density for this site in the comprehensive plan. This appears neither necessary, mandated, desirable nor wise.

My neighbors will convey additional specific concerns over this plan – and the process by which it is being adopted. I share and endorse these, but in this letter will focus specifically on the traffic-safety impact at five hazardous intersections. Three are existing, and two are proposed in the plan. The proposed development will virtually assure future accidents, injury and possibly deaths, by significantly increasing traffic at each of the following dangerous intersections.

- **Intersection 1: 10th Street, Thompson, Old Dufur Road** – This a primary point of entry/egress from the involved neighborhood. For vehicles travelling west (out of the neighborhood), it is nearly impossible to see west-bound vehicles approaching the intersection obliquely on Old Dufur Road. Additionally, northbound vehicles on Thompson are concealed from view by on-street parking. This intersection is hazardous in its present state and additional traffic should not be routed into it.

- **Intersection 2: Richmond, Old Dufur Road**. Richmond is exceptionally steep and it is often difficult for northbound vehicles to avoid sliding in front of on-coming traffic when attempting to stop at the intersection. This is true of all road-surface conditions, but the street is particularly dangerous with frost, gravel, moisture, ice, or snow – all of which occur relatively frequently on this shaded, north-facing slope.

- **Intersection 3: Fremont and Highway 197**. This is a well-known existing hazard. The planned development would significantly increase use and risk at this intersection.

These dangerous intersections are already in existence, but the proposed plan would compound the problem by creating the two new hazardous intersections:

- **Intersection 4: “Bradley (Proposed)” and 10th St.**
• Intersection 5: an unnamed north-south street in the plan and 10th St.

As shown in the following annotated site plan, these streets (marked with red arrows) intersect 10th on either side of a steep hilltop.

From either intersection, approaching vehicles are not visible until they are within about 110 feet. A vehicle moving at the posted speed limit (25 MPH) will travel that distance in 3 seconds. The proposed intersections are clearly not safe and should not be permitted.

I recognize that partition approval can be given as an administrative action without public hearing. But this project and its drastic impact on an established, cherished and harmonic neighborhood should not be imposed without full and free conversation between planners, residents, surrounding property owners, and developers. The notice and information made available to us may satisfy your legal obligations, but it has been inadequate to permit full community participation in the disposition of this property. I urge you to deny this application, engage the neighborhood in the planning process and establish a better plan for this land.

Sincerely,

Gary A. Gingrich, MD
2835 E 10th Street
Referring back to 2012-2013, I will remind you the then City Manager, Nikolai Young, City Attorney, Ewin Parker, Planning Director, D. Cassman, Councilors, staff and many community members sat through several committee meetings to discuss the need for upgrades and additions to the quality and quantity of our future housing needs in The City of The Dalles. We determined at that time that our 1st priority and preferred direction would be to upgrade and expand housing in the central residential core, including utilization of the downtown 2 story business district, and proceed to enhance, and develop available housing through all possible processes, 2nd then in the future if it became necessary, expand the core from the center outward to the present boundaries, thereby avoiding the possibility of developers attempting to make use of open lands along the UGB, thereby leaving the central core & eventually deteriorate and degrade the quality of life. The wisdom of this approach is still viable & demonstrates why the present outpouring of desperation is prevailing over the present Legacy Proposal.

The manner of residential life and the status of our infrastructure self-determine that we must proceed with caution in order to honor the nature of our existence and structure of our community.

Voices from inside or outside our boundaries that urge or demand our participation in restructuring to fill an overpopulated mode must be avoided, and the factors of our own history and permanence be recognized and held to be true to us.

Now comes a new planning director, new staff and municipal overview, looking at a proposal to implement construction of up to 120 residential units, mostly rentals, approximately 1.5 miles east of the City Center’s Legacy Development, on what has been 8 lots of 1 acre each platted over 100 years ago and held in the same ownership through out that time span.
I now find that I must effectively concern with homeowner neighbors, who have identified the strife and lawlessness inherent in the entirety of this proposal, and the foresight that strife and lawlessness will multiply and overrule as much as the developers and agreeable municipal staff will and must have to contend with if we community land owner, home owners fail to control and restrict.

I include in the above presentation my shared view as constructed with the professional comments and response prepared by Damon Holig, 2800 E. 10th St. dated this 14th day of February 2020.

Including all comments which relate to Sub 74-19 at 2845 E. 12th City of The Dalles.

To include:

Responses in regard to: Municipal code

10.7.1050.030, (P, E, I, D) 10.10.060 and statement of final concern.

Randolph Hager
2800 E. 10th St.
The Dalles, OR. 97058
February 14, 2020

The Dalles Community Development Department

313 Court Street

The Dalles, Oregon 97058

Re: SUB 74-19 Request for Administrative Action for subdivision at 2845 E. 12th

To whom it may concern:

I am submitting my response here to the notice I received as an adjoining property owner of this proposed project. I do not feel ample time was provided for a complete and accurate response from all affected parties. I have studied The Dalles Municipal Code sections 10.3 Administrative Actions, 10.5 Zone District Regulations, 10.6 General Regulations, 10.7 Parking Standards, 10.8 Physical and Environmental Constraints, 10.9 Land Divisions, and 10.10 General Construction Standards. I feel the proposed project is forcing the maximum capacity in all respect, but fails in proper analysis of some of the codes as follows:

10.9 – The purpose of land division chapter is to ensure building sites are sufficient for use and provide for adequate levels of urban facilities, services and public utilities i.e. water, drainage, parks, recreation, and open spaces to ensure economical safety and efficient routes for pedestrians, bikes, and motor vehicles to minimize the negative effects of development upon the natural environment and to incorporate natural features into the development to create environments that are protected from adverse effects of heavy traffic and intensive land uses and to preserve and protect public health safety and general welfare. This proposal FAILS in this area with the over-developed space and increase to the population, vehicles, traffic flows, and safety to all surrounding neighbors, street intersections etc. This covers a much broader area than just the immediate “affected” or notified parties.

10.9 – Rear lot development states that public improvements shall be placed within easements or rights of way per city standards. If not sufficient to accommodate, additional easement shall be acquired from adjacent property owner. This affects me more than anyone as the adjoining property owner! The required access must have a dedicated right of way at least 40’ in width and improved to city standards. On the proposal for their Bradley Drive running North and South between 10th and 12th you will see it as only 31.77’ wide. I will not accept destruction of my property and loss of space that has been established for numerous years, long before my ownership since 1993. How can my deed as an owner be interfered or obstructed with? What about my potential loss of land, obvious devaluation of property value, and reduced potential for future sales ability of my property if so desired? I will have an attorney prepared for this battle if necessary....

D: Street networks must conform and enhance existing vehicle and pedestrian networks including connectors and functionality. Their proposal will only further damage the current rural street systems in this area. Does the City intend to upgrade everything surrounding to support the additional use of the subdivision at the City’s expense??

E: Neighborhood character: Planned development shall be in keeping with the character of established neighborhoods. The proposal is a COMPLETE FAIL in this regard as the surrounding properties are all a mix of larger rural sized parcels with single family owner occupied homes, spacious green spaces, and normal unimproved road systems that have served property owners well for decades. Everyone who owns property in this area has done so to not be in a dense “in town” environment. With this number of duplexes and triplexes this will obviously not be an owner occupied project but become a rental village, completely inappropriate for this area.

I: Impact statement: An impact statement containing an analysis of the social, environmental and economic impact of the proposed development on the city shall accompany each application. This impact statement should be provided to all affected property owners as well. Was it completed and is it available?

J: Open space: Minimum 30% of the planned development site shall be reserved as common space as follows: 25% required as permanent open space, 5% for public recreation centers. With their maximum density as seen on proposed map there is certainly not 25% devoted to this. Their little park is only 0.13 of an acre, the 5% minimum needs to be at least 0.346.

10.10.060 – Traffic Street Requirements: Traffic impact studies (TIS) are required with development of 16 units. Where is it, and why have affected residents not been provided this report? With 83 units times 2 vehicles that is a minimum of 166 cars. With normal daily commutes and other travel this will translate to more than 400 daily motor trips to an area that is not supportive of this structure. There is no way to prepare our systems to handle this.

Outside of the above items are concerns for public safety, liability for intersection accidents, large increase in pedestrian activity on roads not designed for that purpose, increased police activity, crime in the area etc. With the infill right to the set-back lines and the density there will be no space for social activity for children and teens which will push issues onto surrounding property owners. This increase to our personal liability should not be acceptable.

While we understand development is inevitable the whole surrounding neighborhood of residents are strongly against the proposal as it currently was presented. It is requested that the plan be re-evaluated with a more realistic approach for all the factors I have noted as well as other concerns noted from the other numerous responses I know you have received.

In closing I again stress that as an affected party I do not feel we have been provided ample time for analysis, have not been provided any traffic flow information, and due to my property being the most affected parcel due to the adjacent property line, I will continue to investigate all legal options to object to this poorly designed proposal.
Sincerely,

[Signature]

Damon R. Hult
2830 E. 10th St.
The Dalles, OR 97058
541-980-8171
The Dalles Community Development Dept.
313 Court St.
The Dalles, OR 97058

Reference: File # Sub 74-19, 2845 East 12th St.
IN 13 E 1 C tax lot 200

I wish to express my objection to the proposed development to the above mentioned property.

Everything I can access on land use planning makes reference to compatibility and consistency with properties and neighborhoods. This type of development totally misses that requirement.

The reasoning that it is zoned high density residential does not hold water. When the UGB was formed and zoning came to the city areas had to be labeled. The future was not known and probably this administration was not even born yet. This area has not grown in this manner.

I have many questions about this proposed development. What about infrastructure in this area and surrounding areas? There are narrow streets with no “on street” parking. There are only small sections of sidewalks/curbs that start and go nowhere.

What about storm water run-off and drainage from this development? What about sanitary sewer? Currently, the sanitary sewer goes to Morton St. on 10th St. and a short distance East of Morton St. on 12th St.

Obviously the developer will be responsible for the area of the proposed development. What about the surrounding areas? To leapfrog out past existing infrastructure will create the need to fill in the gaps. That is poor planning and leads to many other problems. Maybe this is the intent of the development department as the word planning is no longer used.

The cost of infrastructure improvements in the surrounding areas will be at the burden of the property owners. The cost of those future improvements on the retired and fixed income residents will be huge. How will the development department sell that to these people?

In the past any development was required to have landscaping, adequate off street parking, and greens space areas among other things. How are these addressed?

What about carbon footprint and lowering carbon emissions and sequestering carbon from the atmosphere?

This development reminds me of the urban sprawl and tract development of the 1950's, 60's, and 70's that then called for planning and responsible development.

Are we now going backwards? I don’t see any way this proposed development would be friendly to the environment or compatible with the area and property owners.
What about off street parking? Not just off street parking but adequate parking for the realistic size and quantity of vehicles people have. What about RV’s?

Why is this an “administrative decision”? With so many people affected by its impact, it should be a public decision followed by a decision derived from said public testimony. Appealing an administrative decision is much more difficult than making good decisions in the first place.

Sincerely,

Frank J Pyles
2436 Old Dufur Rd., The Dalles
541-980-9214
2/11/2020

City of The Dalles
Community Development Department
313 Court Street
The Dalles Oregon, 97058

RE: Comments for File #SUB 74-19, Legacy Development Group

Dear Planning Officials,

I am a resident of the east end of town close to the proposed Legacy Development Groups planned high density development request. While I understand the request and need for high density housing in The Dalles, I do not support the request. It took us over a year to find the right property and part of town to purchase our home in. This search exposed us to the variety and type of inventory and neighborhoods throughout the community. There was limited inventory for the type of property we were looking for, low density, and prior planning efforts with high density housing in the core sections of town did not provide ease of traffic, lot access, and appealing neighborhoods due to on street parking and small lot sizes. Non-conforming neighborhoods throughout The Dalles were not attractive based on their haphazard planning over time and high density outcomes.

The east end of town appeals to many with larger lot sizes, limited traffic, and more private parcels. Approval of the high density development is not similar to other property types available in the immediate area. There is a concern that densities proposed would put undue burden on road and safety as traffic would greatly increase. The distance to services will not provide easy access to community needs. The desired density will lead to overcrowded streets with no off street parking creating congestion and reducing safety for those walking in the area due to no sidewalks in the surrounding area.

The reduced safety, dissimilar property types and increased traffic in addition to likely non owner occupied dwellings will have a detrimental impact to neighborhood culture, safety, and ultimately property values.

Property owners pay a premium for the benefits of the prior zoning of low density. Bureaucratic rezoning to high density does not follow conforming neighborhoods or reasonable planning. Current residents purposely chose the area, paying a premium for this benefit versus other areas of town. They pay higher property taxes and destroying these amenities will degrade our city and lives of its residents.

We entrust the city to be reasonable in its application of regulations and response to its current residents. Adjustments to prior zoning decisions and outcomes should be considered, flexible, and not forced.

Although I believe the developer will do their best and build quality housing, I recommend reconsideration of classification of the property to low density housing to preserve type and quality of neighborhoods for our community.

Jon Farquharson

Appendix II
Dear Mr. Chandler:

I am unsure if this needs to be personally brought to the Planning Department or if this e-mail will be accepted but it is worth a try.

I just learned today of the development planning of 2845 E. 12 St. by Legacy Development Group, File # SUB 74-19. Although I believe the City needs more housing, I oppose the planned development of this property.

The first reason is the size of the lots and how many lots that they want to divide into. The building of the structures are literally right on top of each other. Also, most of the development seems to consist of duplex/triplex housing with some houses thrown in here and there. I do not think the development should be allowed to divide into 64-80 lots, but instead a smaller number of lots. Also, I think that the houses and the plexes should be together rather than houses thrown in here and there between all of the plexes. Also, what amount is the City contributing to this project from tax payer dollars?

I was personally excited and one of many people that were looking forward to having a place to build a new home until I saw what was planned. I have since shared this information and everyone who would have been interested in purchasing from this development to build their homes is no longer interested because of the lay out of the sporadically placed homes, size of proposed lots and the majority of the neighborhood being plexes.

Thank you for taking the time for my concerns.

Sincerely,

Amy D. Manzella

1505 Thompson St.
The Dalles, Oregon 97058

(541) 965-0554
February 12, 2020

The Dalles Community Development Department
313 Court Street
The Dalles, OR 97058

Reference: File # SUB 74-19, 2845 E 12th Street, 1N 13E 1 C tax lot 200

To Whom It May Concern:

We the undersigned hereby submit our objections to the proposed development of the above referenced property.

The Dalles Comprehensive Land Use Plan (May 2011), Appendix B, page c, High Density, High Density Residential Standards bullet 2 specifically states, “in areas where multi-family structures are to mix with single-family residence, the multi-family building shall be designed to be compatible with surrounding properties.”

The proposed development is neither consistent nor compatible with the existing neighborhood. A drive through the surrounding/adjacent neighborhood, being Morton Street to the west, 10th Street to the north, 12th Street to the south and Richmond Street (from Old Dufur Road to 13th Street) to the east, make it abundantly apparent this development does not meet the stated requirement.

First of all the property is not in the city limits. This is concerning in that if the property is not in the city limits, the city will not be required or compelled to provide the correct infrastructure needed to accommodate the proposed dwellings. Are there plans to alter the water and sewer lines? The streets surrounding the property are narrow, there are no sidewalks, and there is already a speed problem with traveling cars. Pedestrians use the streets surrounding the area of the proposed development. Are there plans to make pedestrians travel safe? Is it possible to make the streets wide enough to safely accommodate pedestrian and bicycle traffic? We already have a problem with speeding vehicles at all hours. And to our knowledge there have been no proposed plans to provide safety or support, despite the fact that the usage will increase significantly.

Dry Hollow Elementary School, which serves east The Dalles, is already exceeding capacity. Is there any consideration for this situation?

The effects of the proposed development reach far beyond the 100’ radius and extend considerably past even beyond Thompson Street.
There are ample property sites within the city limits to build developments similar to this one, and they would be consistent and compatible with existing properties.

Respectfully submitted,

Robert R. Schultens
Jozette Schultens
2637 E 10th St
The Dalles OR 97058
541-296-3703
Director, The Dalles Community Development Department
The Dalles City Hall
The Dalles, OR 97058

Dear Mr. Harris:

I am writing out of concern over the proposed high density development between 10th St and 12th St along Richmond St. This property was a cherry orchard for many years and sits in the middle of a low density neighborhood. To build an 83 unit high density development here would not be consistent with the existing neighborhood. The effect on neighboring property values may be significant.

I have looked through the land use regulations and it seems that all of the pertinent regulations that would prohibit the development of such an inconsistent neighborhood have recently been amended. Even though the changes were discussed at a public meeting, the meeting was not well publicized and neighbors were not adequately notified. This does not seem as though the City was interested in learning what the people affected thought.

The traffic in the area is not currently a problem, but adding 83 units to the east end of 10th St and 12th St will add hundreds of car trips per day. The current capacity of existing streets will be overwhelmed. A blind hill on 10th St adds to further complications for traffic leaving the development onto 10th St. The current speed limit is 25mph but is rarely adhered to.

Adding dozen of children to the neighborhood will add to the overcrowding at Dry Hollow Elementary. Has the School District been consulted about such an impact?

When the property was an orchard, rainfall easily soaked into the soil and drainage was not a major issue. However, since 60% or more of this development will be covered by impermeable surfaces, drainage will become a serious problem.

I understand The Dalles has a critical shortage of affordable rentals, but I don’t believe this development is the answer the problem. There are other areas in the city more appropriate for high density development, and this project has been rushed through in near secrecy. Please allow more public input into this development. Please notify me me of any future meetings where this topic will be discussed.

Thank you,

Steve Murray
2645 E 11th St
The Dalles, OR 97058
547-980-5121

[Signature]

Maude Jack Harmon
Jack and Una Moore
7634 E 17th Ave
The Dalles OR 97058
wharmon90@gmail.com
To The Dalles City Council

The Dalles, OR 97058

February 10, 2020

Honorable Council Members:

My name is Karen Murray and less than one week ago, I found out (through the grapevine) about a high density "83 dwelling unit" proposal, located ONE LONG BLOCK away from where we live. This development, located between East 10th Street and East 12th Street, would obviously have a HUGE impact on our neighborhood....in fact, it would impact from Hwy 197 and Fremont all the way to Brewery Grade and the RoundAbout, in my estimation.

My first concern was, WHY WASN'T I NOTIFIED? Why is there only a 100 foot notification for such a project? (That means 13 households were notified.)

Second, there is a hill into this area that is very dangerous, in my mind. You can't see over it, either direction on 10th Street. It is an accident-waiting-to-happen, in that there is an access alley into this development very near this "blind hill on 10th Street."

Third, why is there so much crammed into this 7 acre parcel? I understand it has been zoned high density for over 20 years but why so much in this space? Our high density guidelines should be a little lenient because this looks like, very disrespectfully, "Sardineville or Sardine City," it is too much in a 7 acre area. There is not enough OPEN SPACE for children and the "postage stamp" Community Park is about 2% of the area.....I thought the guidelines in the high density rules said there should be 30% open space. If you look at the 2 maps provided, it is scary. Plus, there are no sidewalks, for the most part, outside of the proposed development until you get to Thompson, more than ½ mile away. Why can't we spread out these type of developments, make them smaller, and build some close to the services like the grocery stores?

Finally, does this mean all Cherry Orchards, once they are sold, will be zoned high density? Just some of them? These are a few of my concerns. Thank you.

Karen G. Murray
2045 E 11th St.
The Dalles, OR 97058
Friday, February 14, 2020

Director, The Dalles Community Development Department

The Dalles City Hall

The Dalles, OR 97058

Dear Mr. Harris:

I would like to go on record to objecting to the High Density Project being proposed by the Legacy Development Group. I live in the neighborhood on the corner of East 11th and Morton, and found out about this HUGE project almost accidentally. The additional traffic on 10th St. would be abhorrent. It is already used as a speedway. With no sidewalks to speak of leaving the area, the safety for the children that might be walking to town would be questionable. It would be negligent to ignore this, I feel.

I just clocked the mileage from the proposed development to the three most likely-used grocery stores, (Grocery Outlet, Fred Meyers and Safeway) and it is 5-6 miles, round trip. The additional pollution and hardship caused by being located away from such services would be substantial. Why not locate closer to such important resources? This project seems rushed and without neighborhood input, as well. We were turned away from making comment at the City Council meeting on Monday, Feb.10th. That was sad. This should be MORE than an administrative decision with 300+ individuals being affected that presently live in this area. An information/input meeting ahead of an administrative decision might have been educational.

I see how the requirements have recently changed to the land use guidelines where NOW "neighborhood compatibility and design standards" aren't so important and do not need to be met. How convenient!!!! Then I was told that the cherry orchard area had been zoned high density for over 20 years!!! Give me a break!! What is the logic there? It seems like one needs to think about the services needed for the general population that might be moving into this area and locate housing reasonably close to those services.
I am really appalled at the closeness of the "dwelling units" to each other and the lack of open space. Did the open space requirement of 30% that I read in the high density land use guidelines change as well? This proposed tiny park is about 2% of the total area. People need more open space to not feel crammed into an area. With a redesign, there should be able to be a bigger open space that houses could surround. No one on the City Council or Planning Commission would want to live near a place that had such a tiny play area. Imagine 25 kids trying to play in this area. It would be way too small. And, 25 would be a small estimate with a 83 dwelling unit complex.

When talking to Mr. Cameron Curtis, it seemed like he felt obligated to have a very high density project. He made a remark that he could go even higher in the density of dwelling units but he let up a bit. I commented that a project about 3 of the size might be appealing. He said then it would not meet the high density requirements. I have waded through the high density guidelines and the verbage gets pretty "thick" and hard to truly understand. One line that did catch my eye was that the "purpose of the land use and development was to protect and improve the aesthetic and visual qualities of the living environment." This project would not meet this goal in my estimation. The goals go on to speak to "aid in securing safety from fire, natural disaster and other dangers," and the blind hill on 10th Street adjacent to the project is an accident waiting to happen!!! There is even an access road/aleley onto 10th Street that looks to be extremely dangerous, even if you can only turn one way. The tiny streets weaving their way through the development should be wider as another goal speaks to "providing adequate access to and through the property." Lastly, the goal to "promote health, safety and general welfare" does not seem to be meant with the neighborhood dwelling units being so close together, with little recreational space available close-by and the grocery stores being so far away. It just all seems quite incompatible.

There are several 100 people that feel the same way I do. I hope you can take our comments seriously and spread the high density housing need throughout our community and not just squish it all into this proposed project. It would have a last impact on the many people that have been faithful The Dalles residents for many years.

Thank you for your consideration & please keep me notified of additional information/meetings related to this project. Karen6. Murray 3645 E. 14th Street, The Dalles, OR 97058
NOTICE OF ADMINISTRATIVE DECISION

SUB 74-19
Legacy Development Group

DECISION DATE: March 9, 2020

APPLICANT: Legacy Development Group

REQUEST: Approval to divide one 6.92 acre parcel into 72 lots of varying size with a proposed community park.

LOCATION: Property is located at 2845 E. 12th Street and is further described as 1N 13E 1 C tax lot 201

COMPREHENSIVE PLAN & ZONING DESIGNATION: "RH" High Density Residential

PROPERTY OWNER: Riverview Grove, LLC

AUTHORITY: The Dalles Municipal Code, Title 10 Land Use and Development

DECISION: Based on the findings of fact and conclusions in the staff report of SUB 74-19, the request by Legacy Development Group to subdivide one parcel into 72 lots of varying size is hereby approved with the following conditions:

1. The Applicant will be required to modify the lot width of "Lot 62", as labeled on the neighborhood plan, to comply with the minimum lot width standards of the RH zoning district (25' for corner lots/lots with townhome end-units), as stated in Section 10.5.020.060.

2. The Applicant will be required maintain the minimum spacing between driveways and/or streets on minor collectors (75'), as stated in Section 10.6.050.040. Spacing requirements must be included on the final plat.

3. The proposed half-street ROW dedication (Bradley Drive) must be a minimum of 26', to comply with fire apparatus requirements as determined by the Fire Chief.

4. A Physical Constraints Permit will be required with all cuts and fills exceeding 50 cubic yards. Engineered cut and fill plans will be required prior to any cut or fills over 250 cubic yards. Disturbance of more than an acre will require a 1200-C permit to be obtained from the DEQ.

5. The Applicant will be required to modify the overall subdivision layout to comply with the maximum block width standards (600') of Section 10.9.020.020 (C). As an alternative to
this condition, the Applicant may request an exception to this standard by submitting proof that a reasonable standard of public safety exists as provided by a licensed professional engineer specializing in traffic, pursuant to Section 10.6.050.050

6. The Applicant will be required to record all proposed access points with the final plat.

7. Engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC and TSP.

8. A Traffic Impact Study will be required to be completed and submitted for the proposed subdivision, with methodology in accordance with standards engineering practices. The study will be required to be reviewed and approved by the City Engineer.

9. The Applicant will be required to improve the full frontage of the subject property of all existing ROWs abutting the subject property (E. 10th, E. 12th, and Richmond Streets), as well as full-street improvements on E. 11th Street and half-street improvements on Bradley Drive. All improvements must be improved to City standards.

10. The proposed half-street ROW dedication, Bradley Drive, shall be renamed to read "Bradley Street" to avoid any confusion with Bradley Drive currently located in Hood River. If the Applicant request another name for this dedication, this name change will need to be verified by the CDD before doing so.

11. All design and installation of public improvements shall be installed or bonded by the Applicant in accordance with the City of The Dalles Municipal Code, Title 10 - Land Use and Development Public Improvement Procedures and the APWA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City.

12. The developer shall warranty all public improvements against defect for one (1) year from the date of final acceptance by the City.

13. All franchise utilities must be installed by the Applicant in accordance with the Land Use Development Ordinance Public Improvement Procedures and the APWA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the Applicant to the satisfaction of the City and the franchise utility.

14. If applicable, all easements for public utilities on private property shall be shown on the final plat.

15. Due to the conflicting street classifications and dimensions in TDMC and the TSP, and pursuant to Section 10.10.110 (D), the widths of each ROW dedication shall be determined by the City Engineer.

16. The Applicant will be required to deed record all ROW dedications proposed for this development.

17. Requirements for a mail delivery facility will be determined by the local United States Postal Service (USPS). Installation of facilities, if any, will be required to meet the USPS standards and will be required to be installed prior to a signature on the final plat.

18. Final plat submission must meet all the requirements of The Dalles Municipal Code, Title 10 Land Use and Development, and all other applicable provisions of The Dalles Municipal Code.
19. All development shall be in accordance with The Dalles Municipal Code, Title 10 Land Use and Development. Proposed construction and development plans must be reviewed by the City Engineer, per established standards.

20. A pre-construction meeting is required prior to construction or site prep work. Meeting needs to include the City Engineer and Development Inspector. All public improvements shall first obtain design approval from the City Engineer. All public improvements need construction approval by the City Engineer.

21. All required improvements must be installed or bonded prior to the City signing the final plat.

22. Three (3) copies of the surveyed and recorded plat must be received in the Community Development Department within two (2) years from the effective approval date.

Signed this 9th day of March, 2020, by

Steven K. Harris, AICP
Director, Community Development Department

TIME LIMITS: The period of approval is valid for the time period specified for the particular application type in The Dalles Municipal Code, Title 10 Land Use and Development. All conditions of approval shall be fulfilled within the time limit set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time. Failure to fulfill any of the conditions of approval within the time limits imposed can be considered grounds for revocation of approval by the Director.

Please Note! No guarantee of extension or subsequent approval either expressed or implied can be made by the City of The Dalles Community Development Department. Please take care in implementing your approved proposal in a timely manner.

APPEAL PROCESS: The Director’s approval, approval with conditions, or denial is the City’s final decision, and may be appealed to the Planning Commission if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on the 10th day following the date of the mailing of the Notice of Administrative Decision. The following may file an appeal of administrative decisions:

1. Any party of record to the particular administrative action.
2. A person entitled to notice and to whom no notice was mailed. (A person to whom notice is mailed is deemed notified even if notice is not received.)
3. The Historic Landmarks Commission, the Planning Commission, or the City Council by majority vote.

A complete record of application for public hearing action is available for review upon request during regular business hours, or copies can be ordered at a reasonable price, at the City of The Dalles Community Development Department. Notice of Appeal forms are also available at The
Dalles Community Development Office. The fee to file a Notice of Appeal is $500.00. The appeal process is regulated by Section 10.3.020.080: Appeal Procedures of The Dalles Municipal Code, Title 10 Land Use and Development.
CITY OF THE DALLES
NOTICE OF APPEAL FOR LAND USE DECISIONS

APPELLANT'S NAME & ADDRESS:
Robert Bokum & Denise Dietrich-Bokum, PO Box 1041, The Dalles, OR 97058
Gary Gingrich and Terri Jo Jester Gingrich, 2835 East 10th St., The Dalles, OR 97058
Damon Hulit and Roberta Wymore-Hulit, 2830 East 10th St., The Dalles, OR 97058

Please state the reasons why the appellant qualifies as a party entitled to file a notice of appeal:
Appellants submitted timely written comments during the comment period. Appellants are also adversely affected and aggrieved by the decision.

Please provide the date and a brief description of the decision being appealed:
Administrative Decision dated March 9, 2019 approving the application by Legacy Development Group to subdivide property located at 2845 E. 12th Street, City File Number SUB 74-19.

Please cite the specific grounds why the decision should be reversed or modified, and cite the applicable criteria or procedural error which supports the grounds for the appeal.*
See attached letter from Appellants' attorney Steve Morasch of Landerholm, PS.

*Additional sheets may be attached as necessary to this form explaining the appeal grounds

Appeal fee received
Via Hand Delivery

City of The Dalles
c/o Joshua Chandler, City Planner
313 Court Street
The Dalles, OR 97058

Re: Appeal of Subdivision 74-19

Dear City of The Dalles:

This is an appeal of Administrative Decision dated March 9, 2019 approving the application by Legacy Development Group to subdivide property located at 2845 E 12th Street, City File Number SUB 74-19 brought by Denise Lynne Dietrich-Bokum and Robert Clayton Bokum, Gary Gingrich and Terri Jo Jester Gingrich, and Damon Rolla Hulit and Roberta Kay Wymore-Hulit (collectively referred to herein as the “Appellants”).

The Appellants believe the subject property was incorrectly zoned RH (High Density Residential) by the City in an area that is inappropriate for high density residential development because the area is predominantly rural without adequate urban services and infrastructure to support high density residential development. For the reasons discussed below, lack of adequate services and infrastructure is a basis to deny the application for a subdivision.

The Administrative Decision should be reversed and the application should be denied for the following reasons:

Under Section 10.9.040.040.B, the review criteria for a subdivision include a demonstration of “consistency with the state statutes, this Title, and the applicable provisions of Chapter 10.5 - Zone District Regulations, Chapter 10.6 - General Regulations, Chapter 10.7 - Parking Standards, Chapter 10.8 - Physical and Environmental Constraints, Chapter 10.9 - Land Divisions, and Chapter 10.10 - Improvements Required with Development.”

Article 5.120 Airport Approach Zones applies to this application because the property is within 10,000 feet of the runway (Runway 30, which has been re-labeled as Runway 31) as shown on pages 293/301 and 300/301 on the Airport Master Plan. The property is also within the “Approach Surface” as that term is defined in Section 10.5.120.020. Since Article 5.120 applies, notice of the application was required to be provided to the airport sponsor and the Department of Aviation (See Section 10.5.120.030), findings based on evidence must be made under Section 10.5.120.040 and the anti-glare provisions of Section 10.5.120.060.B must be met. There is no evidence in the record or findings on any of these issues.

www.landerholm.com
Finding #10 improperly defers landscaping review until building permits for individual houses. Per Article 10.6.010, this requires a landscape plan that complies with Section 10.6.010.030(B) to be reviewed at the time of development review of the subdivision.

Section 10.6.010.020(B) authorizes installation of front yard landscaping for single-family dwellings to be deferred for six months after occupancy, but that section does not authorize review of the proposed landscaping to be deferred. Moreover, only front yard landscaping installation may be deferred, not installation of landscaping in the side or rear yard, nor installation of landscaping in the proposed park.

In addition to landscaping, the applicant must provide plans showing that the lot sizes and configurations are adequate to meet the 60% maximum lot coverage standard (Section 10.05.020.060), as well as all setback, driveway, walkway, landscaping and parking requirements.

Further, the requirement of Section 10.6.010.030.H requires preservation of significant trees. This was supposed to have been reviewed at the time of subdivision approval to ensure that the significant trees are preserved to the greatest extent practical and are not being inadvertently removed to make way for infrastructure supporting the subdivision. The property contained an historic orchard that was removed about a year ago, in apparent preparation for development. The City should impose some type of tree mitigation requirement on the applicant to remedy this apparent violation of the tree preservation provisions of local code.

There are no findings or evidence on the “connectivity” requirement of Section 10.6.050.030.B.

Section 10.6.050.040.B must be addressed for the roads in the subdivision as well as the off-site roads, which are substandard and unsafe due to grades and narrow roadways. Review by a licensed professional engineer is required during the land use process for review of the preliminary plat. This type of finding cannot be deferred until the final plat. The review must also address sight distance and safe stopping distance (Table 2, as well as vision clearance requirements of Article 10.6.100) of all subdivision roads and off-site roads serving the subdivision. Any “exceptions” must also be reviewed during the public land use process. The off-site roads serving the subdivision (including but not limited to Richmond Street, Fremont Street, and Old Dufur Road that provide access to Highway 197) must be safe for both vehicle and emergency vehicle traffic.

The application does not show driveway locations so there are inadequate findings and a lack of evidence to show that Section 10.6.060.020 or 10.6.050.040 can be met.

The application lacks substantial evidence and findings that the grade requirements for sidewalks of Section 10.6.060.030 can and will be met. Additionally, the American With Disabilities Act (ADA) also applies to crosswalk grades and crossings. More importantly, ADA compliant curb ramps are required under ORS 801.220, ORS 447.310 and the Department of Justice 2010 ADA Standards for Accessible Design (referred to herein as the “2010 Standards”). The 2010 Standards published in the Federal Register on September 15, 2010 are made up of two parts: (1) the 2004 ADA Accessibility Guidelines (ADAAG) and (2) the standards in 28 CFR 35.151.
ORS 447.310 and the 2010 Standards require ADA curb ramps at every intersection, unless an exception has been approved due to structural impracticability. See 28 CFR section 35.151(a)(2) and (i)(1)(2). There is inadequate evidence and a lack of findings that these ADA requirements are met by the proposed subdivision.

Section 10.7.060.010 requires two off street parking spaces per dwelling. Finding #15 improperly defers review of this requirement until building permits for individual dwellings. At the preliminary plat stage there must be evidence and findings that the proposal can meet the requirement. There are no parking spaces shown in the application and given the small size of the lots and relatively large sizes of the proposed dwellings and ADUs, it is not at all clear that the two required off street parking spaces can be provided while still meeting the maximum lot coverage, walkway, driveway, setback and minimum landscaping requirements. Additional evidence and findings are required.

Section 10.8.020.010.A requires a Physical Constraints Permit for all development:

1. In areas identified within the 100-year flood boundary on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the City of The Dalles.
2. In areas identified as natural drainage ways.
3. In areas of the 2010 Geologic Hazards Study prepared by Mark Yinger designated within Zones 1 and 4, or land in Zone 3 which is located in areas of groundwater discharge.
4. On slopes greater than 20% where utility extensions are required, and 25% in all other cases.
5. Which includes grading, filling, cutting, or other earth-moving activity involving more than 50 cubic yards of material on any lot or parcel of land or which includes areas of highly erosive soils.
6. In areas designated as flowage easements by the Army Corps of Engineers.
7. In areas where the groundwater table is less than 10 feet below grade.

Finding #16 improperly defers findings under these standards until review of the final plat. The construction of the subdivision infrastructure triggers review under these standards and findings based on substantial evidence must be made at the preliminary plat review stage of the application where the public can review and comment on the proposal. At a minimum, the City needs to be able to make findings that these requirements can be met before approving the preliminary plat. Due to the complete lack of evidence or findings, such a finding cannot be made.
Since the development includes more than 16 lots and will likely generate more than 400 average daily trips, a transportation impact study is required. Section 10.10.060.A.1. Any trip counts done for such a traffic study would obviously need to be done during a time when there was not a coronavirus quarantine in effect.

Section 10.10.060.A.5.a states: "The City may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards." Obviously, the City must first review the transportation impacts study before it can make an informed decision whether to "deny, approve or approve a proposal with conditions." It was therefore premature to approve the application before the applicant submitted the transportation impact study for review. There is a lack of evidence relating to the safety for drivers using the streets and roads serving the proposed subdivision when making trips to and from the proposed subdivision.

Section 10.10.060.A.5.b requires construction of off-site improvements to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards. The proposed development would add approximately 720 to 840 new average daily trips (based on the ITE manual's estimate of about ten average trips per day for a single family residence). There is no analysis in the record from a licensed engineer relating to the impacts of all this new traffic on the substandard streets and roads serving the proposed subdivision.

Sidewalks meeting the standards of Section 10.10.040.A are required along collector and local streets. In addition, that section requires sidewalks along arterials. There is a lack of evidence relating to the safety for pedestrians walking along the streets and roads serving the proposed subdivision to and from the proposed subdivision.

Section 10.10.040.B requires "safe and convenient" pedestrian facilities, which "means pedestrian facilities that are reasonably free from hazards which would interfere with or discourage pedestrian travel for short trips, that provide a direct route of travel between destinations, and that meet the travel needs of pedestrians considering destination and length of trip." There is a complete lack of evidence supporting this criterion, both for internal pedestrian connections but also for the streets and roads that serve the proposed subdivision.

Unlike Section 10.10.040.B.3 applies to internal pedestrian circulation, but Sections 10.10.040.B.1 and 2 apply to off-site pedestrian circulation as well. Further, 10.10.040.E specifically requires off-site improvements when necessary for safe and efficient pedestrian circulation.

The same problems exist with bike lanes under Section 10.10.050. There is a lack of evidence and findings that bike lanes both in the proposed subdivision or on the surrounding streets and roads serving the proposed subdivision meet the criteria of 10.10.050.

There is also inadequate evidence that Section 10.10.070 is met particularly in relation to stormwater. Further, Section 10.10.100.A.1 requires: "Where a land division is proposed, the developer shall provide franchise utilities to the development site." These include natural gas and cable TV. There is insufficient evidence in the record that such utilities, or indeed any
utilities, can be provided to the site. In addition to natural gas, telephone, and cable TV, the applicant must submit evidence of adequacy of water, sanitary sewer, storm sewer to the property.

Findings that criteria are met may not be conclusory and must be supported by substantial evidence in the record. *Lowell v. Jackson County*, 75 Or LUBA 251 (2017). In establishing that a request for land use approval complies with applicable approval standards, a local government may find that the approval standard can be met through conditions only if there is substantial evidence in the record to support a finding that any needed technical solutions that may be required to comply with the standard are “possible, likely and reasonably certain to succeed.” *Gould v. Deschutes County*, 216 Or App 150, 161, 171 P3d 1017 (2007) (citing *Meyer v. City of Portland*, 67 Or App 274, 281-82, 678 P2d 741, rev den, 297 Or 82, 679 P2d 1367 (1984)). *Johnson v. City of Gladstone*, 65 Or LUBA 225 (2012).

The Administrative Decision under review is based on numerous conclusory findings and a lack of evidence and findings that the technical solutions that have been deferred into the conditions of approval are “likely and reasonably certain to succeed” in meeting the criteria. This lack of evidence and adequate findings requires reversal of the Administrative Decision and denial of the application under the LUBA cases cited above.

For the many reasons discussed in this letter, the findings on the above referenced criteria are conclusory and not based on substantial evidence and to the extent that the findings purport to base compliance on conditions, there is no substantial evidence and a lack of findings that the conditions are “likely and reasonably certain to succeed.”

Therefore, the Administrative Decision approving the application must be reversed and the application must be denied.

Sincerely,

LANDERHOLM, P.S.

[Signature]

STEVE C. MORASCH
Attorney at Law

SCM/jsr
Enclosure

MORS08-000002 - 4622769_1
The Grove Subdivision
Transportation Impact Study
The Dalles, Oregon
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CHAPTER 1: INTRODUCTION

This study evaluates the transportation impacts associated with the development of a single-family and multi-family housing development with a total of 83 units in The Dalles, Oregon. The site is a vacant property adjacent to Richmond Street between E 10th Street and E 12th Street. A map of the project location is shown in Figure 1.

The purpose of this transportation impact analysis is to identify safety or operational improvements necessary to offset impacts that the proposed development may have on the nearby transportation network. The impact analysis is focused on three study intersections which were selected for evaluation in coordination with City staff. The study intersections are shown in Figure 1. All study intersections are two-way stop controlled. Table 1 lists key characteristics of the study area and proposed project.

Table 1: Key Study Area and Proposed Development Characteristics

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Study Area</strong></td>
<td></td>
</tr>
<tr>
<td>Number of Study Intersections</td>
<td>3</td>
</tr>
<tr>
<td>Analysis Period</td>
<td>Weekday PM Peak Hour (one hour between 4-6 PM)</td>
</tr>
<tr>
<td><strong>Project Site</strong></td>
<td></td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Vacant</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>62 single family units and 21 multi-family units</td>
</tr>
<tr>
<td>Proposed Project Access</td>
<td>Five (5) full access driveways; two on 10th Street, one on Richmond Street, and two on 12th Street</td>
</tr>
</tbody>
</table>

1 Phone call between Greg Hagbery and Dale McCabe on January 3, 2020.
CHAPTER 2: EXISTING CONDITIONS

This chapter provides documentation of existing study area conditions, including the study area street network, pedestrian and bicycle facilities, and existing traffic volumes and operations. Supporting details for volumes and operations are provided in the appendix.

Study Area Street Network

The existing characteristics of key streets in the vicinity of the project site are summarized in Table 2. The functional classifications for the City of The Dalles streets are provided in the City of The Dalles Transportation System Plan (TSP).2

Table 2: Study Area Street Characteristics (within the Study Area)

<table>
<thead>
<tr>
<th>Street</th>
<th>Classification</th>
<th>No. of Lanes</th>
<th>Posted Speed</th>
<th>Sidewalks</th>
<th>Bike Lanes</th>
<th>On-Street Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>E 10th Street</td>
<td>Local</td>
<td>2</td>
<td>25 mph</td>
<td>No</td>
<td>No</td>
<td>Yesc</td>
</tr>
<tr>
<td>E 12th Street</td>
<td>Major Collectora</td>
<td>2</td>
<td>25 mph</td>
<td>No</td>
<td>No</td>
<td>Yesc</td>
</tr>
<tr>
<td></td>
<td>Minor Collectorb</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thompson Street</td>
<td>Major Collector</td>
<td>2</td>
<td>25 mph</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Old Dufur Road</td>
<td>Major Collector</td>
<td>2</td>
<td>25 – 35 mph</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Richmond Street</td>
<td>Local</td>
<td>2</td>
<td>25 mph</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

a Major Collector west of Thompson Street.
b Minor Collector east of Thompson Street.
c On-street parking is allowed in some areas, but parking is unmarked.

Pedestrian and Bicycle Facilities

Sidewalks and designated bicycle facilities are not present on any of the roadways adjacent to the proposed development. The only study intersection with pedestrian facilities is E 12th Street/Thompson Street, with sidewalks present on the west leg only. All other study intersections lack sidewalks and bicycle facilities.

Public Transit Service

There are no local public transit routes in the study area.

2 Figure 6-1, Transportation System Plan, City of The Dalles, Updated March, 2017.
Existing Traffic Volumes and Operations

Existing PM peak hour traffic operations were analyzed at the intersections of E E10th Street/Thompson Street, E 12th Street/Thompson Street, and Old Dufur Road/Richmond Street.

Intersection turn movement volumes were collected at the study intersections during the PM peak period on a typical weekday and are shown in Figure 2. The following sections describe intersection performance measures, required operating standards, and existing operating conditions.

---

Figure 2: Existing PM Peak Hour Traffic Volumes

---

3 Data collected by All Traffic Data on January 9, 2020.
Intersection Performance Measures

Level of service (LOS) ratings and volume-to-capacity (v/c) ratios are two commonly used performance measures that provide a good picture of intersection operations.

- **Level of service (LOS):** A “report card” rating (A through F) based on the average delay experienced by vehicles at the intersection.\(^4\) LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D and E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay has become excessive and demand has exceeded capacity.

- **Volume-to-capacity (v/c) ratio:** A decimal representation (typically between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00, congestion increases and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.

**Required Operating Standard**

City of The Dalles standards require a minimum of LOS D for all signalized and unsignalized intersections\(^5\) and does not have an operational v/c standard.

**Existing Operating Conditions**

Existing traffic operations at the study intersection were determined for the PM peak hour based on the Highway Capacity Manual (HCM) 6th Edition methodology.\(^6\) The results were then compared with the City of The Dalles’ required operating standard for two-way stop controlled intersections. Table 3 on the following page lists the estimated delay, LOS, and the critical movement’s v/c ratio of the study intersections. All three study intersections are well under capacity, operate with minimal delay, and meet City operating standards.

---

\(^4\) A description of Level of Service (LOS) is provided in the appendix and includes a list of the delay values (in seconds) that correspond to each LOS designation.

\(^5\) City of The Dalles TSP, Page 75, Updated March 2017.

### Table 3: Existing PM Peak Study Intersection Operations

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Operating Standard</th>
<th>Existing PM Peak</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Critical Movement</td>
<td>Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>E 10th Street/Thompson Street</td>
<td>LOS D</td>
<td>NB</td>
<td>10.6</td>
<td>A/B</td>
</tr>
<tr>
<td>E 12th Street/Thompson Street</td>
<td>LOS D</td>
<td>EB</td>
<td>10.0</td>
<td>A/B</td>
</tr>
<tr>
<td>Old Dufur Road/Richmond Street</td>
<td>LOS D</td>
<td>NB</td>
<td>9.1</td>
<td>A/A</td>
</tr>
</tbody>
</table>

**Unsignalized Intersections:**
- Delay = Average Stopped Delay per Vehicle (sec) at Worst Movement
- LOS = Level of Service of Major Street/Minor Street
- v/c = Volume-to-Capacity Ratio of Worst Movement

### Safety Analysis

The most recent five years (2013-2017) of available crash data for the three study intersections were obtained. There were zero reported crashes at the three study intersections during the recorded time period. However, one crash did occur near the project site at 10th Street/Richmond Street in 2016. The crashes was a fixed object crash that involved speeding and resulted in property damage only.
CHAPTER 3: PROJECT IMPACTS

This chapter reviews the estimated impacts that the proposed subdivision development may have on the surrounding transportation system. This analysis includes site plan evaluation, trip generation, trip distribution, and future year traffic volumes and operating conditions for the study intersections.

Proposed Development

The proposed development includes an 83-unit single and multi-family housing development with 62 single family homes and 21 multi-family units.

Trip Generation

Trip generation is the method used to estimate the number of vehicles added to site streets and the adjacent street network by a development during a specified period (i.e., such as the PM peak hour). For this study, the ITE 10th Edition trip generation data was used which is based on national land use data.7

Table 4 provides a detailed trip generation for the proposed single family development. As shown, the development is expected to generate approximately 79 total (49 in, 30 out) PM peak hour trips.

<table>
<thead>
<tr>
<th>Land Use (ITE Code)</th>
<th>Quantity</th>
<th>PM Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
</tr>
<tr>
<td>Single-Family Detached Housing (210)</td>
<td>62 units</td>
<td>40</td>
</tr>
<tr>
<td>Multi-Family (Low-Rise) (220)</td>
<td>21 units</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>83 units</strong></td>
<td>49</td>
</tr>
</tbody>
</table>

Trip Distribution

Trip distribution provides an estimate of where project-related trips would be coming from and going to. It is given as percentages at key gateways to the study area and is used to route project trips through the study intersections. The trip distribution was determined by the existing traffic counts and estimated travel patterns. Figure 3 shows the expected trip distribution and project trip routing for the additional traffic generated by the proposed development.

7 Institute of Transportation Engineers Trip Generation Manual, 10th Edition
Future Operating Conditions

The following future scenarios were selected for analysis based on the City’s policy for traffic studies.\(^8\) The short-term year is based on the estimated year of project completion and the mid-term year is five years beyond the short-term year.

- Short-Term Background (2023)
- Short-Term Background (2023) + Full Build Project Traffic
- Mid-Term Background (2028)
- Mid-Term Background (2028) + Full Build Project Traffic

**Intersection Operations**

The study intersection operating conditions with the addition of future projected background traffic are listed in Table 5 and intersection operating conditions of future projected background and site-generated project traffic are listed in Table 6. As shown, all study intersections continue to operate well under capacity and meet the City of The Dalles operating standards.
Table 5: Future Intersection Operations – Short and Mid Term Background Traffic

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Operating Standard</th>
<th>Short Term (2023) PM Peak</th>
<th>Mid Term (2028) PM Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Movement</td>
<td>Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>E 10th Street / Thompson Street</td>
<td>LOS D</td>
<td>NB</td>
<td>10.6</td>
</tr>
<tr>
<td>E 12th Street / Thompson Street</td>
<td>LOS D</td>
<td>EB</td>
<td>10.1</td>
</tr>
<tr>
<td>Old Dufur Road / Richmond Street</td>
<td>LOS D</td>
<td>NB</td>
<td>9.2</td>
</tr>
</tbody>
</table>

**Unsignalized Intersections:**
Delay = Average Stopped Delay per Vehicle (sec) at Worst Movement
LOS = Level of Service of Major Street/Minor Street
v/c = Volume-to-Capacity Ratio of Worst Movement

Table 6: Future Intersection Operations – Background Traffic and Project Trip Traffic

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Operating Standard</th>
<th>Short Term (2023) PM Peak</th>
<th>Mid Term (2028) PM Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Movement</td>
<td>Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>E 10th Street / Thompson Street</td>
<td>LOS D</td>
<td>NB</td>
<td>10.8</td>
</tr>
<tr>
<td>E 12th Street / Thompson Street</td>
<td>LOS D</td>
<td>EB</td>
<td>10.3</td>
</tr>
<tr>
<td>Old Dufur Road / Richmond Street</td>
<td>LOS D</td>
<td>NB</td>
<td>9.2</td>
</tr>
</tbody>
</table>

**Unsignalized Intersections:**
Delay = Average Stopped Delay per Vehicle (sec) at Worst Movement
LOS = Level of Service of Major Street/Minor Street
v/c = Volume-to-Capacity Ratio of Worst Movement

Site Plan Evaluation

The site plan provided by the project sponsor shows five access points from the proposed single and multi-family development, with one full-access driveway on Richmond Street, two full-access driveways on 10th Street, and two full-access driveways on 12th Street.

Sight Distance

Site driveways will need to meet American Association of State Highway and Transportation Officials (AASHTO) sight distance requirements. This includes providing adequate sight triangles at driveways that are clear of objects (buildings, large signs, landscaping, etc.) that could potentially limit vehicle sight distance.

---

10 Table 9-6 Geometric Design of Highways and Streets, AASHTO, 2011
The intersection sight distance requirement is based on the speed of the roadway. Along E 10th Street, E 12th Street, and Richmond Street, the speed is 25 mph, making the sight distance requirement 280 feet. The sight distance for the western driveway on 10th Street is estimated to be less than 150 feet due to a vertical curve immediately east of the driveway.

Because there is insufficient sight distance to safely make a left-turn out of the driveway, it is recommended that northbound left-turns onto E 10th Street be prohibited at the western driveway. The driveway should be designed with a “porkchop” type island or other physical barrier to enforce the turn prohibition.

Prior to occupancy of the proposed development, sight distance requirements will need to be verified at the proposed access.

**On-Site Circulation**

The proposed site plan was reviewed to evaluate site access and circulation. The site plan provided by the project sponsor shows multiple proposed 20-foot wide alleys and a proposed 36-foot wide street running east-west (E 11th Street). On the western edge of the site, a 16-foot wide alley is shown. This alley provides the City’s designated minimum 8-foot wide travel lanes on-site. These roadway widths are sufficient for two-way motor vehicle traffic on-site.

**Access Spacing**

Richmond Street, E 10th Street, and E 12th Street are classified by the City of The Dalles as a local street. The City Code does not include access spacing requirements for local streets.

**Pedestrian and Bicycle Access and Circulation**

The preliminary site plan shows sidewalks along all street frontages, which provides sufficient internal pedestrian facilities. The network of internal streets and alleys on the project site also provide sufficient bicycle access and circulation to and from the adjacent City streets.

**Frontage Improvements**

The City of The Dalles requires frontage improvements consistent with the roadway classification when a development site abuts an existing public street. Richmond Street, E 10th Street, and E 12th Street are adjacent to the proposed development and are considered local streets in The Dalles TSP. Local Street cross section requirements consist of 5’ wide sidewalks on both sides of the street and two travel lanes of a minimum 8’ width. Currently, sidewalks do not exist on these roadways and will be required as part of half-street improvements along the frontage of the proposed development.

---

11 City of The Dalles Municipal Code 10.10.060 Section C-1.
12 Table 6-1, *Transportation System Plan*, City of The Dalles Updated March, 2017.
Project Impact Summary

The proposed development is anticipated to result in the following impacts:

Trip Generation/Intersection Operations
- The development will consist of an 83-unit residential development with 62 single family homes and 21 multi-family units.
- The development is expected to generate 79 (49 in, 30 out) PM peak hour trips.
- The study intersections meets the City’s operational standard under all analysis scenarios.

Site Plan Review
- Based on insufficient sight distance at the proposed western driveway on E 10th Street, it is recommended that left-turns out of the driveway be prohibited.
- Prior to occupancy, sight distance at any proposed access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon to assure that buildings, signs or landscaping does not restrict sight distance.
- The proposed site plan provides adequate site circulation and accommodations for vehicles, bicycles, and pedestrians.
- There are no access spacing requirements for the development on a local street.
- Per the City of The Dalles development code and cross-section requirements for local streets, sidewalks should be installed on all property frontages abutting the proposed development on Richmond Street, E 10th Street, and E 12th Street as part of half-street improvements.
Subpart B — Notice of Construction or Alteration

Sec. 77.11 Scope.

(a) This subpart requires each person proposing any kind of construction or alteration described in Sec. 77.13(a) to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice. It also requires supplemental notices 48 hours before the start and upon the completion of certain construction or alteration that was the subject of a notice under Sec. 77.13(a).

(b) Notices received under this subpart provide a basis for:

1. Evaluating the effect of the construction or alteration on operational procedures and proposed operational procedures;
2. Determinations of the possible hazardous effect of the proposed construction or alteration on air navigation;
3. Recommendations for identifying the construction or alteration in accordance with the current Federal Aviation Administration Advisory Circular AC 70/7460-1 entitled “Obstruction Marking and Lighting,” which is available without charge from the Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590;
4. Determining other appropriate measures to be applied for continued safety of air navigation; and
5. Charting and other notification to airmen of the construction or alteration.

(Sec. 6, 80 Stat. 937, 49 U.S.C. 1655
Amdt. 77-10, 37 FR 4705, Mar. 4, 1972]

Sec. 77.13 Construction or Alteration Requiring Notice.

(a) Except as provided in Sec. 77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in Sec. 77.17:

1. Any construction or alteration of more than 200 feet in height above the ground level at its site.
2. Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
   (i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.
(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (a)(5) of this section.

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a)(1) or (2) of this section.

(4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.

(5) Any construction or alteration on any of the following airports (including heliports):

(i) An airport that is available for public use and is listed in the Airport Directory of the current Airman’s Information Manual or in either the Alaska or Pacific Airman’s Guide and Chart Supplement.

(ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use.

(iii) An airport that is operated by an armed force of the United States.

(b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of the construction or alteration.

(c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the region involved, if—

(1) The construction or alteration is more than 200 feet above the surface level of its site; or

(2) An FAA regional office advises him that submission of the form is required.

[Amdt. 77-5, 33 FR 5256, Apr. 2, 1968, as amended by Amdt. 77-9, 36 FR 5970, Apr. 1, 1971; Amdt. 77-10, 37 FR 4705, Mar. 4, 1972]
Sec. 77.15 Construction or Alteration Not Requiring Notice.

No person is required to notify the Administrator for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

(d) Any construction or alteration for which notice is required by any other FAA regulation.


Sec. 77.17 Form and Time of Notice.

(a) Each person who is required to notify the Administrator under Sec. 77.13(a) shall send one executed form set (four copies) of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.

(b) The notice required under Sec. 77.13(a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates:

(1) The date the proposed construction or alteration is to begin.

(2) The date an application for a construction permit is to be filed. However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

(c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of this Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this
burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.

(d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

(e) Each person who is required to notify the Administrator by paragraph (b) or (c) of Sec. 77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

(Sec. 6, 80 Stat. 937, 49 U.S.C. 1655

Sec. 77.19 Acknowledgment of Notice.

(a) The FAA acknowledges in writing the receipt of each notice submitted under Sec. 77.13(a).

(b) If the construction or alteration proposed in a notice is one for which lighting or marking standards are prescribed in the FAA Advisory Circular AC 70/7460-1, entitled “Obstruction Marking and Lighting,” the acknowledgment contains a statement to that effect and information on how the structure should be marked and lighted in accordance with the manual.

(c) The acknowledgment states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:

(1) Would not exceed any standard of Subpart C and would not be a hazard to air navigation;

(2) Would exceed a standard of Subpart C but would not be a hazard to air navigation; or

(3) Would exceed a standard of Subpart C and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed the construction or alteration would be a hazard to air navigation.

Subpart C — Obstruction Standards

Sec. 77.21 Scope.

(a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off-airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefore is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by Sec. 77.13(a) is filed.

(b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by appropriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in Sec. 77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.

(c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by Sec. 77.13(a), that airport is—

1. Available for public use and is listed in the Airport Directory of the current Airman’s Information Manual or in either the Alaska or Pacific Airman’s Guide and Chart Supplement; or

2. A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,

3. An airport that is operated by an armed force of the United States.

Sec. 77.23 Standards for Determining Obstructions.

(a) An existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

1. A height of 500 feet above ground level at the site of the object.

2. A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.

3. A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

4. A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

5. The surface of a takeoff and landing area of an airport or any imaginary surface established under Sec. 77.25, Sec. 77.28, or Sec. 77.29. However, no part of the take-off or landing area itself will be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

1. Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

2. Fifteen feet for any other public roadway.

3. Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

4. Twenty-three feet for a railroad, and,

5. For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

[Amtd. 77-9, 36 FR 5970, Apr. 1, 1971]
Sec. 77.25 Civil Airport Imaginary Surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

(a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having nonprecision instrument approaches.

(3) For other than utility runways the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.

(iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways. The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250 feet for that end of a utility runway with only visual approaches;

(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;

(iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and

(vi) 16,000 feet for precision instrument runways.

The approach surface extends for a horizontal distance of:

(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,

(iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) Transitional surface. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

[Amtd. 77-9, 36 FR 5970, Apr. 1, 1971; 36 FR 6741, Apr. 8, 1971]

Sec. 77.27 [Reserved]
**Sec. 77.28 Military airport imaginary surfaces.**

(a) Related to airport reference points. These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.

1. Inner horizontal surface. A plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

2. Conical surface. A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

3. Outer horizontal surface. A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) Related to runways. These surfaces apply to all military airports.

1. Primary surface. A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.

2. Clear zone surface. A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.

3. Approach clearance surface. An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

4. Transitional surfaces. These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

[Doc. No. 1882, 30 FR 1839, Feb. 10, 1965, as amended by Amdt. 77-1, 30 FR 6713, May 18, 1965; Amdt. 77-9, 36 FR 5971, Apr. 1, 1971]
Sec. 77.29  Airport Imaginary Surfaces for Heliports.

(a) Heliport primary surface. The area of the primary surface coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

(b) Heliport approach surface. The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

(c) Heliport transitional surfaces. These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

RESOLUTION NO. PC 590-20

Approval of Adjustment Application 050-19 of Michael and Christine Irish for a reduction in the rear yard setback from 10 feet to 5 feet, a 50% reduction.

I. RECITALS:

A. The Planning Commission of the City of The Dalles has, on March 5, 2020, and May 7, 2020, conducted a public hearing to consider the above request. A staff report was presented stating the findings of fact, conclusions of law, and a staff recommendation.

B. Staff’s report of Adjustment 050-19 and the minutes of the March 5, 2020, and May 7, 2020, Planning Commission meetings, upon approval, provide the basis for this resolution and are incorporated herein by reference.

II. RESOLUTION:

Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:

A. In all respects as set forth in Recitals, Part “I” of this resolution.

Adjustment 050-19 is hereby approved with the following conditions of approval:

1. The Applicants shall submit a landscaping plan that complies with the landscaping requirements of providing Article 6.010.

2. The surfacing of the driveway shall comply with Section 10.6.060.040 above.

3. Any street trees planted shall comply with Section 10.6.010.060 above.

4. All screening shall comply with Section 10.6.010.050 above.

5. Any required landscaping, buffering, and screening shall be maintained; and if any street trees or other plant materials do not survive or are removed they will be required to be replaced in kind by the developer or responsible party for removing the trees and/or plant material.

6. A city permit is required for any planting, removal, or significant pruning, topping or pollarding of any trees within the public right-of-way.

7. Irrigation systems will be required if necessary to assure survival of plant materials.
8. No site obscuring shrubs, landscape features, conifer trees, fences exceeding 24 inches in height, or other screening is permitted within vision clearance areas of the street or alley intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians or vehicles.

9. Fencing over four feet in height will require a Building Permit submittal.

10. A Building Permit application will be required to be reviewed and approved for the proposed single family dwelling.

11. The Site Plan submitted at the time of a Building Permit shall comply with Section 10.6.080.010 Projections into Yards.

12. Applicant is required to retain the established oak trees on the northern boundary of the property.

III. APPEALS, COMPLIANCE, AND PENALTIES:

A. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to The Dalles Municipal Code, Title 10 Land Use and Development, Section 3.020.080 and must be filed with the City Clerk within ten (10) days of the date of mailing of this resolution.

B. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.

C. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to $500.00 per day for the violation period; 3) a civil proceeding seeking injunctive relief.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.

APPROVED AND ADOPTED THIS 21st DAY OF MAY, 2020.

______________
Brent Bybee, Chair
Planning Commission

I, Steven K. Harris, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 7th day of May, 2020.

AYES:

____________________________
RESOLUTION NO. PC 593-20

Denial of Appeal Application 030-20, Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, and Damon Hulit to overturn Administrative approval of Subdivision 74-19 for Legacy Development Group, LLC, to divide one parcel into 73 parcels of varying sizes (72 dwelling parcels and one parcel dedicated as a “community park” for the development). Property has no assigned address and is further described as 1N 13E 1 C tax lot 201. Property is zoned “RH” – High Density Residential.

I. RECITALS:
   A. The Planning Commission of the City of The Dalles has on May 21, 2020, conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
   B. Staff’s report of Appeal 030-20 and the minutes of the May 21, 2020, Planning Commission meeting, upon approval, provide the basis for this resolution and are incorporated herein by reference.

II. RESOLUTION:

   Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:
   A. In all respects as set forth in Recitals, Part “I” of this resolution.
      Appeal 030-20 is hereby denied.

III. APPEALS, COMPLIANCE, AND PENALTIES:
   A. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to Section 3.020.080 of the Land Use and Development Ordinance, and must be filed with the City Clerk within ten (10) days of the date of mailing of this resolution.
   B. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.
   C. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to $500.00 per day for the violation period; 3) a civil proceeding seeking injunctive relief.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.
APPROVED AND ADOPTED THIS 21ST DAY OF MAY, 2020.

__________________________________________________________________________
Brent Bybee, Chair
Planning Commission

I, Steven K. Harris, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 21st day of May, 2020.

AYES: ________________________________________________________________

NAYS: ________________________________________________________________

ABSENT: ______________________________________________________________

ABSTAIN: ______________________________________________________________

ATTEST: ________________________________________________________________

Steven K. Harris – AICP
Community Development Director, City of The Dalles