

AGENDA

SPECIAL CITY COUNCIL MEETING

August 24, 2020

5:30 p.m.

VIA ZOOM

<https://zoom.us/j/94046288831?pwd=Y1R2SEpUYXJ5d2xOZi84Sk5MYjNjUT09>

Meeting ID: 940 4628 8831

Password:797987

Dial

1 253 215 8782

1 346 248 7799

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

APPEAL HEARING:

APL 031-20: Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, Damon Hulit and Roberta Wymore-Hulit

REQUEST: Appeal of the July 16, 2020 Planning Commission decision denying Appeal 030-20 of Administrative Decision dated March 9, 2019, approving Subdivision 74-19, Legacy Development Group, to divide one 6.92 acre parcel into 72 lots of varying size with a proposed community park.

6. ADJOURNMENT

Prepared by/
Izetta Grossman, CMC
City Clerk

CITY OF THE DALLES

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



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481
FAX (541) 296-6906

AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #5

MEETING DATE: August 24, 2020

TO: Honorable Mayor and City Council

FROM: Joshua Chandler, Associate Planner
Christopher Crean, City Attorney

ISSUE: Appeal of Planning Commission Resolution No. P.C. 593-20, denying Appeal #030-20 of Administrative Decision dated March 9, 2020, approving Subdivision 74-19, Legacy Development Group, to divide one 6.92 acre parcel into 72 lots of varying size with a proposed community park.

I. SYNOPSIS:

As further described below, on March 9, 2020, City planning staff approved an application for a 69-lot subdivision. That decision was appealed to The Dalles Planning Commission, which denied the appeal and upheld the staff decision. The Planning Commission's decision was then appealed to the City Council. The question before the City Council is whether or not to affirm the Planning Commission's decision.

II. 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). Dwelling parcels for the subdivision proposal ranged 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 administrative approval of SUB 74-19 on March 9, the Applicant has submitted a TIS. 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.

On March 19, 2020 a Notice of Appeal for Land Use Decision (APL 030-20) of SUB 74-19 was received by the CDD.

At the May 21, 2020 Planning Commission hearing, the City of The Dalles Legal Department requested a continuation of the hearing to June 18, 2020 to address additional concerns raised by the Appellants' Attorney. The Appellants' Attorney did not object to the continuance. By unanimous vote, the Planning Commission granted the request for continuance to the June 18, 2020 Planning Commission meeting. On June 18, 2020 and continued on July 2, 2020, the Planning Commission deliberated on APL 030-20, and voted 3-2 to deny the appeal request, thus affirming Staff's March 9, 2020, Administrative approval of SUB 74-19. At the July 16, 2020, Planning Commission meeting, the Planning Commission moved to approve Resolution 593-20, denying APL 030-20 and affirming approval of SUB 74-19.

On July 24, 2020 a Notice of Appeal for Land Use Decision of APL 030-20 was received by the CDD (APL 031-20).

The subject property of this appeal is located in East The Dalles abutting E. 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 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.

III. REVIEW OF APPLICABLE SUBSTANTIVE CRITERIA:

Review Criteria (SUB 74-19): Included as attachments in the March 9, 2020 Staff Report SUB 74-19. A copy of the staff report and exhibits is attached as Appendix I and incorporated herein.

Review Criteria (APL 030-20): Included as attachments in the March 9, 2020 Staff Report SUB 74-19 and June 5, 2020, Staff Report APL 030-20. A copy of the staff report and exhibits is attached as Appendix I and incorporated herein.

IV. REVIEW OF APPLICABLE PROCEDURAL CRITERIA (APL 031-20):

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 #1: The appeal of the Planning Commission Decision of July 16, 2020 was filed by Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, Damon Hulit and Roberta Kay Wymore-Hulit on July 24, 2020. All of the Appellants listed in the Appellants' Attorney's July 23, 2020 correspondence are parties of record. 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 #2: Notice of Appeal for Land Use Decision and fee was received by the Community Development Department on July 24, 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 #3: The Notice of Decision for APL 030-20 is dated July 16, 2020; the Notice of Appeal for Land Use Decision was received by the Community Development Department on July 24, 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 #4: 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. **Criterion met.**

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

FINDING #5: The Appellants' Attorney's July 23, 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 #6: The Appellants' Attorney's July 23, 2020 correspondence meets this requirement. **Criterion met.**

4. *The standard appeal fee.*

FINDING #7: The fee to file an appeal on a land use decision was received by the Community Development Department on July 24, 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 #8: Staff has determined that the appeal is not defective. **Criterion met.**

V. REVIEW OF ADDITIONAL ISSUES:

The following arguments were provided on July 24, 2020 as part of the Notice of Appeal for Land Use Decision by the Appellants' Attorney, Steve C. Morasch.

As stated by the Appellants' Attorney, "Until the following mandatory code criteria are adequately addressed through the public tentative plan review, the application must be denied."

Argument A: "Sections 10.10.060.A.5.a and 10.10.060.A.5.b requires denial until all off site safety issues (including but not limited to the US 197/Fremont Street/Columbia View Drive intersection and other intersections identified in the Hann Lee memo and public testimony) have been addressed, which may require 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."

Response to Appellants' Argument A: The Appellants' Argument A states that the City is required to deny this application until all off-site safety issues have been addressed, "including but not limited to the US 197/Fremont Street/Columbia View Drive intersection and other intersections identified in the Hann Lee memo and public testimony." Staff was unable to determine "other intersections" from the Hann Lee memo; however, Staff was able to determine that one additional intersection, US 197/US 30, was identified in the memo as well as the Transportation System Plan (TSP) to exceed a critical crash rating. To provide additional information regarding critical crash rates, Staff has provided the following statement submitted by Susan Wright, PE, of Kittelson & Associates (K & A), the author of The City of The Dalles TSP: "Being over the critical rate signifies more crashes are occurring at a location than would be expected when comparing the intersection to other similar intersections within the study area but does not indicate that the intersection is exceeding a standard or threshold in the City's development code." Staff is not aware of a city safety standard or threshold that is not met and the appellant does not identify one.

Appellants' argument also states that "The Dolan (*Dolan v. City of Tigard and Nollan v. California Coastal Commission*) proportionality analysis does not allow the City to approve unsafe developments, nor does it allow local governments to ignore mandatory code requirements without first undertaking the required proportionality analysis, which has not been done." Although, as provided by Susan Wright, PE, of K & A, "State and federal court cases have consistently found that development mitigation must be proportional to a given land use development's impact. Requiring the applicant to construct the safety improvements for the US 197/Fremont Street/Columbia Drive intersection identified in the TSP is not required by an identified approval criterion and would not be proportional to an 80 unit residential subdivision, and thus cannot be considered by the City. The City's Transportation System Development Charges (TSDCs) are the primary mechanism for development to contribute a proportional share to planned future improvements where their impact is incremental. TSDC payment will be required of the proposed development as is standard for all residential development in the City." For context, Staff has determined that 69 total dwellings and 11 ADUs will contribute \$115,083 into TSDCs¹.

Moreover, denying the development application until all off-site safety issues have been addressed is further out of context because the TDMC clearly states that the City "may" deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards "may" be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety. This language affords the approving authority the grounds for decision making actions, providing substantial evidence is provided to support this decision.

¹ 69 x \$1,500 = \$103,500; 11 x \$1,053 = \$11,583 | \$103,500 + \$11,583 = \$115,083

As stated in the memorandum provided to the Planning Commission prior to the July 2, 2020 Planning Commission meeting, after further discussions with K&A and Oregon Department of Transportation (ODOT), Staff has determined the findings of the Traffic Impact Study produced by DKS Associates provide an adequate assessment of the impacts of the proposed development and the conditions necessary to offset that impact.

Finally, the City Engineer reports that ODOT has approved an All Roads Transportation Safety (ARTS) grant for safety improvements to the US 197 corridor from Fremont to the interstate on-ramps, including the intersection of Fremont and US197, scheduled for September 2021. Thus, while not required by any approval criteria, many of the safety improvements the appellants seek are already scheduled to be installed by ODOT.

Argument B: *“Section 10.6.050.040.B requires off-site roads, which are substandard and unsafe due to grades and narrow roadways and documented excessive crash rates at intersections to be made safe.”*

Response to Appellants’ Argument B: Staff has determined that the Appellants incorrectly cited TDMC regarding Section 10.6.050.040(B). This Section of TDMC does not contain language regarding off-site roads, substandard/unsafe grades, narrow roadways, or excessive crash rates at intersections. Section 10.6.050.040(B) states the following: “Vertical and Horizontal Curves. Plans should be checked in both the vertical and horizontal plan for site distance obstructions. If vertical or horizontal curves are located within the City’s preferred access separation distance, a licensed professional engineer specializing in traffic shall recommend the spacing standard.” As such, the criterion cited by Appellants does not provide a basis to deny the application.

Argument C: *“Sections 10.10.040.B.1 and 2 require sidewalks meeting the standards of Section 10.10.040.A to serve off-site pedestrian circulation. Further, 10.10.040.E specifically requires off-site improvements when necessary for safe and efficient pedestrian circulation. For pedestrian safety and circulation, infrastructure improvements, including sidewalks, are required along 10th or 12th connecting with downtown and the unsafe intersection of Thompson Street/E 10th Street/Old Dufur Rd must be addressed. It is unfair to shift the burden to existing residents when the need for sidewalks and other infrastructure is being driven primarily by a single high density development.”*

Response to Appellants’ Argument C: Pursuant to Oregon House Bill 3479 (2013), the City cannot require street improvements on minor partitions (3 lots or less) and one and two family dwelling development. Therefore, improvements that were previously required of all partitions prior to House Bill 3479 can no longer be required. As a result, gaps in pedestrian connectivity continue to be prevalent throughout the City since this bill was adopted in 2013. As a result of this lack of connectivity, the Appellants imply that the need for pedestrian circulation and infrastructure improvements, including sidewalks along 10th and 12th Streets, as well as the intersection of Thompson Street/E. 10th Street/Old Dufur Rd should be the sole responsibility of the Applicant. Staff finds that the need for sidewalks and other infrastructure improvements preceded this application and will continue to exist throughout the community as it did prior to 2013. The record simply does not support a finding that the need for the off-site sidewalks identified by the Appellant is driven “primarily” by this application.

In the Appellants’ Argument #12 dated May 15, 2020 they stated that sidewalk improvements should be required along E. 12th Street all the way to Bradley Street; however, specifics of that requirement were not included. Presumably, the Appellants were suggesting that sidewalk improvements be required to the nearest existing sidewalks on E. 12th Street. Using City sidewalk inventory within GIS, Staff determined that the nearest existing sidewalk is located ~1,400’ from Bradley Street; however, continuous sidewalks do not begin until the western side of E. 12th and Thompson Streets, ~2,800’ from Bradley Street. At that time, Staff required additional

clarification regarding the level of improvements being sought by the Appellants. Whether the Appellants were requesting one or both sides of the street for sidewalk improvements was also not addressed in the Appellants' rebuttal.

In the Appellants' Argument C from the July 23, 2020 memo, the Appellants state that "infrastructure improvements, including sidewalks, along 10th and 12th Streets connecting with downtown and the unsafe intersection of Thompson Street/E. 10th Street/Old Dufur Rd must be addressed." Clearly, the additional improvements along 10th Street and the intersection of Thompson Street/E. 10th Street/Old Dufur Rd were the additional level of improvements requested by Staff in the APL 030-20 Staff Report. As mentioned in the APL 030-20 Staff Report, the nearest sidewalk from Bradley Street is ~1,400' at 2603 E. 12th Street, and includes a group of standalone "sidewalk islands", disconnected from the existing sidewalk system at Thompson St, ~900' to the west. The Appellants stated that infrastructure improvements along 10th or 12th Streets connecting with downtown must be addressed, however specifics of that requirement were not included. Staff determined that following the most straight-forward route to "downtown" is a minimum of 1.25 miles² from the proposed development. If it is the intent of the Appellants for the Applicant to provide infrastructure improvements along this stretch, specifics of that request will need to be provided to Staff to fully address a Dolan proportionality analysis of said request. In short, Appellants' argument on this issue do not provide a basis for the City to deny the application.

Argument D: "Section 10.6.060.030, the Americans With Disabilities Act (ADA), ORS 801.220, ORS 447.310 and the Department of Justice 2010 ADA Standards for Accessible Design) require sidewalk, cross walk and curb ramp grade requirements to be met."

Response to Appellants' Argument D: As stated on Page 3, Paragraph 3, of the Appellants' Attorney's letter to Staff and City Council, Oregon law requires a two-step process for reviewing subdivisions. "The first step in the process is the tentative plan review, which is a public notice and comment process. The second step in the process - the final plat review - is ministerial process that does not involve the public." The application under review is for tentative plat approval. In the event the City approves SUB 74-19, the Applicant will be required to submit full engineered plans of the development for review by City Staff prior to final plat approval. During this review, all Conditions of Approval required of SUB 74-19 and APL 030-20 must be met prior to approval of the final plat.

ADA compliance for sidewalks, cross walks, and curb ramp grade is determined by reviewing the engineering plans submitted prior to final plat approval. Staff does not review engineered ADA compliant plans during the tentative plat review process. In June 2019, The Dalles City Council adopted the Americans with Disabilities Act Transition Plan as an amendment to the updated TSP of 2017. The responsibility for implementing the ADA Transition Plan is managed by the ADA Plan Coordinator for the City, a licensed engineer within the Public Works Department Engineering Services Division. Review of all drive approaches, sidewalks, curbs, curb ramps, etc. are reviewed and approved by this division of the City.

Argument E: "The applicant must provide tentative plans showing that the lot sizes and configurations are adequate to meet the 60% maximum lot coverage standard (Section 10.05.020.060), with the proposed dwellings and ADUs, all required onsite parking spaces (Section 10.7.060.010), driveways (Sections 10.6.060.020 and 10.6.050.040), setbacks and landscaping (Section 10.6.010.030.B)."

Response to Appellants' Argument E: The Appellants' Argument E continues to suggest that individual site plans be submitted for each of the 69 residential dwelling parcels, to ensure that all

² E 10th Street > Dry Hollow Rd > E 9th Street > Brewery Grade Rd > 2nd Street

requirements of lot coverage, onsite parking, driveways, setbacks, and landscaping (Sections 10.5.020.060, 10.7.060.010, 10.6.060.020, 10.6.050.040, and 10.6.010.030.B, respectively) are met. As clarification, the City is not approving building placement on individual lots at this time. The City will require that each of the lots be reviewed individually through a ministerial application process reviewed by both the CDD and Public Works to ensure that the proposal complies with the requirements of TDMC. Review of construction on each lot includes but is not limited to: landscaping, lot coverage, setbacks, parking, drive approaches and sidewalks, and available utilities. In addition, structural review of all future dwellings will be administered by Wasco County Building Codes to ensure that each parcel complies with Oregon Residential Specialty Code.

Although not required for subdivision review, the Applicant voluntarily submitted a “Neighborhood Layout” plan to demonstrate the types of housing units with approximate sizes proposed for the development. This plan includes dimensions of parcels, right-of-ways, alleys, and building setbacks lines.

Argument F: “Section 10.8.020.010.A requires a Physical Constraints Permit for all development involving more than 50 cubic yards of grading, including the proposed 69 lot subdivision. Section 10.8.020.060.B requires the Physical Constraints Permit to be reviewed through the same process public notice and comment process as the subdivision.”

Response to Appellants’ Argument F: As stated on Page 3, Paragraph 3, of the Appellants’ Attorney’s letter to Staff and City Council, Oregon law requires a two-step process for reviewing subdivisions. “The first step in the process is the tentative plan review, which is a public notice and comment process. The second step in the process - the final plat review - is ministerial process that does not involve the public.” Again, the City is well aware of this requirement, and it follows the typical process for review of all subdivisions within the City, including SUB 74-19. This first tentative plat review occurred prior the Administrative Decision on March 9, 2020 after a 14-Day comment period had been afforded to all property owners within 100 feet of the subject property. In the event Staff’s approval on SUB 74-19 is upheld, the Applicant will be required to submit full engineered plans of the development for review by City Staff. During this review, all Conditions of Approval required of SUB 74-19 and APL 030-20 must be met prior to Staff signing the final plat. Staff does not review engineered plans during the tentative plat review process.

Finding #16 of both Staff Report SUB 74-19 and APL 030-20, dated June 5, 2020 included Condition of Approval #4 that requires all groundwork activities involving more than the movement of 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. However, the Applicant is not proposing any grading, filling, cutting, or other earth-moving activity at this time. Section 10.9.040.050 states that “Construction drawings and specifications for public improvements are not required prior to subdivision application approval but are required prior to final subdivision plat review. This allows a developer to seek subdivision application approval prior to investing in public improvement engineering.” In the same way, a Physical Constraints Permit for a subdivision, which will include specifications for public improvements, are not required prior to subdivision application approval. Section 10.8.020.010, B, does provide an Applicant the option for consolidated review of a Physical Constraints Permit and Subdivision Application, “Where the development is also subject to a site plan review, conditional use permit, subdivision, partition, planned development or other planning action, the physical constraints permit may, at the request of the applicant, be processed simultaneously with the planning action at no additional charge.” However, the Applicant has not requested consolidated review of any Physical Constraints Permits at this time.

Argument G: “Sections 10.10.070 and 10.10.100.A.1 require findings based on substantial evidence that the public facilities (including stormwater) can be made adequate to serve the proposed subdivision. While the applicant submitted as simple utilities plan that showed locations of pipes, there were no calculations or demonstrations of overall system capacity in the record, apart from verbal statements of City staff - statements that City staff has publically contradicted in a recent newspaper article.”

Response to Appellants’ Argument G: Prior to SUB 74-19 application submission, a pre-application meeting (Site Team) was held on August 8, 2019 with the development team, and representatives from the City, County, Mid-Columbia Fire and Rescue, NW Natural Gas, Northern Wasco County PUD (NWCPUD), and QLife. With the oversight from professionals and engineers from each of the agencies involved, the information provided to the Applicant at this stage was used to guide the development of the subdivision with utility requirements and engineering standards for the level of service increase this development will incur. As a requirement of this development, the City will require complete City utilities to each of the parcels in the subdivision. Due to the current location and inventory of public facilities, the developer will be required to extend the main lines of water, sewer, and storm sewer to the subject property to accommodate the development.

In a memorandum dated August 7, 2020, the City’s Engineering Division determined the City’s utility systems do have adequate capacities to serve the development as proposed. This information was derived from the use of the City’s computerized hydraulic models of the City’s water and sanitary sewer systems based on information found in the City’s Water Master Plan and Wastewater Facility Master Plan. For a comprehensive analysis of these findings, the memorandum has been attached as Appendix XXIV.

BUDGET IMPLICATIONS: None

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Based upon the findings and fact and conclusions of law set forth in the agenda staff report, move to direct staff to prepare a resolution denying the appeal and affirming the Administrative approval of Subdivision No. 74-19 as set forth in Planning Commission Resolution No. P.C. 593-20, with the conditions of approval recommended by the Planning Commission.*
2. If the Council desires to affirm the Planning Commission’s decision based upon additional findings and conclusions, or with different conditions of approval, move to direct staff to prepare a resolution denying the appeal and affirming the Planning Commission’s approval of Subdivision 74-19 as set forth in Resolution No. P.C. 593-20, with modifications to the conditions of approval recommended by the Planning Commission, based upon the findings and fact and conclusions of law set forth in the agenda staff report, as modified by the Council.
3. If the Council desires to grant the appeal, move to direct staff to prepare a resolution granting the appeal, reversing the Planning Commission’s decision, and denying the application. The Council will need to identify the specific criteria which the application failed to meet, and the reasons why the criteria were not satisfied.

ATTACHMENTS:

A comprehensive list of all attachments pertaining to Subdivision No. 74-19, Appeal No. 030-20, and Appeal No. 030-20 have been provided below.

Appeal No. 031-20, August 14, 2020:

- Appendix I – Comments Received (as of August 11, 2020)
- Appendix II – Memorandum: City Utilities and The Grove Subdivision, dated August 7, 2020
- Appendix III – Letter to City Council: Jordan Ramis, PC dated August 7, 2020
- Appendix IV – Notice of Appeal for Land Use Decision and Appellants’ Arguments, dated July 23, 2020
- Appendix V – Notice of Decision: APL 030-20
- Appendix VI – Resolution 593-20
- Appendix VII – Staff Report: APL 030-20
- Appendix VIII – PC Agenda: July 2, 2020, Supplemental Information (*appendix numbering has been modified since the July 2, 2020, Planning Commission meeting*)
 - Susan Wright, PE, Kittelson & Associates, Memorandum; dated July 1, 2020
 - Don Morehouse, ODOT, Email; dated July 1, 2020
 - Traffic Counts: Hwy 197 and Fremont Street, January 9, 2020; provided by DKS Associates on July 1, 2020
- Appendix IX – Letter to Planning Commission: Steve Morasch, dated June 17, 2020
- Appendix X – The Grove Subdivision Transportation Impact Study Review: H. Lee & Associates, PLLC, dated June 17, 2020

Appeal No. 030-20, June 11, 2020:

- Appendix XI – Certified Mail Receipts (Airport Manager: Columbia Gorge Regional Airport, Oregon Department of Aviation, WSDOT Aviation Division)
- Appendix XII – Photographs: 2521/2523 E. 12th Street
- Appendix XIII – Letter in Opposition to HB 3479, the City of Springfield Department of Development and Public Works, April 11, 2013
- Appendix XIV – Letter in Opposition to HB 3479, the City of Portland Bureau of Transportation, April 10, 2013
- Appendix XV – Revised Site Plan and Neighborhood Layout
- Appendix XVI – The Grove Subdivision: Traffic Impact Study
- Appendix XVII – Comments received (May 12, 2020 – June 11, 2020)

Appeal No. 030-20, May 11, 2020:

- Appendix XVIII – FAA Part 77: Subparts B and C
- Appendix XIX – The Grove Subdivision: Traffic Impact Study – Preliminary Draft
- Appendix XX – Notice of Appeal for Land Use Decision and Appellants’ Arguments
- Appendix XXI – Revised Site Plan
- Appendix XXII – Original Site Plans
- Appendix XXIII – Notice of Decision: SUB 74-19
- Appendix XXIV – Appendix II from Staff Report: SUB 74-19
- Appendix XXV – Staff Report: SUB 74-19 and Appendix I

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 3:55 PM
To: Joshua Chandler
Subject: FW: The Grove

Importance: High

From: ben@ncp.agency [mailto:ben@ncp.agency]
Sent: Tuesday, August 11, 2020 2:15 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: The Grove
Importance: High

Anyone who knows this area of The Dalles will recognize that this proposed “high density residential development” is not in keeping with the area as it exists now.

This over development will ruin on of the most beautiful areas of The Dalles.

Many of us would love to see The Dalles grow and become an even nicer place to live but this development will be growth at the cost of livability.

Please be sensible about this development. Please say NO to this project.
Thank you,

Ben and Debbie Rivers
2809 E 12th Street
The Dalles, OR.

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 3:56 PM
To: Joshua Chandler
Subject: FW: The Grove

From: Ashley Thompson [mailto:ashleyeatsapples@gmail.com]
Sent: Tuesday, August 11, 2020 1:39 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>; chad.chiesa@gmail.com
Subject: The Grove

To Whom it May Concern,

I currently live in a duplex located on E. 10th St., and today I was approached by a concerned neighbor regarding "The Grove" development proposed at E. 10th and Richmond. I am in the small minority of people in our neighborhood who look forward to welcoming our new neighbors at The Grove. The neighbor that approached me gave a particularly impassioned speech, but mentioned something very concerning, that the triplex that is currently being built "shocked" her. This is concerning because it suggests the people in this neighborhood are disturbed by any changes that point toward higher density living within our small urban growth boundary. More housing is needed in The Dalles and I hope that more housing will bring more infrastructure to the east side of town where amenities, like a grocery store, are much needed.

I will say that a few of her concerns are warranted as our community moves fourth with this development.

1. A longer, multi-day traffic study should be completed. One day for two hours is not enough. I would urge the city to complete studies during cherry harvest and make appropriate improvements to city streets.
2. Sidewalks would make it much safer for children and walkers in this neighborhood.

Taking these two things into consideration may help alleviate some of the fears in the neighborhood. In addition, I believe an all-way stop at 10th, Richmond and Old Dufur would be very appropriate and improve safety.

Many of the folks who don't want this development are trying to capitalize on fear to stop this development. That being said, I will not fear backing out of my driveway when the street has more traffic. Why? Because I am cognizant of my surroundings when I drive. I will not fear walking to my mailbox. Why? Because I look both ways before I cross the street. No matter where I bike in The Dalles, usually on 10th and Court to the farmer's market, I will always be cautious since we do not have good bike lanes and many people park on the street. Personal responsibility for your safety is key, and a development will not change that.

As a young resident of The Dalles, finding housing before I moved here was practically impossible. It is my hope that increasing the amount of available housing in The Dalles will stabilize the rent market. Perhaps this will also reduce prices in the overall real estate market, however that is very unlikely. For a reader who may think I am a transplanted Portlander, I am not. I have lived in rural areas and cities in 5 states, but never Portland. This NIMBY movement is from people who are terrified of change and/or believe they are entitled to certain things since they purchased land here 30 years ago. The orchardist had the right to sell his land, and the buyer had the right to build the types of homes it was zoned for 20 years ago. Perhaps, concerned parties should have pooled their money and built a park.

Sincerely,

Ashley Thompson
2717 E. 10th St.
The Dalles, OR 97058

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 3:57 PM
To: Joshua Chandler
Subject: FW: Application Number APL 031-20

From: Ken and Vicki Martin [mailto:ken-vic130@charter.net]
Sent: Tuesday, August 11, 2020 8:31 AM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: Application Number APL 031-20

Although we live more than 300 feet from the subject property, we still would feel adversely affected by this huge development.

Homes on the east side of town enjoy spacious lots, beautiful sight-lines, and uncrowded streets. By cramming 72 homes into a former orchard site, livability in this neighborhood and ours would be forever diminished. And with some of the sites planned for multi-family, noise pollution would also increase.

One only has to look at the new developments along the river and at East Knoll to see the homes crammed together. Why put homes 10 feet apart. I think the answer pure and simple is greed.

Finally, the construction of 72 homes would inflict years of construction noise, dust, road disruptions, and increased crime. Please keep the livability of this beautiful neighborhood intact by sending the applicants back to the drawing board.

Kenneth and Vicki Martin
2801 East 18th
The Dalles, OR 97058

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 3:58 PM
To: Joshua Chandler
Subject: FW: THE GROVE

From: Harley Fork [mailto:hafork@charter.net]
Sent: Tuesday, August 11, 2020 8:26 AM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: THE GROVE

First of all this is a very stupid idea. All the city is looking for is for is more revenue from taxes than giving a damn about the community. From my understanding and talking with people around the town, not just the neighborhood, everyone thinks this is idiotic and should be stopped. I know of a few places this has happened and the crime rate has went up, the area has become filthy, with trash, and all because of high density house to help create places for low income people to live. I agree we need housing for low income but not on the outskirts of town in a rural setting that has no infra structure to support that amount of people. The high density housing idea was for vacant space in metro area of town so that the people had access to all the amenities that were needed. the only people who will benefit from this "project" is the owners of the property and the city of The Dalles, I can already see all the section 8 and HUD that will be living here because the rents for these properties will still be to high for the hard working people to afford. I could rant for days about this but I think you get the idea that this is a stupid, idiotic idea on behalf of the city council, the building codes, and the builder and the owner.

please abolish this idea Thank you for your time

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 3:59 PM
To: Joshua Chandler
Subject: FW: Property at 2845 E.12th St., The Dalles, OR

From: Suzanne M. Tierney [mailto:s.tierney@charter.net]
Sent: Tuesday, August 11, 2020 7:51 AM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: Property at 2845 E.12th St., The Dalles, OR

The main purpose of zoning is to insure that future development conforms to the neighborhood and hopefully enhances the neighborhood. Current zoning of the subject parcel does neither. This land should have been zoned low density residential. The correct procedure would be to amend the current high density residential use to low density use. Do the right thing.

Suzanne Tierney, former real estate appraiser (35 yrs)
2805 E.18th St.
The Dalles, OR 97058
(541) 980-1968

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 3:59 PM
To: Joshua Chandler
Subject: FW: Grove Development Proposal

From: Heather Pyles [mailto:hstephens252@hotmail.com]
Sent: Monday, August 10, 2020 11:46 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: Grove Development Proposal

This letter is in regards to the Curtiss Homes/Legacy Development proposal labeled " The Grove" on Richmond street on the eastside of The Dalles. Please include this in the packet for the city council meeting on August 24, thank you.

This proposal has been pushed thru and not given nearly enough public comment from the start. Most, if not all of the questions, concerns raised thus far have not been fully answered. Many of the questions, concerns have been labeled as " personal opinion " so as not to be considered. This is very unfortunate, as all the concerns have some degree of " personal opinion " and who determines what is personal opinion? Unfortunately it is the ones making the decisions.

It seems very convenient that a decision by the city council to do away with a development having to be compatible with the area surrounding it was done not long before this proposal was brought to the city. And a much smaller development proposal in 2019 that was compatible with the area was denied, I wonder why? A lot of questions arise as to if our city officials are committed to being fair and impartial.

And why is it so difficult to find when and why this area in question was re-zoned High-Density Residential? That is not a small change, and all affected property owners should have been at least notified of, or even let in on the process of something that would affect them so greatly.

We are told the traffic study of only a few hours on a afternoon in only a few spots is " sufficient " Not hardly. We are led to believe that all services for a development of this size will magically appear, from sidewalks, sewer, bike lanes, etc. When in reality the property owners from Thompson street east will be asked to pay this expense, not the city or the developer. We are not given answers to many safety and environmental concerns, and really are confused as to the City or Planning Department & the vision for this area as a whole. This entire process smells of corruption, behind the scenes dealings and the like. The entire proposal should be tabled until our city officials can do all of the process honestly and look at all parties interests, especially those of the tax-paying property owners who live here in The Dalles.

Thank You, Eric Pyles

1212 Morton The Dalles

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:00 PM
To: Joshua Chandler
Subject: FW: Opposing housing development

From: ashley stephens [mailto:stephens.ashley6@gmail.com]
Sent: Monday, August 10, 2020 9:56 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: Opposing housing development

Hello,

I am writing to share my concerns about the “affordable” high density residential development that is proposed between 10th and 12th street. I have major concerns with this moving forward without the proper infrastructure support. It would be careless to omit what the city requires to build safe housing.

There are also concerns regarding traffic in this area. With the increase in traffic, I fear for the safety of drivers and pedestrians alike. A more thorough traffic study needs to be considered. One during peak cherry harvest and needs to include multiple months, not just one hour in January as the previous study observed.

I believe there is a proper place for this type of housing and the proposed area is not it. I don’t believe it will in fact, be affordable. I also feel that we need to consider the schools and class sizes that are already busting at the seams. Where will these children go to school?

Please hear these concerns and think outside the box for ways to fulfill the housing needs in a SAFE AND EFFECTIVE WAY. Proper infrastructure needs to be in place. Schools need to be able to accommodate more children and thoroughly evaluate traffic patterns before making an irresponsible decision.

Best,
Ashley Dodson
5418299952

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:00 PM
To: Joshua Chandler
Subject: FW: August 24th council meeting Story

From: Katherina Blackmar [mailto:katblackmar@yahoo.com]
Sent: Monday, August 10, 2020 9:06 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: August 24th council meeting Story

Hello again,

I have asked to be part of the Zoom council meeting but incase I am not able to attend I wanted to tell you my experience in the neighborhood.

I live a few houses up from the intersection of Thompson and 12th on 12th st. My daughter, 13, walks home from the bus stop at the corner of 12th and Morton. Most of the way has no sidewalk so to be safe she walks in the drainage ditch on the side of the road.

She walks in the weeds and sloping terrain because the cars drive to fast on the road and because of the hills in the area cars and pedestrians can't see each other easily.

This past winter while walking home in the ditch she fell and hit her head in a rock. She had a concussion that lasted a little over 2 months. She struggled in school and delt with depression because of the constant headaches and disruption to daily life.

Housing is an issue in our city. I myself struggled as a single parent to find housing I could afford. I worry about the amount of homes planning to be built at the proposed site.

The roads are narrow, in harvest are full of equipment and lack visibility. There is not adequate safety allotments, sidewalks, storm drains, ect, for the area population to quadruple in size.

My daughters accident could have been much worse and I truly believe the increased traffic will cause a tragic accident in the area if major changes aren't made to the entire area.

Please reconsider the amount of homes you plan to build and how to improve the area before we experience an accident that is not just life disrupting but deadly.

Our community, current and future residents deserve it.

Thank you,
Katherina Blackmar
541-980-2989

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:01 PM
To: Joshua Chandler
Subject: FW: City Council meeting August 24th

From: Bob Perkins [mailto:bobperkins@gorge.net]
Sent: Monday, August 10, 2020 4:43 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: Fwd: City Council meeting August 24th

August 10th, 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

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.

Enclosure

Sincerely,

Bob Perkins

2845 S. 10th Street The Dalles, OR 97058

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:01 PM
To: Joshua Chandler
Subject: FW: The Grove

From: A. John Pereira [mailto:ajpereira@charter.net]
Sent: Tuesday, August 11, 2020 3:43 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: The Grove

I am concerned about the high density residential development on old cherry land between East 10th and 12th and Richmond. Have all of the residents of 10th St. east of Thompson St, 10th St. & Old Dufur Rd. been notified of the needed expansion of East 10th St. and who bares the cost of that?

The development on the Geiger Orchard property will lead to hundreds of additional trips per day, increasing traffic safety on rural unimproved roads and an already dangerous intersection at 10th and Old Dufur Rd. This development will increase the population of the neighborhood five times, approximately 153 new families in one plat. This alone will de-value existing properties. There are no services or infrastructures, sidewalks, drainage, road shoulders, bike lanes, and in addition it is directly under the flight path of the regional airport.

A high density residential development in a rural, agricultural area with narrow rural roads makes absolutely no sense. It is my opinion that this is not a good addition to our city.

Sincerely,

John & Carol Pereira
2815 E. 10th St.

Sent from [Mail](#) for Windows 10

August 11, 2020

The Dalles City Council
313 Court Street
The Dalles, OR 97058
Attention: Izetta Grossman

**Reference: APPLICATION NO APL 031-20, Appeal of Planning Commission
RESOLUTION NO PC 593-20 dated July 16, 2020.**

Dear City Council:

We wish to voice our objection to the proposed development (The Grove), City File Number SUB 74-19, based on process issues, lack of appropriate infrastructure, traffic & safety, and overall compatibility.

Process

1. No traditional public meeting—although no one’s fault, the lack of a traditional in-person public meeting has significantly hindered participation of the public while favoring the planning department and developer. ZOOM meetings, which require technology, do not lend themselves to wide participation by tax paying residents, particularly older residents, and other residents with marginal internet connections.
2. Compatibility Clause: In December 2019, a change to the Land Use Plan eliminated the “Compatibility Clause.” This was adopted by City Council at the recommendation of the Planning Department. A month later, notifications were sent to residents within 300 feet about The Grove proposed development. This development would have “failed” the compatibility clause. It almost appears that elimination of this clause was specifically targeted to remove this restriction and pave the way for The Grove development.
3. Mailing: Not all residences within 300 feet received the initial notice in January 2020. Two of the appellants did not receive notification of the July 16 resolution (we received an electronic version after requesting it).
4. Traffic Study Availability: The Traffic Study was performed on January 9, 2020, yet a draft report was not available for review and comment until 3 days before the May 21 planning meeting, which was not sufficient time for the appellants, their attorney and expert to review and prepare comment/rebuttal. Fortunately, the meeting was postponed until June 18.
5. Dimensioned Plot Plans: Despite Statewide Planning Goals that require citizen involvement “in all phases of the planning process”, the planning department has not required that Legacy Development provide dimensional plot plans for public review, stating that they did not want to “burden” the developer. This is what developers do. The planning department should be an advocate for the community, its residents, and businesses. They should not be concerned with a potential developer’s costs and inconvenience. If there are problems, like greater than 60% coverage, set back changes, reduced number of parking spaces, etc. requiring variances, the planning department could simply approve these changes outside of public overview and set precedents for future development. This is not acceptable.
6. ADU’s: Eleven ADU’s are proposed, yet on May 3, 2018, page 33 of the Planning Commission meeting, concerns about financing and devaluation of ADU’s were specifically discussed. The last point on Exhibit 9 states “ADU does not increase the properties value,

it usually limits the value due to a diminished livability (due to overcrowding) and diminished market place for possible buyers.” How can the planning commission approve something when key issues were already brought up and not resolved?

Infrastructure

In 1998 the block bordered by Morton, Richmond, 12th and 10th streets was officially rezoned from RR1 to RH. This was adopted, not as a single plot rezone, but as part of the larger scale rezoning of the City Urban Growth Boundary encompassing the entire City of The Dalles, as well as portions of rural Wasco County. Population growth projections were considered, and 20 years later proven overly aggressive. It was expected that the City would develop from the center out, with most of the growth projected for the western part of the City.

It is now 22 years since the 1998 rezoning. The City has had 22 years to plan and develop the infrastructure to support the projected growth, yet here we are, with virtually no infrastructure improvements to support the existing neighborhood, much less 80 new families on less than seven acres. The population has never reached the 20-year-old estimates. Growth in this neighborhood has been minimal, subsequently, there have been little to no infrastructure improvements. 10th and 12th are narrow with hills, impeding visibility in areas, without sidewalks, bike lanes, or shoulders. There is no drainage on either of these roads between Richmond and Thompson, not even ditches, leaving all runoff to flow from the south side of the road to properties on the north. During rain events this spring, there was significant runoff, several garages had water, some flooded, Richmond could not handle the flow and ditches had to be cleared by public works. As a minimum, ditches and shoulders need to be in place whether development occurs or not.

Improvement of the intersection of 10th/Thompson/Old Dufur is listed as a “high” priority” in the 2017 Transportation System Plan (TSP). 80 new families would result in 270-400 trips per day. This improvement needs to be completed prior to development east of this intersection. According to the TSP, 10th is considered a local street, 12th a minor collector and Thompson a major collector, yet none of these streets meet the roadway design standards found in Table 6-1, page 153 of the TSP.

The increase in population will strain community resources such as Mid-Columbia Fire and Rescue, Police (Wasco County or The Dalles?) and Road Department (Wasco County or The Dalles?). It will also impact the struggling local school system, particularly Dry Hollow Elementary, which is already overcrowded.

Traffic Safety

The 2017 TSP projected growth in this area to be 1-5 residences per acre. The proposed development far exceeds this and will significantly impact the 197/Columbia View/Fremont, 10th/Thompson/Old Dufur (already discussed), Richmond/Old Dufur/Fremont and 12th/Thompson intersections. The TSP should be reviewed for this significant population increase and may have to update its plans for these intersections.

The roads in this neighborhood not only see residential and commuter traffic, but also walkers (with and without dogs), horses, walkers with livestock, bikes, and agricultural traffic. The proposed development would be an “island” and pedestrians will be at risk when they leave the

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:02 PM
To: Joshua Chandler
Subject: FW: LETTER FOR AUG 24 MEETING
Attachments: TD City Council 2020.08.11.docx

Letter attached

From: Denise Dietrich-Bokum [mailto:ddbokum@gmail.com]
Sent: Tuesday, August 11, 2020 3:42 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: LETTER FOR AUG 24 MEETING

Dear Izetta,
Attached you will find our letter in response to the Notice of Public Hearing for the Aug 24 City Council meeting.

Either Bob Bokum or I would like to speak (only 1 from the family).

Thank you,
Denise Dietrich-Bokum
2735 East 12th St
PO Box 1041
The Dalles, OR 97058

sidewalks around the development and venture onto the existing unimproved roads. The traditional users will also be at risk due to the increased traffic from the development.

The intersection at 197/Fremont/Columbia View is also listed as a high priority on the 2017 TSP. The increase in the number of trips from the significant population increase in this neighborhood (3-5 times the existing population) will increase the risk for queue times and accidents even more.

Compatibility

People move to this neighborhood, attracted by larger plots of land and like the rural, agricultural character of the environs. Families moving to higher density areas look for affordability, less property to maintain and convenience. Development of The Grove, as approved by the planning department, will not make this neighborhood appealing to either group of residents. Typically, high density development is situated where infrastructure is already in place, and closer to services such as: grocery stores, health care facilities, convenience stores, parks, etc. within easy walking distance. None of these services exist in the east end neighborhood. Other concerns are that this property is located directly in the middle of the Regional Airport approach zone and near agricultural activities (noise, traffic, spraying), both of which may result in conflict and/or complaints.

Conclusion

Without sufficient infrastructure in place City Council must uphold the appeal and deny The Grove application. The safety and well-being of existing residents and commuters as well as that of future residents will be in jeopardy if left "as is."

If it is the City's intent to develop this neighborhood, it has the obligation to develop and improve the necessary infrastructure: sidewalks, shoulders, drainage, intersections, to provide a safe environment for all current and future residents. Without the necessary infrastructure in place, the City must rethink its plans for this neighborhood.

Sincerely,

Robert Bokum and Denise Dietrich Bokum

PO Box 1041
2735 East 12th Street
The Dalles, OR 97058

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:03 PM
To: Joshua Chandler
Subject: FW: developement

From: Timothy L. Sipe [mailto:sipe@gorge.net]
Sent: Tuesday, August 11, 2020 3:22 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: developement

Izetta Grossman

I am sending this e-mail in regard to the development between 10th St. and 12th St. on Richmond.

I feel this proposed high density housing project is not in line with the existing housing in the area.

The Dalles is not Portland and the area being picked is an area people have moved to, and picked for its rural atmosphere. No close neighbors, streets that are not busy. And many have invested most of their money to be here.

To put this 69 some units in this area will only stress the narrow roads with about 138 more cars making several trips to and from each day. I expect to see an increase in accidents at the corner of 10th and Thompson because of its design. And now the people that walk the area have to be very careful because of traffic, some speeding. And there are people that ride horses here.

The streets are narrow and parking is an issue.

I also feel that the water run-off from this area will cause a problem to people on the downhill side of Richmond St. and 10th street. Because the culverts are not being kept open and water runs down the street now.

This would also require an increase in Police patrols.
This is not a good fit for the area.

I am not against growth or people building in the area. This is normal but putting this high density house here would be wrong for this community.

I have been a resident of the area since 1953 and have seen a lot of change.

This one is wrong.

Timothy L. Sipe
1105 Morton St.
The Dalles, Or

Please add this to the folder.
Thank You

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:05 PM
To: Joshua Chandler
Subject: FW: Letter to City Council for Packet
Attachments: Dear City Council 8-11-2020.docx

Josh I did reply that it would be included

From: Loyal Quackenbush [mailto:loyalq@gmail.com]
Sent: Tuesday, August 11, 2020 2:51 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: Letter to City Council for Packet

Izetta,

Attached is our letter to City Council that we would like included in the packet for August 24 meeting. Please reply that you received this email and that our letter will be included in the packet.

Thank you. Loyal

Dear City Council,

August 5, 2020

Linda and I are writing this letter with heavy emotional hearts. After 37 years in a home we built and lovingly upgraded over the years, we sadly felt obligated to sell our home. The reason for the sale, was determined by the City's decision to support an out of town developer wishing to pour approximately 300 people into a scant seven acre plot of land.

The surrounding two to three mile radius, has vastly inadequate infrastructure to safely accommodate this level of density which does not belong in our small town. This feels like a "money-grab" at the expense of long time, rural residents and has been inadequately planned for addressing proper development.

A Zoom meeting where concerned residents cannot have the benefit of face-to-face discourse with City Council also provides an unfair situation.

Please take under consideration that we, as citizens have not been allowed to directly discuss this crucial issue with any city planning commissioners or city councilors. The out of town developer has had the luxury of meeting behind closed doors with city staff, city attorney and engineer, all working in support of his project. Our only recourse has been to hire an attorney to represent the citizens of The Dalles and our concerns. This seems very wrong.

Linda & I are at a critical juncture in our lives. We will either re-invest in this community by building another home or we will sadly consider leaving the area where we have spent our entire lives.

There are so many obvious problems with this project and without careful planning and proper infrastructure, this project should not be allowed.

Sincerely,
Loyal & Linda Quackenbush
PO Box 1074
The Dalles, OR 97058

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:10 PM
To: Joshua Chandler
Subject: FW: Objections to "The Grove" development project

From: Gorge.net Email [mailto:murrcat@gorge.net]
Sent: Monday, August 10, 2020 2:25 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: Fwd: Objections to "The Grove" development project

Thank you, Izetta!!!!

Subject: Objections to "The Grove" development project

Please add Steve and Karen Murray to the list of people that would like to receive the packet before the Aug. 24th Zoom Meeting of the City Council dealing with The Grove Development. Thank you.

Here is my letter of objection to the project:

Dear City Council:

Please add my name to the list of citizens from The Dalles that totally object to such a project in our neighborhood. My husband and I walk the block that this proposed development is slated to occur. The streets are narrow and there are at least 2 blind hills and no sidewalks. On safety concerns alone, this project should not be allowed to happen. Adding a proposed 50-100 more cars to the roads and squishing in over 80 "dwelling units" to this area is NUTS!! The nearest bigger grocery stores are over 5 miles round trip and the intersections that surround the area are problematic. There are NO SIDEWALKS to speak of as you leave this proposed area and the streets have very narrow shoulders when traffic passes. Come up and walk the block and see what you think! The project does not make sense for this area and I firmly believe it needs to be re-zoned to a lower density. High density in the proposed spot would be dangerous and irresponsible.

Sincerely, Karen G. Murray
 2645 E. 11th Street
 The Dalles, OR. 97058
Murrcat@gorge.net

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:10 PM
To: Joshua Chandler
Subject: FW: The Grove

From: Steve Murray [mailto:murrcat2645@gmail.com]
Sent: Monday, August 10, 2020 2:09 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: Fwd: The Grove

Sent from my iPhone
Steve Murray

Begin forwarded message:

From: Steve Murray <murrcat2645@gmail.com>
Date: August 10, 2020 at 1:23:54 PM PDT
To: igrossman@ci.govthe-dalles.or.us
Subject: Fwd: The Grove

Sent from my iPhone
Steve Murray

Begin forwarded message:

From: Steve Murray <murrcat@gorge.net>
Date: August 10, 2020 at 1:06:40 PM PDT
To: Steve Murray <murrcat2645@gmail.com>
Subject: The Grove

To The Dalles City Council,

I am very concerned about the development between 10th and 12th streets on the east end of town. Both streets have no shoulders, are narrow and have blind hills. They are barely adequate for the existing traffic and are likely to be overwhelmed by the additional traffic due to the proposed development. The planning department is expecting the developers to pay for street improvements only along the development. When the development is complete and the city decides the rest of the area streets need to be upgraded, who will pay for the improvements? People who live in this area have been paying property taxes for years. To saddle them with the costs associated with development is unfair. The

traffic safety study for this area was inadequate, looking at traffic in the immediate area for only one hour on January 9th. In spite of adjustments made to the study by standards engineering tables, this study is inadequate. Anticipated additional development in the area will only increase the need for additional improvements to existing streets. The City should not approve any new development without insuring that needed infrastructure improvements are paid for by the developers or out of existing city funds. Current residents should not have to subsidize new developments.

Steve Murray

Sent from my iPhone
Steve Murray

Joshua Chandler

From: Izetta F. Grossman
Sent: Tuesday, August 11, 2020 4:11 PM
To: Joshua Chandler
Subject: FW: High density residential property

From: Josh Adams [mailto:jadams1705@gmail.com]
Sent: Saturday, August 08, 2020 7:29 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: High density residential property

Hello,

I don't wish to speak during the Aug 24th meeting but I would like to share my opposition to this development as it is now. There is no way to facilitate this growth without major infrastructure work in the area. I would like to see the city make plans for developing the area for future growth make those improvements first then add the residential properties. The plan as it is now seems to be backwards and will cause more problems for all. I agree this community needs housing but it needs to be thought out. This will destroy a nice part of town if done the way it is proposed, and I believe it will cause more problems than it will solve.

A concerned citizen,
Josh Adams

Joshua Chandler

From: Izetta F. Grossman
Sent: Wednesday, August 12, 2020 7:04 AM
To: Joshua Chandler
Subject: FW: Letter for the 8/24 Zoom meeting
Attachments: 8_11_2020 The Grove letter to city council .pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nancy Fork [mailto:nafork@gmail.com]
Sent: Tuesday, August 11, 2020 9:24 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: Letter for the 8/24 Zoom meeting

Hi here is a letter for the Zoom meeting. I will try to attend as I am still learning how to use Zoom. Thanks

--

Regards,

Nancy Fork

August 10, 2020

Whomever it may concern:

Hello, we live across the street of the site, and own 2 dwellings. 2921 & 2925 East 10th Street. This is a beautiful rural neighborhood. The current neighborhood is 1/2-1 acre parcels, plus some.

Why Over populate the area?

Why is it necessary to cram this many homes onto this small space? That will just be awkward. To place that many door fronts into that small of a space is out of character for the neighborhood. It could really bring the value of homes around it down. This is too much for the area.

Wrong Place to build multi family

We are not denying the additional houses that are necessary to be added to our city. But let's try to do this with common courtesy to the existing neighborhoods. This neighborhood is rural. It has been this way for many years and that is why we live here. The Dalles is a nice place to live & not built on top of each other! This area is not meant for multi housing even though someone once thought it would be fine for it. Who would have ever thought that the neighbors would care so much? Well, we do. You cannot expect to add that many people to our neighborhood without some resistance.

Where's the Infrastructure?

No sidewalks are in place. Will they build them around the subdivision? New Streets to be added... where we have a dangerous blind spot of a natural hill, and no way of seeing over a hill to the west for oncoming traffic. The street is not safe for children, as they're no sidewalks. People walk on the roads daily. How will they be safe if we add more homes? Where will the tenants park if they only have single car driveways? Most home owners own more than one vehicle. Where will the overflow parking go? This street is not wide enough for street parking. Who is responsible for updates on our streets? East 10th & East 12th are narrow, and has no sidewalks in most areas. Would we as homeowners be told to pay for sidewalks in front of our home?? This is what we fought for many years ago. Not to be billed for sidewalks. LID was forgiven years ago.

Dangerous Intersections

The most awkward intersection I have a problem with is at the base of East 10th, Thompson & Old Dufur Road. This three way intersection is actually fairly dangerous. You have to read the other drivers minds. You cannot expect them to signal as they

come into the intersection as the intersection offers too many options. What will be done to control the traffic here? This is already a huge problem!

Parking Problem already exists

The homes at the base of East 10th have an overabundance of vehicles parked willy-nilly on the island that is pointing out between Old Dufur Road and East 10th. The neighbors use that as a parking lot. I have seen cars that are left abandoned. This crowded lot is a problem at times with what seems like people living out of their cars. They'll need to address this issue. We cannot see who is coming from Old Dufur Road with the cars parked there!!

Maybe i am wrong, but isn't infrastructure usually addressed and placed prior to the housing development?

World Pandemic Happening!!

Lastly, during Covid19 we have all been preoccupied. This is a worldwide Pandemic. I have had a difficult time trying to keep up with this situation due to the fact that we are all working hard and trying to survive a crazy pandemic. This has been a very stressful time in our lives. Too many other serious situations are happening in our lives. Please don't lead us into more stress! If foot ball can be put on hold, this can be too.

Rushed process?

I also feel this has been a rushed process. Sadly, I have not been able to join the Zoom meetings, but will try to attend this one on August 24th. Am still trying to learn how to use it...We need to take our time to make sure everyone is heard, and on the same page. No rushing please. Make sure all are heard. That is important.

Thank you for allowing my input.

Nancy Fork
Harley Fork
2921 East 10th Street
2925 East 10th Street
The Dalles, Or 97058
nafork@gmail.com
hafork@gmail.com
541-980-7869

Joshua Chandler

From: Izetta F. Grossman
Sent: Wednesday, August 12, 2020 7:04 AM
To: Joshua Chandler
Subject: FW: "THE GROVE" High Density Residential Development

Follow Up Flag: Follow up
Flag Status: Flagged

From: Bill Mauldin [mailto:papaomi_mauldin80@yahoo.com]
Sent: Tuesday, August 11, 2020 7:42 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: "THE GROVE" High Density Residential Development

Sent from [Mail](#) for Windows 10

I have witnessed the supposed "Traffic Study" conducted for the purpose of evaluating the traffic safety in this area. To see the true traffic in this area takes more that 2 hours in the middle of the day. I have witnessed cars coming completely off the ground when topping the hills on both 10th and 12th street because of excessive speed. Many times there have been SKID marks on both 10th, 12th streets and on Richmond street and OLD Dufer Road. If you notice, the center line in both streets are worn off because people drive in the middle of the road because of foot traffic already. Can you just imagine what the increased population will cause. Also I have witnessed some minor collisions of at least 4 intersections in this area, and I believe that there will be a FATAL accident in this area if this Development goes thru. I HOPE YOU CAN LIVE WITH YOURSELF IF THIS HAPPENS AND YOU KNOW YOU COULD HAVE STOPPED IT. I don't think I would have been able to if I had not brought this to your attention.

AND what about SOCIAL DISTANCING. I believe you folks should re-think this mess. I just cant believe educated people like yourselves would even consider this to go thru, or approve this. The above is only one of my concerns, but to me the loss of a LIFE is the ultimate.

Also, how many times have the Voters of The Dalles turned down moneys for new schools. There is only 1 elementary school on the East side of town. Think about it.

Thank you

Bill Mauldin

Joshua Chandler

From: Izetta F. Grossman
Sent: Wednesday, August 12, 2020 7:04 AM
To: Joshua Chandler
Subject: FW: The Grove

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nancy Rosebraugh [mailto:cnr1308@gmail.com]
Sent: Tuesday, August 11, 2020 7:05 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: The Grove

We are residents of Lambert Street and have concerns about the safety designs of the proposed development on 12th Street/Richmond/10th street. The lack of sidewalks, narrow streets, the amount of additional traffic in this area -ALL OF THESE ISSUES ARE OF GREAT CONCERN and we do not feel they have been adequately addressed by the city. We love this part of town and feel the addition of 69 lots on this small parcel of land is ridiculous. We strongly oppose the project.

Charles and Nancy Rosebraugh

Joshua Chandler

From: Izetta F. Grossman
Sent: Wednesday, August 12, 2020 7:04 AM
To: Joshua Chandler
Subject: FW: "The Grove" high density residential development

Follow Up Flag: Follow up
Flag Status: Flagged

From: Kathy Gay [mailto:pkcl85@gmail.com]
Sent: Tuesday, August 11, 2020 6:31 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: "The Grove" high density residential development

The Grove is not an appropriate development for this property as its density is in such stark contrast to the existing homes, farmland and properties in the area, and the zoning that allows it is based on an outdated and potentially inaccurate population survey. Please reconsider your approval for this application at least until the survey can be redone and infrastructure (sidewalks, traffic) needs can be addressed.

Thank you,

Peter Gay
The Dalles

Joshua Chandler

From: Izetta F. Grossman
Sent: Wednesday, August 12, 2020 7:05 AM
To: Joshua Chandler
Subject: FW: The Grove

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Katie Kelley [mailto:ak.kelley@yahoo.com]
Sent: Tuesday, August 11, 2020 9:36 PM
To: Izetta F. Grossman <igrossman@ci.the-dalles.or.us>
Subject: The Grove

Hello,

Thank you for the opportunity to comment on The Grove, the proposed "affordable" high density housing development on the east side of The Dalles. Please hear the concerns I share and those of community members and do not move forward with the proposed high density housing development. We can all agree there is a housing shortage in our community but due diligence is needed on this project. I do not believe this will be an affordable option for community members, nor will it be a safe development for current neighbors or potential future tenants. High density housing developments are meant for densely populated areas, not in a agricultural area of our rural community.

The proposed area and surrounding neighborhood does not offer safe transportation methods. There are no bike lanes, safe walking paths or sidewalks. The walkability of the area is dismal. Please consider the closest spot to recreate will be at Thompson Track nearly .7 miles away and that route lacks sidewalks along busy roads. If you consider school aged children that may move into the development, there are several bus route stops around the proposed high density housing area which currently lacks crosswalks, sidewalks and speed limit enforcement. Has there been proper discussions with the school district regarding potential new students which will require school facilities and district sponsored transportation? The neighborhood school is already experiencing high class sizes.

The proposed area lacks the infrastructure needed to be considered safe and practical. Please reconsider the development plan and do not move forward with allowing 20 triplexes, 40 duplexes, 11 single family homes and 11 ADU's in the proposed area.

Thank you for your time,
Katie Kelley
541-965-0609



CITY OF THE DALLES

Department of Public Works
1215 W 1st Street
The Dalles, OR 97058

MEMORANDUM

Date: August 7, 2020
To: Josh Chandler, Associate Planner
From: Dale S. McCabe, P.E., City Engineer
RE: City Utilities and The Grove Subdivision, Subdivision 74-19, Legacy Development Group, Tax Lot 201, 1N-13E-01C

The Grove Subdivision is proposed to be constructed on vacant property located at E 10th Street/Richmond Street/E 12th Street in The Dalles, Oregon. It is my understanding that the development will consist of 69 dwelling units and 11 ADUs as accessory uses to 11 of those single family detached dwelling units. Using the City's computerized hydraulic models of the City's water and sanitary sewer systems, the City's Engineering Division further evaluated the capacities of those systems, with the addition of serving the proposed development, based on information found in the City's Water Master Plan and Wastewater Facility Master Plan. Those evaluations have demonstrated that the City's utility systems do have adequate capacities to serve the development as proposed. The following is a brief narrative for each City utility.

- **City Water System:** At the proposed site of The Grove Subdivision, there is currently a 6" water main along the E 10th Street frontage, a 12" water main along the Richmond Street frontage, and a 10" water main along the E 12 Street frontage. To evaluate the water use projections for the proposed development, per the recommended guidelines established in the City's Water Master Plan, a consumptive rate of 275 gpcd (gallons per capita per day) was used for evaluating the average day demand (ADD) for a residential development, while a value of 640 gpcd was used for evaluating the max day demand (MDD) for a residential development. Also, the City's Water master Plan uses a single family dwelling size of 2.4 people per household when estimating water use projections for residential consumption. For the purposes of evaluating the addition of the proposed development into the City's system, we used a value of 3 people per household to use a more conservative approach.

The City standard for residential development is to be able to meet the average day demands (ADD) and the max day demands (MDD) of an area and still be able to provide a minimum of 1000 gallons per minute (gpm) fire flow to the area while also maintaining a minimum (state mandated) available pressure of 20 psi for the water system. As can be seen in the table at the bottom of the attached Water Model Results map for The Grove Subdivision, both the ADD and MDD demands of the development can be met while still providing 1647 gpm and 1413 gpm of available fire flow for the area.

- **City Sanitary Sewer System:** At the proposed site of The Grove Subdivision, there is currently an 8" sanitary sewer main that terminates at the intersection of E 10th Street and

Richmond Street. The sanitary main will need to be extended by the developer for the purposes of serving City sanitary sewer to the development. To evaluate and model the addition of The Grove Subdivision into the City's sanitary sewer collection system, the peak wet weather flow volumes based on a per capita household size of 3 persons per household was used, to again take a more conservative approach. As can be seen on the table at the bottom of the attached Sewer Model Results map for The Grove Subdivision, the downstream piping network has adequate capacity to handle the additional flows contributed to the City's sanitary sewer system by the proposed development. All segments of the piping network remain at 20% full or less except for one segment which would be at 35% full which still demonstrates more than adequate capacity.

- **City Storm Water System:** The City storm water system currently terminates at the intersection of Old Dufur Road and Fremont Streets. The storm water main lines will need to be extended by the developer for the purposes of serving City storm water services to the development. The developer will be responsible for paying for the installation of the storm water main lines from the storm water main at the Old Dufur Road/Fremont Street intersection, up Richmond Street to the development, as well as the segments along the E 10th Street and E 12th Street frontages as shown on the attached map for the 13th Street (North) storm water project established in the City's Storm Water Master Plan. The development/developer will also be responsible for installing any internal storm water main lines and appurtenances within the development, such as the newly constructed E 11th Street, Bradley Streets, and alleys. The Developer also has the option to explore and choose some form of on-site retention, for which would have to be evaluated, reviewed, and approved.

The City's Storm Water Master Plan developed the 13th Street (North) project by studying the contours of the surrounding area to determine the drainage basin for the entire area that would be contributing to the storm water system that is to be installed for that basin. When the Storm Water Master Plan and associated projects within the Master Plan was developed, the consultant modeled each sub-drainage basin and determined what sizes of pipes need to be installed to be able to adequately handle the City's design requirements for a 25 year storm event. The pipe sizes that are shown on the attached 13th Street (North) project map illustrate what size of storm water main lines will need to be installed. With the installation and completion of those storm water main lines, the storm water collection system has adequate capacity to support and serve the proposed development.

If you have any questions, or need any additional information, please let me know.

6.5.1 13th Street (North)

6.5.1.1 Project Description

The 13th Street North project includes a new 12-inch and 15-inch pipeline along Richmond Street, 12-inch alignment along Lambert Street, and 24-inch alignment from Old Dufur Road to Fremont Street. The current storm water conveyance consists of unimproved roadside ditches with small roadside culverts. The proposed improvements include approximately 6,600 feet of new pipe. The pipe will be routed along Fremont and into the existing utility easement located within Tax lot 201 (1N-13-1CA).

A second phase of this project includes installation of the N. 13th Street tributary system. Street service lines will be installed to the West of Richmond along 10th, 12th, 14th, 16th and 18th Street.

6.5.1.2 Issues or Considerations

The roadside ditches along Lambert Street and Old Dufur Road are expected to be within the existing public road right of way. Construction beyond the public right of way could impact private property.

The pipe alignment along Old Dufur and Fremont will tie into the existing utility easement. It is assumed that there will be sufficient space within this easement to allow the installation of the storm pipeline. All applicable regulations regarding utility proximity should be followed.

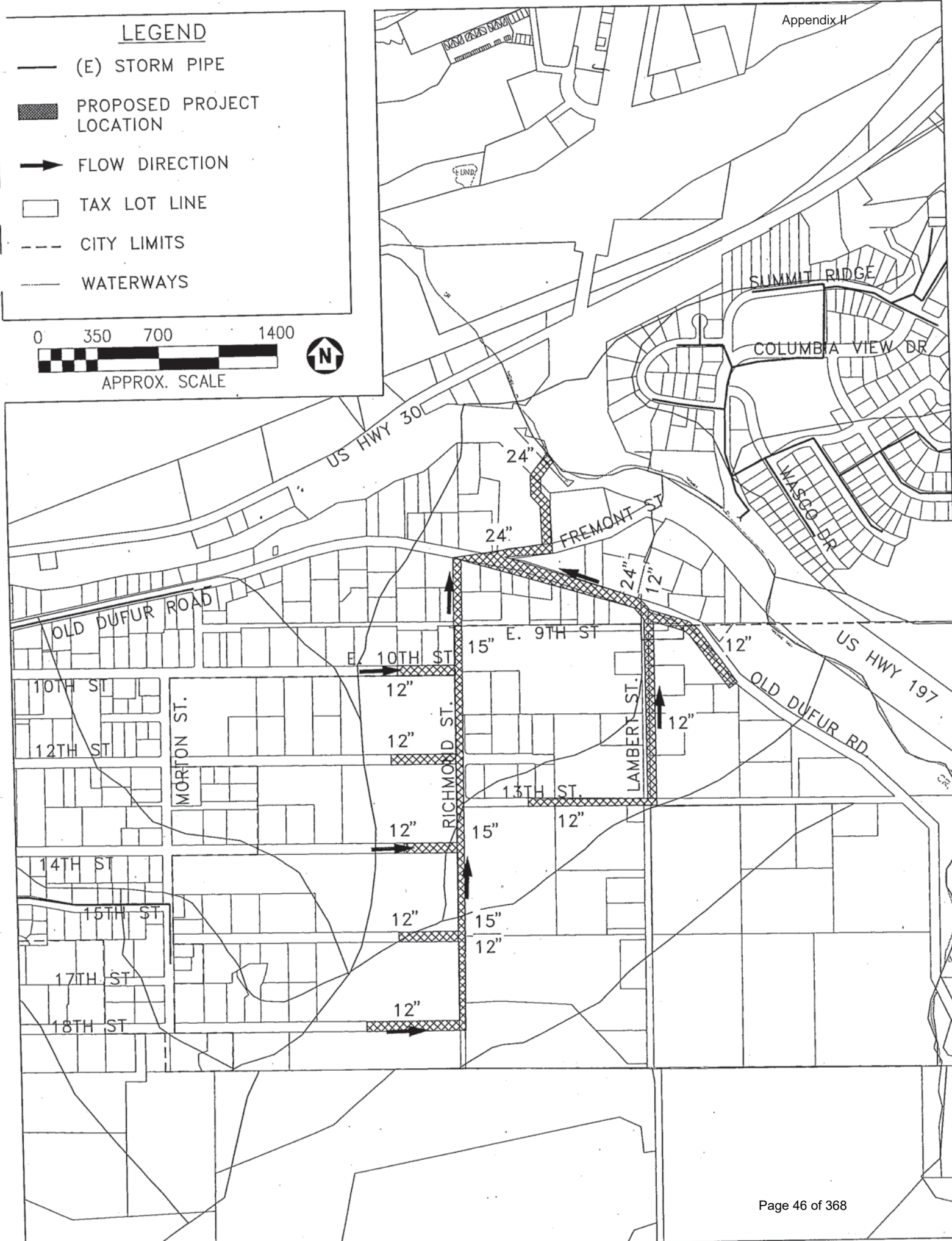
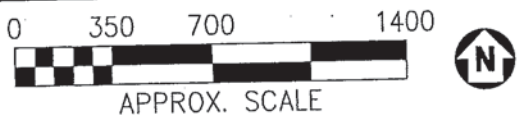
6.5.1.3 Cost

The new conveyance pipeline defined above as Phase 1 North 13th Street project is expected to cost approximately \$2,065,000. Phase 2, installation of the tributary system is expected to cost approximately \$707,000.

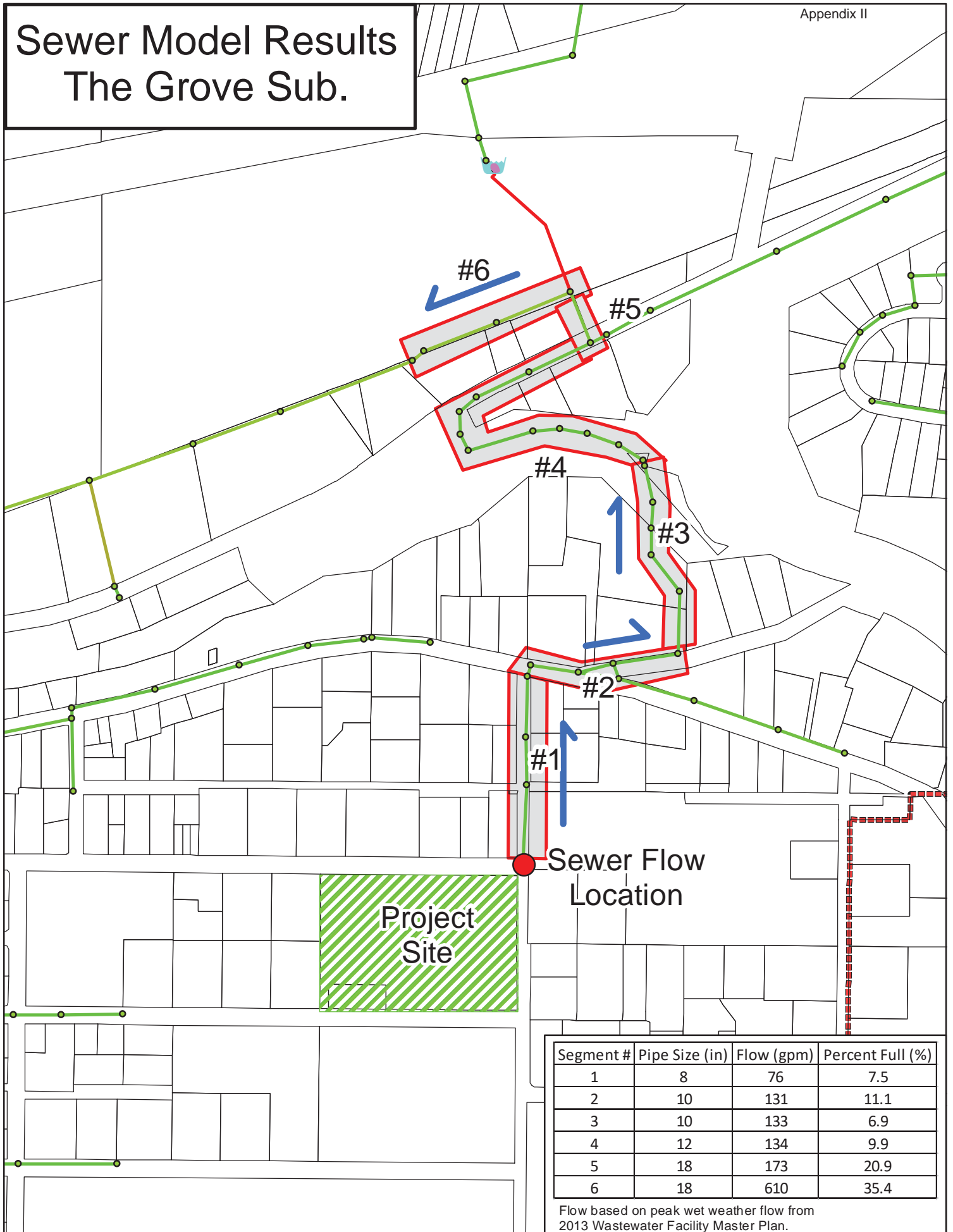


LEGEND

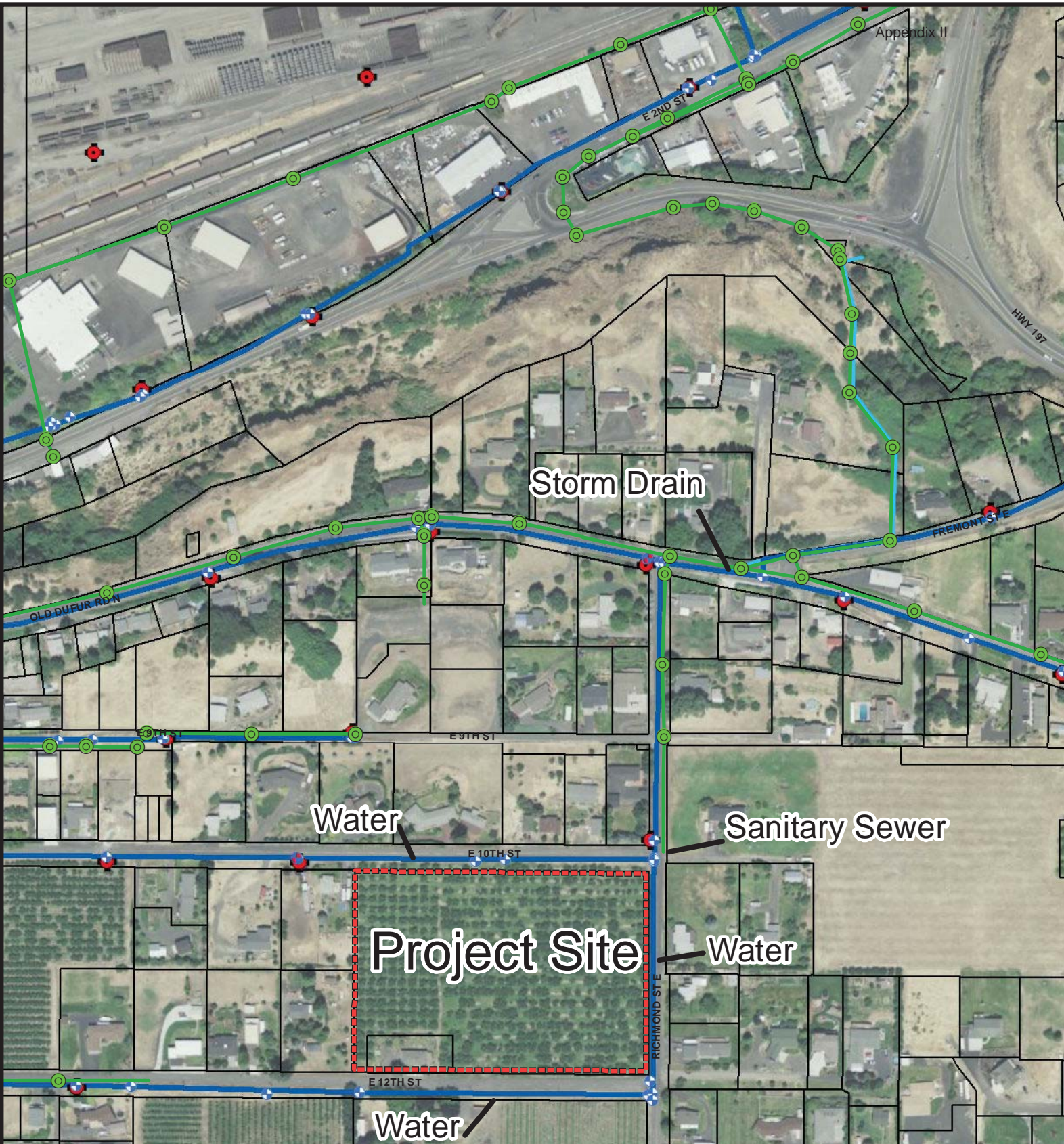
- (E) STORM PIPE
- ▨ PROPOSED PROJECT LOCATION
- ➔ FLOW DIRECTION
- TAX LOT LINE
- - - CITY LIMITS
- WATERWAYS



Sewer Model Results The Grove Sub.



Flow based on peak wet weather flow from 2013 Wastewater Facility Master Plan.



Legend

- Sanitary Pipe
- Water Pipe
- Storm Pipe



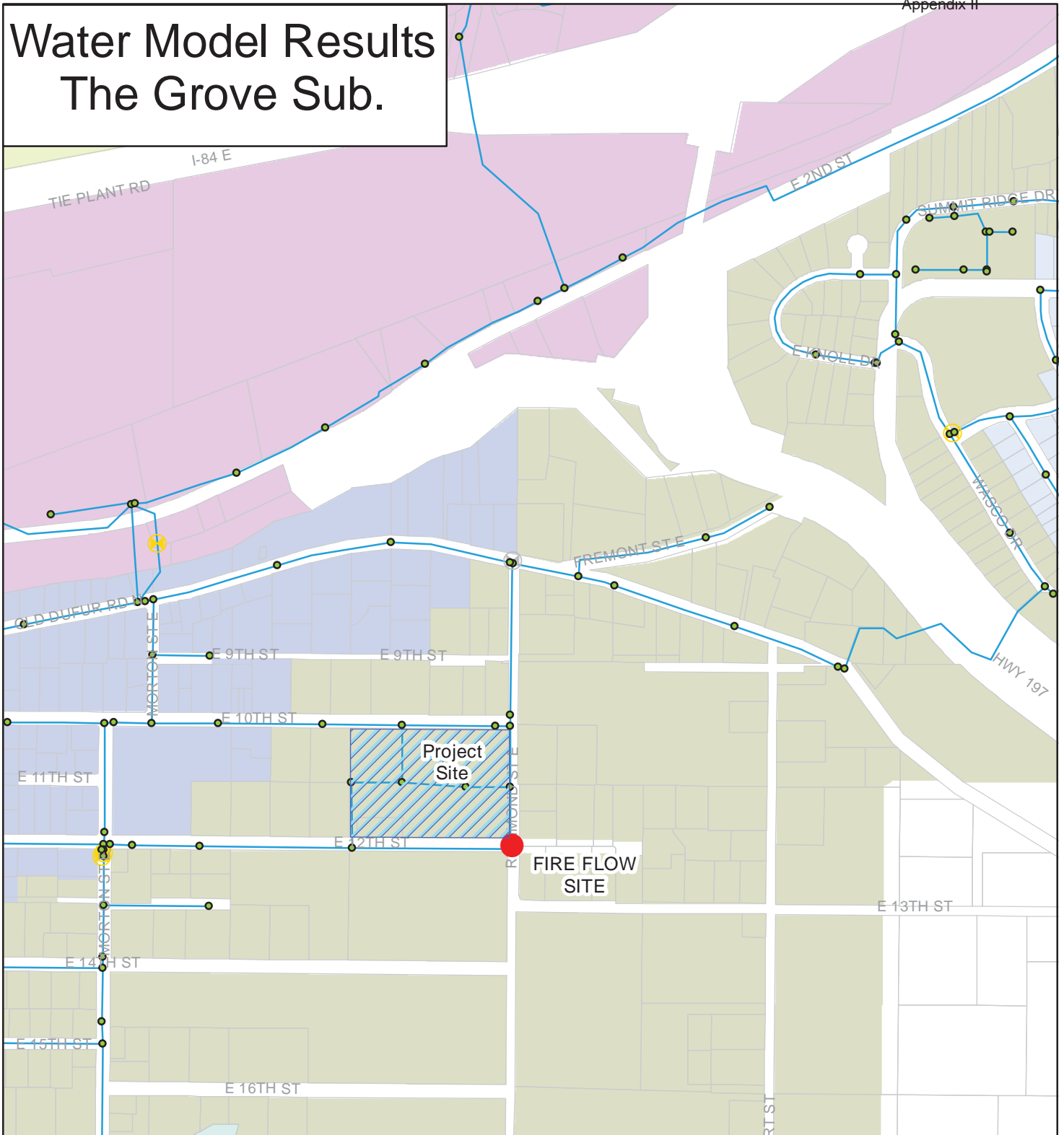
City of The Dalles
Public Works Department
1215 West 1st Street
The Dalles, OR 97058

1 inch = 300 feet

The Grove Sub. Area Utilities

This product is for information purposes only and may not have been prepared for, or be suitable for, legal, engineering or surveying purposes. This map represents the best data available at the time of publication. While reasonable effort has been made to insure the accuracy of the information shown on this page, the City of The Dalles assumes no responsibility, or liability, for any errors, omissions, or use of this information.

Water Model Results The Grove Sub.



12th and Richmond			
Pressure (psi)	Available Fire Flow (gpm)	Development Demand (gpm)	System Demand
57	0	0	Average
20	1681	0	Average
20	1647	46	Average
56	0	0	Max Day
20	1507	0	Max Day
20	1413	107	Max Day

Fire flow requirements for residential is 1000 gpm. System average and max day demands established from 2006 Water Master Plan.



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August 7, 2020

E-MAIL ONLY

City of The Dalles City Council
Community Development Department
313 Court Street
The Dalles, Oregon 97058
chris@gov-law.com
igrossman@ci.the-dalles.or.us

Re: ***Appeal of Planning Commission RESOLUTION NO. PC 593-20 Denying APL 030-20 of Approval for SUB 74-19 (Legacy Development- The Grove)***

Dear City Council:

Thank you for your interest in the development of the Grove, which will bring much needed housing to The Dalles. We represent the applicant Legacy Development and present this letter on their behalf. SUB 74-19 (hereinafter “the Project” or “the Grove”) was approved by the Planning Commission because it satisfies all of the applicable standards and criteria. Some participants disagree with the conclusions of the favorable staff report and the Planning Commission’s approval and adoption thereof, and this letter will address their concerns in detail.

The appellants’ primary substantive concerns relate to traffic on the streets around the project, which are not currently constructed to urban standards. As a matter of fundamental fairness and plain constitutional law, the applicant cannot be compelled to rebuild block after block of City streets, county roads and ODOT intersections. The City’s own traffic engineer reviewed the appellants’ demands on this point and concluded they lack merit. The appellants’ secondary concerns relate to City infrastructure, for which the City Engineer testified that there is sufficient capacity for the additional housing proposed.

The City of the Dalles is ready, willing and able to connect this project to the City’s infrastructure, which serves as the factual response to most of the appellants’ issues. Their additional quibbles are addressed in turn below. This letter then concludes with the legal principles that confirm the staff and the Planning Commission were correct and, as a result, the City Council must deny the appeal.

Appeal Issues

Appeal: Although the property has been zoned RH (High Density Residential), the City’s Transportation System Plan (TSP) analyzes traffic for the subject property as a low density, which led to inadequate planning in the TSP for transportation infrastructure needed to support high density development.

Applicant Response: This argument attempts to persuade the City that an alleged defect in the TSP leads to a series of adverse transportation problems for this application. The TSP is not an approval criterion for this application, and the City Council should not be misled by this distraction.

Appeal: Streets are narrow rural roads with narrow shoulders that are completely lacking sidewalks or bicycle lanes. Many of the streets are steep, with intersections that include streets coming in at odd unsafe angles. Several affected intersections exceed the critical crash rate but none of them have been fully studied for safety by the applicant or City staff.

Ordinarily, subdivisions can be approved with only frontage improvements because surrounding properties are already developed to urban densities or are likely to develop in the foreseeable future. But that is not the case here. Because of all the problems described above, this is no ordinary subdivision. Unlike most urban subdivisions, where the subdivision next door will soon provide frontage improvements for any gaps in sidewalks, the proposed subdivision [is] in an area where no foreseeable adjoining development is likely to fill in the gaps in the sidewalks or fix the safety problems with the surrounding streets.

Because of the extreme density proposed by the project in a unique unincorporated location at the very edge of the urban growth boundary in a predominately rural area, it is appropriate and necessary for the City to impose more than the typical frontage improvements to insure public safety. Infrastructure improvements, including sidewalks, are needed for several blocks to the west and safety improvements are needed on several intersections both to the east and west. Without the sidewalk and safety improvements (discussed in more detail below) or a reduction in density, the application must be denied.

Applicant Response: This argument argues that the design of existing streets in the neighborhood is a problem that the applicant must fix in order for the City to approve the application. There is no precedent for the City to demand comprehensive upgrades for several blocks and several intersections. As described below, the Land Use and Development code does not require the upgrades. Rather, the applicant will pay the proportional share of its impacts on the larger City transportation infrastructure through the System Development Charges (“SDCs”) which are due when the building permits for the dwellings are purchased.

Appeal: The applicant has the burden of demonstrating adequate infrastructure to support the proposed development. Because the property has not yet been annexed, the City needs to carefully evaluate whether the infrastructure is indeed adequate to support the high density development proposed. The Planning Commission erred in determining, on a split vote, that the applicant had met the burden of demonstrating that the infrastructure is adequate or safe to support the proposed high density subdivision.

Applicant Response: The City did carefully evaluate the adequacy of the infrastructure, under the guidance of the City Engineer and the City’s consulting traffic engineer. Substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding. *Younger v. City of Portland*, 305 Or. 346, 360 (1998) (*en banc*); *Devin Oil Co., Inc., v. Morrow County*, 236 Or App 164, 169 (2010). The Planning Commission relied on the findings of

the City Engineer and City's traffic consultant in determining that the existing infrastructure is adequate to support the Project. The applicant supports the findings of the City Engineer and City's traffic consultant, which demonstrate there is adequate infrastructure to support the Project. The applicant's burden has been met.

The appellant insists the City must agree with its traffic engineer that was hired by the appellant, specifically to find fault with the project. The appellant would have the City ignore the recommendations from the City Engineer and the City's consulting traffic engineer. There is no requirement for the City to do so.

Appeal: Based on Appellant's traffic engineering analysis by Hann Lee in the record, which is incorporated herein by reference, there are significant defects in the applicant's Traffic Impact Analysis (TIA) as well as serious and unaddressed safety issues posed by the proposed subdivision, particularly with respect to the US 197/Freemont Street/Columbia View Drive intersection, which exceeds the ODOT critical crash rate (as do other affected intersections mentioned in the Hann Lee memo). Until these serious safety issues have been adequately addressed and all identified defects in the TIA have been corrected, the application must be denied.

Applicant Response: The applicant's traffic study was reviewed in detail by the City Engineer, the City's consulting traffic engineer (Kittelson & Associates), and by ODOT which considered the impacts to US Hwy 197. All three reviewers concluded the applicant's traffic study satisfied City and ODOT requirements, which is the substantial evidence the Planning Commission correctly relied on to approve the project.

Appeal: In a split (3-2) decision, the Planning Commission acknowledged these significant safety issues, but appeared persuaded by staff's argument that any solution to the safety issues would be disproportional to the impacts of the application. However neither staff nor the applicant undertook a "proportionality" analysis. In the absence of a "proportionality" analysis, lack of proportionality cannot be used as a basis for approving an unsafe development. See *Dudek v. Umatilla County*, 187 Or App 504, 69 P3d 751 (2003) (holding that local governments could base a decision not to require code compliance on a *Dolan* proportionality analysis demonstrating disproportionality).

A *Dolan* proportionality analysis requires that the impacts of the proposed development be quantified and weighed against the proposed exaction. No such analysis was done here. Until an adequate proportionality analysis is done, proportionality cannot be used as a basis for the City to refuse to require code compliance.

Applicant Response: The Planning Commission decision does not rely on *Dolan* as the justification for approval of the project. Although that topic was discussed, it is not in the final written decision. Because it was not included in the final decision as a basis for the approval, there is no requirement for a detailed proportionality analysis. This argument seeks to create an omission where none exists.

Appeal: Moreover, even if requiring the applicant to undertake intersection improvements to make the affected intersections safe as a condition of approving an 80 unit development were

disproportional, that does not mean that the City can approve an unsafe development. The solution would be for the application to be approved at a lower density in order to maintain safety at that intersection. This would be consistent with the density analyzed in the TSP Figure 4-1.

Applicant Response: This argument is premised on the false assumption that the Land Use and Development Code requires the applicant to upgrade several blocks and intersections in addition to the full frontage improvements being constructed on the adjacent streets. There is simply no requirement to do so. Again, the TSP is not an approval criterion for this application.

Appeal: In addition, the application must be denied because of the numerous code requirements that remain unaddressed. Oregon law requires a two-step process for reviewing subdivisions. The first step in the process is the tentative plan review, which is a public notice and comment process. The second step in the process — the final plat review — is ministerial process that does not involve the public.

The Administrative Decision improperly truncates the public process by deferring review of numerous mandatory code requirements into the second stage of the review process, thus depriving the public of the opportunity to meaningfully review and comment on the proposal.

Applicant Response: The appellants misrepresent the scope of the application under review and insist that the City must apply additional code requirements to this application for a preliminary plat. This is only a procedural complaint and fails to recognize that the City has procedures in place for application of all code standards at the correct stage of the development. Moreover, the appellants fail to provide any specific reasons as to why the provisions they cite will not be satisfied by this development.

Appeal: Goal One of the Statewide Land Use Planning Goals requires citizen involvement "in all phases of the planning process". *Oakleigh-McClure Neighbors v. City of Eugene*, 269 Or. App. 176, 185 n.11, 344 P.3d 503, 508 (2015). Oregon courts have held that "the rights of the parties" must be determined in the public tentative plan review so that is "no further questions can arise" during the ministerial review of the final plat. *Bienz v. Dayton*, 29 Or. App. 761, 768, 566 P.2d 904, 914 (1977), quoting *Winters et al v. Grimes et al*, 124 Or 214, 216, 264 P 359 (1928).

LUBA caselaw does not allow review for code compliance to be deferred to the ministerial final plat process unless certain findings are made based on substantial evidence in the record during the public tentative plan review process. As discussed in our prior correspondence, LUBA caselaw requires a tentative plan approval must be based on non-conclusory findings based on substantial evidence that all land use standards can be met. See *Lowell v. Jackson County*, 75 Or LUBA 251 (2017); *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).

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 reason for this rule is so that issues related to the satisfaction of the criteria can be flushed out and addressed through the public land use process, rather than being deferred to the nonpublic final plat review, when it is too late for public input.

Until the following mandatory code criteria are adequately addressed through the public tentative plan review, the application must be denied:

- Sections 10.10.060.A.5.a and 10.10.060.A.5.b requires denial until all off site safety issues (including but not limited to the US 197/Freemont Street/Columbia View Drive intersection and other intersections identified in the Hann Lee memo and public testimony) have been addressed, which may require 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.

Applicant Response: This argument misrepresents the code, which does not state any circumstance which “requires denial” of this application. Here is the actual code.

“10.10.060.A.5. Conditions of Approval.

a. The City **may** deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.

b. Construction of off-site improvements may be required 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.”

Consistent with the Planning Commission decision, the plain language of this code allows the City to approve the application with conditions on topics such as right-of-way dedications and construction of transportation improvements and other public facilities. The use of the word “may” demonstrates the City Council has the discretion to “approve a proposal with conditions” which is precisely what the applicant requested, and the Planning Commission did.

- Section 10.6.050.040.B requires off-site roads, which are substandard and unsafe due to grades and narrow roadways and documented excessive crash rates at intersections to be made safe.

Applicant Response: This argument also misrepresents the code, which does not state any circumstance which “requires off-site roads...to be made safe”. Here is the actual code.

“10.6.050.040 Access Standards

B. Vertical and Horizontal Curves. Plans should be checked in both the vertical and horizontal plan for site distance obstructions. If vertical or horizontal curves are located within the City’s preferred access separation distance, a licensed professional engineer specializing in traffic shall recommend the spacing standard.”

This code is silent on mandatory improvements to off-site roads. Rather, it requires a licensed traffic engineer to recommend the spacing standard. As a result of this review by the applicant’s traffic engineer and the City Engineer, the intersection of Bradley and E 10th St was moved to the east, in order to improve sight distance near a vertical curve. The appellants wholly ignore the text of this code and the relocation of Bradley. The City Council should rely on the recommendation of its City Engineer and the applicant’s traffic engineer—which resulted in the relocation of Bradley—to conclude this criterion is satisfied.

- Sections 10.10.040.B.1 and 2 require sidewalks meeting the standards of Section 10.10.040.A to serve off-site pedestrian circulation. Further, 10.10.040.E specifically requires off-site improvements when necessary for safe and efficient pedestrian circulation. For pedestrian safety and circulation, infrastructure improvements, including sidewalks, are required along 10th or 12th connecting with downtown and the unsafe intersection of Thompson Street/E 10th Street/Old Dufur Rd must be addressed. It is unfair to shift the burden to existing residents when the need for sidewalks and other infrastructure is being driven primarily by a single high density development.

Applicant Response: The appellants again insist the code requires off-site improvements, when it plainly does not. Section 10.10.040.B.1 and 2 require that non-through streets have pedestrian connections. The site plan shows that the Grove has no non-through streets, and therefore those provisions do not apply.

Section 10.10.040.E states: “the approving authority may require off-site pedestrian facility improvements concurrent with development.” The appellants argue this is a mandatory requirement when the code says the opposite.

The City Council should conclude the arguments detailed above are not a basis for denial of the application, as these arguments are inconsistent with the plain language of city code and the submitted site plan.

- Section 10.6.060.030, the Americans With Disabilities Act (ADA), ORS 801.220, ORS 447.310 and the Department of Justice 2010 ADA Standards for Accessible Design) require sidewalk, cross walk and curb ramp grade requirements to be met.

Applicant Response: The proposed streets and sidewalks satisfy the ADA and City requirements. The roadway section drawings are found on Sheet 8 of the civil engineering plans. The details for sidewalk ramps are shown on Sheets 18, 18.1, 18.2, 18.3, 18.4, 18.5, 18.6, 27, 29. As stated above, substantial evidence exists to support a finding of fact when the record, viewed

as a whole, would permit a reasonable person to make that finding. *Younger v. City of Portland*, 305 Or., at 360 (1998); *Devin Oil Co., Inc., v. Morrow County*, 236 Or App, at 169 (2010). These drawings are substantial evidence the ADA standards are met, and the appellants do not address this evidence, nor do they explain a particular provision of the ADA that is not satisfied. The appellants' argument should be disregarded.

- The applicant must provide tentative plans showing that the lot sizes and configurations are adequate to meet the 60% maximum lot coverage standard (Section 10.05.020.060), with the proposed dwellings and ADUs, all required onsite parking spaces (Section 10.7.060.010), driveways (Sections 10.6.060.020 and 10.6.050.040), setbacks and landscaping (Section 10.6.010.030.B).

Applicant Response: This application is for the subdivision and does not include building permits for the dwellings that will eventually be constructed on each lot. Once the lots are platted and the subdivision is complete, the building permit applications for each lot will be reviewed for lot coverage, parking, driveways, setbacks and landscaping during the building permit review. The appellants fail to cite any provision of city code that requires the applicant to provide tentative plans with information on these features to be *reviewed and approved concurrently* with this subdivision approval.

- Section 10.8.020.010.A requires a Physical Constraints Permit for all development involving more than 50 cubic yards of grading, including the proposed 69 lot subdivision. Section 10.8.020.060.B requires the Physical Constraints Permit to be reviewed through the same process public notice and comment process as the subdivision.

Applicant Response: A Physical Restraints Permit is required by Section 10.8.020.010.A.5, because the grading will exceed 50 cubic yards. However, the appellants misrepresent the procedural requirements of Section 10.8.020.010.B. This provision expressly allows the applicant to choose whether to include this permit with the subdivision. Here is the text.

“Where the development is also subject to a site plan review, conditional use permit, subdivision, partition, planned development or other planning action, the physical constraints permit may, at the request of the applicant, be processed simultaneously with the planning action at no additional charge.”

The applicant did not request that the City review the Physical Constraints Permit with the subdivision. Nevertheless, the appellants argue that Section 10.8.020.060.B requires the Physical Constraints Permit to be reviewed through the same process public notice and comment process as the subdivision. Once again, the plain language of Section 10.8.020.060.B proves fatal to the appellants' argument. Here is the text.

“B. Planning Actions. Physical constraint permits which are part of either an administrative or quasi-judicial planning action shall be reviewed and decided by the approving authority per the appropriate provisions of either Section 10.3.020.040: Administrative Actions or Section 10.3.020.050: Quasi-Judicial Actions.”

The applicant decided not to include the Physical Constraints permit as part of this “planning action” and therefore the permit will be processed ministerially, in accordance with Section 10.8.020.060.A. The appellants ignore this option, but the text is clear. “Applications for physical constraint permits *which are not part of a planning action* shall be reviewed and decided by the Director per the provisions of Section 10.3.020.030: Ministerial Actions.” The City Council should interpret these code provisions consistent with their plain language, which allows the applicant to choose whether to bundle the Physical Constraints Permit with a subdivision application, or to apply later as a ministerial action.

- Sections 10.10.070 and 10.10.100.A.1 require findings based on substantial evidence that the public facilities (including stormwater) can be made adequate to serve the proposed subdivision. While the applicant submitted as simple utilities plan that showed locations of pipes, there were no calculations or demonstrations of overall system capacity in the record, apart from verbal statements of City staff — statements that City staff has publicly contradicted in a recent newspaper article.

Applicant Response: Section 10.10.070 regards public utility extensions for water, sanitary sewer and storm drainage, and requires that they be constructed concurrently with the development. The civil engineering plans from Harper Houf Peterson Righellis illustrate these utility extensions on Sheet 7, with many detailed drawings on additional sheets. These engineering drawings are substantial evidence, in addition to the testimony of the City Engineer and the master plans, which the City Council should rely on to conclude the utility extensions are feasible and Section 10.10.070 is satisfied.

Section 10.10.100.A.1 regards private franchise utility extensions, which are required “prior to approval of the final plat.” This application is for a preliminary plat approval, and therefore this provision does not apply at this time.

Appeal: The above issues must be adequately addressed through the public tentative plan review process. The City cannot lawfully truncate the public process by deferring review of these important matters to the final plat process. These issues, especially the safety issues, are too important to insulate from public review through the land use process. State law requires these issues to be tentatively addressed through the tentative plan review, as discussed above and in our prior correspondence.

Until these important issues are adequately addressed, the application must be denied or conditioned on lowering the density to address the identified safety issues.

Applicant Response: The appellants disagree with the conclusions of the City Engineer which are substantial evidence in support of the Planning Commission’s findings and are based on the City Engineer’s expert opinion as a licensed engineer, his working knowledge of the City’s infrastructure, and on the infrastructure master plans prepared by prior consulting engineers for the City. The appellants present no contrary testimony from a licensed engineer, or other qualified expert, regarding the capacity of City’s water, sanitary sewer, and stormwater infrastructure. The absence of expert testimony disputing the findings of the City’s own engineer renders the appellants’ arguments inert.

The Dalles City Council
 August 7, 2020
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The City Council should rely on the expert testimony of its own engineer and the applicant's engineer, Harper Houf Peterson Righellis, to conclude the necessary requirements are satisfied.

Conclusion

The applicant appreciates the support and cooperation received from the city staff and the Planning Commission. This review of the appellants' arguments demonstrates that they misrepresent City zoning code, as well as state and federal law in a manner that would place several mandatory procedural and substantive requirements on this application that simply do not exist. Reading the plain language of city code makes clear that the appellants' arguments lack merit and must be disregarded.

It is also important to consider what the appellants conveniently forget to mention, which is that the Planning Commission decision is consistent with the essential state law on development of housing.

“In various ways, the provisions of ORS 197.307 govern the circumstances under which local governments may apply standards, conditions, and procedures that have the effect of regulating or restricting the development of housing.” *Warren v. Washington County*, 296 Or App 595, 597 (2019).

The Planning Commission decision is consistent with this statute because it does not apply subjective criteria to justify denial or placement of unreasonable conditions on the subdivision approval. The appellants urge the City Council to do the opposite: apply the city code in a subjective manner in order to justify denial of the application, or to justify the placement of onerous conditions on the approval. The legal effect of the appellants' argument is that this Project would be discouraged through unreasonable cost, and through unreasonable delay caused by this misleading appeal. See ORS 197.307(4). That would be contrary to the needed housing statute.

The applicant is confident the City staff and the Planning Commission correctly concluded that the city code standards and criteria are all satisfied. We can appreciate the discomfort created by new development in existing neighborhoods and the applicant is making the appropriate upgrades to the City's infrastructure, which in the long run will benefit the entire area. We trust that the City Council will see clearly through the fog of this appeal and recognize the merits of this application.

Thank you for your consideration, and we look forward to speaking with you at the hearing.

Very truly yours,

JORDAN RAMIS PC



Jamie D. Howsley

cc: Legacy Development
 Keenan Ordon-Bakalian



**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 participated orally and in writing at the Planning Commission through Counsel Steve Morasch of Landerholm PS.
Appellants submitted timely written comments during the initial written 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:
Planning Commission RESOLUTION NO. PC 593-20 dated July 16, 2020 denying appeal 03-020 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.

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

\$500 - Appeal fee received
Receipt 255269





LANDERHOLM

Legal advisors. Trusted advocates.

Steve C. Morasch

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SENT VIA EMAIL ONLY

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pwebb@ci.the-dalles.or.us

July 23, 2020

City of The Dalles City Council
Community Development Department
c/o Joshua Chandler and Paula Webb
313 Court Street
The Dalles, OR 97058

Re: Appeal of Planning Commission RESOLUTION NO. PC 593-20 dated July 16, 2020 denying appeal 03-020 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.

Dear City Council:

This is an appeal of Appeal of Planning Commission RESOLUTION NO. PC 593-20 dated July 16, 2020 denying appeal 03-020 of Administrative Decision dated March 9, 2020 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 proposed development is an extremely high density subdivision (11.6 units per acre) that is wholly incompatible with the neighborhood, creating serious safety concerns. Surrounding properties are either still in agricultural use or have been developed with very low density residential uses at the very edge of the urban growth boundary. The subject property has not yet been annexed into the City.

Although the property has been zoned RH (High Density Residential), the City’s Transportation System Plan (TSP) analyzes traffic for the subject property as a low density, which led to inadequate planning in the TSP for transportation infrastructure needed to support high density development.¹

Streets are narrow rural roads with narrow shoulders that are completely lacking sidewalks or bicycle lanes. Many of the streets are steep, with intersections that include streets coming in at

¹ The July 1, 2020 Kittleson memo, which was provided to the Appellants the day the record closed when the Appellants had no chance to rebut, includes internally inconsistent information, including so-called “Figure 1” that shows that only 20 units were planned for the subject property together with the property to the north combined. Appellant requests the opportunity to rebut the Kittleson memo with its own traffic engineering analysis.

Re: **Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC**

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odd unsafe angles. Several affected intersections exceed the critical crash rate but none of them have been fully studied for safety by the applicant or City staff.

Ordinarily, subdivisions can be approved with only frontage improvements because surrounding properties are already developed to urban densities or are likely to develop in the foreseeable future. But that is not the case here. Because of all the problems described above, this is no ordinary subdivision. Unlike most urban subdivisions, where the subdivision next door will soon provide frontage improvements for any gaps in sidewalks, the proposed subdivision in an area where no foreseeable adjoining development is likely to fill in the gaps in the sidewalks or fix the safety problems with the surrounding streets.

Because of the extreme density proposed by the project in a unique unincorporated location at the very edge of the urban growth boundary in a predominately rural area, it is appropriate and necessary for the City to impose more than the typical frontage improvements to insure public safety. Infrastructure improvements, including sidewalks, are needed for several blocks to the west and safety improvements are needed on several intersections both to the east and west. Without the sidewalk and safety improvements (discussed in more detail below) or a reduction in density, the application must be denied.

The applicant has the burden of demonstrating adequate infrastructure to support the proposed development. Because the property has not yet been annexed, the City needs to carefully evaluate whether the infrastructure is indeed adequate to support the high density development proposed. The Planning Commission erred in determining, on a split vote, that the applicant had met the burden of demonstrating that the infrastructure is adequate or safe to support the proposed high density subdivision.

Based on Appellant's traffic engineering analysis by Hann Lee in the record, which is incorporated herein by reference, there are significant defects in the applicant's Traffic Impact Analysis (TIA) as well as serious and unaddressed safety issues posed by the proposed subdivision, particularly with respect to the US 197/Freemont Street/Columbia View Drive intersection, which exceeds the ODOT critical crash rate (as do other affected intersections mentioned in the Hann Lee memo). Until these serious safety issues have been adequately addressed and all identified defects in the TIA have been corrected, the application must be denied.

In a split (3-2) decision, the Planning Commission acknowledged these significant safety issues, but appeared persuaded by staff's argument that any solution to the safety issues would be disproportional to the impacts of the application. However neither staff nor the applicant undertook a "proportionality" analysis. In the absence of a "proportionality" analysis, lack of proportionality cannot be used as a basis for approving an unsafe development. See *Dudek v. Umatilla County*, 187 Or App 504, 69 P3d 751 (2003) (holding that local governments could base a decision not to require code compliance on a *Dolan* proportionality analysis demonstrating disproportionality).

Re: **Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC**

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A *Dolan* proportionality analysis requires that the impacts of the proposed development be quantified and weighed against the proposed exaction. No such analysis was done here. Until an adequate proportionality analysis is done, proportionality cannot be used as a basis for the City to refuse to require code compliance.

Moreover, even if requiring the applicant to undertake intersection improvements to make the affected intersections safe as a condition of approving an 80 unit development were disproportional, that does not mean that the City can approve an unsafe development. The solution would be for the application to be approved at a lower density in order to maintain safety at that intersection. This would be consistent with the density analyzed in the TSP Figure 4-1.

In addition, the application must be denied because of the numerous code requirements that remain unaddressed. Oregon law requires a two-step process for reviewing subdivisions. The first step in the process is the tentative plan review, which is a public notice and comment process. The second step in the process – the final plat review – is ministerial process that does not involve the public.

The Administrative Decision improperly truncates the public process by deferring review of numerous mandatory code requirements into the second stage of the review process, thus depriving the public of the opportunity to meaningfully review and comment on the proposal.

Goal One of the Statewide Land Use Planning Goals requires citizen involvement “in all phases of the planning process”. *Oakleigh-McClure Neighbors v. City of Eugene*, 269 Or. App. 176, 185 n.11, 344 P.3d 503, 508 (2015). Oregon courts have held that “the rights of the parties” must be determined in the public tentative plan review so that is “no further questions can arise” during the ministerial review of the final plat. *Bienz v. Dayton*, 29 Or. App. 761, 768, 566 P.2d 904, 914 (1977), quoting *Winters et al v. Grimes et al*, 124 Or 214, 216, 264 P 359 (1928).

LUBA caselaw does not allow review for code compliance to be deferred to the ministerial final plat process unless certain findings are made based on substantial evidence in the record during the public tentative plan review process. As discussed in our prior correspondence, LUBA caselaw requires a tentative plan approval must be based on non-conclusory findings based on substantial evidence that all land use standards can be met. *See Lowell v. Jackson County*, 75 Or LUBA 251 (2017); *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).

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*

Re: **Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC**

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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 reason for this rule is so that issues related to the satisfaction of the criteria can be flushed out and addressed through the public land use process, rather than being deferred to the non-public final plat review, when it is too late for public input.

Until the following mandatory code criteria are adequately addressed through the public tentative plan review, the application must be denied:

- Sections 10.10.060.A.5.a and 10.10.060.A.5.b requires denial until all off site safety issues (including but not limited to the US 197/Freemont Street/Columbia View Drive intersection and other intersections identified in the Hann Lee memo and public testimony) have been addressed, which may require 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.²
- Section 10.6.050.040.B requires off-site roads, which are substandard and unsafe due to grades and narrow roadways and documented excessive crash rates at intersections to be made safe.
- Sections 10.10.040.B.1 and 2 require sidewalks meeting the standards of Section 10.10.040.A to serve off-site pedestrian circulation. Further, 10.10.040.E specifically requires off-site improvements when necessary for safe and efficient pedestrian circulation. For pedestrian safety and circulation, infrastructure improvements, including sidewalks, are required along 10th or 12th connecting with downtown and the unsafe intersection of Thompson Street/E 10th Street/Old Dufur Rd must be addressed. It is unfair to shift the burden to existing residents when the need for sidewalks and other infrastructure is being driven primarily by a single high density development.
- Section 10.6.060.030, the Americans With Disabilities Act (ADA), ORS 801.220, ORS 447.310 and the Department of Justice 2010 ADA Standards for Accessible Design) require sidewalk, cross walk and curb ramp grade requirements to be met.
- The applicant must provide tentative plans showing that the lot sizes and configurations are adequate to meet the 60% maximum lot coverage standard (Section 10.05.020.060), with the proposed dwellings and ADUs, all required onsite parking spaces (Section 10.7.060.010), driveways (Sections 10.6.060.020 and 10.6.050.040), setbacks and landscaping (Section 10.6.010.030.B).

² The *Dolan* proportionality analysis does not allow the City to approve unsafe developments, nor does it allow local governments to ignore mandatory code requirements without first undertaking the required proportionality analysis, which has not been done.

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- Section 10.8.020.010.A requires a Physical Constraints Permit for all development involving more than 50 cubic yards of grading, including the proposed 69 lot subdivision. Section 10.8.020.060.B requires the Physical Constraints Permit to be reviewed through the same process public notice and comment process as the subdivision.
- Sections 10.10.070 and 10.10.100.A.1 require findings based on substantial evidence that the public facilities (including stormwater) can be made adequate to serve the proposed subdivision. While the applicant submitted as simple utilities plan that showed locations of pipes, there were no calculations or demonstrations of overall system capacity in the record, apart from verbal statements of City staff – statements that City staff has publically contradicted in a recent newspaper article.

The above issues must be adequately addressed through the public tentative plan review process. The City cannot lawfully truncate the public process by deferring review of these important matters to the final plat process. These issues, especially the safety issues, are too important to insulate from public review through the land use process. State law requires these issues to be tentatively addressed through the tentative plan review, as discussed above and in our prior correspondence.

Until these important issues are adequately addressed, the application must be denied or conditioned on lowering the density to address the identified safety issues.

Sincerely,

LANDERHOLM, P.S.



STEVE C. MORASCH
Attorney at Law

SCM/jsr
Enclosure

cc: Diana McDougale, City Attorney (via email: dmcDougale@campbellphillipslaw.com)
Clients

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pwebb@ci.the-dalles.or.us

June 17, 2020

City of The Dalles Planning Commission
 Community Development Department
 c/o Joshua Chandler and Paula Webb
 313 Court Street
 The Dalles, OR 97058

Re: Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC

Dear Planning Commissioners:

On behalf of the Appellants, we are submitting for the record the attached Memorandum from licensed traffic engineer Hann Lee reviewing the DKS Transportation Impact Analysis (TIA).¹

As discussed in the attached Memorandum there are significant defects in the TIA as well as serious and unaddressed safety issues posed by the proposed subdivision, particularly with respect to the US 197/Freemont Street/Columbia View Drive intersection, which exceeds the ODOT critical crash rate (as do two other affected intersections). Until these serious safety issues have been adequately addressed and all identified defects in the TIA have been corrected, the application must be denied.

In addition, the application must be denied because of the numerous code requirements that remain unaddressed. Oregon law requires a two-step process for reviewing subdivisions. The first step in the process is the tentative plan review, which is a public notice and comment process. The second step in the process – the final plat review – is ministerial process that does not involve the public.

The Administrative Decision improperly truncates the public process by deferring review of numerous mandatory code requirements into the second stage of the review process, thus depriving the public of the opportunity to meaningfully review and comment on the proposal.

Goal One of the Statewide Land Use Planning Goals requires citizen involvement “in all phases of the planning process”. *Oakleigh-McClure Neighbors v. City of Eugene*, 269 Or. App. 176, 185 n.11, 344 P.3d 503, 508 (2015). Oregon courts have held that “the rights of the parties” must be determined in the public tentative plan review so that is “no further questions can arise”

¹ We are also attaching photos of some of the intersections impacted by the proposed subdivision, many of which are constrained by steep grades, narrow corners and multiple streets intersecting at odd angles.

Re: **Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC**

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during the ministerial review of the final plat. *Bienz v. Dayton*, 29 Or. App. 761, 768, 566 P.2d 904, 914 (1977), quoting *Winters et al v. Grimes et al*, 124 Or 214, 216, 264 P 359 (1928).

LUBA caselaw does not allow review for code compliance to be deferred to the ministerial final plat process unless certain findings are made based on substantial evidence in the record during the public tentative plan review process. As discussed in our prior correspondence, LUBA caselaw requires a tentative plan approval must be based on non-conclusory findings based on substantial evidence that all land use standards can be met. *See Lowell v. Jackson County*, 75 Or LUBA 251 (2017); *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).

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 reason for this rule is so that issues related to the satisfaction of the criteria can be flushed out and addressed through the public land use process, rather than being deferred to the non-public final plat review, when it is too late for public input.

Until the following mandatory code criteria (discussed in more detail in our prior correspondence) are adequately addressed through the public tentative plan review, the application must be denied:

- Sections 10.10.060.A.5.a and 10.10.060.A.5.b requires denial until all off site safety issues (including but not limited to the US 197/Freemont Street/Columbia View Drive intersection) have been addressed, which may require 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.²
- Section 10.6.050.040.B requires off-site roads, which are substandard and unsafe due to grades and narrow roadways and documented excessive crash rates at intersections to be made safe.
- Sections 10.10.040.B.1 and 2 require sidewalks meeting the standards of Section 10.10.040.A to serve off-site pedestrian circulation. Further, 10.10.040.E specifically

² The *Dolan* proportionality analysis does not allow the City to approve unsafe developments, nor does it allow local governments to ignore mandatory code requirements without first undertaking the required proportionality analysis, which has not been done.

Re: **Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC**

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requires off-site improvements when necessary for safe and efficient pedestrian circulation.

- Section 10.6.060.030, the Americans With Disabilities Act (ADA), ORS 801.220, ORS 447.310 and the Department of Justice 2010 ADA Standards for Accessible Design) require sidewalk, cross walk and curb ramp grade requirements to be met.
- The applicant must provide tentative plans showing that the lot sizes and configurations are adequate to meet the 60% maximum lot coverage standard (Section 10.05.020.060), with the proposed dwellings and ADUs, all required onsite parking spaces (Section 10.7.060.010), driveways (Sections 10.6.060.020 and 10.6.050.040), setbacks and landscaping (Section 10.6.010.030.B).
- Section 10.8.020.010.A requires a Physical Constraints Permit for all development involving more than 50 cubic yards of grading, including the proposed 69 lot subdivision. Section 10.8.020.060.B requires the Physical Constraints Permit to be reviewed through the same process public notice and comment process as the subdivision.
- Sections 10.10.070 and 10.10.100.A.1 require findings based on substantial evidence that the public facilities (including stormwater) can be made adequate to serve the proposed subdivision.

The above issues must be adequately addressed through the public tentative plan review process. The City cannot lawfully truncate the public process by deferring review of these important matters to the final plat process. These issues, especially the safety issues, are too important to insulate from public review through the land use process. State law requires these issues to be tentatively addressed through the tentative plan review, as discussed above and in our prior correspondence.

Until these important issues are adequately addressed, the application must be denied.

Sincerely,

LANDERHOLM, P.S.



STEVE C. MORASCH
Attorney at Law

SCM/jsr

cc: Diana McDougale, City Attorney (via email: dmcdougale@campbellphillipslaw.com)
Clients

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CITY of THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING DECISION

APL 030-20 of SUB 74-19

**Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich,
Terri Jo Jester Gingrich and Damon Hulit**

DECISION DATE: July 16, 2020

APPEALING PARTIES: Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich and Damon Hulit

APPLICANT: Legacy Development Group

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.

LOCATION: 1N 13E 1 C tax lot 201
Property was the subject of a previous partition (MIP 366-19) and thus presently has no address assignment.

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 APL 030-20, and after a hearing in front of the Planning Commission, the appeal from Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich and Damon Hulit is hereby **denied**. The Planning Commission upheld the Administrative Decision to approve SUB 74-19 with the following 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.
24. To improve the pedestrian and bicycle connectivity, the Applicant will be required to establish a permanent pedestrian/bicycle through pathway, no less than 10' in width, though the northern block (bounded by E. 10th, 11th, Bradley, and Richmond Streets) and the southern block (bounded by E. 11th, 12th, Bradley, and Richmond Streets).
25. To address safety concerns at the vertical curve, "blind hill", on E. 10th Street, all parcels on E. 10th Street within 280' of the Bradley Street access point shall be prohibited by recorded deed from access onto E. 10th Street to ensure sight distance clearance.
26. To promote pedestrian connectivity, the Applicant will be required to install sidewalks up to the existing pavement edge along the frontage of 2845 E. 12th Street.

Signed this 16th day of July, 2020, by



Senior Planner, for
Steven K. Harris, AICP
Director, Community Development Department

TIME LIMITS: The 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 Planning Commission's decision may be appealed to the City Council 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 Public Hearing Decision. The following may file an appeal of an administrative decision:

1. Any party of record to the particular public hearing 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 the application 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. A Notice of Appeal form is 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, The Dalles Municipal Code, Title 10 Land Use and Development Ordinance.**



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

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, June 18 and July 2, 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, June 18 and July 2, 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 16TH DAY OF JULY, 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 16th day of July, 2020.

AYES: Bybee, Cornett and Lavier_____

NAYS: Stiles_____

ABSENT: Poppoff_____

ABSTAIN: Easling and Mascher_____

ATTEST: 
_____ for
Steven K. Harris – AICP
Community Development Director, City of The Dalles


CITY of THE DALLES

 313 COURT STREET
 THE DALLES, OREGON 97058

 (541) 296-5481 ext. 1125
 COMMUNITY DEVELOPMENT DEPARTMENT

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 McDougale, City Attorney

Date Prepared: May 11, 2020

Date Revised: June 5, 2020

Hearing Date: May 21, 2020, continued to June 18, 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: 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.

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

At the May 21, 2020, Planning Commission hearing, the City of The Dalles Legal Department requested a continuation of the hearing to June 18, to address additional concerns raised by the Appellants' Attorney. The Appellants' Attorney did not object to the continuance. By unanimous vote, the Planning Commission granted the request for continuance to the June 18, 2020 Planning Commission meeting.

ZONING HISTORY: After receiving multiple comments and questions regarding the zoning designation of the subject parcel, Staff determined it was necessary to provide a brief history of this parcels High Density designation. Department Staff consulted with the Wasco County Planning Department for additional research, as well as former City of The Dalles Planning Consultant, Dan Meader, to verify the following information. Although this information has been provided, zoning history of an individual parcel is not criterion addressed when reviewing a subdivision application.

- In 1983, the City of The Dalles and Wasco County entered into an agreement for the joint management of The Dalles Urban Growth Boundary (UGB). This unique agreement, established the City's review of all land use decisions within the UGB.
- On October 5, 1992, The Dalles City Council approved the appointment of a 17 member Steering Committee for the revision of The Dalles Comprehensive Plan (TDCP). This committee held 21 meetings and workshops between October 1992 and December 1993 reviewing proposed amendments to TDCP, which included new zoning designations and boundaries.
- On March 7, 1994, Wasco County Planning Commission voted unanimously to recommend that the Wasco County Court adopt the proposed 1994 TDCP and Map.
- On March 28, and May 9, 1994 The Dalles City Council held public hearings to discuss the proposed amendments. On May 9, 1994, Council unanimously approved General Ordinance 94-1184.

- On May 18, 1994, Wasco County Court unanimously approved General Ordinance 94-1184. The new TDCP and Land Use Map, which replaced the former plan and map adopted in 1982, were put into effect on June 9, 1994.
- In 1997, the City of The Dalles and Wasco County updated the joint management agreement, as well as the Urban Growth Area and Boundary and The National Scenic Area-Urban Area and Boundary.
- On June 11, 1998, Chapter 10 of The Dalles Municipal Code (TDMC) was adopted, with no changes to the High Density Residential designation of the subject parcel, which is the zoning designation it currently holds today.

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.

Responding to concerns regarding improper noticing to the airport sponsor and Department of Aviation, the City mailed the original Notice of Administrative Action to the Columbia Gorge Regional/The Dalles Municipal Airport Manager, the Oregon Department of Aviation, and the Washington Department of Aviation on May 29, 2020.

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 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:
 - a. Single-family.
2. Residential building types:
 - a. Single-family detached.
 - 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

	Standards
RH High Density Residential	One Dwelling Unit per Lot
Minimum Lot Area	1,500 ft ² per dwelling unit, not to exceed 25 units per gross acre

<i>Minimum Lot Width</i>	<i>25 ft. for corner lots and lots with townhome end-units; and lot ft. for interior lots</i>
<i>Minimum Lot Depth</i>	<i>60 ft.</i>

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: 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 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 dated March 18, 2020 were provided on March 19, 2020 as part of the Notice of Appeal for Land Use Decision by the Appellants' Attorney, Steve C. Morasch. In addition, on May 11, 2020 the Appellants' Attorney provided a rebuttal to the Staff Report; the rebuttal was received May 15, 2020. Responses to both the original arguments and rebuttals 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.”¹ 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.

Appellant Rebuttal - Argument #1, May 15, 2020: *“Staff’s response ignores airport safety, which is something of interest to everyone living within the vicinity of the airport. If glare from the proposed development causes an airplane to crash into Appellant’s property, that is certainly an issue that would “adversely affect and aggrieve” Appellants, so standing under state law is met.*

It’s unconscionable that staff would argue that airport safety is not one of the purposes of the City’s regulations of development surrounding airports, or that those who live in the flightpath of an airport have no “standing” to raise an issue of airport safety. We request the Planning Commission reject staff’s argument.

Further, the notice provisions of Section 10.5.120.030 of the city code apply in addition to the FAA regulations that staff cites in its response, so even if notice would not have been required under FAA regulations (an issue on which staff offered no findings or evidence, just a bare conclusion), notice was still required under city code.

Finally, the height issues staff raises under the FAA regulations have nothing to do with the anti-glare provisions of local code. Staff has not adequately addressed the glare provisions of Section 10.5.120.060.B.”

Response to Appellants' Rebuttal - Argument #1, June 11, 2020: Staff collaborated with aviation experts and concluded that the subject property is not within the “approach surface” of the airport, specifically Runway 31. It was determined that the subject property is outside of the

¹ See <https://www.faa.gov/airports/central/engineering/part77/>

approach surface for Runway 31 because it is a visual approach runway which has a 5,000' approach surface distance. The subject property is located more than 7,000' from Runway 31. As a result, pursuant to Section 10.5.120.030, D of TDMC, notice to the airport sponsor and Department of Aviation was not required. Nevertheless, in an abundance of caution, and to foreclose the issues raised in the Appellants' Argument #1, on May 29, 2020, Staff noticed the Airport and the Department of Aviation in Oregon and Washington, regarding the land use application that is the subject of this appeal.

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 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.

Appellant Rebuttal - Argument #2, May 15, 2020: *“The staff response is nonresponsive. City code requires review of the proposed landscaping at the time of approval. Landscaping installation of the front yards may be deferred but not review of the proposed landscaping plan showing compliance with the code. This requires the applicant to submit a plan for the landscaping (not just for front yards but for other landscaping such as the proposed park) and the City staff to review it for code compliance. Once the landscaping plans have been reviewed (both by staff and the interested public) and approved, then the actual installation of the front yard landscaping may be deferred.”*

Response to Appellants' Rebuttal - Argument #2, June 11, 2020: The Appellants' Argument #2 suggests that individual landscaping plans be submitted for each of the residential dwelling parcels as well as the community park. Individual parcel site plans or building proposals are not reviewed at the time of a subdivision application review. The City will require that each of the parcels be reviewed individually through a ministerial application process reviewed by both the CDD and Public Works to ensure that each proposal complies with the requirements of TDMC. Review of each parcel to include but not limited to: landscaping, lot coverage, setbacks, parking, drive approaches and sidewalks, and available utilities. This review is further described in Section 10.6.010.030, B, which states “building permits shall not be issued until the approving authority has determined the landscape plans comply with both the purpose and specific requirements of this Article.” In addition, structural review of all future dwellings will be administered by Wasco County Building Codes to ensure that each parcel complies with Oregon Residential Specialty Code.

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.

Appellant Rebuttal - Argument #3, May 15, 2020: *“The staff response is nonresponsive. Staff reiterates that the lots will meet the length and width and overall area standards, but there are no findings or evidence that the 60% lot coverage can be met with the proposed dwellings and ADUs, required onsite parking spaces, driveways, setbacks and landscaping.”*

In order to approve the application, the applicant would need to submit plans showing that there is room on each lot to accommodate building envelopes for all proposed buildings, while meeting all setbacks and providing all required driveways, on-site parking landscaping. The burden is on the applicant to demonstrate that all criteria are met. How can the applicant demonstrate how all these standards can be met for each lot without submitting plans showing how each lot can provide for all proposed buildings, setbacks, required driveways and parking, while also providing the required landscaping and meeting the 60% lot coverage standard?

No such plans have been submitted. This is a serious defect, requiring denial of the application on this record. Absent plans showing how these code provisions can be met, the application cannot be approved. Under the relevant LUBA caselaw cited at the beginning of this letter, compliance with these standards cannot be deferred into the conditions without substantial evidence that the standards can be met and findings that the conditions are “reasonably certain to succeed.”

Response to Appellants’ Rebuttal - Argument #3, June 11, 2020: The Appellants’ Argument #3 suggests that individual site plans be submitted for each of the residential dwelling parcels, to ensure that all requirements of Section 10.5.020.060 are met. As clarification, Staff is not approving building placement of each individual lot at this time. The City will require that each of the parcels be reviewed individually through a ministerial application process reviewed by both the CDD and Public Works to ensure that the proposal complies with the requirements of TDMC. Review of each parcel to include but not limited to: landscaping, lot coverage, setbacks, parking, drive approaches and sidewalks, and available utilities. In addition, structural review of all future dwellings will be administered by Wasco County Building Codes to ensure that each parcel complies with Oregon Residential Specialty Code.

Since the May 21, 2020, Planning Commission meeting, the Applicant has provided a revised site plan and “Neighborhood Layout” plan, with scale bar, dimensions of parcels, ROWs, alleys, and building setbacks lines.

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.

Appellant Comments - Argument #4, May 15, 2020: *“Appellant agrees that Argument #4 has now been adequately addressed.”*

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.

Appellant Rebuttal - Argument #5, May 15, 2020: “Appellant agrees that this argument has been partially addressed with respect to vehicle circulation, but staff still hasn’t addressed pedestrian circulation. There is no north/south pedestrian circulation through the proposed development, notwithstanding the nearly 700 foot block length because the row of lots along the south side of E. 11th Street is a continuous row of lots with no mid-block alley or pedestrian path. Safe and convenient pedestrian access requires a mid-block pedestrian path along the south side of E. 11th Street.

The neighborhood park will be difficult to reach from lots on the southern end of the proposed subdivision due to the lack of north/south internal pedestrian circulation. Sidewalks along the full E. 12th Street, and a pedestrian path mid-block access to E 11th Street are needed to address this issue. Also, without a mid-block pedestrian path, pedestrians from outside the proposed development would need to walk all the way around the perimeter. The proposed development needs better internal pedestrian circulation.”

Response to Appellants’ Rebuttal - Argument #5, June 11, 2020: Since the initial approval of SUB 74-19, the proposed northern section of Bradley Street has been relocated, resulting in a full-street dedication rather than the half-street dedication originally proposed. This not only addressed safety concerns with a “blind hill” on E. 10th Street, but it also resolved Condition of Approval #6 which states: “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 the block length between Bradley and Richmond Streets (north) has been reduced to 492.68’, originally 679.76’.

Although the relocation of Bradley Street has decreased the overall length of the newly proposed blocks within the subdivision, continuous street frontages with breaks (either street or alley) still exist with dimensions of ~663’ (E. 11th St, Lot #s 37-56) and ~493’ (E. 10th Street, Lot #s 6-20 and E. 11th Street Lots #s 21-36). Section 10.9.020.010, C, 2, a, requires that local streets and minor collectors must provide a permanent pedestrian/bicycle through pathway, established by ROW and at least 10 feet wide, near the middle of the blocks to provide a connection to the adjoining street on blocks greater than 450’. Staff will include as a condition of approval that a pedestrian path, no less than 10’ in width, be established through the northern block (bounded by E. 10th, 11th, Bradley, and Richmond Streets) and the southern block (bounded by E. 11th, 12th, Bradley, and Richmond Streets) to improve pedestrian connectivity within and through the development.

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).

Appellant Rebuttal - Argument #6, May 15, 2020: “Staff’s response does not address whether 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) have adequate sight distance and safe stopping distance (Table 2, as well as vision clearance requirements of Article 10.6.100). The draft traffic report does not address these issues either. Sight distance is analyzed only for the project access points, not any of the roads serving the subdivision and connecting it to Highway 197. Fremont and Old Dufur, in particular are narrow and in places winding and steep. Safety requires an analysis of the sight distances along these sections of roadway (and the safety

impacts of adding more traffic) before adding 69 new dwellings using these roads. The “draft” traffic report fails to address these issues. The only safety analysis in the record relates to crash reports at intersections, which tells us nothing about whether adding substantial additional traffic to roads without adequate sight distance will create a safety hazard along Fremont or Old Dufur.

Moreover, the City cannot rely on a “draft” traffic report based on an outdated plat map to make findings supporting approval of a subdivision. The traffic report must be a final stamped report based on the current design of the subdivision, and the Appellants are entitled to have an adequate opportunity to review and respond to the final stamped traffic report before a decision is made to approve the subdivision.”

Response to Appellants’ Rebuttal - Argument #6, June 11, 2020: The original draft of the TIS was submitted to City Staff on April 29, 2020. After initial review, Staff provided the Applicant with a list of modifications and additions to be further addressed. On May 18, 2020, prior to the May 21, Planning Commission hearing, the Applicant submitted a revised version of the TIS; however, Staff was unable to review and provide comment by the date of the hearing. On May 27, 2020, CDD Staff and the City Engineer discussed additional modifications and items that needed addressed with the Applicant and engineers for the TIS, DKS and Associates. On June 3, 2020, DKS distributed the completed TIS to the Applicant and CDD Staff for review. After further review, the City accepted the TIS on June 10, 2020. This final stamped document has been provided as an attachment (Appendix X) with this Staff Report.

The City of The Dalles Policy for Traffic Impact Studies (adopted in 2004) provides the guidelines and requirements for a TIS produced for use within the City of The Dalles. Prior to beginning the TIS, the City Engineer provided the Applicant with a copy of this document. The overall determination of study intersections is decided on by the Public Works Director and the City Engineer, and resembles practical usage of current roadway systems with direction of travel toward arterial and major collector streets. Due to the fact that the abutting intersections of the subject property are minor collector and local streets, the decision was made to study larger intersections outside of the immediate vicinity, which resulted in the study of all major collector study intersections. As detailed in the TIS, the intersection of Highway US 197 and Fremont Street was originally included in the list of study intersections, however, was ultimately removed. This intersection was removed as it is an Oregon Department of Transportation (ODOT) facility (US 197); therefore subject to ODOT’s Development Review Guidelines. The guidelines require that an analysis area must include intersections where the additional traffic created by the proposed development is greater than 10% of the current volume at the intersection. Using the estimated traffic generation counts of the subdivision, DKS was able to determine that the intersection would result in an increase of 4%, thus not required to be studied as part of the impact analysis, per ODOT. However, the City did require that the Fremont St. segment of the intersection be evaluated to determine the stacking and queue lengths as a result of the of the additional traffic generated by the development. Overall, the change would result in an intersection queue increase of 10’ between current conditions (2020) and future 2028 conditions.

Not only will all access to this development be required to meet American Association of State Highway and Transportation Officials (AASHTO) sight distance requirements, vision clearance areas shall be provided on all lots and parcels located at corner intersections of all streets, and at intersections of alleys with streets, to promote pedestrian, bicycle and vehicular safety, pursuant to 10.6.100.010 of TDMC. As stated in the TIS, the requirements of intersection sight distance are based on the speed of a roadway. All three abutting streets (E. 10th, 12th, and Richmond Streets) have speed limits of 25 mph, therefore, requiring a sight distance of 280’. Due to initial discussion regarding a vertical curve, or “blind hill” on E. 10th Street, the original location of Bradley Street was relocated to the crest of the vertical curve, maximizing the available sight distance. As

a result, the available sight distance at this access point exceeds the 280' requirement in both directions.

To further address the safety concerns of the vertical curve on E. 10th Street, Staff has included a condition that all parcels on E. 10th Street within 280' of the Bradley Street access point have deed recorded restrictions on access onto E. 10th Street. Although the TIS and project narrative state that there will be no direct access from individual parcels onto E. 10th Street due to driveway access from the alley, Staff determined this was an important safety measure in the event of any unforeseen modifications to the overall site plan of the subdivision.

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.

Appellant Rebuttal - Argument #7, May 15, 2020: *"Staff's response addresses one issue but there is more than just 75 feet from intersections at issue under the driveway standards in Sections 10.6.060.020 and 10.6.050.040."*

There is still a lack of findings and substantial evidence on other issues under these sections, such as width of driveways, spacing between driveways, maneuvering within street, rear lot development, etc., and all of this must be met in conjunction with the 60% maximum lot coverage standard discussed in Argument #3, above."

Response to Appellants' Rebuttal - Argument #7, June 11, 2020: As stated in the original project narrative for the subdivision application, the subdivision will provide alleyway access to all proposed parcels and maintain all driveway and covered parking to the rear of each parcel. For clarification, there will be no driveway access directly off of E. 10th, 11th, 12th, Bradley, or Richmond Streets. Additionally, the TIS provides that there will be no direct access from individual parcels onto E. 10th, 12th, and Richmond Streets.

The Access Standards of 10.6.050.040 provide spacing requirements for all street classifications within the City, including minor collectors (E. 12th Street) and Local/Residential Streets (E. 10th, 11th, Bradley, or Richmond Streets); this section provides no access standards for alleys. However, the Driveway and Entrance Standards of 10.6.060.020 have number and width requirements for all street designations within the City, as well as alleys. Width requirements of 10.6.060.020, B, 1, are determined by parcel street frontage as follows: 0'-50' = 20' maximum width, only one driveway permitted; 51'-100' = 24' maximum width, two driveways at 15' each; and over 100' = 24' maximum width, two driveways at 24' each. Staff determined from the revised Site Plan (Exhibit #), that all but four parcels (Lot #s 15, 37, 57, 60) have street frontages less than 50'. The additional four parcels have street frontages between 51'-100'. Additionally TDMC requires that no drive approaches be built closer than 5' from any property line; however, shared driveways of up to 30' in width may be allowed in residential zones with the approval of the City Engineer. Drive approaches are reviewed through a ministerial application process reviewed by both the CDD and Public Works, most commonly at the time of a building permit, to determine if number, width, placement, and angle of the approach complies with the TDMC. No residential rear lots are being proposed with this proposal.

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.

Appellant Rebuttal - Argument #8, May 15, 2020: *“The grade of the sidewalks will follow the grade of the adjoining streets. As shown in the attached Google street view photos, the property is not flat, and therefore the grade of sidewalks and ADA compliant curb ramps must be addressed at the preliminary plat review to determine whether those grades can be met given the proposed street layout.*

There is no evidence in the record of the grades of the sidewalks along the proposed streets. Under the LUBA caselaw discussed at the beginning of this memo, findings on this issue cannot be deferred to conditions without preliminary plans being reviewed during the public notice and comment preliminary plat approval process showing that it is feasible to meet these standards, given the proposed street layout and the slopes of the land involved. The applicant is not required to provide final engineering or construction plans at the preliminary plat stage, but preliminary plans are required showing the street and sidewalk grades and how the grade standards for sidewalks and curb ramps can be met given the proposed street layout. The findings and evidence are inadequate to meet this criterion.”

Response to Appellants’ Rebuttal - Argument #8, June 11, 2020: The Appellants are correct in that sidewalks follow the longitudinal grade of adjoining streets (parallel); however, ADA grade compliance is determined on the cross-slope (perpendicular) grade of a sidewalk, as well as the grades of ramps, landing pads, and transitional areas, to name a few. Due to the overall length of the subject property (~680’), the Applicant will have an expansive opportunity to address all ADA standards that may not be afforded to an in-fill development project with existing street improvements of varying conditions and specifications. In June 2019, The Dalles City Council adopted the Americans with Disabilities Act Transition Plan as an amendment to the updated TSP of 2017. The responsibility for implementing the ADA Transition Plan is managed by the ADA Plan Coordinator for the City, a licensed engineer within the Public Works Department Engineering Services Division. Review of all drive approaches, sidewalks, curbs, curb ramps, etc. are reviewed and approved by this division of the City.

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 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.”*

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.

Appellant Rebuttal - Argument #9, May 15, 2020: *“Staff misinterprets the code and the LUBA caselaw. The LUBA caselaw discussed at the beginning of this letter (that was also discussed in the Appellant’s notice of appeal) requires non-conclusory findings based on substantial evidence that all land use standards can be met. See Lowell v. Jackson County, 75 Or LUBA 251 (2017); 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).*

This LUBA caselaw requires non-conclusory findings based on substantial evidence that ALL land use standards can be met. That includes Section 10.7.060.010.”

Response to Appellants’ Rebuttal - Argument #9, Revision, June 11, 2020: Similar to the Appellants’ Arguments and Rebuttals #2 and #3, it appears the suggested requirement is for individual site plans to be submitted for each of the residential dwelling parcels to ensure that all requirements of Section 10.5.020.060 are met. The Appellants state that the small size of lots and relatively large sizes of dwellings and ADUs make it unclear that the two required off-street parking spaces can be provided for each parcel. TDMC does not have a definition of “small lots”, or whether a two-story, 1,800 square foot dwelling (the maximum square footage detailed on the Neighborhood Layout) is considered large. Staff was able to determine from the Neighborhood layout, that each of the proposed dwellings have at least a minimum 20’ rear yard (alley) setback, which is the minimum length of a driveway per TDMC. In addition, the argument fails to recognize the ability of off-street parking inside one of the proposed structures (attached garage, ADU with attached garage), as garages are calculated into off-street parking space counts.

The City will require that each of the parcels be reviewed individually through a ministerial application process reviewed by both the CDD and Public Works to ensure that the proposal complies with the requirements of TDMC. Review of each parcel to include but not limited to: landscaping, lot coverage, setbacks, parking, drive approaches and sidewalks, and available utilities.

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.

Appellant Rebuttal - Argument #10, May 15, 2020: *“Obviously there will be more than 50 cubic yards of grading to construct the proposed 69 lot subdivision and there is no evidence in the record to the contrary. 10.8.020.060.B states: “Planning Actions. Physical constraint permits which are part of either an administrative or quasi-judicial planning action shall be reviewed and decided by the approving authority per the appropriate provisions of either Section 10.3.020.040: Administrative Actions or Section 10.3.020.050: Quasi-Judicial Actions.” Thus, since the proposed subdivision is a quasi-judicial planning action being reviewed by the Planning Commission, the required Physical Constraints Permit must be reviewed through the same process. Condition #4 improperly defers the review of the Physical Constraints Permit to a future non-public engineering permit, which improperly deprives Appellants their right to review and comment on the application.”*

Response to Appellants’ Rebuttal - Argument #10, June 11, 2020: Section 10.9.040.050 states that “Construction drawings and specifications for public improvements are not required prior to subdivision application approval but are required prior to final subdivision plat review. This allows a developer to seek subdivision application approval prior to investing in public improvement engineering.” In the same way, a Physical Constraints Permit for a subdivision, which will include specifications for public improvements, are not required prior to subdivision

application approval. Section 10.8.020.010, B, does provide an Applicant the option for consolidated review of a Physical Constraints Permit and Subdivision Application, “Where the development is also subject to a site plan review, conditional use permit, subdivision, partition, planned development or other planning action, the physical constraints permit may, at the request of the applicant, be processed simultaneously with the planning action at no additional charge.” However, the Applicant has not requested consolidated review of any Physical Constraints Permits at this time.

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.

Appellant Rebuttal - Argument #11, May 15, 2020: *“The traffic study that was submitted is only an unsigned draft, and therefore cannot be relied on in order to support the application. A final stamped traffic study is required.*

Further, the draft study was done with counts made during the winter a week after the holidays on January 9, 2020, which is an off-peak season since The Dalles is a summer tourist destination. Therefore the study counts need to be redone during the summer months. In addition, the traffic study must be conducted during a time when there is no COVID-19 stay at home order in effect.

Staff incorrectly misinterprets the code to allow the traffic study to be reviewed ONLY by engineering staff during final platting and engineering review, but the traffic study is an integral element of a preliminary plat review. An adequate final stamped traffic study is required to be submitted during the preliminary plat review process where interested members of the public can review and comment on it. It cannot be hidden from public review and comment by deferring review of the traffic study to final plat review.

On this record, the application must be denied due to 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’ Rebuttal - Argument #11, June 11, 2020: See Response to Appellants’ Rebuttal - Argument #6, June 11, 2020.

Concerns from the public and Appellants were raised regarding accuracy of the traffic counts, due to the time of day and month at which the counts took place, with requests for the traffic counts to be performed in the summer months. Traffic counts for the TIS were collected on Thursday, January 9, 2020, between the hours of 4pm and 6pm. It was a typical workday with school in session, with no reported precipitation and a temperature high of 44° F. As suggested in the City of The Dalles Policy for Traffic Impact Studies, PM peak hours should be evaluated if a development does not include land uses with unique trip generation patterns, and is recognized in the Institution of Transportation Engineers (ITE) Trip Generation Manual as having a higher traffic volume than AM peak hours. The manual states that single family homes generate approximately 30% more traffic during the PM peak hours.

Complete methodology for conducting and interpreting a TIS is provided in The Dalles Policy for Traffic Impact Studies. One reason for determining traffic counts is to have a better understanding of the impact a new development will have on intersection operations. One of the commonly used performance measures is Level of Service (LOS), which is required of all TIS for the City of The Dalles. This is a rating system (A through F) based on average delay at an intersection; with A-C representing traffic flows without significant delay during peak hours, D and E are progressively worse, and F representing excessive delay with demand exceeding capacity, essentially a “fail”. The City requires a minimum of LOS D for all signalized and un-signalized intersections. Findings from the TIS determined that all of the study intersections are operating at an LOS between A and B, with future projections in 2023 and 2028 resulting in operations in the same range.

Although Staff and DKS agree that the time of day and month at which the counts took place were sufficient for the study, an additional “Sensitivity Analysis” was performed and included as Appendix G of the TIS. This hypothetical study was conducted to determine if a manual increase in collected traffic counts would result in the study intersections still meeting the City’s operating standard (LOS D). By increasing the volume percentage at each intersection, the Sensitivity Analysis was able to determine the level of increase as which an intersection would exceed City operating standards. Even when increased by 160%, all three study intersections would continue to operate with less delay than City standards. For reference, when adjusting for seasonal variations, traffic volumes should not be increased by more than 30%, per the ODOT Analysis Procedures Manual.

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.

Appellant Rebuttal - Argument #12, May 15, 2020: *“For the same reasons discussed in Appellant’s Rebuttal under Argument #11, which are incorporated herein rather than being repeated, Section 10.10.060.A.5.b requires a traffic study. A traffic study is required in order to determine what the traffic impacts of the proposed subdivision will be, which in turn is required in order to determine what street and other infrastructure improvements are needed in order to mitigate those impacts. Under the relevant LUBA caselaw cited above, all of this must be reviewed during preliminary plat review and cannot be deferred into the final plat review where there is no public review and comment.*

Further, sidewalk improvements should be required along E. 12th Street all the way to Bradley Street to provide pedestrian connectivity. See Argument #5, above.

Finally, this review must be based on a final stamped traffic report, not an unsigned draft. The application cannot be approved until a final traffic report is submitted addressing all of these issues and the public has had a chance to review and comment on the final traffic report.”

Response to Appellants’ Rebuttal - Argument #12, June 11, 2020: See Response to Appellants’ Rebuttal - Argument #11, June 11, 2020.

Appellants’ Argument #12 states that sidewalk improvements should be required along E. 12th Street all the way to Bradley Street, however, specifics of that requirement were not included. Presumably, Appellants are suggesting that sidewalk improvements be required to the nearest existing sidewalks on E. 12th Street. Whether the Appellants are requesting one or both sides of

the street for sidewalk improvements is also not addressed in Appellants' rebuttal. Using City sidewalk inventory within GIS, Staff determined that the nearest existing sidewalk is located ~1,400' from Bradley Street; however, continuous sidewalks do not begin until the western side of E. 12th and Thompson Streets, ~2,800' from Bradley Street. Staff requires additional clarification regarding the level of improvements being sought by the Appellants. Staff notes that any improvements sought by the Appellants must meet the "essential nexus" and "rough proportionality" tests set forth in *Dolan v. City of Tigard* and *Nollan v. California Coastal Commission*.

As noted above, information on the specifics of the Appellants' request for sidewalk improvements along E. 12th Street all the way to Bradley Street is required before Staff can provide an accurate response. For reference, Staff is providing information regarding current conditions and a brief explanation of sidewalk improvement requirements for these conditions. The nearest sidewalk from Bradley Street is ~1,400' at 2603 E. 12th Street, and includes a group of standalone "sidewalk islands", disconnected from the existing sidewalk system at Thompson St, ~900' to the west. The 1,400' distance is 37% of the total street frontage required to be installed at the development (~3,543'). Staff questions if this location for the sidewalk extension is enough to satisfy the pedestrian connectivity concerns raised by the Appellants. If it is the intent of the Appellants to require that sidewalk improvements extend to Thompson Street, Staff has provided that this span is 2,800' from Bradley Street, or 75% of the total new street frontage required by the development; however, ~375' of sidewalk currently exists at the "sidewalk islands" previously mentioned.

Additionally, while Appellants' request suggests that sidewalk improvements should be required, the extent of these improvements are entirely dependent on the existing conditions on this stretch of ROW. Currently, the only curb line established on E. 12th Street is at the previously mentioned "sidewalk islands." Therefore, the Applicant would be required to survey and engineer the entire stretch of ROW for the requested improvements. This would involve truly defining the north and south edges of the E. 12th Street ROW, which is 60' in width, not the 20' to 24' of physical street pavement. As a result, 26' to 30' of existing ROW obstructions (fences, landscaping, sheds, walls, driveways, etc.) on all abutting properties would ultimately require removal to accommodate this sidewalk. These obstructions are quite visible along this section of E. 12th Street, with example of actual sidewalk locations abutting perceived front yard boundaries at the western property line of 2521/2523 E. 12th Street, clearly depicting the dead-end sidewalk that would be continued down the entire stretch of requested sidewalk improvements (Appendix XIV). After discussing this request with the City Engineer, additional requirements would include, but not be limited to, addressing storm water flow, paving the remaining 26'-30' of existing pavement to the edge of the new curb line, as well as the likelihood of installing retaining walls on parcels closer to Thompson Street. As mentioned, additional information will need to be submitted to fully address the request to extend sidewalks and sidewalk improvements along E. 12th Street all the way to Bradley Street.

Further, excluding the installations and associated improvements of the actual new street system, E. 11th and Bradley Streets, the development will be providing around ~3,543'² of new street frontages and improvements. In addition, ~198'³ of sidewalks along the entire street of frontage of the single-family dwelling parcel at 2845 E. 12th St. (under separate ownership) are required to be installed to the existing pavement edge, as off-site improvements deemed necessary for the development. Due to the installation of all ROW improvements, the City determined that the ~198' of sidewalks should be installed for pedestrian connectivity throughout the development. Staff has

² Length dimensions determined from site plan: $[(159.07' \times 2) + 227.12'] + [(492.68' \times 2) + (227.12' \times 2)] + [(452.11' \times 2) + (227.93' \times 2) + 197.57'] = 3,542.51'$

³ Length dimension of 2845 E. 12th Street (197.57'), the existing single-family dwelling at the southwest corner of the subject property

included as a condition of approval that sidewalks be installed along the frontage of 2845 E. 12th Street.

Finally, regarding the lack of improvements in the subject area; i.e., sidewalk connectivity, Staff notes that pursuant to Oregon House Bill 3479 from the 2013 Regular Session, the City is restricted from requiring street improvements on minor partitions (3 lots or less) and one and two family dwelling development. Therefore, improvements that were previously required of all partitions prior to the passing of House Bill 3479 are no longer required. The City of Portland Bureau of Transportation (“City of Portland”) and the City of Springfield Department of Development and Public Works (“City of Springfield”) opposed House Bill 3479. Specifically, in a letter dated April 10, 2013, the City of Portland stated that HB 3479 would “degrade the City’s ability for system capacity improvements related to growth.” See Appendix XII, page 1. Similarly, in a letter dated April 11, 2013, the City of Springfield stated that HB 3479 would “create serious problems for the orderly administration of System Development Charges.” See Appendix XIII, page 1.

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.”*

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.

Appellant Rebuttal - Argument #13, May 15, 2020: *“Sidewalk improvements should be required along E. 12th Street all the way to Bradley Street to provide pedestrian connectivity. See Argument #5, above. In addition, there is still a lack of findings and evidence relating to the safety for pedestrians walking along the streets and roads serving the proposed subdivision to and from the proposed subdivision. The traffic report acknowledges a lack of sidewalks in the area but there is no analysis of whether it is safe for pedestrians to navigate these mostly rural roads without sidewalks.*

Final engineering and construction design of sidewalks can be deferred until final platting and engineering review, but the basic requirement that the overall grades of proposed sidewalks and curb ramps in the proposed subdivision, as well as the safety of pedestrians walking to and from the proposed subdivision on the surrounding roads is not an issue that can be deferred until final platting and engineering review. Issues such as whether the proposed pedestrian routes to and from the subdivision and within the subdivision can be made safe must be addressed during the public notice and comment preliminary plat review process.”

Response to Appellants’ Rebuttal - Argument #13, June 11, 2020: See Response to Appellants’ Rebuttal - Argument #12, June 11, 2020 and Response to Appellants’ Rebuttal - Argument #10, June 11, 2020.

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.

Appellant Rebuttal - Argument #14, May 15, 2020: *“As discussed in the Applicant’s Response under Argument #13, above, there is still a lack of findings and evidence relating to the safety for pedestrians walking along the streets and roads serving the proposed subdivision as well as to and from the proposed subdivision. Final engineering and construction design of sidewalks can be deferred until final platting and engineering review, but the basic requirement that the locations and overall grades of proposed sidewalks, as well as the safety of pedestrians walking to and from the proposed subdivision is not an issue that can be deferred until final platting and engineering review. Issues such as whether the proposed pedestrian routes to and from the subdivision and within the subdivision can be made safe must be addressed during the public notice and comment preliminary plat review process. Until these issues are adequately addressed the application must be denied.”*

Response to Appellants' Rebuttal - Argument #14, June 11, 2020: See Response to Appellants' Rebuttal - Argument #12, Revision, June 11, 2020 and Response to Appellants' Rebuttal - Argument #10, Revision, June 11, 2020.

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.

Appellant Comments - Argument #15, May 15, 2020: *“Appellant agrees that Argument #15 has now been addressed.”*

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.

Appellant Rebuttal - Argument #16, May 15, 2020: *“The problem with staff’s proposed findings and conditions is that the basic findings that the public facilities can be made adequate to serve the proposed subdivision cannot be deferred into the final platting process. Additionally, all required utilities for the proposed subdivision should be placed underground. The preliminary utility plans that were submitted with the application do not include all utilities and have not been updated to reflect the changes to the preliminary plat, including the relocation of Bradley Street and the community park.”*

Appellants have the right to review complete and updated preliminary utility plans during the public notice and comment process.

There must be findings based on substantial evidence that the public facilities serving the proposed subdivision are adequate or can be made adequate. There is a complete lack of findings and evidence on these issues. Therefore the application must be denied.”

Response to Appellants' Rebuttal - Argument #16, June 11, 2020: A pre-application meeting (Site Team) was held on August 8, 2019, with the development team, and representatives from the City, County, Mid-Columbia Fire and Rescue, NW Natural Gas, Northern Wasco County PUD (NWCPUD), and QLife. With the oversight from professionals and engineers from each of the agencies involved, the information provided to the Applicant at this stage was used to guide the

development of the subdivision with utility requirements and engineering standards for the level of service increase this development will incur. Each of these agencies will require that any modifications made to their existing lines be reviewed, inspected, and approved in accordance with established standards and regulations. As discussed in previous findings and conditions, complete City utilities will be required to each of the parcels in the subdivision. This will require that the developer extend the main lines of water, sewer, and storm sewer to the subject property to accommodate the development. Pursuant to City standards, each of these lines will be located underground.

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.

Appellant Rebuttal - Argument #17, May 15, 2020: *“Again, the problem with staff’s proposed findings and conditions is that the basic findings that the public facilities can be made adequate to serve the proposed subdivision cannot be deferred into the final platting process. There must be findings based on substantial evidence that the public facilities serving the proposed subdivision are adequate or can be made adequate. There is a complete lack of findings and evidence on these issues. Therefore the application must be denied.”*

Response to Appellants’ Rebuttal - Argument #17, June 11, 2020: As mentioned in the previous response, the original proposal for the development was discussed in detail at Site Team on August 8, 2019, with the development team and representatives from the City, County, Mid-Columbia Fire and Rescue, NW Natural Gas, NWCPUD, and QLife. With the oversight from professionals and engineers from each of the agencies involved, the information provided to the Applicant at this stage was used to guide the development of the subdivision with utility requirements and engineering standards for the level of service increase this development will incur. Each of these agencies will require that any modifications made to their existing lines be reviewed, inspected, and approved in accordance with established standards and regulations. As discussed in previous findings and conditions, complete City utilities will be required to each of the parcels in the subdivision.

NWCPUD provided comment on the location of overhead power at the intersection of East 10th Street as well as Richmond and East 12th Streets. All frontages will be required to record a 10’ public utility easement for future undergrounding. NW Natural located a gas line within 150’ of the subject property; therefore, a main line extension will be required to accommodate the development.

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.

No Appellant Rebuttal provided.

COMMENTS (APL 030-20): No comments concerning Appeal No. 030-20 were received by the time the original APL 030-20 Staff Report was published; however, comments were received prior to the May 21, 2020 Planning Commission hearing. These comments were provided as public record. Due to the continuation of the Planning Commission hearing, the record will remain open and allow for additional comments to be received until the June 18, 2020 Planning Commission hearing.

Staff has provided a list of each of these comments, and have included them as an attachment to this Staff Report:

- Wasco County Planning Department
- Steve C. Morasch
- Steve Stroud, no address provided
- Brian Grubbs, no address provided
- Kay Havig – 3015 E. 12th St. | TD, OR 97058
- Timothy L. Sipe – 1105 Morton St. | TD, OR 97058
- Harley and Nancy Fork – 2925 and 2921 E. 10th St. | TD, OR 97058
- Denise Dietrich Bokum – 2735 E. 12th St | TD, OR 97058
- Kelsey Fork and Seth Rogan – 2921 E. 10th St | TD, OR 97058
- Steve Murray, no address provided
- Karen Gartland Murray - 2645 E. 11th St. | TD, OR 97058
- Robert and Jozetta Schultens – 2637 E. 10th St. | TD, OR 97058
- Dan Meader, Senior Planner: Tenneson Engineering Corporation – 3775 Crates Wy. | TD, OR 97058
- Anne Radford, no address provided
- Aryn Rasmussen, Airport Manager: Columbia Gorge Regional Airport, no address provided (email correspondence between Rasmussen and Chandler)
- Seth Thompson, Aviation Planner: Oregon Department of Aviation, 3040 25th Street, SE | Salem, OR 97032 (email correspondence between Rasmussen and Thompson)
- Seth Thompson, Aviation Planner: Oregon Department of Aviation, 3040 25th Street, SE | Salem, OR 97032
- T.S. "Max" Platts, Aviation Planner: WSDOT Aviation Division, no address provided (email correspondence between Rasmussen and Platts)

TRAFFIC IMPACT STUDY – FINDINGS: Pursuant to the Conditions of Approval set forth in the Notice of Decision for SUB 74-19, the Applicant was required to submit a TIS for the proposed subdivision, with methodology in accordance with standard engineering practices. The original draft of the TIS was submitted to City Staff on April 29, 2020. After initial review, Staff provided the Applicant with a list of modifications and additions requested to be further addressed. On May 18, 2020, prior to the May 21, Planning Commission hearing, the Applicant submitted a revised version of the TIS; however, Staff was unable to review and provide comment by the date of the hearing. On May 27, 2020, CDD Staff and the City Engineer discussed additional modifications

and items that needed addressed with the Applicant and engineers for the TIS, DKS and Associates. On June 3, 2020, DKS distributed the completed TIS to the Applicant and CDD Staff for review. After further review, the City accepted the TIS on June 10, 2020. This final stamped document has been provided as an attachment (Appendix X) with this Staff Report.

Upon initial review, City Staff created a list of requested modifications to be included in the TIS, which included: land use classifications and terms consistent with TDMC, clear designations of all “access points” as such (removing the use of term “driveways”), addressing concerns of the vertical curve “blind hill” on E. 10th Street, as well as various other minor points of clarification. The determination of the TIS was that all study intersections are proposed to continue operating at a LOS of A/B, which meets the City’s standards for LOS of an intersection. Overall, the development is expected to create approximately 82 peak hour trips. By implementing a “Sensitivity Analysis”, DKS was able to determine if a manual increase in collected traffic counts would result in the study intersections still meeting the City’s operating standard (LOS D). Their results found that even when increased by 160%, all three study intersections would continue to operate with less delay, or LOS, than City standards.

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” was 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.
24. To improve the pedestrian and bicycle connectivity, the Applicant will be required to establish a permanent pedestrian/bicycle through pathway, no less than 10' in width, though the northern block (bounded by E. 10th, 11th, Bradley, and Richmond Streets) and the southern block (bounded by E. 11th, 12th, Bradley, and Richmond Streets).
25. To address safety concerns at the vertical curve, "blind hill", on E. 10th Street, all parcels on E. 10th Street within 280' of the Bradley Street access point shall be prohibited by recorded deed from access onto E. 10th Street to ensure sight distance clearance.
26. To promote pedestrian connectivity, the Applicant will be required to install sidewalks up to the existing pavement edge along the frontage of 2845 E. 12th Street.

**The following attachments were included in the APL 030-20 Staff Report dated May 11, 2020, and are incorporated herein by reference.*

ATTACHMENTS (May 11, 2020):

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

All comments not included in the previous report, and received prior to the date of this publication, have been included as attachments to this report.

ATTACHMENTS (June 11, 2020):

Appendix IX – Comments received (May 12, 2020 – June 11, 2020)

Appendix X – The Grove Subdivision: Traffic Impact Study

Appendix XI – Revised Site Plan and Neighborhood Layout

Appendix XII – Letter in Opposition to HB 3479, the City of Portland Bureau of Transportation, April 10, 2013

Appendix XIII – Letter in Opposition to HB 3479, the City of Springfield Department of Development and Public Works, April 11, 2013

Appendix XIV – Photographs: 2521/2523 E. 12th Street

Appendix XV – Certified Mail Receipts (Airport Manager: Columbia Gorge Regional Airport, Oregon Department of Aviation, WSDOT Aviation Division)


CITY of THE DALLES

 313 COURT STREET
 THE DALLES, OREGON 97058

 (541) 296-5481 ext. 1125
 COMMUNITY DEVELOPMENT DEPARTMENT

Memorandum

To: Planning Commission

From: Joshua Chandler

Date: July 2, 2020

Re: Appeal 030-20 to Subdivision 074-19, Legacy Development Group
 July 2, 2020 Planning Commission Meeting

As mentioned in the memorandum included with the Planning Commission Agenda Packet published June 25, 2020, Staff consulted the Oregon Department of Transportation (ODOT) and Kittelson & Associates, Inc. (K & A) to review the following documents regarding issues with both the Traffic Impact Study (TIS) and Transportation System Plan (TSP):

- Traffic Impact Study for The Grove subdivision produced by DKS Associates
- The City of The Dalles Transportation System Plan
- The City of The Dalles Policy for Traffic Impact Studies, and
- Memorandum from H. Lee & Associates, PLLC (HLA), traffic engineer for the Appellants, received on June 17, 2020.

The TSP was prepared by K & A, in association with Angelo Planning Group in 2017, while the US 197/Fremont Street intersection is an ODOT facility. Staff met with Susan Wright, PE, PMP, of K & A on June 26, 2020, and with Don Morehouse and Mark Barrett of ODOT on July 1, 2020. Attached to this memorandum are comments from both K & A and ODOT, as well as additional traffic counts of the US 197/Fremont intersection provided by DKS that were mentioned on Page 12 of the TIS, but were not included in the Appendix of the study.

A list of the attachments are below (*attachment numbers have been continued from APL 030-20 Staff Reports dated May 11, 2020 and June 5, 2020*):

- Appendix XVI – Susan Wright, PE, Kittelson & Associates, Memorandum; dated July 1, 2020
- Appendix XVII – Don Morehouse, ODOT, Email; dated July 1, 2020
- Appendix XVIII – Traffic Counts: Hwy 197 and Fremont Street, January 9, 2020; provided by DKS Associates on July 1, 2020

In addition, no modifications have been made to Conditions #8 and #23 of the APL 030-20 Staff Report, dated June 5, 2020, as was discussed at the June 18, 2020 Planning Commission meeting. After further discussions with the above mentioned parties, Staff has determined that no additional TIS or traffic counts need to be conducted for the proposed development, as the findings of the TIS produced by DKS provide an adequate assessment for the proposal. Additionally, after further discussions with legal counsel, Staff has determined that review of final plans by the Planning Commission is not advised because a final decision on the land use application must be made prior to the acceptance of said plans.

MEMORANDUM

Date: July 1, 2020 Project #: 25343

To: Dale McCabe
City of The Dalles
1215 W 1st Street
The Dalles, OR 97058

From: Susan Wright, PE (OR #65119PE)

Project: The Grove Subdivision

Subject: Traffic Impact Study Review

Kittelison & Associates, Inc. prepared the City's 2017 Transportation System Plan (TSP) and has peer reviewed a traffic impact study prepared for the Grove subdivision from a TSP perspective. The following summarizes our comments related to The Grove Subdivision's Traffic Impact Study (TIS) with regard to consistency with the TSP as well as specific issues raised by H. Lee & Associates.

Study Intersections

The City's Policy for Traffic Impact Studies does not specify the study area for a TIS, allowing the City Engineer to exercise scoping discretion considering the location and context of each development review application. Based on our review, The Grove Subdivision TIS study area is appropriate and consistent with general industry practice.

Some common practices are to include intersections impacted by 50 or more peak hour trips or intersections impacted with a 10% or more increase in traffic volumes on an individual approach. The study intersections assessed in the Grove Subdivision TIS align with common practice.

Traffic Volumes

Analysis of the weekday p.m. peak hour is the most appropriate time period to evaluate traffic conditions in the study area as compared to the afternoon.

The City's Policy for Traffic Impact Studies identifies the typical peak hour of traffic operations as being between 4:00 p.m. and 6:00 p.m. while noting that each site and use should be evaluated to determine if there are circumstances which make the peak hour occur at other times. The Policy further notes that extended turning movement counts may be performed to determine the most appropriate time for analysis.

Relative to the Grove Subdivision TIS, the need for traffic counts during other periods can be considered from two perspectives.

- First, traffic counts collected for the TSP over multiple hours throughout the City of The Dalles show that the weekday p.m. peak hour is the peak hour of traffic in The Dalles. Traffic counts collected for the TSP at the Thompson Street/E 10th Street intersection show steady traffic volumes from 2 p.m. through 6 p.m.; however, 5 p.m. to 6 p.m. was the peak time period at that intersection.
- Second, residential development experiences higher peak trip generation during the weekday p.m. peak hour compared to the weekday a.m. peak hour. For comparison purposes, national average trip rates for single family detached housing published in the *Trip Generation Manual, 10th Edition* (published by the Institute of Transportation Engineers in 2017) indicate that the weekday a.m. peak hour trip generation of a home is approximately 74 percent of the weekday p.m. peak hour trip generation.

Based on the considerations above, we conclude that the p.m. peak hour is both the appropriate and most conservative time period to evaluate traffic impacts of a residential development in this area.

Traffic volumes collected in January should be seasonally adjusted to estimate the peak traffic month of the year which is July based on the Oregon Department of Transportation's (ODOT's) Automatic Traffic Counters in the area. The analysis in the Grove Subdivision TIS adequately addresses seasonal fluctuations in traffic.

The adjustment based on trends along Highway 30 indicate an approximately 60% increase in volumes from January to July; however, the seasonal swings in traffic experienced are typically lower on local roads compared to state highways (commuter travel patterns of individual residents tend not to vary much by time of year whereas state highways tend to be more heavily influenced by recreational travel patterns, seasonal harvest patterns, etc.). The operations sensitivity analysis presented in the TIS Appendix G indicates that the study intersections would operate acceptably with an adjustment of well over 60%.

H. Lee & Associates notes that the TIS sensitivity analysis did not evaluate queueing at the US197/Fremont Street intersection and the ODOT Analysis Procedures Manual indicates that seasonal factors greater than 30% should be avoided. Based on our review, the proposed subdivision's trip impact at this intersection was anticipated within the TSP (see following section) and would not cause the intersection to exceed a standard or threshold applicable to a land use allowed by existing zoning. Further, while the ODOT Analysis Procedures Manual indicates that seasonal factors greater than 30% should ideally be avoided, the ODOT document does not state they shall be avoided. The sensitivity analysis presented in the TIS clearly demonstrates that the intersection performs acceptably even with application of a large (60%) adjustment.

Area Growth Assumptions in the TSP

The number of units assumed in The Grove Subdivision is consistent with the growth assumptions for the area assumed in the TSP.

The TSP assumed an increase of approximately 350 additional housing units within the area southeast of Thompson Road and Old Dufur Road as shown in Figure 1 and Table 1 below.

Figure 1 Future Residential Household (Unit) Increases Assumed in TSP

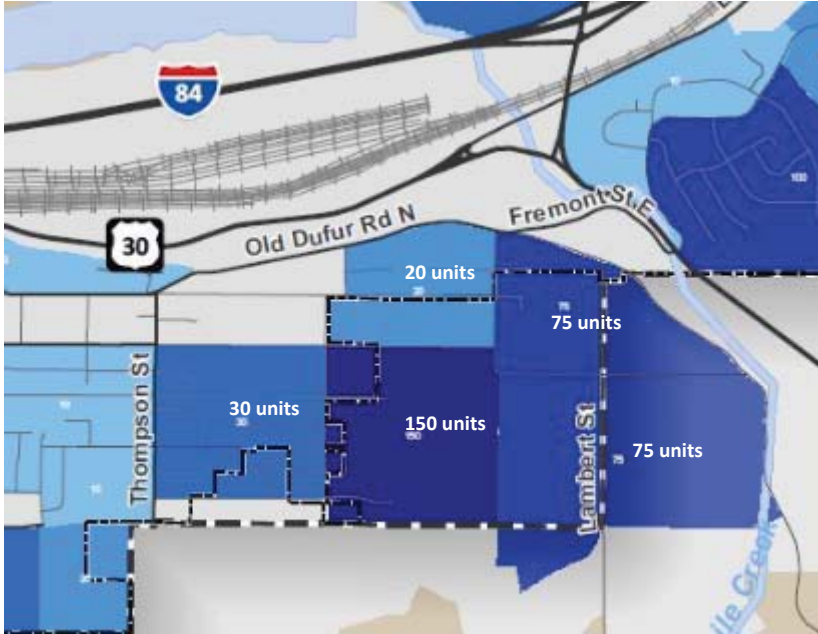


Table 1 TSP Household Assumptions by Transportation Analysis Zone (TAZ)

TAZ Number	Households 2010	Households 2036	Increase in Households
106	20	170	150
528	38	58	20
529	111	141	30
530	33	108	75
531	13	88	75
TOTAL	215	565	350

The estimated 350 additional housing units assumed within this area reflect a projection of potential 20-year growth the sub-area per the City Comprehensive Plan. **The TSP growth assumptions by TAZ reflect a planning level assessment that is not binding, does not impact the underlying zoning, and does not act as a restriction on the growth potential for specific properties or for the area.** The TSP assessed transportation infrastructure needs to accommodate the 20-year growth forecast. Inevitably some areas develop faster than others for a variety of factors and, for this reason, TSPs are updated every 5-10 years to address changing growth patterns and projections. The proposed 80-unit subdivision is a permitted

use that was anticipated within the projected growth in the TSP for the area. Development of 80 homes represents approximately 23% of the TSP assumed growth for the subarea and is commensurate with the city being roughly 25% into their TSP planning horizon by 2022.

US197/Fremont Street Columbia Drive Safety Impact

The TSP Existing Conditions Memo (Tech Memo #3) provided an assessment of safety considerations. Tech Memo #3 utilized the critical crash rate method to identify study intersections that warrant further investigation and may represent opportunities to reduce crash frequency and severity. The Critical Crash Rate method is recommended by ODOT and is consistent with guidance in Part B of the Highway Safety Manual (HSM). The critical rate method establishes a threshold for comparison among intersections with similar numbers of approaches and similar traffic control. Other intersections that US 197/Fremont Street/Columbia Drive was compared to include the US 197/I-84 ramps, I-84/Brewery Overpass Road ramps, US 30/Brewery Overpass Road, and I-84 WB Ramp/River Road, among others. **Being over the critical rate signifies more crashes are occurring at a location than would be expected when comparing the intersection to other similar intersections within the study area but does not indicate that the intersection is exceeding a standard or threshold in the City's development code.**

Based on the critical crash rate assessment, US 197/Fremont Street/Columbia Drive was identified for additional study to identify safety enhancements. Potential safety enhancements identified in the TSP include sign upgrades, rumble strips, and dynamic message signage in the cost-constrained TSP project list as well as construction of an overpass in the long-term/financially unconstrained plan. During the TSP development it was noted that ODOT's All Roads Transportation Safety (ARTS) program had programmed sign upgrades at the intersection to address some of the safety issues at the intersection.

State and federal court cases have consistently found that development mitigation must be proportional to a given land use development's impact. Requiring implementation of the TSP-identified safety improvements for the US 197/Fremont Street/Columbia Drive intersection would not be proportional to an 80-unit residential subdivision and thus cannot be considered by the City.

The City's Transportation System Development Charges (TSDCs) are the primary mechanism for development to contribute a proportional share to planned future improvements where their impact is incremental. TSDC payment will be required of the proposed development as is standard for all residential development in the City.

Summary

Based on our review, we find that The Grove Subdivision's TIS was prepared in accordance with the City's Policy for Traffic Impact Studies and offers an appropriate assessment on which the City can complete its standard development review process. Our review further found that the City's TSP anticipated development of residential housing in the area of the proposed development site and that the long-term transportation plan for the area can accommodate the proposed use. Finally, we note the proposed

development will be assessed a proportional share contribution to the City's long-term transportation system needs reflective of its trip impact per the standard Transportation System Development Charges assessed by the City. Based on our review of the TIS, issues raised by H. Lee & Associates, and the City's Policy for Traffic Impact Studies, we conclude that the TIS is adequate and that no further transportation analysis should be required.

If you have any further questions related to this issue, please call me at (503) 535.7432 or e-mail me at swright@kittelson.com.

Joshua Chandler

From: Dawn Hert
Sent: Wednesday, July 01, 2020 5:02 PM
To: Paula Webb; Joshua Chandler
Subject: FW: CDD/The Grove TSP and TIS Discussion

Follow Up Flag: Follow up
Flag Status: Flagged

From: MOREHOUSE Donald [mailto:Donald.MOREHOUSE@odot.state.or.us]
Sent: Wednesday, July 1, 2020 4:42 PM
To: Dawn Hert <dhert@ci.the-dalles.or.us>
Cc: Dale McCabe <dmccabe@ci.the-dalles.or.us>; Joshua Chandler <jchandler@ci.the-dalles.or.us>; DEHART Brad <Bradley.K.DEHART@odot.state.or.us>; JOHNSON Shane R <Shane.R.JOHNSON@odot.state.or.us>; PETERS Scott <Scott.PETERS@odot.state.or.us>; CIMMIYOTTI Patrick N <Patrick.N.CIMMIYOTTI@odot.state.or.us>; AMITON David <David.AMITON@odot.state.or.us>; BARRETT Mark S <Mark.S.BARRETT@odot.state.or.us>; MCCARROLL Joel R <Joel.R.MCCARROLL@odot.state.or.us>; KNITOWSKI David <David.KNITOWSKI@odot.state.or.us>; ODOT Reg 4 Planning Manager <ODOTR4PLANMGR@odot.state.or.us>
Subject: RE: CDD/The Grove TSP and TIS Discussion

Hi Dawn,

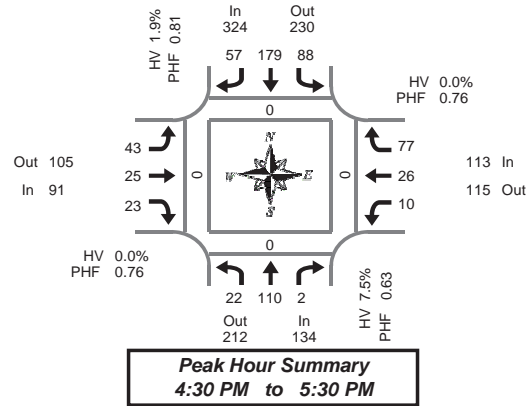
Thank you for the phone call with Mark Barrett and I earlier this afternoon. The Grove Subdivision (SUB 74-19) proposal is "off-system" from an ODOT access management perspective and currently zoned appropriately. ODOT concurs with the revised traffic impact study (TIS) dated June 3, 2020. Thanks,

Don Morehouse
 Senior Transportation Planner
 ODOT Region 4
 Desk: (541) 388-6046
 Personal Cell: (805) 458-3320
 Work Cell: (541) 233-6558
Donald.Morehouse@odot.state.or.us

***I will be working from home for the week of June 29-July 3:*

- *Monday - Thursday (7:30AM-5:00PM)*
- *Friday - (7:30AM-11:30AM)*

Total Vehicle Summary



Hwy 197 & Fremont St

Thursday, January 09, 2020
4:00 PM to 6:00 PM

5-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Hwy 197				Southbound Hwy 197				Eastbound Fremont St				Westbound Fremont St				Interval Total	Pedestrians Crosswalk				
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West	
4:00 PM	1	10	0	0	9	16	4	0	6	2	0	0	0	3	8	0	0	59	0	0	0	0
4:05 PM	4	7	0	0	8	12	3	0	7	1	2	0	0	2	8	0	0	54	0	0	0	0
4:10 PM	4	10	0	0	3	7	6	0	2	3	1	0	0	1	8	0	0	45	0	0	0	0
4:15 PM	5	13	0	0	4	13	5	0	5	2	1	0	0	2	6	0	0	56	0	0	0	0
4:20 PM	4	8	0	0	7	11	3	0	4	1	2	0	0	3	5	0	0	48	0	0	0	0
4:25 PM	1	10	0	0	5	14	5	0	9	2	0	0	0	1	6	0	0	53	0	0	0	0
4:30 PM	2	13	0	0	3	6	5	0	3	1	2	0	1	1	8	0	0	45	0	0	0	0
4:35 PM	2	6	0	0	5	18	1	0	5	2	3	0	1	5	11	0	0	59	0	0	0	0
4:40 PM	0	15	1	0	3	19	3	0	4	4	3	0	0	2	5	0	0	59	0	0	0	0
4:45 PM	5	15	0	0	8	12	3	0	4	4	1	0	1	1	8	0	0	62	0	0	0	0
4:50 PM	6	11	0	0	6	12	4	0	3	1	0	0	0	0	6	0	0	49	0	0	0	0
4:55 PM	1	4	0	0	7	15	2	0	3	2	1	0	1	1	6	0	0	43	0	0	0	0
5:00 PM	3	8	0	0	9	23	2	0	0	1	4	0	0	1	4	0	0	55	0	0	0	0
5:05 PM	1	9	0	0	9	13	7	0	4	0	2	0	2	2	3	0	0	52	0	0	0	0
5:10 PM	0	8	0	0	6	15	8	0	2	3	2	0	0	4	8	0	0	56	0	0	0	0
5:15 PM	2	8	0	0	10	15	6	0	4	3	3	0	4	4	9	0	0	68	0	0	0	0
5:20 PM	0	4	1	0	16	12	7	0	3	3	1	0	0	2	6	0	0	55	0	0	0	0
5:25 PM	0	9	0	0	6	19	9	0	8	1	1	0	0	3	3	0	0	59	0	0	0	0
5:30 PM	0	5	0	0	5	12	4	0	2	2	0	0	1	2	3	0	0	36	0	0	0	0
5:35 PM	0	8	0	0	7	12	5	0	4	2	0	0	0	2	5	0	0	45	0	0	0	0
5:40 PM	1	4	0	0	10	13	5	0	5	0	2	0	1	0	6	0	0	47	0	0	0	0
5:45 PM	1	5	0	0	3	12	2	0	2	2	3	0	0	1	5	0	0	36	0	0	0	0
5:50 PM	1	2	0	0	5	13	4	0	1	6	0	0	0	0	4	0	0	36	0	0	0	0
5:55 PM	0	5	0	0	2	11	4	0	1	1	1	0	1	1	2	0	0	29	0	0	0	0
Total Survey	44	197	2	0	156	325	107	0	91	49	35	0	13	44	143	0	0	1,206	0	0	0	0

15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Hwy 197				Southbound Hwy 197				Eastbound Fremont St				Westbound Fremont St				Interval Total	Pedestrians Crosswalk				
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West	
4:00 PM	9	27	0	0	20	35	13	0	15	6	3	0	0	6	24	0	0	158	0	0	0	0
4:15 PM	10	31	0	0	16	38	13	0	18	5	3	0	0	6	17	0	0	157	0	0	0	0
4:30 PM	4	34	1	0	11	43	9	0	12	7	8	0	2	8	24	0	0	163	0	0	0	0
4:45 PM	12	30	0	0	21	39	9	0	10	7	2	0	2	2	20	0	0	154	0	0	0	0
5:00 PM	4	25	0	0	24	51	17	0	6	4	8	0	2	7	15	0	0	163	0	0	0	0
5:15 PM	2	21	1	0	32	46	22	0	15	7	5	0	4	9	18	0	0	182	0	0	0	0
5:30 PM	1	17	0	0	22	37	14	0	11	4	2	0	2	4	14	0	0	128	0	0	0	0
5:45 PM	2	12	0	0	10	36	10	0	4	9	4	0	1	2	11	0	0	101	0	0	0	0
Total Survey	44	197	2	0	156	325	107	0	91	49	35	0	13	44	143	0	0	1,206	0	0	0	0

Peak Hour Summary 4:30 PM to 5:30 PM

By Approach	Northbound Hwy 197				Southbound Hwy 197				Eastbound Fremont St				Westbound Fremont St				Total	Pedestrians Crosswalk				
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West	
Volume	134	212	346	0	324	230	554	0	91	105	196	0	113	115	228	0	0	662	0	0	0	0
%HV	7.5%				1.9%				0.0%				0.0%				2.4%					
PHF	0.63				0.81				0.76				0.76				0.91					

By Movement	Northbound Hwy 197				Southbound Hwy 197				Eastbound Fremont St				Westbound Fremont St				Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
Volume	22	110	2	134	88	179	57	324	43	25	23	91	10	26	77	113	662
%HV	4.5%	8.2%	0.0%	7.5%	1.1%	2.8%	0.0%	1.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.4%
PHF	0.46	0.67	0.50	0.63	0.69	0.88	0.65	0.81	0.72	0.63	0.72	0.76	0.42	0.65	0.80	0.76	0.91

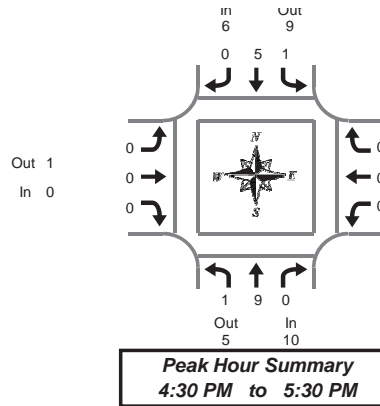
Rolling Hour Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Hwy 197				Southbound Hwy 197				Eastbound Fremont St				Westbound Fremont St				Interval Total	Pedestrians Crosswalk				
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West	
4:00 PM	35	122	1	0	68	155	44	0	55	25	16	0	4	22	85	0	0	632	0	0	0	0
4:15 PM	30	120	1	0	72	171	48	0	46	23	21	0	6	23	76	0	0	637	0	0	0	0
4:30 PM	22	110	2	0	88	179	57	0	43	25	23	0	10	26	77	0	0	662	0	0	0	0
4:45 PM	19	93	1	0	99	173	62	0	42	22	17	0	10	22	67	0	0	627	0	0	0	0
5:00 PM	9	75	1	0	88	170	63	0	36	24	19	0	9	22	58	0	0	574	0	0	0	0

Heavy Vehicle Summary



Clay Carney
(503) 833-2740



Hwy 197 & Fremont St

Thursday, January 09, 2020
4:00 PM to 6:00 PM

Heavy Vehicle 5-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Hwy 197				Southbound Hwy 197				Eastbound Fremont St				Westbound Fremont St				Interval Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
4:00 PM	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	1
4:05 PM	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	1	2
4:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	3	0	3	1	2	0	3	0	0	0	0	0	0	0	0	6
4:20 PM	0	1	0	1	0	1	0	1	0	0	0	0	0	0	0	0	2
4:25 PM	0	1	0	1	0	0	0	0	1	0	0	1	0	0	0	0	2
4:30 PM	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
4:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:40 PM	0	4	0	4	0	1	0	1	0	0	0	0	0	0	0	0	5
4:45 PM	0	1	0	1	1	2	0	3	0	0	0	0	0	0	0	0	4
4:50 PM	1	2	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
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5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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5:20 PM	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	1
5:25 PM	0	1	0	1	0	1	0	1	0	0	0	0	0	0	0	0	2
5:30 PM	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
5:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:40 PM	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0	0	2
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:55 PM	0	2	0	2	0	1	0	1	0	0	0	0	0	0	0	0	3
Total Survey	1	17	0	18	3	12	0	15	1	0	0	1	0	0	1	1	35

Heavy Vehicle 15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Hwy 197				Southbound Hwy 197				Eastbound Fremont St				Westbound Fremont St				Interval Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
4:00 PM	0	0	0	0	1	1	0	2	0	0	0	0	0	0	1	1	3
4:15 PM	0	5	0	5	1	3	0	4	1	0	0	1	0	0	0	0	10
4:30 PM	0	5	0	5	0	1	0	1	0	0	0	0	0	0	0	0	6
4:45 PM	1	3	0	4	1	2	0	3	0	0	0	0	0	0	0	0	7
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	1	0	1	0	2	0	2	0	0	0	0	0	0	0	0	3
5:30 PM	0	1	0	1	0	2	0	2	0	0	0	0	0	0	0	0	3
5:45 PM	0	2	0	2	0	1	0	1	0	0	0	0	0	0	0	0	3
Total Survey	1	17	0	18	3	12	0	15	1	0	0	1	0	0	1	1	35

Heavy Vehicle Peak Hour Summary 4:30 PM to 5:30 PM

By Approach	Northbound Hwy 197			Southbound Hwy 197			Eastbound Fremont St			Westbound Fremont St			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	10	5	15	6	9	15	0	1	1	0	1	1	16
PHF	0.31			0.38			0.00			0.00			0.33

By Movement	Northbound Hwy 197				Southbound Hwy 197				Eastbound Fremont St				Westbound Fremont St				Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
Volume	1	9	0	10	1	5	0	6	0	0	0	0	0	0	0	0	16
PHF	0.25	0.32	0.00	0.31	0.25	0.42	0.00	0.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.33

Heavy Vehicle Rolling Hour Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Hwy 197				Southbound Hwy 197				Eastbound Fremont St				Westbound Fremont St				Interval Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
4:00 PM	1	13	0	14	3	7	0	10	1	0	0	1	0	0	1	1	26
4:15 PM	1	13	0	14	2	6	0	8	1	0	0	1	0	0	0	0	23
4:30 PM	1	9	0	10	1	5	0	6	0	0	0	0	0	0	0	0	16
4:45 PM	1	5	0	6	1	6	0	7	0	0	0	0	0	0	0	0	13
5:00 PM	0	4	0	4	0	5	0	5	0	0	0	0	0	0	0	0	9

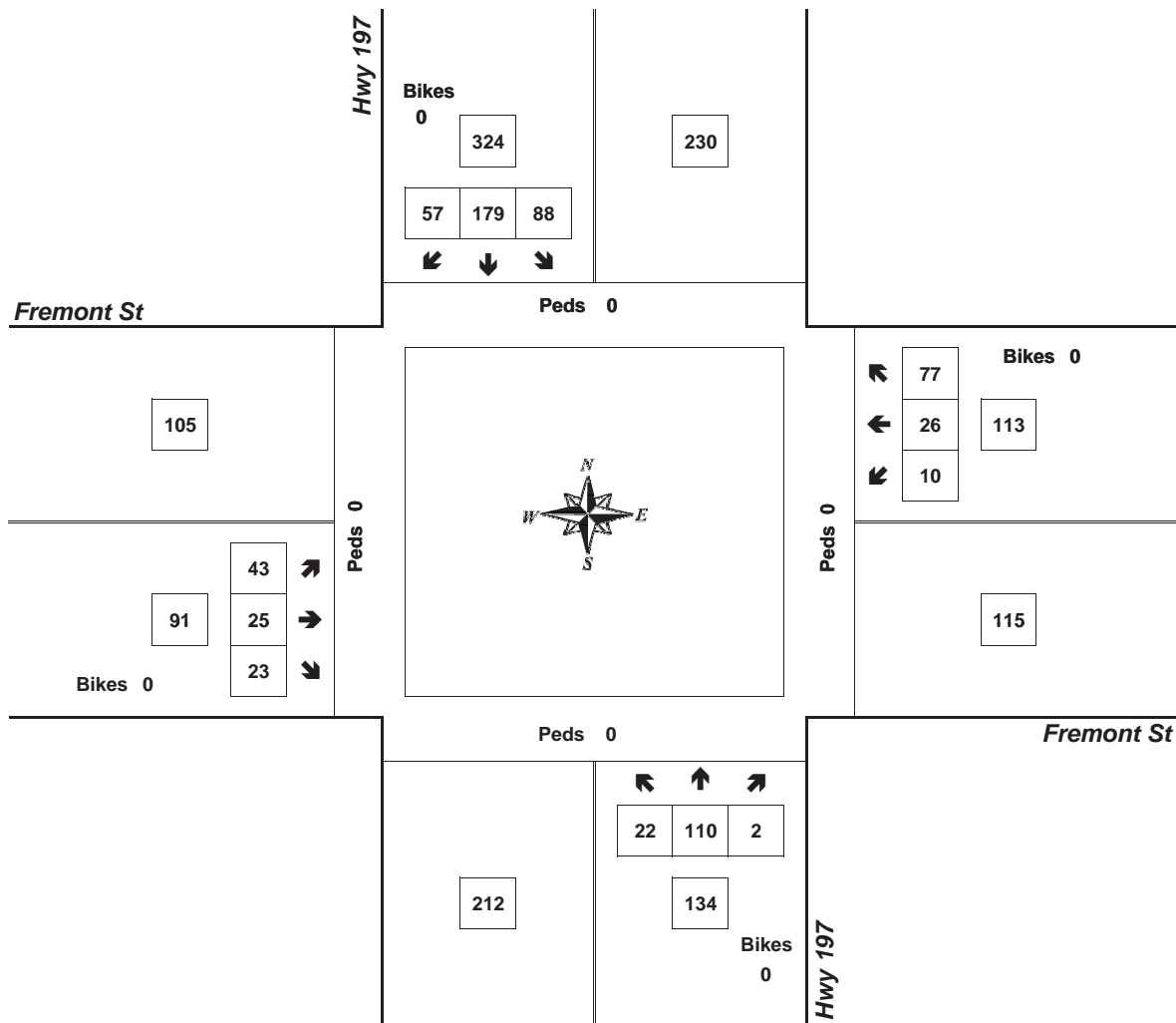
Peak Hour Summary



Clay Carney
(503) 833-2740

Hwy 197 & Fremont St

4:30 PM to 5:30 PM
Thursday, January 09, 2020



Approach	PHF	HV%	Volume
EB	0.76	0.0%	91
WB	0.76	0.0%	113
NB	0.63	7.5%	134
SB	0.81	1.9%	324
Intersection	0.91	2.4%	662

Count Period: 4:00 PM to 6:00 PM



H. Lee & Associates, PLLC

Civil Engineering, Traffic Engineering, and Planning

MEMORANDUM

P.O. Box 1849
Vancouver, WA 98668
Phone: (360) 727-3119

To: The Dalles Engineering Staff

From: H. Lee & Associates, PLLC

Date: June 17, 2020

Subject: The Grove Subdivision Transportation Impact Study
Review



Page 1 of 4

PROJECT DESCRIPTION/GENERAL BACKGROUND

H. Lee & Associates, PLLC (HLA) has been retained by Landerholm to review The Grove Subdivision Transportation Impact Study dated May 2020 and conducted by DKS.

The proposed The Grove Subdivision site is a vacant property located in The Dalles, Oregon. The project site is bounded by E. 10th Street to the north, Richmond Street to the east, and E. 12th Street to the south. Based on the The Dalles Transportation System Plan (TSP), March 2017 study area map (Figure 1-1), the project site is located outside the city limits but still within the urban growth boundary (UGB). The development proposal is for 80 housing units comprised of duplexes, triplexes and ADUs.

The proposed development is proposing four full accesses. One driveway is proposed onto E. 10th Street. One driveway is proposed onto Richmond Street. Two driveways are proposed onto E. 12th Street.

The Grove Subdivision Transportation Impact Study analyzed the following intersections:

- E. 10th Street/Thompson Street
- E. 12th Street/Thompson Street
- Old Dufur Road/Richmond Street

The Grove Subdivision Transportation Impact Study was reviewed by comparing it to the City of The Dalles Policy for Traffic Impact Studies (1/22/04), The Dalles TSP, and the Oregon Department of Transportation (ODOT) standards/policies where relevant within the city. Also, the transportation impact study/traffic impact study was compared to the state of the practice standards and methodologies.

LAND USE - DENSITY

The Grove Subdivision Transportation Impact Study does not identify the zoning of the project site as required by the The Dalles Policy for Traffic Impact Studies; however, Figure 4-1 in the TSP designates the subject property for growth of 0-1 households per acre from 2010 through 2036. Therefore the proposed subdivision of 6.92 acres into 80 housing units (11.56 housing units per acre) significantly exceeds the densities planned for in the TSP for the subject property through 2036. This discrepancy between zoning and densities planned for in the TSP is discussed in more detail below.

SCOPE OF TRAFFIC STUDY

While the applicant's traffic engineer (DKS) may have received input from the City of The Dalles staff, it does not negate the applicant's responsibility for following the city's written policies. Specifically, the guidance from the City of The Dalles Policy for Traffic Impact Studies (1/22/04) should be followed. The city's policy states:

“The City Engineer will require a traffic impact study as determined by the type of development and its potential impact to the existing street system. A traffic analysis will generally be required for a development which 1) will generate 400 average daily vehicle trips or more, or 2) when a development's location, proposed site plan, and/or traffic characteristics **could affect traffic safety**, access management, street capacity, and/or **when know traffic problems and deficiencies exist in the development's study area.**”

The Dalles TSP from March 2017 provides the best and latest information available regarding “known traffic problems and deficiencies” that exist in the development's study area. It does not appear that the TSP was used as a reference to define known traffic problems and deficiencies in the area because the DKS report specifically avoids intersections to the east. Curiously, the intersections that were studied to the west were approximately 2,800 feet from the project site and major intersections within that distance to the east were not studied. The TSP identifies future congestion issues at the following major intersections to the east that are reasonably within the development's study area (see Figure 4-4 and Table 4-2):

- TSP Intersection Number 29 – US 197/US 30
- TSP Intersection Number 30 – US 197/Freemont Street/Columbia View Drive
- TSP Intersection Number 31 – US 197/I-84 EB Ramps
- TSP Intersection Number 34 – US 197/Lone Pine Lane

The TSP 2035/2036 traffic forecast did not assume much population, household and employment growth. TSP Table 4-1 shows that the 2036 population growth assumed was 11.8 percent increase from 2010. The household growth between 2010 and 2036 was assumed to be 13.4 percent. The employment growth from 2010 to 2036 was assumed to be 15.2 percent. These future growth rates are very nominal which indicates that new development traffic will quickly use up most of the assumed future growth. For example, the 2010 to 2036 household growth results in a 991 increase in the number of households. The proposed The Grove Subdivision is an 80-unit single family development that represents approximately 8 percent of the 26-year

household growth. Therefore, any development increase in traffic must be taken seriously with a comparison to the deficiencies identified in the TSP.

It should be noted that since the deficient intersections above are all OODT intersections, if the applicant revises their traffic impact study to reflect these intersections, that ODOT procedures should be followed in any supplemental traffic analysis which would include seasonal adjustments.

To further support the analysis of TSP Intersection Number 29 – US 197/US 30 and TSP Intersection Number 30 – US 197/Freemont Street/Columbia View Drive, TSP Table 3-7 has identified these intersections to exceed their critical crash rate. The critical crash rate is a method recommended by ODOT that identifies intersections that warrant further investigation and may represent opportunities to reduce crash frequency and severity. These intersections should be studied in the applicant's traffic impact study because the city's guidelines stipulate when a developer's traffic may affect traffic safety, an analysis should take place. While the applicant did provide a queuing analysis at the US 197/ Freemont Street/Columbia View Drive intersection, that is not enough to address safety issues at the intersection. An in-depth safety analysis including how traffic congestion is related to the safety issues should be included.

The TSP has identified that Old Dufur Road N. and Freemont Street E. with a bicycle level of traffic stress (LTS) of 4 which is the highest rating indicating that cyclists perceive the roadway as unsafe due to high speeds and high traffic volumes. Because the TSP identified that as much as 60 percent of the city's population is interested and concerned about cycling as a mode of transportation, the applicant's traffic impact study should address cycling within the study area.

TSP GROWTH ASSUMPTIONS AS COMPARED TO THE DEVELOPMENT PROPOSAL

TSP Figure 4-1 shows the change in households per acre assumed from 2010 to 2036. The project site is shown to have a change in households per acre between one (1) and five (5). The proposed development of 80 housing units on 6.89 acres yields a proposed change in households per acre of 11.6. This is over double what was assumed to develop the city's travel demand model for the city's TSP. This shows that the proposed development is not consistent with the TSP assumptions. Because the development density is significantly more than what was included in the TSP, the development proposal is likely out of compliance with the TSP and therefore the Comprehensive Plan. City staff should further investigate this finding and determine whether the development application requires a TSP/Comprehensive Plan amendment.

ODOT DEVELOPMENT REVIEW GUIDELINES, MAY 2017

The applicant's traffic impact study uses an ODOT traffic volume threshold as justification not to study the US 197/ Freemont Street/Columbia View Drive intersection. This is not the only criteria used by ODOT to scope traffic impact study requirements. The Development Review Guidelines also says the following:

“No specific formula will result in a sensible study area for all cases. Base the TIA study area upon the extent of the direct impacts of the proposed development on transportation facilities and on areas around the facilities most at risk of failure or unsafe conditions due to the projected traffic impacts.”

The City of The Dalles TSP provides the best information to identify the facilities most at risk of failure or unsafe conditions due to projected traffic impacts. The safety concerns have been previously identified above that should be studied by the applicant.

QUEUING ANALYSIS AT US 197/FREEMONT STREET/COLUMBIA VIEW DRIVE

Although not specifically mentioned, it appears that the applicant’s traffic impact study utilized traffic counts from January 9, 2020 to conduct the queuing analysis at the US 197/Freemont Street/Columbia View Drive intersection. The traffic counts at the actual intersections analyzed in the applicant’s traffic impact study were conducted on this date and it is assumed at the traffic counts utilized to conduct the queuing analysis at the US 197/Freemont Street/Columbia View Drive was also conducted at the same time. The problem with conducting a queuing analysis on an ODOT facility in January is that these traffic volumes are highly influenced by seasonal variation. The queuing analysis should be redone with seasonal adjustment factors to analyze the 30th highest design hour volume which is ODOT’s standard. If the seasonal adjustment is too significant per ODOT’s Analysis Procedures Manual (APM), then new traffic counts should be collected if traffic volumes are back to normal after the stay at home order and corona virus pandemic.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>Aryn Rasmussen</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: COLUMBIA GORGE REGIONAL/ THE DALLES MUNICIPAL AIRPORT C/O ARYN RASMUSSEN PO BOX 285 DALLESPORT WA 98617		B. Received by (Printed Name) <i>Aryn N. Rasmussen</i> C. Date of Delivery <i>6-2-20</i>	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
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1. Article Addressed to: OREGON DEPT OF AVIATION C/O HEATHER PECK 3040 25TH STREET SE SALEM OR 97302		B. Received by (Printed Name) <i>Lisa Sardinia</i> C. Date of Delivery <i>6/1/20</i>	
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1. Article Addressed to: WSDOT AVIATION DIVISION C/O MAX PLATTS 7702 TERMINAL STREET TUMWATER WA 98501		B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No PO BOX 41650 OLYMPIA WA 98504-1050	
2. Article Number (Transfer from service label) 7012 1010 0001 1506 4834		3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
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CITY OF SPRINGFIELD, OREGON

DEVELOPMENT AND PUBLIC WORKS

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April 11, 2013

Hon. Brian Clem
Chair, House Land Use Committee
The Capitol
900 Court Street, N.E.
Salem, OR 97301

Dear Chair Clem and Members of the Committee:

I am writing to express to you concerns of the City of Springfield with respect to House Bill 3479, which is before you today. I apologize for the fact that the press of other business prevents me from attending in person.

This bill deals with an issue which, in my experience, is common among Oregon cities. Unfortunately, it deals with that issue in a way which is not only counterproductive for those who support the bill, but creates serious problems for the orderly administration of Systems Development Charges (SDC) imposed under the authority granted by ORS 223. 299, *et seq.* The City of Springfield opposes this legislation.

Not unlike the situation in The Dalles, where the precipitating issue occurred, the City of Springfield has 29 miles of unimproved streets within our city limits. These streets range from gravel roads to what we call asphalt mats, roadways which consist of nothing more than a layer of asphalt placed over some sort of gravel surface. These streets generally do not have sidewalks, an engineered stormwater system, streets lights and other amenities typically associated with City streets, and in some case also do not have a municipal sewer system.

For much longer than the 19 years I have served the city, our Council has maintained the policy that equity and fairness demand that when these streets are improved to urban standards, and all of the missing amenities are added, the owners of abutting properties should pay for the cost of those improvements, as did all of the previous residents of the City who either paid for them directly or found them incorporated into the price of the property they bought. In return, those property owners get the benefit of a commitment from the City to perpetual maintenance of the improved street. From my conversations with others across the state, including those in The Dalles, where this situation arose, that practice appears to be almost universal. This policy is enforced by directing staff to secure the appropriate commitments from property owners at the time they request approval of a land use action affecting the property. In Springfield's case, like many other cities, that often is a request for partition or subdivision of the property. At that time, one of the conditions of approval attached to that land use decision is a requirement to enter into a non-remonstrance agreement and, in Springfield's case, and improvement agreement which commits the property owner to fund their proportionate share of the future improvements. These agreements are recorded against the property affected.

Hon. Brian Clem
April 11, 2013
Page 2 of 3

Like many other cities, our Council does hear from citizens who don't like the practice, but remains steadfast in the view that the increase in property value which comes from having property on an improved street offsets the cost of funding the improvements, and puts those property owners in the same position as other property owners who have funded similar improvements. Like many other cities, our Council does not always require immediate construction, but rather allows construction to be deferred to a future time when economies of scale make the unit costs of construction lower. As mentioned previously, in those cases, owners are asked to agree not to remonstrate against the local improvement district which will ultimately be formed when a project of sufficient size can be assembled.

From Springfield's perspective there is no need to legislate with respect to a local solution that the City and its citizens have developed. It is neither prudent nor necessary to preempt local authority by mandating a statewide solution to a local concern. For this reason alone we believe the bill should not be approved.

In addition, the choice of Systems Development Charges to resolve this issue is particularly inappropriate. House Bill 3479 will impose burdens on cities but it will not achieve the result desired, which appears to be avoiding paying for the cost of street improvements. Given the limitations in ORS 223.299(1) (a) any charges for street improvement would be imposed as part of the Transportation SDC Methodology required to be developed under ORS 223.304. Since they relate to improvements not yet constructed, under ORS 223.299 (2) and (3) they would have to be part of the improvement fee. As a result, those fees must be based on a plan of capital improvements prepared pursuant to ORS 223.309. Typically those plans estimate need for capacity increasing improvements over a significant time window. In Springfield, like in many other cities, a 20 year plan is created. This means the city would be obliged to estimate the number of land use actions that will trigger the need for potential street improvements over that period of time to properly complete its plan of capital improvements.

Currently, under ORS 223.304(2)(a) the full estimated cost of those improvements is not included in the basis for calculating an SDC, only the amount that is the portion of the improvements that are needed for additional capacity. In my experience, the improvement of streets to urban standards is only partially attributable to a need for additional capacity. Consequently, only a portion, perhaps a small one, of the costs of the improvements could be included as part of the SDC methodology. In Springfield's case that is often as little as 12 percent of the cost of the improvement. While that amount could be included in the SDC, and charged as part of the SDC fee, it would generally be charged to all development in the community, based upon the amount of additional capacity that will be required by a development. The funds would then be commingled with all other Transportation SDCs and would be used for any eligible improvement subsequently required in the community. Typically SDC methodologies do not reserve SDC revenue for either specific projects or for specific geographic areas of the community, since they are calculated based on the total needs of the community as a whole.

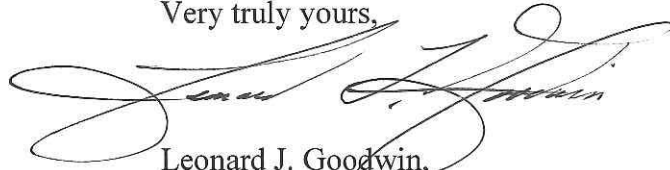
Hon. Brian Clem
April 11, 2013
Page 3 of 3

The balance of the cost of making the improvement, that portion not attributable to the need for additional transportation capacity (perhaps as much as 88 percent, based on Springfield's history), could not legally be funded from SDCs. At the time a particular street improvement is actually made, which could be many years in the future, it would be still assessed against the owner of the abutting property, since it could not legally be included as part of the SDC, a practice which, pursuant to the proposed bill's version of ORS 223.299(4) (c) would continue to be excluded from the definition of SDCs.

The end result is that a property owner would be relieved of a small portion of the cost of street improvements, but remain responsible for the balance. That cost would be shared by all other development in the community. Conversely, the result for the community would be reduced certainty as to funding of future street improvements and substantial expense to create a new element of an already complicated SDC methodology. We believe that result neither strikes a balance between the rights of communities to plan adequately for the infrastructure needs and the rights of property owners to understand their obligations with respect to community improvements, nor is it fair to the vast majority of the citizens who have, in one way or another, funded the cost of existing infrastructure. We urge the committee to reject the bill.

Thank you for the opportunity to express the views of the City of Springfield on this legislation.

Very truly yours,



Leonard J. Goodwin,
Director, Development and Public Works

c: Hon. John Lively



Charlie
Hales
Mayor

John
Widmer
Interim
Director

April 10, 2013

Rep. Brian Clem, Chair
House Land Use Committee
900 Court St. NE, H-347
Salem, Oregon 97301

RE: Opposition to House Bill 3479

Chair Clem and Members of the Committee,

The Portland Bureau of Transportation (PBOT) opposes House Bill 3479. The proposed legislation would degrade the City's ability for system capacity improvements related to growth.

Development requirements for improving frontages on property are not equivalent to system development charges, which attempt to capture the impact of development upon the larger infrastructure system.

Oregon law gives local governments authority to assess Systems Development Charges (SDCs) on new development to pay for sewer, water, street, or park capital improvements. The state law specifies that the assessments be within an amount determined by the local government as the cost of accommodating the growth or capacity associated with new development.

PBOT has a defined list of capacity improvement projects located on collectors and arterials attributed to growth. The City's transportation system development charge (TSDC) program includes one-time fees assessed to new development and changes in use.

SDCs may only be spent on capacity increasing project components and may not pay for existing deficiencies within the system like frontage improvements. Projects that include existing deficiencies, (ie not capacity or growth related) may not have such components financed by SDCs. In rare cases where frontage improvements increase system capacity, state law (ORS 223.304) currently allows a credit to be applied by the City to offset the SDC.

1120 SW Fifth Avenue, Suite 800 • Portland, OR 97204 • 503-823-5185
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The proposal is focused on residential infill development and encompasses a broad spectrum of residential uses, including apartments, condominiums, mixed-use residential development, duplexes and triplexes, and detached single family residential structures. Large development with significant impacts to the transportation system would be associated with such a broad definition.

The proposed legislation also has an inherent conflict regarding the proposed SDC definition of a minor partition. It maintains an SDC does not include the “cost of complying with requirements or conditions imposed upon a land use decision, ...” yet attempts to include in the definition an SDC includes “minor partitions”.

We urge the Committee to oppose House Bill 3479.

Thank you for your consideration.

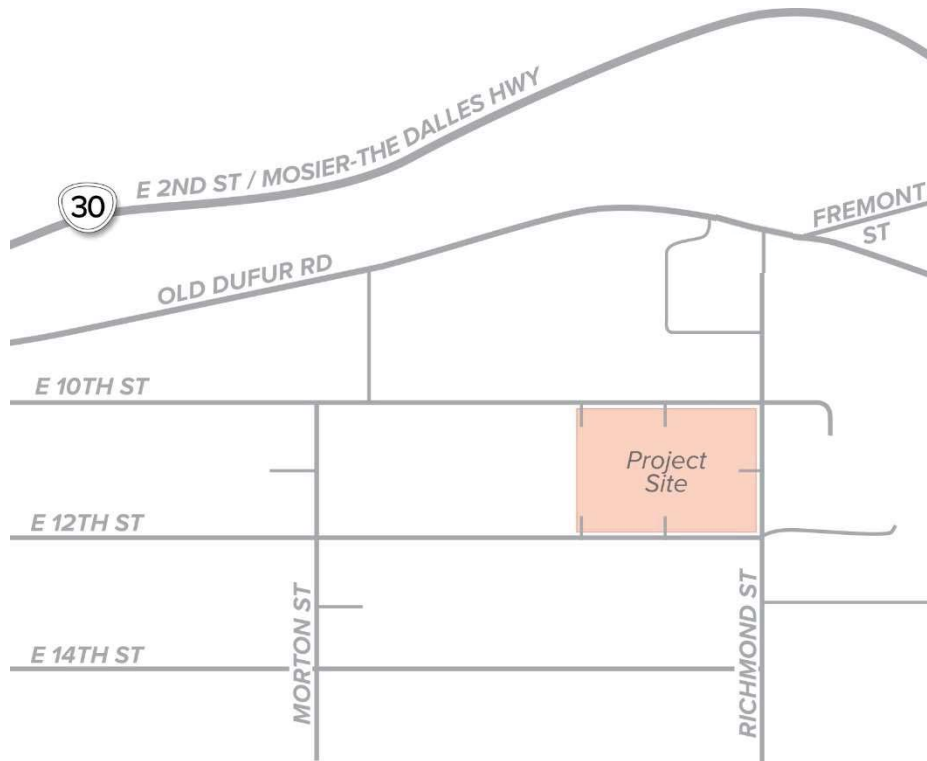
A handwritten signature in cursive script, appearing to read "Christine Leon".

Christine Leon
Development Services Division Manager
Portland Bureau of Transportation

The Grove Subdivision

Transportation Impact Study

The Dalles, Oregon



February 2020

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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.



Figure 1: Study Area Map

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 staff¹. 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

Characteristics	Information
Study Area	
Number of Study Intersections	3
Analysis Period	Weekday PM Peak Hour (one hour between 4-6 PM)
Project Site	
Existing Land Use	Vacant
Proposed Development	62 single family units and 21 multi-family units
Proposed Project Access	Five (5) full access driveways; two on 10th Street, one on Richmond Street, and two on 12th Street

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 Dalles Transportation System Plan (TSP)*.²

Table 2: Study Area Street Characteristics (within the Study Area)

Street	Classification	No. of Lanes	Posted Speed	Sidewalks	Bike Lanes	On-Street Parking
E 10th Street	Local	2	25 mph	No	No	Yes ^c
E 12th Street	Major Collector ^a Minor Collector ^b	2	25 mph	No	No	Yes ^c
Thompson Street	Major Collector	2	25 mph	No	No	No
Old Dufur Road	Major Collector	2	25 – 35 mph	No	No	No
Richmond Street	Local	2	25 mph	No	No	No

^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 2.³ The following sections describe intersection performance measures, required operating standards, and existing operating conditions.

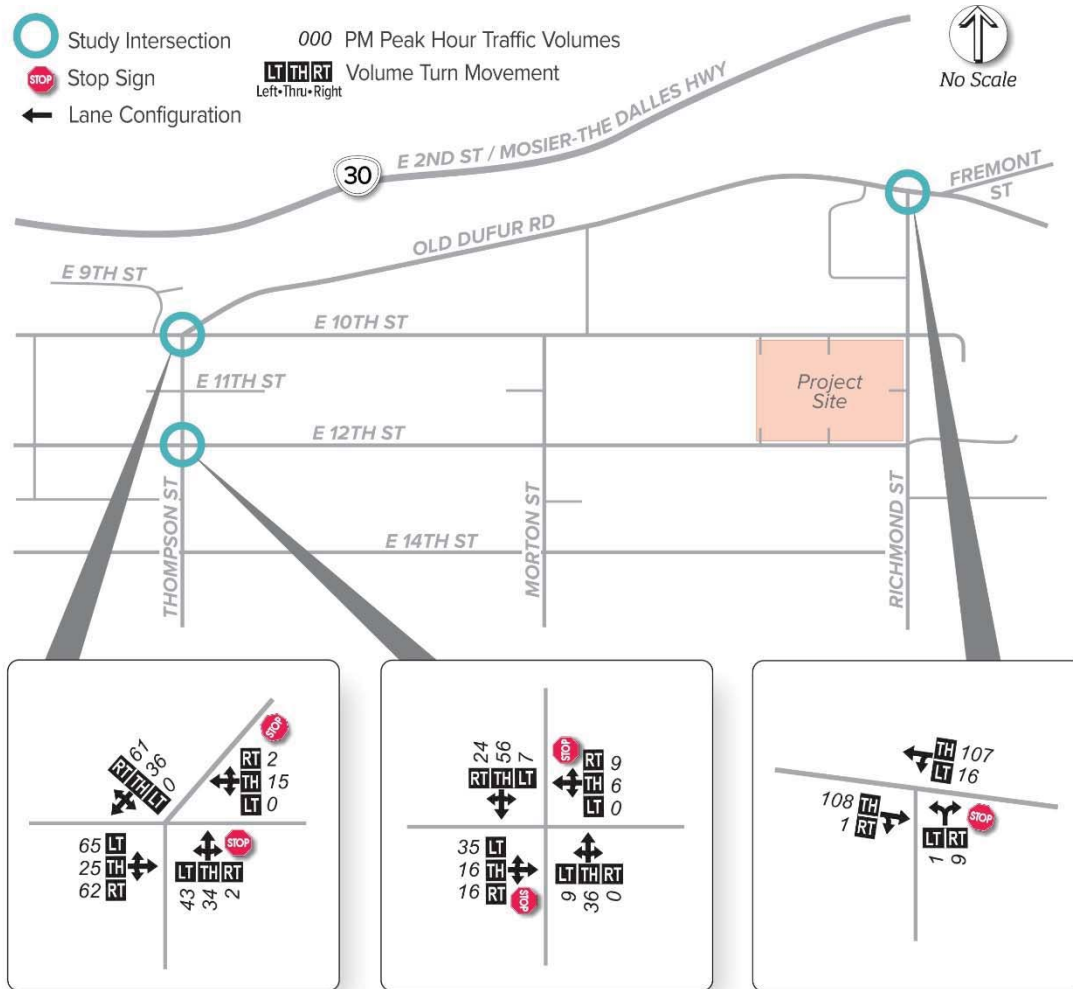


Figure 2: Existing PM Peak Hour Traffic Volumes

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 intersections⁵ 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.

⁶ *Highway Capacity Manual, 6th*, Transportation Research Board, Washington DC, 2000/2010.

Table 3: Existing PM Peak Study Intersection Operations

Intersection	Operating Standard	Existing PM Peak			
		Critical Movement	Delay	LOS	v/c
E 10th Street/Thompson Street	LOS D	NB	10.6	A/B	0.06
E 12th Street/Thompson Street	LOS D	EB	10.0	A/B	0.10
Old Dufur Road/Richmond Street	LOS D	NB	9.1	A/A	0.01
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 4: Peak Hour Primary Trip Generation

Land Use (ITE Code)	Quantity	PM Trips		
		In	Out	Total
Single-Family Detached Housing (210)	62 units	40	24	64
Multi-Family (Low-Rise) (220)	21 units	9	6	24
<i>Total</i>	<i>83 units</i>	<i>49</i>	<i>30</i>	79

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

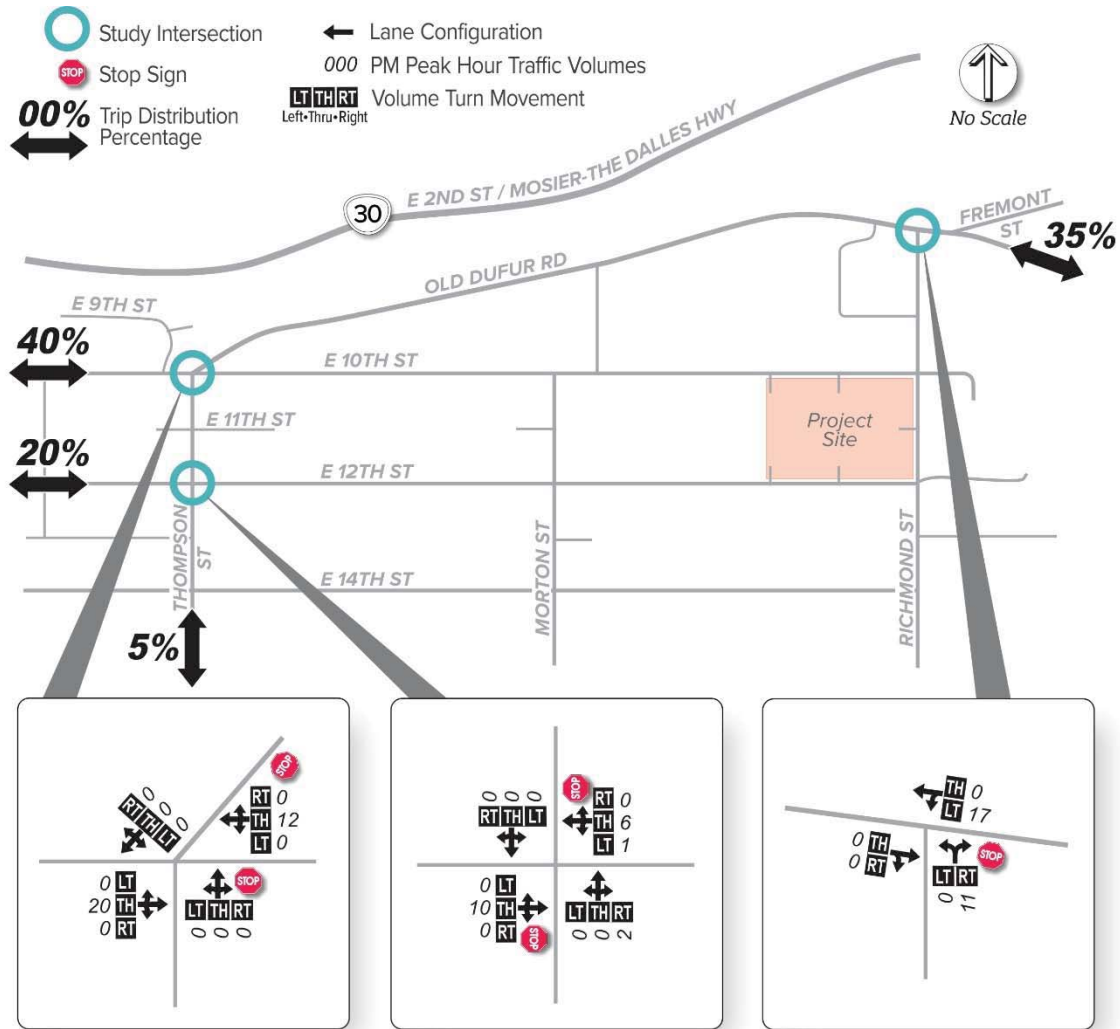


Figure 3: Trip Distribution and Project Trips

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

⁸ City of The Dalles Policy for Traffic Impact Studies, January 2004.

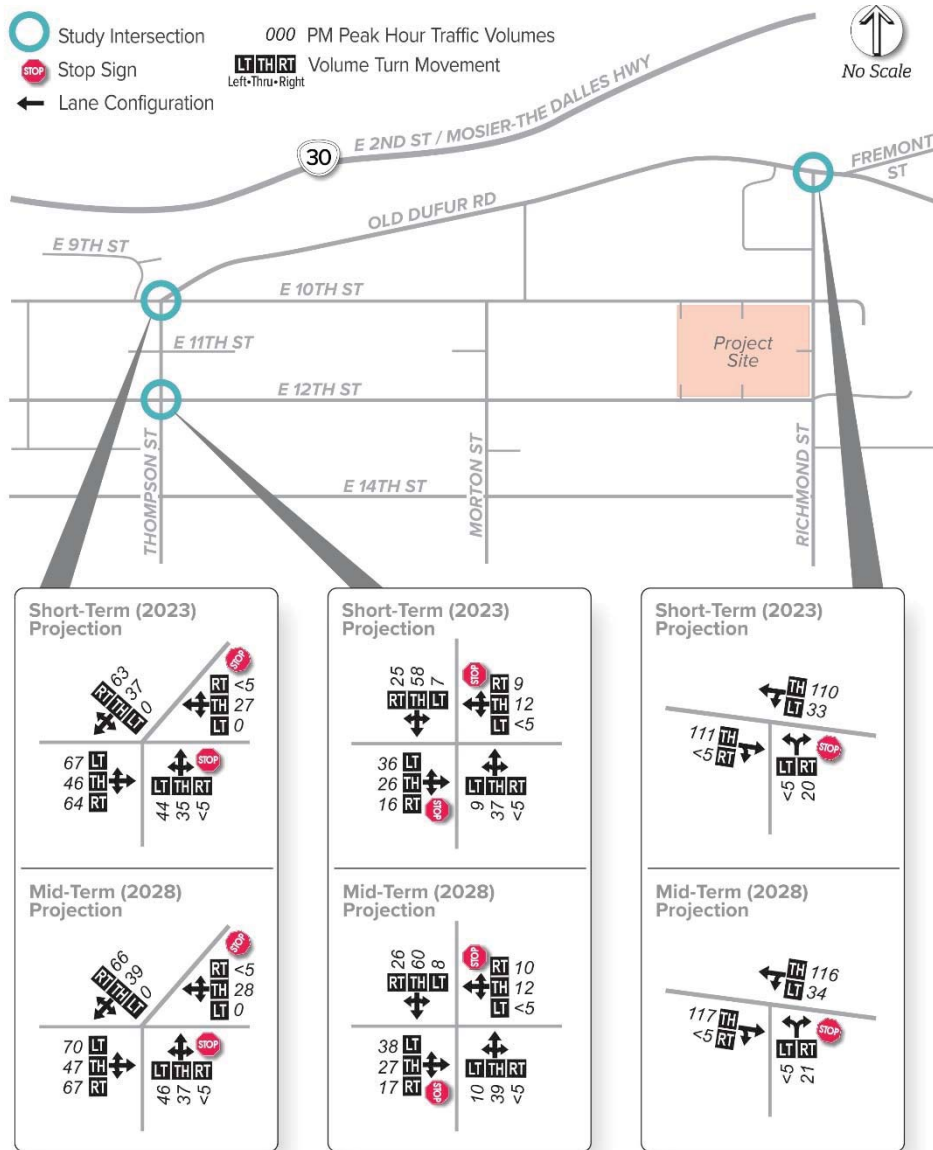


Figure 5: Short-Term (2023) and Long-Term Background (2028) with Full Build Traffic Volumes

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

Intersection	Operating Standard	Short Term (2023) PM Peak				Mid Term (2028) PM Peak			
		Movement	Delay	LOS	v/c	Movement	Delay	LOS	v/c
E 10th Street / Thompson Street	LOS D	NB	10.6	A/B	0.06	NB	10.8	A/B	0.07
E 12th Street / Thompson Street	LOS D	EB	10.1	A/B	0.10	EB	10.2	A/B	0.11
Old Dufur Road / Richmond Street	LOS D	NB	9.2	A/A	0.01	NB	9.2	A/A	0.02
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

Intersection	Operating Standard	Short Term (2023) PM Peak				Mid Term (2028) PM Peak			
		Movement	Delay	LOS	v/c	Movement	Delay	LOS	v/c
E 10th Street / Thompson Street	LOS D	NB	10.8	A/B	0.07	NB	11.1	A/B	0.07
E 12th Street / Thompson Street	LOS D	EB	10.3	A/B	0.12	EB	10.4	A/B	0.13
Old Dufur Road / Richmond Street	LOS D	NB	9.2	A/A	0.03	NB	9.2	A/A	0.03
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)¹⁰ 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.

<photo and field observations to be added after field visit>

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.¹¹ 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 requirements¹² 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.



Appendix VII

2020
Designed CWH
2020
Drawn CWH
Checked

2020
Date
Job Class

Approved
Title

2045 E 12th
The Grove Subdivision
The Dallas, Oregon
Legacy Development Group Inc.
BUILDING A LEGACY YOU CAN LIVE IN

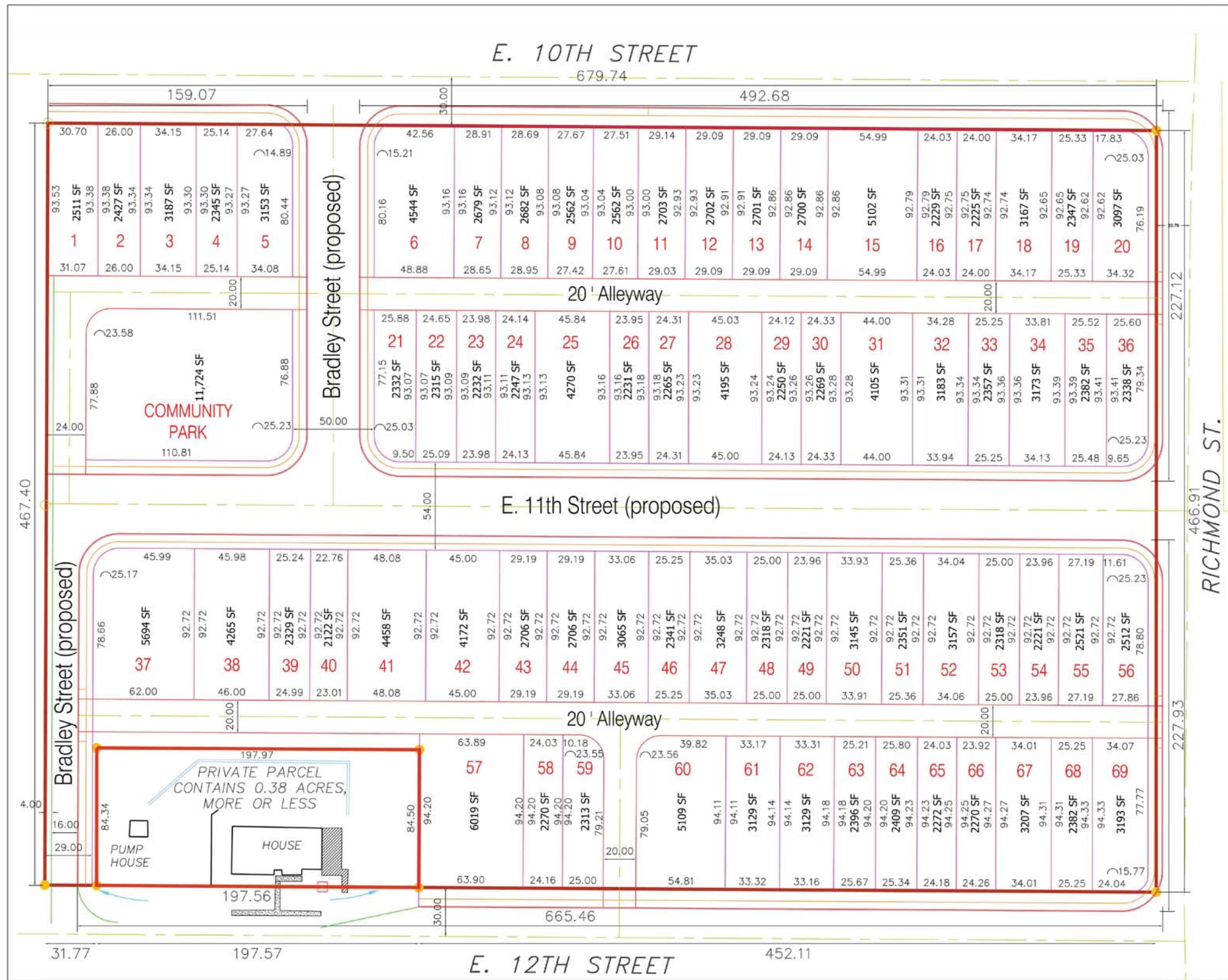
LEGACY
— DEVELOPMENT GROUP INC —

REVISIONS
Description
Approved

Date

File No.

Sheet of



Primary Parcel Size: 6.19 Acres
Individual Lots: 69
Community Park: .27 Acres

- Property Boundary ———
- Lot Line ———
- Centerline ———
- Sidewalk Edge ———
- Curb Edge ———
- Gravel Edge ———

Subdivision - Plat Proposal
Scale: 1:30

	Designed GMH 2020	Drawn GMH 6/3	Checked
The Grove Subdivision The Dalles, Oregon			
Legacy Development Group Inc. 2845 E 12th		Approved _____ Date _____ Title _____ Job Class _____	
BUILDING A LEGACY YOU CAN LIVE IN			
LEGACY — DEVELOPMENT GROUP INC. —			
REVISIONS	Description	Approved	
Date			
File No.			
Sheet of			



Individual Lots: 69
Residential Units: 80

	Bldg Type	Indv Dwelling
Single Family (1 LVL 1200SF)	6	6
Single Family (2 LVL 1800SF)	5	5
Duplex (2 LVL 1100SF)	10	20
Duplex (2 LVL 1200SF)	6	12
Duplex (2 LVL 1500SF)	4	8
Triplex (2 LVL 1600SF)	6	18
ADU (1 or 2 LVL 529SF)	11	11

- Property Boundary ———
- Lot Line ———
- Setback - - - - -
- Centerline ———
- Sidewalk Edge ———
- Curb Edge ———
- Gravel Edge ———

Designed CONCEPT 2019
Drawn GMH 04/20
Checked

The Grove Subdivision
The Dalles, Oregon

Legacy Development Group Inc.
BUILDING A LEGACY YOU CAN LIVE IN

Approved _____ Date _____
Title _____ Job Class _____

LEGACY
DEVELOPMENT GROUP INC.

REVISIONS
Date Description Approved

File No. _____
Sheet _____ of _____

The Grove Subdivision

Transportation Impact Study

The Dalles, Oregon



DKS

June 2020

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CHAPTER 1: INTRODUCTION

This study evaluates the transportation impacts associated with the development of a single-family housing development with a total of 80 units in The Dalles, Oregon. The housing units will be a mix of detached single-family homes, attached (duplex and triplex) single-family homes, and accessory dwelling units (ADUs). 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.

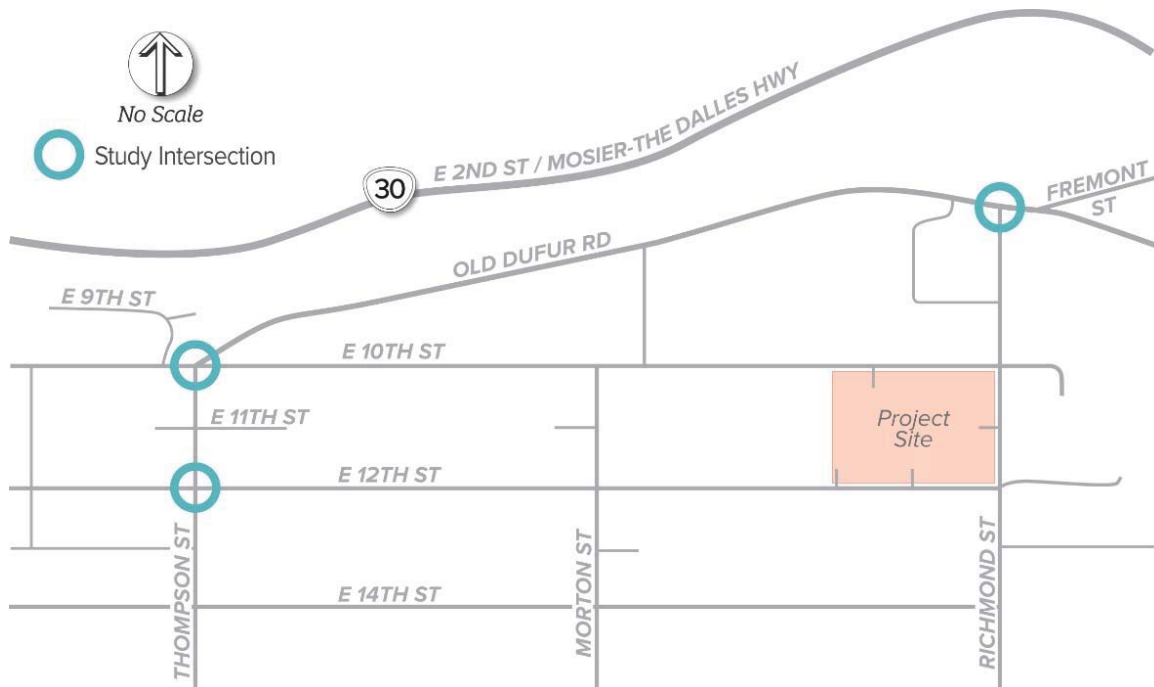


Figure 1: Study Area Map

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.¹ 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.

¹ Phone call between Greg Hagbery and Dale McCabe on January 3, 2020.

Table 1: Key Study Area and Proposed Development Characteristics

Characteristics	Information
Study Area	
Number of Study Intersections	3
Analysis Period	Weekday PM Peak Hour (one hour between 4-6 PM)
Project Site	
Existing Land Use	Vacant
Proposed Development	80 housing units Includes 69 attached and detached (duplex and triplex) single family units and 11 accessory dwelling units
Proposed Site Accesses	Six (6) full site accesses; one on E 10th Street, three on Richmond Street, and two on E 12th Street. There will be no direct access from individual lots onto E 10th Street, E 12th Street, or Richmond Street.

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 Dalles Transportation System Plan* (TSP).²

Table 2: Study Area Street Characteristics (within the Study Area)

Street	Classification	No. of Lanes	Posted Speed	Sidewalks	Bike Lanes	On-Street Parking
E 10th Street	Local	2	25 mph	No	No	Yes ^c
E 12th Street	Major Collector ^a Minor Collector ^b	2	25 mph	No	No	Yes ^c
Thompson Street	Major Collector	2	25 mph	No	No	No
Old Dufur Road	Major Collector	2	25 – 35 mph	No	No	No
Richmond Street	Local	2	25 mph	No	No	No

^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 10th Street/Thompson Street, E 12th Street/Thompson Street, and Old Dufur Road/Richmond Street.

Intersection turn movement volumes were collected at the three study intersections during the PM peak period on a typical weekday (Thursday) and are shown in Figure 2.³ The PM peak hour typically represents the highest hourly volume of traffic during the day on the transportation system, especially in residential areas (the ITE Trip Generation Manual indicates single family homes generate approximately 30% more traffic during the PM peak hour than the AM peak hour). The City's policy for traffic studies also suggests that the PM peak hour be evaluated if the development does not include land uses with unique trip generation patterns.⁴

All traffic counts were collected in January on a typical workday when schools were in session. There was no reported precipitation and the temperature reached a high of 44° F. Based on these conditions, it is reasonable to assume that traffic levels were representative of typical conditions on the transportation system. In the unlikely event that the traffic counts do not accurately capture the typical traffic patterns in the area, a sensitivity analysis was conducted which confirms that the findings of this traffic study hold true even with significant increases in traffic volume (see Appendix G).

The following sections describe intersection performance measures, required operating standards, and existing operating conditions.

³ Data collected by All Traffic Data on January 9, 2020.

⁴ City of The Dalles Policy for Traffic Impact Studies, January 2004.

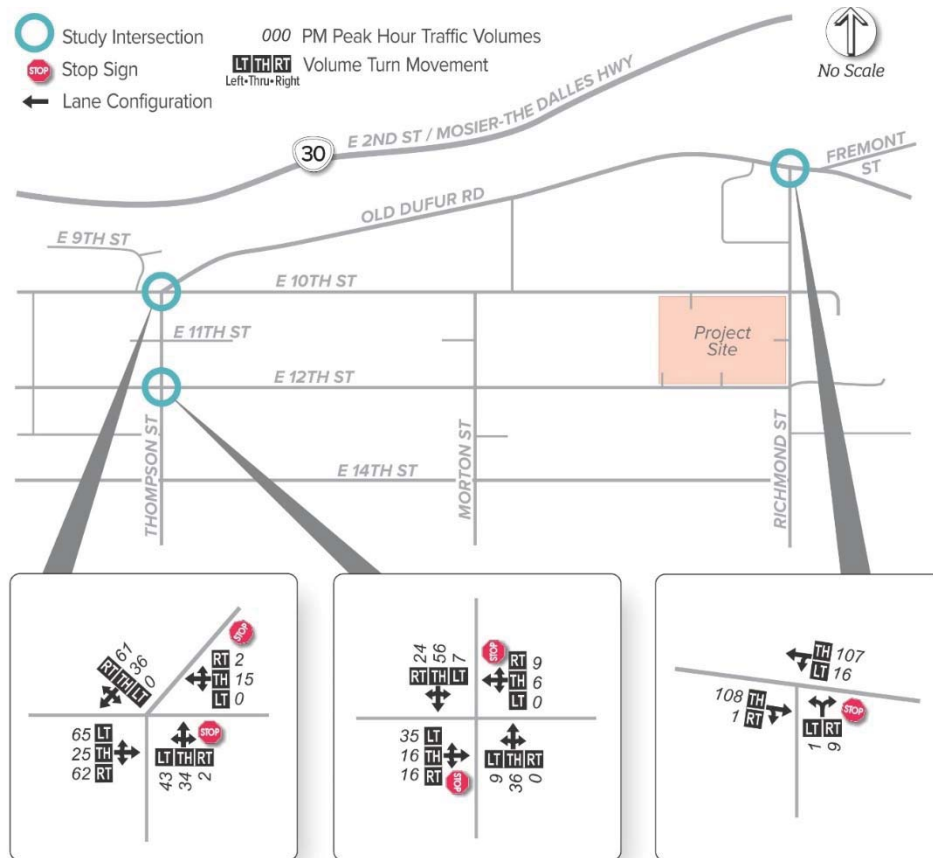


Figure 2: Existing PM Peak Hour Traffic Volumes

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.⁵ 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

⁵ 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.

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 intersections⁶ 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.⁷ 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.

Table 3: Existing PM Peak Study Intersection Operations

Intersection	Operating Standard	Existing PM Peak			
		Critical Movement	Delay	LOS	v/c
E 10th Street/Thompson Street	LOS D	NB	10.6	A/B	0.06
E 12th Street/Thompson Street	LOS D	EB	10.0	A/B	0.10
Old Dufur Road/Richmond Street	LOS D	NB	9.1	A/A	0.01
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 from the Oregon Department of Transportation crash database.⁸ During that time period, only one crash occurred in the vicinity of the project site, at E 10th Street/Richmond Street in 2016. The crash was a fixed object crash that involved speeding and resulted in property damage only.

⁶ City of The Dalles TSP, Page 75, Updated March 2017.

⁷ *Highway Capacity Manual, 6th*, Transportation Research Board, Washington DC, 2000/2010.

⁸ ODOT TransGIS Portal, Crash Data Layers. Accessed January 2019. <https://gis.odot.state.or.us/transgis/>

CHAPTER 3: PROJECT IMPACTS

This chapter summarizes 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 is an 80-unit residential development. The housing units will be a mix of 69 attached and detached (duplex and triplex) single family units and 11 accessory dwelling units. Six access points are proposed.

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.⁹

Table 4 provides the trip generation for the proposed housing development. The trip generation rate for single-family detached housing, which is higher than rates for attached housing, was applied all housing unit types as a conservative estimate of potential trip generation. As shown, the development is expected to generate approximately 82 total (52 in, 30 out) PM peak hour trips.

Table 4: Peak Hour Primary Trip Generation

Land Use (ITE Code)	Quantity	PM Trips		
		In	Out	Total
Single-Family Housing (210)	80 units	52	30	82

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.

⁹ Institute of Transportation Engineers *Trip Generation Manual*, 10th Edition

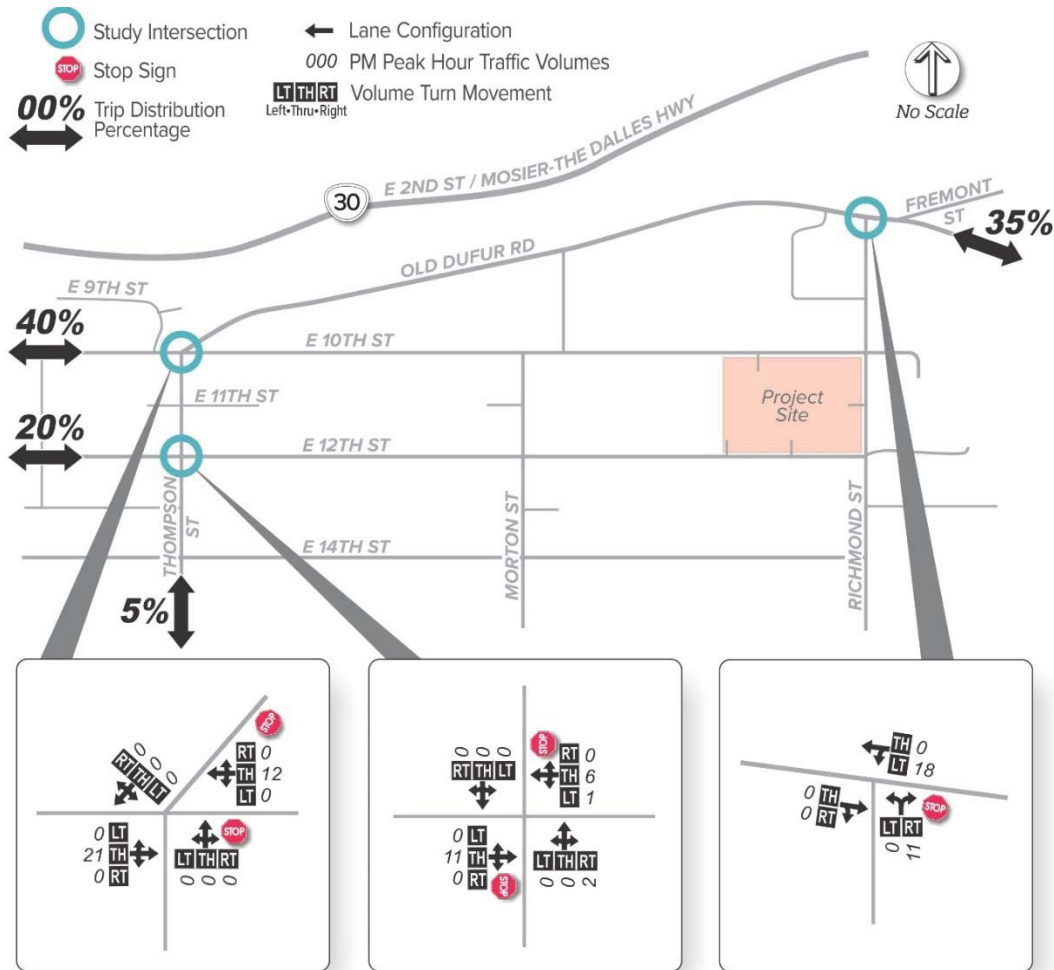


Figure 3: Trip Distribution and Project Trips

Future Operating Conditions

The following future scenarios were selected for analysis based on the City’s policy for traffic studies.¹⁰ 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

¹⁰ City of The Dalles Policy for Traffic Impact Studies, January 2004.

Future Year 2023 and 2028 background traffic volumes were estimated by applying a 1% annual growth rate to the existing (2020) traffic counts as directed by the City of The Dalles engineering staff. ¹¹ The Short-Term Background (2023) and Mid-Term Background (2028) traffic volumes are shown in Figure 4. The Short-Term Background (2023) + Full Build traffic volumes and Mid-Term Background (2028) + Full Build traffic volumes are shown in Figure 5.

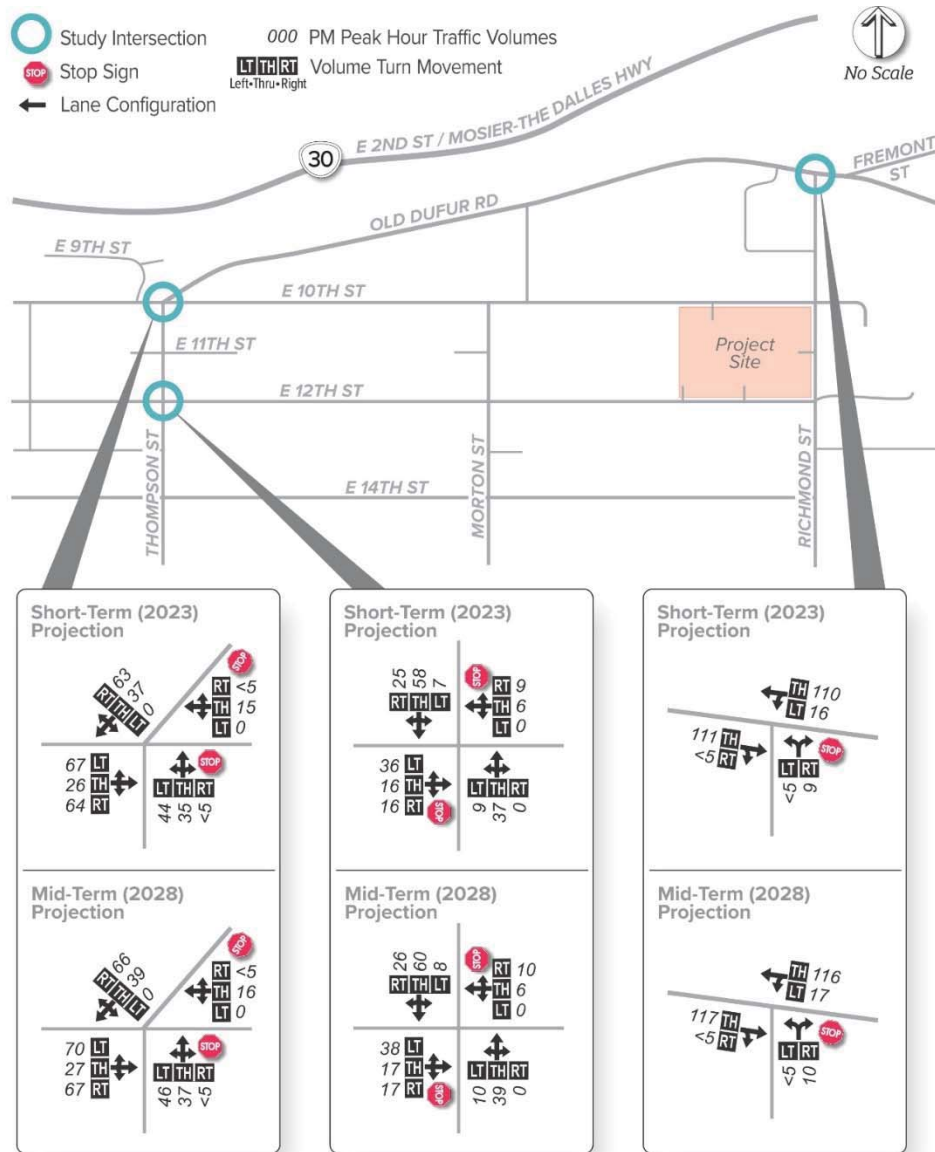


Figure 4: Short-Term (2023) and Mid-Term (2028) Background Traffic Volumes

¹¹ Email with Dale McCabe, City Engineer, City of the Dalles – January 24th, 2020

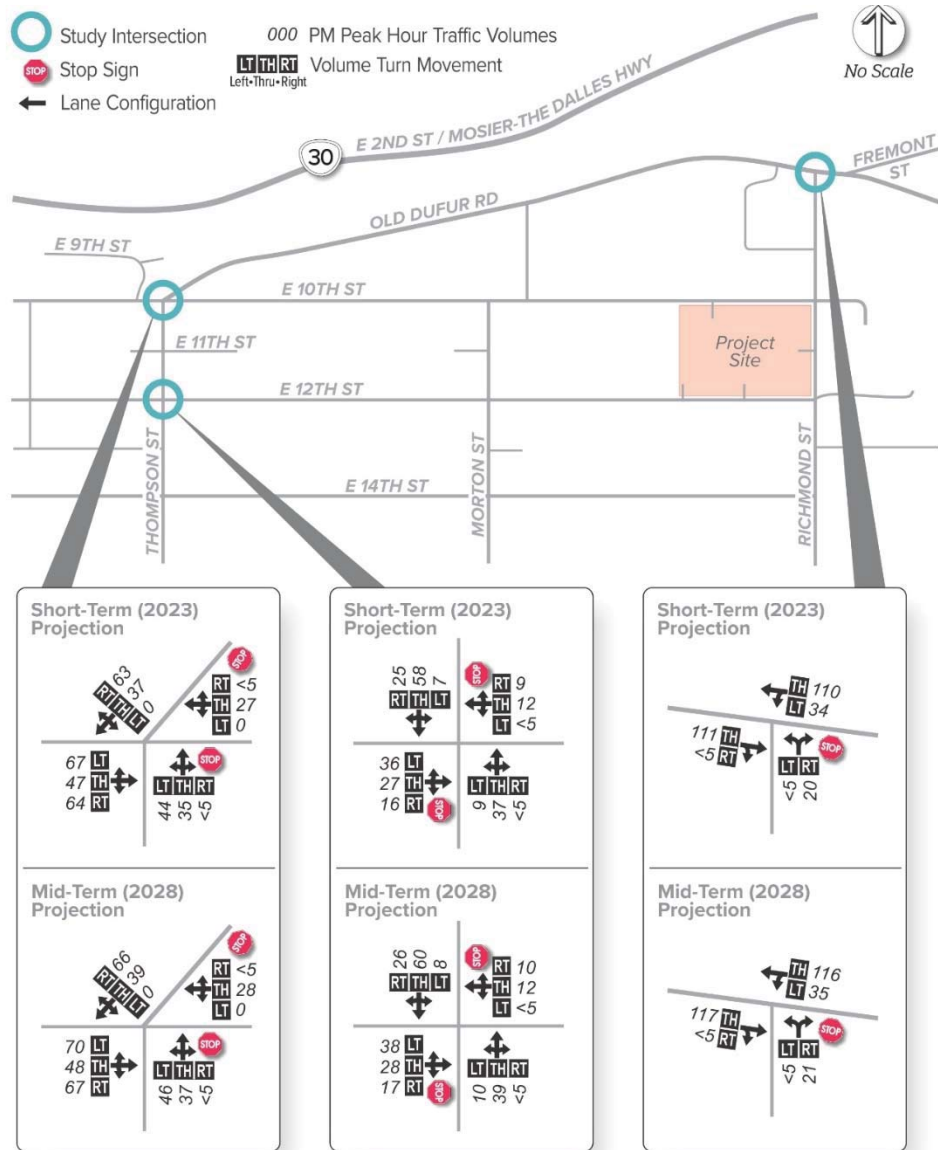


Figure 5: Short-Term (2023) and Mid-Term (2028) Background + Project Traffic Volumes

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 PM Peak Study Intersection Operations – Background Traffic

Intersection	Operating Standard	Short Term (2023) PM Peak				Mid Term (2028) PM Peak			
		Movement	Delay	LOS	v/c	Movement	Delay	LOS	v/c
E 10th Street / Thompson Street	LOS D	NB	10.6	A/B	0.06	NB	10.8	A/B	0.07
E 12th Street / Thompson Street	LOS D	EB	10.1	A/B	0.10	EB	10.2	A/B	0.11
Old Dufur Road / Richmond Street	LOS D	NB	9.2	A/A	0.01	NB	9.2	A/A	0.02
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 PM Peak Study Intersection Operations – Background + Project Traffic

Intersection	Operating Standard	Short Term (2023) PM Peak				Mid Term (2028) PM Peak			
		Movement	Delay	LOS	v/c	Movement	Delay	LOS	v/c
E 10th Street / Thompson Street	LOS D	NB	11.0	A/B	0.06	NB	11.1	A/B	0.07
E 12th Street / Thompson Street	LOS D	EB	10.3	A/B	0.12	EB	10.4	A/B	0.13
Old Dufur Road / Richmond Street	LOS D	NB	9.2	A/A	0.03	NB	9.2	A/A	0.03
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									

Queuing Analysis on Fremont Street

The intersection of US 197/Fremont Street was originally included in the list of study intersections. However, because this intersection is located on an Oregon Department of Transportation (ODOT) facility, it is subject to ODOT Development Review Guidelines¹². The guidelines state that “the analysis area will include intersections where the additional traffic created by the proposed development is greater than 10 percent of the current entering volume for the intersection.”

Traffic count data showed that the current entering volume for the intersection during the PM peak hour is 662 vehicles.¹³ The traffic generated by the subdivision was estimated to be 29 vehicles (Figure 3), equaling about 4% of the current entering volume. This means that the US 197/Fremont intersection is not required to be studied as part of this impact analysis.

However, City staff requested that the Fremont Street approach be evaluated for queuing impacts. Queuing analysis was performed for the existing and future scenarios to determine the increase in length of the queues forming at the intersection. The queuing analysis was based on traffic simulations performed in SimTraffic™.

Table 7 below shows the 95th percentile queues for the eastbound approach of the US 197/Fremont Street intersection. The 95th percentile queue is the queue length for a given intersection movement that has only a 5% chance of being exceeded during the peak traffic hour. The results are rounded to the nearest 5 feet.

Table 7: Queue Lengths on Fremont Street at US 197

Scenario	Approach	95th Percentile Queue
Existing (2020)	Eastbound (Fremont Street)	50 feet
2023 Background		55 feet
2023 Background + Project		60 feet
2028 Background		60 feet
2028 Background + Project		60 feet

As shown, the 95th percentile queues are between 50 and 60 feet. This is approximately 3 to 4 vehicles. The net change in the queue length from existing to future (2028) conditions is approximately 10 feet. The development is not anticipated to significantly impact queues on Fremont Street at US 197.

¹² Section 3.3.4, Development Review Guidelines, Oregon Department of Transportation, May 2017.

¹³ Traffic count data is included in the appendix.

Site Plan Evaluation

The site plan provided by the project sponsor shows six access points to the proposed development, with three accesses on Richmond Street, one access on E 10th Street, and two accesses on E 12th Street. There will be no direct access from individual lots onto E 10th Street, E 12th Street, or Richmond Street.

Sight Distance

Any proposed site accesses will need to meet American Association of State Highway and Transportation Officials (AASHTO)¹⁴ sight distance requirements. This includes providing adequate sight triangles at accesses that are clear of objects (buildings, large signs, landscaping, etc.) that could potentially limit vehicle sight distance.

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, resulting in a required sight distance of 280 feet. This sight distance requirement applies to any access that is proposed to be built on E 10th Street, E 12th Street, and Richmond Street.

There is a vertical curve on E 10th Street that restricts the available sight distance along this roadway. The site plan shows the proposed access to E 10th Street will be located on the crest of the vertical curve (which maximizes the available sight distance) and the available sight distance at the crest of the curve exceeds 280 feet in both directions.¹⁵ The available sight distance at the proposed access points on Richmond Street and E 12th Street is also sufficient to meet AASHTO requirements.

Prior to occupancy of the proposed development, sight distance requirements will need to be verified at all proposed accesses by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

On-Site Circulation

The proposed site plan was reviewed to evaluate on-site circulation. The site plan provided by the project sponsor shows the following streets:

- Two paved alleyways that are 20-feet wide
- A paved east-west public street (E 11th Street) with 54-feet of right of way,
- A paved north-south public street (Bradley Street), with right of way ranging from 50 feet wide (north of E 11th Street) to 29 feet (south of E 11th Street)¹⁶.

¹⁴ Table 9-6 Geometric Design of Highways and Streets, AASHTO, 2011

¹⁵ Field visit was conducted on March 17, 2020.

¹⁶ The southern portion of Bradley Street will be constructed as a half-street improvement that will be completed as future development occurs.

The street and alley widths shown on the site plan adequately accommodate two-way motor vehicle circulation on-site.

E 11th Street and the northern section of Bradley Street are required to meet the City's Local Street cross section standard, which consists of 5' wide sidewalks, 4' wide landscape buffers, and two 8' wide travel lanes. The southern section of Bradley Street is required to provide half-street improvements based on the City's Local Cross section standards.

Access Spacing

Richmond Street and E 10th Street are classified by the City of the Dalles as Local Streets. The City TSP¹⁷ does not include access spacing requirements for Local Streets.

E 12th Street is classified as a Minor Collector along the project site frontage. According to the TSP, the minimum spacing between driveways or streets on Minor Collectors is 75 feet to 150 feet. There is an existing driveway located on E 12th Street approximately 75 feet to the east of the proposed Bradley Street alignment, which meets the access spacing requirements.

Pedestrian and Bicycle Access and Circulation

The preliminary site plan shows sidewalks along all frontages and internal streets, which provides sufficient internal pedestrian facilities. The network of alleys on the project site provide additional access and circulation to and from the adjacent City streets. There is no requirement for dedicated bicycle facilities on local streets nor alleyways.

Frontage Improvements

The City of The Dalles requires frontage improvements consistent with the roadway classification when a development site abuts an existing public street.¹⁸ Richmond Street, E 10th Street, and E 12th Street are adjacent to the proposed development.

Both Richmond Street and E 10th Street are classified as Local Streets. Local Street cross section requirements¹⁹ consist of 5 foot wide sidewalks, 4 foot wide landscape strips, and two 8 foot wide travel lanes.

E 12th Street fronting the project site is classified as a Minor Collector. Minor Collector cross section requirements consist of 5 foot wide sidewalks, 5 foot wide landscape buffer, 6 foot wide bike lanes, and two 12 foot wide travel lanes.

Currently, sidewalks, bike lanes, and landscape buffers do not exist on these roadways and the appropriate half-street improvements along the frontages of the proposed development will be required.

¹⁷ City of The Dalles TSP, Page 156, Updated March 2017.

¹⁸ City of The Dalles Municipal Code 10.10.060 Section C-1.

¹⁹ City of The Dalles TSP, Page 156, Updated March 2017.

Project Impact Summary

The proposed development is anticipated to result in the following impacts:

Trip Generation/Intersection Operations

- The proposed development is an 80-unit residential development which includes a mix of 69 attached and detached (duplex and triplex) single family units and 11 accessory dwelling units.
- The development is expected to generate 82 (52 in, 30 out) PM peak hour trips.
- All study intersections meet the City's operational standard under all analysis scenarios. A sensitivity analysis (Appendix G) confirmed these findings hold true under significantly higher traffic volumes.

Site Plan Review

- The locations of all proposed access points provide adequate sight distance based on AASHTO requirements. 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.
- The location of the six proposed site accesses shown on the site plan meet the City's access spacing requirements.
- Per the City's development code, E 11th Street and the northern section of Bradley Street shall be constructed according to the cross-section standards for Local Streets. Only half street improvements (consistent with Local Street standards) are required on the southern section of Bradley Street.
- Per the City's development code, half-street improvements will be required on Richmond Street, E 10th Street, and E 12th Street along the property frontages. These improvements include sidewalks, landscape buffers, and bike lanes.

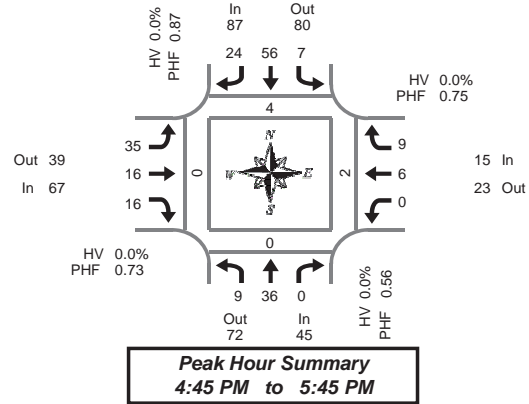
APPENDIX A

Volume Data

Total Vehicle Summary



Clay Carney
(503) 833-2740



Thompson St & 12th St

Thursday, January 09, 2020
4:00 PM to 6:00 PM

5-Minute Interval Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 12th St				Westbound 12th St				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
4:00 PM	0	6	0	0	0	3	2	0	0	1	3	0	0	0	0	0	0	0	0	0	
4:05 PM	1	3	0	1	1	1	3	0	3	2	2	0	0	0	1	0	0	0	1	0	
4:10 PM	1	1	0	0	3	8	6	0	2	3	1	0	0	1	0	0	0	0	0	0	
4:15 PM	2	0	0	0	1	6	1	0	2	3	1	0	0	1	0	0	0	0	0	0	
4:20 PM	0	2	0	0	0	5	3	0	3	0	0	0	0	0	0	0	0	0	0	1	
4:25 PM	0	1	0	0	1	4	0	0	1	3	0	0	0	0	2	0	0	0	0	0	
4:30 PM	0	0	0	0	3	5	2	0	1	2	0	0	0	0	0	0	0	0	0	0	
4:35 PM	0	1	0	0	1	4	4	0	5	0	1	0	0	1	0	0	0	0	0	1	
4:40 PM	0	1	0	0	0	4	1	0	4	0	0	0	0	0	0	0	0	0	0	0	
4:45 PM	1	1	0	0	2	4	2	0	3	2	0	0	0	0	0	0	0	0	0	0	
4:50 PM	1	5	0	0	1	4	4	0	3	1	2	0	0	1	0	0	0	0	0	0	
4:55 PM	0	3	0	0	1	3	1	0	0	1	1	0	0	0	0	0	0	0	0	0	
5:00 PM	1	2	0	0	0	3	1	0	4	0	2	0	0	1	1	0	0	0	0	0	
5:05 PM	1	1	0	0	0	5	4	0	4	3	1	0	0	0	1	0	0	0	0	0	
5:10 PM	0	2	0	0	0	6	5	0	6	0	3	0	0	0	1	0	0	0	0	0	
5:15 PM	0	1	0	0	0	5	0	0	1	2	0	0	0	1	0	0	0	0	0	0	
5:20 PM	0	5	0	0	1	6	1	0	2	1	0	0	0	1	1	0	0	0	0	0	
5:25 PM	0	1	0	0	1	4	1	0	4	2	2	0	0	0	2	0	0	0	0	0	
5:30 PM	2	3	0	0	0	7	1	0	3	1	3	0	0	0	1	0	0	0	0	0	
5:35 PM	2	5	0	0	0	5	0	0	3	1	1	0	0	0	2	0	0	0	0	0	
5:40 PM	1	7	0	0	1	4	4	0	2	2	1	0	0	2	0	0	0	0	0	0	
5:45 PM	0	2	0	0	0	2	1	0	1	0	1	0	0	1	1	0	0	0	0	0	
5:50 PM	2	2	0	0	1	6	0	0	2	0	1	0	0	1	0	0	0	0	0	0	
5:55 PM	0	5	0	0	0	4	2	0	0	1	0	0	0	0	0	0	0	0	0	0	
Total Survey	15	60	0	1	18	108	49	0	59	31	26	0	0	11	13	0	390	4	0	3	2

15-Minute Interval Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 12th St				Westbound 12th St				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
4:00 PM	2	10	0	1	4	12	11	0	5	6	6	0	0	1	1	0	58	0	0	1	0
4:15 PM	2	3	0	0	2	15	4	0	6	6	1	0	0	1	2	0	42	0	0	0	1
4:30 PM	0	2	0	0	4	13	7	0	10	2	1	0	0	1	0	0	40	0	0	0	1
4:45 PM	2	9	0	0	4	11	7	0	6	4	3	0	0	1	0	0	47	2	0	2	0
5:00 PM	2	5	0	0	0	14	10	0	14	3	6	0	0	1	3	0	58	0	0	0	0
5:15 PM	0	7	0	0	2	15	2	0	7	5	2	0	0	2	3	0	45	0	0	0	0
5:30 PM	5	15	0	0	1	16	5	0	8	4	5	0	0	2	3	0	64	2	0	0	0
5:45 PM	2	9	0	0	1	12	3	0	3	1	2	0	0	2	1	0	36	0	0	0	0
Total Survey	15	60	0	1	18	108	49	0	59	31	26	0	0	11	13	0	390	4	0	3	2

Peak Hour Summary
4:45 PM to 5:45 PM

By Approach	Northbound Thompson St				Southbound Thompson St				Eastbound 12th St				Westbound 12th St				Total	Pedestrians Crosswalk			
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West
Volume	45	72	117	0	87	80	167	0	67	39	106	0	15	23	38	0	214	4	0	2	0
%HV	0.0%				0.0%				0.0%				0.0%				0.0%				
PHF	0.56				0.87				0.73				0.75				0.84				

By Movement	Northbound Thompson St				Southbound Thompson St				Eastbound 12th St				Westbound 12th St				Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
Volume	9	36	0	45	7	56	24	87	35	16	16	67	0	6	9	15	214
%HV	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PHF	0.45	0.60	0.00	0.56	0.44	0.82	0.60	0.87	0.63	0.80	0.67	0.73	0.00	0.75	0.45	0.75	0.84

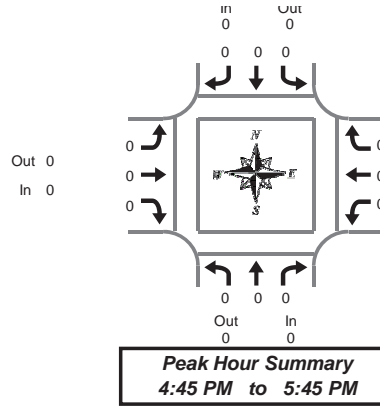
Rolling Hour Summary
4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 12th St				Westbound 12th St				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
4:00 PM	6	24	0	1	14	51	29	0	27	18	11	0	0	4	3	0	187	2	0	3	2
4:15 PM	6	19	0	0	10	53	28	0	36	15	11	0	0	4	5	0	187	2	0	2	2
4:30 PM	4	23	0	0	10	53	26	0	37	14	12	0	0	5	6	0	190	2	0	2	1
4:45 PM	9	36	0	0	7	56	24	0	35	16	16	0	0	6	9	0	214	4	0	2	0
5:00 PM	9	36	0	0	4	57	20	0	32	13	15	0	0	7	10	0	203	2	0	0	0

Heavy Vehicle Summary



Clay Carney
(503) 833-2740



Thompson St & 12th St

Thursday, January 09, 2020
4:00 PM to 6:00 PM

Heavy Vehicle 5-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 12th St				Westbound 12th St				Interval Total	
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:05 PM	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1
4:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Survey	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1

Heavy Vehicle 15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 12th St				Westbound 12th St				Interval Total	
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total		
4:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Survey	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1

Heavy Vehicle Peak Hour Summary 4:45 PM to 5:45 PM

By Approach	Northbound Thompson St			Southbound Thompson St			Eastbound 12th St			Westbound 12th St			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	0	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.00			0.00			0.00			0.00			0.00

By Movement	Northbound Thompson St				Southbound Thompson St				Eastbound 12th St				Westbound 12th St				Total	
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total		
Volume	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Heavy Vehicle Rolling Hour Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 12th St				Westbound 12th St				Interval Total	
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total		
4:00 PM	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

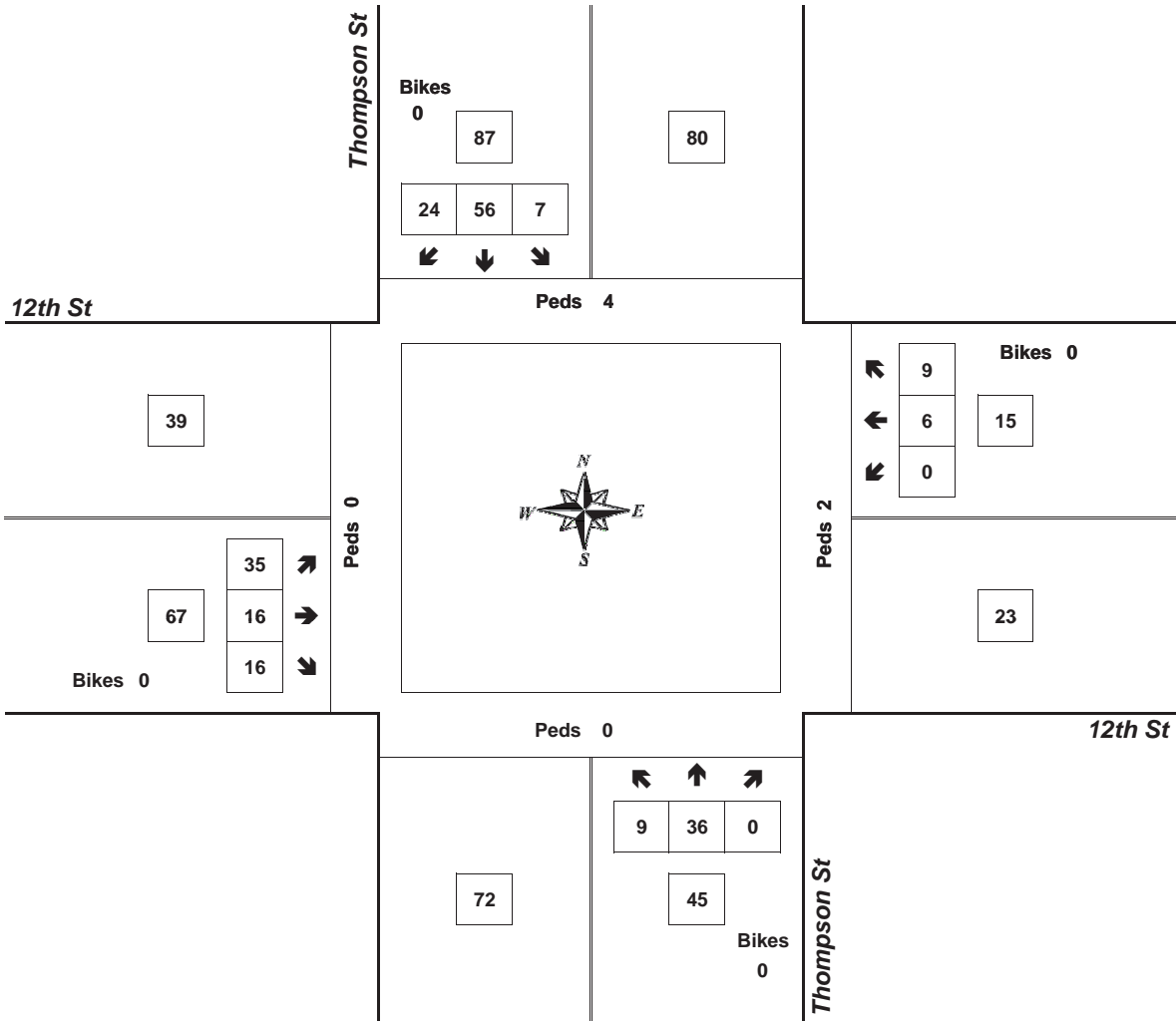
Peak Hour Summary



Clay Carney
(503) 833-2740

Thompson St & 12th St

4:45 PM to 5:45 PM
Thursday, January 09, 2020



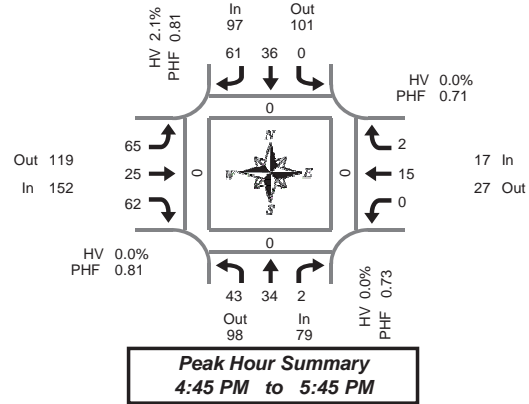
Approach	PHF	HV%	Volume
EB	0.73	0.0%	67
WB	0.75	0.0%	15
NB	0.56	0.0%	45
SB	0.87	0.0%	87
Intersection	0.84	0.0%	214

Count Period: 4:00 PM to 6:00 PM

Total Vehicle Summary



Clay Carney
(503) 833-2740



Thompson St & 10th St

Thursday, January 09, 2020
4:00 PM to 6:00 PM

5-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 10th St				Westbound 10th St				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
4:00 PM	3	3	0	0	0	2	6	0	2	1	6	0	0	0	0	0	0	0	0	0	0
4:05 PM	4	3	0	1	0	1	2	0	3	1	1	0	1	1	0	0	0	0	0	0	0
4:10 PM	0	2	0	0	1	6	7	0	10	0	10	0	0	1	0	0	0	0	1	1	0
4:15 PM	1	1	0	0	0	2	6	0	13	1	6	0	1	0	0	0	0	0	0	0	0
4:20 PM	2	3	0	0	0	5	8	0	9	2	3	0	0	0	1	0	0	0	0	0	0
4:25 PM	3	1	0	0	0	3	6	0	8	2	3	0	0	0	0	0	0	0	0	0	0
4:30 PM	1	1	0	0	0	2	10	0	6	0	9	0	0	1	0	0	0	0	1	1	0
4:35 PM	1	5	0	0	0	4	10	0	6	0	7	0	0	1	0	0	0	0	0	0	0
4:40 PM	2	3	1	0	0	3	4	0	7	1	3	0	0	0	0	0	0	0	0	0	0
4:45 PM	1	2	0	0	0	3	6	0	5	3	5	0	0	2	0	0	0	0	0	0	0
4:50 PM	4	1	0	0	0	4	8	0	3	2	6	0	0	0	0	0	0	0	0	0	0
4:55 PM	2	1	0	0	0	3	3	0	4	2	3	0	0	2	0	0	0	0	0	0	0
5:00 PM	4	4	1	0	0	3	2	0	2	2	4	0	0	2	0	0	0	0	0	0	0
5:05 PM	3	3	0	0	0	2	2	0	3	3	9	0	0	1	0	0	0	0	0	0	0
5:10 PM	1	4	1	0	0	7	5	0	11	3	4	0	0	1	0	0	0	0	0	0	0
5:15 PM	3	2	0	0	0	1	5	0	6	2	6	0	0	3	0	0	0	0	0	0	0
5:20 PM	5	3	0	0	0	3	9	0	7	1	5	0	0	2	0	0	0	0	0	0	0
5:25 PM	3	4	0	0	0	3	7	0	6	1	5	0	0	0	1	0	0	0	0	0	0
5:30 PM	2	5	0	0	0	2	3	0	4	3	6	0	0	1	0	0	0	0	0	0	0
5:35 PM	7	2	0	0	0	2	4	0	8	0	4	0	0	0	1	0	0	0	0	0	0
5:40 PM	8	3	0	0	0	3	7	0	6	3	5	0	0	1	0	0	0	0	0	0	0
5:45 PM	0	3	0	0	0	2	5	0	7	0	2	0	0	1	0	0	0	0	0	0	0
5:50 PM	3	2	0	0	0	1	4	0	5	0	5	0	0	0	0	0	0	0	0	0	0
5:55 PM	2	3	0	0	0	2	3	0	8	1	4	0	0	0	0	0	0	0	0	0	0
Total Survey	65	64	3	1	1	69	132	0	149	34	121	0	2	20	3	0	0	0	2	2	0

15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 10th St				Westbound 10th St				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
4:00 PM	7	8	0	1	1	9	15	0	15	2	17	0	1	2	0	0	0	0	1	1	0
4:15 PM	6	5	0	0	0	10	20	0	30	5	12	0	1	0	1	0	0	0	0	0	0
4:30 PM	4	9	1	0	0	9	24	0	19	1	19	0	0	2	0	0	0	0	1	1	0
4:45 PM	7	4	0	0	0	10	17	0	12	7	14	0	0	4	0	0	0	0	0	0	0
5:00 PM	8	11	2	0	0	12	9	0	16	8	17	0	0	4	0	0	0	0	0	0	0
5:15 PM	11	9	0	0	0	7	21	0	19	4	16	0	0	5	1	0	0	0	0	0	0
5:30 PM	17	10	0	0	0	7	14	0	18	6	15	0	0	2	1	0	0	0	0	0	0
5:45 PM	5	8	0	0	0	5	12	0	20	1	11	0	0	1	0	0	0	0	0	0	0
Total Survey	65	64	3	1	1	69	132	0	149	34	121	0	2	20	3	0	0	0	2	2	0

Peak Hour Summary 4:45 PM to 5:45 PM

By Approach	Northbound Thompson St				Southbound Thompson St				Eastbound 10th St				Westbound 10th St				Total	Pedestrians Crosswalk			
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West
Volume	79	98	177	0	97	101	198	0	152	119	271	0	17	27	44	0	0	0	0	0	0
%HV	0.0%				2.1%				0.0%				0.0%				0.6%				
PHF	0.73				0.81				0.81				0.71				0.86				

By Movement	Northbound Thompson St				Southbound Thompson St				Eastbound 10th St				Westbound 10th St				Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
Volume	43	34	2	79	0	36	61	97	65	25	62	152	0	15	2	17	345
%HV	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.3%	2.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.6%
PHF	0.63	0.71	0.25	0.73	0.00	0.75	0.73	0.81	0.68	0.78	0.82	0.81	0.00	0.63	0.25	0.71	0.86

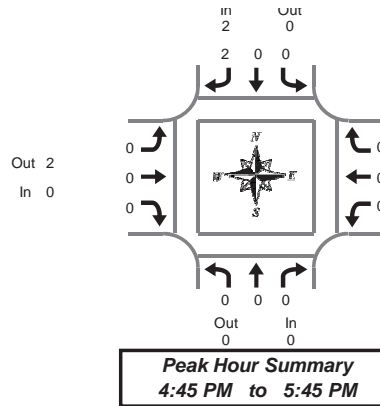
Rolling Hour Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 10th St				Westbound 10th St				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
4:00 PM	24	26	1	1	1	38	76	0	76	15	62	0	2	8	1	0	0	0	2	2	0
4:15 PM	25	29	3	0	0	41	70	0	77	21	62	0	1	10	1	0	0	0	1	1	0
4:30 PM	30	33	3	0	0	38	71	0	66	20	66	0	0	15	1	0	0	0	1	1	0
4:45 PM	43	34	2	0	0	36	61	0	65	25	62	0	0	15	2	0	0	0	1	0	0
5:00 PM	41	38	2	0	0	31	56	0	73	19	59	0	0	12	2	0	0	0	0	0	0

Heavy Vehicle Summary



Clay Carney
(503) 833-2740



Thompson St & 10th St

Thursday, January 09, 2020

4:00 PM to 6:00 PM

Heavy Vehicle 5-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 10th St				Westbound 10th St				Interval Total	
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:05 PM	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
4:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:25 PM	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1
4:30 PM	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1
4:35 PM	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
4:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1
4:50 PM	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1
4:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Survey	0	1	0	1	0	0	3	3	2	0	0	2	0	0	0	0	0	6

Heavy Vehicle 15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 10th St				Westbound 10th St				Interval Total	
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total		
4:00 PM	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
4:15 PM	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
4:30 PM	0	0	0	0	0	0	1	1	1	0	0	1	0	0	0	0	0	2
4:45 PM	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	2
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Survey	0	1	0	1	0	0	3	3	2	0	0	2	0	0	0	0	0	6

Heavy Vehicle Peak Hour Summary 4:45 PM to 5:45 PM

By Approach	Northbound Thompson St			Southbound Thompson St			Eastbound 10th St			Westbound 10th St			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	0	0	0	2	0	2	0	2	2	0	0	0	2
PHF	0.00			0.25			0.00			0.00			0.25

By Movement	Northbound Thompson St				Southbound Thompson St				Eastbound 10th St				Westbound 10th St				Total	
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total		
Volume	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	2
PHF	0.00	0.00	0.00	0.00	0.00	0.00	0.25	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.25

Heavy Vehicle Rolling Hour Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Thompson St				Southbound Thompson St				Eastbound 10th St				Westbound 10th St				Interval Total	
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total		
4:00 PM	0	1	0	1	0	0	3	3	2	0	0	2	0	0	0	0	0	6
4:15 PM	0	0	0	0	0	0	3	3	2	0	0	2	0	0	0	0	0	5
4:30 PM	0	0	0	0	0	0	3	3	1	0	0	1	0	0	0	0	0	4
4:45 PM	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	2
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

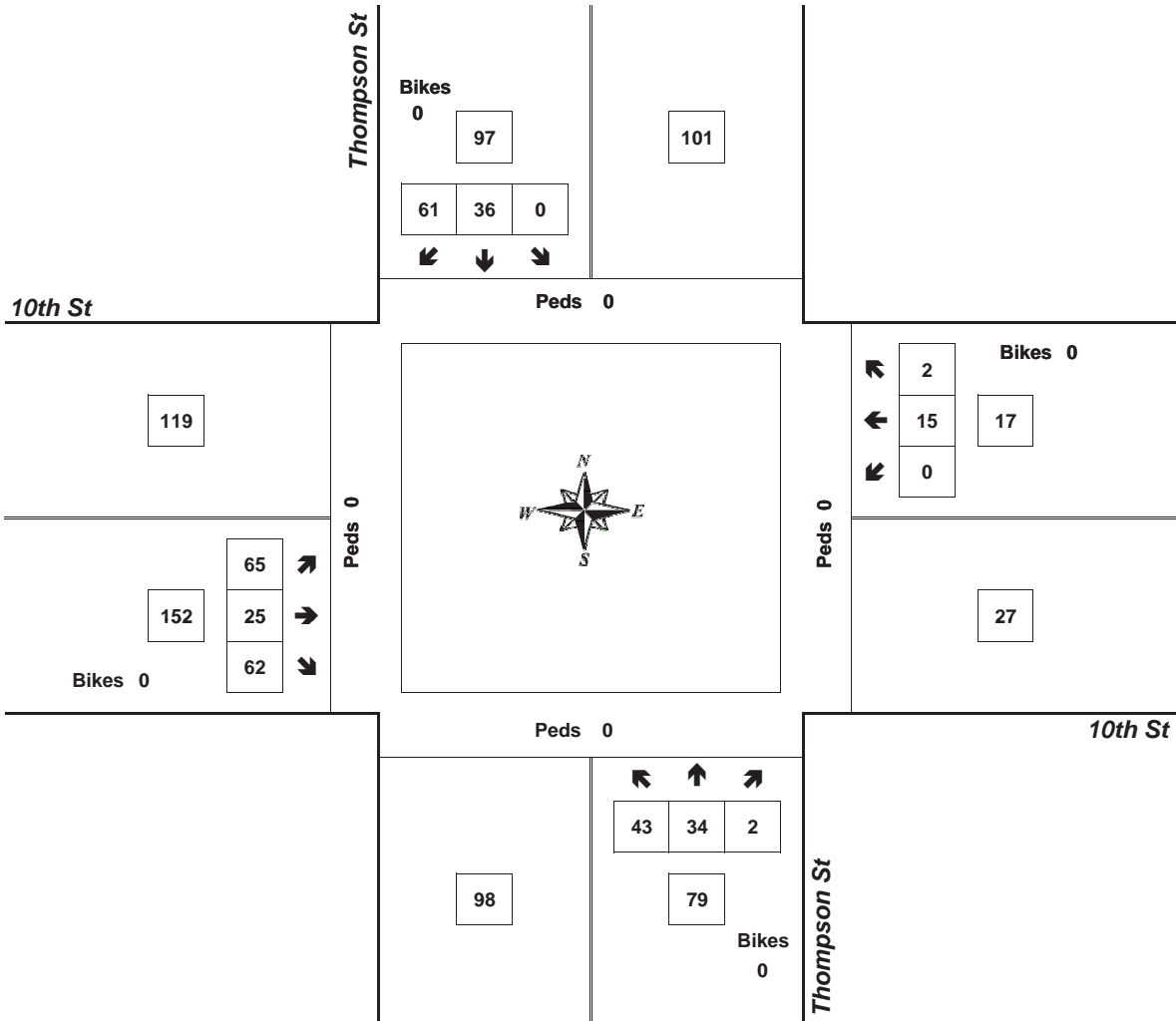
Peak Hour Summary



Clay Carney
(503) 833-2740

Thompson St & 10th St

4:45 PM to 5:45 PM
Thursday, January 09, 2020



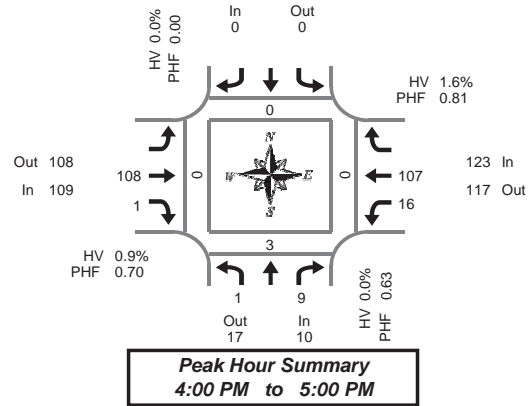
Approach	PHF	HV%	Volume
EB	0.81	0.0%	152
WB	0.71	0.0%	17
NB	0.73	0.0%	79
SB	0.81	2.1%	97
Intersection	0.86	0.6%	345

Count Period: 4:00 PM to 6:00 PM

Total Vehicle Summary



Clay Carney
(503) 833-2740



Richond St & Old Dufur Rd

Thursday, January 09, 2020
4:00 PM to 6:00 PM

**5-Minute Interval Summary
4:00 PM to 6:00 PM**

Interval Start Time	Northbound Richond St			Southbound Richond St			Eastbound Old Dufur Rd			Westbound Old Dufur Rd			Interval Total	Pedestrians Crosswalk			
	L	R	Bikes	In	Out	Bikes	T	R	Bikes	L	T	Bikes		North	South	East	West
4:00 PM	0	1	0			0	7	0	0	2	5	0	15	0	1	0	0
4:05 PM	0	2	0			0	5	0	0	1	9	0	17	0	0	0	0
4:10 PM	0	0	0			0	12	0	0	1	9	0	22	0	0	0	0
4:15 PM	0	2	0			0	10	0	0	3	11	0	26	0	0	0	0
4:20 PM	0	1	0			0	17	0	0	1	9	0	28	0	1	0	0
4:25 PM	0	0	0			0	9	0	0	2	9	0	20	0	1	0	0
4:30 PM	0	2	0			0	6	0	0	3	9	0	20	0	0	0	0
4:35 PM	0	0	0			0	10	1	0	1	14	0	26	0	0	0	0
4:40 PM	0	0	0			0	14	0	0	1	7	0	22	0	0	0	0
4:45 PM	0	0	0			0	7	0	0	0	12	0	19	0	0	0	0
4:50 PM	1	1	0			0	5	0	0	0	10	0	17	0	0	0	0
4:55 PM	0	0	0			0	6	0	0	1	3	0	10	0	0	0	0
5:00 PM	0	0	0			0	3	1	0	0	6	0	10	0	0	0	0
5:05 PM	0	0	0			0	7	0	0	3	7	0	17	0	0	0	0
5:10 PM	0	0	0			0	9	1	0	4	8	0	22	0	0	0	0
5:15 PM	1	1	0			0	10	0	0	2	11	0	25	0	0	0	0
5:20 PM	0	1	0			0	10	0	0	2	8	0	21	0	0	0	0
5:25 PM	0	1	0			0	9	0	0	1	9	0	20	0	0	0	0
5:30 PM	0	0	0			0	8	0	0	3	5	0	16	0	0	0	0
5:35 PM	0	1	0			0	4	1	0	0	6	0	12	0	0	0	0
5:40 PM	0	0	0			0	6	0	0	1	8	0	15	0	0	0	0
5:45 PM	1	1	0			0	8	0	0	0	4	0	14	0	0	0	0
5:50 PM	0	1	0			0	8	0	0	0	5	0	14	0	0	0	0
5:55 PM	1	1	0			0	5	0	0	1	4	0	12	0	0	0	0
Total Survey	4	16	0			0	195	4	0	33	188	0	440	0	3	0	0

**15-Minute Interval Summary
4:00 PM to 6:00 PM**

Interval Start Time	Northbound Richond St			Southbound Richond St			Eastbound Old Dufur Rd			Westbound Old Dufur Rd			Interval Total	Pedestrians Crosswalk			
	L	R	Bikes	In	Out	Bikes	T	R	Bikes	L	T	Bikes		North	South	East	West
4:00 PM	0	3	0			0	24	0	0	4	23	0	54	0	1	0	0
4:15 PM	0	3	0			0	36	0	0	6	29	0	74	0	2	0	0
4:30 PM	0	2	0			0	30	1	0	5	30	0	68	0	0	0	0
4:45 PM	1	1	0			0	18	0	0	1	25	0	46	0	0	0	0
5:00 PM	0	0	0			0	19	2	0	7	21	0	49	0	0	0	0
5:15 PM	1	3	0			0	29	0	0	5	28	0	66	0	0	0	0
5:30 PM	0	1	0			0	18	1	0	4	19	0	43	0	0	0	0
5:45 PM	2	3	0			0	21	0	0	1	13	0	40	0	0	0	0
Total Survey	4	16	0			0	195	4	0	33	188	0	440	0	3	0	0

**Peak Hour Summary
4:00 PM to 5:00 PM**

By Approach	Northbound Richond St				Southbound Richond St				Eastbound Old Dufur Rd				Westbound Old Dufur Rd				Total	Pedestrians Crosswalk			
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West
Volume	10	17	27	0	0	0	0	0	109	108	217	0	123	117	240	0	242	0	3	0	0
%HV	0.0%				0.0%				0.9%				1.6%				1.2%				
PHF	0.63				0.00				0.70				0.81				0.80				

By Movement	Northbound Richond St				Southbound Richond St				Eastbound Old Dufur Rd				Westbound Old Dufur Rd				Total
	L	R	Total	Bikes	L	R	Total	Bikes	T	R	Total	Bikes	L	T	Total	Bikes	
Volume	1	9	10	0	NA	NA	NA	0.0%	NA	108	1	109	16	107	123	242	
%HV	0.0%	NA	0.0%	0.0%	NA	NA	NA	0.0%	NA	0.9%	0.0%	0.9%	0.0%	1.9%	NA	1.6%	
PHF	0.25	0.56	0.63	0.00	NA	NA	NA	0.00	NA	0.69	0.25	0.70	0.67	0.81	0.81	0.80	

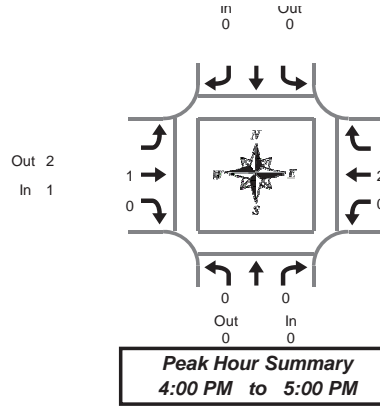
**Rolling Hour Summary
4:00 PM to 6:00 PM**

Interval Start Time	Northbound Richond St			Southbound Richond St			Eastbound Old Dufur Rd			Westbound Old Dufur Rd			Interval Total	Pedestrians Crosswalk			
	L	R	Bikes	In	Out	Bikes	T	R	Bikes	L	T	Bikes		North	South	East	West
4:00 PM	1	9	0			0	108	1	0	16	107	0	242	0	3	0	0
4:15 PM	1	6	0			0	103	3	0	19	105	0	237	0	2	0	0
4:30 PM	2	6	0			0	96	3	0	18	104	0	229	0	0	0	0
4:45 PM	2	5	0			0	84	3	0	17	93	0	204	0	0	0	0
5:00 PM	3	7	0			0	87	3	0	17	81	0	198	0	0	0	0

Heavy Vehicle Summary



Clay Carney
(503) 833-2740



Richond St & Old Dufur Rd

Thursday, January 09, 2020
4:00 PM to 6:00 PM

Heavy Vehicle 5-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Richond St			Southbound Richond St			Eastbound Old Dufur Rd			Westbound Old Dufur Rd			Interval Total	
	L	R	Total			Total	T	R	Total	L	T	Total		
4:00 PM	0	0	0			0			0	0	0	0	0	
4:05 PM	0	0	0			0			0	0	0	0	0	
4:10 PM	0	0	0			0			0	0	0	0	0	
4:15 PM	0	0	0			0			0	0	0	0	0	
4:20 PM	0	0	0			0			0	0	0	0	0	
4:25 PM	0	0	0			0			1	0	1	0	2	
4:30 PM	0	0	0			0			0	0	0	0	0	
4:35 PM	0	0	0			0			0	0	0	0	0	
4:40 PM	0	0	0			0			0	0	0	0	0	
4:45 PM	0	0	0			0			0	0	0	0	0	
4:50 PM	0	0	0			0			0	0	0	1	1	
4:55 PM	0	0	0			0			0	0	0	0	0	
5:00 PM	0	0	0			0			0	0	1	1	1	
5:05 PM	0	0	0			0			0	0	0	0	0	
5:10 PM	0	0	0			0			0	0	0	0	0	
5:15 PM	0	0	0			0			0	0	0	0	0	
5:20 PM	0	0	0			0			0	0	0	0	0	
5:25 PM	0	0	0			0			0	0	0	0	0	
5:30 PM	0	0	0			0			0	0	0	0	0	
5:35 PM	0	0	0			0			0	0	0	0	0	
5:40 PM	0	0	0			0			0	0	0	0	0	
5:45 PM	0	0	0			0			0	0	0	0	0	
5:50 PM	0	0	0			0			0	0	0	0	0	
5:55 PM	0	0	0			0			0	0	0	0	0	
Total Survey	0	0	0			0			1	0	1	0	3	4

Heavy Vehicle 15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Richond St			Southbound Richond St			Eastbound Old Dufur Rd			Westbound Old Dufur Rd			Interval Total	
	L	R	Total			Total	T	R	Total	L	T	Total		
4:00 PM	0	0	0			0			0	0	0	0	0	
4:15 PM	0	0	0			0			1	0	1	0	2	
4:30 PM	0	0	0			0			0	0	0	0	0	
4:45 PM	0	0	0			0			0	0	0	1	1	
5:00 PM	0	0	0			0			0	0	0	1	1	
5:15 PM	0	0	0			0			0	0	0	0	0	
5:30 PM	0	0	0			0			0	0	0	0	0	
5:45 PM	0	0	0			0			0	0	0	0	0	
Total Survey	0	0	0			0			1	0	1	0	3	4

Heavy Vehicle Peak Hour Summary 4:00 PM to 5:00 PM

By Approach	Northbound Richond St			Southbound Richond St			Eastbound Old Dufur Rd			Westbound Old Dufur Rd			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	0	0	0	0	0	0	1	2	3	2	1	3	3
PHF	0.00			0.00			0.25			0.50			0.38

By Movement	Northbound Richond St			Southbound Richond St			Eastbound Old Dufur Rd			Westbound Old Dufur Rd			Total	
	L	R	Total			Total	T	R	Total	L	T	Total		
Volume	0	0	0			0			1	0	1	0	2	3
PHF	0.00	0.00	0.00			0.00			0.25	0.00	0.25	0.00	0.50	0.38

Heavy Vehicle Rolling Hour Summary 4:00 PM to 6:00 PM

Interval Start Time	Northbound Richond St			Southbound Richond St			Eastbound Old Dufur Rd			Westbound Old Dufur Rd			Interval Total	
	L	R	Total			Total	T	R	Total	L	T	Total		
4:00 PM	0	0	0			0			1	0	1	0	2	3
4:15 PM	0	0	0			0			1	0	1	0	3	4
4:30 PM	0	0	0			0			0	0	0	2	2	2
4:45 PM	0	0	0			0			0	0	0	2	2	2
5:00 PM	0	0	0			0			0	0	0	1	1	1

Peak Hour Summary



Clay Carney
(503) 833-2740

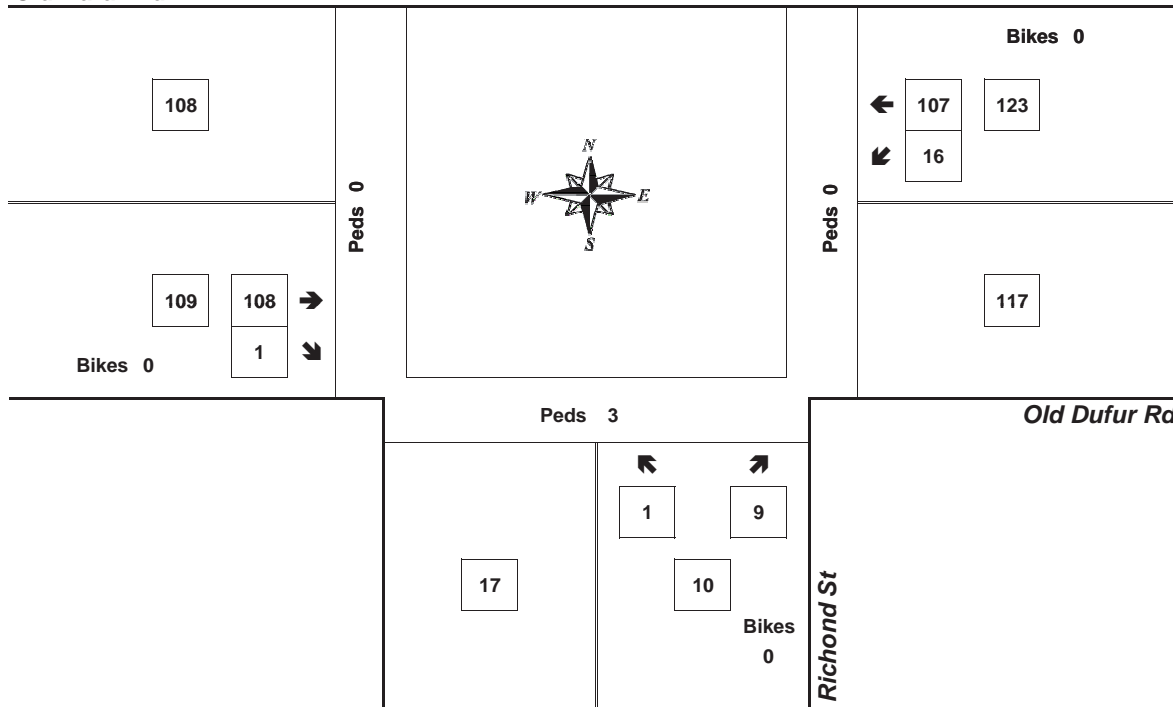
Richmond St & Old Dufur Rd

4:00 PM to 5:00 PM
Thursday, January 09, 2020

Bikes
0

Old Dufur Rd

Peds 0



Approach	PHF	HV%	Volume
EB	0.70	0.9%	109
WB	0.81	1.6%	123
NB	0.63	0.0%	10
SB	0.00	0.0%	0
Intersection	0.80	1.2%	242

Count Period: 4:00 PM to 6:00 PM

APPENDIX B

Level of Service (LOS) Description

TRAFFIC LEVELS OF SERVICE

Analysis of traffic volumes is useful in understanding the general nature of traffic in an area, but by itself indicates neither the ability of the street network to carry additional traffic nor the quality of service afforded by the street facilities. For this, the concept of level of service has been developed to subjectively describe traffic performance. Level of service can be measured at intersections and along key roadway segments.

Levels of service categories are similar to report card ratings for traffic performance. Intersections are typically the controlling bottlenecks of traffic flow and the ability of a roadway system to carry traffic efficiently is generally diminished in their vicinities. Levels of Service A, B and C indicate conditions where traffic moves without significant delays over periods of peak travel demand. Level of service D and E are progressively worse peak hour operating conditions and F conditions represent where demand exceeds the capacity of an intersection. Most urban communities set level of service D as the minimum acceptable level of service for peak hour operation and plan for level of service C or better for all other times of the day. The Highway Capacity Manual provides level of service calculation methodology for both intersections and arterials¹. The following two sections provide interpretations of the analysis approaches.

¹ 2000 *Highway Capacity Manual*, Transportation Research Board, Washington D.C., 2000, Chapter 16 and 17.

UNSIGNALIZED INTERSECTIONS (Two-Way Stop Controlled)

Unsignalized intersection level of service is reported for the major street and minor street (generally, left turn movements). The method assesses available and critical gaps in the traffic stream which make it possible for side street traffic to enter the main street flow. The 2010 Highway Capacity Manual describes the detailed methodology. It is not unusual for an intersection to experience level of service E or F conditions for the minor street left turn movement. It should be understood that, often, a poor level of service is experienced by only a few vehicles and the intersection as a whole operates acceptably.

Unsignalized intersection levels of service are described in the following table.

Level-of-Service Criteria: Automobile Mode

Control Delay (s/vehicle)	LOS by Volume-to-Capacity Ratio	
	$v/c \leq 1.0$	$v/c > 1.0$
0-10	A	F
>10-15	B	F
>15-25	C	F
>25-35	D	F
>35-50	E	F
>50	F	F

Note: The LOS criteria apply to each lane on a given approach and to each approach on the minor street.
LOS is not calculated for major-street approaches or for the intersection as a whole

SIGNALIZED INTERSECTIONS

For signalized intersections, level of service is evaluated based upon average vehicle delay experienced by vehicles entering an intersection. Control delay (or signal delay) includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. In previous versions of this chapter of the HCM (1994 and earlier), delay included only stopped delay. As delay increases, the level of service decreases. Calculations for signalized and unsignalized intersections are different due to the variation in traffic control. The 2000 Highway Capacity Manual provides the basis for these calculations.

Level of Service	Delay (secs.)	Description
A	<10.00	Free Flow/Insignificant Delays: No approach phase is fully utilized by traffic and no vehicle waits longer than one red indication. Most vehicles do not stop at all. Progression is extremely favorable and most vehicles arrive during the green phase.
B	10.1-20.0	Stable Operation/Minimal Delays: An occasional approach phase is fully utilized. Many drivers begin to feel somewhat restricted within platoons of vehicles. This level generally occurs with good progression, short cycle lengths, or both.
C	20.1-35.0	Stable Operation/Acceptable Delays: Major approach phases fully utilized. Most drivers feel somewhat restricted. Higher delays may result from fair progression, longer cycle lengths, or both. Individual cycle failures may begin to appear at this level, and the number of vehicles stopping is significant.
D	35.1-55.0	Approaching Unstable/Tolerable Delays: The influence of congestion becomes more noticeable. Drivers may have to wait through more than one red signal indication. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high v/c ratios. The proportion of vehicles not stopping declines, and individual cycle failures are noticeable.
E	55.1-80.0	Unstable Operation/Significant Delays: Volumes at or near capacity. Vehicles may wait through several signal cycles. Long queues form upstream from intersection. These high delay values generally indicate poor progression, long cycle lengths, and high v/c ratios. Individual cycle failures are a frequent occurrence.
F	>80.0	Forced Flow/Excessive Delays: Represents jammed conditions. Queues may block upstream intersections. This level occurs when arrival flow rates exceed intersection capacity, and is considered to be unacceptable to most drivers. Poor progression, long cycle lengths, and v/c ratios approaching 1.0 may contribute to these high delay levels.

Source: 2000 Highway Capacity Manual, Transportation Research Board, Washington D.C.

APPENDIX C

Highway Capacity Manual Reports - Existing

HCM 6th TWSC
2: Thompson Street & 12th Street

Intersection												
Int Delay, s/veh	4.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	35	16	16	0	6	9	9	36	0	7	56	24
Future Vol, veh/h	35	16	16	0	6	9	9	36	0	7	56	24
Conflicting Peds, #/hr	4	0	0	0	0	4	0	0	2	2	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	42	19	19	0	7	11	11	43	0	8	67	29

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	176	165	82	184	179	49	96	0	0	45	0	0
Stage 1	98	98	-	67	67	-	-	-	-	-	-	-
Stage 2	78	67	-	117	112	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.2	4.1	-	-	4.1	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.3	2.2	-	-	2.2	-	-
Pot Cap-1 Maneuver	791	731	983	781	718	1025	1510	-	-	1576	-	-
Stage 1	913	818	-	948	843	-	-	-	-	-	-	-
Stage 2	936	843	-	892	807	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	766	721	983	742	708	1019	1510	-	-	1573	-	-
Mov Cap-2 Maneuver	766	721	-	742	708	-	-	-	-	-	-	-
Stage 1	907	814	-	939	835	-	-	-	-	-	-	-
Stage 2	908	835	-	850	803	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	10		9.2		1.5		0.6	
HCM LOS	B		A					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1510	-	-	796	867	1573	-	-
HCM Lane V/C Ratio	0.007	-	-	0.1	0.021	0.005	-	-
HCM Control Delay (s)	7.4	0	-	10	9.2	7.3	0	-
HCM Lane LOS	A	A	-	B	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0.3	0.1	0	-	-

HCM 6th TWSC
3: Richmond Street & Old Dufur Road

Intersection						
Int Delay, s/veh	0.9					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	108	1	16	107	1	9
Future Vol, veh/h	108	1	16	107	1	9
Conflicting Peds, #/hr	0	3	3	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	1	0	0	2	0	0
Mvmt Flow	135	1	20	134	1	11

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	139	0	313
Stage 1	-	-	-	-	139
Stage 2	-	-	-	-	174
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1457	-	684
Stage 1	-	-	-	-	893
Stage 2	-	-	-	-	861
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1453	-	672
Mov Cap-2 Maneuver	-	-	-	-	672
Stage 1	-	-	-	-	890
Stage 2	-	-	-	-	848

Approach	EB	WB	NB
HCM Control Delay, s	0	1	9.1
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	881	-	-	1453	-
HCM Lane V/C Ratio	0.014	-	-	0.014	-
HCM Control Delay (s)	9.1	-	-	7.5	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0	-	-	0	-

Intersection Level Of Service Report
Intersection 1: 10th Street/Thompson Street

Control Type:	Two-way stop	Delay (sec / veh):	10.6
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	1 hour	Volume to Capacity (v/c):	0.059

Intersection Setup

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Approach	Northbound			Eastbound			Westbound			Southwestbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			35.00			25.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Base Volume Input [veh/h]	43	34	2	65	25	62	0	15	2	0	36	61
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	43	34	2	65	25	62	0	15	2	0	36	61
Peak Hour Factor	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	13	10	1	19	7	18	0	4	1	0	10	18
Total Analysis Volume [veh/h]	50	40	2	76	29	72	0	17	2	0	42	71
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Free	Stop	Free
Flared Lane	No		No	
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No		No	
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.06	0.05	0.00	0.00	0.00	0.00	0.00	0.02	0.00	0.00	0.02	0.00
d_M, Delay for Movement [s/veh]	10.56	10.46	9.37	0.00	0.00	0.00	9.98	10.31	8.91	7.50	7.56	0.00
Movement LOS	B	B	A	A	A	A	A	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.36	0.36	0.36	0.00	0.00	0.00	0.07	0.07	0.07	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	9.02	9.02	9.02	0.00	0.00	0.00	1.82	1.82	1.82	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	10.49			0.00			10.14			2.81		
Approach LOS	B			A			B			A		
d_I, Intersection Delay [s/veh]	3.69											
Intersection LOS	B											

APPENDIX D

Highway Capacity Manual Reports – Short-Term (2023)

HCM 6th TWSC
2: Thompson Street & 12th Street

Intersection												
Int Delay, s/veh	4.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	36	16	16	0	6	9	9	37	0	7	58	25
Future Vol, veh/h	36	16	16	0	6	9	9	37	0	7	58	25
Conflicting Peds, #/hr	4	0	0	0	0	4	0	0	2	2	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	43	19	19	0	7	11	11	44	0	8	69	30

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	179	168	84	187	183	50	99	0	0	46	0	0
Stage 1	100	100	-	68	68	-	-	-	-	-	-	-
Stage 2	79	68	-	119	115	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.2	4.1	-	-	4.1	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.3	2.2	-	-	2.2	-	-
Pot Cap-1 Maneuver	787	728	981	778	715	1024	1507	-	-	1575	-	-
Stage 1	911	816	-	947	842	-	-	-	-	-	-	-
Stage 2	935	842	-	890	804	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	763	718	981	739	705	1018	1507	-	-	1572	-	-
Mov Cap-2 Maneuver	763	718	-	739	705	-	-	-	-	-	-	-
Stage 1	905	812	-	938	834	-	-	-	-	-	-	-
Stage 2	907	834	-	848	800	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	10.1		9.3		1.4		0.6	
HCM LOS	B		A					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1507	-	-	793	864	1572	-	-
HCM Lane V/C Ratio	0.007	-	-	0.102	0.021	0.005	-	-
HCM Control Delay (s)	7.4	0	-	10.1	9.3	7.3	0	-
HCM Lane LOS	A	A	-	B	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0.3	0.1	0	-	-

HCM 6th TWSC
3: Richmond Street & Old Dufur Road

Intersection						
Int Delay, s/veh	0.9					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	111	1	16	110	1	9
Future Vol, veh/h	111	1	16	110	1	9
Conflicting Peds, #/hr	0	3	3	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	1	0	0	2	0	0
Mvmt Flow	139	1	20	138	1	11

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	143	0	321 143
Stage 1	-	-	-	-	143 -
Stage 2	-	-	-	-	178 -
Critical Hdwy	-	-	4.1	-	6.4 6.2
Critical Hdwy Stg 1	-	-	-	-	5.4 -
Critical Hdwy Stg 2	-	-	-	-	5.4 -
Follow-up Hdwy	-	-	2.2	-	3.5 3.3
Pot Cap-1 Maneuver	-	-	1452	-	677 910
Stage 1	-	-	-	-	889 -
Stage 2	-	-	-	-	858 -
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1448	-	665 907
Mov Cap-2 Maneuver	-	-	-	-	665 -
Stage 1	-	-	-	-	886 -
Stage 2	-	-	-	-	845 -

Approach	EB	WB	NB
HCM Control Delay, s	0	1	9.2
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	875	-	-	1448	-
HCM Lane V/C Ratio	0.014	-	-	0.014	-
HCM Control Delay (s)	9.2	-	-	7.5	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0	-	-	0	-

Intersection Level Of Service Report
Intersection 1: 10th Street/Thompson Street

Control Type:	Two-way stop	Delay (sec / veh):	10.6
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	1 hour	Volume to Capacity (v/c):	0.061

Intersection Setup

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Approach	Northbound			Eastbound			Westbound			Southwestbound		
Lane Configuration	←			←			←			↘		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			35.00			25.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Base Volume Input [veh/h]	44	35	2	67	26	64	0	15	2	0	37	63
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	44	35	2	67	26	64	0	15	2	0	37	63
Peak Hour Factor	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	13	10	1	19	8	19	0	4	1	0	11	18
Total Analysis Volume [veh/h]	51	41	2	78	30	74	0	17	2	0	43	73
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Free	Stop	Free
Flared Lane	No		No	
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No		No	
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.06	0.05	0.00	0.00	0.00	0.00	0.00	0.02	0.00	0.00	0.03	0.00
d_M, Delay for Movement [s/veh]	10.64	10.51	9.41	0.00	0.00	0.00	10.03	10.35	8.93	7.51	7.57	0.00
Movement LOS	B	B	A	A	A	A	B	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.37	0.37	0.37	0.00	0.00	0.00	0.07	0.07	0.07	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	9.36	9.36	9.36	0.00	0.00	0.00	1.84	1.84	1.84	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	10.55			0.00			10.19			2.80		
Approach LOS	B			A			B			A		
d_I, Intersection Delay [s/veh]	3.69											
Intersection LOS	B											

Intersection												
Int Delay, s/veh	4.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	36	27	16	1	12	9	9	37	2	7	58	25
Future Vol, veh/h	36	27	16	1	12	9	9	37	2	7	58	25
Conflicting Peds, #/hr	4	0	0	0	0	4	0	0	2	2	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	43	32	19	1	14	11	11	44	2	8	69	30

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	184	170	84	195	184	51	99	0	0	48	0	0
Stage 1	100	100	-	69	69	-	-	-	-	-	-	-
Stage 2	84	70	-	126	115	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.2	4.1	-	-	4.1	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.3	2.2	-	-	2.2	-	-
Pot Cap-1 Maneuver	781	727	981	769	714	1023	1507	-	-	1572	-	-
Stage 1	911	816	-	946	841	-	-	-	-	-	-	-
Stage 2	929	841	-	883	804	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	751	717	981	721	704	1017	1507	-	-	1569	-	-
Mov Cap-2 Maneuver	751	717	-	721	704	-	-	-	-	-	-	-
Stage 1	905	812	-	937	833	-	-	-	-	-	-	-
Stage 2	894	833	-	827	800	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	10.3		9.6		1.4		0.6	
HCM LOS	B		A					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1507	-	-	775	806	1569	-	-
HCM Lane V/C Ratio	0.007	-	-	0.121	0.032	0.005	-	-
HCM Control Delay (s)	7.4	0	-	10.3	9.6	7.3	0	-
HCM Lane LOS	A	A	-	B	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0.4	0.1	0	-	-

Intersection						
Int Delay, s/veh	1.6					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	111	1	34	110	1	20
Future Vol, veh/h	111	1	34	110	1	20
Conflicting Peds, #/hr	0	3	3	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	1	0	0	2	0	0
Mvmt Flow	139	1	43	138	1	25

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	143	0	367
Stage 1	-	-	-	-	143
Stage 2	-	-	-	-	224
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1452	-	637
Stage 1	-	-	-	-	889
Stage 2	-	-	-	-	818
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1448	-	615
Mov Cap-2 Maneuver	-	-	-	-	615
Stage 1	-	-	-	-	858
Stage 2	-	-	-	-	818

Approach	EB	WB	NB
HCM Control Delay, s	0	1.8	9.2
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	887	-	-	1448	-
HCM Lane V/C Ratio	0.03	-	-	0.029	-
HCM Control Delay (s)	9.2	-	-	7.6	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	-	-	0.1	-

Intersection Level Of Service Report
Intersection 1: 10th Street/Thompson Street

Control Type:	Two-way stop	Delay (sec / veh):	11.0
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	1 hour	Volume to Capacity (v/c):	0.065

Intersection Setup

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Approach	Northbound			Eastbound			Westbound			Southwestbound		
Lane Configuration	←			←			←			↘		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			35.00			25.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Base Volume Input [veh/h]	44	35	2	67	47	64	0	27	2	0	37	63
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	44	35	2	67	47	64	0	27	2	0	37	63
Peak Hour Factor	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	13	10	1	19	14	19	0	8	1	0	11	18
Total Analysis Volume [veh/h]	51	41	2	78	55	74	0	31	2	0	43	73
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Free	Stop	Free
Flared Lane	No		No	
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No		No	
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.06	0.05	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.03	0.00
d_M, Delay for Movement [s/veh]	10.96	10.79	9.58	0.00	0.00	0.00	10.29	10.53	9.08	7.55	7.62	0.00
Movement LOS	B	B	A	A	A	A	B	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.39	0.39	0.39	0.00	0.00	0.00	0.13	0.13	0.13	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	9.86	9.86	9.86	0.00	0.00	0.00	3.28	3.28	3.28	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	10.85			0.00			10.43			2.82		
Approach LOS	B			A			B			A		
d_I, Intersection Delay [s/veh]	3.77											
Intersection LOS	B											

APPENDIX E

Highway Capacity Manual Reports – Mid-Term (2028)

HCM 6th TWSC
2: Thompson Street & 12th Street

Intersection												
Int Delay, s/veh	4.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	38	17	17	0	6	10	10	39	0	8	60	26
Future Vol, veh/h	38	17	17	0	6	10	10	39	0	8	60	26
Conflicting Peds, #/hr	4	0	0	0	0	4	0	0	2	2	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	45	20	20	0	7	12	12	46	0	10	71	31

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	191	179	87	199	194	52	102	0	0	48	0	0
Stage 1	107	107	-	72	72	-	-	-	-	-	-	-
Stage 2	84	72	-	127	122	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.2	4.1	-	-	4.1	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.3	2.2	-	-	2.2	-	-
Pot Cap-1 Maneuver	773	718	977	764	705	1021	1503	-	-	1572	-	-
Stage 1	903	811	-	943	839	-	-	-	-	-	-	-
Stage 2	929	839	-	882	799	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	747	706	977	722	693	1015	1503	-	-	1569	-	-
Mov Cap-2 Maneuver	747	706	-	722	693	-	-	-	-	-	-	-
Stage 1	896	805	-	934	831	-	-	-	-	-	-	-
Stage 2	899	831	-	836	793	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	10.2		9.3		1.5		0.6	
HCM LOS	B		A					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1503	-	-	780	864	1569	-	-
HCM Lane V/C Ratio	0.008	-	-	0.11	0.022	0.006	-	-
HCM Control Delay (s)	7.4	0	-	10.2	9.3	7.3	0	-
HCM Lane LOS	A	A	-	B	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0.4	0.1	0	-	-

HCM 6th TWSC
3: Richmond Street & Old Dufur Road

Intersection						
Int Delay, s/veh	0.9					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	117	1	17	116	1	10
Future Vol, veh/h	117	1	17	116	1	10
Conflicting Peds, #/hr	0	3	3	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	1	0	0	2	0	0
Mvmt Flow	146	1	21	145	1	13

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	150	0	337
Stage 1	-	-	-	-	150
Stage 2	-	-	-	-	187
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1444	-	663
Stage 1	-	-	-	-	883
Stage 2	-	-	-	-	850
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1440	-	650
Mov Cap-2 Maneuver	-	-	-	-	650
Stage 1	-	-	-	-	880
Stage 2	-	-	-	-	836

Approach	EB	WB	NB
HCM Control Delay, s	0	1	9.2
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	869	-	-	1440	-
HCM Lane V/C Ratio	0.016	-	-	0.015	-
HCM Control Delay (s)	9.2	-	-	7.5	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0	-	-	0	-

Intersection Level Of Service Report
Intersection 1: 10th Street/Thompson Street

Control Type:	Two-way stop	Delay (sec / veh):	10.8
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	1 hour	Volume to Capacity (v/c):	0.065

Intersection Setup

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Approach	Northbound			Eastbound			Westbound			Southwestbound		
Lane Configuration	←			←			←			↘		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			35.00			25.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Base Volume Input [veh/h]	46	37	2	70	27	67	0	16	2	0	39	66
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	46	37	2	70	27	67	0	16	2	0	39	66
Peak Hour Factor	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	13	11	1	20	8	19	0	5	1	0	11	19
Total Analysis Volume [veh/h]	53	43	2	81	31	78	0	19	2	0	45	77
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Stop	Free	Stop	Free
Flared Lane	No		No	
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No		No	
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.07	0.05	0.00	0.00	0.00	0.00	0.00	0.02	0.00	0.00	0.03	0.00
d_M, Delay for Movement [s/veh]	10.78	10.62	9.49	0.00	0.00	0.00	10.12	10.43	8.96	7.52	7.59	0.00
Movement LOS	B	B	A	A	A	A	B	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.40	0.40	0.40	0.00	0.00	0.00	0.08	0.08	0.08	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	10.04	10.04	10.04	0.00	0.00	0.00	1.98	1.98	1.98	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	10.68			0.00			10.27			2.82		
Approach LOS	B			A			B			A		
d_I, Intersection Delay [s/veh]	3.73											
Intersection LOS	B											

Intersection												
Int Delay, s/veh	4.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	38	28	17	1	12	10	10	39	2	8	60	26
Future Vol, veh/h	38	28	17	1	12	10	10	39	2	8	60	26
Conflicting Peds, #/hr	4	0	0	0	0	4	0	0	2	2	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	45	33	20	1	14	12	12	46	2	10	71	31

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	195	181	87	206	195	53	102	0	0	50	0	0
Stage 1	107	107	-	73	73	-	-	-	-	-	-	-
Stage 2	88	74	-	133	122	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.2	4.1	-	-	4.1	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.5	4	3.3	3.5	4	3.3	2.2	-	-	2.2	-	-
Pot Cap-1 Maneuver	769	717	977	756	704	1020	1503	-	-	1570	-	-
Stage 1	903	811	-	942	838	-	-	-	-	-	-	-
Stage 2	925	837	-	875	799	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	737	705	977	704	692	1014	1503	-	-	1567	-	-
Mov Cap-2 Maneuver	737	705	-	704	692	-	-	-	-	-	-	-
Stage 1	896	805	-	933	830	-	-	-	-	-	-	-
Stage 2	888	829	-	816	793	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	10.4		9.6		1.5		0.6	
HCM LOS	B		A					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1503	-	-	764	804	1567	-	-
HCM Lane V/C Ratio	0.008	-	-	0.129	0.034	0.006	-	-
HCM Control Delay (s)	7.4	0	-	10.4	9.6	7.3	0	-
HCM Lane LOS	A	A	-	B	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0.4	0.1	0	-	-

Intersection						
Int Delay, s/veh	1.6					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	117	1	35	116	1	21
Future Vol, veh/h	117	1	35	116	1	21
Conflicting Peds, #/hr	0	3	3	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	1	0	0	2	0	0
Mvmt Flow	146	1	44	145	1	26

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	150	0	383
Stage 1	-	-	-	-	150
Stage 2	-	-	-	-	233
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1444	-	624
Stage 1	-	-	-	-	883
Stage 2	-	-	-	-	810
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1440	-	602
Mov Cap-2 Maneuver	-	-	-	-	602
Stage 1	-	-	-	-	851
Stage 2	-	-	-	-	810

Approach	EB	WB	NB
HCM Control Delay, s	0	1.8	9.2
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	879	-	-	1440	-
HCM Lane V/C Ratio	0.031	-	-	0.03	-
HCM Control Delay (s)	9.2	-	-	7.6	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	-	-	0.1	-

Intersection Level Of Service Report
Intersection 1: 10th Street/Thompson Street

Control Type:	Two-way stop	Delay (sec / veh):	11.1
Analysis Method:	HCM 6th Edition	Level Of Service:	B
Analysis Period:	1 hour	Volume to Capacity (v/c):	0.069

Intersection Setup

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Approach	Northbound			Eastbound			Westbound			Southwestbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	25.00			35.00			25.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Thompson Street			10th Street			10th Street			Old Dufur Road		
Base Volume Input [veh/h]	46	37	2	70	48	67	0	28	2	0	39	66
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	46	37	2	70	48	67	0	28	2	0	39	66
Peak Hour Factor	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	13	11	1	20	14	19	0	8	1	0	11	19
Total Analysis Volume [veh/h]	53	43	2	81	56	78	0	33	2	0	45	77
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

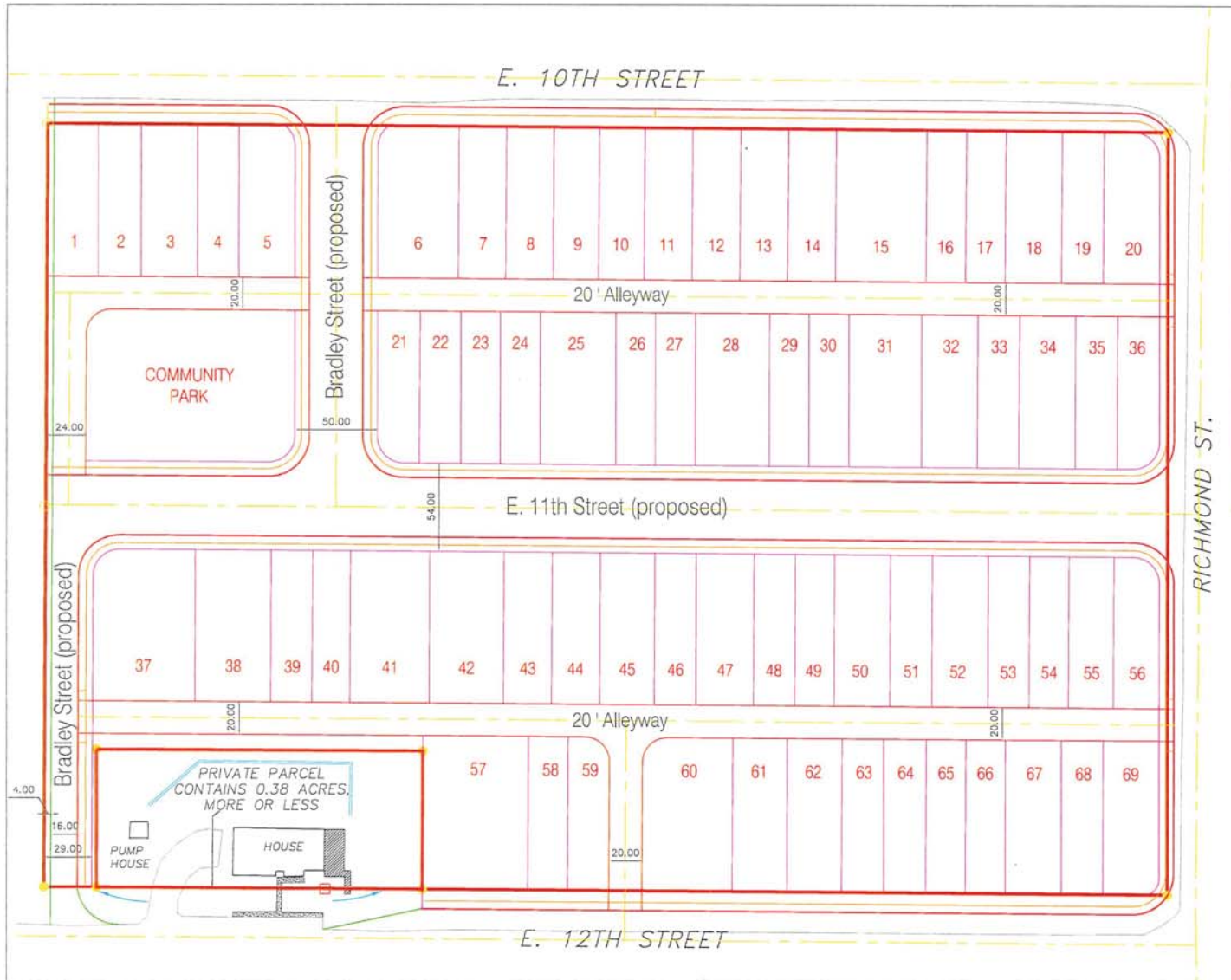
Priority Scheme	Stop	Free	Stop	Free
Flared Lane	No		No	
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance	No		No	
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.07	0.05	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.03	0.00
d_M, Delay for Movement [s/veh]	11.11	10.90	9.66	0.00	0.00	0.00	10.39	10.61	9.12	7.57	7.64	0.00
Movement LOS	B	B	A	A	A	A	B	B	A	A	A	A
95th-Percentile Queue Length [veh/ln]	0.42	0.42	0.42	0.00	0.00	0.00	0.14	0.14	0.14	0.00	0.00	0.00
95th-Percentile Queue Length [ft/ln]	10.58	10.58	10.58	0.00	0.00	0.00	3.44	3.44	3.44	0.00	0.00	0.00
d_A, Approach Delay [s/veh]	10.98			0.00			10.51			2.84		
Approach LOS	B			A			B			A		
d_I, Intersection Delay [s/veh]	3.82											
Intersection LOS	B											

APPENDIX F

Site Plan



Scale: NTS

Primary Parcel Size: 6.19 Acres
 Individual Lots: 69
 Community Park: .27 Acres

- Property Boundary ———
- Lot Line ———
- Centerline ———
- Sidewalk Edge ———
- Curb Edge ———
- Gravel Edge ———

Subdivision - Plat Proposal
 Scale: 1:30

	2020	5/27	
Designed	DWI	CMT	Checked
Drawn	CMT	CMT	Checked
Date	Title	Date	Job Class
Approved	Title	Approved	Title
The Grove Subdivision 2845 E 12th The Dalles, Oregon			
Legacy Development Group Inc. BUILDING A LEGACY YOU CAN LIVE IN			
REVISIONS	Description	Approved	
Date			
File No.			
Sheet of			

LEGACY

— DEVELOPMENT GROUP INC —

APPENDIX G

Traffic Volume Sensitivity Analysis

Sensitivity Analysis

A sensitivity analysis was conducted to determine if the study intersections would still meet the City operating standard (LOS D) under the 2028 Background + Project scenario with an increase to the collected traffic counts. The collected traffic counts were increased by 60%, 100%, 160%, and 200% to determine the level of increase that would be needed to exceed the City's operating standards at any of the study intersections.

Figure G1 shows the results of this sensitivity analysis. Even if the collected traffic counts were increased by 160%, all three study intersections would operate with less delay than the City's operating standard (dotted red line). With a volume increase of 200% (which equals three-fold growth), the E 10th Street/Thompson Street intersection fails to meet the City's LOS D standard.

For context, the Oregon Department of Transportation's Analysis Procedures Manual suggests that traffic volumes should not be increased by more than 30% when adjusting for seasonal variations.

The sensitivity analysis confirms that all study intersections are expected to meet the City's operating standard, even if the traffic counts collected do not represent the highest volume conditions that occur throughout the year.

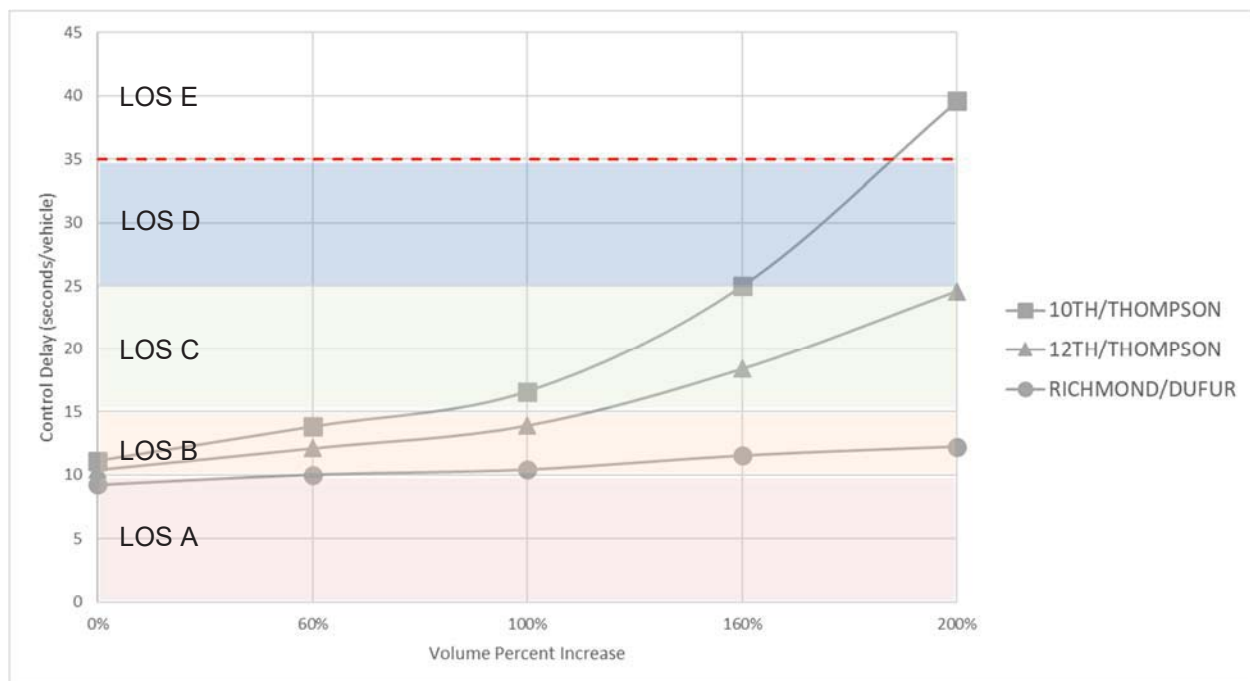


Figure G1: Sensitivity Analysis for Increasing Collected Traffic Counts



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
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Pioneering pathways to prosperity.

May 15, 2020

Attn: Joshua Chandler
City of The Dalles Community Development Department
313 Court Street
The Dalles, OR 97058

Dear The Dalles Planning Commission,

The Wasco County Planning Department has received notice of appeal to the Legacy Development Group Subdivision approval (SUB-74-19). Pursuant to our joint management agreement for the management of UGB lands, I have prepared the following comments.

We have confirmed in our records that since 1994 the property has been zoned high density residential. As such, we find the proposed tentative subdivision plan consistent with the high density residential zone.

Sincerely,

A handwritten signature in blue ink that reads 'Angie Brewer'. The signature is written in a cursive, flowing style.

Angie Brewer
Wasco County Planning Director

Cc: Steven Harris

Paula Webb

From: Jacqueline S. Renny <Jacqueline.Renny@landerholm.com>
Sent: Friday, May 15, 2020 4:41 PM
To: Joshua Chandler; Paula Webb
Cc: Diana McDougale; Steve C. Morasch
Subject: Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC
Attachments: 10th and Richmand.JPG; 12th and Richmond.JPG; LT Planning Commissioners - Appeal No. 03-20 of SUB 74-19.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Attached please find correspondence from Steve Morasch to the Planning Commissioners regarding Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC.

Jacqueline

Jacqueline S. Renny | Assistant to Steve C. Morasch and Jeff Lindberg



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<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.landerholm.com&umid=682cbaee-3cce-4037-a598-5a243afe76e1&auth=61b7c891c3cd3cb7b52d542b76699872203f47bc-e65ce2b6ebf46c5f088ebf16ab3e951429be4e26>

Landerholm, P.S. is committed to following the recommendations and requirements regarding COVID-19 as outlined by various government agencies.

We are working and available to assist you by phone, video conferencing and through email. For the time being we've modified our daily operations but closed our office to the public.

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SENT VIA EMAIL ONLY

jchandler@ci.the-dalles.or.us

pwebb@ci.the-dalles.or.us

May 15, 2020

City of The Dalles Planning Commission
Community Development Department
c/o Joshua Chandler and Paula Webb
313 Court Street
The Dalles, OR 97058

Re: Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC

Dear Planning Commissioners:

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-Hulit¹ (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. We are including some Google street image photos of the area to show its overall character. The orchard was removed after these photos were taken, but the overall terrain, as well as the rural character and narrow rural roadways serving the area, as shown in the photos, remain unchanged.

The Appellants filed this appeal raising a number of specific legal arguments that the proposed application does not meet various approval criteria under The Dalles Municipal Code. Most of these arguments remain either unaddressed or inadequately addressed.

In Oregon, the Land Use Board of Appeals (LUBA) has held that land use decisions must be based on “findings” demonstrating that the approval criteria have been met, and that those findings must be based on “substantial evidence” in the record. *Lowell v. Jackson County*, 75 Or LUBA 251 (2017). Further, such “findings” cannot be “conclusory” (in other words, the

¹ Staff has raised an issue about Roberta Kay Wymore-Halit’s standing to appeal. However, a valid appeal was filed by the other Appellants with standing. Once a valid appeal is filed, the resulting appeal hearing is open to any interested member of the public. Therefore, she has standing to participate (though counsel) in this appeal hearing as an interested party who would be adversely affected and aggrieved by the decision.

Re: **Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC**

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“findings” must actually explain *how* the criteria are met, and not just recite that the criteria are met). *Id.*

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).

In other words, it is not sufficient for staff to simply say that the criterion can be met through a condition. Staff must first make a “finding” that explains how the condition can be met and that it is reasonably certain that the condition will be met. The reason for this rule is so that issues related to the satisfaction of the criteria can be flushed out and addressed through the public land use process, rather than being deferred to the non-public engineering review, when it is too late for public input.

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.

Most of issues identified in the appeal remain unaddressed or inadequately addressed under the standards set forth above. The arguments will be addressed in the order set forth in the Staff Report dated May 11, 2020. Appellant’s appeal argument is in **bold**, staff’s response is in *italics* and Appellant’s rebuttal is underlined.

Argument #1: 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.

Staff 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.”¹ 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

Re: **Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC**

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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.

Appellant Rebuttal: Staff's response ignores airport safety, which is something of interest to everyone living within the vicinity of the airport. If glare from the proposed development causes an airplane to crash into Appellant's property, that is certainly an issue that would "adversely affect and aggrieve" Appellants, so standing under state law is met.

It's unconscionable that staff would argue that airport safety is not one of the purposes of the City's regulations of development surrounding airports, or that those who live in the flightpath of an airport have no "standing" to raise an issue of airport safety. We request the Planning Commission reject staff's argument.

Further, the notice provisions of Section 10.5.120.030 of the city code apply in addition to the FAA regulations that staff cites in its response, so even if notice would not have been required under FAA regulations (an issue on which staff offered no findings or evidence, just a bare conclusion), notice was still required under city code.

Finally, the height issues staff raises under the FAA regulations have nothing to do with the anti-glare provisions of local code. Staff has not adequately addressed the glare provisions of Section 10.5.120.060.B.

Argument #2: 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.

Re: **Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC**

Page 4

Staff Response to Appellants' Argument #2: See Finding #10.

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.

Appellant Rebuttal: The staff response is nonresponsive. City code requires review of the proposed landscaping at the time of approval. Landscaping installation of the front yards may be deferred but not review of the proposed landscaping plan showing compliance with the code. This requires the applicant to submit a plan for the landscaping (not just for front yards but for other landscaping such as the proposed park) and the City staff to review it for code compliance. Once the landscaping plans have been reviewed (both by staff and the interested public) and approved, then the actual installation of the front yard landscaping may be deferred.

Argument #3: 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.

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

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.

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

Condition #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.

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Appellant Rebuttal: The staff response is nonresponsive. Staff reiterates that the lots will meet the length and width and overall area standards, but there are no findings or evidence that the 60% lot coverage can be met with the proposed dwellings and ADUs, required onsite parking spaces, driveways, setbacks and landscaping.

In order to approve the application, the applicant would need to submit plans showing that there is room on each lot to accommodate building envelopes for all proposed buildings, while meeting all setbacks and providing all required driveways, on-site parking landscaping. The burden is on the applicant to demonstrate that all criteria are met. How can the applicant demonstrate how all these standards can be met for each lot without submitting plans showing how each lot can provide for all proposed buildings, setbacks, required driveways and parking, while also providing the required landscaping and meeting the 60% lot coverage standard?

No such plans have been submitted. This is a serious defect, requiring denial of the application on this record. Absent plans showing how these code provisions can be met, the application cannot be approved. Under the relevant LUBA caselaw cited at the beginning of this letter, compliance with these standards cannot be deferred into the conditions without substantial evidence that the standards can be met and findings that the conditions are “reasonably certain to succeed.”

Argument #4: Appellant agrees that Argument #4 has now been adequately addressed.

Argument #5: 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.

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.

Appellant Rebuttal: Appellant agrees that this argument has been partially addressed with respect to vehicle circulation, but staff still hasn’t addressed pedestrian circulation. There is no north/south pedestrian circulation through the proposed development, notwithstanding the nearly 700 foot block length because the row of lots along the south side of E. 11th Street is a continuous row of lots with no mid-block alley or pedestrian path. Safe and convenient pedestrian access requires a mid-block pedestrian path along the south side of E. 11th Street.

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The neighborhood park will be difficult to reach from lots on the southern end of the proposed subdivision due to the lack of north/south internal pedestrian circulation. Sidewalks along the full E. 12th Street, and a pedestrian path providing mid-block access to E 11th Street are needed to address this issue. Also, without a mid-block pedestrian path, pedestrians from outside the proposed development would need to walk all the way around the perimeter. The proposed development needs better internal pedestrian circulation.

Argument #6: 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.

Staff 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).

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.

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.

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Appellant Rebuttal: Staff's response does not address whether 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) have adequate sight distance and safe stopping distance (Table 2, as well as vision clearance requirements of Article 10.6.100). The draft traffic report does not address these issues either. Sight distance is analyzed only for the project access points, not any of the roads serving the subdivision and connecting it to Highway 197. Fremont and Old Dufur, in particular are narrow and in places winding and steep. Safety requires an analysis of the sight distances along these sections of roadway (and the safety impacts of adding more traffic) before adding 69 new dwellings using these roads. The "draft" traffic report fails to address these issues. The only safety analysis in the record relates to crash reports at intersections, which tells us nothing about whether adding substantial additional traffic to roads without adequate sight distance will create a safety hazard along Fremont or Old Dufur.

Moreover, the City cannot rely on a "draft" traffic report based on an outdated plat map to make findings supporting approval of a subdivision. The traffic report must be a final stamped report based on the current design of the subdivision, and the Appellants are entitled to have an adequate opportunity to review and respond to the final stamped traffic report before a decision is made to approve the subdivision.

Argument #7: 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.

Staff 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.

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.

Condition of Approval #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.

Appellant Rebuttal: Staff's response addresses one issue but there is more than just 75 feet from intersections at issue under the driveway standards in Sections 10.6.060.020 and 10.6.050.040.

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There is still a lack of findings and substantial evidence on other issues under these sections, such as width of driveways, spacing between driveways, maneuvering within street, rear lot development, etc., and all of this must be met in conjunction with the 60% maximum lot coverage standard discussed in Argument #3, above.

Argument #8: 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 Americans With Disabilities Act (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 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.

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

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.

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.

Appellant Rebuttal: The grade of the sidewalks will follow the grade of the adjoining streets. As shown in the attached Google street view photos, the property is not flat, and therefore the grade of sidewalks and ADA compliant curb ramps must be addressed at the preliminary plat review to determine whether those grades can be met given the proposed street layout.

There is no evidence in the record of the grades of the sidewalks along the proposed streets. Under the LUBA caselaw discussed at the beginning of this memo, findings on this issue cannot be deferred to conditions without preliminary plans being reviewed during the public notice and comment preliminary plat approval process showing that it is feasible to meet these standards, given the proposed street layout and the slopes of the land involved. The applicant is not

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required to provide final engineering or construction plans at the preliminary plat stage, but preliminary plans are required showing the street and sidewalk grades and how the grade standards for sidewalks and curb ramps can be met given the proposed street layout. The findings and evidence are inadequate to meet this criterion.

Argument #9: 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.

Staff 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.

Appellant Rebuttal: Staff misinterprets the code and the LUBA caselaw. The LUBA caselaw discussed at the beginning of this letter (that was also discussed in the Appellant's notice of appeal) requires non-conclusory findings based on substantial evidence that all land use standards can be met. See *Lowell v. Jackson County*, 75 Or LUBA 251 (2017); *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).

This LUBA caselaw requires non-conclusory findings based on substantial evidence that ALL land use standards can be met. That includes Section 10.7.060.010

Argument #10: 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.**

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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.

Staff 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.

FINDING #16: The Applicant is not proposing any grading, filling, cutting, or other earthmoving 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.

Condition of Approval #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.

Appellant Rebuttal: Obviously there will be more than 50 cubic yards of grading to construct the proposed 69 lot subdivision and there is no evidence in the record to the contrary.

10.8.020.060.B states: "Planning Actions. Physical constraint permits which are part of either an administrative or quasi-judicial planning action shall be reviewed and decided by the approving authority per the appropriate provisions of either Section 10.3.020.040: Administrative Actions or Section 10.3.020.050: Quasi-Judicial Actions." Thus, since the proposed subdivision is a quasi-judicial planning action being reviewed by the Planning Commission, the required Physical Constraints Permit must be reviewed through the same process. Condition #4 improperly defers the review of the Physical Constraints Permit to a future non-public

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engineering permit, which improperly deprives Appellants their right to review and comment on the application.

Argument #11: 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.

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

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.

Condition of Approval #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.

Appellant Rebuttal: The traffic study that was submitted is only an unsigned draft, and therefore cannot be relied on in order to support the application. A final stamped traffic study is required.

Further, the draft study was done with counts made during the winter a week after the holidays on January 9, 2020, which is an off-peak season since The Dalles is a summer tourist destination. Therefore the study counts need to be redone during the summer months. In addition, the traffic study must be conducted during a time when there is no COVID-19 stay at home order in effect.

Staff incorrectly misinterprets the code to allow the traffic study to be reviewed ONLY by engineering staff during final platting and engineering review, but the traffic study is an integral

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element of a preliminary plat review. An adequate final stamped traffic study is required to be submitted during the preliminary plat review process where interested members of the public can review and comment on it. It cannot be hidden from public review and comment by deferring review of the traffic study to final plat review.

On this record, the application must be denied due to 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.

Argument #12 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.

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.

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.

Appellant Rebuttal: For the same reasons discussed in Appellant's Rebuttal under Argument #11, which are incorporated herein rather than being repeated, Section 10.10.060.A.5.b requires a traffic study. A traffic study is required in order to determine what the traffic impacts of the proposed subdivision will be, which in turn is required in order to determine what street and other infrastructure improvements are needed in order to mitigate those impacts. Under the relevant LUBA caselaw cited above, all of this must be reviewed during preliminary plat review and cannot be deferred into the final plat review where there is no public review and comment.

Further, sidewalk improvements should be required along E. 12th Street all the way to Bradley Street to provide pedestrian connectivity. See Argument #5, above.

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Finally, this review must be based on a final stamped traffic report, not an unsigned draft. The application cannot be approved until a final traffic report is submitted addressing all of these issues and the public has had a chance to review and comment on the final traffic report.

Argument #13: 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.

Staff 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.

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.

Condition of Approval #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.

Appellant Rebuttal: Sidewalk improvements should be required along E. 12th Street all the way to Bradley Street to provide pedestrian connectivity. See Argument #5, above. In addition, there is still a lack of findings and evidence relating to the safety for pedestrians walking along the streets and roads serving the proposed subdivision to and from the proposed subdivision. The traffic report acknowledges a lack of sidewalks in the area but there is no analysis of whether it is safe for pedestrians to navigate these mostly rural roads without sidewalks.

Final engineering and construction design of sidewalks can be deferred until final platting and engineering review, but the basic requirement that the overall grades of proposed sidewalks and curb ramps in the proposed subdivision, as well as the safety of pedestrians walking to and from the proposed subdivision on the surrounding roads is not an issue that can be deferred until final platting and engineering review. Issues such as whether the proposed pedestrian routes to and from the subdivision and within the subdivision can be made safe must be addressed during the public notice and comment preliminary plat review process.

Argument #14: 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

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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.

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.

Staff 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.

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.

Condition of Approval #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.

Condition of Approval #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.

Appellant Rebuttal: As discussed in the Applicant’s Response under Argument #13, above, there is still a lack of findings and evidence relating to the safety for pedestrians walking along the streets and roads serving the proposed subdivision as well as to and from the proposed subdivision. Final engineering and construction design of sidewalks can be deferred until final platting and engineering review, but the basic requirement that the locations and overall grades of proposed sidewalks, as well as the safety of pedestrians walking to and from the proposed subdivision is not an issue that can be deferred until final platting and engineering review. Issues such as whether the proposed pedestrian routes to and from the subdivision and within the subdivision can be made safe must be addressed during the public notice and comment preliminary plat review process. Until these issues are adequately addressed the application must be denied.

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Argument #15: Appellant agrees that Argument #15 has now been addressed.

Argument #16: 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.

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.

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.

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.

Condition of Approval #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.

Appellant Rebuttal: The problem with staff's proposed findings and conditions is that the basic findings that the public facilities can be made adequate to serve the proposed subdivision cannot be deferred into the final platting process. Additionally, all required utilities for the proposed subdivision should be placed underground. The preliminary utility plans that were submitted with the application do not include all utilities and have not been updated to reflect the changes to the preliminary plat, including the relocation of Bradley Street and the community park.

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Appellants have the right to review complete and updated preliminary utility plans during the public notice and comment process.

There must be findings based on substantial evidence that the public facilities serving the proposed subdivision are adequate or can be made adequate. There is a complete lack of findings and evidence on these issues. Therefore the application must be denied.

Argument #17: 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.

Appellant Rebuttal: Again, the problem with staff’s proposed findings and conditions is that the basic findings that the public facilities can be made adequate to serve the proposed subdivision cannot be deferred into the final platting process. There must be findings based on substantial evidence that the public facilities serving the proposed subdivision are adequate or can be made adequate. There is a complete lack of findings and evidence on these issues. Therefore the application must be denied.

Conclusion

As discussed above, the application is inadequate because of a lack of preliminary plans, reports and evidence supporting findings demonstrating that the criteria can and likely will be met. LUBA has held that such findings 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 maybe 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

Re: **Appeal No. 030-20 of SUB 74-19 - Legacy Development Group, LLC**

Page 17

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.



STEVE C. MORASCH

Attorney at Law

SCM/jsr

cc: Diana McDougale, City Attorney (via email: dmcDougale@campbellphillipslaw.com)
Clients

BOKR01-000001 - 4724647_1

1014 Richmond St

The Dalles, Oregon



Street View

Appendix XVII

Richmond St

Google

Image capture: May 2012 © 2020 Google United States Terms Report a problem

1150 Richmond St

The Dalles, Oregon



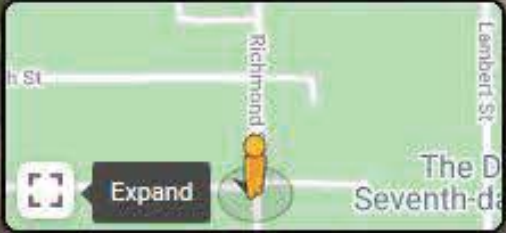
Street View

Appendix XVII



RICHMOND ST

E 12TH ST



Google

Image capture: May 2012 © 2020 Google United States Terms Report a problem

Paula Webb

From: Steve Stroud <61whitelegs@gmail.com>
Sent: Saturday, May 16, 2020 11:02 AM
To: Paula Webb
Subject: Property Development 1N 13E 1 C TAX LOT 201

Follow Up Flag: Follow up
Flag Status: Flagged

I'm a property owner across the street from the stated development. I'm totally opposed to such a dense development . Housing in this area is spread out and should maintain that same look . Putting such a large density population base will degrade the entire area . There doesn't seem to be a shortage of housing around The Dalles. Houses are for sale on just about every street. Again i am totally opposed to any High Density Residential housing on the stated property 1N 13E 1C TAX LOT 201. Thank you Steve Stroud .

Paula Webb

From: Grubbs, Brian <BGrubbs@wm.com>
Sent: Saturday, May 16, 2020 11:51 AM
To: Paula Webb
Subject: Subdivision 74-19 Legacy Development Group

Follow Up Flag: Follow up
Flag Status: Flagged

Community Development Department

I am writing this letter in opposition of the High Density Residential Development being proposed at 2845 E. 12th Street. This area is predominantly rural without the infrastructure to support such a development. The proposed plan will be a detriment to the surrounding properties and farms. I would like my concerns to be heard by all parties involved in the Appeal process.

Regards

Brian Grubbs, CEM
Sr. District Fleet Manager
Waste Management
PNW/BC Area
Cell: 925-525-2062
bgrubbs@wm.com

Recycling is a good thing. Please recycle any printed emails.

Paula Webb

From: Kay Havig <khavig1@gmail.com>
Sent: Saturday, May 16, 2020 1:30 PM
To: Paula Webb
Subject: Subdivision 74-19

Follow Up Flag: Follow up
Flag Status: Flagged

I have lived across Richmond Street from the lot in question, I have lived here for about 20 years and have enjoyed this area. With the building that you are planning on putting on that lot is going to mess with our our neighborhood a lot.

What bothers me the most is all the traffic that there will be. Also I would like to know where all these people are going to park. Where are the kids going to play.

I heard that the City planner said that there was a traffic study done but since I have lived here for about 20 years there have been no strips across the streets to count the number of cars.

I would just like to know how people can say these were done when they weren't.

My husband has fought this kind of thing for a long time. He passed away last year and I now have to carry on for him. I don't understand just why you would want to put that many homes in that short of room.

Kay Havig
3015 E 12th St.

Paula Webb

From: Timothy L. Sipe <sipe@gorge.net>
Sent: Sunday, May 17, 2020 12:20 PM
To: Paula Webb
Subject: MIP 366-19 Development

Follow Up Flag: Follow up
Flag Status: Flagged

To who it may concern

In reference to the proposed development at 2845 E. 12th Street.

The people that bought property and built houses in this area did so because they wanted room and a view. They wanted a place out in the country so to speak.

My family purchased property in this area in 1955 and over the years I have watched it develop. All development in neighborhood has been consistent with the values of the area. Until lately now there are structures going up squishing large structures into small spaces. I do not feel this is what The Dalles wants to be known for.

I do not feel the infrastructure of the area is capable of handling the extra amount of traffic, an possible extra 160 cars. Let alone walkers, bike rides, horse riders, and children playing in the street.

People already go up and down tenth street far above the speed limit. And it is a relatively narrow street.

I do not feel that there has been enough thought into water runoff, sewers, Policing, and road maintenance.

For example the city sent people out to clean the entrance and exit side of culverts at street intersections. And they did a good job of that. But the culverts are full of debris so they have no useful value.

I am not against development but not high density.

Also the population in The Dalles is getting older and three and two story building are not the best for them.

I am against this development. If it had half the houses that would show more constancy with the neighbor hood.

These will not be low income housing.

Timothy L. Sipe
1105 Morton Street
The Dalles, OR

Paula Webb

From: Nancy Fork <nafork@gmail.com>
Sent: Sunday, May 17, 2020 3:01 PM
To: Paula Webb
Subject: East 10th Street/Richmond
Attachments: I live across the street from this housing development proposed project.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see attached letter
Thank you

--
Regards,
Nancy Fork

May 17, 2020

To whomever it may concern:

Regarding: "The Grove" Subdivision on East 10th &
Richmond St

The Dalles, OR

We own two homes, both across the street from the proposed subdivision. We are located on East 10th Street (2921 & 2925) in between Quackenbush's and Perkins' properties. Our properties together, and with said above properties, equal to approximately 700 feet, from the corner of Richmond Street to top of the hill (Perkins' property).

As it is, we have to watch very carefully from both directions, as drivers come from either direction (often accelerating in speed coming up Richmond from Old Dufur Road hill, and turning onto East 10th Street or coming down Richmond Street and turning west onto East 10th Street. Then with the natural hill in front of Perkins property, the cars must accelerate again, to get over the hill.

Not to mention, adding an outlet street coming out of said subdivision, (in this 700 foot stretch on East 10th Street), is very worrisome. Any property along this stretch of approximately 700 feet, east of the hill will have a blind spot. This makes a huge, dangerous problem for all living along East 10th Street.

I am very concerned about the safety of additional commuters entering and exiting driveways along this busy street.

There is not enough room to safely build this large of a number of homes. Each home could bring 2-3 cars to each residence. We will see an increase in traffic in a very small space. This area was not intended to house that many units. Therefore, it could pose overpopulation in too small an area, not intended to serve the number of units builders are proposing.

I feel like the said property for sale is meant for a lot less homes. The high density homes will create a lot of crime and additional traffic stress in this neighborhood.

Many folks have lived in this country area for years and feel that putting a overpopulated housing complex is too overwhelming for our area. Let alone, the street updates

and infrastructure disturbance to our lovely and peaceful preserved neighborhood.

Paula Webb

From: Denise Dietrich-Bokum <ddbokum@gmail.com>
Sent: Sunday, May 17, 2020 3:14 PM
To: Paula Webb
Subject: COMMENT FOR PUBLIC HEARING THUR, MAY 21, 2020

Follow Up Flag: Follow up
Flag Status: Flagged

On 10th and Richmond there are approximately 13 mailboxes in 4-5 locations that are in the gravel part of those roads, probably about where the sidewalks will go. If they need to be relocated, this should be at the developer's expense, timing and location to be coordinated with the boxholders, so as not to interrupt mail delivery, and IAW postal delivery standards.

Denise Dietrich Bokum
2735 East 12th
The Dalles, OR 97058

Paula Webb

From: Kelsey Fork <kafork@gmail.com>
Sent: Sunday, May 17, 2020 4:49 PM
To: Paula Webb
Subject: Objection to The Grove Subdivision
Attachments: the grove subdivision.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, I hope that I have sent this to the correct email address. Please let me know if it should be sent elsewhere.

Kelsey Fork

Kelsey Fork & Seth Rogan
 2921 E 10th St.
 The Dalles, OR 97058

RE: "The Grove" Subdivision at Richmond Street and East 10th Street

To whomever it may concern,

As a non-owning resident of the area directly across the street from where approximately 80 new housing units are being considered, I am shocked by how little thought was put into the process of approval for this new subdivision. I understand the need for housing in The Dalles, and I understand the urgency for it, but the way that this plan was instated, with little notice to current residents before approval, is outrageous. The current subdivision proposal has the potential to create a high-crime area, cause more traffic accidents, and it might not even be fiscally viable for the residents in The Dalles who actually need housing.

Speaking of fiscal viability, if this new subdivision is meant for low-income housing, has the city of The Dalles considered that the crime rate may skyrocket? I am not trying to judge anyone based on their income (my family is also low-income) but [it has been reported](#) that low-income communities have almost double the rate of violent crimes than medium and high income communities do. The area around "The Grove" is fairly middle-class, from my peripheral view, and virtually crime-free, at present. I want to continue to feel safe in my neighborhood, and I honestly feel that I will leave The Dalles if crime becomes an issue; I have heard the same sentiment from neighbors.

The current road system in this neighborhood is not prepared for the estimated 300 new cars that could be coming to this area. The traffic on East 10th already feels fairly perilous, as people traveling east, over the top of the hill, are usually going upwards of 35 mph, and they hardly ever think to slow down. The same goes for those traveling on Richmond, north. How is the city prepared to accommodate a new street at the top of this hill, that people are constantly speeding down, in addition to twenty new driveways on 10th, with cars entering and exiting all the time, *and* three new roads off Richmond? It can already be difficult to get into or out of my single driveway (with no homes across the street) on East 10th, without worrying about somebody ramming into my car that I may have my young child in. Unless the city is prepared to put in a traffic light at the intersections of East 10th/Old Dufur & Thompson and Fremont/Old Dufur & Richmond, and multiple stop signs between, I do not see how this housing addition (as it is, currently) could not be a slew of potential lawsuits for the city.

As a young family, my partner and I absolutely understand the need for affordable housing. From what I can tell, housing in The Dalles is the biggest issue for low-income families, because home sale and rental prices are rapidly increasing in the Gorge. Looking at the Curtis Homes website, and seeing their listings for single-family homes in The Dalles, does not give me hope that these new homes across the street from me will be affordable at all, regardless of the fact that they are planning on interspersing multi-family units. The pricing of a single-family home in Curtis Homes' "Park Place" neighborhood ranges from \$349,000 to \$529,000 and current 3-bedroom home rentals in The Dalles (which are NOT new construction) range from \$1350 to \$1700 per month. How is Curtis Homes prepared to build these homes with the community's financial needs in mind? I wouldn't doubt that a single unit in one of the proposed triplexes will be rented out for more than \$1500, which will be too expensive for the median-income family in The Dalles (rent should be 1/3rd of your income; Curtis Homes reports The Dalles' median income is less than \$49,000, which means that the average family in The Dalles should only be paying around \$1360 per month for rent) even with government housing assistance.

I wish I had more time to research this, but I hope that my concerns are heard by the city planning commission and that they might take them into account for rethinking their approval of this subdivision.

Thank you,
Kelsey Fork

Kelsey Fork & Seth Rogan
2921 E 10th St.
The Dalles, OR 97058

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The current road system in this neighborhood is not prepared for the estimated 300 new cars that could be coming to this area. The traffic on East 10th already feels fairly perilous, as people traveling east, over the top of the hill, are usually going upwards of 35 mph, and they hardly ever think to slow down. The same goes for those traveling on Richmond, north. How is the city prepared to accommodate a new street at the top of this hill, that people are constantly speeding down, in addition to twenty new driveways on 10th, with cars entering and exiting all the time, *and* three new roads off Richmond? It can already be difficult to get into or out of my single driveway (with no homes across the street) on East 10th, without worrying about somebody ramming into my car that I may have my young child in. Unless the city is prepared to put in a traffic light at the intersections of East 10th/Old Dufur & Thompson and Fremont/Old Dufur & Richmond, and multiple stop signs between, I do not see how this housing addition (as it is, currently) could not be a slew of potential lawsuits for the city.

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the fact that they are planning on interspersing multi-family units. The pricing of a single-family home in Curtis Homes' "Park Place" neighborhood ranges from \$349,000 to \$529,000 and current 3-bedroom home rentals in The Dalles (which are NOT new construction) range from \$1350 to \$1700 per month. How is Curtis Homes prepared to build these homes with the community's financial needs in mind? I wouldn't doubt that a single unit in one of the proposed triplexes will be rented out for more than \$1500, which will be too expensive for the median-income family in The Dalles (rent should be 1/3rd of your income; Curtis Homes reports The Dalles' median income is less than \$49,000, which means that the average family in The Dalles should only be paying around \$1360 per month for rent) even with government housing assistance.

I wish I had more time to research this, but I hope that my concerns are heard by the city planning commission and that they might take them into account for rethinking their approval of this subdivision.

Thank you,
Kelsey Fork

Paula Webb

From: Nancy Fork <nafork@gmail.com>
Sent: Sunday, May 17, 2020 7:58 PM
To: Paula Webb
Subject: REVISED LETTER
Attachments: revised letter to city regarding Curtis Homes.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Paula,

After i sent the first letter i received the "Agenda packet" with 148 pages of information. I added a few things to my "revised" letter, and also signed it this time, as i sent the first one before it was done. I would appreciate you using this one as my original.

Thank you very much!

--

Regards,

Nancy Fork

****REVISED****

Harley & Nancy Fork
2925 & 2921 East 10th Street
The Dalles, OR 97058

May 17, 2020

To whomever it may concern:

Regarding: "The Grove" Subdivision on East 10th &
Richmond St, The Dalles, OR

We own two homes, both across the street from the proposed subdivision. We are located at 2921 & 2925 East 10th Street in between Quackenbush's and Perkins' properties. Our properties together, and with said above properties, equal to approximately 700 feet, from the corner of Richmond Street to top of the hill (Perkins' property).

This street is not safe enough to warrant this housing development. As it is, we have to watch very carefully from both directions, as vehicles come from either direction (often accelerating in speed coming up Richmond from Old Dufur Road hill, and turning onto East 10th Street or coming down Richmond Street and turning west onto East 10th Street. Then with the natural hill in front of Perkins property, the cars must accelerate again, to get over the hill. This is only speaking from the west side of the hill. The other direction is worse, coming east. Not to mention the foot traffic, outdoor cyclists and other enthusiasts that use our street daily for exercise.

The outlet street coming out of said subdivision, (in this 700 foot stretch on East 10th Street), is very worrisome to me. Any property along this stretch of approximately 700 feet, east of the hill will have a blind spot by that hill.

This makes a huge, dangerous problem for all living along East 10th Street. I fear the accidents already taking place in front of our homes. Car lights coming into our windows at night, and overall unsafe feeling of crime entering our neighborhood of well established families.

Many folks have lived in this country's living area for years. We are like family. We have worked hard to live in our neighborhood, watch out for each other, wave to the neighbor as they drive by, owning a little slice of our land that we call home. Although we know that we are going through housing shortages, the homes being built will not be affordable to middle income folks.

Lastly, somehow we missed the initial letter process deadline. With the Covid19 issues that impacted our area this past several months my mind was preoccupied with the impact of my small business closure. The last I was aware of, there was a meeting being held by Curtis Homes at the Clock Tower, the day Covid19 was announced.

Please consider including our letter at this time to this important situation at hand if able and add us to the email list for any upcoming information that we should be aware of.

Thank you
Harley & Nancy Fork
nafork@gmail.com
hafork@gmail.com
2925 East 10th Street
2921 East 10th Street
The Dalles, OR 97058

Paula Webb

From: Karen and Steve Murray <murrcat@gorge.net>
Sent: Monday, May 18, 2020 11:10 AM
To: Paula Webb
Cc: Karen G. Murray
Subject: The Grove development

To The Dalles Planning Commission,

I am writing in regards to the proposed "The Grove" development Adjacent to Richmond Street between 10th and 12th Streets. I Believe the city planners are asking you to approve this development before they have completed a complete and necessary review of the proposed plan.

First, a one hour traffic study on a Friday afternoon does not seem to be sufficient to assess a true picture of the traffic in the area. A longer, more details study needs to be made. With the current current pandemic, it seems unlikely that an adequate study can be accomplished in the near future.

Second, the landscaping requirements for such a development seem to be just a general agreement that the developer will follow the city guidelines without submitting a detailed plan that can be available for public review and comment.

Third, the concern about building in the approach to the airport seems to have just been blown off by the planners. The airport and the FAA need to see detailed plans to assess safety issues. Again, this needs to be available for public review and comment.

Additionally, the fact that the requirement that new development must be consistent with the existing neighborhood was dropped from the city cope almost simultaneously with the announcement of this new development is suspicious. I understand The Dalles is in need of new low income housing, but this does not seem to fit the bill. Turning an orchard in the a high density development does not seems right. Most os the people whoo live in this neighborhood chose to live here because of its rural flavor. The current roads are insufficient to handle the increased traffic. The children it brings in will tax an already overcrowded Dry Hollow school. The planners have not done the work necessary for you to approve this development. I encourage you to deny this request until all the is have been dotted and the ts crossed. Don't let them shortcut the process.

Sincerely,
Steve Murray

Paula Webb

From: Karen and Steve Murray <murrcat@gorge.net>
Sent: Monday, May 18, 2020 11:42 AM
To: Paula Webb
Subject: Dear City of The Dalles Planning Commission and Community Development Director, Steven Harris and to the City Council members and Mayor, Rich Mays

May

18, 2020

This letter is in regards to the proposed neighborhood development planned for the east side of town between 10th and 12th Street, bordering Richmond.

The neighborhood is united against this development in so many ways!! Imagine a cherry orchard cut down to make way for a high density housing in YOUR neighborhood. How could that be? How could our city council and/or planning commission approve such a thing....high density zoning where cherry orchards once were? My understanding is that the zoning happened over 20 years ago. I would like some clarification on how that happened and how it was legal. Why did they designate this area for high density back then? And, if you look at the property now, it is a terrible place for high density housing as it is so different than what was there or what surrounds it, plus all the negative effects it would have. I get it, that is opinion but the opinion of over a 100 citizens of The Dalles should count for something! The roads are not built to stand such a development, the lack of sidewalks adjacent to this proposed development are a real safety problem and the blind hills that hide the pedestrian and car traffic are an extreme problem, even if exit roads are moved east a bit. Traffic will eventually be a nightmare!! Accidents will happen. This is not a good place for high density housing. Build it closer to town.

I also have questions about how the changes came about to the land use laws last fall. How did the building compatibility clause get excluded? And, how did the bonus 10 ft height addition get added? Did the City Council really understand what they were voting for; there wasn't even a second reading on those changes. How many meetings had Cameron Curtis, from the Legacy Development Group had with the city planners prior to those changes being voted on? I think some sneaky things went on behind closed doors to create such a proposed project. I would like to propose a zoning change to something that fits into the neighborhood. Why wouldn't it have to stay in agriculture or at least low density housing? I would like the City Planning Commission to check into this. Also, before any decision is made, I request that all the City Planning Commissioners take the walk around the block, the walk we take several times a week. See the blind hills and experience the traffic on the skinny little roads. I can't imagine kids from the proposed neighborhood walking to town safely!! I would be glad to accompany you!

I think it is important for you to know that people are SICK over the plans, literally SICK!! And, there has been a death from an adjacent landowner that, "Didn't know what he would do!?" He was so distraught that he broke out in shingles and then he had a heart attack and died. The thought of this proposed neighborhood development has already caused physical harm as well as lots of stress and anxiety and high blood pressure. This should NOT be the way The Dalles handles things. It is wrong. And, I believe our City Council and City Commissioners realize this. Citizens that surround and live close to this proposed project have worked hard all their lives and to have this pushed on them...it is wrong. It does not fit in this area. It is a travesty! But mostly, it is wrong and there will be many negative effects on many people if it is built.

The traffic study that was done most recently is very incomplete and inadequate. A 1-2 hour study between 4pm and 6pm is not enough. Morning, afternoon and early evening hours should all be evaluated. When does the hospital shift end? When do the school buses go by? When does the tie plant shift end? When are the walkers out? What other times should be evaluated?

Also, geologically speaking, any development up any of the grades in The Dalles is more prone to landslides and earth movement. It is also a more difficult place to build and maintain because of the slope. Why not focus on high density housing on the flat places near the City of The Dalles? That would be money more well spent and would be closer to the services. It would also help if the places being built would be affordable, unlike the higher rent the "The Grove" will probably have.

Also, I have a HUGE concern about how little open space this development has planned. The community park should be much bigger to allow kids to play, dogs to be walked and have some open space for people to sit and enjoy themselves. I thought the open space should be at least 20% of the overall area.

I realize that The Dalles is "rent-burdened." Many of the people who need to find a place to rent could NOT afford what is planned to be built. Why not build low income housing closer to the city services across town?

Scaling the project down could work. Change the zoning so a scaled-back version could work. Work with the neighborhood!!!

If indeed, the Planning Commission and the City Council is "dead set" on approving this development, spend the money to get the infrastructure in place first. Get safe sidewalks and wider streets leading to this neighborhood. If the city can not afford this, it has no business approving this development. My guess is that there are much better, safer places for high density closer to the city center.

I am making the assumption that city planning commissioners have read the multitude of letters that were written in opposition to this project before the appeals process. A lot of research went into developing those letters so I hope you will read all of them before you make your decision. I also think we deserve to meet in person and the project should be put on hold until we can meet in person for a question and answer session and further research can be done. Also, I think in-person testimony is important. This project, if built as planned, would have a HUGE effect on hundreds of people and it is just too much. It is too much crammed into a small area. It will have an enormous negative effect. People are already talking about moving out of the area if it is built.

Please do not allow the Legacy Development Group to build what they have planned. It would be a huge mistake and unfair to the people who live nearby and all the other people that will be affected in the surrounding area.. It should not be allowed to be built as planned. Please listen to your citizens.

Sincerely,

Karen Gartland

2645 E. 11th Street
The Dalles, Oregon

Murray

97058

Paula Webb

From: jozette schultens <jozetteschultens@yahoo.com>
Sent: Monday, May 18, 2020 11:57 AM
To: Paula Webb
Subject: Application number 030-20 of Sub 74-14

To Whom it may concern,

As residents of The Dalles, residing at 2637 E 10th St., we, Robert Schultens and Jozette Schultens, desire to have our objections recorded in regards to the proposed subdivision #0030-20 of Sub 74-19. We have lived at our current address for 36 years and have watched the growing number of pedestrians, cyclists, and motorist on E. 10th St., and can't imagine how the increase in motorist traffic will be controlled if this subdivision is allowed to be built. We have a two lane city street that has no conditions for safe travel by foot or bicycle. Who will be overseeing the building of these structures to make sure the "criterion will be met"?

We have read the reports, arguments, and responses published by the city but, we have yet to see any consideration for the living conditions of those who reside in this area. High density living is the very reason people from other areas choose to leave their residence elsewhere and to come here to live. And this neighborhood is in no way a prime spot for high density living simply by distance from services.

Please reconsider as though you lived here.

Respectfully,
Robert and Jozette Schultens

Paula Webb

From: Karen and Steve Murray <murrcat@gorge.net>
Sent: Monday, May 18, 2020 11:42 AM
To: Paula Webb
Subject: Dear City of The Dalles Planning Commission and Community Development Director, Steven Harris and to the City Council members and Mayor, Rich Mays

May

18, 2020

This letter is in regards to the proposed neighborhood development planned for the east side of town between 10th and 12th Street, bordering Richmond.

The neighborhood is united against this development in so many ways!! Imagine a cherry orchard cut down to make way for a high density housing in YOUR neighborhood. How could that be? How could our city council and/or planning commission approve such a thing....high density zoning where cherry orchards once were? My understanding is that the zoning happened over 20 years ago. I would like some clarification on how that happened and how it was legal. Why did they designate this area for high density back then? And, if you look at the property now, it is a terrible place for high density housing as it is so different than what was there or what surrounds it, plus all the negative effects it would have. I get it, that is opinion but the opinion of over a 100 citizens of The Dalles should count for something! The roads are not built to stand such a development, the lack of sidewalks adjacent to this proposed development are a real safety problem and the blind hills that hide the pedestrian and car traffic are an extreme problem, even if exit roads are moved east a bit. Traffic will eventually be a nightmare!! Accidents will happen. This is not a good place for high density housing. Build it closer to town.

I also have questions about how the changes came about to the land use laws last fall. How did the building compatibility clause get excluded? And, how did the bonus 10 ft height addition get added? Did the City Council really understand what they were voting for; there wasn't even a second reading on those changes. How many meetings had Cameron Curtis, from the Legacy Development Group had with the city planners prior to those changes being voted on? I think some sneaky things went on behind closed doors to create such a proposed project. I would like to propose a zoning change to something that fits into the neighborhood. Why wouldn't it have to stay in agriculture or at least low density housing? I would like the City Planning Commission to check into this. Also, before any decision is made, I request that all the City Planning Commissioners take the walk around the block, the walk we take several times a week. See the blind hills and experience the traffic on the skinny little roads. I can't imagine kids from the proposed neighborhood walking to town safely!! I would be glad to accompany you!

I think it is important for you to know that people are SICK over the plans, literally SICK!! And, there has been a death from an adjacent landowner that, "Didn't know what he would do!?" He was so distraught that he broke out in shingles and then he had a heart attack and died. The thought of this proposed neighborhood development has already caused physical harm as well as lots of stress and anxiety and high blood pressure. This should NOT be the way The Dalles handles things. It is wrong. And, I believe our City Council and City Commissioners realize this. Citizens that surround and live close to this proposed project have worked hard all their lives and to have this pushed on them...it is wrong. It does not fit in this area. It is a travesty! But mostly, it is wrong and there will be many negative effects on many people if it is built.

The traffic study that was done most recently is very incomplete and inadequate. A 1-2 hour study between 4pm and 6pm is not enough. Morning, afternoon and early evening hours should all be evaluated. When does the hospital shift end? When do the school buses go by? When does the tie plant shift end? When are the walkers out? What other times should be evaluated?

Also, geologically speaking, any development up any of the grades in The Dalles is more prone to landslides and earth movement. It is also a more difficult place to build and maintain because of the slope. Why not focus on high density housing on the flat places near the City of The Dalles? That would be money more well spent and would be closer to the services. It would also help if the places being built would be affordable, unlike the higher rent the "The Grove" will probably have.

Also, I have a HUGE concern about how little open space this development has planned. The community park should be much bigger to allow kids to play, dogs to be walked and have some open space for people to sit and enjoy themselves. I thought the open space should be at least 20% of the overall area.

I realize that The Dalles is "rent-burdened." Many of the people who need to find a place to rent could NOT afford what is planned to be built. Why not build low income housing closer to the city services across town?

Scaling the project down could work. Change the zoning so a scaled-back version could work. Work with the neighborhood!!!

If indeed, the Planning Commission and the City Council is "dead set" on approving this development, spend the money to get the infrastructure in place first. Get safe sidewalks and wider streets leading to this neighborhood. If the city can not afford this, it has no business approving this development. My guess is that there are much better, safer places for high density closer to the city center.

I am making the assumption that city planning commissioners have read the multitude of letters that were written in opposition to this project before the appeals process. A lot of research went into developing those letters so I hope you will read all of them before you make your decision. I also think we deserve to meet in person and the project should be put on hold until we can meet in person for a question and answer session and further research can be done. Also, I think in-person testimony is important. This project, if built as planned, would have a HUGE effect on hundreds of people and it is just too much. It is too much crammed into a small area. It will have an enormous negative effect. People are already talking about moving out of the area if it is built.

Please do not allow the Legacy Development Group to build what they have planned. It would be a huge mistake and unfair to the people who live nearby and all the other people that will be affected in the surrounding area.. It should not be allowed to be built as planned. Please listen to your citizens.

Sincerely,

Karen Gartland

2645 E. 11th Street
The Dalles, Oregon

Murray

97058

Paula Webb

From: jozette schultens <jozetteschultens@yahoo.com>
Sent: Monday, May 18, 2020 11:57 AM
To: Paula Webb
Subject: Application number 030-20 of Sub 74-14

To Whom it may concern,

As residents of The Dalles, residing at 2637 E 10th St., we, Robert Schultens and Jozette Schultens, desire to have our objections recorded in regards to the proposed subdivision #0030-20 of Sub 74-19. We have lived at our current address for 36 years and have watched the growing number of pedestrians, cyclists, and motorist on E. 10th St., and can't imagine how the increase in motorist traffic will be controlled if this subdivision is allowed to be built. We have a two lane city street that has no conditions for safe travel by foot or bicycle. Who will be overseeing the building of these structures to make sure the "criterion will be met"?

We have read the reports, arguments, and responses published by the city but, we have yet to see any consideration for the living conditions of those who reside in this area. High density living is the very reason people from other areas choose to leave their residence elsewhere and to come here to live. And this neighborhood is in no way a prime spot for high density living simply by distance from services.

Please reconsider as though you lived here.

Respectfully,
Robert and Jozette Schultens

**TENNESON****ENGINEERING CORPORATION**
CONSULTING ENGINEERS • SURVEYORS • PLANNERSPHONE (541) 296-9177
FAX (541) 296-6657

May 18, 2020

City of The Dalles Planning Commission
City Hall
313 Court Street
The Dalles, Oregon 97058

Regarding: Appeal No. 630-20 of SUB 74-19 – Legacy Development Group, LLC

Dear Commissioners:

I have been asked, by staff, to provide some background information regarding the above referenced appeal now before you. Briefly, I am a long time Planning Consultant with Tenneson Engineering Corporation here in The Dalles. I started with the firm in March of 1970 and began working as an entry level Planner in the late summer of that year. I became a professional Land Use Planner in 1975 after receiving a degree in Urban and Regional Planning from Eastern Washington State College (now Eastern Washington University) Over the years I have completed many projects on behalf of the City of The Dalles. I will not list them all here, but there are a few that may be pertinent to this issue before you.

In approximately 1980-81, I was given the task of establishing the first Urban Growth Boundary for the City, by then Planning Director Greg Scholes. I was directed to carefully follow the DLCD requirements and to not be too aggressive in sizing the UGB. It was a difficult process but the boundary has not been changed that much during the passing years

In approximately 1989-90, the City lost all its Planning Staff except a part time secretary and I was asked to run the Office while new staff could be hired. I managed the Office for approximately six months, late 1989 to July 1990, when Dan Durow was hired as Director along with Scott Keillor as Senior Planner. I am very familiar with the City's land use processes and procedures.

In 1994, I was asked to review the City's recently revised Comprehensive Plan for compatibility with the existing City Zoning Ordinance. I did find three areas of concern and that letter is still available today.

Over the years, I have completed several Buildable Lands Inventories for the City, these studies detail the available vacant lands within the City and its Urban Growth Boundary. I believe the last one I did was in early 1994.

Finally, I have represented a number of small cities and counties throughout eastern and central Oregon since 1975. I currently serve 8 cities and 3 counties in the region now. Over the years, I have processed and approved/denied dozens of subdivisions and partitions for these jurisdictions.

City of The Dalles Planning Commission

May 18, 2020

Page 2

I note the appellant's response indicated the subject properties were improperly zoned in 1994, that is to say these lands should not have been designated as Residential High Density. First of all, that land use action took place over a quarter century ago. It is a little late to be objecting to it now. Secondly, the primary reason these lands were so designated is that the City was required to provide a certain amount of High Density Residential by DLCD rules and regulations. Further, as in many Cities, the only large vacant areas necessary to meet those requirements are in the outlying areas of the City or its Urban Growth Boundary.

I have been involved in many other projects that involved specific properties and/or other updating projects the Planning Department has taken to keep the City current in meeting the needs of its citizens. The Staff has always carefully adhered to the rules and regulations of the City and State's land use processes and requirements. Notices are carefully prepared and submitted, Staff reports are timely and on point to respond to the goals and objectives of the adopted Comprehensive Plan and Implementing Measures. The City of The Dalles Staff has been trained to provide as much information as possible when preparing Staff Reports.

One last thought, it appears the appellants do not recognize the difference between a preliminary subdivision plat approval and a final subdivision plat approval. It is common practice in Oregon land use to establish a two step process for Subdivision approval. The preliminary plat step outlines what the developer proposes to do in writing and submitted drawings. The City Staff reviews the material for compliance with City Codes and Rules, and also notes any deficiencies as part of the preliminary plat staff report. Normally those notations become Conditions of Approval before the Final Plat can be approved. The Developer knows the Preliminary Plat is deficient when it was submitted and is prepared to respond to the deficiencies in the preparation of the Final Plat. This is what has been done with The Grove Subdivision.

Respectfully submitted,

/s/ Dan Meader

Dan Meader, Senior Planner

DM:kb

From: [Kelly Howsley - Glover](#)
To: [Joshua Chandler](#)
Subject: Fwd: [Wasco County 2040] Submit a Comment
Date: Monday, June 01, 2020 3:42:54 PM

I encouraged Ms. Radford to reach out to you directly and explained that this land is under your jurisdiction and has been zoned for residential since the 1950s.

----- Forwarded message -----

From: **Anne Radford** <wordpress@wasco2040.com>
Date: Sat, May 30, 2020 at 7:32 AM
Subject: [Wasco County 2040] Submit a Comment
To: "kellyg" <kellyg@co.wasco.or.us>

Name: Anne Radford

Email: ramblynrows1@hotmail.com

Website:

Comment: Hello. With property in orchards and close or next to the urban growth boundary in one place, we have watched closely the developments from the county planning department. Yes we know more land is needed for housing. And we know that at both ends, west and east of The Dalles, the land is not suitable or legal to tear up for housing. The state or perhaps the Gorge Commission as well has or had boundaries in place that no orchard or farming land was to be cut up for houses. I am wondering about the cutting up of the Geiger Orchards (7.3 or so acres to put up to 83 houses on in a very dense area). What a dreadful mess it would be, all those people crammed into a small area, very dense in population. The transportation for those who might live there and might have jobs to get too by 8 a.m. would be a mess. Crowded people together is never a good thing. I do not have any answers as to where new housing should go. The new project up by Sorosis Park is a dreadful cheap looking cut up mess where it could have had good size lots with houses. Unfortunately Dallesport is in another state as there should be plenty of housing sites there.

Would you like to be added to our notification list for news and events?: Yes

Time: 30 May 2020 at 2:32 pm
 IP Address: 67.40.252.199
 Contact Form URL: <https://wasco2040.com/submit-a-comment/>

Sent by an unverified visitor to your site.

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PLANNING DEPARTMENT

kellyg@co.wasco.or.us | www.co.wasco.or.us

541-506-2560 | Fax 541-506-2561

2705 East Second St | The Dalles, OR 97058

Email is the best way to reach me! *In an effort to prevent, slow, and stop the spread of COVID-19 to our citizens and staff, our office will be limiting business to phone, email and online service. If you are not sure how to access services online, or you have a need that requires in-person assistance, please call our office at 541-506-2560 to discuss. Please keep in mind that response time may vary depending on staffing. Thank you for your patience during this time.*

Please note: Content of emails is informational and does not constitute a land use decision. Please be aware all emails are subject to public records laws and may be made public.

From: [Aryn Rasmussen](#)
To: [Joshua Chandler](#)
Subject: RE: Contact Info Request
Date: Monday, June 01, 2020 2:24:57 PM

Hi Josh,

Yes feel free to use it for your staff report.

It was determined that the parcel is outside the approach surface for 31 because it is a visual approach runway. The distance for a visual approach runway is 5000 ft and since the parcel located over 7000 ft from the end of the runway.

Let me know if that doesn't make sense. Thanks!

Aryn

From: Joshua Chandler [mailto:jchandler@ci.the-dalles.or.us]
Sent: Monday, June 1, 2020 1:51 PM
To: 'Aryn Rasmussen' <airporttd@gorge.net>
Subject: RE: Contact Info Request

Thank you Aryn.

If needed, could we use this as an attachment to the upcoming staff report?

Additionally, were you able to discuss the parcel location in regards to the "approach surface" of the airport any further? I believe you said it was outside; however, I was wondering how/why this was determined.

Let me know when you have a free moment.

Joshua Chandler

Planner
City of The Dalles
541-296-5481 x1120

In an effort to prevent, slow, and stop the spread of COVID-19 to our citizens, our office will be limiting business to phone, email and online service. If you are not sure how to access services online, or need assistance, please call our office at 541-296-5481 Ext 1125. Please keep in mind that response time may vary depending on staffing. Thank you for your patience during this time.

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From: Aryn Rasmussen [mailto:airporttd@gorge.net]

Sent: Monday, June 01, 2020 1:20 PM
To: Joshua Chandler <jchandler@ci.the-dalles.or.us>
Subject: RE: Contact Info Request

Hi Josh,

I sent a note to Seth Thompson at ODA about the development a week or so ago. I sent him the preliminary documents you gave me, he's reviewed those and his response is attached. His signature block has his email, phone, mailing address.

I would just ask that you cc me on any emails. Let me know if you need anything else, thanks!

Aryn Rasmussen
Columbia Gorge Regional Airport
Airport Manager
Phone: 509.767.2272
Cell: 334.470.9985

From: Joshua Chandler [<mailto:jchandler@ci.the-dalles.or.us>]
Sent: Thursday, May 28, 2020 4:00 PM
To: 'Aryn Rasmussen' <airporttd@gorge.net>
Subject: Contact Info Request

Hi Aryn,

Do you have a contact to send certified mail to someone at the Department of Aviation for land use noticing purposes? As part of a recent appeal, we will be mailing notification to both the Airport and the Department of Aviation.

Also, could you provide me with your mailing address for the same purpose?

Thank you,

Joshua Chandler
Planner
City of The Dalles
541-296-5481 x1120

In an effort to prevent, slow, and stop the spread of COVID-19 to our citizens, our office will be limiting business to phone, email and online service. If you are not sure how to access services online, or need assistance, please call our office at 541-296-5481 Ext 1125. Please keep in mind that response time may vary depending on staffing. Thank you for your patience during this time.

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Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

From: [THOMPSON Seth](#)
To: [Aryn Rasmussen](#)
Subject: RE: The Dalles City Code Notice of Construction
Date: Wednesday, May 20, 2020 10:45:31 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hi Aryn,

Of course! I'm here to be of service to you.

After reviewing your screen shots, the development is most likely going to be fine and not need mitigation for air navigation.

However, there may likely be height restrictions as it's directly south of the runway approach.

For that reason, I will likely provide comment that an airspace analysis will be required by the ODA prior to future approval of structures.

This will also help the developer understand the types of height restrictions to expect once the properties are shovel-ready.

Feel free to forward the application to me when you receive and I'll be happy to review.

Thanks again and take care.

Seth Thompson
 OREGON DEPARTMENT OF AVIATION
 AVIATION PLANNER



OFFICE 503-378-2529 **CELL** 503-507-6965

EMAIL seth.thompson@aviation.state.or.us

3040 25TH STREET SE, SALEM, OR 97302

WWW.OREGON.GOV/AVIATION

From: Aryn Rasmussen <airportd@gorge.net>
Sent: Tuesday, May 19, 2020 4:59 PM
To: THOMPSON Seth <Seth.THOMPSON@aviation.state.or.us>
Subject: RE: The Dalles City Code Notice of Construction

Hi Seth,

I think we spoke on the phone a month or so ago about our CIP letter, I appreciate your help with this!

This is what I have received from the planning department thus far. I have asked for the actual proposal/application and will send that to you as soon as I receive it. Please let me know if there is anything else that you need. Thanks!

Aryn N. Rasmussen
Airport Manager
Columbia Gorge Regional Airport
Office: 509-767-2272
Cell: 334-470-9985

From: THOMPSON Seth <Seth.THOMPSON@aviation.state.or.us>
Sent: Tuesday, May 19, 2020 2:30 PM
To: airporttd@gorge.net
Cc: PECK Heather <heather.peck@aviation.state.or.us>; BEACH Anthony <Anthony.BEACH@aviation.state.or.us>; HANKWITZ Donald E <donald.e.hankwitz@aviation.state.or.us>; WILSON John P <John.P.WILSON@aviation.state.or.us>; SPONSELLER Roger <Roger.SPONSELLER@aviation.state.or.us>
Subject: RE: The Dalles City Code Notice of Construction

Good afternoon Aryn,

My name is Seth Thompson and I am the Aviation Planner for the ODA.

Any required notices to the ODA can be sent directly to me via email.

The notice can be in the form of a proposal, land use application or decision. Please provide me with the materials submitted by the applicant for the proposal.

I will review the materials and notify you if a FAA Form 7460-1 is required to be completed and submitted to the ODA.

The FAA Form 7460-1 allows the ODA to determine if the proposal is a potential obstruction or hazard to air navigation.

If the notice is not electronic, please send to the ODA's address with attention to me.

I have included this information below:

Seth Thompson
Seth.thompson@aviation.state.or.us

Seth Thompson
[Oregon Department of Aviation](#)
3040 25th Street SE
Salem, OR 97302

Thank you and please let me know if you have any further questions.

Best regards,

Seth Thompson
OREGON DEPARTMENT OF AVIATION
AVIATION PLANNER



OFFICE 503-378-2529 CELL 503-507-6965

EMAIL seth.thompson@aviation.state.or.us

3040 25TH STREET SE, SALEM, OR 97302

WWW.OREGON.GOV/AVIATION

From: Aryn Rasmussen <airporttd@gorge.net>

Sent: Tuesday, May 19, 2020 12:50 PM

To: Oregon Department of Aviation <aviation.mail@aviation.state.or.us>

Subject: The Dalles City Code Notice of Construction

Good Afternoon,

I am working with The City of The Dalles (a co-sponsor of Columbia Gorge Regional Airport), they are reviewing a proposal from a group for a sub-division development. It is stated in the City Planning Code that notice must be given to ODA if there is development within 10,000 ft of the end of a runway. I have not gone through this process with The City of The Dalles or ODA yet and was hoping you could provide some direction on the appropriate process and information requested to formally notify ODA of the development request.

Thank you in advance!

Aryn N. Rasmussen
Airport Manager
Columbia Gorge Regional Airport
Office: 509-767-2272
Cell: 334-470-9985

From: [THOMPSON Seth](#)
To: [Joshua Chandler](#)
Subject: File Number: SUB 74-19
Date: Friday, June 05, 2020 2:39:58 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[FAA Form 7460-1.pdf](#)

Good afternoon Joshua,

Thank you for allowing the Oregon Department of Aviation (ODA) to comment on File Number: SUB 74-19.

The ODA has determined that any proposed structures resulting from the approval of this land use decision must undergo a FAA FORM 7460-1 aeronautical study by the ODA.

All completed FAA FORM 7460-1 documents must be submitted to the ODA by the applicant prior to approval of building permits.

Please see attached for reference.

Thank you and please let me know if you have any questions.

Best regards,

Seth Thompson
OREGON DEPARTMENT OF AVIATION
AVIATION PLANNER



OFFICE 503-378-2529 **CELL** 503-507-6965

EMAIL seth.thompson@aviation.state.or.us

3040 25TH STREET SE, SALEM, OR 97302

WWW.OREGON.GOV/AVIATION

From: [Aryn Rasmussen](#)
To: ["Platts, Thomas"](#)
Subject: RE: Subdivision 74-19 Legacy Development Group

Hi Max,

I remember you and John stopping by last year, I hope that everything is going well.

At this time the airport doesn't have any concerns about the project, but the planning department from the City of The Dalles wanted to make sure they did their due diligence in notifying your office. If anything changes or we have further questions I will be sure to reach out, thanks again!

Aryn Rasmussen
Columbia Gorge Regional Airport
Airport Manager
Phone: 509.767.2272
Cell: 334.470.9985

From: Platts, Thomas [mailto:PlattsT@wsdot.wa.gov]
Sent: Tuesday, June 9, 2020 2:31 PM
To: airporttd@gorge.net
Subject: Subdivision 74-19 Legacy Development Group

Hi Aryn,

My name is Max Platts and I am the interim Land Use Planner for WSDOT Aviation. We met about a year ago when my colleague John MacArthur stopped by on one of our airport inspection trips.

Our office received a copy of the Subdivision 74-19 Legacy Development Memorandum. I didn't see anything terrible concerning with the development and its location, but I wanted to reach out to you to see if you had any thoughts or needed our office's assistance in this matter.

Please let me know if you need anything or if there is anything we can do to help!

Thanks,
Max

T.S. "Max" Platts
WSDOT Aviation Division
Aviation Planner
Office: 360-709-8028
Cell: 360-890-5258



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
[Doc. No. 1882, 30 FR 1839, Feb. 10, 1965, as amended by Amdt. 77-8, 33 FR 18614, Dec. 17, 1968;
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.

[Doc. No. 1882, 30 FR 1839, Feb. 10, 1965, as amended by Amdt. 77-5, 33 FR 5257, Apr. 2, 1968; Amdt. 77-9, 36 FR 5970, Apr. 1, 1971]

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

[Doc. No. 1882, 30 FR 1839, Feb. 10, 1965, as amended by Amdt. 77-2, 31 FR 9449, July 12, 1966; Amdt. 77-8, 33 FR 18614, Dec. 17, 1968; Amdt. 77-10, 37 FR 4705, Mar. 4, 1972; Amdt. 77-11, 54 FR 39292, Sept. 25, 1989]

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.

[Doc. No. 1882, 30 FR 1839, Feb. 10, 1965, as amended by Amdt. 77-4, 32 FR 12997, Sept. 13, 1967; Amdt. 77-5, 33 FR 5257, Apr. 2, 1968

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.

[Doc. No. 1882, 30 FR 1839, Feb. 10, 1965, as amended by Amdt. 77-5, 33 FR 5257, Apr. 2, 1968; Amdt. 77-9, 36 FR 5970, Apr. 1, 1971]

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.

[Amdt. 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.

- (1) 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.
 - (2) 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.
 - (3) 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.

[Amdt. 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.

[Doc. No. 1882, 30 FR 1839, Feb. 10, 1965, as amended by Amdt. 77-9, 36 FR 5971, Apr. 1, 1971; 36 FR 6741, Apr. 8, 1971]



**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

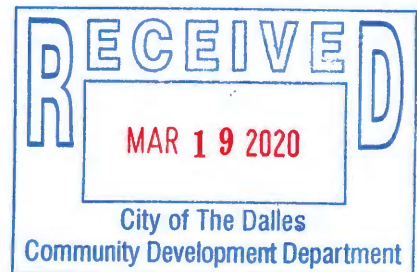
**Please state the reasons why the appellant qualifies as a party entitled to file a notice of appeal:
Appellants submitted timely written comments during the comment period. Appellants are
also adversely affected and aggrieved by the decision.**

**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





Steve C. Morasch
805 Broadway Street
Suite 1000
PO Box 1086
Vancouver, WA 98666

T: (360) 558-5912
T: (503) 283-3393
F: (360) 558-5913
E: stevem@landerholm.com

Via Hand Delivery

3/18/2020

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 Hult and Roberta Kay Wymore-Hult (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.

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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 cross walk 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 maybe 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.



STEVE C. MORASCH
Attorney at Law

SCM/jsr
Enclosure

MORS08-000002 - 4622769_1



Individual Lots: 72
Residential Units: 83

	Bldg Type	Indv Dwelling
Single Family (1 LVL 1200SF)	6	6
Single Family (2 LVL 1800SF)	5	5
Duplex (2 LVL 1100SF)	9	18
Duplex (2 LVL 1200SF)	6	12
Duplex (2 LVL 1500SF)	5	10
Triplex (2 LVL 1600SF?)	7	21
ADU (1 or 2 LVL 529SF)	11	11

- Property Boundary
- Lot Line
- Setback
- Centerline
- Sidewalk Edge
- Curb Edge
- Gravel Edge

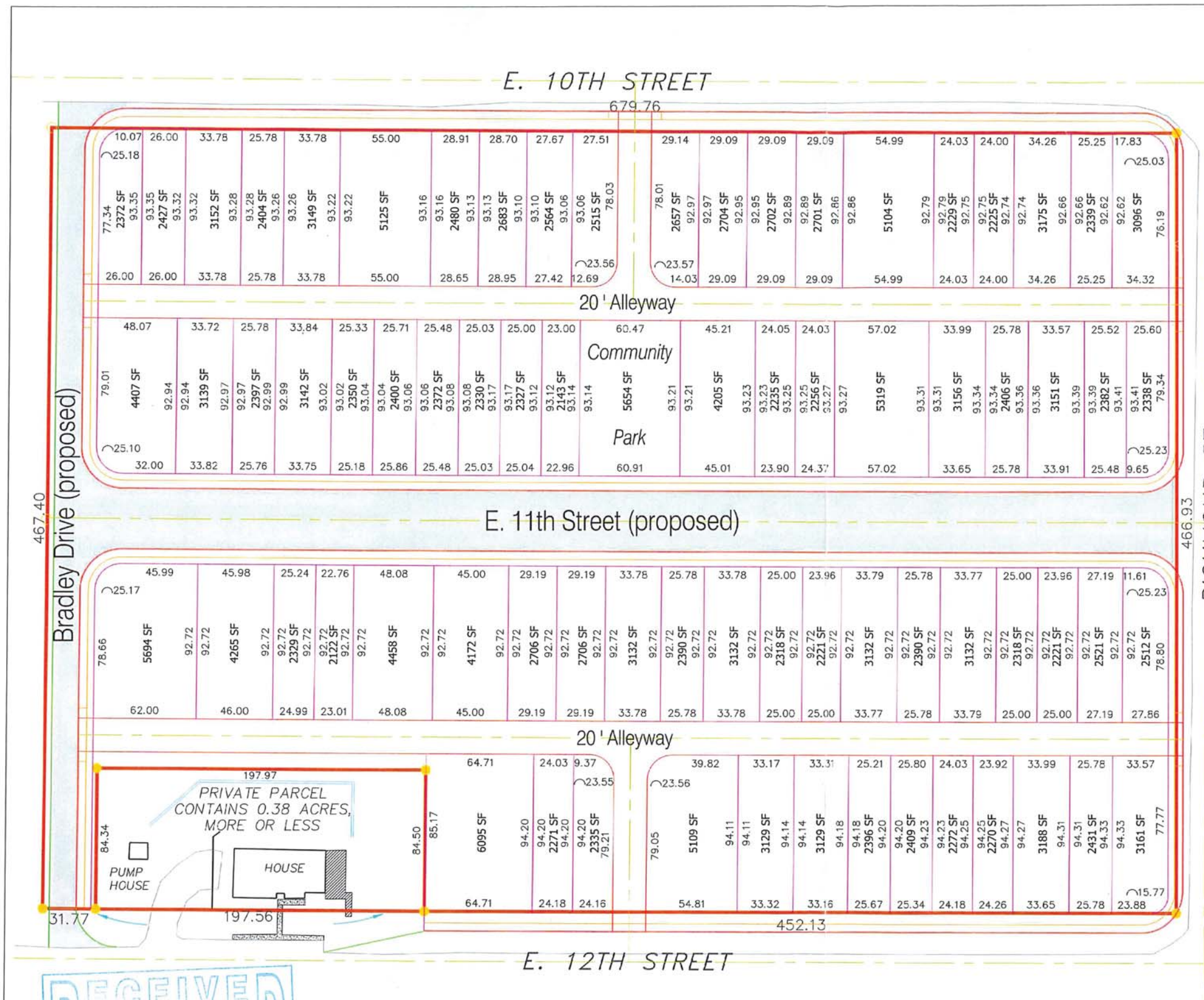


The Grove Subdivision
2845 E 12th
Legacy Development Group Inc.
BUILDING A LEGACY YOU CAN LIVE IN

LEGACY
DEVELOPMENT GROUP INC.

Designed GMH	2020
Drawn GMH	2020
Checked	
Approved	Title _____ Date _____ Job Class _____

REVISIONS	Approved
Description	
Date	
File No.	
Sheet	of



SITE LOCATION MAP
Scale: NTS

Primary Parcel Size: 6.19 Acres
Individual Lots: 72
Community Park: .13 Acres

- Property Boundary ———
- Lot Line ———
- Centerline ———
- Sidewalk Edge ———
- Curb Edge ———
- Gravel Edge ———

RECEIVED

JAN 10 2020

City of The Dalles
Community Development Department

N
 Subdivision - Plat Proposal
Scale: 1:30

DESIGNED	2020	The Grove Subdivision 2845 E 12th The Dalles, Oregon	DRAWN	2020	DATE	
CHECKED			APPROVED	TITLE	JOB	CLASS
			Legacy Development Group Inc. BUILDING A LEGACY YOU CAN LIVE IN			
LEGACY						
DEVELOPMENT GROUP INC.						
REVISIONS	Description	Date	Approved			
			File No.			
			Sheet	of		

NARRATIVE:

THE PURPOSE OF THIS SURVEY WAS TO PARTITION TAX LOT 200 OF ASSESSOR'S MAP No. 00113E01C INTO TWO PARCELS. THE PROPERTY IS DESCRIBED ON INST #2013-001713 AS BEING LOTS 7-14 OF BLOCK 4 OF THE THOMPSON ADDITION TO THE CITY OF THE DALLES. IN THE FIELD, WE RECOVERED MONUMENTS ALLOWING US TO DETERMINE THE BOUNDARY OF SAID LOTS. AT THE NORTHWEST CORNER, WE RECOVERED A 5/8" IRON ROD AT THE NORTHWEST CORNER OF LOT 7, THOMPSON'S ADDITION. THIS MONUMENT WAS SET ON C.S.1820. THE NORTHEAST CORNER OF PARTITION WAS CALCULATED BY HOLDING A 1-1/2" ALUMINUM CAP 60 FEET NORTH OF SAID NORTHEAST CORNER, WE HELD THE ALUMINUM CAP AND A POSITION AT THE SOUTHEAST CORNER CALCULATED BY HOLDING A FOUND AXLE EAST OF OUR CORNER, THIS DEFINES THE EAST LINE OF THE PARTITION, THE SOUTH LINE OF THE PARTITION WAS CALCULATED BY HOLDING THE DESCRIBED SOUTHEAST CORNER AND A 1" IRON PIPE AT THE SOUTHWEST CORNER OF LOT 17, BLOCK 4 OF SAID THOMPSON'S ADDITION. THE DISTANCE ALONG THE SOUTH LINE MEASURED LONG, THIS DISTANCE WAS PRORATED TO DETERMINE THE POSITION OF THE SOUTHWEST CORNER OF THIS PLAT. THE WEST LINE WAS POSITIONED BY HOLDING SAID PRORATED CORNER WITH THE 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID LOT 7.

THE BASIS OF BEARING IS C.S.1820

TERRA SURVEYING
PARTITION PLAT
for
RIVERVIEW ORCHARDS, LLC.



SCALE: 1" = 60'

BASIS OF BEARING

WASCO COUNTY SURVEY NO. 1820
(ROTATION ANGLE -0°22'08")
BASIS OF BEARING ORIGIN.
BASIS OF BEARING OF THE SURVEY IS OREGON STATE PLANE NAD83,
NORTH ZONE (3601), GRID BEARINGS & INTERNATIONAL FEET.

DOC. NUMBER: 2019-004385
PLAT NUMBER: 2019-0018
SLIDE NUMBER: D177A

WASCO COUNTY
SURVEYOR'S OFFICE

CS# 20-057

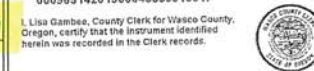
DATE FILED: 12/24/2019

BY: PB

LINE	BEARING	DISTANCE
L1	S 89°38'09" E	31.78'
L2	S 89°38'09" E	58.97'
L3	N 00°01'31" E	30.03'
L4	N 00°31'26" E	29.97'
L5	S 89°38'09" E	50.00'

OWNER:
RIVERVIEW ORCHARD, LLC
2745 E. 14TH STREET
THE DALLES, OR 97058

Wasco County Official Records 2019-004385
PLAT-PART
Cen:1 Str:1 WASCO COUNTY 12/24/2019 09:01 AM
\$50.00 \$5.00 \$50.00 \$155.00



DECLARATION
KNOW ALL PERSONS BY THESE PRESENTS THAT RIVERVIEW ORCHARD, LLC DOES HEREBY MAKE, ESTABLISH & DECLARE THE PLAT MAP TO BE A TRUE & CORRECT MAP OF THE LAND OWNED & LAID OUT AS THIS PARTITION PLAT AND CAUSED THE SUBDIVISION TO BE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF O.R.S. 92 AND THE DALLES CITY ORDINANCES.

John Geiger
JOHN GEIGER, A REPRESENTATIVE OF
RIVERVIEW ORCHARDS, LLC.

ACKNOWLEDGMENTS
This instrument was acknowledged before me on the 19 day of December, 2019 by John Geiger as a representative of Riverview Orchards, LLC.

Susan Bergren
Notary Signature
SUSAN BERGREN

Print
STATE OF Oregon
COUNTY OF Wasco, s.s.
Subscribed and sworn to before me on this 19th day of December, 2019

NOTARY PUBLIC - OREGON
COMMISSION NO. 989626
MY COMMISSION EXPIRES July 14, 2023

SURVEYOR'S CERTIFICATE

I, ERIK M. CARLSON P.L.S. 72306 BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THIS PARTITION PLAT, THE BOUNDARIES BEING DESCRIBED AS LOTS 7, 8, 9, 10, 11, 12, 13 AND 14, BLOCK 4, THOMPSON'S ADDITION TO THE CITY OF THE DALLES IN SECTION 1, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN IN COUNTY OF WASCO AND STATE OF OREGON.

THE INITIAL POINT OF THIS PLAT IS A 5/8" WITH YELLOW PLASTIC CAP, L.S.872 FOUND AT THE NORTHWEST CORNER OF LOT 7, BLOCK 4 OF THE THOMPSON'S ADDITION.

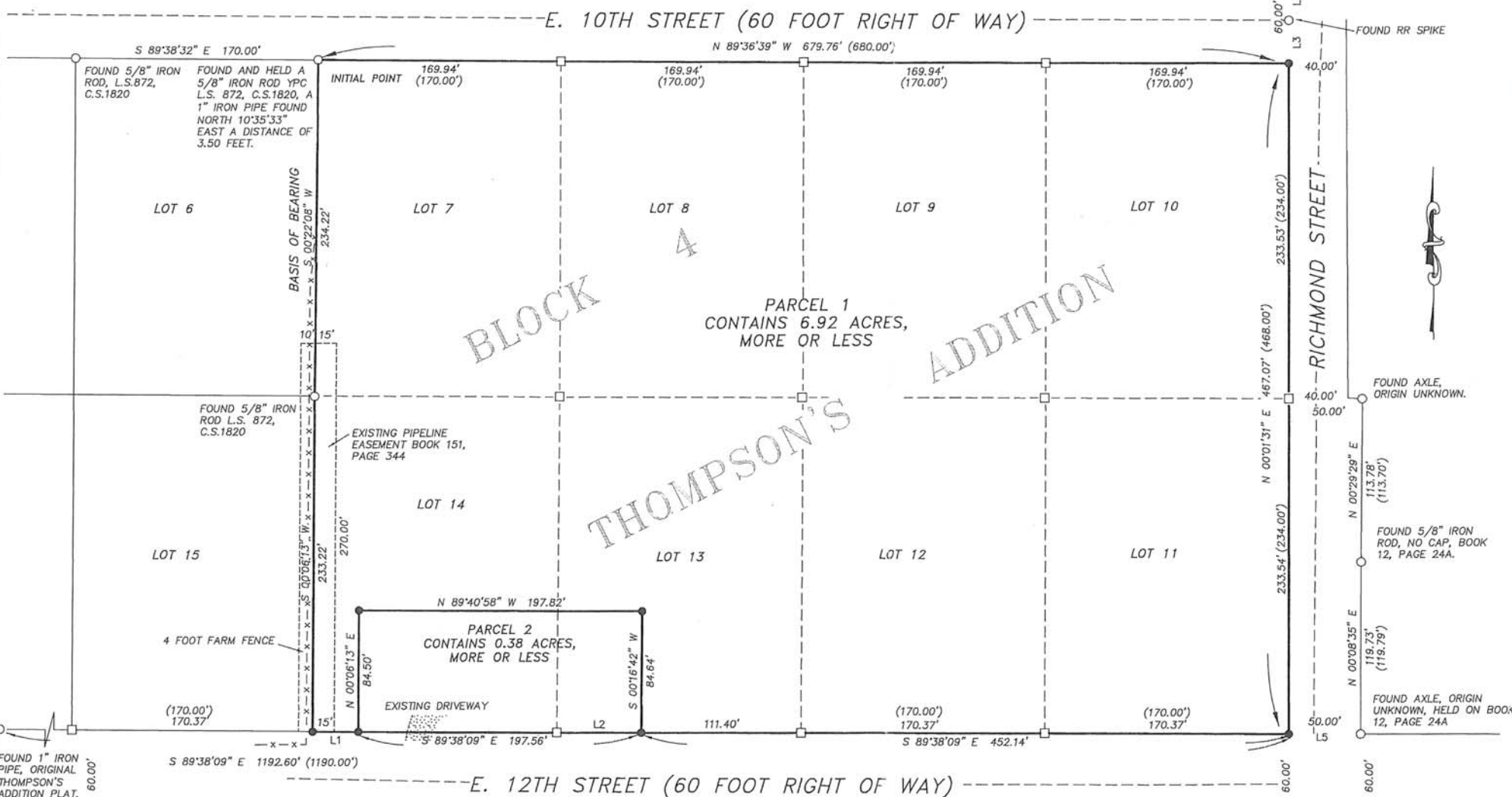
I hereby certify that all taxes and assessments due hereon have been fully paid as required by law.
Erik M. Carlson
Wasco County Assessor/Tax Collector

12/19/19

I hereby certify this partition was examined and approved as of this 19th day of DECEMBER 2019
Erik M. Carlson
Wasco County Surveyor

I hereby certify this partition was examined and approved as of this 19th day of DECEMBER 2019
Dale S. McElha
The Dalles City Engineer

I hereby certify this partition was examined and approved as of this 19th day of DECEMBER 2019
Planning File Number MIP 366-19
Stacy K. Hain
Planning Director



LEGEND:

- SET 5/8" X 30" IRON ROD WITH PLASTIC CAP (11/14/19)
 - FOUND MONUMENT OF RECORD, AS NOTED.
 - CALCULATED, NOT FOUND OR SET
 - () DISTANCE OF RECORD
 - YPC YELLOW PLASTIC CAP
- LOCATION OF SURVEY:
LOTS 7, 8, 9, 10, 12, 13, 14 OF BLOCK 4, THOMPSON'S ADDITION TO THE DALLES. LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, WASCO COUNTY, OREGON.

REFERENCES:

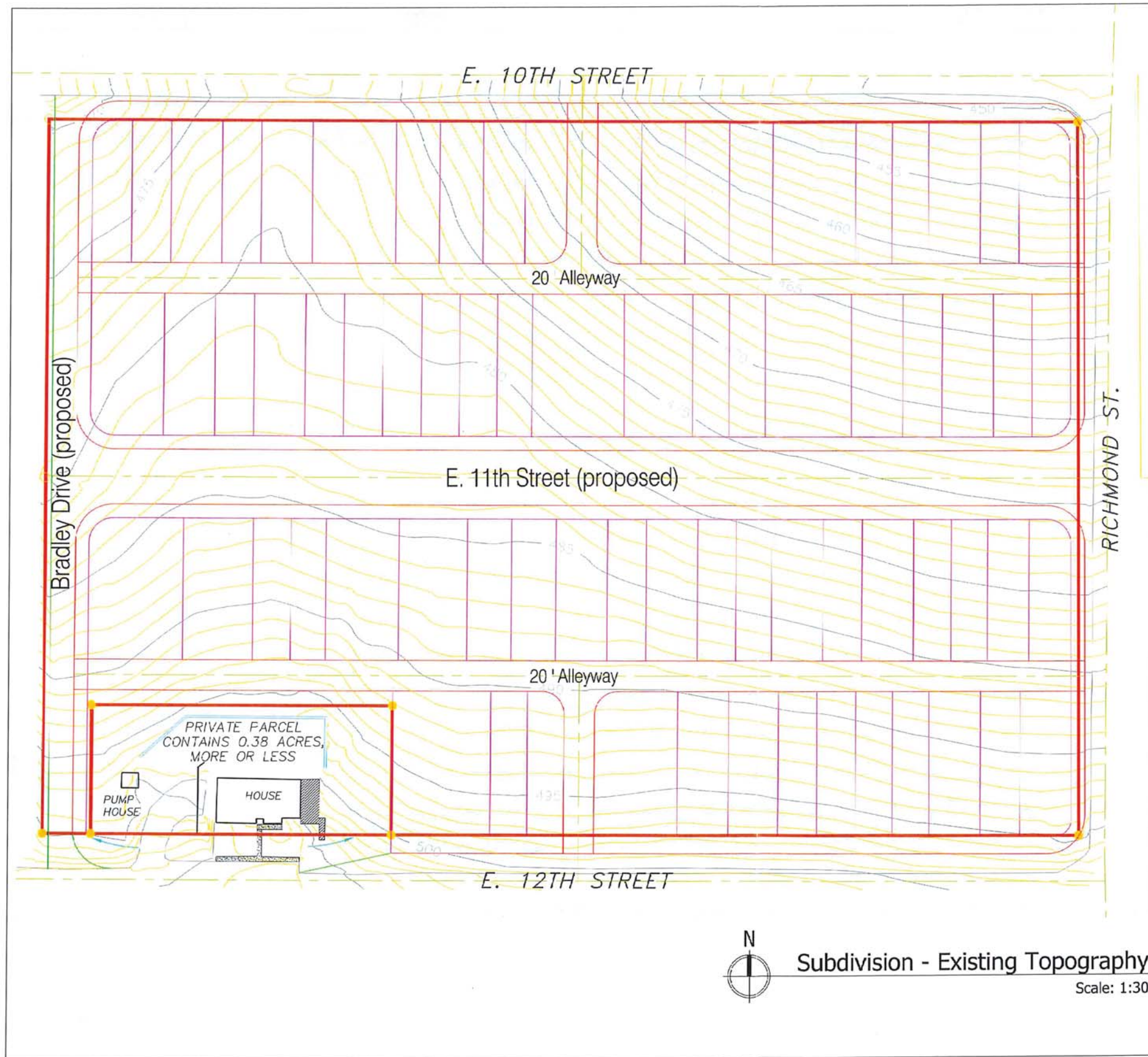
- SUBDIVISION PLAT OF THOMPSON ADDITION BY HOBRESHANE, DATED APRIL 8TH 1889.
- C.S. NO. 1553, BOUNDARY SURVEY FOR QUACKENBUSH BY TUTTLE, L.S.872, DATED MAY 20, 1983.
- C.S. NO. 1820, BOUNDARY SURVEY FOR MEENGS BY TUTTLE, L.S.872, DATED NOVEMBER 14, 1988.
- C.S. NO. 9-197, BOUNDARY SURVEY FOR OPBROEK BY TUTTLE, L.S.872, DATED JUNE 10, 1996.
- C.S. NO. 11-93, (SLIDE C-121B) PARTITION PLAT NO.990018 FOR FORK TRUST BY HUFFMON, L.S.2786, RECORDED DECEMBER 2, 1999.
- C.S. NO. 11-146, BOUNDARY SURVEY FOR KARGL, ELWOOD & GEIGER, INC. BY HUFFMON, L.S.2786, DATED FEBRUARY 8, 2000.
- C.S. NO. 12-244, (SLIDE C-151B) PROPERTY LINE ADJUSTMENT FOR ROBERTS BY HUFFMON, L.S.2786, RECORDED MAY 25, 2001.
- C.S. NO. 17-054/C.S.1553, ALTA SITE PLAN FOR LOYAL QUACKENBUSH BY TUTTLE, L.S.872, FILED DECEMBER 12, 2011.
- C.S. NO. 17-0136, BOUNDARY SURVEY FOR RIVERS BY BESEDA, L.S. 2786, FILED MARCH 6, 2013.
- C.S. NO. 18-066, (SLIDE D-125A) PARTITION PLAT NO.2014-0010 FOR HAGER BY BOLT, L.S.45884, FILED OCTOBER 14, 2014.

RECORD EASEMENT PER PRELIMINARY TITLE REPORT DATED JULY 12, 2019:
BOOK 151, PAGE 344-347, PUBLIC WATERLINE EASEMENT BENEFITING UNITED STATES,
LOCATION SHOWN ON WEST LINE OF PARTITION PLAT.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Erik M. Carlson
OREGON
December 30, 2005
ERIK M. CARLSON
72306
Expires: December, 2021

TERRA SURVEYING

P.O. BOX 617
HOOD RIVER, OREGON 97031
PHONE: (541) 388-4531
E-Mail: terra@gorge.net
DATE: NOVEMBER 21, 2019
PROJECT: 19124PLAT
SCALE: 1" = 60'
ASSESSORS MAP: 1N-13E-01C TL 200



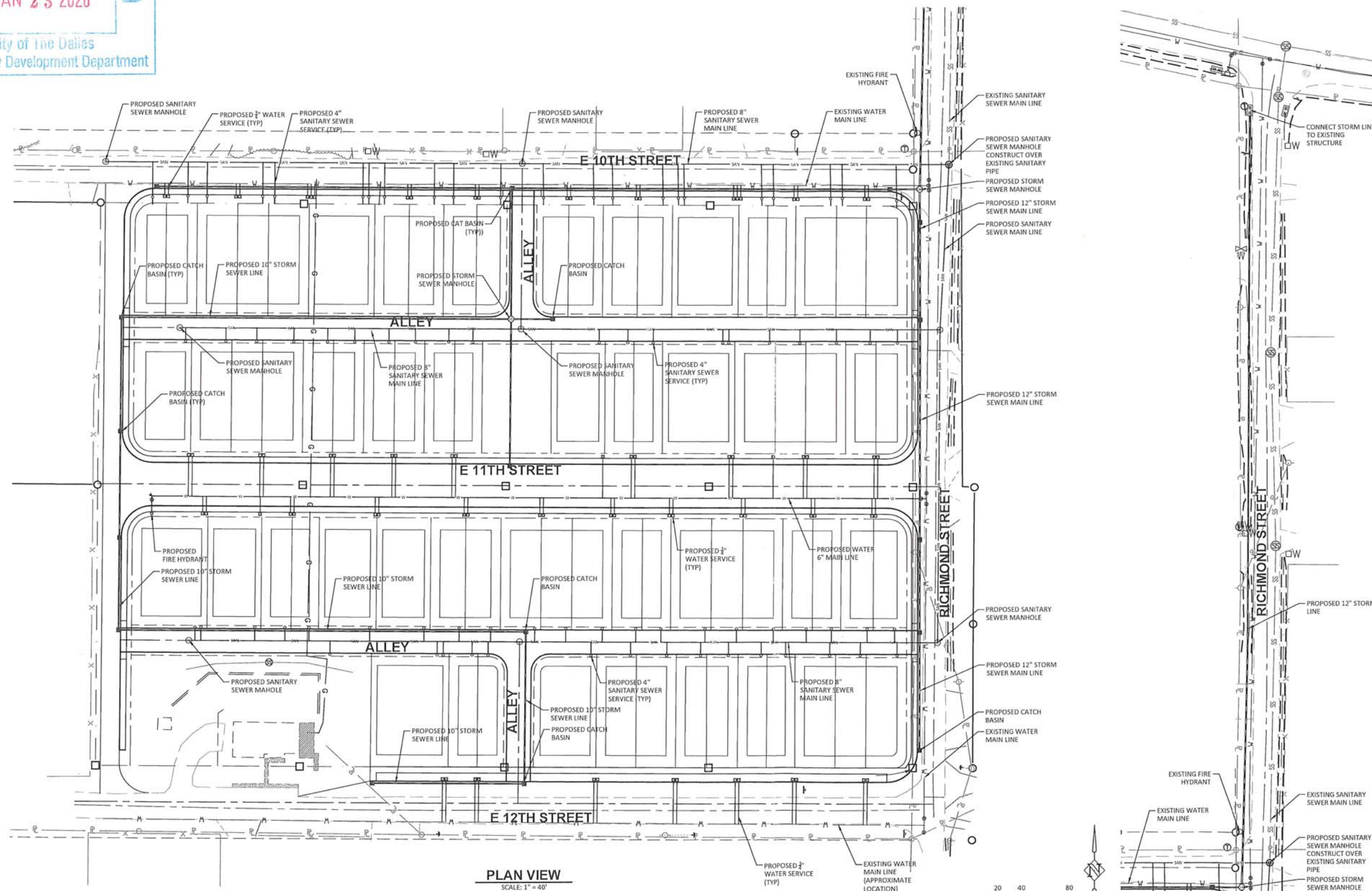
- Primary Parcel Size: 6.19 Acres
- Property Boundary ———
- Lot Line ———
- Centerline - - - - -
- Curb Edge ———
- 10 Contour ———
- 2' Contour ———

	The Grove Subdivision	The Dalles, Oregon	Legacy Development Group Inc. BUILDING A LEGACY YOU CAN LIVE IN
Designed GMH	2020	Checked	Date
Drawn: GMH	2020	Approved	Date
File No.		Title	Job Class
Sheet	of		

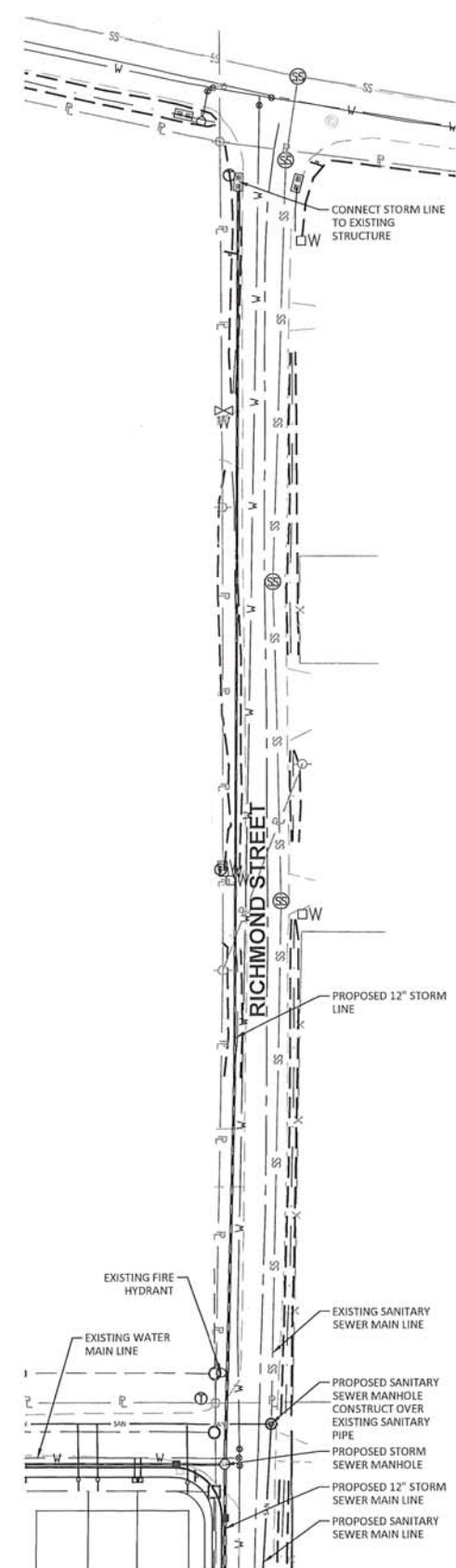
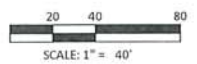
LEGACY

— DEVELOPMENT GROUP INC —

REVISIONS	Description	Approved
Date		



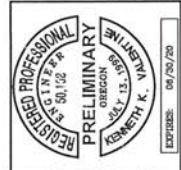
PLAN VIEW
SCALE: 1" = 40'



P:\01-Portland\CCL\Courts Custom Homes\CCL-06 (The Grove)\CCL-06-DWG\SHEET(S)\CCL-06-5-UTILITY PLAN.dwg

UTILITY PLAN
THE GROVE SUBDIVISION
THE DALLES, OREGON

Harper Houf Peterson Righellis Inc.
ENGINEERS/PLANNERS
LAND SURVEYORS
305 SE Schmale Street, Suite 200, Portland, OR 97205
Phone: 503.221.1121 www.hhpri.com Fax: 503.221.1171



DESIGNED:	KKV
DRAWN:	JV
CHECKED:	KKV
DATE:	JAN 2020

NO.	DATE	DESCRIPTION
2	11/02/19	

SHEET NO.
5
JOB NO. CCL-06


CITY of THE DALLES

 313 COURT STREET
 THE DALLES, OREGON 97058

 (541) 296-5481 ext. 1125
 COMMUNITY DEVELOPMENT DEPARTMENT

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.**

APPENDIX II
Subdivision No. 74-19
Legacy Development Group

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. 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)
- 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

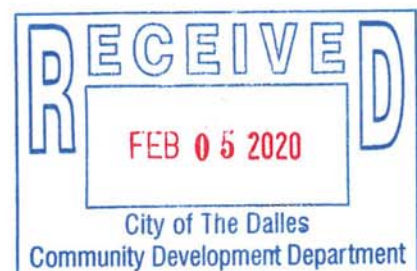
- Some lots have subdivided, some are larger properties.
- The few multi-family dwellings are small & contained within the City.
- Total number of dwellings contained in the neighborhood is 33.
- Agricultural uses in this neighborhood consist of cherry orchards, horses, alpacas, cattle and sheep.

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.

very "Risky" liability to exposed 60-80 families
to these farming operations!

sincerely, Lawrence R. Hyman

Feb 4, 2020
Ernie Ficht



The Dalles Community Development Dept.
To Whom it may Concern;

We are writing this as concerned property owners of said property 2823 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 seen 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.

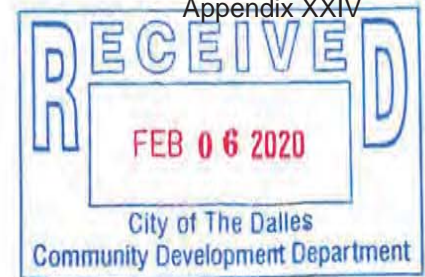
plus it will greatly decrease our property value. It's a quiet peaceful neighborhood, not after they build all the homes nextdoor. Not that we plan to sell our property or have even thought of moving, but having this in "our back yard" so to speak, we may want to move!! We always look forward to spring 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 1st, 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!! Not a high density, congested area.

Sincerely,
Ennie Pichl / Judy Rings

ps

Ennie'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

Tamara L. Sp 1105 Morton St E TD 541-993-8777

Name

Address

Phone

Mary Aje

1105 Morton St E

541 993-0747

Name

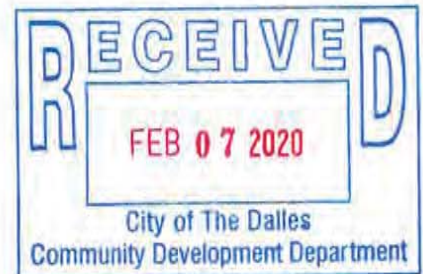
Address

Phone

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,

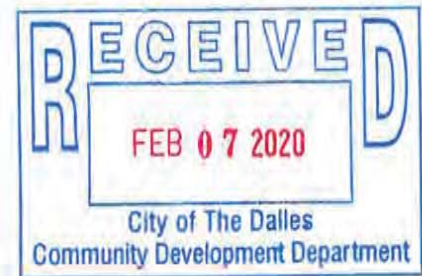
Eric J. Pyles

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
1N 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.
4. Noise attenuation.
5. Noxious odors.
6. Surface water run-off and methods to control run-off.
7. Lighting.
8. Signage.
9. Landscaping for buffering and screening.
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.

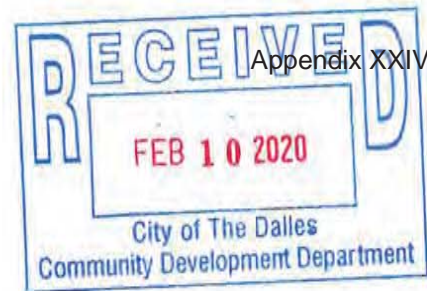


Randy L. Kaatz

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~~

8 February 2020

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 identify. 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

Louis Caracciolo

Jody Caracciolo



Wednesday, February 12, 2020

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

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

To Whom it May Concern:

As a home owner on 12th and Richmond streets I STRONGLY appose 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.

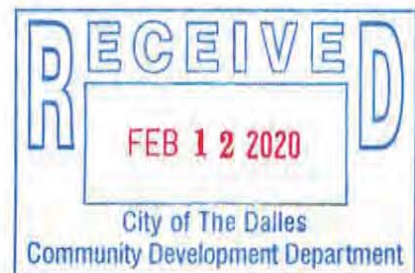
I do not understand why the city feels it has the right to change the entire complication of our neighborhood. Developing the lot with single dwelling and homes with decent size lots is what fits our neighborhood. Certainly not the 80 structures you have proposed for this land.

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?

Suincerely,

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





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 life style.

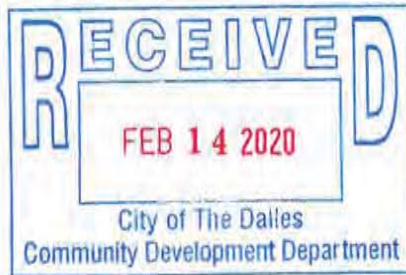
Let's do something we can all be proud to have in the neighborhood.

Ben & Debbie Rivers

2809 E 12th Street

The Dalles, OR 97058



February 13, 2020

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



541-993-5061



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

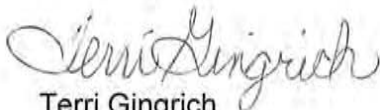
What is the Goal of the proposed SUB-DIVISION 74-19?

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

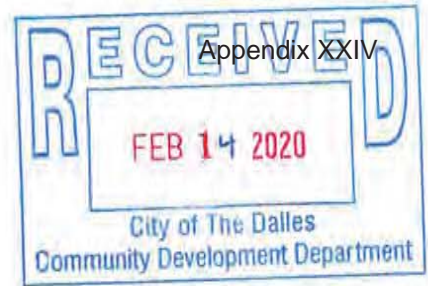
- Is it to provide “Affordable Housing”?
- Who are the target Buyers? Families? Retired Seniors? Low-Income? Rentals?
- Will there be a HOA? Home Owners Association to maintain the requirements?
- How can safe access be provided?
- Is there turn around space allowance in the alleyways?
- Neighborhood amenities? Grocery stores? Restaurants? Movies?
- 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,



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.

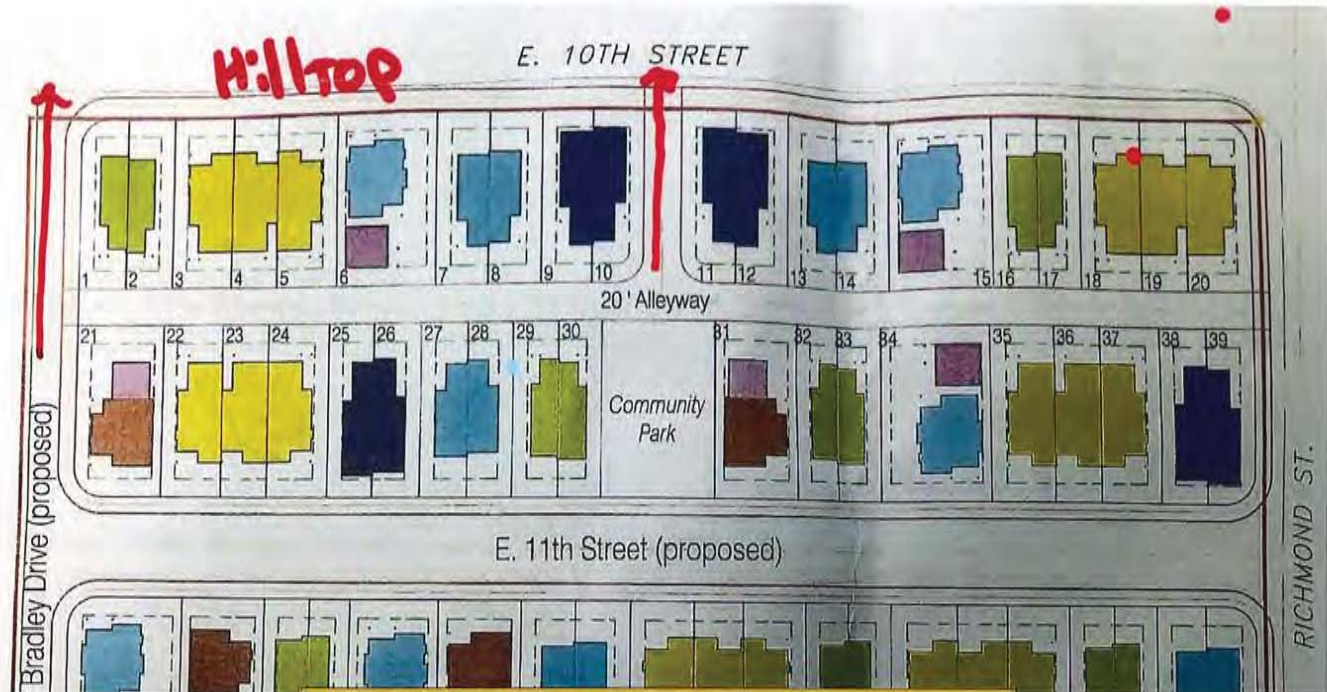
These dangerous intersections are already in existence, but the proposed plan would compound the problem by creating the two new hazardous intersections:

- 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 Nolan Young, City attorney Gene Parker, Planning Director P. 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, and 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 to eventually deteriorate and degrade the quality of life. The wisdom of this approach is still viable and 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 overviews, looking at a proposal to implement construction of up to 120 residential units, mostly rentals, approximately 1.5 miles east of the City center; Legacy Development, on what has been 8 lots of 1 acre each platted over 100 years ago and held in the same ownership throughout that time span.

i now find that i most effectively concur with homeowner neighbors, who have identified the strike and lawlessness inherent in the entirety of this proposal, and the foresight, that strike 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 Hulit, 2830 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

10.9, 10.9.050.030, (D, E, 1, 2) 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 ie: 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....

10.9.050.030 – Provisions must meet all requirements A-J. I find four with an issue.

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,

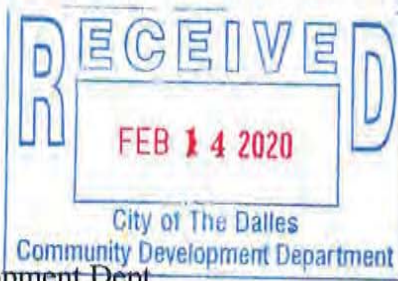
A handwritten signature in blue ink that reads "Damon R. Hulit". The signature is written in a cursive style with a large initial 'D'.

Damon R. Hulit

2830 E. 10th St.

The Dalles, OR 97058

541-980-8171



February 14, 2020

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,

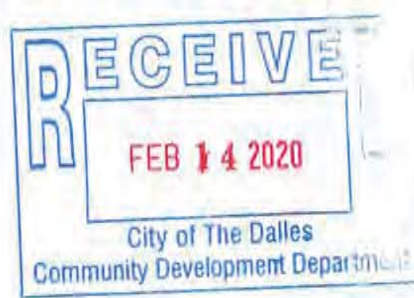
A handwritten signature in cursive script that reads "Frank J. Pyles". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Frank J Pyles

2436 Old Dufur Rd., The Dalles

541-980-9214

Jon Farquharson
 2707 east 14th St
 The Dalles, Oregon 97058



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.

SUB 74-19 - Legacy Development Group
 Jon Farquharson
 Appendix II

Joshua Chandler

From: Amy Manzella <amydmanzella@gmail.com>
Sent: Friday, February 14, 2020 3:06 PM
To: Joshua Chandler
Subject: File # SUB 74-19; Legacy Development Group



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.

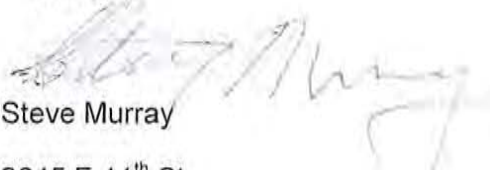
The traffic in the area is not currently a problem, but adding 83 units to the east end of 10th St and 12th St will add hundreds of car trips per day. The current capacity of existing streets will be overwhelmed. A blind hill on 10th St adds to further complications for traffic leaving the development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

*Mrs Mrs Jack Harmon
Jack and Una Mae
2637 E 11th
The Dalles, Or. 97058
jwharmon20@gmail.com*

This was my letter to City Council, Monday, Feb 10th so I'd like to address it to Mr. Harris, Director of Community Development

Appendix XXIV

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 1/2 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
2645 E 11th St.
The Dalles, OR 97058

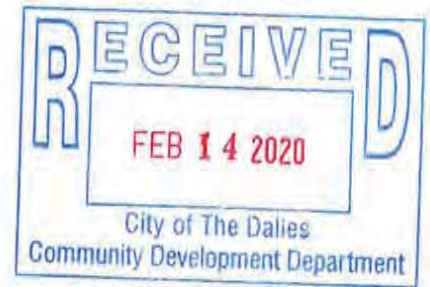
Friday, February 14, 2020

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 cramped 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 $\frac{1}{4}$ 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/alley 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. Karen B. Murray - 2645 E. 11th Street, The Dalles, OR 97058
murrkat@gorge.net


CITY of THE DALLES

 313 COURT STREET
 THE DALLES, OREGON 97058

 (541) 296-5481 ext. 1125
 COMMUNITY DEVELOPMENT DEPARTMENT

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. 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
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 19. William Gatton, 2732 E. 12th St.: 2-14-20
 20. Anna Gatton, 2732 E. 12th St.: 2-14-20
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- 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 s 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:
 - a. Single-family.
2. Residential building types:
 - a. Single-family detached.
 - 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

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

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
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- Exhibit U: Karen Murray, 2645 E. 11th St.: 2-14-20
- Exhibit V: Karen Murray, 2645 E. 11th St.: 2-14-20

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 statutes, 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

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

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?

Response (D-8): See Response (A-5).

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 is 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"*

Response (E-3): See Response (A-1).

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?

Response (E-8): See Response (A-4).

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

Response (E-9): See Response (A-6).

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.

Response (H-2): See Response (A-7).

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.

Response (H-4): See Response (A-5).

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

Response (H-5): See Response (A-5).

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

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

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 statutes, 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.

Response (L.3): See Response (A-6).

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."

L.10: Who are the target buyers? Families? Retired Seniors? Low-Income? Rentals?

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.

L.14: Neighborhood amenities? Grocery stores? Restaurants? Movies?

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.

Response (L.16): See Response K-2.

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 existing 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

Response (M-8): See Response (A-4).

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.

Response (M-9): See Response (A-4).

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.

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

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 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

Response (Q-2): See Response (A-4).

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

Response (T-2): See Response (A-7)

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

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

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.