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Regular City Council Meeting
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MINUTES

CITY COUNCIL MEETING

August 31, 2020

5:30 p.m.

VIA ZOOM

LIVESTREAM VIA City website

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Linda Miller, Darcy Long-Curtiss, Tim McGlothlin, Rod Runyon, Scott Randall

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Julie Krueger, City Clerk Izetta Grossman, Community Development Director Steve Harris, Interim Community Development Director Alice Cannon, Planner Joshua Chandler, Public Works Director Dave Anderson, Senior Planner Dawn Hert, Finance Director Angie Wilson, Human Resources Director Daniel Hunter

Number of people present: 89

CALL TO ORDER

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

ROLL CALL OF COUNCIL

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

PLEDGE OF ALLEGIANCE

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

Councilor Miller invited everyone to join in the Pledge of Allegiance.

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PUBLIC HEARINGS - continued

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 Appeal030-20 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.

Mayor Mays reviewed the rules of the meeting, and reconvened the hearing.

Mayor Mays asked if there was any ex-parte communications since the last meeting.

Councilor Miller said she had conversations with three truck drivers about the intersection at Fremont and 197.

Councilor Runyon said he and Councilor McGlothlin had talked about the process;
Who would speak
Approving/denying the appeal was the only action before Council

Councilor Randall said he had a conversation with Timothy Sipe. He had to sign off early last meeting and wanted to know what happened.

Councilor Long-Curtiss said she had received emails from people asking questions. She said she had replied she could not discuss the appeal at that time.

Councilor McGlothlin said he had called Councilor Runyon as stated.

Mayor Mays said he had several conversations with Council members, individually, regarding order of process.

Mayor Mays asked if anyone questioned the Council's qualifications. Hearing none he asked for the staff report.

Planner Joshua Chandler reviewed the three staff memos. He noted that there was not a CARES Grant, the reference was to the ODOT Arts program. Staff is adding one condition: Condition #27 states City Council had to approve annexing the property into the boundaries of the City before final plat could be approved.

Councilor Miller asked what was the maximum number of homes per acre. Chandler said yes, 25

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per acre.

Miller asked if there was a minimum.

Chandler said the minimum according to Code was 7 per acre; the minimum according to the Comprehensive Plan was 10 per acre. He said a single-family home could be built on one lot.

Runyon said minimum number of housing units on this land would be 42-43 to qualify as high density, but last week he thought he heard 58 last week. Chandler said 58 based on calculations done by staff. Chandler looked through notes for specifics.

Mayor Mays asked Public Works Director Dave Anderson to summarize what Intergovernmental Agreement between Oregon Department of Transportation (ODOT) and the City to explain those improvements and timeline in regard to the Freemont/197 intersection.

Anderson said the Multi-Jurisdictional Agreement with a number of communities. He said for us they were looking at signage and striping improvements (horizontal hashes that work as traffic slowing) and radar signs. He said the timing was September 2021. He clarified that it was anticipated that ODOT was funding the striping and the City would have a match for the radar signage.

Mayor Mays called on the applicant's attorney.

Mr. Howsley, applicant's attorney said he received a phone call from the City Legal Counsel Mr. Crean regarding the annexation condition, he said his client was ok with that.

Howsley said the letter sent today regarding detail of infrastructure being extended to the site, along with engineers' materials.

Mr. Morasch said he just got Mr. Howsley's letter at 4:30 today. He read it, not had chance to research it. He said it felt a bit like Howsley was threatening the City with litigation.

Morasch said Howsley said the neighbor's responsibility for takings study. He said the applicant needs to do the safety analysis is done. He said the study falls on the applicant not the neighbors.

Mr. Howsley rebuttal was that the letter was not threatening, but more of a warning. Morasch asking for study is proof that there are no clear and objective criteria.

Mayor Mays opened Public Testimony, allowing 5 minutes per person.

Those opposed to the development:

Gary Gingrich – road safety – 10th Street/Thompson/Old Dufur Road

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Steve Lawrence – prefers infill – Vision Statements – use of 2nd stories downtown – clear mistake to have the property designated as high density residential

Randy Hager – mishandled by City Planning – safety issues – no community input – City failed to plan for future development

Steve Murray – developer couldn't address price ranges of the proposed home - future properties will add to the traffic – when will the roads be fixed

Karen Murray – questioned if code was changed specifically for the project – who would own the homes, investors – dangerous intersections

Linda Quackenbush – zoning needs to be changed

Anna Gatton – why was approved when there were objections raised – where will kids go to school – unsafe, no sidewalks

Steve Hudson – 2727 East 10th – safety – 197/Freemont – overpass discussed in the past – no school input

Shelly Anslinger – 2012 East 14th – safety for children – infrastructure costs outside of development

Randy Kaatz – 2724 East 12th – when was compatibility taken out of the code (Chandler said October 2019) – did Council realize it would impact this development went removing compatibility – sizes of homes on lots – 10th Street estimate for sidewalks \$500,000, without storm sewer (Anderson said the sidewalk improvement would trigger storm water improvements)

Jozette Schultens – houses are below street level in some areas – why are improvements needed how – Blind hill on Bradley Street

Steve Stroud – 3004 East 10th – safety issue, no sidewalks, winter on Richmond is terrible, steep, unsafe

Fuko Christensen – 2850 Old Dufur Road – why are some required 5% grade and others do not (Anderson said arterial street triggers grade)

Ashley Dodson – 3115 Old Dufur Road – honesty of developer – rentals or owner occupied – children safety – need proper housing and infrastructure

Laura Klement – 6328 Cherry Hts – Affordable, energy efficient – new construction

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Denise Lacombe– 2735 East 12th – overcrowded school – school district should have been notified – FAA flight plan – need dimensional drawings – City failed to prepare with needed infrastructure

Taner Elliott – Summit Ridge – at the October compatibility code change, how many Councilors thought it referred to only low or medium density, or minor partitions. (McGlothlin, Runyon and Miller said they weren't aware it referred to high density)

In favor:

Nate Stice – 1010 G Street – The Dalles has thinking, welcoming Code, ahead of the rest of the State – House Bills 2001 and 20003 keep the town affordable – denial would be based outside the criteria – mixed density is very forward thinking – safety outside the bounds of criteria – housing affordability needed

Applicant rebuttal:

Mr. Howsley said developer would be extending storm, sewer up to the property.

Howsley said the appellant's substantial demands for side walk improvements is not required.

He said the Code is clear and objective. He reminded everyone the City needs housing and the area is zoned for it.

Appellant attorney Mr. Morasch said it is not the neighbor's job to provide detailed analysis of sidewalk needs. He said clear and objective was created to keep cities from enforcing design, not safety.

Morasch said Section 10.10.04(b) of Code addresses pedestrian safety.

Appellant rebuttal:

Howsley said ODOT/City/Developer believe it meets the safety warrants. He said the developer was not compelled to fix existing issues.

Mayor Mays closed the hearing at 7:32 p.m.

Council Comments:

Runyon asked for clarification on previous question regarding minimum number of homes.

Chandler said it was calculated on gross acreage, half way into right of way. He said the correct number is 55. He said a triplex is considered 3 units.

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Long-Curtiss asked the developer for the estimated timeline for development.

Mr. Curtis said he was not sure. He said they are in the middle of another project. He said it would probably be developed in three phases; 1 year per phase.

He said it would be developed much like current project on Park Place, 5 to 7 units at a time.

Long-Curtiss said perhaps the Council should look at sidewalks in the area regardless on the decision on this appeal.

McGlothlin said there would be an impact on the schools, why wasn't the school district part of discussion.

Chandler said notice was given to any agency, district within 100-300 square foot radius. He said Council can look at adding the School District 21 to the list.

Mayor Mays thanked staff for a professional presentation. He said it was a complicated issue. He said he appreciates the Developer's interest in The Dalles. Mayor Mays said the city needs housing. He acknowledged the appellant indulging the process of four Planning Commission meetings and two City Council meetings.

He said it was clear there were many against the development, zoning and not having compatibility as criteria. He said why the parcel was zoned high density was not criteria.

Mayor Mays he felt parks should be city owned to assure maintenance. He said home owners' associations are not generally long term, and parks deteriorate.

He said he was concerned about public safety. He said he lived on Columbia View, and 197/Freemont intersection was a safety issue. He said he was concerned about no sidewalks on 10th Street, 12th Street and Richmond. He said 238 new people in the area was a recipe for disaster.

He said he didn't have a vote, but he would uphold the appeal.

Miller said 197/Freemont was dangerous already; Old Dufur/Richmond/10th & Thompson safety issues. She said she felt the City was lax in not including the School District in the site team meetings

Runyon said he didn't recall that compatibility clause had been taken out of every zone. He asked why safety infrastructure wasn't addressed when the zoning changed to high density in 1995. He said he imagined that the change in zoning was due to the State pushing for a set number of spaces for homes/growth.

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He said children's safety was not addressed in a comprehensive way. He said he was concerned about the airport flight pattern and he would have a hard time approving the development.

Randall said this was a moment 30 years in the making. He agreed safety was an issue.

Long-Curtiss said she was struggling with a decision. She said the land had sat there many years and there is no indication when the next big development would be coming. She said the Gorge Commission was limiting the options for growth.

She encouraged Council to think about forever. She said there is a big need for affordable housing in The Dalles. She said in The Dalles \$51,000 is low income, the need for housing is great.

She said the safety issues need to be addressed and would probably fall on the City to fund. She said something had to be done about the safety issues. She said Council didn't sit down and talk to developer and neighborhood.

She agreed the school district should have been included in the site team meetings.

She said some of the letters were very attacking to staff and the Council.

McGlothlin said it was a complex issue with unintended consequences. He said he was in favor of approving the appeal. He said the issues of pedestrian and traffic safety and infrastructure (sidewalks and stormwater) needed to go back to the Planning Commission for them to address.

City Legal Counsel, Spencer Parsons said school not being included in site team was not a reason for upholding the appeal. He said the concerns on safety, sidewalks and stormwater could be a reason, but had to site specific code.

He said Sections 10.10.040 Pedestrian safety and 10.10.060 Traffic safety could apply, but need to look further into the code.

Long-Curtiss said Planning Commission did the right thing, they followed the letter of the law.

She said they couldn't expect the developer to put sidewalks down 10th and 12th Streets.

Mayor Mays said it wasn't up to the residents to put in sidewalks.

Miller said less development could still be high density with affordable housing.

Long-Curtiss said the safety concerns would remain with less density. She said staff did a professional job, she didn't see a way to deny the application as it met the criteria.

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Mayor Mays said he didn't fault the staff.

McGlothlin said yes, staff followed the letter of the law, however, didn't consider the impact on whole city. He said he is concerned about 197/Freemont intersection. He said the size of the development was too extreme. He said Council had to be human and include safety in the decision.

Runyon said the traffic study was insignificant, incomplete. He asked if the developer could reduce the development to 55 units.

Public Works Director Anderson said there were narrow or no shoulders on 10th and 12th Streets, and no on street parking. He said the travel lines were 11 to 12 feet wide per lane, which was big.

At 8:30 Mayor Mays asked if Council wished to continue the meeting.

Miller said take a break then finish up.

Mayor Mays recessed for 10 minutes.

Mayor Mays reconvened at 8:40 p.m.

Runyon said ADA requirements could be part of Phase 2.

Randall agreed with Long-Curtiss approval of the appeal needed to be tied to specific criteria.

It was moved by Runyon and seconded by McGlothlin to tentatively uphold the appeal APL 031-020, reversing the Planning Commission's decision approving SUB 74-19, direct staff to prepare an appropriate Order with findings consistent with the Council's decision, and continue the hearing to September 14, at 5:30 pm for final adoption of the Order. The motion carried, Runyon, McGlothlin, Randall, Miller, and Long-Curtiss voting in favor. None opposed.

Long-Curtiss said the criteria had been met, however, she would vote in favor to give time to process the information Council received at the meeting.

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ADJOURNMENT

Being no further business, the meeting was continued at 9:00 p.m. to September 14, 2020 at 5:30 p.m.

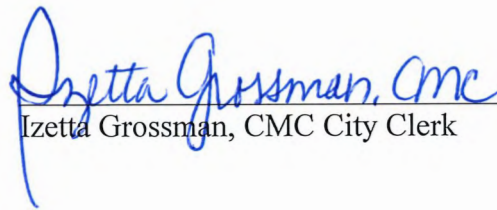
Submitted by/
Izetta Grossman, CMC
City Clerk

SIGNED:



Richard A. Mays, Mayor

ATTEST:



Izetta Grossman, CMC City Clerk



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

MEMORANDUM

To: The Dalles City Council

From: Joshua Chandler, Associate Planner

Date: August 31, 2020

Re: Special City Council Meeting Agenda, August 31, 2020

Staff is recommending that a new condition be added to the list of conditions originally included in the Planning Commission's Subdivision approval decision.

In an earlier land use decision, the applicant signed a "consent to annex" the property, as required by The Dalles Municipal Code Section 10.9.020.B and as discussed in Finding #18 of the SUB 74-19 and APL 030-20 Staff Reports. Staff noticed that the original conditions of approval were silent about the timing of the required annexation. In order to annex the property efficiently, staff recommends that the site be annexed prior to extension of City services and prior to final approval of the subdivision. Staff recommends that the following condition be added to any City Council approval of the proposed subdivision:

27. "Prior to City approval of the final plat, the applicant shall receive City Council approval to annex the subject property into the boundaries of the City of The Dalles."

In addition, Staff has included the following documents that were received by the Community Development Department after the August 24, 2020 City Council meeting:

- A. Neighbor Comments – Received between August 26 and August 28, 2020mail
- B. Email Correspondence – Hann Lee, H. Lee & Associates, PLLC / Peter Murphy, ODOT / Steve Morasch, Landerholm, P.S.; dated August 31, 2020
- C. Letter to City Council: Jamie D. Howsley, Jordan Ramis, PC; dated August 31, 2020

From: [Gorge.net Email](#)
To: [Izetta F. Grossman](#)
Subject: Dear Mayor Mays—
Date: Wednesday, August 26, 2020 12:05:13 PM

Dear Mayor Mays—Thank you for your extremely thoughtful questions during the appeal hearing for the Legacy Development project this last Monday night. Your various questions showed you really did your homework and that you cared. And, you asked some great questions that informed the citizens.

Please consider asking Cameron Curtis to come up with ranges of costs for rentals and building prices (single family homes, duplexes, triplexes and accessory dwelling units) that his project proposes to build and the costs of the lots or parcels. He purchased this property in February of 2019 so he must have some idea (even a range of prices) of what he could charge. It seems like this is important information for citizens to know because theoretically, The Dalles citizens would be interested in buying or renting. Price range is critical to determine whether this is affordable housing, as advertised. Would HUD monies be available to subsidize the renter and/or buyer?

Thank you for your help and consideration in this matter.

Karen Gartland Murray
2645 E. 11thSt.
The Dalles, OR 97058
Murrcaat@gorge.net 541-980-6267

From: [Helen Elsmore](#)
To: [Izetta F. Grossman](#)
Subject: The Grove
Date: Thursday, August 27, 2020 8:47:53 AM

NO NO NO NO Helen Elsmore

From: [Barbara Tumilson](#)
To: [Izetta F. Grossman](#)
Subject: Serious concerns about development of The Grove at 2845 East 12th
Date: Friday, August 28, 2020 3:42:59 PM

Dalles City Council members:

My name is Barbara Tumilson and I live at 2843 Old Dufur Road. Have you considered the following consequences of your voting in favor of 69 "dwelling parcels" at 2845 East 12th?

Before addressing these consequences I urge you to take a field trip as a group, park along Thompson, and walk up 12th to Richmond, and down to 10th and back to Thompson. Or up 10th and down 12th, whichever you choose, making sure to make the entire loop from Thompson to Richmond to Thompson.

Traffic Impact: Can you explain to me how cars from 69 dwellings will safely enter the Thompson/10th Street/Old Dufur Road intersection? Thompson and 12th will be bad enough. What will be done to address the Richmond/Old Dufur Road/Fremont intersection? I live on Old Dufur Road and can see that road through my window as I write this. Semi's, emergency vehicles, plus personal vehicles have turned Old Dufur Road into a very busy road. The 35mph speed limit is just a suggestion for many people, and I regularly get the stink eye from drivers as I try to turn into my driveway on the north side of the road. What percentage of those new residents will obey the speed limit going down 10th or 12th to Thompson?

Sidewalks: The developers say they are putting in sidewalks, but I am assuming only around that property and not all the way to Thompson. Again, please take a walking field trip from Thompson to Richmond and back to get a feel of the neighborhoods there.

The end of the cherry orchards: What happens the moment people in that development start complaining about the spray planes spraying the orchard across the street and on the hill above? Or is that the unspoken endgame—it's time for the orchards to go and make room for houses?

Your legacy as one of those who voted for this development: There have been other decisions made by previous entities resulting in things like "the sidewalks to nowhere", such as my neighbor's sidewalk across the street from me. He was forced to put in that sidewalk, and of course, the rules have since changed. What about other questionable housing developments out this way which now would not be allowed because rules and laws have changed? Will the current ruling about high density development change in the future?

Allow for development if you must, but consider the Park Place development on W 20th and Radio Way. It is about the same acreage as "The Grove" but only has single family dwellings—and only around 30 homes. Same developer, I believe.

I have lived in The Dalles all my life and this is my home. I know things change, but The Dalles is not a large urban area. Please carefully consider the long lasting impact and consequences of 69

"dwelling places" being built at 2845 East 12th.

Sincerely,
Barbara Tumilson
541-296-6344

Sent from [Mail](#) for Windows 10

Joshua Chandler

From: Steve C. Morasch <stevem@landerholm.com>
Sent: Monday, August 31, 2020 1:28 PM
To: Izetta F. Grossman; Joshua Chandler; Paula Webb
Cc: 'chris@gov-law.com'; Jacqueline S. Renny
Subject: FW: Information regarding US 197/Freemont Street/Columbia View Drive Intersection Improvements Funded by the CARES Act

Please include this email, including the below email from Hann Lee and the attached documents in the record for the Appeal of Planning Commission Resolution No, P.C. 593-20.

Steve C. Morasch | Attorney at Law



LANDERHOLM

Legal advisors. Trusted advocates.

805 Broadway Street, Suite 1000

P.O. Box 1086

Vancouver, WA 98666-1086

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<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.landerholm.com&umid=13591669-02d5-458a-85a7-afbeab7cb096&auth=61b7c891c3cd3cb7b52d542b76699872203f47bc-030b983695bec2b79dfa987c7bad6eb7deaff8ef>

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.

From: Hann Lee <hlee@hleeassociates.com>
Sent: Monday, August 31, 2020 11:51 AM
To: Steve C. Morasch <stevem@landerholm.com>
Subject: RE: Information regarding US 197/Freemont Street/Columbia View Drive Intersection Improvements Funded by the CARES Act

Steve:

The improvements are minimal and do not include all of the TSP improvements. The city has the option to expand the project through an application process which has not been completed. Also, there is no analysis showing why a partial improvement is ok now and the larger improvement later. It should be noted that the city may be interested in expanding the project because they know there are issues. As of the vested application, there is not enough information to make these determinations. An analysis has to be completed first.

HANN LEE, P.E. | H. LEE & ASSOCIATES, PLLC

cell: 360.567.3002 | PO Box 1849, Vancouver, WA 98668

From: Steve C. Morasch <stevem@landerholm.com>
Sent: Monday, August 31, 2020 9:50 AM
To: 'Hann Lee' <hlee@hleeassociates.com>

Subject: RE: Information regarding US 197/Fremont Street/Columbia View Drive Intersection Improvements Funded by the CARES Act

Looks like ODOT's planned upgrade include only the following:

- Systemic Un-signalized Intersection Sign Upgrades
- Driver Speed Feedback sign for NB US 197 entering into City before Fremont St.

Link to updated staff report with the ODOT email:

<https://ompnetwork.s3-us-west-2.amazonaws.com/sites/312/documents/memotocc20200828.pdf?sH8mvAxwzX0KJYNiiHSJ2ShqJukl66V1>

Steve C. Morasch | Attorney at Law



LANDERHOLM

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www.landerholm.com

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.

From: Hann Lee <hlee@hleeassociates.com>

Sent: Thursday, August 27, 2020 3:08 PM

To: Steve C. Morasch <stevem@landerholm.com>

Subject: FW: Information regarding US 197/Fremont Street/Columbia View Drive Intersection Improvements Funded by the CARES Act

Steve:

My contact at ODOT could not find any information about a potential project at US 197 and Fremont Street. Peter Murphy is my contact from ODOT.

Here's a link to ODOT's web page summarizing their Region 4 projects. There's no mention of a project for the US 197/Fremont Street/Columbia View Drive Intersection.

https://www.oregon.gov/odot/regions/pages/region-4-central-oregon.aspx?wp6716=p:4#g_76fe5a69_9b8f_4734_9b40_1ec74891b064

I also searched ODOT's interactive Transportation Project Tracker and did not come up with anything. There are only two projects in The Dalles and I've attached them for your reference.

<https://www.oregon.gov/odot/Projects/Pages/default.aspx>

I also searched for ODOT project in Wasco County and the list is attached. Again, there is nothing for the US 197/Fremont Street/Columbia View Drive Intersection.

I suspect that the city testimony is from an informal discussion someone had with an ODOT official of what could happen if ODOT got some additional federal money. I think the approach is to say we've done a thorough search and could not come up with any documented and official improvement at the US 197/Freemont Street/Columbia View Drive Intersection. The city staff should provide official documentation from ODOT. Unless this is already an established project that is fully funded and scheduled, it's not something that can be considered to mitigate the existing safety problem that the Grove Subdivision project is significantly impacting.

HANN LEE, P.E. | H. LEE & ASSOCIATES, PLLC
cell: 360.567.3002 | PO Box 1849, Vancouver, WA 98668

From: MURPHY Peter W <peter.w.murphy@odot.state.or.us>

Sent: Thursday, August 27, 2020 2:07 PM

To: Hann Lee <hlee@hleeassociates.com>

Subject: RE: Information regarding US 197/Freemont Street/Columbia View Drive Intersection Improvements Funded by the CARES Act

Mr. Lee...I'm striking out trying to get information about this project. Our folks who do this stuff say they're not familiar with any funding that might be available. I suggest you reach out (again?) to The Dalles City officials.

Peter

From: Hann Lee <hlee@hleeassociates.com>

Sent: Thursday, August 27, 2020 11:34 AM

To: MURPHY Peter W <peter.w.murphy@odot.state.or.us>

Subject: Information regarding US 197/Freemont Street/Columbia View Drive Intersection Improvements Funded by the CARES Act

Mr. Murphy:

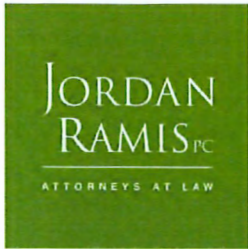
We are looking for information regarding a future improvement at the US 197/Freemont Street/Columbia View Drive intersection that is funded by the CARES Act. The City of The Dalles staff made reference to this ODOT improvement but did not provide any specifics. We would like to know whether there is a funded safety improvement at this intersection and the detail of what will be improved. Please call me at 360-567-3002 if you would like to talk in person or just send me by email a specific description of the improvement if it is a real funded project.

Thank you for your help.

HANN LEE, P.E. | H. LEE & ASSOCIATES, PLLC
cell: 360.567.3002 | PO Box 1849, Vancouver, WA 98668

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August 31, 2020

E-MAIL ONLY

Mayor and City Council
313 Court Street
The Dalles, Oregon 97058
c/o chris@gov-law.com
igrossman@ci.the-dalles.or.us

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

Dear City Council:

It was good to speak with you last Monday during the hearing on this challenge to The Grove. The staff presentation and comments were informative, and we appreciate their continued support for the project and their continued agreement that all the subdivision criteria are satisfied. We also appreciate the thoughtful questions from the Mayor and other City Council members, which demonstrated your interest in the project.

Improvements to City Infrastructure

The Grove is extending water mains, sanitary sewer mains, and the stormwater main to and through the subdivision. The details are provided on the civil engineering plans, and summarized in the attached letter from the leading civil engineering firm HHPR. This infrastructure creates the backbone for future housing in the neighborhood, and is being installed at the developer's expense with surplus capacity. As other properties in the area develop and redevelop, they will hook up to these lines.

The City's stormwater service lines currently do not extend into this neighborhood, with the nearest connection being approximately 550 feet north on Richmond St, just north of Old Dufur Rd, as shown on Sheet 7 of the civil engineering plans. A 12" line will be installed, which has surplus capacity for our neighbors to use in the coming decades as this eastern edge of the City is developed and redeveloped. That is a huge public benefit and HHPR estimates the developer is paying 60% of the total costs of the City's plan to extend this stormwater main.

The City's water lines currently extend down 10th, Richmond and 12th and were sized to accommodate this development, since the land has been zoned for this use since the 1990s. The lines will be extended through the project to provide water service and additional fire hydrants with redundant looping.

The project will connect with the current sanitary sewer manhole at 10th and Richmond. From there, an 8" main will be extended south to 12th with four new manholes. The sewer will also be extended west down 10th with two new manholes. Another new manhole will be installed on the west edge of the site in Bradley Street. These manholes are designed for future connections as surrounding properties develop, which is another substantial benefit, including for existing houses on septic systems that will now have the option to hook up to the City sewer. These new sewer and water lines are shown on Sheets 19-24 of the civil plans.

These public facilities are being constructed in the public right-of-way and will serve untold numbers of properties and residents for many decades to come. They are available to all neighbors for hookups, and HHPR confirms the sewer extensions have capacity to serve the future residential development planned for this area. The HHPR civil engineering drawings, letter and related information are substantial evidence that The Grove satisfies the infrastructure criteria. The opponents have presented no contrary expert testimony that could justify upholding the appeal due to a lack of adequate water, sewer or stormwater infrastructure. If there are any doubts, we recommend you check with the City Engineer.

Much has been made about the existing sidewalk gaps in the neighborhood that resulted from a special state law, limited only to Wasco County, that prevents the City from requiring street frontage improvements for partitions. That special exemption does not apply to subdivisions, and The Grove will build complete, accessible sidewalks along all street frontages. However, demanding that my client complete the sidewalks in front of nearby developments that failed to do so is patently unfair. The takings law implications are discussed below.

When evaluating the traffic evidence, please bear in mind that our traffic study was very conservative and erred on the side of over counting the potential traffic. Our consultant DKS did this by using the trip generation rate for detached single family houses, which generate more traffic than attached single family houses, duplexes and ADUs. This is described on page 7 of their report. We erred in that direction to ensure future flexibility in the dwelling unit types. If the study had been done for mostly duplexes and later we decided to go with more single family houses, then the study could be criticized for underestimating the traffic. So the study used the conservative detached single family assumption in order to protect against any criticism that a change in the dwelling unit types could cause an increase in traffic that was not accounted for in the DKS report. Because a significant percentage of the 80 proposed dwellings will probably not be detached single family houses, the traffic impacts will likely be less than calculated in the report.

We are learning about the planned ODOT project to improve the intersection of Fremont Rd and Hwy 197, which has been a neighborhood goal. The ARTS grant is scheduled for next September, and coordination between the City and ODOT is well advanced. The project includes signage and striping, and is precisely the type of safety upgrade the appellants have requested. It would benefit all the involved parties for the City to continue to work closely with ODOT on this project, and consider allocating The Grove's Transportation SDC revenue toward it. As described in the email correspondence, the City is considering "the possibility of adding some additional City funding contributions to the project to have a slightly more robust project as called out in the City's recently updated TSP." The Grove's Transportation SDC revenue would be ideal for this purpose.

The Applicable Subdivision Criteria

As the Mayor acknowledged, some of the questions at last week's hearing were for background and not focused on the approval criteria, which is fine. We are happy to answer those background questions and note that while public testimony should be limited to the approval criteria, the same limits are not applicable to the City Council's questions during the hearing. You are welcome to continue asking a wide range of questions at tonight's hearing, and we will endeavor to answer them.

Once the hearing is finished and the record closes, then the role of the City Council quickly narrows to evaluation of the evidence and how that evidence demonstrates compliance with the approval criteria. The City Council decision must limit itself to the criteria, and it is important to recognize that the criteria themselves must comport with state and federal law. At the first hearing, the City Attorney admonished you that the state law on criteria for the approval of housing has been revised in recent years, and that many city codes like yours have not kept pace. That revised law has been upheld in the Court of Appeals and we urge you to listen carefully to the City Attorney whose comments were accurate.

The applicant has the burden of proof to demonstrate to the City that The Grove satisfies all clear and objective standards and criteria for approval of the subdivision. The staff and Planning Commission decisions and the ample engineering evidence demonstrate this burden has been met. One unique aspect of the needed housing statutes is that in subsequent appellate reviews, if the City Council decides to uphold the appeal based on the reasons set forth by the opponents, the burden shifts to the City to "demonstrate that the approval standards, conditions and procedures are capable of being imposed only in a clear and objective manner." ORS 197.831. Our view is that the flexibility inherent in these City code provisions means the City cannot meet that legal burden. Please note that if the applicant successfully appeals the City Council decision under these circumstances, the City is at risk of being ordered to approve the application and pay our attorney fees. ORS 197.835(10)(a & b); *Walter v. City of Eugene*, 73 Or LUBA 356, *aff'd* 281 Or App 3 461, 383 P3d 1009 (2016); and 74 Or LUBA 671 (2016). LUBA and the Court of Appeals rigorously apply the needed housing statutes, because the Oregon legislature has been emphatic that land use applications for housing cannot be denied for subjective reasons.

You may have noticed that the opponents' attorney did not want to discuss the state needed housing law, much less address the comments about it from the City Attorney or the comments in my previous letter. That is because he is urging you to violate that law under the guise of applying your own code, which has been superseded by the state legislature. Mr. Morasch is well aware of the legal liabilities that could ensue under federal law in certain factual situations when a city official acts contrary to the land use advice of the City Attorney, including personal liability.¹ He knows this because he was the attorney who won the most important federal case in recent memory on city officials' knowing failure to apply the applicable land use law. *David Hill Development, LLC v. City of Forest Grove*, et al, Civ. No. 08-266-AC, United States District Court, D. Oregon, Portland Division; 688 F Supp 2d 1193 (D Or 2010), 2012 WL 5381555, 2012 WL 712271. (And in the interest of full disclosure, an attorney at my firm gave the advice to the city that was not followed.) The City Attorney, and the land use and engineering staff are giving the City Council proper guidance. It is up to each City Council member to

¹ We believe we have an ethical duty to inform you of this risk, and to encourage you to seek independent legal advice concerning potential personal liability, and by this letter have done so.

decide whether to follow that guidance, or run the risks of acting contrary to the advice of your own professionals.

The Applicable Federal Takings Law

In my prior letter and at the first hearing, the federal takings law argued by the opponents was not a primary focus because the staff decision and the Planning Commission decision did not rely on that law to find that the application satisfies the City's subdivision criteria. The opponents' attorney is diverting attention to federal takings law with arguments that make it seem applicable to the subdivision approval, based on the opponents' assumptions about how those earlier decisions should have been written. Those decisions were correct that they need not address federal takings law to approve the subdivision, and the City Council is under no obligation to do so. That said, it is an issue of concern to the City Council so we will explain the applicant's perspective.

First, the opponents' attorney was clear that they are not really interested in more sidewalks, or a reduction in the number of lots, but rather they request a denial. The City Council should be cognizant of federal takings law on denials, which is explained in the case of *Koontz v. St. John's Water Management District*, 570 US 595 (2013). In that case, the water district asked the developer (Koontz) to provide a large scale, off-site wetland mitigation, like the off-site sidewalks and intersection improvements that the opponents demand in this case. The water district understood that demanding such a large scale off-site improvement would violate the takings clause under *Dolan*, and urged the developer to voluntarily agree to the off-site project. When the developer declined to do so, the water district denied the application.

As explained by the Supreme Court, "the government's demand for property from a land-use permit applicant must satisfy the *Nollan/Dolan* requirements even when it denies the permit...The principles that undergird *Nollan* and *Dolan* do not change depending on whether the government approves a permit on the condition that the applicant turn over property or denies a permit because the applicant refuses to do so."

What that means for The Grove is that the City Council cannot deny this application based on the developer's unwillingness to construct block after block of sidewalks and a new Highway 197 intersection and other street improvements. Such a denial would plainly violate the unconstitutional conditions doctrine because there is no evidence in the record to support a demand for off-site sidewalks and street improvements, just the opponents' demand that my client fill in preexisting sidewalk gaps and upgrade deficient transportation facilities.

If the City Council desires to uphold the appeal and deny the subdivision approval based on the opponents' argument that off-site street improvements are required, *Koontz* mandates that the decision include the *Dolan* rough proportionality analysis, because the burden is on the City to demonstrate rough proportionality as part of the denial. The basic evidence needed for the proportionality calculation is off-site street construction cost estimates which the opponents have not provided. The opponents make the argument but have utterly failed to do their homework, and have not retained a civil engineer to do it.

Of course, if it would help their case, they would have provided the cost estimates months ago. Remember, Mr. Morasch is a leading expert on takings. He knows how to hire a civil engineer to prepare the evidence necessary to support his legal claim. But in this case, he does not want you to see that evidence because he knows it will undermine his legal claim. Instead, he shamelessly

attempts to divert the City Council's attention from this crucial omission by insisting that the cost estimates must be done by the developer. It is the opponents' case to make, and they have not done so. When asked to choose between street improvements and a denial, Mr. Morasch requested the denial. The opponents do not really want to see the cost estimates needed to support their legal claim that off-site street improvements must be built, they want the project to be denied.

However, as noted above, this evidence and the rough proportionality analysis are not necessary to approve the application, which is why the City never prepared the cost estimates or asked the developer to provide them. We continue to believe the argument is an unwarranted distraction. To the extent that the City Council may determine otherwise, the applicant reserves all rights under state and federal law to pursue takings, due process and equal protection claims against the City.

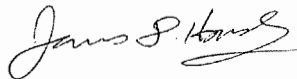
Conclusion

We can appreciate the discomfort created by new development in existing neighborhoods; however, that zoning decision was made years ago. The first hearing did not provide any indication that the City staff and the Planning Commission were incorrect when they found that the city code standards and criteria are all satisfied. The applicant is making the appropriate upgrades to extend the City's infrastructure, which will be available to surrounding properties to hook up to at their convenience. This is a substantial public benefit to the City and neighboring properties, and satisfies all the criteria.

Thank you for your consideration, and look forward to seeing you at the second hearing.

Very truly yours,

JORDAN RAMIS PC



Jamie D. Howsley

Attachment

cc: Legacy Development

August 28, 2020

To: Cameron Curtis
Legacy Development
403 Hwy 35
Hood River, Or 97031



ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS
1220 Main Street, Suite 150, Vancouver, WA 98660
PHONE: 360.750.1131 www.hhpr.com FAX: 360.750.1141

**RE: Public Improvements for The Grove Subdivision – The Dalles, Oregon
City of The Dalles Subdivision No. 74-19**

Dear Cameron,

The development of The Grove Subdivision requires significant improvements to the existing public streets that front the site. I have itemized the costs to improve the frontage streets as required by Legacy for each of the streets according to the preliminary conditions of approval.

<u>Street</u>	<u>Construction Cost</u>
10 th Street	\$297,801
Richmond Street	\$286,350
12 th Street	\$179,122

11th Street is for a new street improvement that is required to access the interior of the site. The estimated cost for 11th Street is \$413,581. 11th Street will provide a future connection to the properties west of the site at no cost to the City. I have attached a spreadsheet itemizing the public improvement costs.

The sanitary sewer extension on Richmond Street will allow sanitary service to be extended to an estimated 1200 existing or future homes in the area.

The storm sewer extension on Richmond Street will provide an outlet for storm water in the area and replace the existing ditch. The pipe extends down to Old Dufur Road as shown in the City's 2013 Public Facility Plan. The City Facility Plan includes extending storm conveyance from Old Dufur Road to 18th Street. The proposed project extends the storm line from Old Dufur Road to 12th Street, or approximately 60% of a project the City was intending to pay for that will now be constructed by Legacy.

Sincerely,

Ken Valentine
Ken Valentine, PE
Project Engineer

Attachments:
2013 Public Facility Plan pages 11 and Map 1
Engineer's Estimate for Public Improvements

UTILITY SYSTEMS

STORM DRAINAGE SYSTEM

INVENTORY AND GENERAL ASSESSMENT (OAR 660-11-0010(1)(A))

The City of The Dalles Storm Water Master Plan provides:

- An evaluation of study area characteristics in Section 3;
- An evaluation of projections, flow, and guiding principles in Section 4; and
- An overview of The Dalles' conveyance system in Section 5.

PROJECTS, COST, AND TIMING (OAR 660-11-0010(1)(B, C, & F))

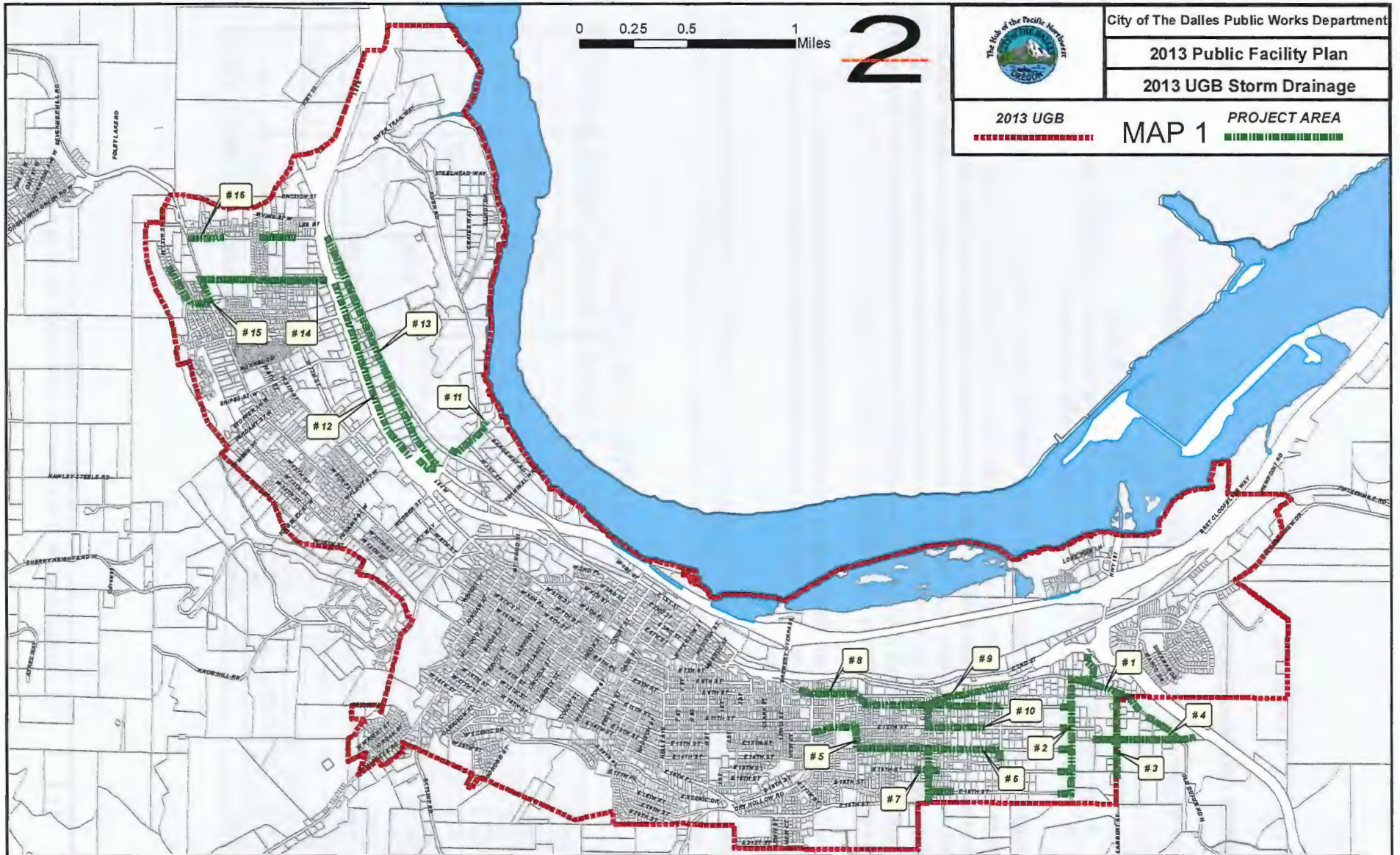
The City of The Dalles Storm Water Master Plan (Section 6) identifies and recommends capital improvement projects and programmatic actions for full development of the City's storm drainage system within the existing UGB. The Storm Drainage Master Plan includes 16 projects, with an estimated total cost of approximately \$17.3 million over the next twenty years. The Storm Drainage Improvements table and map that follows contains the actions identified in the 2007 Storm Water Master Plan, updated through the year 2033, and order by expected construction date.

Based on the assumptions outlined in the previous section, the City Engineer estimates an additional \$2.3 million will be required to fund storm drainage improvements within the Hidden Valley UGB expansion area.

These figures do not include local street development costs within the 2026 UGB expansion area (estimated at a total of \$6.9 million for storm drainage), as developers will be expected to assume these costs.

2013 UGB STORM DRAINAGE

No.	Project	Costs	0-5 Years	6-10 Years	11-15 years	16-20 years	Beyond 20 years
1	North 13 th	\$ 2,065,000	\$ 2,065,000				
2	North 13th Tributary System	\$ 707,000			\$ 707,000		
3	South 13th	\$ 737,000				\$ 737,000	
4	Old Dufur Rd. to 13th	\$ 327,000			\$ 327,000		
5	14th St., Phase 1	\$ 2,074,000	\$ 2,074,000				
6	14th St., Phase 2	\$ 834,000			\$ 834,000		
7	14th St., Tributary System	\$ 373,000				\$ 373,000	
8	Old Dufur Rd to 10th, Phase 1	\$ 1,500,000		\$ 1,500,000			
9	Old Dufur Rd to 10th, Phase 2	\$ 924,000			\$ 924,000		
10	Old Dufur Rd to 10th, Tributary System	\$ 1,073,000				\$ 1,073,000	
11	Webber St Outfall Replacement	\$ 1,063,000			\$ 1,063,000		
12	6th St	\$ 752,000				\$ 752,000	
13	2nd St	\$ 2,446,000					\$ 2,446,000
14	Hostetler to W. 7th	\$ 427,000		\$ 427,000			
15	Hostetler W. 7th to W. 13th	\$ 1,408,000			\$ 1,408,000		
16	Chenoweth Loop	\$ 588,000				\$ 588,000	
	Totals	\$ 17,298,000	\$ 4,139,000	\$ 1,927,000	\$ 5,263,000	\$ 3,523,000	\$ 2,446,000



The Grove Subdivision
Engineer's Estimate
Public Improvements Proposed By Legacy

10th Street Improvement Cost		Unit	Quantity	Price	Total
1	Crushed Rock - 1-1/2"-0 (Delivered inplace)	CY	173	\$40	\$6,911
2	Asphalt Paving	TON	152	\$110	\$16,771
3	ADA Ramps	EA	3	\$2,500	\$7,500
4	Concrete Curbs	LF	700	\$30	\$21,000
5	Sidewalks	SF	3500	\$9	\$31,500
6	Signing and Striping	LS	1	\$2,000	\$2,000
7	Storm Pipe	LF	700	\$55	\$38,500
8	Sanitary Pipe	LF	472	\$85	\$40,120
9	Street Lighting	LS	1	\$25,000	\$25,000
10	Private Utility Trench	LF	700	\$30	\$21,000
11	Landscape	SF	3500	\$25	\$87,500
10th Street Total					\$297,801

11th Street Improvement Cost					
7	Crushed Rock - 1-1/2"-0 (Delivered inplace)	CY	777	\$40	\$31,099
1	Asphalt Paving	TON	686	\$110	\$75,468
2	ADA Ramps	EA	2	\$2,500	\$5,000
3	Concrete Curbs	LF	700	\$30	\$21,000
4	Sidewalks	SF	3500	\$9	\$31,500
5	Signing and Striping	LS	1	\$2,000	\$2,000
7	Storm Pipe	LF	700	\$55	\$38,500
8	Sanitary Pipe	LF	688	\$85	\$58,480
9	Water Pipe	LF	700	\$60	\$42,000
10	Street Lighting	LS	1	\$35	\$35
11	Private Utility Trench	LF	700	\$30	\$21,000
12	Landscape	SF	3500	\$25	\$87,500
11th Street Total					\$413,581

Richmond Street Improvement Cost					
7	Crushed Rock - 1-1/2"-0 (Delivered inplace)	CY	123	\$40	\$4,936
1	Asphalt Paving	TON	109	\$110	\$11,979
2	ADA Ramps	EA	2	\$2,500	\$5,000
3	Concrete Curbs	LF	500	\$30	\$15,000
4	Sidewalks	SF	2500	\$9	\$22,500
5	Signing and Striping	LS	1	\$2,000	\$2,000
7	Storm Pipe	LF	500	\$55	\$27,500
8	Sanitary Pipe	LF	534	\$85	\$45,390
9	Storm Pipe	LF	1355	\$55	\$74,525
10	Street Lighting	LS	1	\$20	\$20
11	Private Utility Trench	LF	500	\$30	\$15,000
12	Landscape	SF	2500	\$25	\$62,500
Richmond Street Total					\$286,350

12th Street Improvement Cost

7	Crushed Rock - 1-1/2"-0 (Delivered inplace)	CY	216	\$40	\$8,639
1	Asphalt Paving	TON	191	\$110	\$20,963
2	ADA Ramps	EA	2	\$2,500	\$5,000
3	Concrete Curbs	LF	500	\$30	\$15,000
4	Sidewalks	SF	2500	\$9	\$22,500
5	Signing and Striping	LS	1	\$2,000	\$2,000
6	Street Lighting	LS	1	\$20	\$20
7	Private Utility Trench	LF	500	\$30	\$15,000
8	Storm Pipe	LF	500	\$55	\$27,500
9	Landscape	SF	2500	\$25	\$62,500
	10th Street Total				\$179,122

Total \$1,176,855

From: Steve C. Morasch
To: Izetta F. Grossman; "Christopher Crean"
Cc: Paula Webb
Subject: RE: Additional Information - August 31 Appeal
Date: Monday, August 31, 2020 5:34:14 PM

Please include the following in the record in response:

I have only had a few minutes to digest this, so I request the statutory seven days to respond.

It is disappointing that instead of doing a safety analysis of the intersection or the lack of sidewalks, the applicant's attorney has resorted to threats of litigation.

I am flattered that the applicant's attorney recognizes me as a "leading expert on takings." However, as a leading expert, I can tell you that it is not the neighbors' burden to do the analysis needed to determine what is needed to make the sidewalks or intersection safe. That burden lies with the applicant.

Only after such a safety analysis has been completed can a *Dolan* analysis be started. So the application could be denied consistent with *Koontz* because the applicant has provided insufficient evidence that the basic safety criteria (previously discussed in my prior letter and at the hearing last week) have been met.

Finally, there is nothing in the state's housing law that requires the City to approve an unsafe development. The Walter case is distinguishable as it involved a provision of the local code that was acknowledged by the City to be ambiguous. The City's criteria on safety and safe and convenient pedestrian connections is not ambiguous and are in fact required by different provisions of state law. The arguments about the state housing law are a red herring.

Steve C. Morasch | Attorney at Law



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Vancouver, WA 98666-1086

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<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.landerholm.com&umid=f227a308-bb6b-4bce-91e2-2256a9578e83&auth=61b7c891c3cd3cb7b52d542b76699872203f47bc-b2278f293a3ffc9c16e933fc2afe0c5a47e5d6f3>

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.

From: Izzetta F. Grossman <igrossman@ci.the-dalles.or.us>
Sent: Monday, August 31, 2020 4:33 PM
To: 'Christopher Crean' <chris@gov-law.com>; Steve C. Morasch <stevem@landerholm.com>
Cc: Paula Webb <pwebb@ci.the-dalles.or.us>
Subject: FW: Additional Information - August 31 Appeal
Importance: High

From: Izzetta F. Grossman
Sent: Monday, August 31, 2020 3:59 PM
To: Ayrn Rasmussen - Columbia Gorge Regional Airport (manager@flycgra.com)
<manager@flycgra.com>; Carrie Pipinich <carrie@mcedd.org>; Jennifer T
<admin@portofthedalles.com>; Jonathan M Kara <jkara@campbellphillipslaw.com>; Judy Merrill
<jude@gorge.net>; Managers Distribution List <ManagersDistributionList@ci.the-dalles.or.us>;
'Tyler Stone' <tylers@co.wasco.or.us>; Widge Johnson <widgej@gmail.com>; Darcy Long - Curtiss
<dlong-curtiss@ci.the-dalles.or.us>; Diana McDougale <dmcdougale@campbellphillipslaw.com>; Izzetta
F. Grossman <igrossman@ci.the-dalles.or.us>; Julie Krueger <jkrueger@ci.the-dalles.or.us>; Linda
Miller <caelmillercc@yahoo.com>; Richard Mays <rmays@ci.the-dalles.or.us>; Rod Runyon
<rrunyon@ci.the-dalles.or.us>; Scott Randall <srandall@ci.the-dalles.or.us>; Timothy McGlothlin
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(mbailey@bicoastal.media) <mbailey@bicoastal.media>; Emily Fitzgerald (Emilyf@gorgenews.com)
<Emilyf@gorgenews.com>; Haines, Randy (rhaines@bicoastal.media) <rhaines@bicoastal.media>;
KODL <newsroom@kodl.com>; Lisa Farquharson <lisa@thedalleschamber.com>; Mark Gibson
<markg@gorgenews.com>; Rodger Nichols <news@gorgecountry.media>; The Dalles Chronicle
<ornews@gorgenews.com>
Subject: Additional Information - August 31 Appeal
Importance: High

Honorable Mayor and City Council,

Attached find some additional information for the meeting this evening.

I have printed this for your review prior to the meeting.

Thank you

Izzetta Grossman, CMC
City Clerk

City of The Dalles
313 Court Street
The Dalles, OR 97058
541-296-5481 x 1119
igrossman@ci.the-dalles.or.us
www.thedalles.org

Listen with your eyes - your ears will follow.

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STATEMENT BY STEPHEN LAWRENCE
MAYOR, 2013-2019
2017 View Court, The Dalles
503-807-0724

The proposed development would be a community disaster.

During 2018-19, when city council discussed a new zoning ordinance with planning, we emphasized infill; using vacant lots and allowing for smaller houses on existing properties, all within the city limits.

We were guided by past Vision statements.
The 2002 Vision emphasized:

new neighborhoods where developers would create residential with commercial areas, homes close to jobs and services.

. We were also guided by the 2011 Vision Statement which described consistent annual meetings allowing for constructive dialogue. That has not been occurring, the planning department had that responsibility.

Key goals were to develop upper floor housing downtown and compatible neighborhoods. The plan looked at the west side where “additional urban lands have been established and set aside for affordable housing.

There are two Major Issues with this application.

First: The planning department relies on a zoning ordinance it based on House Bills 2001 and 2003, which addressed housing throughout the state but hasn’t yet been implemented.

Under House Bill 2001 medium cities are not required to comply until 6/30/21, so administrative rules can be developed.

Cities will be required to set reasonable siting and design requirements on houses, including adequate infrastructure.

The law directs the state to help cities figure out their infrastructure gaps. The state is to conduct rule making to provide a model code. That is only now in process, the last meeting held August 18, 2020

The charge to the Housing Rule making Advisory Committee is to develop rules that - provide affordable living choices and allow for a phased development consistent with infrastructure supply.

I can tell you from reading the written submissions for this last hearing, many cities and the League of Cities are requesting additional considerations and amendments to what is now being proposed. Our planning department is going forward without knowing if they are in compliance.

It is very apparent a **colossal mistake** was made to designate the area of this application, high density in the 90's.

Even the Transportation System Plan documents why it should not have been. It cites the population in 1995 as 14,776 projected to be 18,630 by 2015.

It projected in 1995 that peak hour traffic on Old Dufur Rd would grow from 180-400 by 2015 and that 197 & Fremont already had a slightly higher than average crash rate with four crashes from 1/90 to 12/92
It projected growth in Columbia View Drive, at peak hour, to go from 60-260.

All this was part of the rationale for designating this area high density.

HERE IS THE TRUTH:

Portland State University Population Center, the official population determinate for all cities and counties in Oregon states as follows:

This last March, 2020, The Dalles was 16,148

Only by 2045 is it projected to reach 18,823.

In 1996, their projected growth was inflated, 30 years off.

Second: Our planning department did not require developer to do a thorough traffic study and detail infrastructure. Testimony of the planning department was basically, "we'll figure it out as we go."

The reality is, this development would impose a huge volume of traffic and burden on rural roads and intersections that, in reality, have truly not been adequately measured.

Because of the **colossal mistake** in originally designating this area high density, you should give this and any other application in this area, strict scrutiny and set realistic, mandatory requirements for safety, density and infrastructure.

Don't be fooled by planners who tell you, you have no choice, This town belongs to the citizens, not planners or developers. You represent the citizens. Deny this application, affirm the appeal.

