

MINUTES  
Regular City Council Meeting  
August 24, 2020  
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MINUTES

CITY COUNCIL MEETING

August 24, 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:

**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 Runyon to lead the Pledge of Allegiance.

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

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### **APPROVAL OF AGENDA**

It was moved by Miller and seconded by Runyon to approve the agenda as submitted. The motion carried; all Councilors voting in favor.

### **PUBLIC HEARINGS**

#### **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 opened the hearing.

Mayor Mays asked if there was any ex-parte communications.

The Councilors each replied with who they had been approached by and their responses were that they could not have a conversation.

Mayor Mays said that some of his initial questions were for background purposes and were not at all related to the applicable criteria so he would better understand those issues which were related to the criteria.

Mayor Mays asked if anyone wished to challenge the qualifications of the Council.

Hearing none, Mayor Mays asked for the staff report.

Steve Harris, Community Development Director said Joshua Chandler, Associate Planner would review the staff report. He said Public Works Director Dave Anderson was also in attendance to answer any questions.

Chandler reviewed the staff report. He noted the following appendix numbers were not accurate in the staff report.

Appendix 1 should be Appendix 25

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Appendix 7 was also listed at Appendix 1  
Engineers Appendix was #2, not #24

Councilor Runyon asked if lots and parcels were the same thing.

Chandler said they were. He said initially the development was 73 parcels with one of those designated as a park. He said that had been changed to 70 parcels with one as a park. Chandler said in the site plan there were 69 parcels with 80 units.

Councilor Miller asked if the size of the park had been changed.

Chandler said it had; to 78 x 112 as was on page 141 of the packet.

Councilor Long-Curtiss asked why the school district wasn't consulted during site review.

Senior Planner Dawn Hert said the school district wasn't on the standard list of public agencies to notify in the site review meetings.

Councilor McGlothlin asked if the storm water system was adequate to serve the new development.

Public Works Director Dave Anderson said storm water improvements had been identified and the developer would make those improvements. He said the trunk is in place at Old Dufur and Freemont area.

Councilor Randall asked regarding Argument A; 197 and Freemont, was 10<sup>th</sup> Street and Thompson were considered.

Chandler said they were not; the service standards were met. He said traffic could increase and still meet those standards. Chandler said increased by 82 trips still met the standards.

Mayor Mays asked about horizontal vs vertical curbs. Anderson said horizontal was what generally is thought of as curb. He said a bump or change in elevation would be a vertical curb,

Mayor Mays asked Anderson about the cost of adding sidewalks to 12<sup>th</sup> and Thompson Streets.

Anderson said without engineering, just estimates including tree removal and driveway approaches Thompson Street \$570,000 and \$435,000 for 12<sup>th</sup> Street.

In response to a question Anderson said 12<sup>th</sup> is considered a minor connector street. He said new

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destination like a school might reclassify a street as a major. He said development like the one proposed could cause a change.

Anderson said the Transportation Plan estimated 350 new houses in the area.

McGlothlin asked who was responsible for storm water improvements.

Anderson said the City could use Storm Water funds and/or System Development Charges.

Long-Curtiss asked if residents signed remonstrances on Thompson like they did on 10<sup>th</sup> Street.

Anderson said years ago the City had worked on a Local Improvement District with cost sharing between the City and residents. He said there was a lot of opposition to the project, therefore it didn't move forward.

Anderson said he hadn't talked to the residents of 12<sup>th</sup> Street. He said back in the day, sidewalks were not a condition of development.

Mayor Mays asked Chandler if all conditions reference in the staff report (paragraph 5) had been addressed.

Chandler said the appellant had been asked for clarification/additional information regarding sidewalk request. He said nothing had been received.

Mayor Mays asked City Legal Counsel Chris Crean if two or more Councilors wanted to change zoning, could they do that.

Crean said they could only address current zoning.

Runyon said when zoning was changed to high density in 1998 he imagined the City was looking for land to meet State requirements. He said Housing Goal #10 says promote housing sensitive to existing neighborhood, compatibility in the area.

Crean said the Comprehensive Plan doesn't apply completely/directly. He said the Municipal Code applies to specifics. He said recently statutes had changed to clear and objective instead of compatibility. He said cities could no longer look at compatibility due to State law.

Anderson said the Transportation System Plan makes a best guess for 20 years. He said it was not intended to predict how every parcel would develop. He said the Grove study done in January during decent weather saw more traffic than the City saw in the Spring.

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Mayor asked for Applicant testimony.

Applicant attorney Jamie Howsley introduced the developer Cameron Curtis.

Curtis thanked the Council for their time and consideration.

Howsley reviewed the PowerPoint (attached).

He said the park would be maintained and owned by the home owner's association. He said the increased size of the park came about due to conversations with neighbors stating a need.

Mayor Mays asked about market price of the homes. Curtis said he had not prepared the pricing. He said they would be mid-level homes to meet the needs of the community. Curtis said he had not established if the homes would be for sale or rent.

Mayor Mays said it was a unique situation. He said sidewalks would likely never be built unless the City built them.

Howsley said LIDs were effective tools to address gaps in funding.

Runyon asked if two parking spaces per unit would be six spaces for a triplex (3 units x 2).

Curtis said there would be adequate parking. He said two spaces would equal one space in garage, one in driveway per unit. He said the garages would have alley access.

Mayor Mays asked Howsley if he would concede that cost of sidewalks on 10<sup>th</sup> and 12<sup>th</sup> Street pale in comparison.

Howsley said he would not. He said the clear criteria had been met.

Mayor Mays ask what was being done to serve the community.

Howsley said the extension of the water, sewer, and storm lines to the development would be available for other to connect to. He said in addition, expanding the park, vertical curbs on Bradley and meeting the need of the City for affordable housing.

Mayor Mays asked if Howsley would concede in the appeal that "development causing need for offsite sidewalks" is significant. Howsley said no, how about moderately. He said he would have to think about it.

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Mayor Mays said looking at an aerial view there were approximately 100 homes currently using 10<sup>th</sup> and 12<sup>th</sup> Streets, and increasing only one tripper household during peak hours, does it stand to reason that you would be increasing traffic by 82%. Howsley said yes.

**At 7:50 p.m. Mayor Mays recessed the meeting for 10 minutes.**

Mayor Mays reconvened the Public Hearing at 8:00 p.m.

Mayor Mays invited the appellant's attorney, Steve Morasch to speak on behalf of his clients.

Mr. Morasch said he received additional information at 4 p.m. and requested seven days to respond to any new information that comes in.

He said the appellants were concerned about traffic safety and pedestrian safety considering the increased traffic the development would produce on undermaintained road with no sidewalks.

He said the City hadn't identified safety standards. He said Section 10.10.060.85 (A) of The Dalles Municipal Code says in part the City "may" deny/approve a proposal based on "safety standards"; and (B) offsite improvements may be required for public safety – city utilities.

Mr. Morasch pointed out the Code requires sidewalks for safety.

Runyon asked if Morasch was referring to sidewalks in the development.

Morasch said he was referring to 12<sup>th</sup> Street sidewalks.

Mayor Mays asked in reference to page 61 of the appeal regarding "proportionality of housed" what proportionate referred to. Morasch said sidewalks between the development to the downtown, and impacts to pedestrian and vehicular safety.

Mayor Mays asked on page 62 if appellant was not satisfied with owner density.

Morasch said he would have to confirm with his client. He said he recommended the Council deny the application until a safety study could be done. He said they needed to see a more detailed site plan with dimensions.

Morasch agreed that caused "significantly" more traffic would be better than "primarily".

Mayor Mays asked Council if they wanted to continue tonight.

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Attorney for the City, Chris Crean said the Council would need to agree to continuing the meeting at a date and time certain.

After some discussion the Council all agreed to continue the meeting on August 31, 2020 at 5:30 p.m.

**AJOURNMENT**

The meeting recessed at 8:30 p.m. to reconvene Monday, August 31, 2020 at 5:30 p.m.

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Submitted by/  
Izetta Grossman, CMC  
City Clerk

SIGNED: \_\_\_\_\_



Richard A. Mays, Mayor

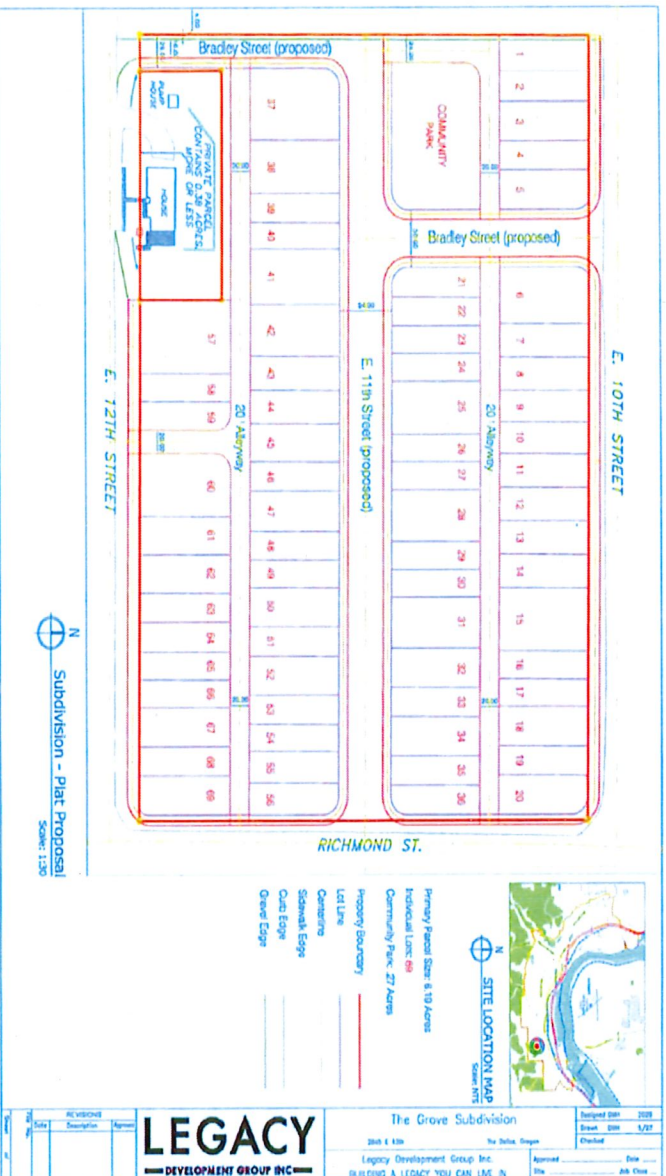
ATTEST: \_\_\_\_\_



Izetta Grossman, CMC City Clerk

# The Grove

City of The Dalles Appeal Hearing ~ August 24, 2020



Jamie.Howsley@jordanramis.com | (503) 598-7070



## City Council's Role

Decide whether the subdivision satisfies the clear and objective development standards.

It is NOT to decide if this should remain a low density, single family neighborhood. That decision was made years ago and cannot be altered in this proceeding.

# March 9, 2020 Staff Report

## Review of Criteria

### Section 10.3 Procedures

- Requirement: Application Submittal and Fee
  - FINDING #1: Criterion met.
- Requirement: Complete Application
  - FINDING #2: Criterion met.
- Requirement: Quasi-Judicial Decision
  - FINDING #3: Criterion met.
- Requirement: Public Notice
  - FINDING #4: Criterion met.
- Requirement: Time Limits
  - FINDING #5: Criterion met.
- Requirement: Staff Report
  - FINDING #6: Criterion met.

# March 9, 2020 Staff Report

## Review of Criteria

### Section 10.5.020.020 Permitted Uses

- Requirement:
  - FINDING #7: Proposed housing types are permitted outright. **Criterion met.**
- Requirement: Accessory Uses
  - FINDING #8: ADUs are permitted. **Criterion met.**

### Section 10.5.020.060 Development Standards

- Lot Area – Lot Width – Lot Depth
  - FINDING #9: Lot standards are met. **Criterion met with conditions.**

# March 9, 2020 Staff Report Review of Criteria

## Article 6.010 Landscaping

- Requirement:
  - FINDING #10: Landscaping is addressed with building permits. **Criterion not applicable.**

## Article 6.030 Accessory Development

- Requirement:
  - FINDING #11: ADU standards are reviewed with building permits. **Criterion not applicable.**

# March 9, 2020 Staff Report

## Review of Criteria

### Article 6 Streets

- Requirement: Corner Clearance
  - FINDING #12: Driveways will be 75' from intersections. **Criterion met with conditions.**
- Requirement: Emergency Access
  - FINDING #13: Adequate ROW will be dedicated. **Criterion met with conditions.**
- Requirement: Driveway and Entrance Standards
  - FINDING #14: Lots are alley loaded. **Criterion met.**

# March 9, 2020 Staff Report

## Review of Criteria

### Title 10

- Requirement: Parking
  - **FINDING #15:** Off-street parking shown with building permits. **Criterion not applicable.**
- Requirement: Physical and Environmental Constraints
  - **FINDING #16:** Physical Constraints Permit for grading. **Criterion met with conditions.**
- Requirement: General Provisions
  - Applicability
    - **FINDING #17:** No modifications required. **Criterion met.**
  - Annexation
    - **FINDING #18:** Consent to annexation is recorded. **Criterion met.**
  - Blocks
    - **FINDING #19:** Southern half of E. 11<sup>th</sup> Street will be approved as an exception. **Criterion met with conditions.**
  - Lot Size and Shape
    - **FINDING #20:** Lot standards are met. **Criterion met with conditions.**



# March 9, 2020 Staff Report

## Review of Criteria

### Title 10 continued

- Requirement: General Provisions continued
  - Access
    - FINDING #21: Several street frontages. **Criterion met.**
  - Access Points
    - FINDING #22: Alley access. **Criterion met with conditions.**
  - Through Lots
    - FINDING #23: None proposed. **Criterion not applicable.**
  - Lot Side Lines
    - FINDING #24: Lot lines are at right angles. **Criterion met**
  - Lot Grading
    - FINDING #25: Physical Constraints Permit for grading. **Criterion met with conditions.**
  - Redevelopment Plans
    - FINDING #26: Proposing minimum density. **Criterion met.**

# March 9, 2020 Staff Report

## Review of Criteria

### Title 10 continued

- Requirement: General Provisions continued
  - Construction Drawings and Specifications
    - FINDING #27: Preliminary civil plans submitted. **Criterion met with conditions.**
  - Final Subdivision Plat Review
    - FINDING #28: Preliminary civil plans submitted. **Criterion met with conditions.**
  - Pedestrian Requirements
    - FINDING #29: Sidewalk details shown on civil plans. **Criterion met with conditions.**
  - Bike Lanes
    - FINDING #30: No arterial or major collectors. **Criterion not applicable.**
  - Traffic Impact Studies
    - FINDING #31: Traffic Impact Study provided and approved by City's traffic engineer and ODOT. **Criterion met with conditions.**
  - Pass Through Traffic
    - FINDING #33: No pass-through streets proposed. **Criterion not applicable**



# March 9, 2020 Staff Report

## Review of Criteria

### Title 10 continued

- Requirement: General Provisions continued
  - Improved to Standards
    - FINDING #34: Frontage and interior street improvements. **Criterion met with conditions.**
  - Orderly Development
    - FINDING #35: Frontage and interior street improvements. **Criterion met with conditions.**
  - Connectivity
    - FINDING #36: East 11<sup>th</sup> Street provided. **Criterion met.**
  - Street Names
    - FINDING #37: Postmaster verified. **Criterion met with conditions.**
  - Alleys
    - FINDING #38: Lots are alley loaded. **Criterion met.**
  - Unusual Situations
    - FINDING #39: None Noted. **Criterion not applicable.**

# March 9, 2020 Staff Report

## Review of Criteria

### Title 10 continued

- Requirement: General Provisions continued
  - Location, Grades, Alignment and Widths
    - **FINDING #40:** Streets Aligned. **Criterion met.**
  - Public Utility Extensions
    - **FINDING #41:** Public water, sanitary sewer and storm drainage will be extended. **Criterion met with conditions.**
  - Public Improvement Procedures
    - **FINDING #42:** Warranty bond will be provided. **Criterion met with conditions.**
  - Franchise Utility Installations
    - **FINDING #43:** Will be installed with providers. **Criterion met with conditions.**
  - Street Lighting
    - **FINDING #44:** Will be installed on public streets. **Criterion met with conditions.**
  - Dedication of Right-of-Way and Easements
    - **FINDING #45:** New streets and easements dedicated. **Criterion met with conditions.**

# March 9, 2020 Staff Report Review of Criteria

## Title 10 continued

- Requirement: General Provisions continued  
Recording Dedications
  - FINDING #46: ROW deeds will be recorded. **Criterion met with conditions.**
  - Section 10.10.120 Mail Facility Services
  - FINDING #48: Centralized mail boxes. **Criterion met with conditions.**

## Recommendation:

Approval with conditions.

# Opponent Arguments

*Section 10.10.060.A.5.a and b require denial until all off site streets improved.*

## – RESPONSE

- The code does not mandate denial.
- “a. The City **may** deny, approve, or approve a proposal with condition necessary to meet operational and safety standards.”
- “b. Construction of off-site improvements **may** be required to mitigate impacts resulting from development.”
- Developer cannot be compelled to reconstruct block after block of City streets.

# Opponent Arguments

*Section 10.6.050.040.B requires off site streets to be reconstructed.*

## – RESPONSE

- Code requires elimination of vertical curves where feasible, and Bradley Street was moved to meet this criterion.
- The Transportation System Plan is not a criterion.
- The Fremont & Hwy 197 intersection serves the entire area south of Dufur Rd. This will be an ODOT project and the City is encouraged to allocate this project's Transportation SDC's to that intersection.

# Opponent Arguments

*Off site sidewalks must be constructed.*

## – **RESPONSE**

- Staff is correct that sidewalks can no longer be required for partitions which created the gaps that preceded this application.
- This applicant is not responsible for those existing gaps.

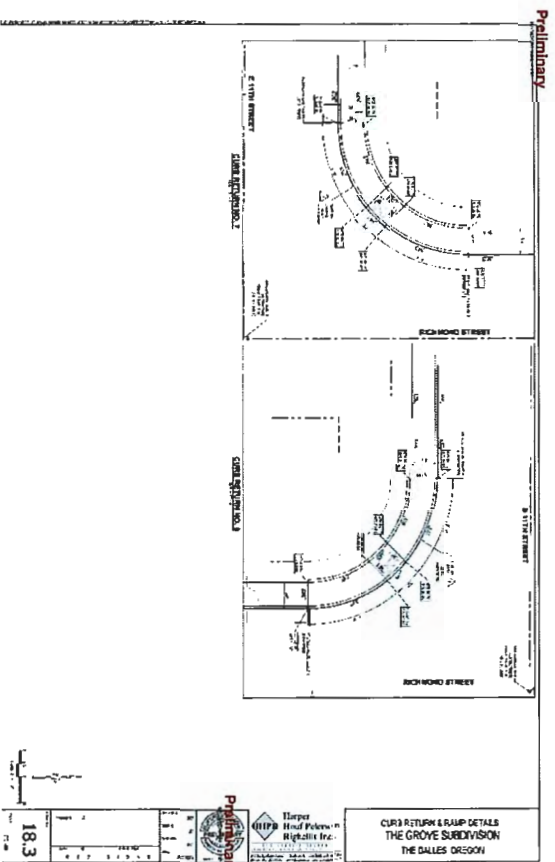


# Opponent Arguments

ADA Standards are *not met*.

## – RESPONSE

- The ADA details are shown on Sheets 18, 18.1, 18.2, 18.3, 18.4, 18.5, 18.6, 27, and 29.



# Opponent Arguments

*60% lot coverage standard is not met.*

## – **RESPONSE**

- This is not required for subdivision approval and will be addressed when building permits are submitted.



# Opponent Arguments

*Physical Constraints Permit required.*

## – **RESPONSE**

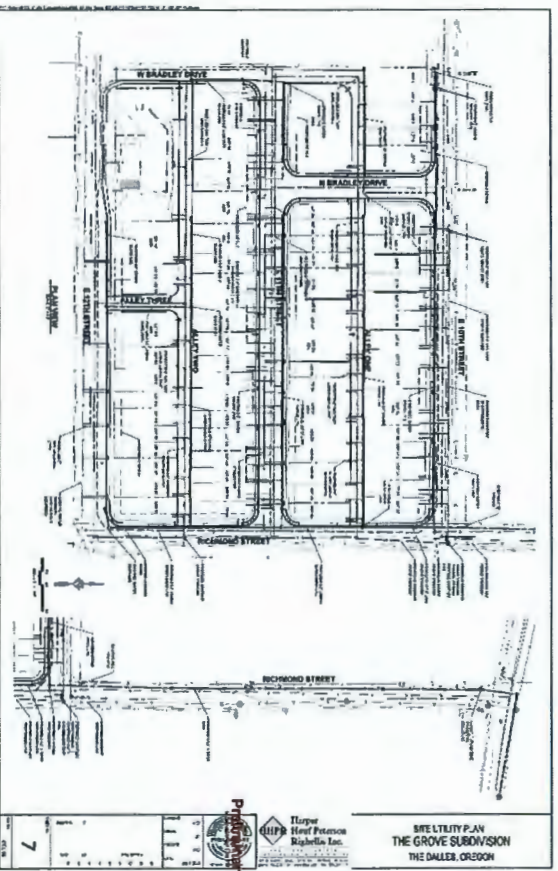
- “The physical constraints permit **may**, at the request of the applicant, be processed simultaneously.” Section 10.8.020.010.A.

# Opponent Arguments

*City utilities lack capacity.*

## – RESPONSE

- City Engineer's memo and the Master Plans are substantial evidence there is adequate capacity.



# City Engineer's Memo

## City 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

- “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.

## City Storm Water System

- “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.”

## Letter on behalf of of Legacy Development

Last year I was invited to participate in a series of economic development meetings put on by Bridge Economic Development Company that would help our town understand what we have, what we are lacking, what could be some areas that would help grow and maintain good growth in our town. We discussed Jobs and Wages, Schools, Tourism, Industry and Housing. Out of those meetings and specifically to the housing needs came these points: By the way this information came from a follow up email to these meetings from the city and have been available to the public for review since 02/01/2019... okay here are the housing points:

- \* Our City needs a diversity of housing types.
- \* Barriers to growth include: lack of industrial lands, low wages, lack of large acreage housing sites, limited cultural community events | this has traditionally been a gathering place, multigenerational housing | not just low-income housing.
- \* Workforce housing considerations should also include professional/executive housing.

All of these needs for housing seem to have been addressed by this developers design and layout for this property in accordance to the zoning placed on it by the city.

Yes, I'm not blind to the needs for better infrastructure throughout our city, and certainly not just where this property is located.

OR

The need for rebuilding or replacing our current school infrastructure. The developer is adding to the property tax base which will help fund these things. Perhaps the help with this one could come as a request to our big giant friend on the west side of town.

I do understand that people will be on one side or the other of whether this development is good growth or not. I personally believe that it is good growth and the fact that our town is restricted by its boundaries to expand leads me to believe that we will need to explore more developments like this in the future. Need proof of that look into the latest news article of the Gorge Commission voting to limit expanding urban areas.

Kindest Regards,

Brian Lauterbach

**From:** [Jacqueline Moreau](#)  
**To:** [Izetta F. Grossman](#)  
**Subject:** 12&Richmond proposed development  
**Date:** Friday, August 21, 2020 5:05:12 PM

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Dear Councilman Grossman,

Please vote against proposed development in the old Geiger Orchard above Old Dufer Road. High density development is not what is needed despite pressures to do so. Open green space is more fitting for the area for it complements existing beauty and ecology in the Gorge. With density, water runoff would be a problem because of the slope and elevation in that location.

As you'll notice I am not even a resident of The Dalles, however I care about The Gorge overall and am opposed to developments that benefit only the developer while green space is lost.

Sincerely,

Jacqueline Moreau, White Salmon, Washington



# City of The Dalles City Council

MONDAY, AUGUST 24, 2020 | 5:30 PM



# Appeal No. 031-20

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 Developer Group, to divide one 6.92 acre parcel into 72 lots of varying size with a proposed community park.

**Appellants:** Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, Damon Hulit, Roberta Kay Wymore-Hulit | Steve C. Morasch

**Address:** No Address Assignment

**Assessor's Map and Tax Lot:** 1N 13E 1 C 201

**zoning District:** High Density Residential "RH"

# Subject Property

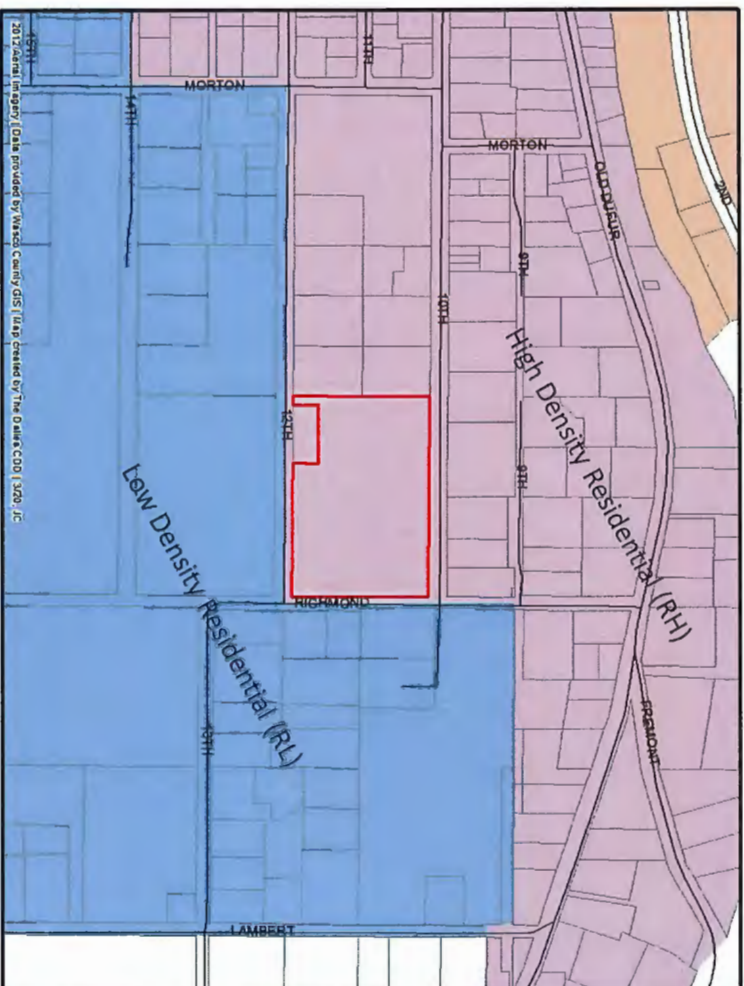
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2016 Aerial imagery. Data provided by Waze.com, Google, and OpenStreetMap. Data processed by The GeoCloud Project.



# Subject Property



# Project Timeline

## Subdivision No. 74-19:

- Submitted: January 10, 2020
- Notice of Administrative Action (NOAA): January 24, 2020
- Re-Notice NOAA: January 31, 2020
- Approved: March 9, 2020

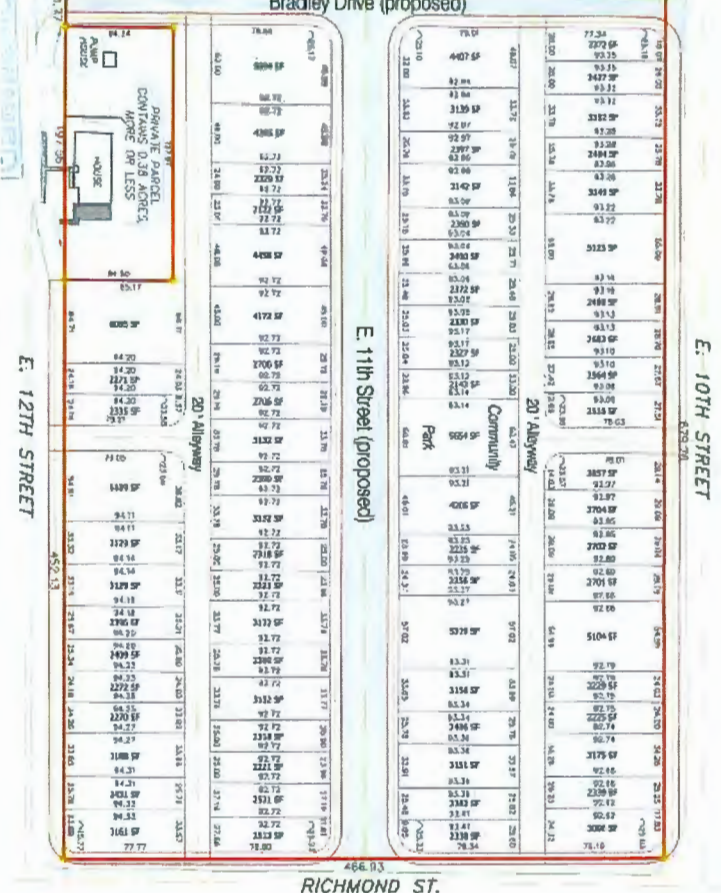
## Appeal No. 030-20

- Appeal Filed: March 19, 2020
- Staff Report, Version 1: May 11, 2020
- Planning Commission Public Hearing: May 21, 2020 (*continued to June 18, 2020*)
- Staff Report, Version 2: June 5, 2020
- Planning Commission Public Hearing: June 18, 2020 and July 2, 2020
- Resolution 593-20 Approved: July 16, 2020

## Appeal No. 031-20

- Appeal Filed: July 24, 2020
- Staff Report published: August 12, 2020
- City Council Public Hearing: August 24, 2020

# SUB 74-19: Project Scope



6.92 acres

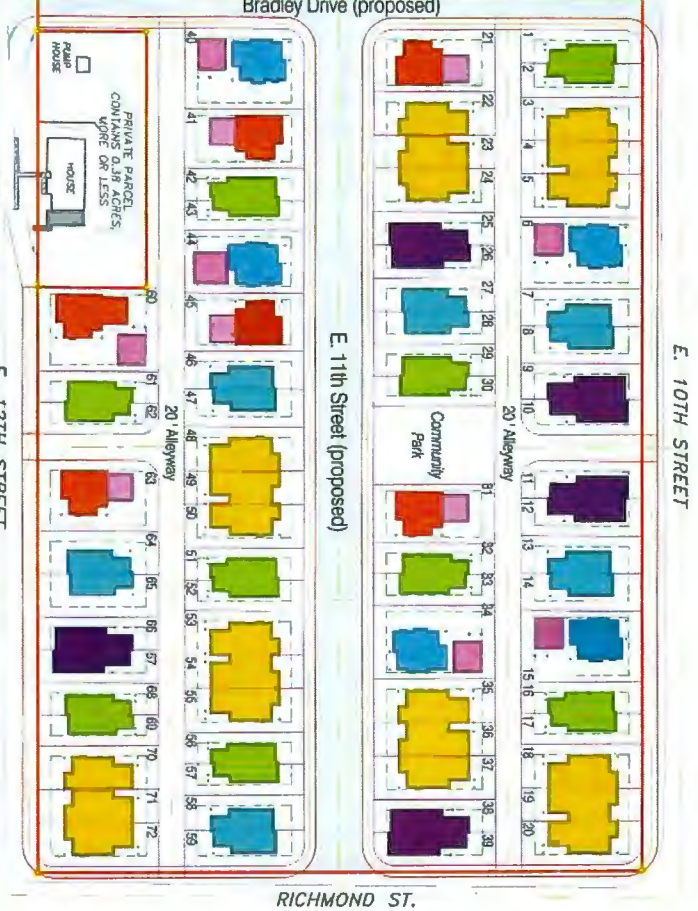
73 parcels (72 dwelling parcels; 1 parcel dedicated as a "community park")

Dwelling parcels: 2,122 sf to 6,095 sf

Community park: 5,654 sf

New Streets: E. 11<sup>th</sup> Street (full-street dedication and Bradley Drive (1/2 street dedication))  
Alleyway access: driveways and garages in the rear of all lots

# SUB 74-19: Project Scope



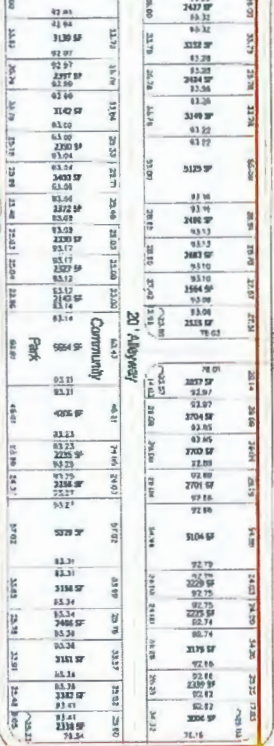
Proposed Dwelling Types:

	Single Family (1 LVL 1200SF)
	Single Family (2 LVL 1800SF)
	Duplex (2 LVL 1100SF)
	Duplex (2 LVL 1200SF)
	Duplex (2 LVL 1500SF)
	Triplex (2 LVL 1600SF?)
	ADU (1 or 2 LVL 529SF)

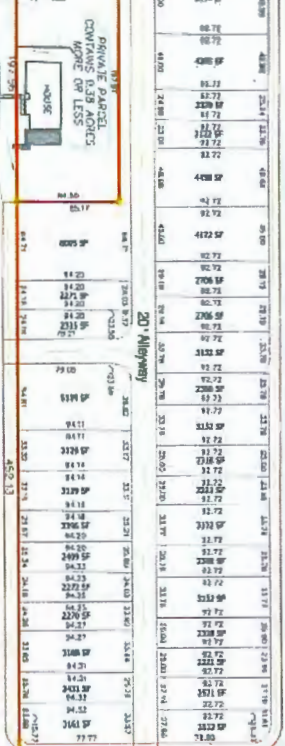


# Site Plan Revisions

E. 10TH STREET  
679.76



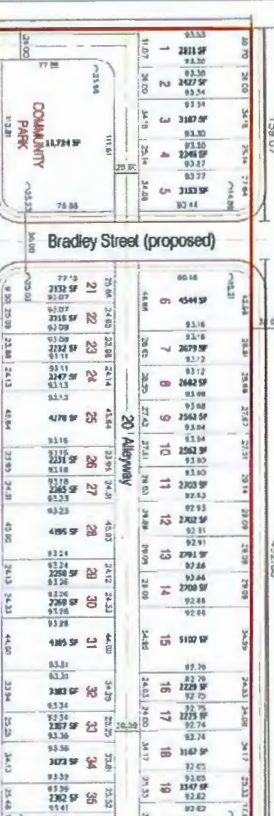
E. 11th Street (proposed)



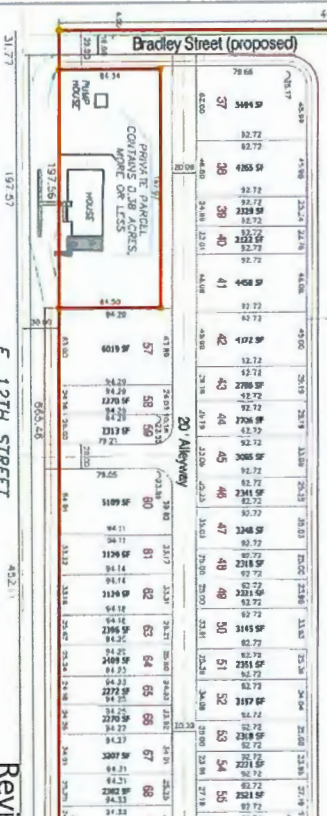
E. 12TH STREET

Original

E. 10TH STREET  
679.76



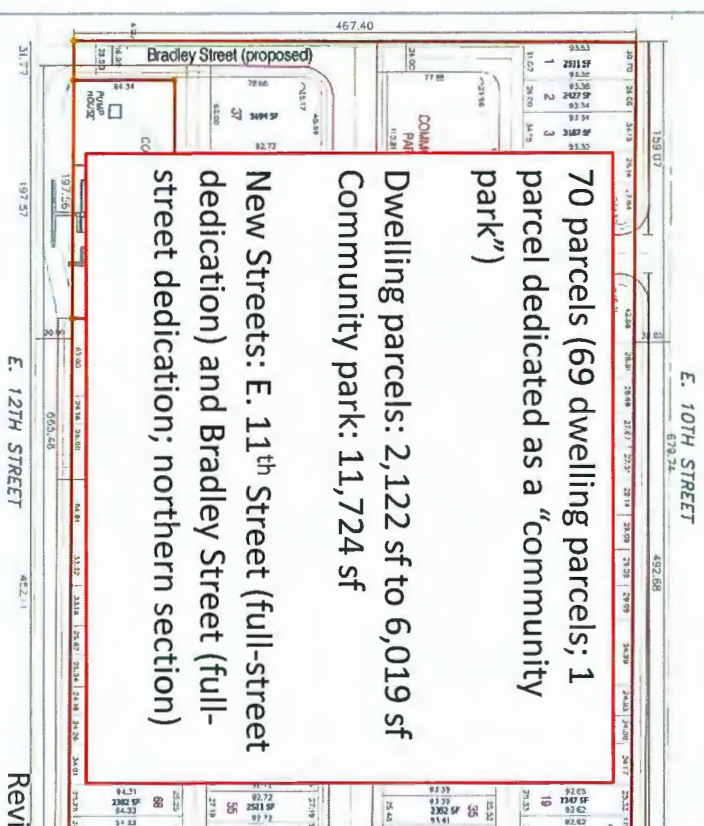
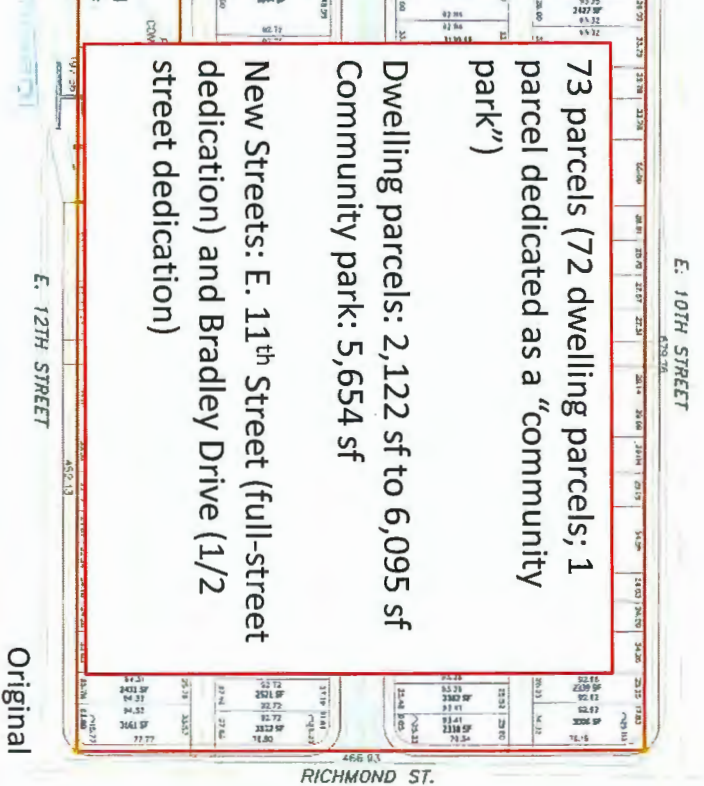
E. 11th Street (proposed)



E. 12TH STREET

Revised

## Site Plan Revisions



# Site Plan Revisions





# Appellants' Arguments

As stated by the Appellants' Attorney in the July 24, 2020 memo to City Council: "Until the following mandatory code criteria are adequately addressed through the public tentative plan review, the application must be denied." (TDMC criteria included in subsequent slides)

- Argument A
- Argument B
- Argument C
- Argument D
- Argument E
- Argument F
- Argument G



# Appellants' Arguments

- 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/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."*

- Argument B
- Argument C
- Argument D
- Argument E
- Argument F
- Argument G

# Appellants' Arguments

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- Argument A
- 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."*

- Argument C
- Argument D
- Argument E
- Argument F
- Argument G

# Appellants' Arguments

- Argument A
- Argument B
- 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, required along 10<sup>th</sup> or 12<sup>th</sup> connecting with downtown and the unsafe intersection of Thompson Street/E 10<sup>th</sup> Street, 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.”

- Argument D
- Argument E
- Argument F
- Argument G

# Appellants' Arguments

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- Argument A
- Argument B
- Argument C
- 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 meet.”

- Argument E
- Argument F
- Argument G

# Appellants' Arguments

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- Argument A
- Argument B
- Argument C
- Argument D
- Argument E

*"The applicant must provide tentative plans showing that the lot sizes and configurations are adequate to meet the maximum lot coverage standard (Section 10.05.020.060), with the proposed dwellings and ADUs, all required on parking spaces (Section 10.7.060.010), driveways (Sections 10.6.060.020 and 10.6.050.040), setbacks and landscap*

*(Section 10.6.010.030.B)."*

- Argument F
- Argument G

# Appellants' Arguments

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- Argument A
- Argument B
- Argument C
- Argument D
- Argument E
- Argument F

*"Section 10.8.020.010.A requires a Physical Constraints Permit for all development involving more than 50 cubic yard 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."*

- Argument G



# Appellants' Arguments

- Argument A
- Argument B
- Argument C
- Argument D
- Argument E
- Argument F
- 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 utility plan that showed locations of pipes, there were no calculations or demonstrations of overall system capacity in record, apart from verbal statements of City staff - statements that City staff has publically contradicted in a recent newspaper article."



# Commission Alternatives

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.

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.

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.

## The Dalles Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 10 LAND USE AND DEVELOPMENT](#)[Chapter 10.10 IMPROVEMENTS REQUIRED WITH DEVELOPMENT](#)**10.10.060 Street Requirements**

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**A. Traffic Impact Studies.**

1. Traffic Impact Studies (TIS) shall be required of all development proposals that meet one or more of the following:
  - a. Development of 16 or more dwelling units.
  - b. Any development proposal that is likely to generate more than 400 average daily motor trips.
  - c. Any development proposal that is within 500 feet of an intersection that is already at or below level of service "D."
2. Limited Traffic Impact Studies (LTIS).
  - a. Notwithstanding paragraph 1 above, the City may require an initial, limited traffic study for development proposals to determine the level of service at intersections within 500 feet of the proposed development.
  - b. If the limited traffic study finds the level of service to be at or below "D," the City may require a TIS.
3. The TIS shall be conducted in accordance with the following:
  - a. A proposal establishing the scope of the traffic study shall be submitted for review to the Director. The study requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Projects should assess all nearby key intersections.
  - b. Once the scope of the traffic study has been approved, the applicant shall present the results with an overall site development proposal. The study shall be sealed and signed by a licensed professional engineer specializing in traffic.
4. Approval Criteria.
  - a. Location of new arterial streets shall conform to the Transportation System Plan, and traffic signals should generally not be spaced closer than 1,500 feet for reasonable traffic progression.
  - b. The TIS demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City and, when state highway facilities are affected, to ODOT.
  - c. For affected non-highway facilities, the TIS establishes that level-of-service standards adopted by the City have been met.
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.
  - c. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to, and are roughly proportional to, the impact of the development.

- B. Pass-Through Traffic.** Local residential streets are intended to be designed to discourage pass-through traffic. (NOTE: For the purposes of this Chapter, "pass-through traffic" means the traffic traveling through an area that does

not have a local origination or destination.) To discourage pass-through traffic the following street designs shall be considered, as well as other designs intended to discourage traffic:

1. Straight segments of local streets should be kept to less than a quarter mile in length, and include design features such as curves and "T" intersections.
2. Local streets should typically intersect in "T" configurations rather than 4-way intersections to minimize conflicts and discourage through traffic.
3. Non-through streets should not exceed 440 feet nor serve more than 16 dwelling units.

C. Improved to Standards. Development sites shall be provided with access from a street improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development, or the improvements shall be constructed and paid for in accordance with the implementation policy for local improvements set forth in Resolution No. 07-007.
2. Half-street improvements, as opposed to full-width street improvements, are generally not acceptable. However, these may be approved by the approving authority where essential to the reasonable development of the property. A typical example of an allowed half-street improvement would be for a residential rear lot development option (see Section 10.9.020.030: Residential Rear Lot Development). Approval for half-street improvements may be allowed when other standards required for street improvements are met and when the approving authority finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-street is developed.
3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the approving authority may require off-site street improvements concurrent with development.

D. Orderly Development. To provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties shall always be installed with turn-around, unless waived by the Fire Marshal.
2. In order to assure the eventual continuation or completion of the street, reserve strips may be required in accordance with Section 10.9.040.060(D): Designation and Conveyance of Reserve Strips.
3. Drainage facilities, and erosion control measures as appropriate, shall be provided to properly manage stormwater run-off from temporary dead-ends.

E. Connectivity.

1. The street system of any proposed development shall be designed to coordinate with existing, proposed, and planned streets outside of the development as follows:
  - a. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to access abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turnaround unless specifically exempted by the City Engineer. The restoration and extension of the street shall be the responsibility on any future developer of the abutting land.
  - b. Residential streets shall connect with surrounding streets to permit the convenient movement of traffic between neighborhoods or facilitate emergency access or evacuation. Connections shall be designed to minimize pass through traffic on local streets. Appropriate design and traffic controls such as four-way stops, "T" intersections, roundabouts, and traffic calming measures are the preferred means of discouraging through traffic.
  - c. Arterial and collector streets shall meet at 4-way 90 degree intersections unless a different intersection design is specifically authorized by the City Engineer.

F. Street Names. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the

surrounding area and be subject to approval of the Director.

G. Alleys. Alleys are encouraged as functionally efficient for rear loading on all types of property, and may be required by the approving authority to:

1. Provide for continuation of existing alleys.
2. Provide for rear lot vehicle access to properties fronting on arterial and collector streets.

H. Unusual Situations. Where standards do not exist to address unusual situations, the approving authority may require as a condition of development the approval of special design standards recommended by the City Engineer.

I. Private Streets. Private streets, though discouraged in conjunction with land divisions, may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties.
2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowners' association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained.
3. Private streets are designed to the City standards contained in subsection J of this section.
4. Where a private street is installed in conjunction with a land division, construction standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.
5. In addition to the name of the street, all private street signs shall also contain the words "Private Street" in letters of the same size as the name of the street.

J. Location, Grades, Alignment and Widths. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely effected, and requests for exceptions are adequately justified and prepared and sealed by a licensed professional engineer. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in The Dalles Transportation Master Plan and/or provide for continuation of the existing street pattern or network in the surrounding area.
2. Grades shall not exceed 6% on arterial streets, 10% on collector streets, and 12% on local streets.
3. Centerline radii of curves shall not be less than 500 feet on arterial streets, 300 feet on collector streets, and 80 feet on local streets.
4. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
  - a. Alignment shall be as straight, and gradients as flat as practical. Substantial grade changes shall be avoided at intersections. Where conditions make the grade requirements in paragraphs b and c below cost prohibitive, the City Engineer may allow grades up to 6% with a corresponding adjustment in related design factors. Requests for such exceptions shall be accompanied by a justification prepared and sealed by a licensed professional engineer.
  - b. The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 2% in this area.
  - c. The intersection of a local street with another street shall have a minimum of 50 feet of straight (tangent) alignment perpendicular to the intersection. Maximum design grade is 3% in this area.
  - d. Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum angle of 60 degrees and a corner radius of 20 feet along the right-of-way lines of the acute angle.
  - e. Intersections with arterial streets and established truck routes shall have a minimum curb corner radius of 20 ft.

f. All other intersections shall have a minimum curb corner radius of 15 feet.

5. Street right-of-way and improvement shall conform to the widths and standards in Table 6-1 of the Transportation System Plan, or as modified in paragraph 6 below. Streets designated in the Transportation System Plan as local and located in residential zones shall meet development standards as established by City Council resolution. A copy of the latest resolution can be obtained from the Planning Department.

6. Modification of right-of-way standards.

a. When new right-of-way is created adjacent to existing right-of-way that does not match City standards, the City Engineer may modify the standard widths for safety purposes and to achieve the greatest consistency feasible. Primary goals are for safety of pedestrians and vehicles, connectivity, and smooth flow of traffic.

b. In lieu of right-of-way standards set out in paragraph 5 above, when development occurs on a lot adjacent to existing right-of-way that does not have a full range of public improvements, the City Engineer in conjunction with the Community Development Director may:

- i. Require the installation of public improvements as contained in paragraph 5 above; or
- ii. Require payment into the improvement fund for missing improvements; or
- iii. Allow a combination of paragraphs i and ii above; or
- iv. Allow an alternative street design that meets the needs for pedestrian and vehicular safety. In selecting an alternate design the City Engineer may consider existing improvements, improvements on adjacent properties, topography, current and future street usage, cost, and other relevant factors.

K. Transportation Improvements Permitted Outright. Except where otherwise specifically regulated by this Title, the following improvements are permitted outright:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects that are consistent with projects identified and planned for in the Transportation System Plan.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.
7. Construction of a street or road as part of an approved subdivision or land partition consistent with the applicable land division ordinance.

**The Dalles Residential Street Standards Matrix**

Residential Street Type	Volume (Average Daily Trips)	Speed (MPH)	Street Width (Feet)	Sidewalk/Planter Strip (Includes Curb)	ROW (Feet)
Alley		15	18 (no parking)	None	20-25
Lane (limited to 16 or fewer lots and/or 440 linear feet)	0-150	20	28 (8+12+8 non-striped)	11 feet each side	50
Neighborhood Street (requires traffic study)	150-500	25	32 (8+16+8 non-striped)	11 feet each side	54
Residential Street	500-1,000	25	36 (8+10+10+8 striped)	11 feet each side	58
Minor Collector (Residential)	1,000-3,000	25-30	38-40 (8+11/12+11/12+8 striped)	12.5 feet each side	64

Private Road			20 (no parking)	11 feet each side	42
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### The Dalles Arterial, Collector and Industrial/Commercial Street Standards Matrix

Street Type	Speed (MPH)	Bike Lanes	Street Width (Feet)	Sidewalk/Planter Strip	ROW (Feet)
Three Lane Arterial	25-35	Required (6+6)	50 (6+12+14+12+6 no parking) or 66 (8+6+12+14+12+6+8)	12-20 feet each side	90
One Way Arterial	25	Required (6)	46 (8+12+8+6+8)	10.5-15.5 feet each side	67-77
Major Collector	25-35	Required (6+6)	52 (8+6+12+12+6+8)	5.5-12 feet each side	63-76
Industrial Major Collector	25-35	Required (6+6)	40 (6+14+14+6 no parking)	10 feet each side (sidewalk may be one side only)	60
Minor Collector (and Commercial/Industrial Local)	25-30	None	38-40 (8+11/12+11/12+8)	10-11 feet each side	60

Note: All streets in this matrix will be striped.

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## The Dalles Municipal Code

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A. Sidewalks. Sidewalks shall typically be required along both sides of all arterial, collector, and local streets as follows. The approving authority may reduce the sidewalk requirement to one side of the street where significant topographic barriers exist (such as west Scenic Drive), or in other nonresidential areas where the developer can demonstrate that sidewalks are not necessary on both sides of the street.

1. Local. Sidewalks shall be a minimum of 5 feet wide, and may be separated from curbs by a planting area that provides at least five feet of separation.
2. Collectors. Sidewalks along collector streets shall be a minimum of 5 feet wide and may be required to be separated from curbs by a planting area a minimum of 5 feet wide between the sidewalk and curb.
3. Arterials. Sidewalks along arterial streets may be required to be separated from curbs by a planted area a minimum of 10 feet wide between the sidewalk and curb, and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 5 feet wide if separated from the street by a 10-foot planting area; otherwise the sidewalk shall be 10 feet wide.

B. Connectivity. Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this Chapter, “safe and convenient” 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.
2. To meet the intent of this subsection B, separated pedestrian rights-of-way connecting non-through streets or passing through unusually long or oddly shaped blocks shall be a minimum of 18 feet wide. When these connections are less than 220 feet long (measuring both the on-site and the off-site portions of the path) and they directly serve 10 or fewer on-site dwellings, the paved improvement shall be no less than 6 feet wide. Connections that are either longer than 220 feet or serve more than 10 on-site dwellings shall have a minimum 10-foot wide paving width, or wider as specified in Section 10.10.050(C): Pedestrian and Bicycle Facilities Widths.
3. Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian walkways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:
  - a. The on-site pedestrian circulation system shall connect the sidewalk on adjacent street(s) to the main entrance of the primary structure on the site to minimize out-of-direction pedestrian travel.
  - b. Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
  - c. Walkways shall be as direct as possible and avoid unnecessary meandering.
  - d. Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets and pedestrian facilities.
  - e. Walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).

C. Trail Linkages. Where a development site is traversed by or adjacent to a future trail linkage identified within The Dalles Transportation System Plan, Comprehensive Plan, or Riverfront Plan, improvement of the trail linkage



shall occur concurrent with development. Dedication of the trail to the public shall be provided in accordance with Section 10.10.110(C): Future Trail Linkages.

D. Pedestrian Network. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

E. Off-Site Improvements. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the approving authority may require off-site pedestrian facility improvements concurrent with development.

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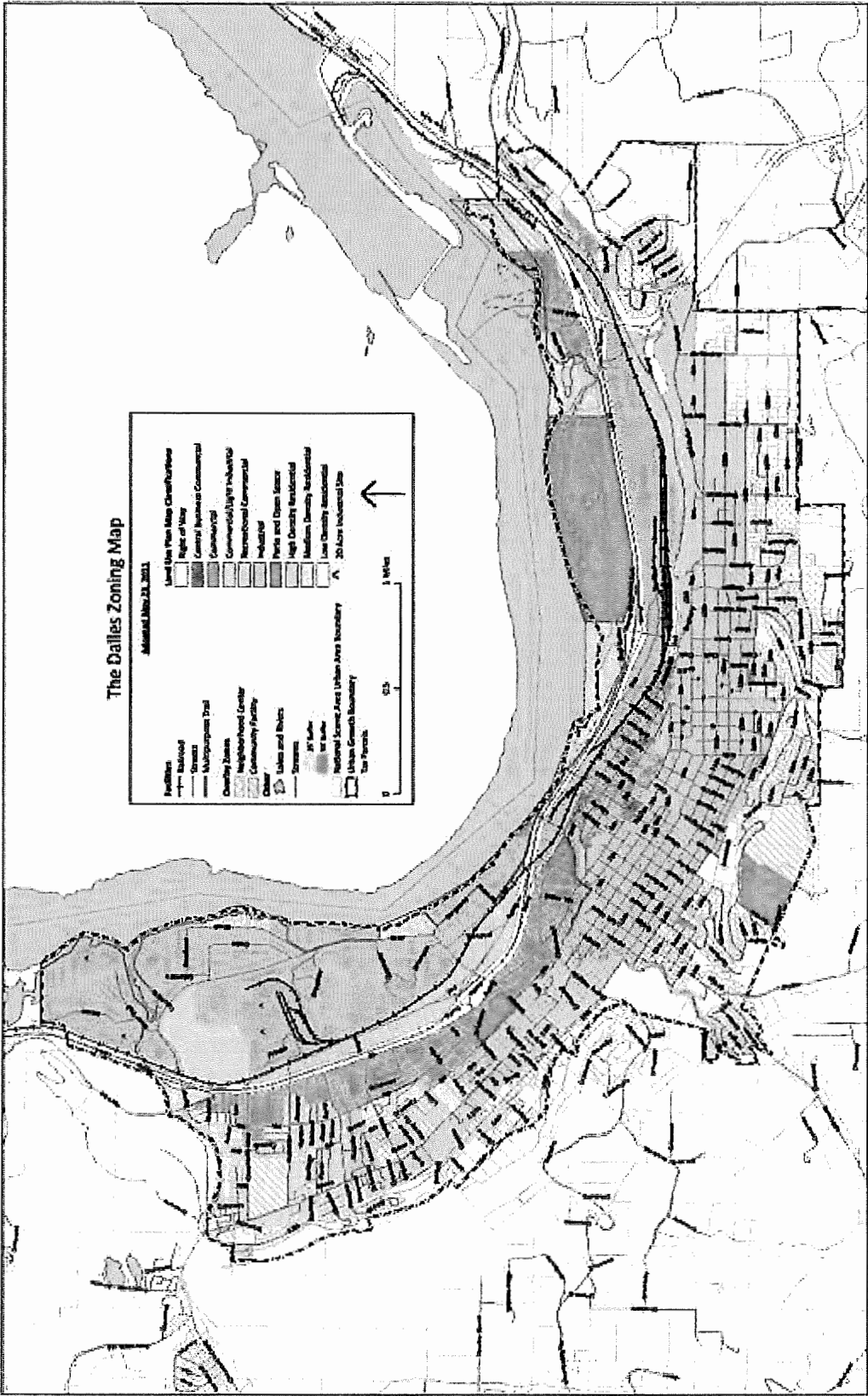
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[Title 10 LAND USE AND DEVELOPMENT](#)  
[Chapter 10.4 ZONING MAP](#)

**10.4.010 Zoning Map**

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Land within the urban growth boundary of the City of The Dalles is zoned according to The Dalles Zoning Map. Refer to Chapter 10.5 - Zone District Regulations for a description of the zone district design and development standards and requirements.



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