



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

MEMORANDUM

To: The Dalles City Council

From: Joshua Chandler, Associate Planner

Date: August 19, 2020

Re: Special City Council Meeting Agenda Packet, August 24, 2020

Please find the attached letter that was received by The Dalles City Council after the packet was distributed as supplemental information to the Special City Council Meeting Agenda Packet dated August 24, 2020. The document dated June 12, 2019, from Angie Brewer, AICP, Wasco County Planning Director to Steven Harris, AICP, City of The Dalles Community Development Director regarding an inquiry of a potential land division within the High Density Residential Zone (RH).

In April 2019, a potential buyer requested a code interpretation for the consideration of a development of real property known as Block 9 of Thompson's Addition to The Dalles, 1N 13E 1C Tax Lot 200. The Comprehensive Plan and Zoning District Designation for the subject property is High Density Residential. The proposal consisted of developing the parcel well below the minimum density requirements of the underlying zone, which was calculated to be 58 units by Staff.

Developing less than the current RH District (7 to 25 units/gross acre), would require an application to amend the Comprehensive Plan Land Use Designation and Zoning Classification. Such an application would require notice to the state Department of Land Conservation and Development (DLCD) and Wasco County. Preliminary discussions with the Wasco County Planning Department indicated that the Department would have strong opposition to rezoning the subject property to a lower residential density (the property is located within the unincorporated portion of the UGB).



PLANNING DEPARTMENT

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Pioneering pathways to prosperity.

June 12, 2019

Steven Harris, Director
City of The Dalles Community Development Department
313 Court Street
The Dalles, OR 97058
(Sent by email to: sharris@ci.the-dalles.or.us)

Subject: Code Interpretation for 1N 13E 1C Tax Lot 200

Dear Director Harris,

Thank you for providing notice of a requested code interpretation that would allow development in the Urban Growth Boundary (UGB) of The Dalles to occur at a lower density than required by the high density residential zone. Pursuant to the requirements of our Joint Management Agreement affecting UGB lands, I have prepared the following comments.

The primary function of UGB lands, according to state law, is to designate an area where a city expects to grow over a 20-year period. The presumption is that it will be developed at a scale appropriate to ensure it can accommodate 20 years of growth. This necessitates building at a scale that emphasizes density and infill in keeping with pre-determined and strategic zoning for those lands.

If the land supply in the UGB is prematurely exhausted through development at lower densities, there is typically a presumption that the boundaries can be readjusted. In the case of The Dalles, this is problematic. There are two main reasons a UGB expansion is significantly challenged and should not be presumed.

First, the orchard and dry land wheat farms that surround The Dalles are productive and significant to the local and regional economy; the 2017 US Census of Agriculture shows over 60 million dollars a year in sales from orchards for Wasco County. Most of these orchards are adjacent to The Dalles. This accounts for roughly 10% of statewide fruit and nut tree sales. To the east of The City, our dry land wheat crops saw 16 million dollars a year in sales; this makes up roughly 7% of total statewide wheat sales.

The productivity of these lands is, in part, due to this area's unique pocket of high value soils. Conversion of this land to residential or other urban uses will not result in the relocation of these agricultural operations; limitations on the soil capability and water resources in the county would make relocation impossible. The loss of those farms results in significant

economic and job losses, not only from the operation but from the many other businesses that support or rely on orchard operations.

Expansion may also have serious implications for impacted natural, cultural and scenic resources. Agricultural uses help preserve the scenic beauty of the region by keeping development intensity low and safeguarding wildlife habitat. This, in turn, supports tourism and recreation. Urbanizing these lands has serious implications to ecosystems and the economy.

Second, The Dalles' boundary is further complicated by the National Scenic Area Act. Modifications, at a minimum, are subject to federal approval. There is significant risk of appeal for boundary expansions of any size, and past litigation of National Scenic Area issues have proven traditionally lengthy timelines.

While they are not insurmountable obstacles, these constraints should offer strong support for maintaining development at a density that will not prematurely exhaust the residential land supply or otherwise expedite the need for UGB expansion.

Beyond the problems of process and impact, a UGB expansion also is beholden to state mandated regulation. The Land Conservation and Development Commission has made it clear in the past, including the City of Bend's 2010 denial, that in order to be successful with UGB expansions, cities need to demonstrate they have diligently pursued density and infill as the first strategy for development. The Oregon Revised Statutes 197.296 state the need of local governments to ensure "residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary." The analysis required for approval of an UGB expansion application includes proof that development has occurred at densities appropriate to preserve the existing land supply.

The site in question is one of the few areas within the UGB that does not have topographical constraints and is zoned for high density residential. The City has taken substantial efforts to ensure greater efficiency of land use, including increasing residential densities, as indicated by The City of The Dalles Comprehensive Plan. Reducing required densities would undermine these efforts. The County Planning Department finds that approval of development to occur at a density lower than required by the zone in an area intended to be preserved for future growth violates the spirit and intent of state law. **As such, this would significantly undermine any future application to expand The City of The Dalles Urban Growth Boundary.**

Furthermore, in our extensive outreach to modify the Wasco County Comprehensive Plan over the last several years we have heard directly and clearly from property owners surrounding The Dalles that a UGB expansion would cause irreparable damage to our agricultural lands and operations. As the foundation of our local and regional economy, productive agricultural lands are safeguarded from encroachment of urban uses. Property owners have voiced strong desire to see housing needs met in urban areas of Wasco County, and for higher densities to answer problems of rent burden, housing demand, and ageing populations.

Based on federal and state law, local conditions, and the likelihood of adverse impacts that would be of detriment to our economy, Wasco County supports the City's denial of the request to develop high density residential lands at low density residential levels.

Sincerely,



Angie Brewer, AICP
Planning Director

Cc: Tyler Stone, Wasco County Administrative Officer (tylers@co.wasco.or.us)
Steve Kramer, Chair of the Wasco County Board of Commissioners (stevek@co.wasco.or.us)
Dr. Kelly Howsley-Glover, Long Range Planner for Wasco County (kellyg@co.wasco.or.us)

From: [Pamela Smith](#)
To: [Izetta F. Grossman](#)
Subject: The Grove development 10th/Richmond
Date: Thursday, August 20, 2020 12:22:31 PM

I am 100% AGAINST this development as it is currently proposed.

Being a recent transplant from the Bay Area aka Silicon Valley in California, who has been personally effected from these exact same building tactics with City Council approval, my direct experiences which will also apply to this situation are as follows:

— no infrastructure improvements at all. Current conditions are:
no sidewalks for safe walking
current drainage ditches fill up with snow or water which force all walkers including school children to walk IN the narrow roads
multiple school stops mean children waiting for or being dropped off by buses are waiting and/or walking in narrow roads multiple times a day

This new development will dangerously increase traffic on narrow roads
cars going to work and returning in the evening
cars going on local narrow roads throughout the day
more children exposed to dangerous increase of traffic on narrow roads
limited parking within the development with very limited street parking
Cars parked on narrow roads, with limited Parking options, will further force walkers further into street, and with limited visibility around vehicles

The intersection of 10th, Thompson and Old Dufur Road is already a huge challenge because of limited visibility and speeding traffic. Add another 150+ vehicles into the traffic mix and not only will the rate of accidents increase, the chances of the City being sued increases as well.

Will there be additional police patrolling these additional houses?

Will there be speed bumps installed on the surrounding roads to help slow traffic?

The hill at the top of 10th has severe sight limitations. I have personally had to jump off the road as a vehicle has come blasting over the top. What is safety plan for that situation?

High density housing in this location will be a nightmare for the current neighborhood as well as the City. The crowded conditions with additional children, will negatively impact local schools, increase traffic accidents, add police incidents to respond to, and make our lovely neighborhood look junky because of vehicles parked on the street where there is no room.

At the minimum rescind the high density approval and edit the area for a NON high density community.

Pam Smith

Sent from Pam's iPad

August 17, 2020

Mayor Richard Mays
Councilor Rod Runyon
Councilor Timothy McGlothlin
Councilor Darcy Long-Curtiss
Councilor Scott Randall
Councilor Linda Miller

Re: Public Hearing for Appeal #031-20 – The Grove Subdivision

Dear Mayor Mays and Councilors:

I am writing to encourage the City Council members to vote to deny Appeal #031-20 for the Grove Subdivision, following the public hearing which is scheduled for August 24, 2020. I believe the staff report prepared by Associate Planner Joshua Chandler, and City Attorney Christopher Crean, concisely and clearly sets forth the reasons why the application for Subdivision No. 74-19 submitted by Legacy Development Group complies with the applicable standards of the City's Land Use and Development Code, and why the appeal should be denied.

The following is a summary of what I believe are the significant factors which I believe support a decision to deny the appeal:

1. Alleged non-compliance with the City's Transportation System Plan. The memorandum dated June 17, 2020 by H. Lee & Associates, (**pages 115-118 – Council agenda packet**) who were retained by the appellants to review the traffic impact study conducted by DKS, challenges the credibility of the DKS study based upon non-compliance with certain provisions in the City's Transportation System Plan (TSP). The memorandum asserts the DKS study failed to address congestion issues mentioned in the TSP at four identified intersections located to the east of the site of the proposed subdivision. The memorandum also discusses the significant increase in households per acre proposed by the subdivision, when compared to the growth assumptions for change in households per acre shown in the TSP. As counsel for the applicant noted in their letter dated August 7, 2020, (**page 51 – Council agenda packet**) the provisions of the City's TSP are not approval criteria for the proposed subdivision and should not be used as a ground for upholding the appeal.
2. Failure to address off-site traffic safety issues. Page 4 of the Council agenda staff report notes the appellants assert the subdivision application should be denied "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.” The staff report notes the appellants do not specify exactly what public improvements should be required to address the traffic safety issues which they have raised.

The staff report prepared for the initial hearing of the appeal before the Planning Commission (**page 95 – Council agenda packet**) notes that if it was the intent of the appellants that sidewalk improvements be extended from the site of the proposed subdivision to Thompson Street, this area would cover 2,800 feet from the proposed Bradley Street, which would be equivalent to 75% of the total new street frontage required by the development. The staff report noted the significant gap in pedestrian connectivity resulting from the absence of sidewalks was primarily due to the passage of House Bill 3479 in 2013, which effectively prevented the City from requiring such public improvements for minor partitions or subsequent applications for single family residences in furtherance of such partitions. As noted on page 5 of the Council agenda staff report, the need for these public improvements existed before the application for Subdivision No. 74-19 was submitted, and the evidence in the record does not support a conclusion that the need for off-site sidewalks was “primarily driven” by the application. (**page 5 – Council agenda packet**)

The appellants also asserted City staff and the applicant failed to undertake a “proportionality analysis” concerning the impacts of the proposed subdivision and any conditions that might be imposed to address the alleged unsafe traffic safety issues, and that a “lack of proportionality” between the impacts and conditions could not be used as a basis for approving an “unsafe development”. As counsel for the applicant noted in their letter of August 7, 2020 (**page 52 - Council agenda packet**), the Planning Commission’s written decision did not rely upon the holding in the *Dolan* case as a basis for their approval of the proposed subdivision, and therefore there was no need for a detailed proportionality analysis under the *Dolan* decision.

Even if the City Council were to determine that the application should be required to install sidewalks and other public improvements for the entire length of the area between the proposed Bradley Street to Thompson Street, it is probable that such a requirement could not satisfy the requirement of the *Dolan* case that the requirement to install such public improvements be “roughly proportional” to the impacts caused by the proposed subdivision. The staff report prepared for the Planning Commission appeal (**page 95 - Council agenda packet**) noted that requiring the applicant to install such sidewalks would require surveying and engineering of the entire stretch of public right-of-way; removal of right-of-way obstructions; addressing storm water flow issues; additional paving; and installation of retaining walls. The costs of this work seem excessive when compared to the impact of 85

vehicle trips expected to be generated by the proposed subdivision and would not appear to be “roughly proportional” to the impacts of the proposed subdivision.

3. Adequate capacity of public utilities. The appellants asserted the applicant had not met its burden of proving there was sufficient public infrastructure to support the proposed development. The memorandum dated August 7, 2020 from City Engineer Dale McCabe to Associate Planner Joshua Chandler (**pages 43-44 - Council agenda packet**) sets forth a detailed explanation as to why the City’s utility systems have adequate capacities to serve the proposed subdivision.
4. Inadequate public hearing procedures. The appellants repeatedly cited instances where the City was purportedly deferring decisions related to certain land use code requirements to a subsequent ministerial process, which would not provide an opportunity for public review and comment regarding compliance with the code requirements. This argument essentially ignores the two-step process involved with review of applications for subdivisions set forth in the City’s land use code, which ensures that all the applicable standards are applied and reviewed at the proper stage of the development. As an example, the appellant’s claim that the City was required to review and approve an application for a physical constraints permit at this stage of the process for review of the subdivision application, ignored the provision of the land use code that such a review would occur for the application only if the applicant had requested a contemporaneous review of a physical constraints permit in conjunction with the application for the subdivision.
5. Requirement for safety improvements for unsafe roads. Counsel for the applicant noted the appellants claimed that Section 10.6.050.040(B) of the City’s land use code required that off-site roads, which were substandard and unsafe due to grades and narrow roadways and documented excessive crash rates at intersections, be made safe (**page 54 - Council agenda packet**). As the applicant’s counsel noted, this section is silent on mandatory improvements for off-site roads. This provision applies to vertical and horizontal curves. Consistent with the provision, the applicant’s traffic engineer and the City Engineer recommended the intersection of Bradley Street and East 10th Street be moved to the east to improve the sight distance near a vertical curve.
6. Consistency with Housing and Residential Land Needs Assessment. Finding #7 of the staff report prepared for the Planning Commission appeal (**page 77 - Council agenda packet**) noted the applicant submitted a proposed “neighborhood layout” for the development, which featured 11 single family detached dwellings with both attached and detached accessory dwelling units (ADUs), 7 single family attached units (townhouses, 3 units), and 20 single family attached (zero lot line) structures. These type of proposed units are consistent with the type of needed housing units, including the following which were listed as needed unit types in the Housing and Residential Land Needs Assessment prepared for the City in March 2017:

- 63% of the new units are projected to be single family detached homes, while 27% is projected to be some form of attached housing, and 10% are projected to be mobile homes.
- Single family attached units (townhomes on individual lots) are projected to meet 3% of future need. These are defined as units on separate tax lots, attached by a wall but separately metered, the most common being townhome units.

Regards,



Gene E. Parker
2445 East 15th
The Dalles, OR 97058

From: [Patti Richardson](#)
To: [Izetta F. Grossman](#)
Subject: The Grove Meeting Aug 24, 2020
Date: Monday, August 17, 2020 5:57:47 PM

Hello Councilman of The Dalles,

I have been a resident of The Dalles for only 6 years. We moved from Parkdale to be closer to our daughter.

We had a hard time finding a home as we like the country. Love the rural area is what caught our attention. And a quieter area.

I understand the lot at end of road is bought to build all these units. To fix the rental problem in The Dalles but will add so many safety and costly issues that are not being discussed or who will pay for the accommodations.

This is a quiet area going out of town with country roads, unfinished roads with no sidewalks, lined roads, blind hill for zero safety for children. People already go way over speed limit either direction. The road where Richmond and Old Dufur Rd connect is not a safe intersection as either Thompson, 10th and Dufur meet. They are stating 270 to 400 more trips daily on this road. Wow. Thinking of this alone gives me a headache. The accidents will happen and hurt people, and possible deaths. But that is okay, you got your rentals.

So there will be need to upgrade all of this? And sidewalks will be cutting a lot of yards where sidewalks will be at our front doors, taking our front yards, and make the property owners pay out as I was informed.

Cramming all in small area, where are these people going to park? And the problems of putting 80 units together \times 4 per family is 320 people is not going to be enjoyable. No parks or places for children to play. But you got your rentals.

The safe neighborhood will no longer be comfortable and feel safe anymore. On E 10th to Old Dufur Rd there is approximately 40 to 50 people living on the road, just a guess, and throwing 320 to 400plus at end of the road. There are so many open areas in The Dalles to accommodate the housing you want. And have the outlets safer and easier for the units. Or is this just to make Curtis Homes and The Dalles stating we built for the community?

Maybe 10 units would be good. Not against building units, but be realistic about how living will be.

We are also on a fault and things have shifted. What strain will that put on this cliff?

I feel for the property owners across from this property that have animals, living the country way and a builder from somewhere else to come and destroy their way of living. But builder got his money in his pockets and leaves. Now we have to figure out of the issues it brings. Not his problem, but ours.

I tried to look at this is in a positive sense, but too many negatives over power building so

many units. Please!

And look at the schools. Will they be able to fulfill the commodities. The grocery store is 3 miles away one direction.

I could go on, but you must understand the situation. I hope you care about the wellbeing of the residents of The Dalles! Thank you for your time. Please help us?

Patti Richardson
2437 E 10th St
The Dalles, OR

[Sent from Yahoo Mail on Android](#)