



## **CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

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(541) 296-5481 ext. 1125  
PLANNING DEPARTMENT

# MEMORANDUM

To: The Dalles City Council

From: Joshua Chandler, Associate Planner

Date: August 13, 2020

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

Please find attached additional comments received after the packet was distributed, and the Planning Commission meeting minutes as supplemental information to the Special City Council Meeting Agenda Packet dated August 24, 2020. A list of the included meetings are below:

- May 21, 2020
- June 18, 2020
- July 2, 2020
- July 16, 2020



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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

# MINUTES

## CITY OF THE DALLES PLANNING COMMISSION

MEETING HELD VIA ZOOM  
THURSDAY, MAY 21, 2020  
6:00 P.M.

### CALL TO ORDER

Chair Bybee called the meeting to order at 6:03 p.m.

### ROLL CALL

Commissioners Present: Brent Bybee, Cody Cornett (joined meeting at 6:05 p.m.), Bruce Lavier, Mark Poppoff and Jeff Stiles

Commissioners Absent:

Staff Present: Director Steve Harris, City Attorney Diana McDougale, Co-Counsel Kristen Campbell, Senior Planner Dawn Marie Hert, City Engineer Dale McCabe, Planner Joshua Chandler, City Clerk Izetta Grossman and Secretary Paula Webb

### APPROVAL OF AGENDA

It was moved by Stiles and seconded by Lavier to approve the agenda as written. The motion passed 5/0; Bybee, Cornett, Lavier, Poppoff and Stiles in favor, none opposed, two positions vacant.

### PUBLIC COMMENT

None.

### QUASI-JUDICIAL HEARING

Appeal 030-20 of SUB 74-19, Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, and Damon Hulit

Chair Bybee read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest or bias which would prevent an impartial decision.

Bybee stated he is an Associate Planner with the Wasco County Planning Department. He has had no involvement on the county level with this application.

Commissioner Cornett stated he is a licensed realtor in the state of Oregon. Earlier in the year Cornett spoke with Cameron Curtis about the project; he has no connection with property sales.

City Attorney McDougle had no objections to their participation.

Chair Bybee opened the public hearing at 6:14 p.m.

City Attorney McDougle assured the appellants and public that staff did not object to public testimony at this meeting. She stated staff requested a continuance of the public hearing to allow staff to compile additional evidence relevant to this hearing. Additional time was needed to review the traffic impact study.

Commission consensus was to receive public testimony at this meeting and continue the hearing to June 18, 2020.

Planner Chandler provided an overview of the project and zoning history.

Chair Bybee invited testimony.

Steve Morasch, Landerholm Law Firm, 805 Broadway Street, Suite 1000, Vancouver, Washington

Mr. Morasch stated he is the attorney representing the appellants. He will present at the next meeting after review of additional materials submitted.

Steve Murray, 2645 E. 11<sup>th</sup> Street, The Dalles

Mr. Murray stated his primary concern was traffic. He felt the information provided fell short of a thorough traffic study which should have been conducted over a longer period of time at differing times of day.

Karen Murray, 2645 E. 11<sup>th</sup> Street, The Dalles

Mrs. Murray stated this meeting limits people who may be uncomfortable with this format. She said a physical meeting was necessary to allow people to comment and ask questions. None of the neighbors she spoke with are in favor; this is very traumatic for the neighborhood. She felt other areas would be better suited to high density.

Chair Bybee stated this meeting format was the only way available for staff to conduct meetings within statutory deadlines. Phone numbers were provided to allow comment from people not connected to the digital world.

McDougle shared her understanding of the frustrations involved. The Governor's "Keep Oregon Working" executive order requires municipalities to hold remote meetings as long as the "Stay Home, Save Lives" order is in effect. Currently, "Stay Home, Save Lives" is in effect until July 6. The City is required to comply with the Governor's orders as well as statutory requirements. The meeting cannot be postponed until such time as a physical meeting can take place.

Rena Mauldin, 2732 E. 12<sup>th</sup> Street, The Dalles

Ms. Mauldin was concerned with the speed and volume of traffic now present on E. 12<sup>th</sup> Street. Sixty-nine 69 new homes would significantly increase traffic; a more thorough traffic study was needed. She was thrilled with the inclusion of two lots for park space.

Gary Gingrich, 2835 E. 10<sup>th</sup> Street, The Dalles

Mr. Gingrich stated he appreciated the professionalism of all parties in this situation. His perception was that everyone was trying to do their job properly and professionally.

Gingrich stated COVID had changed everything for everyone, and anticipated it would change community planning going forward. Population density is the issue. We are a small community imposing a population density ruling designed state-wide and probably on a national level. We are on the cusp of population density sounding a lot different than it did a year ago, before what

happened in New York. There is a public awareness, and a public move, to seek areas to live with less density, to work remotely. Gingrich said he wondered if this might be a good time to reconsider, at this point when things are undecided and unclear, whether we want to move toward imposing a permanent but previous solution on this property.

Joseette Schultens, 2637 E. 10<sup>th</sup> Street, The Dalles

Mrs. Schultens stated she has watched traffic increase over the past 36 years. Schultens agreed with Mr. Gingrich's statements, and shared her concerns about a blind hill where visibility is poor. She said staff should personally visit the site prior to approval. Schultens had heard that only some of the units would be for sale and wondered about the long range plan. She did not see the area as a place for high density housing.

Commissioners Stiles, Cornett, Poppoff and Lavier stated they have visited or are familiar with the property.

Mrs. Murray asked the Commission if they had read the comments. The Commissioners replied they had read the comments.

It was moved by Stiles to hold the record open and continue the public hearing until June 18, 2020. No vote was taken.

Commissioner Cornett requested parameters of the traffic study.

City Engineer McCabe said the guidelines and requirements for a traffic study are included in the City policy distributed to all developers and traffic engineers. The guidelines and requested information in the ITE Manual is established by the Institute of Traffic Engineers. The traffic study is usually held during the am peak period and pm peak period; generally the pm peak period has the highest volume of traffic. The ITE manual is used with data collected in the study to extrapolate the traffic generated by development. Results of the study are reviewed by the City and developer.

It was moved by Stiles and seconded by Lavier to hold the record open and continue the public hearing on June 18, 2020. The motion passed 5/0; Bybee, Cornett, Lavier, Poppoff and Stiles in favor, none opposed, two positions vacant.

## **RESOLUTIONS**

Resolution 590-20: Approval of ADJ 050-19, Michael and Christine Irish

It was moved by Lavier and seconded by Poppoff to approve Resolution 590-20, approval of Adjustment 050-19. The motion passed 5/0; Bybee, Cornett, Lavier, Poppoff and Stiles in favor, none opposed, two positions vacant.

Resolution 592-20: Denial of MIP 371-20, Daniel Sanchez

It was moved by Lavier and seconded by Cornett to approve Resolution 592-20, denial of Minor Partition 371-20. The motion passed 5/0; Bybee, Cornett, Lavier, Poppoff and Stiles in favor, none opposed, two positions vacant.

Resolution 593-20: Decision of APL 030-20, Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, and Damon Hult

This resolution was postponed.

### **STAFF COMMENTS**

Director Harris stated there were no public hearings scheduled for the June 4, 2020 meeting. Staff recommended cancellation of the meeting.

Commission consensus was to cancel the June 4, 2020 meeting.

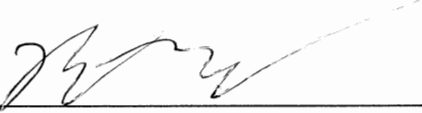
### **COMMISSIONER COMMENTS OR QUESTIONS**

None.

### **ADJOURNMENT**

Chair Bybee adjourned the meeting at 7:09 p.m.

Respectfully Submitted  
Paula Webb, Secretary  
Community Development Department

A handwritten signature in black ink, appearing to read 'Brent Bybee', is written over a horizontal line.

Brent Bybee, Chair



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COMMUNITY DEVELOPMENT DEPARTMENT

# **MINUTES**

## **CITY OF THE DALLES PLANNING COMMISSION**

MEETING HELD VIA ZOOM  
**THURSDAY, JUNE 18, 2020**  
**6:00 P.M.**

### **CALL TO ORDER**

Chair Bybee called the meeting to order at 6:03 p.m.

### **ROLL CALL**

Commissioners Present: Brent Bybee, Cody Cornett, Bruce Lavier, Mark Poppoff, Philip Mascher and Jeff Stiles

Commissioners Absent:

Staff Present: Director Steve Harris, City Attorney Diana McDougale, City Attorney Kristen Campbell, Senior Planner Dawn Marie Hert, City Engineer Dale McCabe, Planner Joshua Chandler, and Secretary Paula Webb

### **APPROVAL OF AGENDA**

It was moved by Cornett and seconded by Stiles to approve the agenda as written. The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

### **APPROVAL OF MINUTES**

It was moved by Lavier and seconded by Cornett to approve the Minutes of May 21, 2020 as written. The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

### **PUBLIC COMMENT**

None.

### **QUASI-JUDICIAL HEARING**

Appeal 030-20 of SUB 74-19, Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, and Damon Hulit

Chair Bybee read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest or bias which would prevent an impartial decision.

Commissioner Mascher stated he may choose to abstain due to unfamiliarity with the application. He said he is a real estate professional. Although there is potential for future conflict of interest, there is none at this time.

City Attorney McDougle had no objection to his participation.

Chair Bybee opened the public hearing at 6:14 p.m.

Planner Chandler presented the staff report.

Chair Bybee invited testimony.

Steve Morasch, Landerholm Law Firm, 805 Broadway Street, Suite 1000, Vancouver, Washington

Mr. Morasch stated there was neighborhood concern, particularly with respect to density. Although the Code allows for density, his concern was that other criteria in the Code was not met.

Oregon has a long history of land use planning dating back to Senate Bill 100. The first of the statewide planning goals to be adopted was citizen involvement. For subdivisions, there is a two stage process. Citizens would be involved in the first stage. The final stage includes engineering; citizens are not allowed in that stage. Their concern was things that should have been reviewed in the preliminary stage have been punted to the commissions.

The appellants concerns included:

- Citizen involvement
- Engineering reports were not received
- Building plans did not include measurements, driveways, or proof the buildings would meet the 60% maximum coverage
- No evidence that sidewalks or curb ramps at intersections will meet ADA requirements
- Appropriate to require developer to pay for off-site improvements
- Appellant's traffic engineer found significant safety problems
  - TSP [Traffic Impact Study] was flawed
  - four intersections had deficiencies, one with bicycle safety issues
  - four intersections were not addressed in the study, particularly the intersection of Fremont Street and Highway 197

Commissioner Stiles stated the number of houses per acre were revised to five per acre. The TSP study said with 80 housing units that is 11.56 housing units per acre. The current regulation said five housing units per acre would be advised. Morasch replied Figure 4.1 of the TSP anticipates zero to one additional households per acre in this area.

In response to Commissioner Cornett's question, Morasch replied the City should fully address other intersections, bicycle safety and sidewalk safety heading west.

Cornett then stated there is additional land in the area available for development. He asked where you delineate traffic study improvements and requirements imposed on this applicant, as opposed to other future applicants.

Morasch replied if the applicant looked at this development in more detail, specifically the sidewalks, analysis would determine where the developer should include sidewalks.

Commissioner Mascher asked if they are in support of this development and want to ensure requirements are met, or against the development in general with the ultimate goal to have the development denied.

Morasch replied his client's concern was not with development, but with the high density of the application. The clients want to ensure the developer meets all requirements before allowing this density.

Steve and Karen Murray, 2645 E. 11<sup>th</sup> Street, The Dalles

Mr. Murray asked where storm water drainage would go, and who would pay for the system.

City Engineer McCabe replied a storm water system is in place at the intersection of Old Dufur Road and Fremont Street. That system would be extended up Richmond Street to the storm water system in the development. The developer would pay the cost of the extension.

Cody Sallee, 3019 Fremont Street, The Dalles

Sallee asked if the sewer main running through the easement on his property would be affected by this development. McCabe replied there is a sanitary sewer located at Old Dufur Road and Fremont Street. That system extends up near the intersection of E. 10<sup>th</sup> Street and Richmond Street, and would be connected to the sanitary sewer system in the development. Mr. Sallee's property will not be affected.

Gary Gingrich, 2835 E. 10<sup>th</sup> Street, The Dalles

Gingrich stated one street at the intersection of E. 10<sup>th</sup> Street, Thompson Street, and Old Dufur Road is consistently left out of the traffic study. "Any addition of traffic on that is going to cost somebody physically." Please pay attention to that.

In response to Commissioner Mascher's inquiry, Gingrich replied as an appellant, it would have been nice to have cherry orchards forever. The sole purpose of the appeal is to enhance the quality of this neighborhood. We are concerned about safety.

Chair Bybee invited rebuttal from staff.

City Attorney McDougale referred to Mr. Morasch's comment about the two step process and citizen involvement. She stated the question for the Commission is whether or not the petitioners are being afforded the opportunity to be heard on the issues they are entitled to be heard on, and whether there is substantial evidence in the record to support those issues. If the Commission were to find there is substantial evidence in the record to evidence the conditions of approval can be complied with, the public then has been afforded the opportunity to be heard. This is a clarification of the two step process.

Commissioner Poppoff stated pollution from storm water disposal is a concern; he would like to require disposal on site. He would like to see bike lanes rather than sidewalks; bike lanes would be more useful.

Chair Bybee closed the public hearing at 7:13 p.m.

Commissioner Mascher requested the Appellant restate what they want to see done to fulfill the requirements.

Commissioner Lavier replied the public portion of the meeting had closed; the Commission could not request further testimony from the applicants.

Chair Bybee stated Commissioner Mascher could abstain from the vote if he was uncomfortable making a decision.

Commissioner Stiles shared his concerns with 60% maximum coverage for rain water, safety, and bike lanes. He would use sidewalks on steep streets rather than bike lanes. The ambience of The Dalles is unlike Portland; he does not want The Dalles to become like Portland due to state requirements.



Commission consensus was to reopen the public hearing to hear testimony from Lacy Brown of DKS Associates, the traffic consultant firm that prepared the traffic study.

It was moved by Mascher and seconded by Cornett to reopen the public hearing. The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

Chair Bybee reopened the public hearing at 7:25 p.m.

Lacy Brown, DKS Associates, 117 Commercial St. SE, Suite 310, Salem, Oregon

Brown stated the intersection of Fremont Street and Highway 197 was not evaluated properly. Nothing about the intersection presents as urban other than its location inside the City limits. When compared with the rural crash rate the intersection does not exceed the critical crash rate. This intersection did not meet the requirements in ODOT's development review guidelines to warrant study based on traffic volume that would be generated by the development.

The TSP contains several projects recommended for consideration. Currently, there is no way to assign a metric of safety impacts that can be converted to a proportionate share.

Commissioner Stiles directed attention to growth assumptions in the TSP. Brown replied she did not know why the TSP evaluated that type of density for this parcel. The development proposed is consistent with the zoning. She did not think the TSP assumptions in this analysis had any bearing.

Brown noted there are deficiencies for both safety and operations across the City. In coordination with City staff and ODOT guidelines, intersections are identified for analysis when the amount of traffic generated added to the deficiency warrants further study. The traffic volume alone does not necessitate further study.

Gary Gingrich, 2835 E. 10<sup>th</sup> Street, The Dalles

Gingrich stated Ms. Brown's logic seemed quite circular. Because there are deficiencies at multiple other locations in the city, it's okay to put a high density group of homes upstream from these deficient intersections? Why should we compound the problem?

Brown replied her intent was not to imply because there are other issues they did not look at nearby intersections. The volume of traffic that may be added to the location, combined with the issue that may exist, does not necessarily warrant further evaluation.

Gingrich then asked if the study included all three streets at the intersection of Old Dufur Road, E. 10<sup>th</sup> and Thompson Streets, and if traffic headed to MCMC from Old Dufur Road to Thompson Street was included.

Brown replied all legs of that intersection were evaluated; the name was simplified in the report. The safety performance was reviewed; there have been no reported crashes in the five years of recently recorded data. There is no historic data to show a safety risk at that intersection.

Gingrich invited the Commissioners to drive the intersection and assess whether or not more traffic should be added.

Steve and Karen Murray, 2645 E. 11<sup>th</sup> Street, The Dalles

Mrs. Murray asked what a reasonable number of cars would be for the development of 69 dwelling units.

Planner Chandler replied he could not speak to the number of cars. The information provided by DKS was the amount of trips at peak hour. There would be 69 dwelling parcels, some may have an additional ADU.

Mr. Murray said the original study was done between 4:00 p.m. and 6:00 p.m. The Dalles has significantly more traffic between 3:00 and 4:30 p.m. for school release and shift change at MCMC.

Chandler replied peak hour was determined by ITE's trip generation manual. It states single family homes typically have an increase of 30% in p.m. peak hours.

Mr. Murray said this traffic ignores the reality of local roads being studied. Chandler replied we do not have a trip generation manual specifically for The Dalles.

Mr. Murray did not feel there was a thorough traffic study.

City Engineer McCabe explained a new development requires a traffic study. The City of The Dalles Policy for Traffic Impact Analysis is provided to developers. The policy states the peak afternoon hours of 4:00 to 6:00 p.m. Staff determines intersections to be analyzed:

- E. 12<sup>th</sup> Street and Thompson Street
- E. 10<sup>th</sup> Street, Thompson Street and Old Dufur Road
- Richmond Street and Old Dufur Road
- Fremont Street, Highway 197 and Columbia View Drive

Brown added a sensitivity analysis was performed. A traffic increase of 160% was evaluated; the intersection still operated within City standards.

Mr. Murray said if the sensitivity analysis was performed during cherry harvest, an increase of 160% would overload the intersections.

Brown replied a typical day with typical traffic is analyzed using video cameras. Standard practices for traffic engineers are followed.

Eddie Harris, 2820 E. 10<sup>th</sup> Street, The Dalles

Harris said he witnessed a lot of pedestrian traffic; the area is hazardous when children are about.

In response to the engineering issues, Morasch replied the intersection of Fremont Street and Highway 197 does not meet the adopted TSP standard for critical crash rate. He felt the queuing analysis was not sufficient.

Cameron Curtis, 945 Roberts Drive, Hood River

Curtis stated he is the owner of Curtis Homes and President of Legacy Development. He requested clarification on the application process. Is it common at this point to provide fully engineered plans, or, as they have done, submit preliminary plans, get approval with conditions of approval, then follow the conditions of approval to obtain the development and get a final plat?

Chandler replied preliminary plans are sufficient. Engineered plans are not required in the beginning so the developer will not incur costs for engineering, surveying and public improvements prior to the approval of an application.

Senior Planner Hert clarified this is a two part process. The preliminary plat approval provides the applicant an opportunity to determine the viability of a project prior to the applicant's expenditures for studies and design work. If the developer cannot meet the conditions of approval, the subdivision will not be finalized. The final plat must be signed by the Planning Commission Chair, Mayor, and CDD Director, but will not return to the Planning Commission.

Curtis then asked if they, as applicants, provided everything required by the City and followed guidelines set forth for the development. Planner Chandler replied they did; those findings are included in the staff report.

McDougle stated the question before the Commission is whether or not the criterion in the staff report is met, and whether or not the information submitted by the applicant meets that criteria.

Chair Bybee closed the public hearing at 8:03 p.m.

During deliberation, Cornett asked if this was the only opportunity for public involvement. Lavier replied that additional conditions of approval could be required by the Commission.

Chair Bybee asked for Commission consensus. Poppoff stated due to the storm water issue and traffic safety, he would likely deny the development.

Cornett stated it was a challenge to delineate the traffic impact of this specific subdivision. A better traffic impact study was necessary. Cornett would approve the application with the condition the application returns to the Planning Commission.

Chandler said currently the TIS is included as a Condition of Approval (COA). He then asked if modifications to the TIS could be submitted at a later date for review. McDougale replied the Conditions of Approval can be amended to be consistent with the direction of the Commission.

Director Harris referred to comments from both the public and the Commission, regarding concerns with the adequacy of the TIS and storm water collection. Harris stated COA 8 refers to the TIS as a condition of approval, submitted, reviewed and approved by Staff prior to recording of the final plat. Language could be added addressing specific intersections, giving staff and the applicant direction to refine the study. Additional language could refer the TIS back to the Commission as part of the review of Conditions of Approval, to ensure those questions were adequately addressed.

Condition of Approval 23 currently reads, "All COAs must be reviewed by city staff and prior to the signing of the final plat." This could be modified to add language requiring staff report back to the Commission in open hearing on the satisfaction of all the COAs. The conditions wouldn't be reviewed and approved or signed off by staff, but would return to the Commission with a report the conditions had been satisfied. There would be a second opportunity for the Commission and public to review the status of those conditions prior to final approval of the plat.

Cornett stated the study should be conducted over a series of days. The current study was inadequate, a broader study was appropriate.

McCabe asked when the counts would be done. If the study is done in the next weeks, a claim could be made that accurate counts were not possible during a pandemic.

McCabe stated there is a public storm system that can be extended to serve the lot. The developer could also consider other options, such as on-site filtration.

Poppoff stated his concern with overall pollution from our storm system. McCabe replied the City's discharge is in compliance with the NPDS permit.

Commission consensus was to obtain more information on the TIS and modify Conditions of Approval 8 and 23.

Stiles stated the sidewalks and bike lanes down E. 10<sup>th</sup> and E 12<sup>th</sup> Streets was a concern that had not been addressed.

City Engineer McCabe said the TSP, updated in 2017, looked at pedestrian and bicycle facilities. Specific projects within the TSP were identified for bicycle and pedestrian improvements across the community. To expand on the TIS, Staff needs what the Commission is specifically requesting in the TIS, above and beyond what was already provided.

Chandler stated TDMC Section 10.10.050 requires on-street bike lanes on new arterial and major collector streets. E. 10<sup>th</sup>, E. 12<sup>th</sup> and Richmond Streets are local streets; bike lanes and improvements were not required from the developer.

Commission consensus was to return with specific language for the modified Conditions of Approval.

Director Harris asked what the Commission found inadequate specific to the TIS: intersections, the time period, traffic counts over a five day period, and methodology. Lavier replied, all of the above.

Harris suggested Staff confer with the City Engineer and traffic consultant and report back on July 2, 2020 with modifications to the TIS, rather than craft new language at this meeting.

Stiles said the intersection of Dry Hollow and E. 9<sup>th</sup> Street should also be studied. Cornett felt that intersection was too far away to provide quantitative data.

Commission consensus was to continue the application to July 2, 2020. City Attorney McDougale recommended closing the record which has been held open since May, 2020.

It was moved by Cornett and seconded by Bybee to close the record. The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

It was moved by Lavier and seconded by Poppoff to re-open the public hearing and continue to July 2, 2020. The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

## **RESOLUTIONS**

Resolution 593-20: Denial of APL 030-20 and affirming approval of SUB 74-19

Postponed.

## **STAFF COMMENTS**

The next meeting is scheduled July 2, 2020. There are three items on the agenda.

## **COMMISSIONER COMMENTS OR QUESTIONS**

None.

## **ADJOURNMENT**

Chair Bybee adjourned the meeting at 8:55 p.m.

Respectfully Submitted  
Paula Webb, Secretary  
Community Development Department

  
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Brent Bybee, Chair



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COMMUNITY DEVELOPMENT DEPARTMENT

# **MINUTES**

## **CITY OF THE DALLES PLANNING COMMISSION**

MEETING HELD VIA ZOOM  
**THURSDAY, JULY 2, 2020**  
**6:00 P.M.**

### **CALL TO ORDER**

Chair Bybee called the meeting to order at 6:02 p.m.

### **ROLL CALL**

Commissioners Present: Brent Bybee, Cody Cornett (arrived at 6:03 p.m.), Bruce Lavier, Mark Poppoff, Philip Mascher and Jeff Stiles

Commissioners Absent:

Staff Present: Director Steve Harris, City Attorney Diana McDougale, City Attorney Kristen Campbell, City Attorney Christopher Crean, Senior Planner Dawn Marie Hert, City Engineer Dale McCabe, Planner Joshua Chandler, and Secretary Paula Webb

### **APPROVAL OF AGENDA**

Chair Bybee suggested the public hearing for CUP 194-20 be held prior to the public hearing of Appeal 030-20.

It was moved by Bybee and seconded by Stiles to approve the agenda as amended. The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

### **APPROVAL OF MINUTES**

The minutes of June 18, 2020 were not available for review.

### **PUBLIC COMMENT**

None.

### **QUASI-JUDICIAL HEARING**

Conditional Use Permit 194-20 – Tom Wood, Full Circle, LLC, 701 E. Second Street

Chair Bybee read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest or bias which would prevent an impartial decision.

Commissioner Stiles stated he owned property east of the subject property; there is no current financial relationship.

Chair Bybee opened the public hearing at 6:13 p.m.

Senior Planner Hert provided the staff report. Hert stated the applicant was unable to attend the meeting, but provided a brief narrative of the project (Exhibit 1).

Chair Bybee closed the public hearing at 6:17 p.m.

It was moved by Cornett and seconded by Bybee to approve CUP 194-20 with conditions of approval provided by Staff. The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

Appeal 030-20 of SUB 74-19, Robert Bokum, Denise Dietrich-Bokum, Gary Gingrich, Terri Jo Jester Gingrich, and Damon Hulit

Chair Bybee read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest or bias which would prevent an impartial decision.

Commissioner Mascher stated he signed an agreement regarding a Curtis home. He also had ex parte contact with a neighbor. Mascher felt he could make an unbiased decision, but thought it appropriate to recuse himself.

Chair Bybee opened the public hearing at 6:27 p.m.

City Attorney McDougale introduced Chris Crean, Beery Elsner & Hammond LLP, attending tonight on behalf of the City.

Director Harris referred to two items discussed at the June 18 meeting, Condition of Approval (COA) 8 and COA 23. COA 8 dealt with the Traffic Impact Study (TIS). Staff contacted Kittelson and Associates, Inc. to perform a third party peer review of the DKS Associates traffic study. Kittelson also reviewed the memo from H. Lee and Associates, the engineering firm retained by the appellants. Staff also had a conversation with traffic engineers for the Oregon Department of Transportation (ODOT) to discuss the intersection at Fremont Street and US 197.

Kittelson responded to items raised in the H. Lee and Associates memo stating the TSP is correct and the Traffic Impact Study performed by DKS Associates is correct and to industry standards.

Planner Chandler reviewed his memorandum of July 2, 2020. In summary, Kittelson stated, "Based on our review, we find that The Grove Subdivision's TIS was prepared in accordance with the City's Policy for Traffic Impact Studies and offers an appropriate assessment on which the City can complete its standard development review process...Based on our review of the TIS, issues raised by H. Lee & Associates, and the City's Policy for Traffic Impact Studies, we conclude that the TIS is adequate and that no further transportation analysis should be required.

City Engineer McCabe referred to the critical crash rate discussed at the last meeting. The US 197 and Fremont Street intersection was studied as an urban intersection because that intersection had to be compared with other intersections in the study area. There was no other rural intersection within the study area. The intersection was also included in ODOT's All Roads Transportation Safety (ARTS) program for sign upgrades to address safety issues.

MCCabe stated the ultimate fix for the intersection would be a structured overpass with on- and off-ramps. He then referred to ODOT's response which stated, "The Grove Subdivision (SUB 74-19) proposal is "off-system" from an ODOT access management perspective and currently zoned appropriately. ODOT concurs with the revised traffic impact study (from DKS) dated June 3, 2020."

Chris Cearn introduced himself to the Commission. Mr. Cearn is an attorney with 25 years' experience in land use.

Cearn noted the record was closed at the last hearing and should be reopened. The record could be opened broadly for any new evidence or limited to transportation issues.

Chair Bybee said for the sake of public participation the record would be opened.

Steve Morasch, Landerholm Law Firm, 805 Broadway Street, Suite 1000, Vancouver, Washington

Mr. Morash stated he reviewed the memo from Kittelson, but there was no time for their engineer to review. He said the Kittelson memorandum seemed more of a rationale for why they don't need to do a safety analysis or further study of the intersections pointed out in the H. Lee memo. Morasch disagreed and stated the appellants would like to see the intersections studied in detail.

Morasch stated, "The [Kittelson] memo almost acknowledged safety issues identified in the TSP, then goes on to say because of Dolan and proportionality, we can't do anything." That is not how Morasch read Dolan for a peer safety issue. Even if Dolan did apply here, he did not see anything that approached the level required under Dolan to do the proportionality analysis, where you balance impacts to the development versus the cost of improvements. It does not look like they have done any detailed analysis of the intersection to see what could be done, short of an overpass. We don't feel the issues have been adequately addressed from a transportation perspective.

Morasch addressed a point in the staff memo which stated the Planning Commission is not authorized to review final engineering plans. Morasch said we are not asking for final engineering, we are asking for more detail on the preliminary plans. He further stated issues presented previously, regarding sidewalks and physical constraints, were not addressed.

Chair Bybee stated the record is open, and invited public testimony. There was none.

Chair Bybee closed the public hearing at 6:49 p.m. He then invited deliberation.

Lavier had no comment.

Stiles stated there issues he found unresolved: recalculating the intersection of E. 10<sup>th</sup>, E 12<sup>th</sup> and Thompson Street, adjusting the TIS for seasonal conditions, and attaching sidewalks to Thompson Street.

Cornett had no comment.

Poppoff had concerns with multiple unit housing not selling well. He stated the developer may want to rethink this for individual houses. The development is so far from City infrastructure, Poppoff thought it may be premature to develop here. If it were closer to the developed part of town, he would say to go ahead.

Crean noted procedural points. This is a quasi-judicial proceeding, so the Commission's decision has to be based on approval criteria from the City Code, listed in the staff report, and the evidence in the record. The decision has to list those criteria and explain why the application does or does not meet those criteria. The initial decision from Staff was that it did meet the criteria. The staff report explains why the application does meet all the criteria by reference to evidence in the record. If for some reason you believe that one or more of the criteria are not met, or the evidence just isn't there, it would be helpful to Staff if you could identify what those criteria are and why they are not met.

It was moved by Cornett and seconded by Lavier to approve Subdivision 74-19 with Conditions of Approval in the June 18, 2020 agenda packet and with no revisions to COA 8 and 23. The

motion passed 3/2; Bybee, Cornett and Lavier in favor, Stiles and Poppoff opposed, Mascher recused, one position vacant.

City Attorney McDougale clarified Staff will return with the Resolution.

## **LEGISLATIVE HEARING**

Comprehensive Plan Amendment 46-20 – Updates to Policy No. 10 of Goal No. 8 Recreational Needs, of The Dalles Comprehensive Land Use Plan, in order to be consistent with the Northern Wasco County Parks and Recreation District's Parks and Recreation Master Plan. This hearing was continued from February 20, 2020.

Chair Bybee read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest or bias which would prevent an impartial decision. Hearing none, Chair Bybee opened the public hearing at 7:04 p.m.

Senior Planner Hert stated this hearing was continued from the February 20 Planning Commission meeting to the March 19 meeting. The March 19 meeting was subsequently cancelled due to the COVID-19 state-wide shut down. The approved Minutes of the February 20 Planning Commission meeting were included in the packet to provide narrative.

Hert summarized the updated staff report.

Chair Bybee closed the public meeting at 7:09 p.m.

It was moved by Cornett and seconded by Poppoff to move to recommend that the City Council accept the Parks and Recreation Master Plan as a background document to Volume III of City's Comprehensive Plan; and move to recommend to the City Council Goal 8, Policy 10 be amended to read as follows:

### **Goal 8 Policies**

10. The Northern Wasco County Parks and Recreation District's Parks and Recreation Master Plan shall be acknowledged as a background document in Volume III of The Dalles Comprehensive Plan, to serve as the City's long range recreation plan for The Dalles Urban Growth Boundary Area along with facility plans for the City of The Dalles and North Wasco County School District 21. A parks and open space standard of ten acres per 1,000 population should be adopted as part of the Parks Master Plan achieved within the urban area. The Parks and Recreation Master Plan shall include goals and recommendations directed toward maintaining the ratio of acres of park land per 1,000 residents at the current level of service and ensuring that parks and open space areas are equitably distributed throughout the community.

The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

## **RESOLUTIONS**

Resolution 594-20: Approval of CUP 194-20, Full Circle, LLC

It was moved by Cornett and seconded by Bybee to approve PC Resolution 594-20. The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

Resolution 589-20: Recommending City Council approval of amendments to Policy No. 10 of Goal No. 8 – Recreational Needs of The Dalles Comprehensive Land Use Plan



It was moved by Cornett and seconded by Poppoff to approve PC Resolution 589-20 recommending City Council approval of amendments to Policy No. 10 of Goal No. 8 – Recreational Needs of The Dalles Comprehensive Land Use Plan. The motion passed 6/0; Bybee, Cornett, Lavier, Mascher, Poppoff and Stiles in favor, none opposed, one position vacant.

### **STAFF COMMENTS**

Director Harris stated the next regularly scheduled meeting is July 16, 2020. There is one agenda item; no public hearings are scheduled.

### **COMMISSIONER COMMENTS OR QUESTIONS**

Chair Bybee stated it was necessary to elect a Vice Chair.

### **ADJOURNMENT**

Chair Bybee adjourned the meeting at 7:20 p.m.

Respectfully Submitted  
Paula Webb, Secretary  
Community Development Department

  
\_\_\_\_\_  
Brent Bybee, Chair



## **CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

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

# **MINUTES**

## **CITY OF THE DALLES PLANNING COMMISSION**

MEETING HELD VIA ZOOM  
**THURSDAY, JULY 16, 2020**  
**6:00 P.M.**

### **CALL TO ORDER**

Chair Bybee called the meeting to order at 6:02 p.m.

### **ROLL CALL**

Commissioners Present: Brent Bybee, Cody Cornett, Alan Easling, Bruce Lavier, Philip Mascher and Jeff Stiles (joined meeting at 6:08 p.m.)

Commissioners Absent: Mark Poppoff

Staff Present: Senior Planner Dawn Marie Hert, Associate Planner Joshua Chandler, City Attorney Christopher Crean and Secretary Paula Webb

### **APPROVAL OF AGENDA**

It was moved by Cornett and seconded by Mascher to approve the agenda as written. The motion passed 5/0; Bybee, Cornett, Easling, Lavier and Mascher in favor, none opposed, Poppoff and Stiles absent.

### **ELECTION OF OFFICER**

Commission consensus was to postpone the election until all Commissioners were present.

### **APPROVAL OF MINUTES**

It was moved by Mascher and seconded by Cornett to approve the minutes of June 18 and July 2, 2020, as written. The motion passed 5/0; Bybee, Cornett, Lavier, Mascher and Stiles in favor, none opposed, Easling abstained, Poppoff absent.

Commissioner Stiles joined the meeting at 6:08 p.m.

### **PUBLIC COMMENT**

None.

## **RESOLUTION**

Resolution 593-20: Denial of APL 030-20 and affirming approval of SUB 74-19

The public hearing was closed at the July 2, 2020 meeting.

It was moved by Bybee and seconded by Cornett to approve Resolution 593-20, denying APL 030-20 and affirming approval of SUB 74-19. The motion passed 5/0; Bybee, Cornett, and Lavier, in favor, Stiles opposed, Easling and Mascher abstained, Poppoff absent.

## **STAFF COMMENTS**

Senior Planner Hert stated the next meeting is scheduled August 6, 2020; one Variance request is on the agenda.

## **COMMISSIONER COMMENTS OR QUESTIONS**

None.

## **ADJOURNMENT**

Chair Bybee adjourned the meeting at 6:18 p.m.

Respectfully Submitted  
Paula Webb, Secretary  
Community Development Department



Brent Bybee, Chair

## Izetta F. Grossman

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**From:** Jesse Jacobsen <jmatjac@gmail.com>  
**Sent:** Friday, August 14, 2020 12:04 PM  
**To:** Izetta F. Grossman  
**Subject:** On "The Grove" High Density Residential Development

Realizing I missed the deadline for getting my comments included in the meeting packet, and knowing that I'll be on the road during the scheduled meeting time, I thought I'd still offer my comments as a property owner immediately beside the development in question.

The city will do what it wants to do, and increasing the tax base is going to be its priority. It might seem that the best way to do this is to maximize the number of owned parcels. This also helps alleviate the housing shortage and escalating housing prices in The Dalles. However, the strategy of turning a semi-rural part of town directly into a densely-settled, semi-urban part may not be the most effective way to increase the tax base. The reason is that the resulting neighborhood will lose the advantages of elbow room. It may have some views and a miniscule "park," but not much in the way of outdoor, backyard enjoyment. Others have already pointed out that the road and services infrastructure in the surrounding area is not ready to handle that kind of population increase. So the result will be a large number of owned parcels that may fill due to a housing shortage, but where people don't prefer to live.

One alternative would be to develop fewer parcels, averaging a third to a half acre. A single set of townhouse-style properties could increase the number of households accommodated, but the larger parcels would help preserve the semi-rural feel of the neighborhood and (more important to the city's interests) would be valued more highly, resulting in tax revenues similar to the current plan. Meanwhile, the neighborhood would continue to be the sort of place where people want to live, and that also helps the city as a whole. Just ask the Chamber of Commerce.

As far as the high density zoning goes, I noticed that when we moved here in 2006 and thought, "That's either some kind of oversight or part of a secret plan to make dramatic changes here someday, because this area is anything but high density." I suppose the current plans show it wasn't an oversight. But what allowed this to be zoned "high density" in the first place? There was a high density of cherry trees, but not houses or people. If that could be explained in a way that seems reasonable to reasonable people, you would probably have a more friendly environment for this development.

Otherwise, if the city required the developers to fully improve all streets connecting to the development including all services and appropriate traffic controls based on usage, that would also make the surrounding neighbors more friendly to the development.

But the city will do what it wants to do.

Thanks for listening,

Jesse Jacobsen

**Izetta F. Grossman**

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**From:** Jack Harmon <juharmon80@gmail.com>  
**Sent:** Thursday, August 13, 2020 5:17 PM  
**To:** Izetta F. Grossman  
**Subject:** Residential Development

We are writing to voice our objection to the high density residential development, located on cherry orchard land between 10th and 12th. I cannot understand how anyone, including the city council, thinks this is a good location to develop 20 triplexes, 40 duplexes, plus 11 single family homes and 11 ADU's. This is like putting an ant hill in the middle of your nice table setting for a company dinner.

My objections include the horrendous increase of traffic on 10th and 12th, figuring 2 cars per family. This is a dangerous situation for walkers and bike riders, as these streets have no sidewalks or bike lanes. Also you have school buses at stops for pickup and unloading of school children. Do you not recognize the hazard this would cause.

My other objection is the overload for Dry Hollow School, which is now at full compacity.

My other regard is for those residences that have homes in and around the development, that will affect the value of their homes. It seems to me that those sitting on the city council have no regard for these residents. You might put yourself in their shoes and consider how you would feel.

Respectfully yours,

Mr and Mrs Jack Harmon