



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

**Thursday, August 30, 2001**

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

*Conducted in a handicap accessible room*

### **CALL TO ORDER:**

Chair Bruce Lavier called the regular meeting of the City of The Dalles Planning Commission to order at 6:32 P.M.

### **ROLL CALL:**

Present: Bruce Lavier, Ted Bryant, Jean Thomas, Mark Poppoff

Absent: Ron Ahlberg

Staff: Dan Durow, Community Development Director; Denise Ball, Administrative Secretary; Gene Parker, City Attorney; Dawn Hert, Planner, Dale McCabe, City Engineer

**AGENDA:** Thomas moved to approve the Agenda and Bryant seconded. The motion passed Unanimously, Ahlberg absent.

**MINUTES:** Lavier asked if any changes were needed for the minutes of August 2, 2001. Bryant had one correction on page two: the word "form" should be "former". Bryant moved to approve the minutes as corrected and Thomas seconded, and the motion passed unanimously, Ahlberg absent.

**PUBLIC COMMENT:** None

**PUBLIC HEARING:** *Quasi-Judicial*

- A. Minor Partitions 188-01 and Property Line Adjustments 79-01 of Mark and RaeAnn Clark.** This hearing includes a minor partition application to divide one parcel into two parcels as well as a property line adjustment. Property is located at 2112 W. Scenic Drive and is further described as 1N 13E 4CD TL 8200 and 7900. Property is zoned "RL" - Residential Low Density.
- B. Minor Partitions 189-01 and Property Line Adjustments 80-01 of Mark and RaeAnn Clark.** This hearing includes a minor partition application to divide one parcel into two parcels as well as a property line adjustment. Property is located at 2112 W. Scenic Drive and is further described as 1N 13E 4CD TL 8000 and 7900.

Property is zoned "RL"- Residential Low Density.

Chair Lavier read the rules for conducting a public hearing. Lavier asked if any commissioner wished to declare a conflict of interest or bias or had any ex-parte contact. No commissioner declared a conflict of interest, bias, or ex-parte contact and there were no challenges from the audience. Lavier then opened the public hearings for Minor Partitions 188-01 and 189-01, along with Property Line Adjustments 79-01 and 80-01.

Durow presented the Staff Reports for both applications. Staff handed out copies of the letters in opposition from Carl Nadler and Catherine Dowrey and Carl Nadler's second letter requesting a continuance.

Thomas asked why square footage is computed two different ways.

Durow replied that a developer must set aside a certain amount of property for the creation of streets in his subdivision. The six lots per gross acreage computation includes those streets. This is a standard practice in developments.

**Proponent Testimony:**

Lavier opened the hearing to the proponents.

Mark Clark, 1001 Cherry Heights Road, The Dalles, OR, the applicant, said he felt he has met all the criteria and is in favor of the requested partitions.

RaeAnn Clark, 1001 Cherry Heights Road, The Dalles, OR, the applicant, is for the partitions. She feels it will be a wonderful asset to the residential community and such a beautiful development next to the park.

Lavier asked if any Commissioners had questions for the Clarks. There were none.

**Opponent Testimony:**

Lavier next opened the hearing to the opponents.

The first opponent was Gary Jeremiah, 2112 Garrison St., The Dalles, OR. He passed out Exhibit 1 showing reported accidents in that area of Scenic Drive since 1988; there were a total of 14 accidents. He feels there will be increased traffic safety problems with the development of these parcels.

Commissioner Bryant asked if this was his only concern.

Jeremiah replied he was also concerned about the possible loss of the pine trees.

The second opponent was James Habberstad, 2110 W. Scenic Drive, The Dalles, OR. He passed out Exhibit 2, a letter objecting to the Clark's applications. His concerns were: unsafe parking,

traffic safety, the grade of the private driveway, the lot sizes, and the potential removal of the pine trees. Habberstad feels that four lots would be more compatible with the neighborhood. Also, more of the pine trees could be saved.

Bryant asked Habberstad which was more of a safety problem, heading out of his driveway or backing out?

Habberstad said heading out was safer, but still posed some safety concerns.

The third opponent was Sherry Briggs, 400 W. Scenic Drive, The Dalles, OR. She felt that the housing, which will be placed on the lots, would block the view of drivers going around the corner. Further partitioning of these parcels will present a serious traffic safety problem.

Bob Dowrey, 2026 W. Scenic Drive was the fourth opponent. He read a letter submitted by his wife, Catherine. The letter addresses the concern of having homes too high and too close to a tightly curved street. Dowrey feels this will create a serious traffic safety situation, which he feels could have fatal consequences.

The fifth opponent was Beth Dolbow, 404 W. Scenic, The Dalles, OR. She too is concerned with traffic safety and parking by guests of the prospective new homeowners. She feels the area in front of her home as well as the area in front of the Habberstad and other homes will likely be where these people park.

Dawn Hert, Planner, read Carl Nadler's second letter, requesting a continuance, into the record.

### **Proponent Rebuttal**

Mark Clark, 1001 Cherry Heights, The Dalles, OR 97058, mentioned that the site was originally the KODL Radio Station and had been subject to commercial traffic.

Poppoff asked Clark if he would be dividing tax lot 8100.

Clark said no.

RaeAnn Clark, 1001 Cherry Heights, The Dalles, OR 97058, said that KODL had three driveways on that corner and was a commercial facility. She also noted that several of the sharp corners on Scenic Drive have six homes on them.

### **Discussion**

The Commissioners discussed taking additional testimony in response to the rebuttal testimony at this time. It was decided to not accept additional testimony.

Thomas moved to continue the Public Hearings for Minor Partition 188-01 and 189-01, and Property Line Adjustment 79-01 and 80-01 until the October 4, 2001 Planning Commission Meeting. Poppoff seconded the motion.

Bryant said he doesn't understand why the Commission would give a continuance.

Parker replied that Nadler has the legal right to request a continuance.

The motion carried with Lavier, Thomas and Poppoff voting for while Bryant voted against, Ahlberg absent.

Lavier announced the hearings to be continued and also to skip Resolution 422-01 on the agenda.

### **COMMISSIONER COMMENTS AND CONCERNS**

Commissioners asked Staff if there were any new prospects as Planning Commissioners. Also, had any notice been placed in the newspaper?

Durow replied that there haven't been any interested persons. He was on the radio and mentioned the need for Planning Commissioners. Staff will utilize the newspaper also.

### **NEXT MEETING:**

September 6<sup>th</sup> is the next scheduled meeting with a Public Hearing for Pepsi Cola. The September 20<sup>th</sup> meeting will probably be cancelled. The October 4<sup>th</sup> meeting will be the continuance of the Mark Clark hearings.

### **ADJOURNMENT:**

The regular Planning Commission meeting was adjourned at 7:45 P.M.

Respectfully submitted by Denise Ball, Administrative Secretary.



\_\_\_\_\_  
Bruce Lavier, Planning Commission Chair



**CITY of THE DALLES**

313 COURT STREET

THE DALLES, OREGON 97058

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(541) 296-5481

Please note: There are two separate Minor Partition applications and property line adjustments. The wording is similar for both Staff Reports but each report addresses different tax lots.

Thank You!

# LAW OFFICE OF JAMES M. HABBERSTAD

James M. Habberstad, Esq.  
Donna Meeks Kelly, Esq.

Dixie L. Parker, Legal Asst.

106 East Fourth Street  
Second Floor  
The Dalles, Oregon 97058-1802

(541) 296-8533 telephone  
(541) 296-6421 facsimile  
[jhabberstad@netcnct.net](mailto:jhabberstad@netcnct.net)

Dan Durow  
Planning Director  
City of The Dalles  
Community Development Department  
313 Court Street  
The Dalles, Oregon 97058

August 30, 2001

hand delivered

**RE: MARK CLARK AND RaeAnn CLARK/PRELIMINARY PROPERTY LINE  
ADJUSTMENT AND PARTITION PLATS/PINES ADDITION/APPLICATION  
NUMBER MIP 188-01, MIP 189-01, PLA 79-01, PLA 80-01**

Dear Dan:

Please register my wife and my objection to the above-referenced application.

As your file will reflect, we did not object to the original application by Mr. and Mrs. Clark in that we felt the lot sizes of the original application were compatible with surrounding lot sizes. We did have some concern regarding traffic safety and, with a four lot subdivision, our concerns were met by requiring a common driveway for all four lots. However, we feel that we must object to the current configuration. The bases for our objection follow:

1. We fail to understand why we were not initially placed upon notice regarding this further division. Had we been advised that there was a further division in the offing at the time of the original plat application, we would have objected at that time;
2. Even though we understand that parking may be restricted adjacent to and across from the subdivision, there will be a parking problem nonetheless. Given the size of the lots proposed on the plat, guests to the owners of these lots will have to park on some street. This will add parking congestion in all of the areas outside of the no parking area. In fact, we feel there is a risk that people will park within the no parking area because they are adjacent to the residences on the lot. This will diminish the view that we would have from our driveway pulling onto Scenic Drive and would make an already dangerous driveway even more dangerous;

EXHIBIT 2

Dan Durow  
Planning Director  
August 30, 2001  
Page two

3. Scenic Drive is already a heavily traveled street and we feel that a 50% increase in the residences in this subdivision will lead to increased traffic and an unsafe traffic situation for the six lots which will be using the common driveway;
4. The lot sizes which are envisioned on the plat are not compatible with the surrounding lots and will be out of character for the neighborhood;
5. Section 6.060.030 requires that all approach grades for all driveways shall not exceed 5% for the first 20 feet. The topography in the area of the 20 foot wide private drive is such that the slope will exceed 5%; and
6. The plat refers to the partition as "Pines Addition". In fact, given the small lot size of the six proposed lots, houses could not be sited upon the lots without removal of all or substantially all of the pine trees on the parcel. A more accurate name for this plat would be "Pineless Addition".

We would request that the planning commission deny approval of the partition plat and property line adjustments above-referenced.

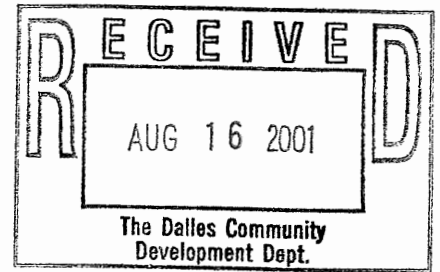
Yours truly,



James M. Habberstad

JMH:dlp

Carl T. Nadler  
2108 Garrison  
The Dalles, OR 97058  
(541) 298-5060



August 15, 2001

Honorable Bruce Lavier, Chairman  
The Dalles Planning Commission  
313 Court Street  
The Dalles, OR 97058

Re: Request for Continuance  
Mark and RaeAnn Clark  
Minor Partitions 188-01 and 189-01  
Property Line Adjustments 79-01 and 80-01

Dear Mr. Chairman:

I received the Public Hearing Notice for the subject proposed actions and would like to offer a comment and request that the hearing be continued.

LUDO Section 6.010.030H. (Preservation of Significant Trees) provides that significant trees should be preserved to the greatest extent practical and integrated into the design of the development. According to the applicant's partition plat, there are approximately 20 mature pine trees greater than 14 inches in diameter on the site. In addition to being significant natural features, these trees' root masses help stabilize the soil by countering the effects of increased soil pore pressures from lawn watering.

This is an important consideration because the site is within an area designated A2 on The Dalles Landslide Hazard Study Map, and as such, has a high potential to slide. Moreover, Scenic Drive, immediately west and northwest of the site, appears to have been constructed on fill material at a high angle of repose. If the minor partitions are approved as proposed, it is likely that most of the trees will have to be removed. For that reason, the applications should be denied until the applicant shows how the trees will be preserved to the greatest extent practical and integrated into the design of the development.

Regarding the hearing date, I will be out of town on August 30 and will not be able to attend and participate. Therefore, as a party to the proposed actions, I respectfully request a continuance.

Sincerely,

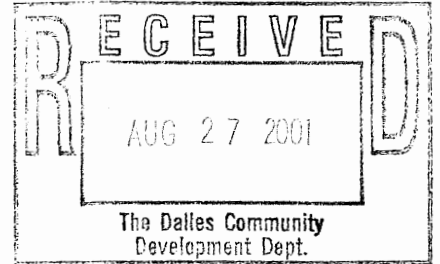
A handwritten signature in cursive script that reads "Carl T. Nadler".

Carl T. Nadler

cc: Dan Durow, Planning Director

Carl Tidwell  
2128 Garrison  
The Dalles, OR 97058  
541/258-8060

August 24, 2001



Honorable Bruce Lawler, Chairman  
The Dalles Planning Commission  
313 Court Street  
The Dalles, OR 97058

Re: Continuance Request  
Made by Rose Ann Clark

Mr. Chairman:

I would like to amend my request for  
continuance (letter dated August 15, 2001) to include  
the following statement.

- I have additional testimony, evidence or  
arguments pertaining to the proposed  
actions that I would like to present  
orally at the hearing.

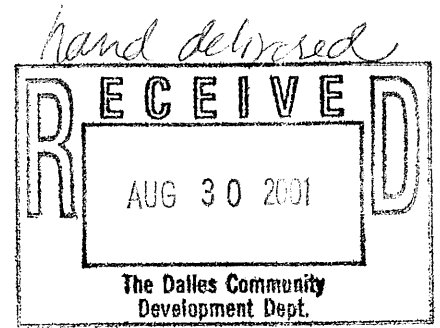
As I indicated in my request, I will be  
out of town on August 30 and will not be  
able to attend and participate.

Sincerely,  
Carl Tidwell

cc: Dan Dawson, Planner

08/29/2001

2026W, Scenic Drive, The Dalles OR



The Dalles Planning Commission  
City Hall, The Dalles, Or 97058

Sirs,

This letter concerns the "Minor Partition 188-01 a 189-01 Property Line" adjustments"  
79-01 and 80-01 recently requested.

Dividing the three lots into a total of five lots does not address the issue I originally  
addressed concerning the division of this property. My concern is that the division into so many  
lots will necessitate putting too much of any building too high and too close to a lightly curved  
street. The curved lot, original Parcel 1 with curved corner lot is being made smaller pushing  
any building closer to the corner. When the other curved corner lot originally called Parcel 2  
is becoming 2 lots with space out for utilities and drive in the back. This also pushes future  
home up toward the corner. These changes to the configuration makes for close building on a  
tight-to-drive corner.

The plan does not address the nature of the street with many traffic-heavy times of day  
when people rush up and down this hill. In peak mornings in the area I see the acceleration  
around this corner. Later development across the street will make the intersection with 20th  
Street even more busy. With the square footage that people desire in housing any more by  
necessity these homes will go higher and more blinding to the corner. It can be dangerous. *It*  
*would be a mistake to place more than 1 home each on PARCELS 1 AND 2 as in the original map.*

Sincerely,

*Catherine Dowrey*

Catherine Dowrey

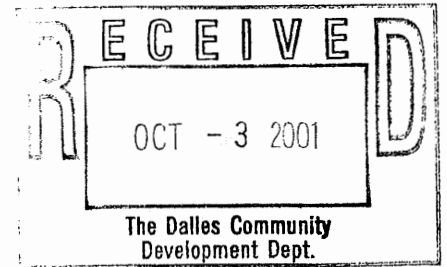
D881549	R	30		ACCIDENT	20726	08/12/1988	16:54				200 BLK W SCENIC
D900852	R	20		ACCIDENT/DUI	06187	05/02/1990	08:41				E 16TH PL/E SCENIC
D911541	R	30		ACCIDENT	06187	08/08/1991	08:50			X	2000 BLK W SCENIC I
D931871	R	20		ACCIDENT	18904	09/17/1993	08:13				E 16TH PL/E SCENIC
D940384	R	30		ACCIDENT	17407	02/15/1994	13:52			X	W SCENIC DR/RADIC
DL881024	R	30		ACCIDENT	01401	03/14/1988	12:49			X	SCENIC/KODL
L884559	R	30		ACCIDENT	20726	08/12/1988	16:59				240 W SCENIC DR
DL901826	R	20		ACCIDENT	08236	04/25/1990	17:40				400 BLK E SCENIC DR
DL912078	R	20		ACCIDENT	23524	06/01/1991	12:16				E 16TH PL/SCENIC D
DL915304	R	20		ACCIDENT	17407	11/22/1991	10:59				E 16TH/E SCENIC DR
DL915371	R	30		ACCIDENT	17407	11/28/1991	15:20			X	1834 W SCENIC DR
DL933809	R	30		ACCIDENT	18806	08/06/1993				X	2015 W SCENIC DR
DL933826	R	30		ACCIDENT	06187	06/07/1993	08:18			X	2015 W SCENIC DR
DL942134	R	30		ACCIDENT	08236	05/13/1994	22:08				400 BLK W SCENIC D
DL943236	R	30		ACCIDENT	06187	07/05/1994	05:35			X	2100 BLK W SCENIC I
DL944554	R	20		ACCIDENT	06187	09/03/1994	22:12				400 BLK E SCENIC DR
DL944722	R	30		ACCIDENT	25396	09/11/1994	00:45			X	2100 BLK W SCENIC I
DL945648	R	30		ACCIDENT	28416	10/28/1994	22:04				1814 W SCENIC DR
DL960780	R	30		ACCIDENT	28416	02/14/1995	20:10				W SCENIC DR/GARR
D951613	R	30		ACCIDENT/ASLT	28416	06/28/1995	18:45			X	1800 BLK W SCENIC I
DL954509	R	20		ACCIDENT	28416	08/04/1995	22:39				400 BLK E SCENIC DR
DL955973	R	30		ACCIDENT	28416	10/11/1995	10:50			X	1800 BLK W SCENIC I
DL956532	R	20		ACCIDENT	29694	11/08/1995	20:20				400 E SCENIC DR
DL956783	R	30		ACCIDENT	30356	11/24/1995	14:09			X	GARRISON/W SCENI
D970113	R	30		ACCIDENT	17407	01/17/1997				X	RADIO WAY/W SCEN
D971433	R	30		ACCIDENT	20726	07/01/1997				X	W SCENIC/W 20TH
D980259	R	30		ACCIDENT	25396	02/02/1998					SCENIC/LINCOLN W/
D981630	R	30		ACCIDENT	34396	07/12/1998				X	2000 BLK W SCENIC
DL000429	R	42	0 ORS 3	ACCIDENT	33091	02/12/2000	09:16	02/12/2000	02/12/2000		500 E SCENIC DR
D001588	R	40	0 ORS 3	ACCIDENT	30356	08/09/2000	15:16	08/09/2000	08/09/2000		E 16TH PL/E SCENIC
DL012012	R	40	0 ORS 3	ACCIDENT	38047	05/24/2001	15:25	05/24/2001	05/24/2001		400 E SCENIC DR
D011071	R	43	0 ORS 3	ACCIDENT	38047	06/07/2001		06/07/2001	06/07/2001		E SCENIC/Terrace

Since 1988, 14 reported accidents and  
untold unreported.

GARY, JERIMIAH  
EXHIBIT 1

October 3, 2001

The Dalles Planning Commission  
City of The Dalles  
313 Court St.  
The Dalles, OR 97058



Re: MIP 188-01  
189-01

PLA 79-01  
80-01

Dear Commissioners,

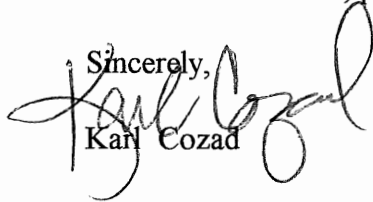
My name is Karl Cozad and I reside at 310 W. 20th, The Dalles. This letter is in reference to the above identified items of action. I am opposed to the proposal made the applicant to increase the number of building lots from 4 to 6. My opposition is based primarily on the increased risk of automobile accidents occurring on this section of Scenic Drive.

The first concern is that of decreasing the already limited visibility of oncoming traffic as one travels on Scenic Drive in either direction. This is without the addition of any new points of ingress or egress. I realize that 4 lots have been approved for access to Scenic Drive, but the addition of 2 more would increase that conflict of Scenic Drive traffic and vehicles entering the street by 50%. I would have to believe that the risk of potential accidents would increase at an even greater rate. Currently, drivers are challenged with visibility issues, when entering Scenic Drive from the intersection of West 20th and Scenic Drive. Any additional visual obstructions, such as houses and parked cars, along with additional driveways, will certainly be a detriment to that situation.

The second concern is that of increased levels of traffic. Certainly the 6 lots would generate a substantial increase in traffic counts, but on a larger scale is the fact that Columbia Gorge Community College has experienced a tremendous growth in student registration this Fall. Scenic Drive, being the only street to the college, has, and will continue to experience increases in traffic counts as a result of additional students at the college. Again, any additional traffic congestion along Scenic Drive will be an additional risk factor to safe travel along this street. I feel that by allowing the additional 2 lots we are be short sighted of the safety risks associated with such a decision.

My last concern is that of the potential development of the land directly across the street, and what impact that may have on any traffic flows into and out of the general area. If, indeed there is a plan, would it not be prudent to review it now and assess the total impact the neighborhood at large?

I appreciate the opportunity to express my views of opposition on the proposed changes of adding 2 lots to the existing plat plan. If you should have any questions regarding the content of this letter, please contact me at 296-9533.

Sincerely,  
  
Karl Cozad

## PINES ADDITION APPLICATION

Good Evening. I am Dolores Habberstad and reside at 2110 W. Scenic Dr. As we begin these proceedings, I would like to stop for a moment to consider how privileged we are to live in a country that allows and values citizen input. We are involved in a process tonight that is the bedrock of our democracy. You, as citizen appointees, are representing all of us in this community as part of the governmental checks and balances. We appreciate the time and consideration you give.

Tonight we are here to continue providing you with information that can assist in making a planning decision for the common good of the community. The Land Use and Development Ordinance # 98-1222 of The Dalles serves as the framework for these decisions. According to Section 1.040 of the Ordinance, the guidelines within the ordinance shall be effective throughout the City's planning jurisdiction. To interpret this ordinance, Section 1.090 states that the provisions of this Ordinance shall be liberally construed to effect its purpose.

So what is the purpose of what we doing here tonight? According to Section 1.020 of the Ordinance our purpose is as follows, and I quote:

"The purpose of this Ordinance is to encourage the most appropriate and efficient use of land; to accommodate orderly growth; to provide adequate public parks and open space; to protect and improve the aesthetic and visual qualities of the living environment; to aid in securing safety from fire, natural disaster, and other dangers; to facilitate the adequate provision of public improvements and sanitary conditions; to provide adequate access to and through property, to assist the public in identifying and understanding regulations affecting the development and use of the specific parcels of land; to promote the public health, safety and general welfare; and, to implement the City of The Dalles Comprehensive Plan and to guide and manage the future growth in the City in accordance with the Plan."

You are the stewards of the Vision for The Dalles. The decisions that you make will be the legacy that is left for the future residents of the city. On Monday, June 19, 1911, there were citizens who had the Vision to locate a Park on top of a hill overlooking our city. Aren't we glad they did? The four lots of Pines Additions represent the remanents of that 1911 Vision. We

EXHIBIT 3

think some of these original natural features can be preserved with four lots as approved but not with six.

So tonight, we are here with facts to assist you in applying the Planning Ordinance to this application. As citizens with jobs, and families, we do not deal with these issues every day as you do. However, tonight in this process, our facts and information have the same weight for your consideration as the staff recommendations. The Land Use Ordinance gives you the power of interpretation. If this were not true, the city would only need someone with a tape measure to check the accuracy of the lot size.

10-3-01

Planning Director  
City of The Dalles  
City Hall  
313 Court Street  
The Dalles, Oregon 97058

Re: Hearing scheduled 10-4-01, Mark and RaeAnn Clark  
Partition 2212 West Scenic Drive

I will be unable to attend the hearing on 10-4-01 and this letter is intended to preserve my status in this matter. This letter my thoughts and some of the thoughts of a group of concerned neighborhood property owners, many of who will attend the hearing.

My intuitive view of the subdivision, as proposed, is that the use is too intense for the site. Although the site may theoretically take the number of lots proposed, good planning dictates that the proposal be subject to standards of contemporary development. This is particularly important due to the unique shape of the site.

Although this is a partition of existing lots. There is no question that the applicant is proposing a six-lot subdivision. A contemporaneous development of a six-lot subdivision would almost certainly entail an interior street, public or private, constructed to City standards. Further, underground utilities would be installed.

While the method of utility installation is not necessarily a planning matter, the street is. The subdivision proposes a 20' private drive for the use of six home sites. Not only is this not a competitive development feature, it is inadequate for a subdivision of this size. A twenty-foot private street is not adequate for off street parking nor is it adequate for public safety.

A fifty foot right-of-way, improved to city standards with a fifty foot improved radius cul-de-sac would not only address the adequacy and safety issues but would be competitive with contemporary subdivisions. This may cause the loss of one lot but the subdivision, as drawn, has a very difficult site (proposed parcel B, tax lot 8000) on which to build. Consider the emergency access and turn-around for police, fire and ambulance.

A twenty-foot driveway access may be appropriate for two or three home sites, but not six. Many planning bodies in other jurisdictions, most nearby, have addressed this by requiring a street, public or private, improved to city/county standards for any subdivision with more than three lots. From a planning standpoint, the logic of doing this is to promote safety, prevent unusually intensive use and promote projects that are consistent with existing and proposed neighborhoods.

EXHIBIT A

The twenty foot access will not only create market resistance but will create future problems with access and maintenance, resulting in future market resistance reflected in comparatively lower property values. This will not only effect the neighborhood but also eventually, the City will be called on to address the problems caused by the access.

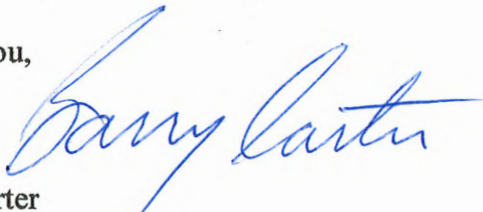
From a planning standpoint strategic planning requirements, stated in the Land Use and Development Ordinance, need to be considered and met. Specifically 1.020; "...to protect and improve the aesthetic qualities of the living environment; to aid in securing safety from fire natural disasters and other dangers...to provide access to...property." Further in 9.010; "...to ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles; to minimize negative effects of development upon the natural environment...to create residential living environments...protected from the adverse effects...of intensive land uses."

The Land Use and Development Ordinance demands that these considerations be made as well as the more defined linear requirements. These are the considerations that separate good development from bad and give to the planning body the ability and responsibility to make an objective decision based on broader considerations. If a decision is made outside of the veil of the "purpose" of the Ordinance, and the Land Division sections, it will be invalid.

Usually when a body of people object to neighborhood development it is not due to the development itself, but the effect it will have on their neighborhood. More often than not, the objection has its basis in the strategic requirements of the development ordinance. The effected neighbor knows it feels wrong but has difficulty defining the problem.

The long lasting effects of aesthetic and visual qualities of the living environment, adequate access, safety from fire and other dangers, safe and efficient routes for pedestrians, bicycles, and motor vehicles, negative effects of development upon the natural environment and more intensive land use are not only concerns of the neighborhood but must be satisfied to ensure proper development. This decision now belongs solely to the Planning Commission.

Thank You,



Barry Carter  
405 W. 20<sup>th</sup> Street  
The Dalles, Oregon 97058

THE DALLES CITY PLANNING COMMISSION

Regarding the KDDL subdivision:

New to me ---maybe not new to you.

The auto access into this new subdivision via private driveway was never sent to the Traffic and Safety commission for their review and input. This citizen review committee has had no written input or comment on this proceedings.

The original administrative approval to create four lots on the inside of the KDDL horseshoe corner was never sent to the neighbors. Even without being notified there were only a few real concerns about the development. (My personal concern regarded the location of the private drive pointing at my front door and windows at a 5% grade).

Now with the 50% increase in the number of lots still to use the same private 20' driveway onto a main arterial (Scenic Dr.). Almost everyone in the neighborhood expressed some real concern regarding the traffic and safety. Still you did not refer this proposal to the Traffic and Safety comm.

Six homes --- 12+ cars and RV's at one trip per day equals 24 approaches at this access point, that is one per hour --- not bad over a 24 hour period but you and I know it doesn't work this way.

You have already seen the police department report regarding the 14+ accidents in this area. Please be aware, per Jay Waterbery, that does not include accidents that involve more serious charges. For example last Dec. 23 there was a wreck that pinned a boy in his car for over an hour as the neighbors can attest to after listening to his screams. That accident was cataloged as a DUII. I personally have seen more accidents than I can recall that have gone on down the road.

I have seen the Site Team's recommendations but I have no idea what was discussed by those in attendance. I would like to see the record and recommendations of the streets and maintenance representative. It would have been nice to include and inform the neighbors when decisions like that effecting the character of the neighborhood come up for discussion. Who addressed and what was said regarding fire

and particularly ambulance access since all homes will have entrances off of the private driveway.

Regarding the Site Team's recommendations #4 should be corrected to read three (3) existing curbcuts not two (2). See staff report May 3rd page two and staff report Aug. 30 page three. Also, in the May 3rd staff report, page 5, "It should --- no off-street parking ---." From where to where. Please explain.

I believe the neighborhood input was not solicited before these decisions were finalized. That should also be a concern of yours.

No one has discussed the growth of Columbia Gorge Community College. This year alone has really multiplied the number of students and cars. The school records show a 25% increase in students this fall. With the electronics program (INTEL) growing, the nursing program just starting with plans of growth, and now a ballot measure to annex part of Hood River County the traffic is increasing annually. From Dennis Whitehorse, there are 150 plus faculty and residents along with all the day and evening students -- averaging 1000 bodies per day using the campus. The college has added a new 55 car parking lot and there are still cars parked in the park and on Scenic Drive. This definitely implies more traffic.

I believe you have overlooked the specifics of some aspects of the problems that this sub-division will create. Please address specifically --- in writing:

1. No on-street parking on both sides of Scenic Dr. from where to where in feet?
2. Parking on the entire 20 ft. private driveway.
3. Who are the owners and decision makers regarding the regulation and maintenance of the hard surface driveway.
4. Will this main access just have a regular curbcut, or curbing?
5. Consider a no left turn going East on Scenic Drive to enter this drive, as up hill traffic is very scarce there at times. I invite you to come sit at my dining room table and observe the action for a while.

In closing, I want to let you know that Mr. Clark talked to me many times regarding his work on the KODL corner. At least a dozen times he told me he did not want to change the "character of the neighborhood" in his work there. All I can say is what a "piece of work" [REDACTED]

Harley E. Earl

EXHIBIT 5

**KODL RADIO**  
404 E 2<sup>nd</sup> Street  
The Dalles, Oregon  
97058

October 4, 2001

**TO WHOM IT MAY CONCERN**  
**The Dalles City Planning Commission**

**RE: Development of former KODL property**

**Please be aware that during the tenure of KODL operating from the Scenic Drive location in The Dalles, which was 60 years, the most cars in the parking lot at a given time would be five. However most of the time only two or three cars would be in the parking lot.**

**Having utilized the location for such a long time it is hard to imagine more than three homes being constructed on the property. The traffic merging into Scenic Drive presents a high risk, because of volume and the high rate of speed. I used to feel like I was taking my life in hand trying to pullout of the parking lot at KODL.**

**I have been approached by residents who live nearby I can fully understand their concerns.**

**Please feel free to discuss this with me at anytime.**

Sincerely

Al Wynn  
Gen Mgr.

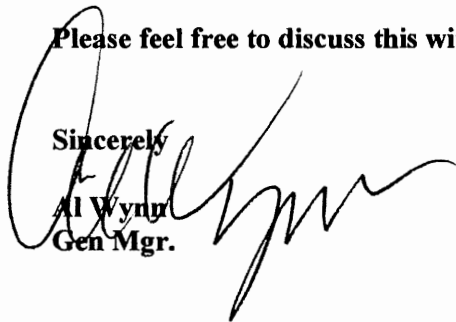


EXHIBIT 6

## INCOMPLETE APPLICATION

### Introduction

The applications of Mark and RaeAnn Clark to partition the land and adjust the lot lines at 2112 West Scenic Drive are incomplete and should be denied. The City's requirements for partition applications are found in Chapter 9 of The Dalles' Land Use Development Ordinance, or LUDO. Chapter 9 pertains to land divisions such as subdivisions and partitions. Section 9.030.030 specifically lays out the requirements for partition applications.

### Identification of Natural Features

Section 9.030.030.A.14 requires that the tentative plat shall include "identification of significant natural features including, but not limited to, rock outcroppings, creeks, streams, ponds, riparian areas, and existing native, ornamental, and orchard trees having a trunk diameter of 14 in. or more at a point 5 feet above the ground." The tentative plat notes, "there are approximately 20 mature pine trees on the site." However, the side note claims that "20" is an approximation. An approximation in a side note falls short of the requirement to identify the trees on the tentative plat.

Also included in the tentative plat side note is a conclusion that there are no rock outcroppings on the site, which is not true. Within the area labeled Tax Lot 8100 on the tentative plat, there is a significant rock pedestal or capstone, similar in stature and appearance to the historic Pulpit Rock on 12<sup>th</sup> Street. The pedestal rises a least 6 feet above the ground and has been a significant feature on the parcel since time immemorial.

Being located near the City limits and Urban Growth Boundary, deer, raccoons, skunks, fox, and other animals often come through the area. The animals routinely cross the site and have created a path that is visible on the ground. However, the path is not identified on the tentative plat. Although Section 9.030.030.A.14 requires specific natural features such as trees and rock outcroppings to be identified, it clearly does not limit the requirement to the natural features that

have been specifically listed. Animal paths are natural features; and although they are not in specifically listed, they are natural features that must be identified on the tentative plat.

### Potential Physical and Environmental Constraints

Section 9.030.030.A.11 requires that the tentative plat shall include "approximate location of any potential physical and environmental constraints for review per the provisions of *Chapter 8: Physical and Environmental Constraints*. Such constraints include, but are not limited to, slopes of the land, erosion control, flood ways, flood plains, natural drainage ways, and geological hazard areas."

The site is located in an A2 Geo-Hazard Zone. Yet on the tentative plat, there is a note that "there are no significant physical or environmental constraints such as land slope, flood ways, flood plains, or natural drainage ways associated with the site." The statement is inaccurate and the tentative plat should be corrected to clearly show the geologic hazard associated with the site, in accordance with the application requirements.

### Conclusion

Failure to accurately identify the pine trees, rock outcroppings, animal paths, and geological hazards on the tentative plat in accordance with the Section 9.030.030 partition application requirements makes the Clark's applications incomplete. Although Section 9.030.030.B allows the Director to "waive any of the requirements where determined that the information is unnecessary to properly evaluate the proposed development," the staff report is void of any such determinations or waivers. Therefore, the applications are incomplete and the Commission should deny them.

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## PARTITION REVIEW CRITERIA

### Introduction

The applications of Mark and RaeAnn Clark to partition the land and adjust the lot lines at 2112 West Scenic Drive do not meet the review criteria and therefore should be denied. As noted earlier, LUDO Chapter 9 deals with land division proposals. Within Chapter 9, Section 9.030.040.B identifies the proper review criteria for land partition applications.

Specifically, Section 9.030.040.B.2 requires that land partition proposals be consistent with the purposes of Chapter 9, relevant development standards of the LUDO, policies and density requirements of the Comprehensive Plan, Public Works standards and policies, and any other applicable policies and standards adopted by the City Council.

The purposes of Chapter 9 are set forth in Section 9.010, which states that the purpose is, among other things:

- to ensure that building sites are sufficient for their intended use and that lots to be created are within the density ranges permitted by the Comprehensive Plan;
- to ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
- to minimize negative effects of development upon natural environment and incorporate natural features into the proposed development where possible;
- to create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses; and
- to preserve, protect, and promote the public health, safety, convenience, and general welfare.

Planning staff properly evaluated the proposals with respect to the lot size and density requirements. However, without further analysis or discussion regarding the

consistency of the proposals with the other Chapter 9 purposes, planning staff concluded in their reports that the proposals will meet, or meet with conditions, all applicable policies and standards. In so doing, staff overlooked the fact that the proposals are not consistent with the Chapter 9 purposes. Moreover, the conditions in the proposed resolutions do not address the issues that were overlooked in the planning staff's evaluation.

#### Pedestrian, bicycle and motor vehicle safety

One purpose of Chapter 9 is to ensure safe routes for pedestrians, bicycles, and motor vehicles. Yet there is no analysis or discussion in the staff reports on the subject. Scenic Drive is a major arterial and it makes a 180° curve around the site. Over the years, the curve has been the location of many traffic accidents. Cars entering traffic from four lots at the site, whether from a single access point or not, will make the curve less safe than it was before when the radio station was there. However, four lots have been approved for the site.

Now the applicants want to increase the number of lots, and consequently the number of vehicles parking at the site and entering traffic, by 50%. Yet there is no discussion in the staff report as to how a 50% increase in vehicular traffic and parking will be accommodated while still ensuring safe passage of pedestrians, bicycles, and motor vehicles on Scenic Drive and the private drive.

Lack of adequate parking will affect the pedestrian, bicycle and motor vehicle safety. Section 7.060 requires only two parking spaces per dwelling unit. And the applicants are proposing a private drive that is only 20 feet wide, the minimum width that is required by Section 10.060.J.5. The result will be that residences with more than two vehicles, or guests with vehicles, will have to find parking elsewhere.

Parking on the private drive will not only preclude or impede traffic flow on the private drive, but it will also affect traffic flow on Scenic Drive as vehicles try to enter the site.

For that reason and probably for emergency (ambulance, police and fire) access reasons, Section 10.060.J.5 notes that no parking is allowed on private drives. If parking is going to be prohibited on the private drive, the staff report should indicate how that will be accomplished. Conversely, if parking is going to be allowed on the private drive, then the staff report should include an explanation as to how the flow of traffic on the private drive and on Scenic will not be impeded.

Obviously, parking on Scenic Drive will affect traffic flow on Scenic Drive, as well as block the view of vehicles trying to enter traffic from the private drive. In the May 3, 2001 staff report, a report that recommended denial of the applications and led to their withdrawal, planning staff noted that "no off-street (sic) parking shall be allowed on this bend on West Scenic Drive." However, the staff reports for these proposals today are silent on the issue of parking. If parking on Scenic Drive will be prohibited, the staff report should indicate how that will be accomplished. And conversely, if parking is going to be allowed Scenic Drive, then the staff report should include an explanation regarding the safe passage of pedestrian, bicycle and motor vehicle traffic.

Since adequate parking directly affects the safe passage of pedestrians, bicycles, and motor vehicles, failure to provide for parking and safe passage of pedestrians, bicycles, and motor vehicles in the proposals is also a failure to be consistent with the Chapter 9 purposes. Therefore, the proposals do not meet the Section 9.030.040.B partition review criteria.

#### Natural environment and features

As noted above, another purpose of Chapter 9, and hence a partition application review criterion, is to minimize negative effects of development upon the natural environment and to incorporate natural features into the proposed development. In my August 15, 2001 letter, I pointed out that Section 6.010.030.H requires that significant trees should be preserved to the greatest extent practical and integrated into the design of the

development. I noted that the mature pine trees at the site helped stabilize the soil, which is an important consideration since the site is in an A2 Geo-Hazard Zone.

However, the staff report response was that tree removal and soil stability as a result of tree removal are not criteria by which partition applications are reviewed. The staff reports contains no analysis or discussion as to how the negative effects of development can be minimized upon the trees or how the trees can be incorporated into the development.

In fact, the natural environment and natural features are a part of the land review process for land partition proposals. Failure to address how the negative effects of the development upon the natural environment can be minimized and failure to address how natural features can be incorporated into the development is a failure of the proposals to be consistent with the Chapter 9 purposes. Therefore, the proposals do not meet the Section 9.030.040.B partition review criteria.

#### Neighborhood identity

Another purpose of Chapter 9, and hence a partition application review criterion, is to create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses. However, there is no analysis or discussion in the staff reports as to how the proposals will accomplish that. A survey of 74 lots in the area showed that the average lot size is 0.28 acres. Although smaller lots are dispersed though out neighborhood, they have independent access points and blend into the neighborhood, fostering a sense of neighborhood identity.

On the other hand, the applicants propose to partition three lots, that average 0.25 acres, into five lots that average 0.15 acres. Although the proposed lot sizes are consistent with the Comprehensive Plan, the fact that they will be smaller than the average neighborhood lot size, and be clumped together with only a single access

point, will make them appear to be an intensive housing compound within the neighborhood. They will be distinct from the rest of the neighborhood and alter the neighborhood identity.

By the same token, destruction of the mature pine trees on the site will change the identity of the neighborhood. For some reason, whether due to micro-climatic conditions or the efforts of some foresighted individual long ago, Ponderosa pine trees are present at the big bend on Scenic Drive. The pine trees lend a character to the neighborhood that the residents, and visitors driving to Sorosis Park, identify with our neighborhood and the park. The pine trees make the neighborhood beautiful and attractive to the residents and to the visitors. Destroying the trees will destroy that beauty, attraction and neighborhood identity. And in the end, Scenic Drive will become less "scenic."

Yet, the staff reports do not include any analysis or discussion of the affects that the proposals will have on the identity of the neighborhood. There is nothing to show how the pine trees, which are the natural features, will be incorporated into the development. Nor do the proposals include any analysis or discussion as to how the neighborhood will be protected from the new more intensive land use.

Failure to consider how the proposals foster a sense of neighborhood identity and protect the neighborhood from the new more intensive land use at the new housing compound is also a failure to be consistent with the Chapter 9 purposes. Again, the proposals do not meet the Section 9.030.040.B partition review criteria.

### Conclusion

Section 9.030.040 review criteria are not just applicable to these proposals, they are applicable to every land partition proposal that the City receives. Land partition review does not begin and end with arithmetic calculations of lot size. Review must also include the difficult tasks of ensuring consistency with the purposes of the land division

ordinance. Since the proposals do not meet the Section 9.030.040 partition review criteria, the proposals should be denied.

**City of The Dalles**  
COMMUNITY DEVELOPMENT DEPARTMENT

October 4, 2001

STAFF COMMENTS AND SUPPLEMENTAL REPORT FOR THE  
CONTINUANCE HEARING

OF

**Minor Partition 188-01 &  
Property Line Adjustment 79-01**

And

**Minor Partition 189-01 &  
Property Line Adjustment 80-01**

**Mark & RaeAnn Clark, Applicant**

On August 30, 2001, the Planning Commission opened the hearings on these applications, received testimony, and continued the hearings for October 4, 2001.

The Commission heard concerns from several citizens in opposition to the proposed partitions. Most of the concerns had to do with the safety of vehicular movement and access, and on and off street parking. One comment addressed the existing trees and ground stability and another addressed neighborhood compatibility.

Staff, including Dan Durow, Gene Parker, Brian Stahl, and Dale McCabe, reviewed these concerns and has these additional comments and recommendations.

**1. Trees and neighborhood compatibility.**

Staff determined that the evidence given and comments made at the hearing on August 30, 2001, are sufficient for the concerns raised on the trees and on neighborhood compatibility.

**2. Safety of vehicular movement and access.**

These proposed minor partitions of land do not require a traffic study. A public right-of-way is a prerequisite to a minor partition plat approval. The street already exists and would not change in its current configuration. Section 10.060 A., requires a traffic study on all development proposals with a significant trip generation or 16 or more single family dwellings. This partition would create a total of 6 lots in this area and therefore would not be a significant trip generator.

Staff has reviewed traffic accident reports from the police department. They show no discernable pattern that would raise special concerns along this area of Scenic Drive compared to the rest of Scenic Drive. The police department also indicated that there is

no special concern regarding accident history at this location relative to the rest of Scenic Drive. (See map of accident reports)

The single access driveway, which would provide access for all parcels, head-in and head-out only, will be built so that the first 20 feet are at a 5 percent or less slope. This will help to insure that good vision on a level approach is created. Staff recommends as an additional condition that the entire driveway be constructed to these partitions by the applicant, and at their own expense, prior to signing the first building permit. This condition shall supercede any previous condition on the first partition request relating to the construction of the driveway.

The clear vision area, as required on the first partition, should be maintained to allow for good sight distance toward the southwest. To insure good sight distance toward the northeast, staff is recommending that the first twenty feet northeast of the drive cut be established as a no parking area. The drive approach will also be built to allow for ADA access across the drive cut. In addition, staff is recommending that prior to the signing of the first building permit, the entire radius of Scenic Drive (the exact location and extent to be approved by the City) be established as a no parking area on both sides of the street. Staff recommends as an additional condition of both partitions that the no parking area approved by the City be installed by the applicant to these partitions, and at their own expense, prior to signing the first building permit.

### **3. On and off street parking**

Two off street parking spaces are required for each single family dwelling on each lot. A single car garage counts as one off street space. The City would not prohibit the use of the driveway shoulders for parking if they are wide enough, except for the first twenty feet.

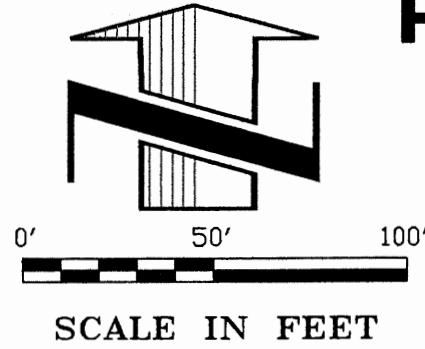
#### **Additional conditions recommended:**

5. That the entire driveway to these partitions be constructed by the applicant of these partition requests at their own expense, prior to signing the first building permit on any of the six lots. This condition shall supercede any previous condition on the first partition request relating to the construction of the driveway.

6. That the entire radius of West Scenic Drive (the exact location and extent to be approved by the City) be established as a no parking area on both sides of the street, and be installed by the applicant of these partitions requests at their own expense, prior to signing the first building permit on any of the six lots.

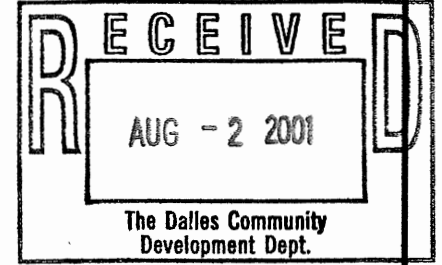
**NOTES:**

- 1) BEARINGS BASED ON NORTHWESTERLY LINE OF CATHOLIC MISSION CLAIM.
- 2) CITY OF THE DALLES GEOLOGIC HAZARD ZONE "A2"
- 3) CITY OF THE DALLES SANITARY SEWER SYSTEM. CITY OF THE DALLES WATER SYSTEM.
- 4) THERE ARE NO SIGNIFICANT PHYSICAL OR ENVIRONMENTAL CONSTRAINTS SUCH AS LAND SLOPE, FLOOD WAYS, FLOOD PLAINS, OR NATURAL DRAINAGE WAYS ASSOCIATED WITH SITE.
- 5) THERE ARE NO SIGNIFICANT NATURAL FEATURES SUCH AS ROCK OUTCROPPINGS, CREEKS, STREAMS, PONDS OR RIPARIAN AREAS ASSOCIATED WITH THIS SITE. THERE ARE APPROXIMATELY 20 MATURE PINE TREES (GREATER 14 INCHES IN DIAMETER) ON THE SITE.
- 6) ALL PARCELS TO ACCESS VIA PRIVATE DRIVE. PRIVATE DRIVE WILL BE BUILT TO ALLEY STANDARD.



# PRELIMINARY PROPERTY LINE ADJUSTMENT AND PARTITION PLATS

TAX LOTS 7900, 8000, 8100 (MAP 1N-13-4CD)  
 IN THE SE.1/4 OF THE SW.1/4, SECTION 4, T.1 N., R.13 E. W.M.  
 CITY OF THE DALLES, WASCO COUNTY, OREGON



AUGUST 2, 2001 PROPERTY LINE ADJUSTMENT:  
 PLA 79-01 & PLA 80-01

**OWNERS:**  
 MARK AND RAE ANN CLARK  
 1011 CHERRY HEIGHTS ROAD,  
 THE DALLES, OREGON. 97058  
 PH. 541-296-7100

TAX LOT	PARCEL	ORIGINAL	ADJUSTED
TL 7900	PARCEL 1 PLAT MIP 175-00	9,968 S.F.= 0.23 AC.	8,200 S.F.= 0.19 AC.
TL 8000	PARCEL 2 PLAT MIP 175-00	12,360 S.F.= 0.28 AC.	13,500 S.F.= 0.31 AC.
TL 8200	LOT 1, BLK. 3 PINES ADD.	10,683 S.F.= 0.25 AC.	11,318 S.F.= 0.26 AC.
<b>TOTAL</b>		<b>33,011 S.F.= 0.76 AC.</b>	<b>33,011 S.F.= 0.76 AC.</b>

**TAX LOT 8200**  
 PARTITION PLAT MIP 188-01  
 (LOT 1, THE PINES ADD. AS ADJ.  
 IN MIP 175-00 & PLA 79-01)

	GROSS AREA (INCLUDES R/W)	NET AREA
PARCEL 1	7,279 S.F.	5,659 S.F.= 0.13 AC.
PARCEL 2	7,279 S.F.	5,659 S.F.= 0.13 AC.
<b>TOTAL</b>	<b>14,558 S.F.</b>	<b>11,318 Sq.Ft.=0.26 Acres</b>

**TAX LOT 8000**  
 PARTITION PLAT MIP 189-01  
 (PARCEL 2 MIP 175-00 AS  
 ADJ. IN PLA 80-01)

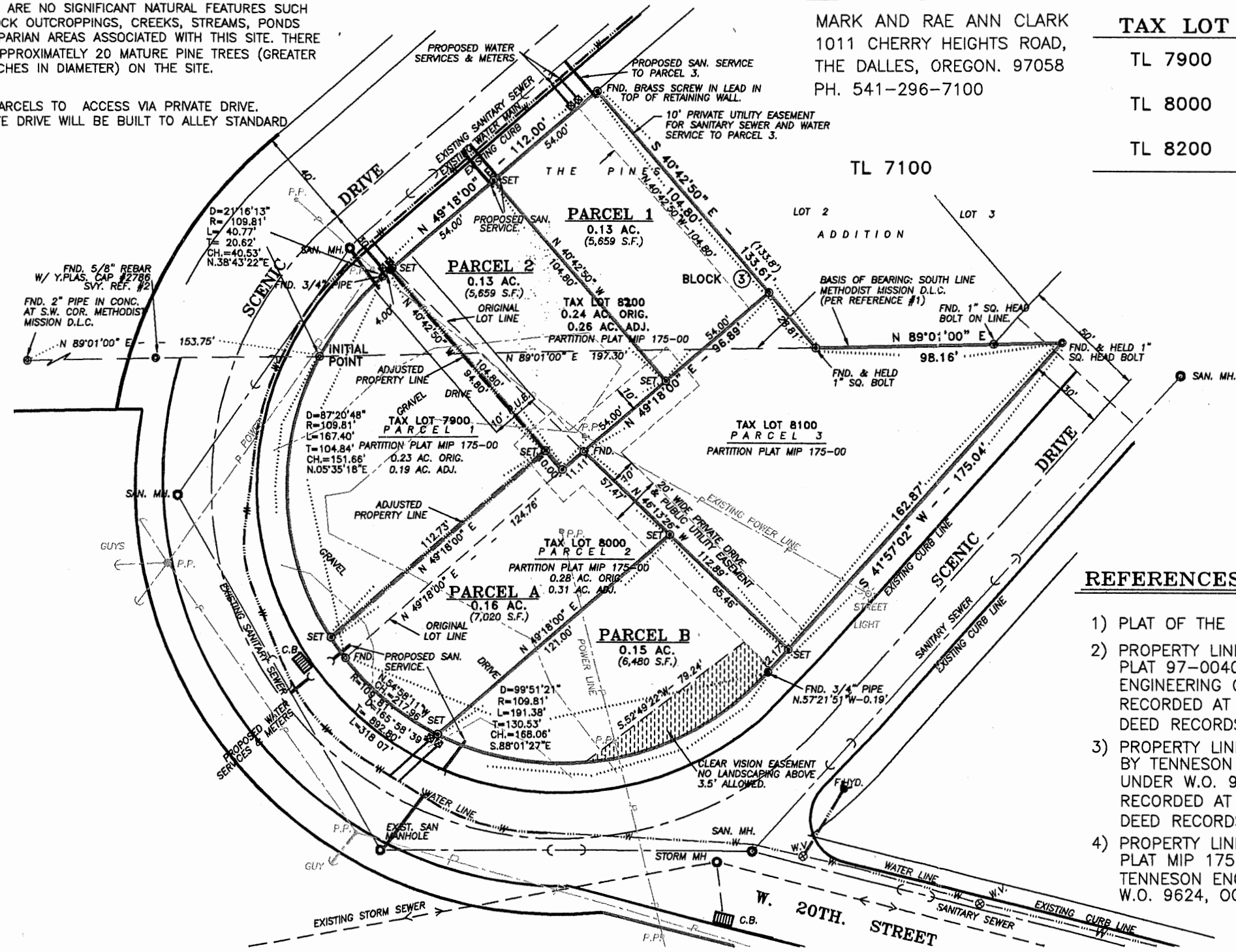
	GROSS AREA (INCLUDES R/W)	NET AREA
PARCEL A	8,761 SF	7,020 S.F. = 0.16 AC.
PARCEL B	11,890 SF	6,480 S.F. = 0.15 AC.
<b>TOTAL</b>	<b>20,651 SF.</b>	<b>13,500 Sq.Ft.=0.31 ACRES</b>

**REFERENCES:**

- 1) PLAT OF THE PINES ADDITION
- 2) PROPERTY LINE ADJUSTMENT PLAT 97-0040 BY TENNESON ENGINEERING CORP. UNDER W.O. 9069 RECORDED AT M.F. 975438 (SLIDE C-71A) DEED RECORDS OF WASCO COUNTY.
- 3) PROPERTY LINE ADJUSTMENT PLAT BY TENNESON ENGINEERING CORP. UNDER W.O. 9271, RECORDED 8/4/98 RECORDED AT M.F. 983944 (SLIDE C91A) DEED RECORDS OF WASCO COUNTY.
- 4) PROPERTY LINE ADJUSTMENT & PARTITION PLAT MIP 175-00 BY TENNESON ENGINEERING CORP. W.O. 9624, OCT. 11, 2000

**LEGEND:**

- ⊙ SET 5/8" x 30" REBAR WITH YELLOW PLASTIC CAP, #2786
- ⊙ FOUND MONUMENTS, AS NOTED.
- CALCULATED CORNERS, NOT SET.
- SET HUB & TACK.
- SET P.K. NAIL OR AS NOTED.
- x- EXISTING FENCE LINE.



# West Scenic Drive Accident Reports 1988-1999

