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CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
MAY 12, 2024
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Ben Wring, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Amie Ell, Public Works Director Dale McCabe, Police Chief Tom Worthy, Community Development Director Joshua Chandler, HR/Assistant City Manager Brenda Fahey

CALL TO ORDER

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

ROLL CALL OF COUNCIL

Roll Call was conducted by City Clerk Ell. Wring, McGlothlin, Runyon, Randall, Richardson, Mays present. Mayor Mays noted Councilors Runyon and Randall were on Zoom.

Randall left the Zoom at 5:33 p.m.

PLEDGE OF ALLEGIANCE

Mayor Mays asked Councilor McGlothlin to lead the Pledge of Allegiance. Councilor McGlothlin invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

Richardson requested to have item 8E pulled from the consent agenda and added as an action item for discussion.

It was moved by Richardson and seconded by McGlothlin to approve the agenda as amended.

The motion carried 4 to 0, Richardson, McGlothlin, Runyon, Wring voting in favor; none opposed; Randall absent.

AUDIENCE PARTICIPATION

There was none.

CITY MANAGER REPORT

City Manager Matthew Klebes reported;

- Introduced Brenda Fahey as the new Assistant City Manager and HR Director; noted it was her first day
- Thanked The Dalles Area Chamber of Commerce for organizing a successful Cherry Festival
 - Upcoming meeting changes: May 27 meeting canceled due to the holiday, Special meeting scheduled for June 2, Regular meeting to follow on June 9

CITY COUNCIL REPORTS

Councilor Runyon reported;

- Was riding in the Run for the Wall from Ontario, California, to Washington, DC, supporting veterans, veterans' medical issues, memorials, VA hospitals, and high schools nationwide; he would join the next meeting via Zoom while returning to Oregon.

Councilor Wring reported;

- Attended the City Budget Committee meeting the previous week.
- Attended the Oregon Ethics Commission public meeting and training.

Councilor Richardson;

- Would report at the next meeting.

Councilor McGlothlin reported;

- Would be attending an airport meeting Friday.
- Attended Urban Renewal where they reviewed and recommended FY 25/26 UR Budget.
- Served as Chair of the City Budget Committee meetings May 5th and 6th.
- Participated in the Cherry Festival, riding with Councilor Randall.

Mayor Mays reported;

- Participated in the Cherry Festival Parade.

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CONSENT AGENDA

McGlothlin asked if the owners of the property at 3223 W 7th Street were present. They were not.

It was moved by Wring and seconded by Richardson to approve the Consent Agenda as amended. The motion carried 4 to 0, Wring Richardson, Runyon, voting in favor; none opposed; none absent.

Items approved on the consent agenda were: 1) Approval of the April 28, 2025 Regular City Council Meeting Minutes; 2) Approval of the April 21, 2025 Special City Council Meeting Minutes; 3) Resolution No. 25-020 Assessing the Real Property Located at 3223 West 7th Street the Cost of Nuisance Abatement; 4) Surplus of Public Works Vehicles and Equipment; 5) Authorizing a Personal Services Agreement with AET (Advanced Electrical Technologies) for the Wicks WTP SCADA Upgrades, Contract No. 2025-006

PUBLIC HEARING

Appeal No. 39-25, an appeal of Planning Commission Resolution No. P.C. 627-25A, denying Appeal 38-25 of the Community Development Director's decision dated March 21, 2025, approving Subdivision No. 86-24, Jason Alford requesting approval to site and develop a two-phase, single-family residential subdivision

Mayor Mays read the rules of the Public Hearing then asked if there were questions

There were none.

Mayor Mays asked if any Councilor needed to declare any ex parte contacts, conflicts of interest, or bias.

Councilors answered; Runyon, no; Richardson, no; McGlothlin, no; Wring, no.

Mayor Mays opened the public hearing at 5:45 p.m.

He called for the staff report.

Joshua Chandler Community Development Director reviewed the staff report.

Mayor Mays said it was time for City Council to ask questions of the Community Development Director.

Richardson if the subdivision permit appeal were to be denied and the project allowed to

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proceed, if the physical constraint permit would then be required as the final hurdle before the developer returned to Community Development for site permits.

Chandler said the process began with land use approval, resulting in tentative plat approval. The applicant then submitted engineered plans, including utilities and physical constraints (e.g., grading, slope stabilization), as part of the physical constraints permit. Staff reviewed the full site plan, returned redlines if needed, and upon approval, construction could begin. He noted that structural fill was governed by building codes, while compaction for roadways and City utilities had to meet City standards.

Richardson asked whether the physical constraints permit process could result in the realignment of proposed parcels, and if staff ever required a developer to redraw parcel lines based on that process.

Chandler said he had not seen a realignment occur through the physical constraints permit process. Developments reviewed under the tentative plat process must substantially conform to the approved layout. While minor adjustments may occur during final surveying or engineering, significant changes were not permitted. He noted small discrepancies, such as square footage variations, may be acceptable as long as the development still met code requirements and standards.

Richardson said a geotech study was not part of the physical constraints permit and asked if it could be required.

Chandler responded that it could not be required unless the site fell within one of the five identified geohazard areas specified in the code.

Mayor Mays asked for clarification of the difference between a physical constraints permit and civil engineering plans.

Chandler explained that the physical constraints permit is the application tied to the plans, similar to a building permit. The permit and plans go together, with the physical constraints permit serving as the formal application associated with the engineered plans.

Mayor Mays asked if the Applicant wished to present the project. He said they would have up to 20 minutes to present, and asked them to please state their name and address for the record.

Richardson asked for clarification on whether there was a process for staff or the City to address unforeseen risks or missed code issues in a project, requiring action for health, safety, or to protect neighboring properties.

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Special Counsel Chris Crean, explained the City could not impose requirements beyond those in the current development code once an application was submitted. He noted that the law enforced a "fixed goal post" rule, preventing arbitrary new conditions after submission. While the code could be revised for future applications, staff and Council had to apply only the existing standards to the current project.

Crean introduced himself as an attorney with the firm Beery, Elsner & Hammond, LLP, representing local governments statewide. His firm served as general counsel for about two dozen Cities and special districts, and acted as special counsel for several others, including the City of The Dalles as special land use counsel.

Richardson asked if there was any provision that would allow the City or local government to recognize an overlooked hazard—not addressed in the code or maps—that became evident to staff or professionals, and if there was a mechanism to pause and reconsider the project based on such a discovery.

Crean said there was no provision allowing the City to pause or reconsider a project due to an overlooked hazard not in the code. He noted that unusual circumstances, such as a sinkhole or a waterfall on the property, would be the developer's responsibility to address. The City could only apply the standards in the code as of the application submission date.

Richardson asked if, at the time the application was submitted for review, the applicant had met all state and local requirements to develop the property.

Chandler responded that the applicant had met all state and local requirements conditionally at the time of application submission.

Richardson asked if, since the date of the appeal, there were any extenuating circumstances affecting the property, such as a sinkhole or slide.

Chandler said he was not aware of any.

Wring noted several conditions related to land stability in the development and asked when those would be reviewed. He confirmed they would be checked during the engineering drawing review and asked when such provisions would be inspected during construction, similar to building code inspections for houses.

Chandler explained that conditions had been organized into milestones with checklists to ensure requirements were met before progressing. He noted developers had to complete subdivision infrastructure before final plat approval and provide a one-year defect warranty. After that, Wasco County Building Codes applied for site construction.

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Mayor Mays asked Mr. Chandler what it meant when he administratively approved the applicant's subdivision application on March 21.

Chandler said the administrative approval was effectively tentative approval, meaning the plan set was accepted, allowing the applicant to proceed with the civil engineered plans.

Mayor Mays asked what was meant by the appellant's reference to an external soil type—non-cohesive, granular Type C soil—not being incorporated into The Dalles Municipal Code and thus not a basis for site-specific hazard determinations within the City's planning jurisdiction.

Chandler said the soil classification referenced was not used in The Dalles Municipal Code. Therefore, the City could not determine compliance based on that classification. If the code listed specific soil types with development standards, they could apply clear and objective criteria, but this classification was not recognized in their system.

Mays asked about the size of the area the 2010 geological hazard study had incorporated, noting that the City could not require additional geological studies beyond what the municipal code specified. He also asked for the definition of holistically used on page 42 where it said "...that permit process ensures that grading impacts and slope stability are addressed holistically at the subdivision stage."

Chandler said he would need to review if anything was done beyond the original scope, but noted the 2010 report was commissioned by the City and likely covered the entire urban growth boundary. He defined "holistically" as considering grading impacts and slope stability together at the subdivision stage, reviewing all related elements comprehensively to ensure overall site stability.

Chandler explained the entire property boundary was reviewed through the physical constraints engineered plan process at subdivision approval, rather than lot by lot. Later, individual home construction might require separate physical constraints permits. A permit was triggered by 50 cubic yards of dirt movement, and engineered plans were required if cut and fill exceeded 250 cubic yards. The City required documentation for any site moving more than 10 cubic yards. Between 10 and 50 cubic yards, only documentation was needed. From 50 to 250 cubic yards, a physical constraints permit with calculations was required, reviewed by the engineering team. At 250 cubic yards and above, full engineered plans were provided.

Mayor Mays asked how the Department of Environmental Quality (DEQ) permit differed from the City's requirements for erosion and sediment control, given that the proposed soil disturbance exceeded one acre and triggered DEQ permitting consistent with state regulations.

Chandler explained the City required the 1200-C permit related to storm water control, which

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was reviewed by the City engineer. The DEQ's 1200-C permit applied specifically when a site exceeded one acre, making it an additional requirement due to the property size. The City reviewed storm water, but the DEQ permit was a separate, state-level obligation.

Mayor Mays noted the DEQ permit was a state requirement. He also stated the City's traffic studies did not evaluate vehicle performance in weather conditions like snow and ice, known as seasonal developments. He asked if traffic studies should evaluate those kinds of things.

Chandler said typically traffic counts focused on the impact of additional development and traffic volume on intersections, not on weather-related conditions.

Public Works Director Dale McCabe said a Traffic Impact Study determined effects on adjacent roads. It was required for subdivisions of 16 lots or more, or developments generating over 400 average daily trips (ADTs). The study focused on affected intersections, not weather impacts.

Mayor Mays it appeared the City allowed an exception to the 12% grade limit due to existing steep grades in the area, noting East 21st Street had a 16.5% grade and the applicant proposed 15%.

McCabe said that was correct and noted there were several streets around town that exceeded the 12% grade threshold.

Mayor Mays asked what steep access roads had to do with requiring a stricter suppression system and if this also help to mitigate wildfire risk.

Chandler said it was a fire code requirement, likely due to the steep hill. He added that if a site was only accessible by a road over 10% grade, all units had to have fire suppression systems to slow or mitigate fire hazards until equipment that might take longer to arrive due to the grade arrived. He said the systems were designed to protect against structural damage and might not fully mitigate wildfire but did reduce individual structural damage.

Mayor Mays said the appellant requested the City commit to extending East 21st Street eastward to connect with a major collector road. He asked if the appellant gave an example of which collector road that would be.

Chandler said no example was provided. He had searched and found the nearest collector was 19th Street, which would not connect with East 21st Street at that point.

Richardson asked whether the City, as part of its physical constraint permit process or during the development of the civil engineering plan, could hire and conduct a geotechnical study.

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Kara said the City could hire a geotechnical study not tied to any specific development. He noted the last hazard studies were completed in 1991 and 2010, roughly every 20 years. The City had engaged experienced geologists for these studies. He added that if the Council wanted a new study, staff could commission it and prepare a land use code amendment to update the municipal code with the new findings. He said this could also be similar to a Phase One environmental study, commonly done in real estate transactions. The City could theoretically conduct such studies for any site in The Dalles using right-of-way observations and historical data.

Richardson asked if McCabe thought the information would be useful in staff's consideration of the process.

McCabe said the report and study would be site-specific, and the City would need to consider the findings and any recommendations from that report.

Kara said the subdivision application before the Council was separate from the physical constraints permit process. He explained the Community Development Director could require additional site-specific plans and studies with a physical constraints permit to address concerns like soil stability and erosion. He added the City could also conduct its own studies if desired.

Wring asked when the existing homes bordering the proposed subdivision were constructed.

Chandler said the two newest homes were built around 2019–2020.

Wring asked if the reason that the existing homes did not have the same fire suppression system requirements at construction was because they were not built as a part of a larger subdivision.

Chandler confirmed that was correct.

Mayor Mays asked if the Applicant wished to present the project. He said they would have up to 20 minutes to present, and asked them to please state their name and address for the record.

Jason Alford introduced himself as the applicant and stated he lived at 219 State Route 115, Washington.

Darrin Eckman of AKS Engineering and Forestry stated his address and 3775 Crates Way, The Dalles, Oregon.

Eckman presented the project to Council, highlighting the following key items:

- The project design began in 2022, with the application submitted in 2024 after multiple reviews and refinements.

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- Adjustments were made based on City staff input, including increasing lot width to the minimum 50 feet (variance approved by the Planning Commission) and adding a hydrant at the end of the private access road.
- The project met all City subdivision requirements regarding lot density, dimensions, roadway, and utility services.
- Regarding slope stability and landslide risk, soils consisted mainly of channel with and Cherry Hill silt loams over sandstone, with no signs of slumping or erosion observed on the applicant's property.
- Photographs showing erosion were from adjacent properties, not the applicant's site.
- Existing steep slopes on the property were stable and had remained so for decades.
- The 2010 Markinger study and Wasco County maps did not classify the property as within a geologic hazard zone.
- Nearby major structures built on similar soils, including the hospital and City water infrastructure, showed no signs of instability.
- Roadways were designed to follow existing terrain terraces, minimizing new fill; any fill proposed for lots would be engineered, permitted, inspected, and revegetated.
- The majority of proposed roads had slopes below 10%, except for one short section; several existing City streets were steeper than those proposed.
- Traffic studies addressed intersection capacity, with the developer responsible for necessary improvements if inadequacies were identified.
- The extension of East 21st Street was not planned by the City and was not required.
- A second access road was not required by code; fire safety was addressed through the requirement of residential sprinklers in proposed homes.
- He stated the project met all City requirements with imposed conditions and supported staff's recommendation to deny the appeal and uphold the Planning Commission's decision.

In response to council questions Ekman added:

- The soil profile included sandstone over bedrock, with NRCS 1970s studies identifying channel with silt loams at approximately 41 inches depth.
- Met with all neighbors except the appellant, who did not respond; communicated with adjacent neighbors for about two years to address issues caused by the previous builder.
- When asked about the Wasco County base map and its relation to the 2010 study, Eckman stated he believed Wasco County digitized records from the Department of Geologic and Mineral Industries (DOGAMI) but did not commission an independent soil study.
- When asked about how he knew the slopes in the vicinity had been stable over decades, Eckman stated he had personally observed them and noted his 29 years of experience with Tenneson Engineering, including involvement with the Alford and Smith property for the same duration.

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- Clarified that except for one section of East 21st Street at 15.6%, the next steepest road grade was 9.6%, with the grade varying slightly along the road. He also noted that all of Smith Loop fell within acceptable grades.
- Confirmed that the development stopped at East 21st Street, explaining that if the road were extended further east, the existing ground grade exceeded 17%, meaning the road grade would also exceed 17% without significant cut or fill.
- Noted the appellant had proposed a different road configuration with three cul-de-sacs off north-south streets from East 21st Street. He explained this did not mitigate the 15.6% slope of East 21st Street and that cul-de-sacs typically consume more land, reducing lots per acre and conflicting with City minimum density requirements.
- When asked about nearby property ownership and potential for a larger subdivision, it was stated that there were a total of three lots: two included in this subdivision and one farther east served by the easterly extension of East 21st Street, which did not meet City roadway requirements. The applicant owned no other property.

Mayor Mays asked if the Appellant wished to present the project. He said they would have up to 20 minutes to present, and asked them to please state their name and address for the record.

Ted Valkov of 2102 Claudia Lane and Pam Danzer of 2100 Claudia Lane, The Dalles, Oregon presented slides (see attached). Highlights included;

- Represented concerns of approximately 20 residents who collectively submitted a document outlining 16 objections, each with references to applicable municipal codes.
- Expressed concern about potential long-term impacts of the proposed subdivision on steep slopes, hydrology, and public safety.
- Emphasized the risk of landslides due to soil instability and referenced a 2023 DOGAMI report identifying Smith Ridge as a landslide-prone area.
- Noted visual and photographic evidence of slippage planes and runoff impacts on the hill.
- Urged City Council not to rush approval, citing potential for cost-effective design alternatives.
- Cited public safety concerns related to visibility and road design along the proposed loop road.
- Requested that licensed geologists further evaluate the geological risks before proceeding.
- When asked if Valkov had spoken to the applicant, he said he had only become involved about a month ago. He had believed the application had been denied so had not followed up.
- Noted the City code distinction between “shall” (mandatory) and “may” (permissive).
- Raised concern that the proposed design did not meet the required minimum 80-foot centerline radius.
- Questioned the justification for retaining the existing misaligned road layout.

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- Stated that utilities were required to be provided to all lots, but the plans showed steep utility runs (20–30 feet) to upper lots.
- Observed there was no storm sewer on E. 21st Street and questioned where storm water from the upper lots would go.
- Pointed out the lack of slope stabilization details in the preliminary plans and raised concerns about potential slope failure or movement.
- Noted that development would require excavation near steep slopes, which could destabilize the area.
- Stated that top-tier lots were on 2:1 slopes and lacked viable driveway access.
- Expressed concern that proposed fire turnarounds were on grades too steep for fire vehicles.
- Asserted that the physical constraints of the site, such as slope, should have been analyzed and addressed in the design.
- Criticized the proposal for lacking due diligence and logical site planning.
- Noted that Smith Loop passed through an area identified as a landslide zone.

Mayor Mays said in appeal document concerns about weather conditions such as snow and ice had been repeated multiple times. He questioned whether buyers of several hundred-thousand-dollar homes in that area would be expected to understand and accept those existing conditions.

Valkov described nearly hitting a neighbor while his car was sliding, highlighting the danger of the conditions and advising against visiting the area during snow.

Mayor Mays asked why it was important to them that a public street be developed to accommodate future development.

Danzer said her point was primarily about a breach of City code. She said it was important for future development, possibly decades away, to have a public roadway not just a private easement extending East 21st Street. She explained that proper grading and slope cuts would be needed to allow for future access, in alignment with the intent of the urban growth boundary.

Mayor Mays asked Mr. Valkov whether he was satisfied with Mr. Alford's response to the concern that his additional property could serve as a spearhead for a much larger development, potentially affecting public safety.

Valkov said yes, and it was not a part of the current appeal, but may have been in the past appeal. Mayor Mays asked if anyone wished to testify in favor of the Appeal, meaning those who believed the subdivision application should be denied. He stated that each speaker would be allowed up to three minutes and requested that individuals state their name and address for the record.

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Donna Lawrence of 2017 View Court asked if the decision had to be made that evening.

Kara confirmed that due to multiple extensions, the application was nearing its final deadline of May 20. If a decision was not made that evening, City Council would need to hold a special meeting before that date to render a final decision.

Lawrence said she hoped everyone had visited the physical site. She asked if Planning had approved the site plan and for clarification on whether site plan approval also included approval of the lots, or if it only indicated the general area was suitable for building.

Chandler confirmed the tentative site plan had been approved. No approval had been granted to begin construction. Only the outline of the nine-acre area had received tentative approval, which was later appealed to the Planning Commission.

Lawrence said the main concern was the hillside, noting many lots extended over it. She expressed concern for existing homes below and future development impacts, including runoff. She asked if the property was within City limits when geological hazard rules were reviewed.

Chandler clarified the property was within the Urban Growth Boundary, which fell under the City's Community Development jurisdiction regardless of City limits.

Mayor Mays said he had visited the site and walked extensively over the property.

Allison Shock, residing at 2008 View Court, expressed support for the concerns outlined in the report. She urged the board to consider how they would feel if their own neighborhood was affected, emphasizing worries about safety, prolonged construction impacts, limited access, water drainage, soil stability, and potential landslides. She requested the plans be revised and a geological test conducted to ensure the safety and integrity of the neighborhood.

Gary Wade, of 1700 East 21st, said the easement road on the south side of the development was steep and prone to erosion, with runoff affecting proposed lots below. He said the plan lacked adequate drainage and questioned where water from homes on the north side would go. He also expressed concern over two nearby lots built in 2019 that did not meet City standards with sidewalks and street improvements, stating it had caused problems in the neighborhood and urged the City to prevent similar issues in this development.

Chandler said the easement road concerns were addressed at the Planning Commission meeting. A new condition required the road to be designed in a valley shape to collect and pipe storm water to the subdivision's storm system. Regarding the two houses built around 2019 or 2020, he explained they were part of a minor partition. He clarified that for minor partitions (three lots or fewer), the City is legally restricted from requiring public improvements such as sidewalks or

streets.

Wade said he knew the area well and had built houses. He questioned whether a V-shaped road could handle runoff from homes and impervious surfaces, noting the one-to-one slope and potential drainage problems.

Chandler said each house would be stubbed with a connection to the storm water system and could pipe runoff directly into it. He deferred to the applicant for further details.

Mayor Mays asked if anyone wished to testify in opposition to the Appeal, meaning those who were against the Appeal and believed the subdivision application should be approved. He stated that each speaker would be allowed up to three minutes and requested that individuals state their name and address for the record.

Mary Hanlon said she attended the meeting without prior knowledge of the project or applicant but wished to address The Dalles' severe housing crisis. She noted frequent opposition to housing projects and acknowledged valid concerns like geotechnical review but stated broad opposition hindered necessary development. She cited data showing The Dalles was not keeping pace with population growth, causing housing shortages and rising prices—from \$180,000 in 2016 to \$530,000 in 2024. She emphasized the need for balanced growth and urged the City to support housing where feasible rather than resist it. She provided a mailing address of 101 West 2nd Street, # 2049 The Dalles, Oregon.

Council recessed for a break at 7:58 pm. - Council resumed at 8:12 pm.

Mayor Mays asked if anyone wished to testify or ask questions on the matter without speaking in favor or opposition. He stated that each speaker would be allowed up to three minutes and requested that individuals state their name and address for the record.

There was none.

Mayor Mays asked if the Appellant wished to present any rebuttal. He stated that up to ten minutes would be allowed.

Valkov said the appeal itself served as sufficient rebuttal and emphasized the request for a correct decision addressing safety and nuisance concerns through redesign. He noted the many issues found with limited time to review, highlighting that more problems might emerge with further study. He argued the development would worsen the housing shortage by displacing homes for working people with expensive housing, noting local contractors are booked and focused on high-end projects. He urged council to consider delaying the decision to do the right thing, warning that approval would make current problems permanent in the neighborhood.

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Mayor Mays asked if the Applicant wished to present any rebuttal. He stated that up to ten minutes would be allowed.

Eckman clarified the embankment on Smith Loop was optional, with setbacks allowing homes to sit closer to the road and reduce bank impact. The street width accommodated parking and traffic safely, and landscaping would reduce fire risk. Storm water from homes was typically managed onsite, not required to enter the city system. The new paved roadway prevented gravel runoff and supported large vehicles, addressing orchardist concerns. Developer-funded frontage improvements benefited existing lots. Homes were to be customized to fit the terrain and views, potentially higher-priced, but this allowed current owners to move up, freeing housing for local workers such as teachers and firefighters.

Mayor Mays asked if the Appellant wished to present a closing. He stated that up to five minutes would be allowed.

Valkov briefly thanked the Mayor and City Council for their time and appealed directly to Alford, asking him to provide a reason to purchase one of the lots, stating he currently would not consider it.

Mayor Mays asked if the Applicant wished to present a closing. He stated that up to five minutes would be allowed.

The applicant declined.

Mayor Mays asked if Councilors had enough information to make a decision.

Mayor Mays asked if the City Council was ready for deliberations.

Mayor Mays closed the public hearing at 8:25 p.m.

Wring asked if the Fire Marshall had concerns about accessing, serving, or turning around in the proposed development.

Chris Grant, Fire Marshall at Mid Columbia Fire and Rescue 1400 West 8th Street, said the department had become involved early regarding access and water supply. Provisions were made requiring fire sprinklers in each residential structure because the road grade exceeded 10%, as per fire code. The layout, including turnarounds in each phase, complied with fire code requirements. Although fire sprinklers were not mandatory, they had been required due to safety concerns. Any development in the area would have required sprinklers because of the steep road grade.

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Richardson asked whether utilities such as storm water and drinking water could be successfully connected to the elevated area and if the DOGAMI map raised any engineering concerns that should be considered. He acknowledged the state's indication that some areas might be prone to sliding or slope failure and questioned whether staff should be directed to consider this during the physical constraints process. He noted this appeared to be an open question possibly beyond their legal authority to compel but wondered if at a later stage a geotechnical examination could be required or voluntarily undertaken.

McCabe confirmed they could connect utilities. He said the City had typically followed the 2010 study conducted within the urban growth boundary, which they had adhered to over the years. He explained that the physical constraints process required an engineered study and plan if more than 250 cubic yards of material was disturbed. The applicant or developer was responsible for preparing these plans to assess site conditions, including cuts and fills for the development. He noted that while the City reviewed any site-specific recommendations from such studies, there was no mechanism in place to require an additional geotechnical study specifically for this development.

Wring asked if, during development or prior to it, conditions ensured the site would be properly prepared from a civil engineering perspective and complied with required mitigations. He inquired about the process for addressing unforeseen discoveries during excavation, such as unexpected archaeological findings.

Chandler said the development inspector would conduct frequent site visits and inform parties of unexpected issues, like archaeological findings, usually during pre-construction meetings. He noted established procedures for archaeology but said other issues would be addressed as they arose.

McCabe said the applicant's engineering firm had conducted site investigations and prepared plans for road design, cuts, fills, and property layout. He anticipated they completed due diligence to support the subdivision's construction. Staff would review and collaborate with the firm throughout the process, responding to questions and ensuring plans reflected their findings.

Kara addressed public and Council concerns about geotechnical plans for developments in challenging areas, noting it was not directly related to the subdivision decision. Under the City's Land Use and Development Code, section 10.820.50 on physical constraint permits, developers must submit detailed site plans covering hazards, natural features, drainage, and erosion control. The Community Development Director may require additional studies to evaluate public safety risks like landslides. He emphasized that while not part of the current subdivision approval, the code ensures thorough review through the physical constraints permit process.

It was moved by Wring and seconded by Richardson to adopt Resolution No. 25-021A, a

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resolution denying the Appeal and affirming the approval of Subdivision Application No. 86-24 (as set forth in Planning Commission Resolution No. PC 627A-25) based upon the evidence in the record and the findings and conclusions set forth in the Agenda Staff Report dated May 12, 2025, including the conditions of approval.

McGlothlin stated that he had reviewed sufficient documentation, including 327 pages and the testimony presented that evening, and believed he could make an unbiased and sound decision regarding the appeal.

Richardson agreed with Councilor McLachlan, acknowledging neighbors' valid concerns about the uphill subdivision and sharing personal experience with similar issues. However, the City lacked legal authority to deny the subdivision under current codes. He noted concerns could be addressed through the physical constraints permit process and additional studies, but stressed the City must follow legal procedures to avoid risk.

Wring echoed the comments of fellow Councilors and emphasized there were pathways to ensure the project proceeded safely. He expressed confidence in City staff's ability to assess and evaluate throughout the process. Wring acknowledged his personal experience with similar concerns and the unpredictability of natural impacts. He appreciated the constructive discussion and encouraged continued collaboration between neighbors and developers moving forward.

Mays expressed appreciation for the appellant's preparation, articulation, and professionalism during their arguments.

The motion carried 3 to 0, Wring, Richardson, McGlothlin voting in favor; none opposed; Randall, Runyon absent.

ACTION ITEM

A Resolution Concurring with The Mayor's Appointment to The Planning Commission

Councilor Richardson opened discussion on the appointment of Mr. Steve Light to the Planning Commission, citing prior collaboration on the Federal Street Plaza committee and endorsing him as an excellent addition. He raised a question regarding potential conflicts of interest, noting that Mr. Light employs a current Planning Commissioner. The Council discussed the effectiveness of recusal as a tool to manage conflicts, emphasizing the importance of transparency and avoiding any perception issues.

Council members sought clarification on how conflicts might be handled if decisions affected the employer or employee, affirming confidence in the recusal process. The City Attorney, serving as ethics advisor, noted no apparent conflicts under Oregon Public Ethics Law and explained

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that, given the Planning Commission's size, potential issues related to serial meetings or quorum were unlikely.

The discussion acknowledged the benefit of addressing the appointment in open session rather than on the consent agenda for transparency.

It was moved by McGlothlin and seconded by Richardson to adopt Resolution 25-019 Approving the Appointment of Steve Light to the Planning Commission. The motion carried 3 to 0, McGlothlin, Richardson, Wring voting in favor; none opposed; Randall, Runyon absent.

EXECUTIVE SESSION

In accordance with ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection.

Mayor Mays recessed Open Session at 9:00 p.m.

Mayor Mays reconvene Open Session at 9:43 p.m.

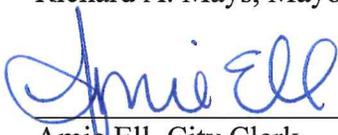
It was moved by McGlothlin and seconded by Wring to adopt Resolution No. 25-022, a Resolution Authorizing the City Manager to Enter into an Intergovernmental Loan Agreement with Q-Life, subject to Wasco County Authorizing a similar Loan with Qlife. The motion carried 3 to 0, McGlothlin, Wring, Richardson voting in favor; none opposed; Randall, Runyon absent.

ADJOURNMENT

Being no further business, the meeting adjourned at 9:45p.m.

Submitted by/
Amie Ell, City Clerk

SIGNED: 
Richard A. Mays, Mayor

ATTEST: 
Amie Ell, City Clerk