

MINUTES

PLANNING COMMISSION MEETING

April 17, 2025

5:30 p.m.

City Hall Council Chambers
313 Court Street, The Dalles, Oregon 97058
Via Zoom / Livestream via City Website

PRESIDING: Cody Cornett, Chair

COMMISSIONERS PRESENT: Mark Poppoff, Maria Peña, Carrie Pipinich, Nik Portela
(Arrived at 5:37 p.m.)

COMMISSIONERS ABSENT: John Grant, Addie Case

STAFF PRESENT: Director Joshua Chandler, City Attorney Jonathan Kara,
Special Counsel Chris Crean, Associate Planner Cialita
Keys, Planning Technician Paula Webb, Administrative
Assistant Crystal Sayre

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:33 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Peña and seconded by Poppoff to approve the agenda as submitted. The motion carried 4/0: Cornett, Peña, Pipinich and Poppoff voting in favor, none opposed, Case, Grant and Portela absent.

APPROVAL OF MINUTES

It was moved by Poppoff and seconded by Peña to approve the minutes of April 3, 2025 as submitted. The motion carried 4/0: Cornett, Peña, Pipinich and Poppoff voting in favor, none opposed, Case, Grant and Portela absent.

PUBLIC COMMENT

None.

QUASI-JUDICIAL PUBLIC HEARING

Appeal 38-26, Pam Danzer

Request: Appeal of the administrative approval of Subdivision (SUB) 86-24 on March 21, 2025, for the approval to site and develop a two-phase, single-family residential subdivision. Phase I will consist of 14 lots on 3.33 acres inside the City limits. The remainder will be annexed into the City and later divided into 15 lots.

The Commission held a quasi-judicial public hearing to consider Appeal No. 38-25, an appeal of the Administrative Approval of Subdivision Application No. 86-24, submitted by Pam Danzer. The subdivision involved a two-phase single-family residential development located behind Adventist Health Columbia Gorge, with Phase I consisting of 14 lots and Phase II of 15 lots. Phase II is located outside City limits but within the Urban Growth Boundary and required annexation.

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest, or bias which would preclude an impartial decision. Hearing none, Chair Cornett opened the public hearing at 5:40 p.m.

Director Chandler provided the staff report and presentation (Attachment 1). He described the project timeline, location, and scope. The appeal raised six primary issues: geologic hazards, development standards compliance, traffic and emergency access, infrastructure and utilities, neighborhood compatibility, and transparency in the review process.

Director Chandler detailed that:

- The site was not located within a City-identified geologic hazard zone, and a geologic impact study was not required under City Code.
- All lots, except one (Lot 11), met minimum frontage requirements. A condition of approval required expansion of Lot 11 to meet the standard.
- A Traffic Impact Study was conducted by a licensed traffic engineer and accepted by the City. No additional mitigation was required.
- Emergency access standards would be met with phased turnarounds or road extensions and sprinkler systems for all homes due to slope grades.
- Water pressure was confirmed to meet state standards. All utilities would be extended and installed at the developer's expense.
- The development met zoning and density requirements. Subjective criteria such as affordability and aesthetics were not applicable under state law.
- Public notice was properly issued, and all property ownership records were publicly accessible.

MINUTES

Planning Commission Meeting

April 17, 2025

Page 3 of 50

Director Chandler concluded by recommending denial of the appeal and affirmation of the subdivision approval, with conditions outlined in the staff report.

Commissioner Poppoff questioned the requirement for all runoff from houses and driveways to be directed into the storm sewer system, noting that rainfall on the site would not increase post-development. Director Chandler explained that all development must either retain water on site or connect to the storm system. Due to site topography, on-site retention could be difficult, and the developer was installing a full storm line system with laterals to each lot for roof drain connections. While infiltration trenches could be an option, engineering analysis would be needed, and a connection to the storm system remained the most feasible approach.

Chair Cornett inquired about the use of hazard maps. Director Chandler clarified that the City only uses its own hazard map developed in 2010, as neither county nor state maps are referenced in The Dalles Municipal Code.

Regarding the traffic impact study, Chair Cornett asked who performed the study and who was responsible for contracting it. Director Chandler stated that it was Ferguson and Associates, and that the developer is responsible for hiring and paying the traffic engineer. The City ensures the traffic engineer is licensed and meets with public works staff to determine the scope, including the specific intersections to be studied.

Chair Cornett also asked about road steepness in the existing subdivision. Director Chandler confirmed that one segment of East 21st Street is 16.5% in grade. The subdivision roads are slightly less steep and do not exceed 10%.

The distinction between the Comprehensive Plan and The Dalles Municipal Code was discussed. Chair Cornett emphasized that the Comprehensive Plan serves as a guideline and is not regulatory. Director Chandler agreed, noting the Comprehensive Plan includes goals and policies used to develop the Code, which contains the enforceable standards.

In regard to fire suppression, Chair Cornett asked if sprinkler systems were required for the proposed homes. Director Chandler confirmed this is a requirement of the Oregon Fire Code for properties accessed by roads exceeding a 10% grade. View Court, at 13.5%, triggers the requirement. A color-coded map is used by engineering staff to identify road grades, and the Fire Department will ensure final plans meet applicable codes.

Commissioner Peña inquired about anticipated home prices. Director Chandler referenced an estimate of around \$500,000 due to the complexity of construction on steep terrain, though this would be subject to market conditions.

Commissioner Poppoff asked about house sizes. Director Chandler stated that square footage is not part of subdivision approval criteria, and he did not recall if the developer had provided that information.

Applicant Testimony

Jason Alford, 219 State Route 115, Ocean Shores, Washington

Mr. Alford stated that his goal was to fulfill a longstanding family vision for the property. Darrin Eckman of AKS Engineering elaborated that:

- The lots were shaped to match the topography, requiring complex foundation designs.
- The average lot size exceeded 8,200 square feet, consistent with the neighborhood.
- Utilities and roads were designed to meet all engineering and safety standards.
- Storm water discharge would be accommodated either on-site or through the planned storm system.

Appellant Testimony

Pam Danzer, 2100 Claudia Way, The Dalles

Ms. Danzer stated that she was serving as the neighborhood spokesperson and that the Appeal had been filed under her name for that reason. She indicated she would be presenting the neighborhood's concerns.

Ted Valkov, 2102 Claudia Lane, The Dalles

Mr. Valkov, speaking as a resident of the neighborhood, clarified that while a formal neighborhood association had not yet been established, the slides submitted (Attachment 2) reflected input from multiple neighbors. He emphasized that many residents felt excluded from the process and were concerned about both the pace of the development and its implications. He expressed appreciation for being allowed to speak and acknowledged the long-standing local history of the area.

Mr. Valkov raised concerns about the adequacy of the public process, stating that the review had focused heavily on code compliance without addressing real-world impacts. He cautioned that the subdivision would be constructed on steep, unstable slopes composed of Type C soils, similar to areas in California that have experienced landslides despite extensive code compliance. He contended that altering site hydrology through grading and development could destabilize the hillside and create serious geotechnical risks.

He reviewed grading plans and aerial photos, arguing that the development would involve building homes on engineered fill placed on or near the scarp slope. He noted the absence of comprehensive geotechnical or hydrological analysis in the application and pointed out recent visible slippage on the slope as evidence of instability.

Mr. Valkov asserted that Smith Ridge is a dynamic slope covered with native vegetation that offers limited erosion protection during winter storms. He described observed runoff issues and warned that without adequate drainage planning, the development could channel stormwater into neighboring properties, increasing erosion risk and potentially causing damage.

Traffic safety was another significant concern. He shared personal observations and photos showing poor visibility and steep road conditions on East 21st Street and View Court, noting that the roads become dangerous or inaccessible during winter weather. He questioned how new residents unfamiliar with local conditions would safely navigate the area.

Mr. Valkov also raised fire safety issues. He emphasized the inability to effectively clear vegetation on the scarp due to unstable soils, noting that this vegetation could fuel a wildfire that might endanger nearby infrastructure, including the BPA transmission corridor. He argued that mandatory residential sprinkler systems would not be effective in such a scenario.

MINUTES

Planning Commission Meeting

April 17, 2025

Page 5 of 50

He concluded that many hazards—geotechnical, fire, and traffic-related—had been overlooked or inadequately addressed due to a procedural focus on code compliance. He cautioned that these risks could not be resolved on a lot-by-lot basis and were inherent to the subdivision’s layout.

To address the concerns, Mr. Valkov offered several alternative solutions:

- Solution A: Eliminate the proposed loop road and instead use cul-de-sacs to reduce grading impacts and avoid placing homes on the unstable slope.
- Solution B: Provide a secondary access to the subdivision by extending East 21st Street to a collector street, improving emergency egress and winter access.
- Solution C: Increase lot sizes in some areas to allow for safer driveways and usable yards, without significantly impacting density or the applicant’s development rights.

He concluded by encouraging the Planning Commission to consider early-stage design adjustments rather than approving the plat as proposed, stating that addressing fundamental site constraints now would result in a safer and more resilient neighborhood.

Ms. Danzer submitted written comments on behalf of concerned neighbors regarding Appeal No. 38-25 (Attachment 3). The document, titled “Neighborhood Response to Staff Report – Appeal No. 38-25”, provides a detailed critique of the proposed Smith Ridge Subdivision and outlines specific concerns regarding geological stability, drainage, traffic safety, fire access, and procedural timing.

The testimony highlights that the subdivision site contains slopes exceeding 25% and potentially unstable Type C soils. It asserts that the City’s reliance solely on the 2010 Geologic Hazards Study is insufficient and calls for a site-specific geotechnical investigation prior to approval. The document argues that hazard identification and mitigation measures should occur early in the planning process—not deferred to the physical constraints permit stage—to ensure responsible development and public safety.

Concerns were also raised about the proposed street layout, which includes steep road grades, substandard right-of-way widths, and inadequate turnarounds for emergency vehicles. The testimony contends that these elements do not meet applicable standards in The Dalles Municipal Code or fire access requirements. The response further critiques the absence of detailed drainage facilities and warns that uncontrolled runoff could create erosion hazards, particularly during winter weather events.

The comments also question the appropriateness of processing the subdivision as an administrative action rather than a quasi-judicial one, citing the complexity of the site and potential impacts on the surrounding neighborhood. The document calls for annexation of Phase 2 prior to any construction and urges the City to require revised grading and site plans that incorporate hazard mitigation, improved connectivity, and code compliance before final approval is granted.

The neighborhood group ultimately requests that the City revisit the proposed site design to address physical constraints and environmental risks through proactive planning rather than reactive permitting.

Chair Cornett asked for clarification on the location being referenced on the map.

Ms. Danzer responded, indicating the location near the labeled “conceptual finished grade.” She explained that the dashed line represented a proposed fire apparatus turnaround, which is subject to a minimum 28-foot radius and sufficient approach length. However, due to the presence of steep 2:1 slopes and road placement at a 1% grade, the area creates a berm that is unsuitable for fire vehicle turnaround. She asserted that under the current layout, it would be physically impossible to construct a compliant turnaround within Phase 1. Danzer emphasized that while the neighborhood is not opposed to development, the current plan does not reflect responsible design, and certain code standards appear unmet. She stated that adjustments by the engineer and developer are necessary to create a feasible and compliant site layout.

Ms. Danzer also pointed to an easement between Lots 29 and 19, stating that this area should be developed as a public street that extends to the eastern property line, in order to accommodate future development. She explained that because the adjacent property lies within the Urban Growth Boundary, the developer is responsible for extending road and utility infrastructure to the property line.

Chair Cornett inquired where this requirement is stated in code.

Ms. Danzer acknowledged that her team had prepared the materials quickly and that the references may not precisely cite the code.

Director Chandler clarified that the likely reference is TDMC 10.6.050.030(B), which states that “public street improvements may be required through a development site, where required by the approving authority.” He noted that the code uses “may,” indicating discretion rather than a strict requirement.

Ms. Danzer agreed, stating that much of the code contains discretionary language open to interpretation. She added that standard development practices typically include extending utilities and infrastructure to support future development of adjacent parcels.

Chair Cornett inquired whether Ms. Danzer was reading from her submitted public comment. Ms. Danzer confirmed she was referencing material from the written testimony, specifically addressing concerns about drainage and street design, including portions of TDMC 10.10.060 Street Requirements.

Ms. Danzer described issues with the grading plan, noting that certain slopes—specifically a 9.6% grade—do not appear to include appropriate drainage infrastructure. She argued that water runoff would flow directly toward Lots 10 and 11 due to the absence of curbs on an access easement located between those lots. She asserted that this impervious surface, regraded as part of the subdivision plan, could result in runoff concentrating and causing slope failure or erosion, particularly in the absence of proper curb and drainage features.

She further raised concerns about the turning radius at the northwest corner of Smith Ridge Loop, stating that it did not meet the 80-foot centerline radius required for local streets under City Code. She suggested that the sharp 90-degree turn should be redesigned using a larger radius or a “knuckle” layout for fire safety. She also questioned whether the street’s current

MINUTES

Planning Commission Meeting

April 17, 2025

Page 7 of 50

configuration could accommodate large vehicles, such as those used for orchard harvest operations on adjacent land.

Chair Cornett and Director Chandler clarified that while a storm drainage system is part of the subdivision, the specific access easement referenced by Ms. Danzer is not connected to it. Ms. Danzer also noted that curbs are not required on access easements under code, which may contribute to uncontrolled runoff and drainage issues in that area.

Discussion continued about whether the proposed road system met City Code requirements for connectivity and street extension. Ms. Danzer contended that East 21st Street should be extended to the eastern property boundary and that utilities should also be extended to serve potential future development within the Urban Growth Boundary. She cited TDMC 10.10.060(D), which requires public streets installed concurrent with development to extend through the site to adjacent properties. She argued that the current plan failed to comply with this requirement.

Special Counsel Crean responded that the site plan includes a 50-foot-wide access easement to the eastern property line, which meets the requirement for future connectivity. He added that while pavement did not extend to the boundary, the easement accommodates the extension of future street improvements. He also clarified that under legal interpretation, the more recently adopted Transportation System Plan (TSP) supersedes older provisions in the Code. The TSP allows for a 50-foot right-of-way rather than the 54 feet cited in older language, and that standard has been consistently applied in subdivision approvals since 2017.

Ms. Danzer expressed concern that the TSP was not easily accessible to the public and questioned how it could override the requirements listed in the Municipal Code if it had not been formally incorporated. City Attorney Kara confirmed that the TSP is available on the City's website and is referenced throughout Title 10. Director Chandler added that subdivision proposals are reviewed using both the TSP and the Municipal Code, and that 50-foot rights-of-way are consistently applied during site team review and development engineering.

Regarding fire access, Mr. Eckman noted that the proposed 37.5-foot turning radius at the northwest corner of Smith Ridge Loop was modeled after existing road geometry and had been shifted 10 feet to the east to accommodate nearby development. He stated the Fire Department had been given the plans and provided no comments or objections. Director Chandler confirmed that the plat, including road layout, had been reviewed by City staff and agencies.

Chair Cornett emphasized that any conditions imposed by the Planning Commission must be supported by code requirements. He asked Ms. Danzer to provide specific, enforceable code-based conditions. In response, Ms. Danzer referenced the 54-foot right-of-way standard (superseded by the TSP), turning radii, and fire turnaround requirements.

Chair Cornett asked whether the subdivision layout could be changed if further analysis, such as a Physical Constraints Permit, revealed the site was unsuitable for development in some areas. Director Chandler clarified that if the tentative plat is approved, the final plat must substantially conform to it; significant changes would require a new application and review process. Chair Cornett acknowledged this process and noted that while the developer could voluntarily resubmit a revised plan, the Commission could only impose changes that comply with current code.

Ms. Danzer concluded by reiterating that the neighborhood is not opposed to development, but wants it done responsibly, with full consideration of slope stability, proper drainage, access, and infrastructure planning. She encouraged proactive design changes prior to approval to avoid complications later in the process.

Chair Cornett thanked Ms. Danzer and confirmed that no further questions were posed by other Commissioners.

Public Testimony

Donna Lawrence, 2017 View Court, The Dalles

Ms. Lawrence asked whether the Planning Commission had visited the site and was assured by Chair Cornett that they had. She inquired whether slope stability and soil conditions would be reviewed later in the process, to which Chair Cornett confirmed that geotechnical considerations would occur during the engineering phase as a condition of approval. Ms. Lawrence also raised concerns about traffic impacts if future development occurs east of the site, suggesting that View Court would likely be the primary access due to topographic constraints.

Allyson Schock, 2008 View Court, The Dalles

Ms. Schock shared personal experience from living on View Court for 20 years, stating she had never seen emergency vehicles successfully reach the upper portions of the hill during winter weather. She asked who would be liable if a landslide were to damage homes downhill, such as hers. Special Counsel Crean responded that liability would depend on specific circumstances such as ownership and cause. Ms. Schock emphasized the community's concern about soil stability and its potential consequences.

Gary Wade, 1700 E. 21st Street, The Dalles

Mr. Wade described recurring erosion issues along an existing dirt and gravel road adjacent to his property. He expressed skepticism that site development review would be sufficient, citing previous nearby construction that lacked sidewalks and proper setbacks. He questioned how similar issues could be avoided in this subdivision. Director Chandler clarified that past developments were approved under the City's minor partition process, which does not require infrastructure improvements. He explained that improvements in the current subdivision, including sidewalks and utilities, are being required in part to address deficiencies from earlier minor partitions. Mr. Wade reiterated that erosion and maintenance problems persist and asked who would enforce no-parking restrictions on the easement used for orchard operations. City Attorney Kara confirmed that the City has towing authority under its current enforcement code. Mr. Wade emphasized that unauthorized parking would interfere with his orchard's truck access and that enforcement should be swift and effective.

Marlis Rufener, 1700 E. 21st Street, The Dalles

Ms. Rufener stated that neighbors were previously told paving would be required for access to two homes recently built near Smith Ridge, but this never occurred, diminishing her confidence in the City's enforcement. She urged Commissioners to visit the site, especially East 20th Street, to view steep slopes firsthand. She expressed concern about slope stability, particularly for properties downhill toward East 19th Street and the hospital, in the event of a landslide.

Pamela Leal, 2000 View Court, The Dalles

Ms. Leal expressed concern about soil composition and stability in the proposed development area. She requested that a geotechnical evaluation and soil testing be conducted in accordance with Oregon Residential Specialty Code R401.4 and R401.4.1 to assess suitability and identify necessary mitigation measures, such as retaining walls or engineered fill. She emphasized that this would provide reassurance to current and future residents, particularly given the area's landslide risk. Commissioner Peña asked for clarification, and Ms. Leal explained that different soil types vary in their stability, especially when saturated, and that formal testing would confirm whether additional engineering is needed to safely support development.

Applicant Rebuttal

Mr. Eckman addressed concerns raised by the appellant and neighbors regarding soil stability, grading, and drainage. He clarified that references to soil classification in the appeal were based on agricultural land capability—not geotechnical suitability for development. He stated that none of the proposed development area is located within a designated geologic hazard zone on the Wasco County Base Map, and emphasized that steep slopes in the vicinity have remained stable for decades.

Mr. Eckman explained that any structural fill used in the subdivision would be engineered, not simply pushed soil. Proper geotechnical methods—including benching, layered compaction, moisture conditioning, and staged construction—would be employed under professional oversight to ensure stability.

He addressed drainage concerns, stating that public roads serving the site will include curb, gutter, and catch basins. Specifically, the access road serving Lots 11–14 (including Mr. Valkov's property) will be improved to public road standards. Four catch basins are located near the intersection of Smith Ridge Loop and East 21st Street to capture runoff before it leaves the site. The existing gravel road used to access the orchard will be paved, eliminating current erosion issues. He suggested that an inverted centerline with central drainage could be used for the orchard access road, allowing water to flow toward a single catch basin and improving driveway access.

In response to concerns about fire department access and turning radii, Mr. Eckman noted that the steep slope near the existing fire turnaround was constructed as part of a previous development and is not part of the current proposal. Instead, the applicant intends to provide either:

- Two temporary hammerhead turnarounds (at the ends of East 21st and Smith Ridge Loop), or
- An all-weather gravel road to complete the loop temporarily, allowing access for emergency vehicles without constructing full improvements until Phase 2 is built.

Mr. Eckman concluded by affirming that the design was developed carefully within professional engineering standards and that he appreciated the public's concerns.

Commissioner Peña asked whether a soil stability test could be required to address public concerns. Chair Cornett inquired whether such a condition could be imposed.

City Attorney Kara responded that under TDMC 10.3.050.060, conditions may be imposed to meet review criteria and mitigate impacts, but it was unclear whether that standard applied to subdivision appeals. He deferred to Special Counsel Crean.

Mr. Crean explained that the Commission could only impose conditions if tied to a specific review criterion not otherwise met. He stated that no such criterion had been identified to justify a soil test but noted that other requirements—such as the Physical Constraints Permit and DEQ 1200-C permit—already addressed slope and soil stability. He emphasized that the Oregon Residential Specialty Code and building permit review process include geotechnical requirements.

He further clarified that the subdivision's Conditions of Approval require:

- A Physical Constraints Permit for all site work;
- An environmental assessment for public dedications;
- Engineered plans for cuts/fills over 250 cubic yards;
- DEQ permitting for disturbances over one acre;
- Compliance with all applicable codes prior to plat approval.

Director Chandler added that Staff would verify each condition prior to signing off on any plat or permit, using the conditions of approval as a checklist. Site inspections are also conducted during construction.

Commissioner Pipinich stated her concerns about soil stability were addressed.

Mr. Crean concluded by highlighting an additional issue raised during testimony: although the Code requires a minimum 80-foot curve radius on local streets (TDMC 10.10.060.J.3), exceptions are allowed for topographic constraints. The City Engineer reviewed and approved the plans under this discretionary authority, due to steep terrain.

Chair Cornett closed public testimony at 8:41 p.m.

Commission Deliberation

Commissioner Pipinich and Commissioner Portela expressed support for the Staff Report, stating it was thorough and required no changes.

Chair Cornett suggested the possibility of including an inverted (valley-shaped) centerline on the southernmost street to manage runoff. After discussion with Staff and legal counsel, the Commission learned the proposed design did not include curbs or stormwater infrastructure in that area.

Mr. Eckman, representing the applicant, confirmed the southern road slopes westward and recommended installation of a center catch basin with stormwater piping connecting to the City's system. He stated the applicant was willing to construct this drainage solution.

City Attorney Kara advised any such condition be made subject to the City Engineer's review, without mandating it as a strict requirement in case it proves infeasible. Special Counsel Crean

confirmed this approach was consistent with existing code and supported creating a condition tied to the City Engineer's review.

After further discussion, the following language was agreed upon:

“Adequate storm drainage facilities for the private access road shall be designed by the developer and approved by the City Engineer.”

This condition would be added to the motion for approval. No additional comments were made by Commissioners.

It was moved by Peña and seconded by Poppoff to adopt Resolution PC 627-25, a resolution denying the Appeal and affirming the Director's approval of Subdivision No. 86-24, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report, as modified by the Commission, with all conditions of approval. The motion carried 5/0: Cornett, Peña, Pipinich, Poppoff and Portela voting in favor, none opposed, Case, and Grant absent.

Chair Cornett thanked the public for their participation and encouraged continued community involvement throughout the project, emphasizing the value of transparency. He also addressed the applicant, urging consideration of public concerns as the project proceeds.

Chair Cornett closed the public hearing at 8:58 p.m.

STAFF COMMENTS

Director Chandler acknowledged Commissioner Poppoff's final meeting, recognizing his 25 years of service on the Planning Commission. He expressed appreciation for Commissioner Poppoff's dedication to the City of The Dalles and extended best wishes on behalf of Staff.

ADJOURNMENT

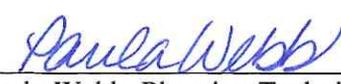
Chair Cornett adjourned the meeting at 8:58 p.m.

Submitted by/
Crystal Sayre, Administrative Assistant
Community Development Department

SIGNED:


Cody Cornett, Chair
CARRIE PIPINICH, VICE CHAIR

ATTEST:


Paula Webb, Planning Technician
Community Development Department



City of The Dalles City Council

THURSDAY, APRIL 17, 2025 | 5:30 PM

Appeal No. 38-25

Appellant: Pam Danzer

Site Address: No Site Address

Map and Tax Lot #: 1N 13E 11 BC | 2300 and 2800

Site Zoning District: Low Density Residential (RL)

Issue:

Appeal of the administrative approval of Subdivision (SUB) 86-24 on March 21, 2025, for the approval to site and develop a two-phase, single-family residential subdivision. Phase 1 will consist of 14 lots on 3.33 acres inside the City limits. The remainder will be annexed into the City and later divided into 15 lots.

Project Timeline

Subdivision:

- Deemed Complete: September 17, 2024
- Notice of Decision: March 21, 2025
- 10-Day Appeal Period ends: March 31, 2025
- Notice of Appeal submitted: March 31, 2025

Appeal No. 38-25

- *Planning Commission:* April 17, 2025

State Mandated Deadline:

May 20, 2025*

**Applicant submitted two (2) timeline extensions pursuant to ORS 227.178(5): December 17, 2024 and February 24, 2025*

3

Subject Property

1N 13E 11 BC 2300
3.33 acres

1N 13E 11 BC 2800
3.91 acres



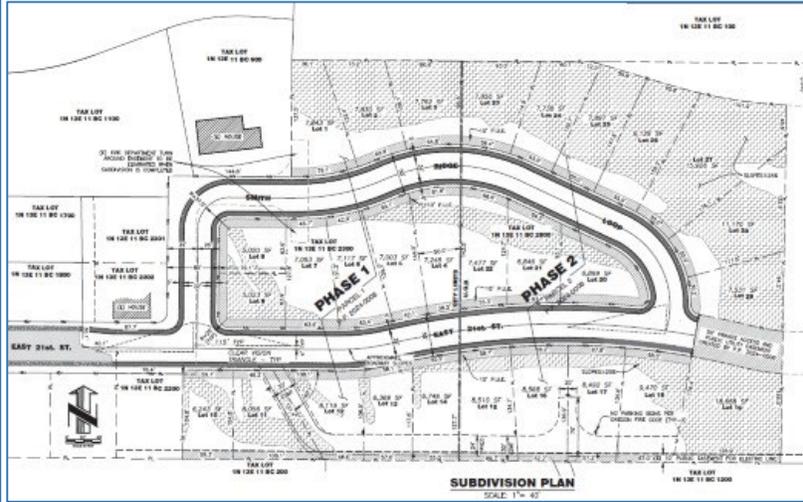
Proposal

29 lots

Two Phases:

Phase 1 = 14 lots

Phase 2 = 15 lots



Land Use Review

CDD reviewed one additional land use application for this development:

- Variance (MIP 438-24): *Request to reduce the block width internal to the proposed subdivision.*
 - *Approved / Notice of Decision: March 6, 2025*

Appeal Issues

APL 38-24 describes 6 reasons Planning Commission should grant the appeal request and reverse the Director's previous decision:

1. *Site Suitability and Geologic Hazards*
2. *Compliance with Development Standards and Development Feasibility*
3. *Traffic, Access, and Emergency Response Issues*
4. *Infrastructure and Utility Concerns*
5. *Compatibility with Neighborhood and Housing Needs*
6. *Transparency, Notification, and Legal Compliance*

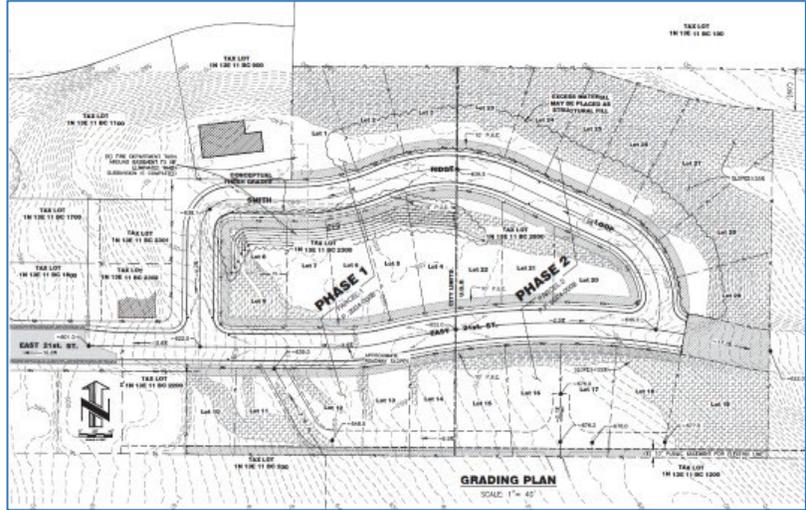
7

Appeal Issues: *Site Suitability and Geologic Hazards*

- City's Jurisdiction and Authority
- Applicable Code
- Hazard Mapping Standards
- Steep Slope Requirements
- Permitting

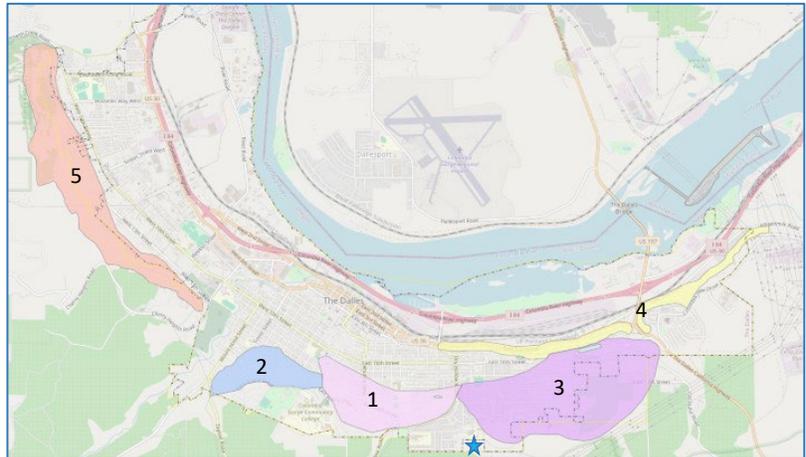
8

Topography



Geologic Hazard Zones

As defined by the 2010
Geologic Hazards Study
prepared by Mark Yinger



Geologic Hazard Zones

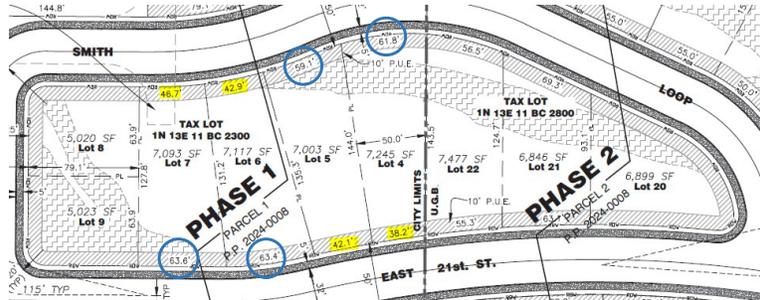
As defined by the 2010
Geologic Hazards Study
prepared by Mark Yinger



Appeal Issues: *Compliance with Development Standards and Development Feasibility*

- Setback Review
- Slopes and Buildability
- Lot Frontage Standards
- Required Plan Modifications

Lot Frontage

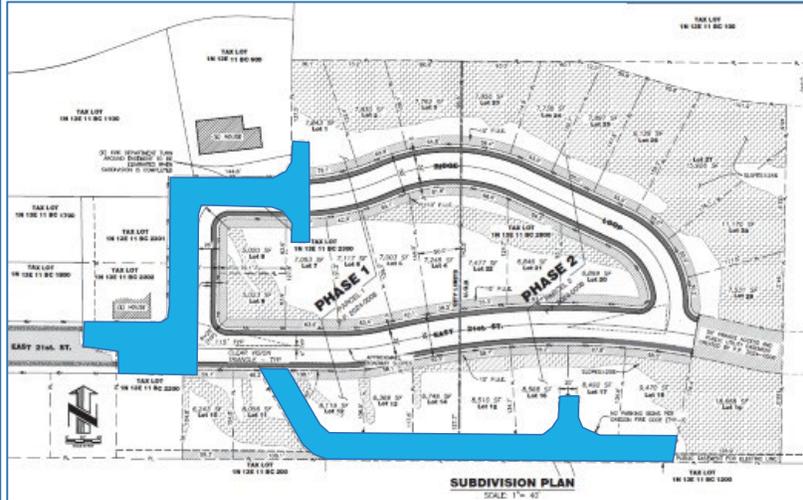


Appeal Issues: *Traffic, Access, and Emergency Response Issues*

- Traffic Impact Study
- Emergency Access Measures
- Alternative Access
- Easements

Easements

- Northern – Full ROW improvements
- Southern - paved; no parking signs installed

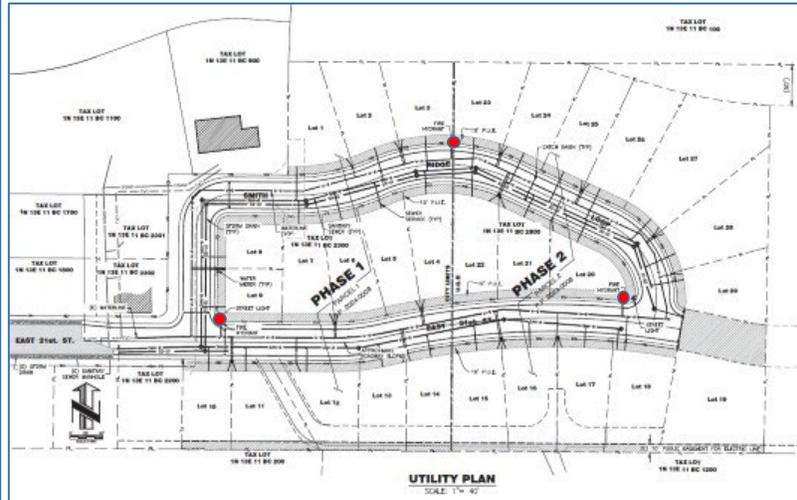


Appeal Issues: *Infrastructure and Utility Concerns*

- Water Pressure Concerns
- Utility Installation Requirements
- Annexation and “Blight”

Utilities

● New Fire Hydrant



Appeal Issues: *Compatibility with Neighborhood and Housing Needs*

- ORS and Housing
- Home Size and Pricing
- Comprehensive Plan
- Housing Needs Context

Appeal Issues: *Transparency, Notification, and Legal Compliance*

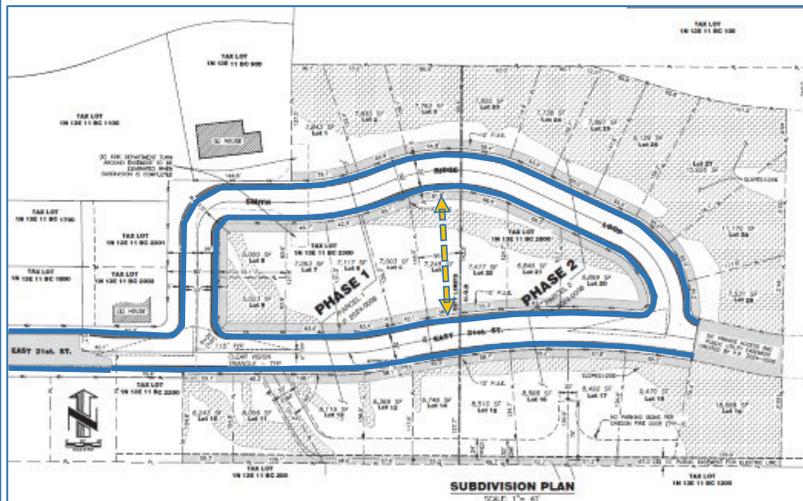
- Notice and Comment Period
- Transparency of Ownership
- Legal Claims under ORS 221.916/917

19

Improvements

- Sidewalk Connectivity
- Accommodation for existing development
- Ped/Bike Path Req'd

- New Sidewalks along new lots
- New Sidewalks along existing parcels
- Existing Sidewalks
- ← → Ped/Bike Path



Review Criteria

- Section 10.3.020.080 – Findings #1-#6
- Article 3.120 Redevelopment Plans– Finding #7
- Article 10.5.010 RL Zoning District– Findings #8-#9
- Chapter 10.6 General Regulations– Findings #10-#13
- Chapter 10.8 Physical and Environmental Constraints– Finding #14-19
- Chapter 10.9 Land Division Standards – Findings #20-#38
- Chapter 10.10 Improvements Req'd with Development – Findings #39-#64

Council Alternatives

1. **Staff recommendation:** *Move to adopt Resolution No. PC 627A-25, a resolution denying the Appeal and affirming the Director's approval of Subdivision No. 86 24, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report, with all conditions of approval referenced within the report.*

Council Alternatives

2. If the Planning Commission desires to affirm the Director's decision based upon additional findings and conclusions, or with different conditions of approval, move to adopt Resolution No. PC 627A-25, a resolution denying the Appeal and affirming the Director's approval of Subdivision No. 8624, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report, as modified by the Commission, with all conditions of approval referenced within the staff report.
3. If the Planning Commission desires to affirm the Appeal, move to adopt Resolution No. PC 627B25, a resolution affirming the Appeal and overturning the Director's decision. Under this alternative, the Planning Commission is required to identify the specific criteria it believes are not met.

DRAFT

NARD-TD-SR

Neighborhood Association for Responsible Development (The Dalles-Smith Ridge)

April 2025

© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

1

Purpose of This Document

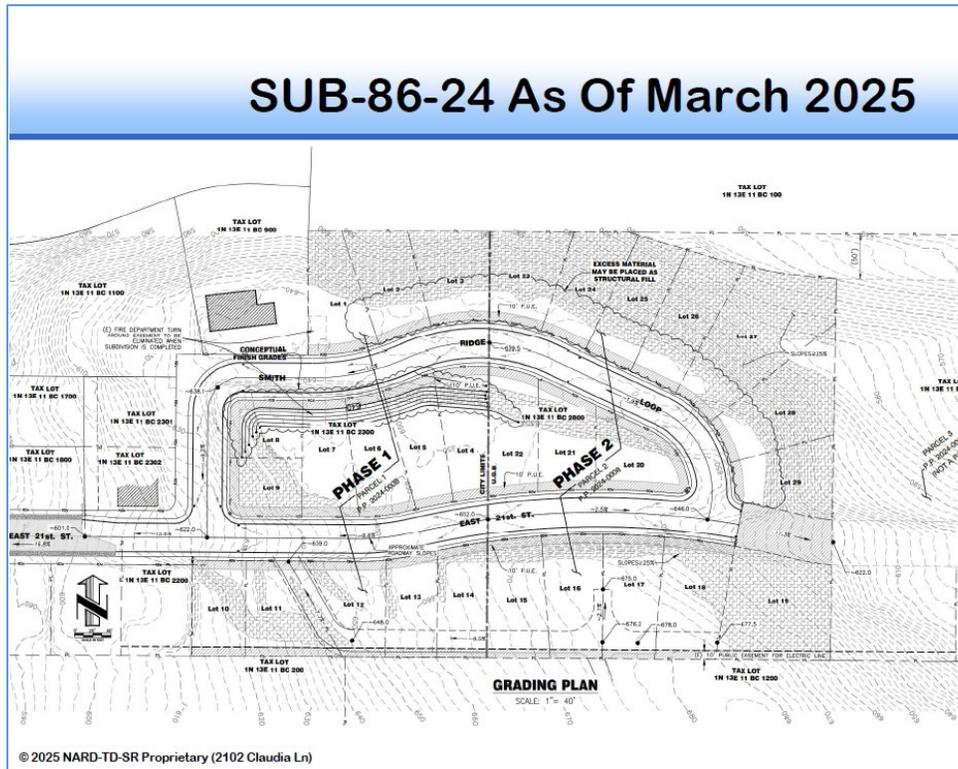
**SUB-86-24 creates grave hazards
and nuisances in a wide area**

NARD-TD-SR Mission:

**“Bring Solutions Instead of Problems,
Understand Problems to Bring Solutions”**

© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

2



SUB-86-24 Hazards/Nuisances

Nuisance	Summary	Loss of Life/Limb	Loss of Property	Loss of Health
Landslide	As conceived, the development creates substantial risk of large landslides on scarp, affecting wider community and infrastructure below.	✓	✓	
Earth Movement	Steep local soils are liable to subsidence and slippage. Also, SUB-86-24 dramatically alters the natural hydrology, including runoff patterns.		✓	
Loss of Access	In winter, the top of E21 often becomes inaccessible. Emergency vehicles may be additionally hampered by steep slope throughout the year.	✓	✓	✓
Vehicular Risks A	Steep grade leads to uncontrolled downhill skids during wintry and sometimes during rainy conditions.	✓	✓	
Vehicular Risk B	Relative grade and orientation of local streets causes limited visibility and excessive stopping distances.	✓		
Loss of Life Quality	The design of SUB-86-24 is at sharp variance with local community standards and customs, thereby creating multi-factorial loss of quiet enjoyment.		✓	✓
Increased Fire Risks	In summer, undeveloped slopes will be at increased fire risk – think of 20+ vacation homes barbecuing and doing fire works! Major BPA infrastructure downwind.	✓	✓	
Drainage and Grade Issues	Multiple drainage and grade issues from SUB-86-24 affect property and quiet enjoyment rights of existing/new residents at specific locations.		✓	✓

© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

Lessons From Luxury Bluff Homes



Steep slopes formed from loose aggregate tend to be metastable. Relatively small environment changes lead to sudden “transition” to a new equilibrium state. Such changes usually follow from development/occupancy.

© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

“Engineered Fill ... on a Hill”

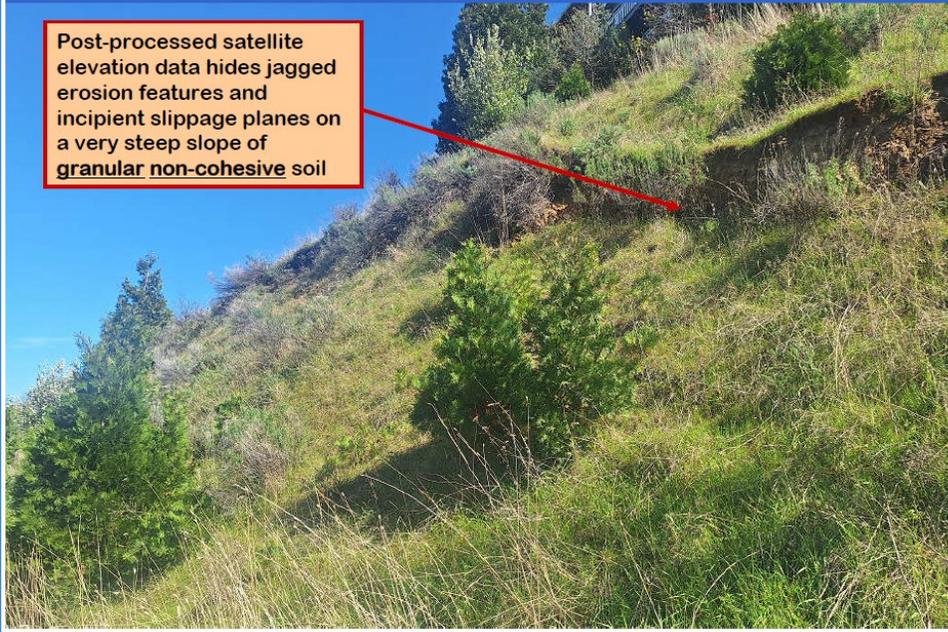


Steep slopes cannot be stabilized by fill and compaction from above. Slippage planes will form and progress to collapse.

© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

“Smith Ridge” Actual Scarp

Post-processed satellite elevation data hides jagged erosion features and incipient slippage planes on a very steep slope of granular non-cohesive soil

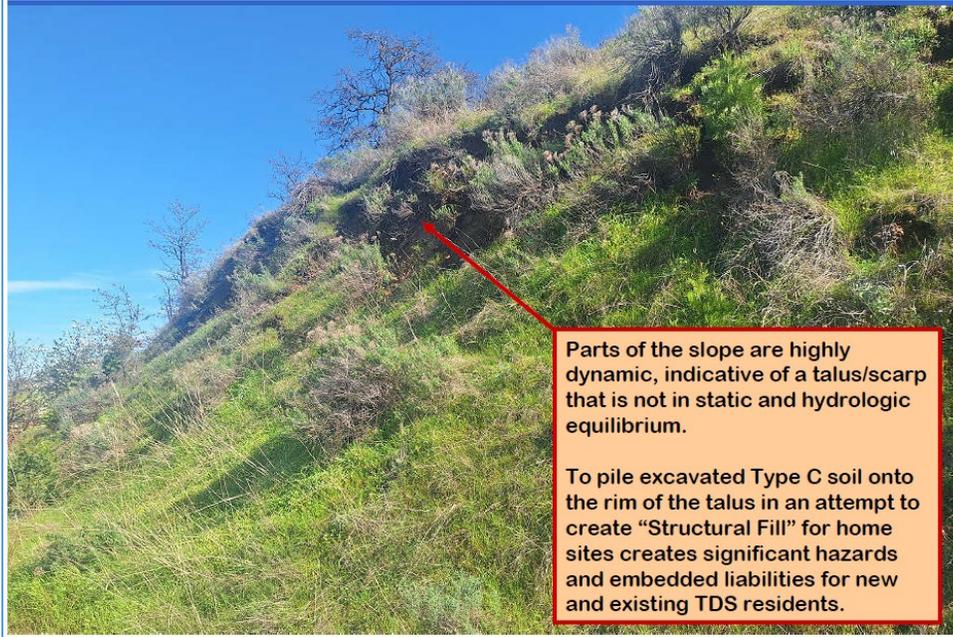


“Smith Ridge” Actual Scarp

Despite established native plant cover, the slope is highly vulnerable to small hydrological disturbances. For example, new fissures and slippages appear after every rainy season (and from accidental irrigation mishaps).



“Smith Ridge” Actual Scarp



Regional Landslide Susceptibility



April 15, 2025
Regional Landslide Susceptibility (scale at 1:500,000)

Low	Moderate	High	Very High
-----	----------	------	-----------

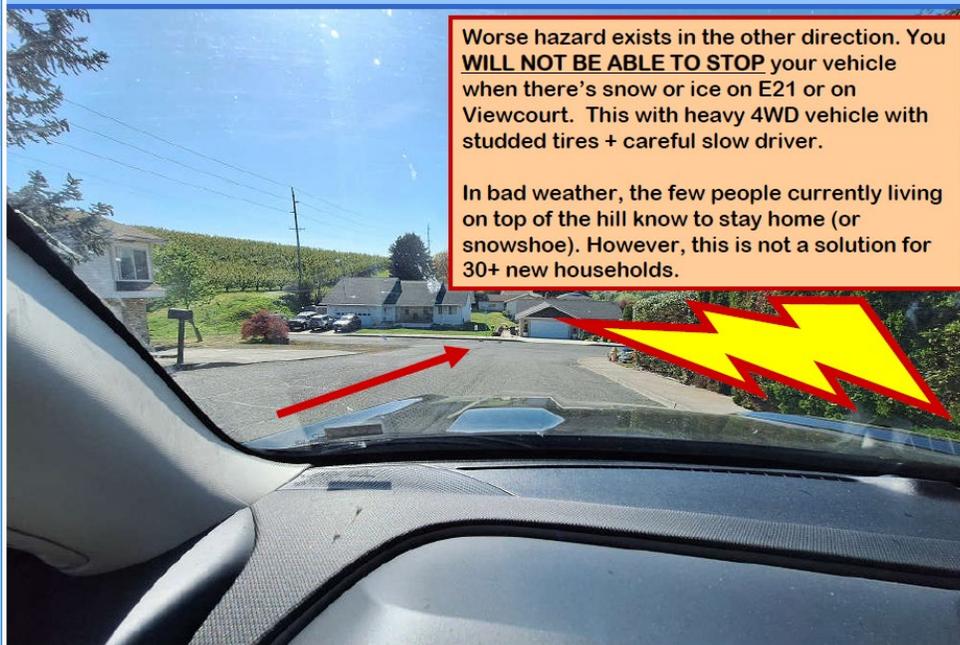
0 0.01 0.02 0.04 mi
0 0.01 0.03 0.06 km

Sources: Esri, DeLorme, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Driver View, Viewcourt-E21 SB



Driver View, E21-Viewcourt WB



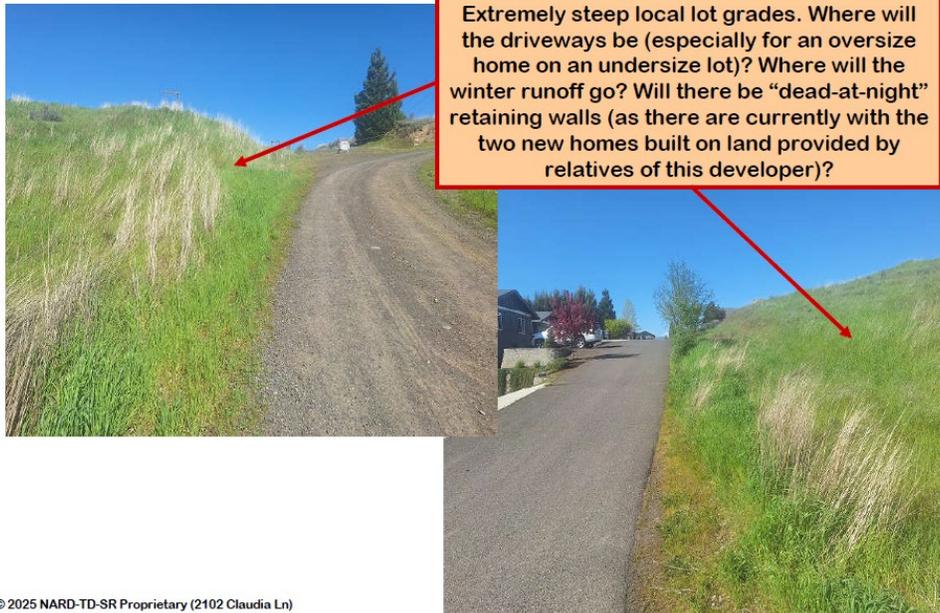
Drainage Nuisances

Grades and driveways are such that the proposed loop road will become a drainage collector, dumping substantial runoff onto existing neighboring properties. This in turn will alter soil stability, leading to worsening land movement and increased landslide risk.

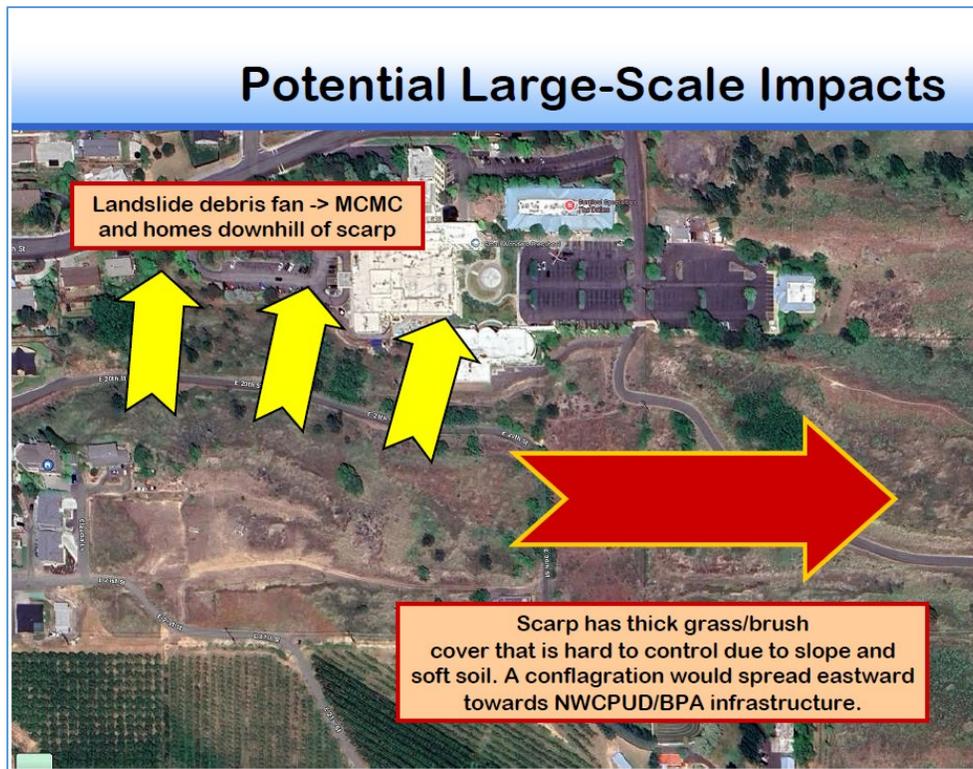


Multiple Lot-Scale Problems

Extremely steep local lot grades. Where will the driveways be (especially for an oversize home on an undersize lot)? Where will the winter runoff go? Will there be “dead-at-night” retaining walls (as there are currently with the two new homes built on land provided by relatives of this developer)?



© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)



Why So Many Nuisances ?

- Loop road “pushes” home sites onto scarp/talus
- Over-aggressive home site design
- Ignorance of local environmental conditions
- Disregard for physical constraints
- Lack of developer experience and ability
- Current procedure “kicks the can” down to engineering/building codes at the lot level.

“San Francisco Homes on a Los Angeles Hill”

Can There Be A Solution?

Seek Solutions Early!

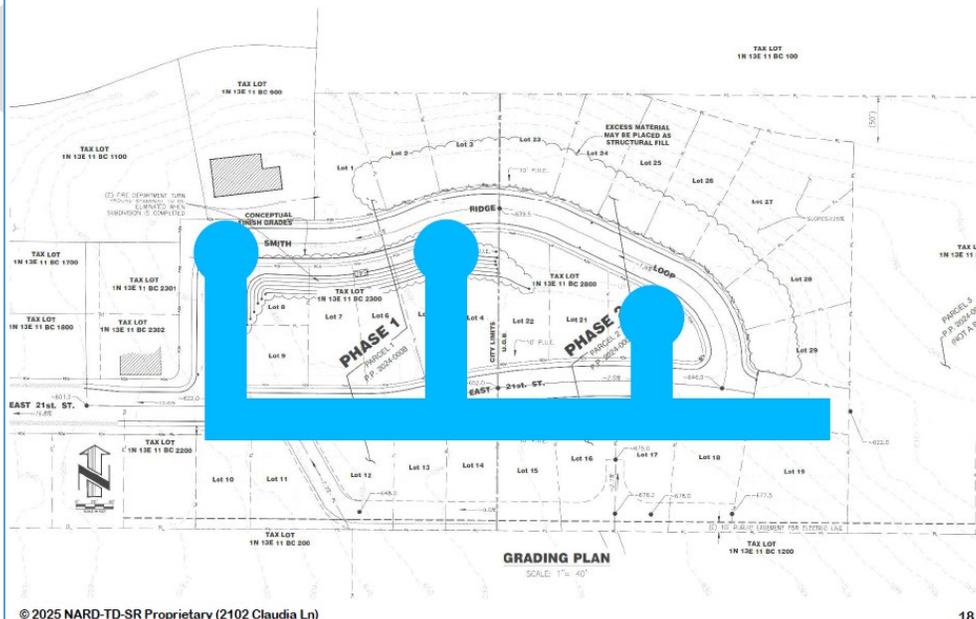
Address Core Problems At Initial
Subdivision-Level Planning Stage

Do not “kick the can down the road”
onto ratepayers/residents backs!

© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

17

Solution Element A



© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

18

Solution Element A

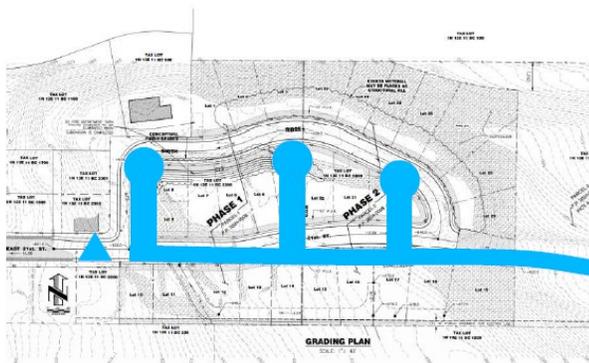
Cul-De-Sacs replace Loop Road

- Does not push homes onto scarp !
- Reduces talus/scarp destabilization
- Reduces adverse hydrological effects
- Less grading and paving
- Less exposure to traffic
- Still allows for reasonably dense development
- Lower landslide/earth movement risks

© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

19

Solution Element B



© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

20

Solution Element B

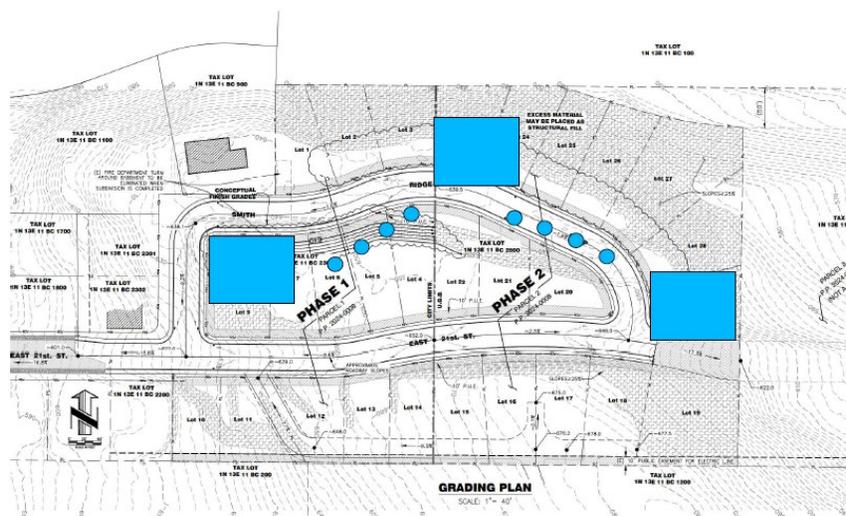
E21 Extended-Connected to Major Collector

- Makes winter access possible
- Facilitates/Allows emergency access
- Lower risk of serious vehicular accidents
- Less household exposure to traffic
- Less congestion
- Reduced nuisance to life & health
- Connection to be made before breaking ground
- Signs needed on E21 WB

© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

21

Solution Element C



© 2025 NARD-TD-SR Proprietary (2102 Claudia Ln)

22

Solution Element C

Lot Size Conforming To Neighborhood Norm

- Reduced damages to existing homeowners
- Harmonious neighborhood appearance
- Driveways not from “Mission Impossible”
- Preserved quality of life
- Consistent quiet enjoyment of property for new and existing residents
- Lot sizes need to consider non-usable area
- Reduced risk of regional grass fire / conflagration

Conclusions

- As currently articulated, SUB-86-24 creates significant hazards and nuisances, and shall be vigorously opposed by the community
- SUB-86-24 could be cured from its defects through redesign at the conceptual level:
 - A) Replace loop road by short cul-de-sacs
 - B) Extend E21 eastward to second collector
 - C) Lot design conforming to community norms
- Doing so would preserve the statutory rights of both the developer and the community

**Subject Matter Re: APL 038-25/SUB 86-24
NARD-TD-SR / 2102 Claudia Ln, The Dalles OR 97058**

This document is a text companion to the presentation NARD-TD-SR-Apr-2025.pdf, submitted to The City of The Dalles Community Development Department in the context of APL 038-25/SUB 86-24. It summarizes some of the objections against SUB-86-24 in text form, by enumerating the hazards and nuisances created by SUB-86-24 determined in the course of community meetings.

It is to be noted that NARD-TD-SR (Neighborhood Association for Responsible Development – The Dalles Smith Ridge) is in the process of being formed, and has not formally been registered yet. This is due to the fast-track by-rights approval process granted to the developer by the City, which effectively deprives members of the community from their participatory rights in municipal development. For the time being, it is submitted by and on behalf of the residents of 2102 Claudia Ln, The Dalles OR 97058.

SUB-86-24 Hazard/Nuisance #1

Landslide

Scope: Wide area (including MCMC and homes downhill thereof on USGS landslide debris fan)
Liabilities: Loss of life/limb, loss of property, loss of health

SUB-86-24 makes provision for a loop road, and for multiple home sites sited upon the head scarp forming the feature commonly known as “Smith Ridge”, and upon land fill of unknown origin that either exist or is planned by the subdivision developer. Local soils are Type C, and are known to the residents to be in state of continuous movement, with multiple active slippage planes, and presenting high sensitivity to hydrological events at large scale (seasonal rainfall saturation and drainage) and small scale (lot runoff, seasonal mini-creeks, irrigation equipment malfunctions...etc).

Development as planned in SUB-86-24 will introduce further hydrological and soil disturbances on a site already identified by USGS/The State of Oregon as a landslide risk area. The fast-track municipal approval process granted to SUB-86-24 is not adequate for addressing the root causes of this hazard/nuisance, which are created by the layout of the subdivision, and cannot be effectively addressed by engineering/building codes at the lot level.

This hazard/nuisance can be relatively easily cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #2

Land Movement

Scope: Existing and New Lots
Liabilities: Loss of property

Many homes in the area suffer from foundation and utility injury arising as a result of ground movement. This movement is a manifestation of the overall ground hazard described above, operating at relatively small spatial scale.

NARD-TD-SR Apr2025 Companion Text 1/5

As noted above, the loop road and other grading features of SUN-86-24 will lead to increased runoff and ground saturation to many adjacent properties (including properties outside the chosen by the City for notification). Foundation and other property losses from ground movement will increase and be borne by residents. This hazard/nuisance extends especially to new home owners in the subdivision and surrounding areas, who will likely be walking into home ownership without proper prior knowledge of the problem.

SUB-86-24 Hazard/Nuisance #3

Loss of Access

Scope: Existing and New Lots

Liabilities: Loss of Life/Limb, Loss of Property, Loss of Health

Preparation time allotted by City notice does not allow for full text coverage of item #3. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #4

Vehicular Risk A

Scope: Viewcourt St, East 21st St

Liabilities: Loss of Life/Limb, Loss of Property

Preparation time allotted by City notice does not allow for full text coverage of item #4. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #5

Vehicular Risk B

Scope: Viewcourt St, East 21st St

Liabilities: Loss of Life/Limb, Loss of Property

Preparation time allotted by City notice does not allow for full text coverage of item #5. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #6

Loss of Quality of Life

Scope: WIDE
Liabilities: Loss of Property / Loss of Health

Preparation time allotted by City notice does not allow for full text coverage of item #6. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #7

Increased Wildfire / Property Fire Risks

Scope: Wide area, including NWCPUD/BPA public power infrastructure
Liabilities: Loss of Life/Limb, Loss of Property

Preparation time allotted by City notice does not allow for full text coverage of item #7. Refer to companion presentation and individual community members input. This hazard/nuisance could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

SUB-86-24 Hazard/Nuisance #8

Miscellaneous Hazards/Nuisances From Grading and Drainage

Scope: Lot-specific
Liabilities: Loss of Property / Loss of Health

Preparation time allotted by City notice does not allow for full coverage of item #8. Some examples of such hazards/nuisances are:

8.1. Westbound driveways of lots such as 1N13EBC-1100, 2301 and 2032 will become collectors for significant water runoff from the loop road and properties thereon. Having a winter creek on your property is not a mere inconvenience – in the context of the steep slopes and soft soil, the increased/focused runoff will lead to significant land movement and increased landslide risks.

8.2. Limitation of Access. The professional-looking flat grading plan ordered by the developer of SUB-86-24 disregards physical constraints on site. Local slopes and aggressively undersized lots, such as Lot #8, 9, 14,15...etc prevent the construction of practicable driveways for reliably accessing the homes therein, or for properly warehousing resident vehicles. The hasty approval of SUB-86-24 ensures that such problems will be passed on to the eventual homeowners and result in excessive storage of vehicles on the street, thereby further restricting access of public and private vehicles into an area where access is already a major problem.

These hazards/nuisances could be cured by conceptual re-design of the subdivision as stated in the companion presentation.

NARD-TD-SR Apr2025 Companion Text 3/5

For the record, this document also includes by reference the following issues concerning SUB-86-24

Item #9:

Other Community Input

Scope: Wide area

Liabilities: Loss of Life/Limb, Loss of Property, Loss of Health

We include by reference multiple letters written by individual community members on nuisances/hazards related to or independent of the foregoing list. Even if these letters are not written in the language of urban planners, they raise valid issues that should not be dismissed on procedural grounds.

Item #10:

Limited Developer Qualification and Ability to Execute

Scope: SUB 86-24

Liabilities: Loss of Property

It is not clear whether the applicant has the experience and qualifications for undertaking a subdivision of this magnitude, or the resources and ability to bring the project to successful close. This is highly relevant in the context of SUB 86-24, since a half-finished open construction site (or a low-cost low-quality ground work program) will leave the wide area even more vulnerable to the hazards and nuisances listed above.

Item #11:

Economic Impact to Residents

Scope: Wide Area

Liabilities: Loss of Property

As currently formulated, SUB 86-24 creates significant liabilities for the wider community and the City. Who will bear the burden of these liabilities once the applicant in SUB-86-24 has pocketed the proceeds from your approval and moved on? We respectfully claim that SUB-86-24 is an exemplary case of “privatizing profits while sharing costs”, whereby residents will bear a disproportionate share of the costs arising from this development in the form of higher taxes, utility rates, insurance premiums and other forms of public cost recovery. This should be addressed through a proper economic impact study.

Item #12:

Process Irregularities

Scope: SUB 86-24

Liabilities: Loss of Property

We have just started examining the deficiencies of SUB 86-24. During the discovery process, we have found potential irregularities with the subject property, such as property line adjustments conducted without notice to affected parties, ground work conducted without proper notices and permits, and failed past developments on site. In addition, multiple variances and exceptions appear to have been granted to the development on a discretionary basis. The full list of these irregularities is pending further discovery due to inadequate preparation time allotted by the City.

Conclusion and Petition

In consideration of the reasons enumerated in the companion presentation and herein, we are categorically opposed to SUB 86-24, and respectfully request the City of The Dalles to rescind all previous approvals of, and related to SUB 86-24.

We furthermore petition the City of The Dalles to request a fundamental redesign of SUB 86-24 as prerequisite for further consideration. We finally petition the City of The Dalles to establish an adequate process whereby further applications on this matter can be properly adjudicated to protect the public interest and the property rights of residents. The process followed so far has disenfranchised local residents from their participatory rights, and has prevented City officials from carrying their statutory duty to protect public safety and health. We believe that subdivision re-design can cure SUB 86-24 from its multiple defects, and lead to a final development consistent with both the public interest and the rights of the developer. This possible solution is outlined in the companion presentation.

SMITH RIDGE SUBDIVISION - ALFORD PROPERTY -
1N 13E 11BC; Lots 2300 & 2800
Neighborhood Responses

1. Site Suitability and Geological Hazards

1. The established Joint Management Agreement with Wasco County does not preclude ignoring existing land hazard zones. The adopted 2010 Geologic Hazards Study is not comprehensive study of the City's geologic hazards thereby limiting proper geologic evaluation to amorphous areas indicated in the study. The City should be pro-active in addressing areas of extreme slopes over 30 percent. Existing escarpment and soil eroding is readily defined.
 - Comprehensive Studies by Wasco County and the State of Oregon are available yet not utilized.
 - Liability of public road in hazard area.
 - ORS 195.260 Duties of local governments, state agencies and landowners in landslide hazard areas. In order to reduce the risk of serious bodily injury or death resulting from landslides, a local government:
 - Shall exercise all available authority to protect the public
 - May require a geotechnical report and if a report is required, shall provide for a coordinated review of the geotechnical report by the state Department of Geology.
 - Shall amend its land use regulations to regulate the siting of dwellings designed for human occupancy in further review areas where there is evidence of substantial risk for rapidly moving landslides.
 - Final decisions are the responsibility of local government with jurisdiction over the site.
 - Requirement of a Physical Constraints Permit
 - The preliminary approval requirement of a Physical Constraints Permit is too late in the process of determining whether the proposed development is appropriate for the site. There are numerous issues that when accurately addressed will substantially / dramatically change the development site plan and its impact to the land in order to mitigate the threat to life and property from landslides and erosion
 - Determining that the County and State identification of hazardous slopes site and soils is not a basis for further site-specific hazard research shows

Neighborhood Response to Staff Report – Appeal No. 38-25

lack of comprehensive oversight by the City. Presuming ignorance of the situation does not eliminate or dismiss liability.

What we want:

A site-specific geologic impact study that lays a foundation for appropriate development of the site minimizing impacts to and allowing for preservation of the existing unstable slopes. Evaluation of hazards to persons or property upon or adjacent to the area of development should be done prior to approval. Mitigation of potential hazards that the development may create should be outlined and accommodated into the development design. We strongly believe the proposed development will have a detrimental effect on the land and the applicant has not taken reasonable steps to reduce adverse impact on the surrounding environment.

Relying on a physical constraints permit after site approval is creating a condition where critical information needed in the planning stages of a project is revealed after the fact. Transparency of the process goes away when the tools used to evaluate and determine land use decisions is a ministerial action. We want changes in the proposed site plan to mitigate possible negative and/or irreversible effects upon topography and this should be done prior to planning approval.

2. Compliance with Development Standards and Development Feasibility

10.9.040.050 - Construction drawings and specifications for public improvements are not required prior to subdivision application approval but are required prior to final subdivision plat review. This allows a developer to seek subdivision application approval prior to investing in public improvement engineering.

The cost of providing comprehensive construction drawings for development of a 7.28 acre site in which one-third of the development site consists of sloped areas greater than 25% is small in comparison to the amount of money needed to physically build said development. Analysis, assessment and examination of the lands potential and the inherent restrictions of such a site is part of the due diligence an experienced and responsible developer. Responsible development should be supported, even encouraged by the City to ensure safe, appropriate and efficient use of the land.

3. Response to Staff Findings

*Chapter 10.6 General Regulations
Article 6.050 Access Management Section
10.6.050.030 General Requirements
B. Connectivity.*

FINDING #10: As demonstrated on Sheet C1 of the Preliminary Subdivision Plan (Attachment 1), the proposed subdivision includes a fully developed street system with an extension of East 21st Street as well as the creation of a new ROW, "Smith Ridge Loop", which will connect this subdivision with existing Local Roads. Criterion met.

The extension of E. 21st St. is not to the east property line and does not meet the City's criteria existing streets to coordinate with potential future expansion within the Urban Growth Boundary. The fully developed street system does not meet the standard 54' right-of-way of The Dalles Residential Street Standards Matrix.

Criterion not met and reasons for not meeting the standards is not explained.

FINDING #12 : During the July 11 Site Team meeting, representatives from Wasco County Building Codes and Mid-Columbia Fire and Rescue informed the Applicant of fire apparatus requirements for the development with consideration of slope of View Court and East 21st Street. The preliminary subdivision plat (Sheet C1 of the Preliminary Subdivision Plan, Attachment 1) includes temporary turn-arounds along Smith Ridge Loop. The ROW for East 21st Street and Smith Ridge Loop is shown as 50 feet, meeting the minimum width requirements for emergency vehicle access.

To ensure adequate emergency access throughout the development site, the Applicant has two options:

- 1) Install temporary turn-arounds at the ends of both East 21st Street and Smith Ridge Loop within Phase 1 of the subdivision (as shown on the preliminary plat Sheet C1 of the Preliminary Subdivision Plan (Attachment 1)), or*
- 2) Install road improvements into Phase 2 that can support fire apparatus weighing up to 85,000 pounds (typical fire truck weight).*

Additionally, due to site access roads leading to the development site (View Court and E. 21st Street) exceeding a 10% grade, all future dwellings must install NFPA 13D residential fire suppression systems. These systems will be reviewed by Wasco County Building Codes during the building permit process for each dwelling. As a condition of approval, the Applicant must indicate on the final subdivision plat their chosen option for emergency access (option 1 or 2 outlined above). Additionally, the Applicant must comply with all

other fire safety and road construction requirements outlined in the Staff Report. Criterion met with conditions.

Conditions of this criterion would require a substantial revision to the grading plan to accommodate fire turn-arounds. Fire apparatus access roads shall not exceed 10% in grade and currently location runs into a 2:1 slope and with the current grading plan these slopes do not end within Phase 1.

Fire suppression systems are good but what happens when there is a brush fire on a slope greater than 25% or a medical emergency during an ice or snow event? How will the installation of temporary turn-arounds or beefed up road improvements help when the responding vehicle is unable to access the site due to road grade? A secondary emergency access coming from the east where accessible roadways can be designed.

A substantive review by the Developer's Engineer in order to provide a plan that meets code requirement should be required prior to any planning approval. This would allow for the final development to substantially conform to the approved tentative subdivision layout.

FINDING #13 – Each phase of the phased development, including the final development, shall be planned to conform to the provisions of this Article, all conditions stated in this Staff Report and the preliminary subdivision plat. This requirement is included as a condition of approval. Criterion met with conditions.

Once again, there a numerous conditions being applied to the proposed development that will substantially change lot layout and site grading. The final development should substantially conform to the approved tentative subdivision layout.

FINDING #14: A physical constraints permit is required for the development of the subdivision as a condition of approval. In addition, all future building permits within the subdivision may require individual physical constraints permits pursuant to TDMC 10.8.020.010. Criterion met with conditions.

We believe that the detail required in a physical constraints permit should be required earlier in the process in order to provide a solid foundation for responsible development of the site. Too many potential hazards and code modification are not being fully scrutinized in this existing preliminary process.

A. Ministerial Actions. Applications for physical constraint permits which are not part of a planning action shall be reviewed and decided by the Director per the provisions of Section 10.3.020.030: Ministerial Actions.

Conditions placed on the submitted plan will significantly change the proposal. The final development will be unable to substantially conform to the current approved layout.

Article 8.040 Geological Hazard Provisions

Section 10.8.040.010 Purpose

This Article describes the permit requirements for lands proposed to be developed within the areas designated Zones 1 to 6 in the 2010 Geologic Hazards Study prepared by Mark Yinger, R.G., Hydrogeologist. Land within Zones 1 and 4, land within Zones 2, 3, or 5 that exceed a slope of 30%, or land in Zone 3 which is located in areas of groundwater discharge, have been determined to be within a geographic area that has characteristics which make the ground potentially unstable. Any cut, fill, or construction on these sites may add to this potential instability. The requirements of this Article are intended to reduce as much as possible the adverse effects of development for the owner and for other properties which may be affected by a ground movement.

FINDING #16: Staff has determined the proposed development site is not located within any of the designated geohazard zones as identified in the City's 2010 Geologic Hazard Study prepared by Mark Yinger. Criterion not applicable.

The Joint Management Agreement between Waco County and The Dalles delegates land use authority to the City. It does not preclude the City to incorporate the county and state information regarding geologic hazards that have been identified. Even though the site is not identified in the 2010 Geologic Hazard Study, it does not mean that a hazard does not exist. Ignoring this critical information questions the integrity of planning approval process.

Section 10.8.050.030 Erosion and Slope Failure

FINDING #18: As mentioned in previous findings, the proposed development site includes significant areas of slope greater than 25%. Pursuant to TDMC 10.8.050.030, development on lands with highly erosive soils or slopes greater than 25% requires a physical constraints permit. The Applicant is required to submit a physical constraints permit for the development of the subdivision, which must include temporary erosion control measures that will be implemented during all phases of construction. This requirement is included as a condition of approval. Criterion met with conditions.

Neighborhood Response to Staff Report – Appeal No. 38-25

Identification of hazardous areas on this site is critical and needs to be required earlier in the process. Identification of soils and areas that cannot support development needs to be incorporated into the site design to avoid future road and structural failure.

Chapter 10.9 Land Divisions

Article 9.020 Land Division Standards

Section 10.9.020.020 General Provisions

B. Annexation

FINDING #21: The subject properties are located within the UGB. Phase 1 of the subdivision is located within city limits, while Phase 2 is located outside of the city limits. As a condition of approval, the Phase 2 parcel is required to be annexed into the city limits prior to any connection to city utilities. Criterion met with conditions.

We submit that both phases of the project are integral to each other. To ensure the finished development conforms to an approved preliminary site plan, annexation of the second parcel needs to be prior to construction of Phase 1 beginning.

Section 10.9.040.040 Subdivision Application Review

FINDING #30: Subdivision applications are processed as Administrative Actions unless elevated to a Quasi-Judicial Action. This Staff Report will address all relevant review criteria in the findings. Criterion met.

Due to the complexity of the proposal, the Planning Department should have deemed this a Quas-Judicial Action to allow for community involvement in the process.

Section 10.9.040.050 Construction Drawings and Specifications

FINDING #31: The Applicant submitted a preliminary subdivision plat with lot sizes and configurations, utilities, and street layout for reference in reviewing this application. Engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC. This requirement is included as a condition of approval. Criterion met with conditions.

The physical limitations to the property and the criterion being imposed for final approval will substantively change the site plan. We believe a preliminary site plan that more accurately addresses the code be submitted for review prior to any approvals.

Section 10.9.040.060 Final Subdivision Plat Review

A. Application Requirements. FINDING #32: The final plat shall substantially conform to the approved tentative subdivision plat, construction drawings, specifications for public improvements, TDMC Article 9.020, and any conditions required in this report. This requirement is included as a condition of approval. Criterion met with conditions.

In order for the final plat to substantially conform to a tentative subdivision plat, an updated site design proposing a plan that balances preservation of existing natural constraints with responsible development needs to be submitted.

C. Dedications and Public Utility Requirements.

FINDING #34: The final subdivision plat must clearly demonstrate all proposed public ROW, pedestrian paths, and easements. All land proposed for public use must have clear, unencumbered title. Additionally, an environmental assessment must be conducted for all lands to be dedicated to the City. These requirements are included as conditions of approval. Criteria met with conditions.

An environmental assessment addressing the City's potential liability for environmental hazards and/or failures needs to be done prior to construction. Environmental hazards are not limited to soil contamination or required waste cleanups. Construction of public travel ways within areas of soil slippage without prior understanding of said soils creates the potential for failure resulting in a public hazard. Previous grading and dumping has occurred on the site without regulatory oversight. Inquires into the stability of the site and identifying hazard areas not capable of sustaining development need to be done through environmental and geotechnical assessments. Responsible development can only be with knowledge of the physical constraints of the site.

C. Phased Development

FINDING #40: As outlined in previous findings, the development will proceed in two phases. Pursuant to TDMC 10.10.030(C), "where specific approval for a phasing plan has been granted for a subdivision, improvements may similarly be phased in accordance with that plan." Once subdivision approval is granted for the entire development site, the Applicant may initiate the plan review for the first phase. Once the plans are reviewed and approved, Phase 1 improvements can be implemented. Plat approval will be issued upon completion of the improvements of each phase. As a condition of approval, the Applicant shall provide a method for emergency fire access throughout the development site previously outlined in Finding #12 above. Criterion met with conditions.

Neighborhood Response to Staff Report – Appeal No. 38-25

This finding appears to vary from Finding #21 which requires annexation of Phase 2 prior to any connection to city utilities. We believe that annexation of Phase 2 property be done prior to final approvals and any construction commencing.

Street Requirement conditions in The Dalles Municipal Code we feel are not being met:

10.10.060 Street Requirements

A. Traffic Impact Studies.

A TIS was provided with the proposed subdivision. It states that all future streets should be constructed to City of The Dalles requirements and modern engineering standards. The proposed roadways designated Neighborhood Street with average daily trips of 150-500 vehicles. A neighborhood street has a standard 54' wide right-of-way. The proposed roads have a 50' right-of-way which is below City standard.

4. Approval Criteria.

a. The City may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.

The evaluation of operational and safety standards did not fully incorporate the effects of the steep grades on the streets and how hazardous these streets become during a rain, ice or snow event. The inability of a vehicle to stop in these hazardous conditions have resulted in damage to vehicles and property.

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

1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties shall always be installed with turn-around, unless waived by the Fire Marshal.

The proposed site plan, Phase 1, does not have an area along Smith Ridge Loop where a standard fire turn-around can be created due to the 2:1 slope on the south side of the road. NOD 1. d. addresses this issue but only with substantial revision of the grading plan can this be achieved.

2. *In order to assure the eventual continuation or completion of the street, reserve strips may be required in accordance with Section **10.9.040.060(D)**: Designation and Conveyance of Reserve Strips.*

The proposed site plan does not extend E. 21st St. to the far east property boundary. NOD 1. a. states that the final plat shall meet all the requirement of TDMC, Title 10. In order to extend E. 21st St. to the east property line, the street design must be significantly revised to accommodate grade changes.

3. *Drainage facilities, and erosion control measures as appropriate, shall be provided to properly manage stormwater run-off from temporary dead-ends.*

The proposed site plan does not show any drainage facilities for the south side of E. 21st St. east of the private access road between Lots 11 & 12. Water will be draining on a 9.6% roadway across the access road entrance. This creates a potential hazard in rain, ice or snow events.

J. *Location, Grades, Alignment and Widths.*

1. *Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in The Dalles Transportation Master Plan and/or provide for continuation of the existing street pattern or network in the surrounding area.*

Site Plan does not show continuation of the existing street pattern of E. 21st St. to the east property line.

2. *Grades shall not exceed 6% on arterial streets, 10% on collector streets, and 12% on local streets.*

Site plan clearly shows existing street grade 16.8% on E. 21st St. with a transition to a 15.6% grade prior to the first intersection. This is compounding an existing road

hazard. To meet the above existing standard, the transition area should not exceed the 12% maximum for local streets.

3. *Centerline radii of curves shall not be less than 500 feet on arterial streets, 300 feet on collector streets, and 80 feet on local streets.*

The 90° turn on Smith Ridge Road shows a radius of approximately 38', below standard. This also creates a curb radius of approximately 21' which is below the Oregon Fire Code requiring a minimum 28' radius where there is no intersection. Revisions to the site plan need to accommodate a larger radius curve or "knuckle" design to accommodate state fire standards.