



## **NOTICE OF ADMINISTRATIVE DECISION SPR 539-23**

Luminous Enterprises, Inc.

**DECISION DATE:** June 5, 2024

**APPLICANT:** Luminous Enterprises, Inc.

**PROPERTY OWNER:** Luminous Enterprises, Inc.

**REQUEST:** Applicant is requesting approval to develop a six-unit apartment building. Each unit is three-floors with 1,261 SF of living space.

**LOCATION:** The subject property is located at **2123 E. 10<sup>th</sup> Street** and further described as 1N 13E 2 CA tax lot 1800.

**COMPREHENSIVE PLAN AND ZONING DESIGNATIONS:** RH – High Density Residential District

**AUTHORITY:** City of The Dalles Municipal Code, Title 10 Land Use and Development

**DECISION:** Based on the findings of fact and conclusions in the staff report of **SPR 539-23**, the request by **Luminous Enterprises, Inc.** is hereby **approved** with the following conditions:

### **1. Conditions Requiring Resolution Prior to Final Plan Approval:**

- a. Final plan submission must meet all requirements of The Dalles Municipal Code, Title 10 Land Use and Development, and all other applicable provisions of The Dalles Municipal Code.
- b. A detailed site plan, construction/design and landscape plan consistent with the conditions of approval included within this Staff Report must be approved by the Director and the City Engineer before a building permit is issued.
- c. If applicable, all construction/design plans for public infrastructure, improvements, or ROW shall be approved by the City Engineer.
- d. Lighting shall be consistent with TDMC 10.7.030.120 and shall be included with the site plan.
- e. Lighting shall be detailed on the building elevations to demonstrate illumination of the exterior stairways.

- f. Revised plans must be submitted detailing that each rear uncovered stairway is protected by a covering, canopy, or enclosure from rain, sun, snow and natural elements.
- g. Revised plans must be submitted detailing that each dwelling unit include a front building entrance cover.
- h. Revised building elevations must be submitted to ensure the western and eastern building elevations include articulations that comply with TDMC 10.3.030.040(2)(e).
- i. Revised building elevations must be submitted to ensure the western and eastern building elevations include horizontal lines such as belt courses, bellybands, and change in materials or color that extends the width of all exterior walls.
- j. A Redevelopment Plan must be submitted to demonstrate how the property may be further developed to meet the minimum density of seven dwelling units.
- k. All ADA parking shall comply with TDMC 10.7.030.050 Accessible Parking. The accessible parking symbol shall be painted on the parking space and an accessible parking sign shall be placed in front of each space according to the Oregon Transportation Commission's Disabled Parking Standards
- l. Parked vehicles shall be parked in such a way as not to overhang property lines or walkways.
- m. Revised plans must be submitted detailing a pedestrian walkway connecting each dwelling entrance to the ROW, as well as ADA and bicycle parking areas.
- n. Two 10-foot PUEs shall be established along both abutting street frontages of the property: East 9<sup>th</sup> Street and East 10<sup>th</sup> Street, to ensure future utility access.

**2. Conditions Requiring Resolution Prior to Building Permit Approval:**

- a. All construction/design plans for public infrastructure, improvements, or rights-of-way required with this development must be approved by the City Engineer.
- b. The property is in a newly established Reimbursement District. All future development will be required to pay all applicable Reimbursement Fee charges at the time of an associated building permit
- c. The Applicant is required to submit a professionally engineered drainage plan to demonstrate the use of the proposed infiltration swale, how water is being retained on-site by this use, and ensure it is sized and able to handle the volume of water from the property.
- d. All System Development Charges shall be paid.
- e. Plans submitted with the building permit shall be consistent with the approved Site Plan Review.
- f. The applicant must receive approval from the City Engineer to install trees within the 10-foot PUE along East 9<sup>th</sup> Street, or modify the site plan to include another

form of screening pursuant to TDMC 10.7.030.040(B).

**3. Conditions Required Prior to Construction:**

- a. Prior to the installation of public facilities, a pre-construction meeting is required between the City and the Applicant.

**4. Conditions Required During Construction:**

- a. The Applicant shall take effective action to prevent the escape of sediment from the site by installation of erosion and sediment control measures and practices prior to, and concurrent with, land disturbing activities.
- b. The Applicant shall prevent the formation of any airborne dust nuisance and shall be responsible for any damage resulting from failure to do so.
- c. All refuse collections areas must comply with the requirements for refuse collection as stated in TDMC 10.7.030.110.
- d. The Applicant shall surface all parking and maneuvering areas with paving material approved by the City Engineer.
- e. The Applicant shall stripe all parking spaces.
- f. Staff will include as a condition of approval that the accessible parking symbol shall be painted on the parking space and an accessible parking sign shall be placed in front of each space according to the Oregon Transportation Commission's Disabled Parking Standards.
- g. All mail delivery facilities location and construction must be approved by the City Engineer and Post Office.

**5. Conditions Required Prior to Occupancy:**

- a. Landscaping shall be installed per the provisions of TDMC Article 6.010.
- b. The Applicant will be required to install half-street ROW improvements including a complete curb, gutter, and sidewalk system, as well as paving an entire half of East 9<sup>th</sup> Street to the center point of the existing ROW.
- c. The Applicant will be required to install a five-foot wide sidewalk along the entire East 10<sup>th</sup> Street frontage, in addition to installing safety railing at the back of the sidewalk along that property line due to steep slope.
- d. All ROW improvements must be extended along both the East 9<sup>th</sup> and East 10<sup>th</sup> Street frontages to edge of all adjacent properties.

**6. Ongoing Conditions:**

- a. All development must adhere to the approved site plan for this development.
- b. All proposed lighting shall not directly illuminate adjoining properties. Lighting sources in the parking area shall be shielded and arranged to prevent glare in any public ROW, with a maximum illumination at the property line not to exceed an average horizontal foot-candle of 0.3 for non-cut-off lights, and 1.0 for cut-off lights.

- c. All landscaping, buffering, and screening must be adequately maintained and irrigated to insure the survival of plant materials.
- d. All pedestrian walkways connecting to and within the development shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.

*Signed this 5<sup>th</sup> day of June, 2024 by*



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Joshua Chandler  
Director  
Community Development Department

**TIME LIMITS:** The period of approval is valid for the time period specified for the particular application type in City of The Dalles Municipal Code, Title 10 Land Use and Development. All conditions of approval shall be fulfilled within the time limit set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time. Failure to fulfill any of the conditions of approval within the time limits imposed can be considered grounds for revocation of approval by the Director.

**Please Note!** No guarantee of extension or subsequent approval either expressed or implied can be made by the City of The Dalles Community Development Department. Please take care in implementing your approved proposal in a timely manner.

**APPEAL PROCESS:** The Director's approval, approval with conditions, or denial is the City's final decision, and may be appealed to the Planning Commission if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on the 10<sup>th</sup> day following the date of the mailing of the Notice of Administrative Decision, **June 17, 2024**. The following may file an appeal of administrative decisions:

1. Any party of record to the particular administrative action.
2. A person entitled to notice and to whom no notice was mailed. (A person to whom notice is mailed is deemed notified even if notice is not received.)
3. The Historic Landmarks Commission, the Planning Commission, or the City Council by majority vote.

A complete record of application for administrative action is available for review upon request during regular business hours, or copies can be ordered at a reasonable price, at the City of The Dalles Community Development Department. Notice of Appeal forms are also available at The Dalles Community Development Office. The fee to file a Notice of Appeal is \$500.00. **The appeal process is regulated by Section 10.3.020.080: Appeal Procedures of The Dalles Municipal Code, Title 10 Land Use and Development.**