



NOTICE OF ADMINISTRATIVE DECISION SPR 544-24

Chris Hodney, Hacker Architects

DECISION DATE: July 12, 2024

APPLICANT: Chris Hodney, Hacker Architects

PROPERTY OWNER: TD3rd, LLC

REQUEST: Applicant is requesting approval to construct 116 for-rent apartments, over +/-9,500 sq. ft. of retail space, resident amenities and building services in a +/- 96,000 gross sq. ft., five-story, mixed-use building.

LOCATION: The subject property is located at **523 East 3rd Street** and further described as 1N 13E 3 BD tax lots 6700, 6800, 6900.

COMPREHENSIVE PLAN AND ZONING DESIGNATIONS: CBC – Central Business Commercial 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 544-24**, the request by **Chris Hodney, Hacker Architects** 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. Applicant is required to submit a specific schedule for completion of project phases to ensure construction is diligently pursued toward completion.

- c. The applicant is required to demonstrate that a Conditional Use (CUP) for the 60 ft. building height is approved, or submit revised plans that comply with the building height of the underlying zoning district (55’).
- d. All construction/design plans for public infrastructure, improvements, or ROW shall be approved by the City Engineer.
- e. A sanitary sewer analysis is required to be submitted for this development and approved by the City Engineer.
- f. The Applicant shall ensure the private stormwater facilities can manage drainage from the subject development and shall coordinate any main line extensions with the City Engineer.
- g. All proposed street trees shall be chosen from a list provided by the City.
- h. All street tree planting systems must be approved by the Public Works Director, or designee.
- i. The Mid-Columbia Fire and Rescue Fire Marshal must approve all proposed street tree locations.
- j. The City Engineer must approve all proposed street tree locations to ensure compliance with TDMC 10.6.010.060(E).
- k. The bicycle parking on E. 3rd Street right-of-way is required to be approved by the City Engineer or will need to be located on-site consistent with the requirements of TDMC 10.7.040.030(A).
- l. The Applicant shall coordinate all required easements with local utilities and establish said easements on the final plan.
- m. The development must provide sufficient space to accommodate no less than four (4) motorcycles and/or mopeds.
- n. All mail delivery facility locations must be approved by the Postmaster.

2. Conditions Requiring Resolution Prior to Building Permit Issuance:

- a. 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 City Engineer prior to permit approval.
- b. The Minor Partition and Final Plat to consolidate the three tax lots into one tax lots shall be approved prior to the issuance of building permits.
- c. All construction/design plans for public infrastructure, improvements, or rights-of-way required with this development must be approved by the City Engineer.
- d. All System Development Charges shall be paid.
- e. Plans submitted with the subsequent building permits shall be consistent with the approved Site Plan Review.
- f. A cut and fill permit is required on all excavation that exceeds 50 cubic yards. If the excavation exceeds 250 cubic yards, plans must be completed by a licensed engineer.

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.
- b. Applicant is required to obtain all applicable City permits for the planting of these trees.
- c. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Americans with Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.
- d. The Applicant will be required to record all utility easements proposed for this development.

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. An oil/water separator must be installed on the subject property and a maintenance agreement established with the City's Public Works Department.
- d. All ROW improvements must be constructed to City standards.

5. Conditions Required Prior to Occupancy:

- a. All required landscaping and improvements shall be completed or financially guaranteed per the provisions of Section 10.9.040.060(I): Performance Guarantee prior to occupancy.
- b. All parking spaces shall be striped and hard surfaced prior to occupancy.
- c. All required improvements, including all ROW improvements, shall be installed prior to occupancy.
- d. All ADA signage and spaces must be installed on site as shown on the site plan prior to occupancy.

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 required landscaping shall be irrigated and maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind by the developer or party responsible for removing the trees and/or plant material.

- d. Trees shall be pruned by the property owner, to provide a minimum clearance of 9 feet above sidewalks and 14 feet above street and roadway surfaces.
- e. All points of access for refuse collection shall remain unobstructed.
- f. Pursuant to TDMC 6.080.020, no tenant of the development (commercial or residential) may park along the E. 3rd Street and Laughlin Street frontages during the hours of 9am-6pm. All violators will be towed at their own expense.
- g. To allow for weekly street sweeping within the downtown area, no tenant of the development (commercial or residential) may park along the E. 3rd Street frontage during the hours of 12pm-7am each day of sweeping. At this time, sweeping occurs each Friday morning, but may change at a future date.

Signed this 12th day of July, 2024 by



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 **July 22, 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 \$250.00. **The appeal process is regulated by Section 10.3.020.080: Appeal Procedures of The Dalles Municipal Code, Title 10 Land Use and Development.**