



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF APPEAL DECISION

APL 037-24 of SPR 544-24

Bob Wickwire

DECISION DATE: August 15, 2024

APPEALLANT: Bob Wickwire

APPLICANT: Chris Hodney, Hacker Architects

REQUEST: Appeal of the administrative approval on July 12, 2024, of Site Plan Review 544-24, Chris Hodney, Hacker Architects, 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 properties are located at 523 E. 3rd Street, 1N 13E 3 BD Tax Lots 6700, 6800 and 6900

PROPERTY OWNER: TD3RD, LLC

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

DECISION: Based on the staff report and its' attachments, the evidence presented at the hearing, and all other components of the hearing and record, the request by Bob Wickwire is hereby *denied* and the Director's decision of Site Plan Review 544-24 is affirmed with the conditions of approval referenced below.

The Planning Commission formalized their decision with the adoption of Resolution No. PC 623A-24, incorporated herein for reference.

CONDITIONS OF APPROVAL:

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 being diligently pursued toward completion.
- c. 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 permitted outright 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. Applicant is required to submit a sanitary sewer analysis for the proposed development and approved by the City Engineer.
- f. 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 East 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, including construction/design and landscape plans 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 lot 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 Applicant.
- b. Applicant is required to obtain all applicable City permits for tree planting.
- 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. Applicant will be required to record all utility easements proposed for this development.

4. Conditions Required During Construction:

- a. 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. 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 TDMC 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 and alleyway resurfacing, 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 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 may park along the public streets in the Central Business Zone Boundary during the hours of 9:00 a.m. through 6:00 p.m. and all violators will be towed at their own expense.

Signed this 16th day of August, 2024 by



Joshua Chandler
Director, Community Development Department

TIME LIMITS: The approval is valid for the time period specified for the particular application type in 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. 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 Planning Commission's decision may be appealed to the City Council if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on August 28, 2024. The following may file an appeal of administrative decisions:

1. Any party of record to the particular public hearing 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 public hearing 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. A Notice of Appeal form is 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, The Dalles Municipal Code, Title 10 Land Use and Development Ordinance.**



CITY of THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

RESOLUTION NO. PC 623A-24

Denial of Appeal Application 037-24, Bob Wickwire, and affirming the Community Development Director's approval of Site Plan Review 544-24, requesting approval to construct 116 for-rent apartments, over +/-9,500 sf of retail space, resident amenities and building services in a +/- 96,000 gross sf, five-story, mixed-use building. Property is located at 523 East 3rd Street, in The Dalles, Oregon, as depicted in Assessor's Map No. 1N 13E BD as Tax Lots 6700, 6800, and 6900. Property is zoned "CBC" – Central Business Commercial.

I. RECITALS:

- A. On August 15, 2024, the Planning Commission of the City of The Dalles conducted a public hearing to consider the above appeal. A staff report was presented and stated findings of fact, conclusions of law, and a staff recommendation. Testimony and other evidence was submitted and entered into the hearing record.
- B. The staff report and its attachments, the evidence presented at the public hearing, and all other components of the hearing record provide the basis for the Planning Commission's decision and this Resolution and are incorporated herein by reference.

II. RESOLUTION:

Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:

- A. In all respects, as set forth in Recitals, Part "I" of this Resolution:
Appeal 037-24 is hereby denied.

III. APPEALS AND CERTIFICATION:

- A. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals to the Planning Commission's final decisions on quasi-judicial planning actions must be made according to Section 3.020.080 of the Land Use and Development Ordinance.
- B. The Secretary of the Commission shall (a) certify to the adoption of this Resolution and (b) transmit a copy of this Resolution with the notice of appeal decision to all parties participating in the appeal.

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APPROVED AND ADOPTED THIS 15th DAY OF AUGUST, 2024.

DocuSigned by:
Cody Cornett 8/16/2024 | 10:55 AM PDT
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Cody Cornett, Chair
Planning Commission


I, Joshua Chandler, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 15th day of August, 2024.

AYES: Case, Cornett, Mascher, Pena, Portela

NAYS: Poppoff

ABSENT: Grant

ABSTAIN: _____

ATTEST: 

Joshua Chandler
Community Development Director
City of The Dalles