



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

NOTICE OF PUBLIC HEARING DECISION

APL 39-25 of APL 38-25

Theodore Valkov

DECISION DATE: May 12, 2025

APPEALING PARTY: Theodore Valkov

APPLICANT: Jason Alford

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

LOCATION: The property is located in the 1600 block of E. 21st Street and is further described as 1N 13E 11 BC tax lots 2300 and 2800.

PROPERTY OWNER: Jason Alford

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

DECISION: Based on the City Council's review and interpretation of the applicable criteria, the evidence in the record, and the findings, interpretations, and conclusions either set forth in the Staff Report or decided following the conclusion of the May 12, 2025 public hearing (as reflected in the minutes, as applicable), **Appeal Application 39-25** is hereby **DENIED**, the decision of the Planning Commission is **UPHELD**, and the application for **Subdivision Permit SUB 86-24** is **APPROVED**.

The City Council formalized their decision with the adoption of Resolution No. 25-021, incorporated herein for reference.

CONDITIONS OF APPROVAL:

1. Conditions Requiring Resolution Prior to Submission of Final Plans and Plat:

- a. Final plat submission shall meet all the requirements of The Dalles Municipal Code, Title 10 Land Use and Development, and all other applicable provisions of The Dalles Municipal Code.
- b. The design of public utilities shall conform to City standards and must be reviewed and approved by the City Engineer prior to final plat approval to ensure compliance with applicable TDMC and TSP standards.
- c. 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.
- d. To ensure adequate emergency access throughout the development site, the Applicant has two options:
 - i. 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*
 - ii. Install road improvements into Phase 2 that can support fire apparatus weighing up to 85,000 pounds (typical fire truck weight).
- e. After preliminary approval of the subdivision, the Applicant shall submit a physical constraints application for all site-work associated with development of the subdivision, which will be reviewed as a Ministerial Action consistent with TDMC 10.8.020.060(A) and pursuant to TDMC 10.3.020.030.
- f. The Applicant shall revise the development plan to provide no less than a 50 ft. property frontage along East 21st Street and Smith Ridge Loop for Lot 11.
- g. The Applicant must distinguish lot access points on Lots 4-7 and 20-22 and establish a deed restriction for future access on the opposing frontage. This requirement must be demonstrated on the final plat.
- h. The final subdivision plat must clearly show streets, pedestrian paths, easements, and other public rights-of-way. The land proposed for public use must have clear, unencumbered title.
- i. An environmental assessment shall be conducted for all lands to be dedicated to the public and the City, ensuring a thorough evaluation of potential liabilities and hazards.
- j. All subdivision monumentation shall be set according to provisions of state law, the County Surveyor, and the requirements of TDMC 10.9.040.060 (E).
- k. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- l. Design and installation of public utilities shall conform to City standards and must be reviewed and approved by the City Engineer.

- m. Engineered plans must be submitted to the City Engineer for final review and approval, pursuant to all applicable criteria stated in TDMC.
- n. To provide connectivity through the site, a permanent pedestrian/bicycle through pathway, established by ROW and at least 10 ft. wide, shall be provided near the middle of the block.
- o. Adequate storm drainage facilities for the private access road shall be designed by the developer and approved by the City Engineer.

2. Conditions Required Prior to Construction

- a. A physical constraints permit shall be required with all cuts and fills exceeding 50 cubic yards. Engineered cut and fill plans will be required prior to any cut or fills over 250 cubic yards. This shall require the approval of the City Engineer. Disturbance of more than an acre will require a 1200-C Permit to be obtained from the DEQ. The physical constraints permit submitted for this development will be consistent with TDMC 10.8.020.060(A) and reviewed pursuant to TDMC 10.3.020.030.
- b. A pre-construction meeting including the City Engineer and Construction Inspector is required prior to construction or site prep work.
- c. Requirements for a mail delivery facility will be determined by the local United States Postal Service (USPS). Installation of facilities, if any, will be required to meet USPS standards; installation will be required prior to a signature on the final plat.
- d. Design and installation of public utilities including sufficient water to install fire suppression systems to each lot, in addition to that required for regular household use, shall conform to City standards and must be reviewed and approved by the City Engineer.
- e. The Applicant is required to confirm franchise utility distribution methods with the City Engineer.
- f. The Phase 2 parcel is required to be annexed into the City's corporate limits prior to any connection to City utilities.

3. Conditions Required During Construction:

- a. Temporary erosion control measures shall be taken during all phases of construction.
- b. The Applicant shall construct the ROW within the subdivision to City standards.
- c. Temporary dead ends created by this phased subdivision shall require turnarounds to be installed complete with erosion control features until Phase 2 roads are installed.
- d. The Applicant will be required to extend the main line for each public utility line through the development to ensure service availability to each parcel.
- e. All proposed franchise utilities shall be installed in accordance with each utility provider.

- f. All franchise utilities are required to be placed within the dedicated 10 ft. public utility easements or public right-of-way.
- g. The Applicant will be required to install franchise utilities, or provide evidence that an extension of these franchise utilities is not necessary for the future orderly development of adjacent properties.
- h. To ensure pedestrian connectivity to and through the development site, the Applicant will be required to install permanent pedestrian/bicycle pathway no less than 10 ft. wide, as well as sidewalks along each existing developed lot abutting the development site (depicted on Assessor's Map No. 1N 13E 11 BC as Tax Lots 900, 1100, 2200, 2301, and 2302).
- i. To ensure continued vehicular access to the above-mentioned developed properties, the Applicant will be required to provide drive approaches to each developed property at the time of sidewalk installation (depicted on Assessor's Map No. 1N 13E 11 BC as Tax Lots 900, 1100, 2200, 2301, and 2302).
- j. Pedestrian facilities shall be installed at the connecting point of the subdivision with East 21st Street, and shall be built to City standards. Sidewalks that extend throughout the subdivision will be developed concurrent with each building approval.

4. Conditions Requiring Resolution Prior to Final Plat Approval:

- a. Final plat must meet all the requirements of The Dalles Municipal Code, Title 10 Land Use and Development, and all other applicable provisions of The Dalles Municipal Code.
- b. All easements for public utilities on private property shall be shown on the final plat.
- c. Three (3) copies of the surveyed and recorded plat must be received in the Community Development Department within two (2) years from the effective approval date.
- d. Drainage and run-off from future roadways, driveways, parking areas, and structures shall be connected to the City's stormwater system and must be approved by the City Engineer prior to final plat approval.
- e. All required improvements must be installed, approved inspected, and accepted prior to the City signing the final plat. Alternatively, the Applicant may provide an Engineer's Estimate to be reviewed and approved by the City; this option requires the project to be fully bonded for the approved amount prior to the City signing the final plat.
- f. Additional information required prior to formal plat approval include a copy of all proposed covenants, conditions, and restrictions (CC&Rs), or a written statement signed by the applicant that no such restrictions will be established, a title guarantee, a statement by the Postal Service to verify location(s) of proposed mail delivery facilities as shown on the final subdivision plat or accompanying sheet, and a description of the entity receiving a dedication for public use (City,

homeowner's association, special district, etc.). If a homeowner's association is receiving the dedication, articles of incorporation must be included.

- g. The Applicant will be required to deed record all ROW dedications and easements proposed for this development on the final plat, including the access easement on the lot depicted on Assessor's Map No. 1N 13E 11 as Tax Lot 1200, which provides access to the orchard outside of the UGB directly south of the subject property.
- h. The Applicant shall install or provide financial assurances to the satisfaction of the Director that electrical power, natural gas, cable television, and telephone service is or may be provided for each lot.
- i. The Applicant must warranty all public improvements against defect for one (1) year from the date of final acceptance by the City.
- j. Prior to City Engineer approval of the final plat, the Applicant shall install required improvements including public improvements (sewer, water, stormwater drainage, roads and ROW improvements) and private franchise utilities (power and natural gas), agree to install required improvements, or have gained approval to form an improvement district for installation of required improvements for this subdivision.

5. Ongoing Conditions

- a. A physical constraints permit will be required for all development with all cuts and/or fills exceeding 50 cubic yards. Engineered plans will be required for all development with cuts and/or fills which exceed 250 cubic yards.
- b. All future building permits within the subdivision are required to install sidewalks along the entire property frontage.
- c. All development shall be in accordance with The Dalles Municipal Code, Title 10 Land Use and Development.

Signed this 14th day of May, 2025 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.

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: Final decisions on legislative actions, final decisions on quasi-judicial planning actions made by the Council, and appeal decisions made by the Council may all be appealed to the State Land Use Board of Appeals (LUBA), subject to ORS 197.830, “Review procedures; standing; deadlines; issues subject to review; attorney fees and costs; publication of orders; mediation.”

A complete record of the application 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.

RESOLUTION NO. 25-021

A RESOLUTION DENYING APPEAL APPLICATION NO. 39-25, AFFIRMING THE PLANNING COMMISSION DECISION TO DENY APPEAL APPLICATION NO. 38-25, AFFIRMING THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF SUBDIVISION APPLICATION NO. 86-24 FOR APPROVAL TO SITE AND DEVELOP A TWO-PHASE, SINGLE-FAMILY RESIDENTIAL SUBDIVISION

WHEREAS, on March 21, 2025, the Community Development Director approved Subdivision Application No. 86-24 (**SUB 86-24**), a subdivision application 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. The property is located at the terminus of East 21st Street and further depicted in Assessor's Map No. 1N 13E 11 BC as Tax Lots 2300 and 2800. Property is zoned RL – Low Density Residential District;

WHEREAS, on March 31, 2024, Pam Danzer submitted and the City received a Notice of Appeal for Land Use Decision of SUB 86-24, Appeal Application No. 38-25 (**APL 38-25**);

WHEREAS, on April 17, 2015, the Planning Commission deliberated on APL 38-25, and voted 5-0 to deny the appeal request and affirming the Director's March 21, 2025, approval of SUB 86-24 and approving Resolution No. PC 627A-25, a resolution formalizing denial of APL 38-25 and affirming approval of SUB 86-24;

WHEREAS, on April 28, 2025, Theodore Valkov (**Appellant**) submitted and the City received a Notice of Appeal for Resolution No. PC 627A-25, Appeal Application No. 39-25 (**APL 39-25**);

WHEREAS, at its May 12, 2025, regular meeting, the City Council conducted a public hearing to consider APL 39-25, where testimony and other evidence was submitted and entered into the hearing record, including a Staff Report stating findings of fact, conclusions of law, and Staff's Recommendation; and

WHEREAS, the City Council deliberated on the matter during that public hearing and, based on the Staff Report and its attachments, the evidence presented at the public hearing, and all other components of the hearing record, all of which are incorporated herein by reference, the City Council voted on the matter of APL 39-25, formalized as follows.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF THE DALLES RESOLVES AS FOLLOWS:


1. Decision. Based on the City Council's review and interpretation of the applicable criteria, the evidence in the record, and the findings, interpretations, and conclusions set forth in the Staff Report, Appeal Application No. 39-25 is hereby DENIED, the decision of the Planning Commission is AFFIRMED, and the application for Subdivision Application No. 86-24 is APPROVED.

3. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 12TH DAY OF MAY, 2025,

Voting Yes	Councilors:	Wring, Richardson, McElathlin
Voting No	Councilors:	—
Abstaining	Councilors:	—
Absent	Councilors:	Ranyon, Randall

AND APPROVED BY THE MAYOR THIS 12TH DAY OF MAY, 2025.


Timothy McGlothlin, Mayor Pro Tem

ATTEST:


Amie Ell, City Clerk