



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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

### NOTICE OF ADMINISTRATIVE DECISION Middle Housing Land Division 1-25

**DECISION DATE:** June 20, 2025

**APPLICANT:** Todd Carpenter

**REQUEST:** Approval of an expedited land division for the creation of six (6) Middle Housing townhome lots on a 0.67 acre lot.

**LOCATION:** The subject property is located at 2123 E 10<sup>th</sup> Street and further described as 1N 13E 02 CA, Tax Lot 1800.

**PROPERTY OWNERS:** Luminous Enterprises, INC

**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 MHL D 1-25, the request by **Todd Carpenter** is hereby **approved** with the following conditions:

#### 1. Conditions Requiring Resolution Prior to Final Plat Approval:

- a. Final plat submission 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. Location of all existing and proposed public and private utilities, including, but not limited to, water, sewer, storm drainage, power, gas, cable TV, and telephone, shall be shown on the plat.
- c. Per TDMC 10.9.030.030, identification of significant natural features, including, but not limited to, rock outcroppings, creeks, streams, ponds, riparian areas, and existing native, ornamental, and orchard trees having a trunk diameter of 14 inches or more at a point 5 feet above the natural grade.
- d. Applicant shall submit an engineered drainage plan demonstrating the swale's design, functionality, and capacity to manage stormwater volumes generated by the development.
- e. A 10-foot public utility easement shall be established along the frontages of East 9th and 10th Streets to accommodate future franchise utilities.

- f. Location of all existing and proposed public and private utilities, including, but not limited to, water, sewer, storm drainage, power, gas, cable TV, and telephone, shall be shown on the final plat.
- g. Proposed pedestrian access to each middle housing townhome unit shall be clearly striped from the front of each townhome unit demarking clear pedestrian pathways to East 9th Street. Said pathway shall also be clearly identified across each proposed access driveway to ensure pedestrian safety.
- h. All common areas shall be clearly identified on the final construction plans and site plan associated with the middle housing townhome development.
- i. Applicant shall include a Note on the final plat prohibiting further division of the resulting lots or parcels.
- j. Applicant shall include a Note on the final plat indicating the MHL D approval was given in compliance with ORS Section 92.031.
- k. The final plat and associated construction drawings shall illustrate the required hard surfacing on proposed Lot 1 extending approximately 30 feet from the sidewalk, to account for both the 10-foot landscape buffer and the 20-foot minimum surfacing requirement under The Dalles Municipal Code.

## **2. Conditions Required Prior to Construction**

- a. A pre-construction meeting including the City Engineer and Construction Inspector is required prior to construction or site prep work.

## **3. Conditions Required During Construction:**

- a. Pursuant to TDMC 10.10.080, public improvements installed in conjunction with development shall be constructed in accordance with all applicable City policies, standards, procedures, and ordinances. The developer shall warranty all public improvements against defect for one (1) year from the date of final acceptance by the City.
- b. The Applicant shall coordinate all franchise utility requirements, timing of installation, and payment for services with the appropriate utility providers. All resulting franchise utility requirements must be shown on the site plan. The Applicant shall also install, or provide financial assurances to the satisfaction of the Director, that franchise utilities are or will be provided for each townhome lot.
- c. The Applicant shall install the required hard surfacing on proposed Lot 1 in accordance with the approved plans, ensuring the full 30-foot depth is constructed prior to final acceptance of improvements.
- d. Pursuant to TDMC 10.10.040 (D), to provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

#### **4. Conditions Requiring Resolution Prior to Final Plat Approval:**

- a. Applicant will be required to deed record all easements proposed for this development on the final plat.
- b. 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.
- c. The Applicant shall install half-street ROW improvements including a complete curb, gutter, and sidewalk system, as well as paving an entire half of East 9th Street to the center point of the existing ROW.
- d. Installation of sidewalks will be required along the East 10th Street frontage.
- e. The Applicant shall establish a Homeowners Association (HOA) responsible for maintaining the internal common areas of the middle housing townhome land division. The HOA documents, along with the final plat and any associated covenants, shall be recorded with the Wasco County Clerk. A copy of the recorded plat and all related documents must be submitted to the Community Development Department upon recording.
- f. All required improvements must be installed, inspected, approved 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.

#### **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. Middle Housing Land Division (MHL D) approval is valid for a period of three years from the date of the Notice of Decision. (ORS 92.031 (7))
- c. Pursuant to ORS 92.031 (7), Applicant shall record the final plat for the MHL D prior to the issuance of building permits for each townhome.
- d. All development of the site for middle housing townhomes shall be in accordance with The Dalles Municipal Code, Title 10 Land Use and Development and ORS 92.031, 197.360 to 197-380, and ORS 92.044 or 92.046 and the Specialty Code at time of building permit, unless in contravention or inconsistent with ORS 92.031.
- e. 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.

*Signed this 20 day of June, 2025, by*



Joshua Chandler, Director  
Community Development Department

**TIME LIMITS:** Pursuant to ORS 92.031 (7), the Middle Housing Land Division is valid for a period of three years from the date of the Notice of Decision. 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:** This decision was issued pursuant to ORS 92.031 (Middle Housing Land Division) and ORS 197.365, and is subject to the appeal procedures established in ORS 197.375.

The decision, including all conditions of approval, may be appealed to a referee appointed by the City of The Dalles. If the City has designated a hearings officer pursuant to ORS 227.165, that individual may serve as the referee. The referee must be a neutral party and may not be a City employee or official.

**To initiate an appeal, a completed Notice of Appeal must be filed with the Director of the Community Development Department no later than 5:00 p.m. on July 7, 2025,** which is the fourteenth (14<sup>th</sup>) day following the date the Notice of Decision was mailed.

To be valid, an appeal must:

- Be submitted in writing within the 14-day appeal period;
- Be accompanied by a \$300 deposit for costs; and
- Be filed by either:
  - The applicant, or
  - Any person or organization who submitted written comments during the applicable public comment period.

An appeal must be based solely on one or more of the following grounds:

1. A violation of applicable land use regulations;
2. A claim that the decision is unconstitutional;
3. A claim that the application is not eligible for review under ORS 92.031 and should be reviewed as a land use or limited land use decision; or
4. A claim that a procedural error by the local government substantially prejudiced the appellant's substantive rights.

Upon receipt of a valid appeal, the City will appoint a referee, who will:

- Notify all parties entitled to notice within seven (7) days of appointment;
- Provide a fair opportunity for eligible parties to present arguments or evidence;
- Apply the applicable land use regulations and requirements of ORS 92.031;
- Seek to approve the application where possible, imposing conditions as necessary; and
- Issue a final written decision within 42 days of the appeal being filed.

The referee's decision is final. Pursuant to ORS 197.375(7), the Land Use Board of Appeals (LUBA) does not have jurisdiction over Middle Housing Land Division decisions. Any judicial review must be sought through the Oregon Court of Appeals, following the process for review of final orders under ORS 197.850 and 197.855.

If the appellant materially improves their position as a result of the referee's decision, the \$300 deposit will be refunded. If not, the appellant may be required to pay up to \$500 in total appeal costs, including the deposit. The City will pay any balance not assessed to the appellant.