



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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Community Development Dept.

AGENDA
CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM

THURSDAY, DECEMBER 7, 2006

6:30 P.M.

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes: November 2, 2006
- V. Public Comment – Items not on the Agenda
- VI. Quasi-Judicial Public Hearings
 - A. Continuation for VAR 111-06 of Ken Corbett - *This application has been withdrawn.*
 - B. **APPLICATION NUMBERS: CUP 138-06 and SPR 349-06: REQUEST:** This application is for a Conditional Use Permit to operate a tea parlor in the soon-to-be relocated Booth House (Trevitt House). The applicant is requesting a parking waiver due to the topography of the property and the archaeological assessment of the historic site.
PROPERTY OWNERS: Alan & Bev Eagy **LOCATION:** Property is located at 214 & 216 W. 4th Street and is further described as 1N 13E 3 BC tax lots 3600 and 3900. Property is zoned “CBC” – Central Business Commercial.
- VII. Resolution 465-06 approving CUP 138-06 and SPR 349-06 of Alan and Bev Eagy
- VIII. Commissioner Comments/Questions
- IX. Staff Comments
- X. Next meeting date: ~~November~~ ^{December} 21, 2006
- XI. Adjournment



CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, November 2, 2006

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting of The Dalles Planning Commission to order at 6:30 P.M.

ROLL CALL:

Present: Bruce Lavier, Ron Ahlberg, Derek Hiser, Mark Poppoff, and Jo Ann Wixon

Absent: Ted Bryant, Dean Wilcox

Staff: Gene Parker, City Attorney, Mike Bosse, Engineer, Todd Stephens, EIT, Dan Durow, Community Development Dept. Director, Dick Gassman, Senior Planner; and Denise Ball, Admin. Secretary

AGENDA: Commissioner Ahlberg moved to approve the agenda as submitted and Commissioner Poppoff seconded. The motion carried unanimously, Bryant and Wilcox absent.

MINUTES: There were no corrections to the minutes of October 19, 2006. Commissioner Wixon moved to approve the minutes and Commissioner Ahlberg seconded. The motion carried unanimously with Hiser, Poppoff, Lavier, Ahlberg, and Wixon voting for and Wilcox and Bryant absent.

PUBLIC COMMENT: Senior Planner Gassman introduced the RARE Planner, John Dean, to the Commission. Gassman explained that Mr. Dean will be working on the Sign Ordinance. Director Durow added that he will also be working with the ordinances the City Council will pass to accommodate the infrastructure needed to support the City's growth.

CONTINUED PUBLIC HEARING– QUASI JUDICIAL:

A. VAR 111-06 of Ken Corbett - This application is a request for lots that will be narrower than allowed in the LUDO. The applicant is also requesting a minor partition to create two separate tax lots (see **MIP 271-06**). The applicant is also requesting review for attached town houses (see **SPR 346-06**). Property is located at 1303 Mt. Hood St. and is further described as 1N 13E 4 AC tax lot 16400. Property is zoned "RH" – Residential High-Medium Density.

The rules for a public hearing were read. Chair Lavier asked if any Commissioners had any bias, ex-parte contact, or conflict of interest to declare and there was none. There were no challenges to the qualifications of the Commission. Chair Lavier opened the public hearing and asked for the Staff Report.

Senior Planner Gassman presented the revised Staff Report. Gassman told the Commission that Staff has placed an additional condition of approval on the applicant that allows access from W. 12th Street not Mt. Hood Street. The applicant does not have a building design that will meet the criteria for the changed access. Gassman asked that the Planning Commission consider only the variance request tonight. The Minor Partition and Site Plan Review are administrative applications and can be referred back to Staff should the Commission approve the variance.

Commissioner Ahlberg asked if the applicant will be dividing the lot lengthwise, as the proposal pictured, or dividing it widthwise. Gassman said Staff and applicant discussed dividing it the opposite direction but there are similar problems to overcome, one of which would be a variance for lot depth to allow the homes to face W. 12th Street.

Chair Lavier asked if the approval of the variance could be worded in such a way that it would allow flexibility in either direction. City Attorney Parker said the applicant would have to submit an amended application for a different variance request. City Attorney Parker said he does not believe the Commission has the authority to grant approval for a variance that has not been applied for.

Proponents: Mike Woodside, 809 W. 15th Street, The Dalles, Oregon is representing Mr. Corbett. Mr. Woodside said Mr. Corbett will have to purchase a custom townhouse plan to fit the lot with access coming off of W. 12th. It will more than likely require a variance for lot depth rather than the lot width reduction currently before the Planning Commission.

Chair Lavier asked Staff how long it would delay the applicant to pursue partitioning the lot the other direction. Gassman said the applicant could submit an amended application, Staff would re-notify affected property owners, and the current hearing would be continued until December 7.

Mr. Woodside said he would need to talk to Mr. Corbett to see if that is acceptable but he said he assumes it would be.

Commissioner Ahlberg moved to continue the hearing until December 7, 2006 and Poppoff seconded. The motion carried unanimously with Wilcox and Bryant absent.

RESOLUTIONS: Commissioner Ahlberg moved to adopt Resolution PC 463-06 denying **VAR 110-06, MIP's 269-06 & 270-06, and SPR 345-06 of Ken Corbett**. Hiser seconded the motion and it carried unanimously with Wilcox and Bryant absent.

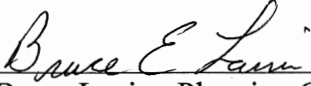
ACTION ITEM: Director Durow presented the Staff Report for "Population Forecast Findings In Support of Expanding The Dalles Urban Growth Boundary and National Scenic Area/Exempt Area Boundary". Staff is asking the Commission to recommend approval by the City Council for the meeting on the 27th. The County, through statute, has the responsibility to coordinate the population forecast. Durow described the process for approval and how the projections are arrived at.

Staff and Commissioner's briefly discussed the topic. Commissioner Wixon moved to recommend to the City Council that the City of The Dalles population forecast as determined in the Population Forecast for The Dalles prepared by ECONorthwest by approved and sent on to the County for its plan amendment deliberations. Commissioner Poppoff seconded the motion and it carried unanimously, Wilcox and Bryant absent.

NEXT MEETING: The next scheduled meeting is November 16, 2006 but there is no business. There will be at least two items for the meeting December 7, 2006.

ADJOURNMENT: The regular Planning Commission meeting was adjourned at 7:20 p.m.

Respectfully submitted by Denise Ball, Secretary.



Bruce Lavier, Planning Commission Chair

City of The Dalles
AMENDED STAFF REPORT

Conditional Use Permit No. 138-06
& Site Plan Review 349-06

Alan & Bev Eagy
The Anzac Tea Parlour Expansion

Prepared by: Dawn Marie Hert, Associate Planner

Procedure Type: Quasi-Judicial

Hearing Date: December 7, 2006

Assessor's Map: Township 1 North, Range 13 East, Map 3 BC

Tax Lot: 3600 & 3900

Address: 214 & 216 West 4th Street

Comprehensive Plan Designation: "CBC" Central Business Commercial

Zoning District: "CBC" Central Business Commercial

Request: Relocation and conversion of a vacant residential structure historically known as the Booth House, commonly known as the Trevitt House. The house will be converted into an expansion of the Anzac Tea Parlour. The structures will not be physically connected but will be functionally connected and operate as one.

BACKGROUND INFORMATION

The Eagys are applying to relocate the historic Booth house from its current location in City Park to the vacant lots adjacent to their current Anzac Tea Parlour Business

The Eagys are being reviewed for a Site Plan Review and requesting a conditional use permit to allow the waiver for on-site parking. The proposed use as a tea parlour is permitted outright in the Central Business Commercial zone. However, the off-street parking requirements cannot meet for a few reasons. Because the property is located in the Trevitt's National Historic District, any excavation that finds artifacts is required, by ordinance, to be professionally evaluated. The previous owner of the lot excavated the lot and found artifacts. An archeological study was required and completed. The study recommended that no additional excavation occur to the rear of the lot; as numerous artifacts were found on site.

Staff has looked at a number of options for the site and agrees with the applicant that construction of a parking lot on-site would not only detract from the neighborhood characteristics and not meet the historic design guidelines ordinance, but it would require additional excavation to the rear of the lot. Additional excavation is not feasible.

The historical portion of this application has been reviewed and approved, with conditions, by the Historic Landmarks Commission. The Commission agrees with staff and the Historic Design Guidelines ordinance, that parking on the lot will deter from the neighborhood characteristics and not meet the Historic Design Guidelines.

This staff report will detail the reasoning by staff and the Historic Landmarks Commission for the support of no on-site parking.

NOTIFICATION

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes.

COMMENTS RECEIVED

Property Owner Comments – No comments were received as of the date this report was written.

RECOMMENDATION: Approval, with conditions, based upon the following findings-of-fact.

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222:

Section 3.010.040 Applications:

Subsection B. Completeness.

FINDING A-1: This application was found to be complete on November 16, 2006. The 120-day State mandated decision deadline is March 16, 2006.

Section 3.020.050 Quasi-Judicial Actions:

Subsection A. Decision Types, (1)Site Plan Review:3. Conditional Use Permits:

FINDING A-2: This application is for a Conditional Use Permit and Site Plan Review per Section 7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers and Exemptions, Subsection C. (2). The decision criteria listed in this ordinance section is addressed in the body of this staff report.

Subsection B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval with conditions, or denial.

FINDING A-3: The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed

through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request.

Subsection C. Public Hearings.

FINDING A-4: The public hearing is scheduled for December 7, 2006.

Subsection D. Notice of Hearing.

FINDING A-5: Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies have been completed.

Section 3.050.030 Review Procedures:

Subsection A. Applications. Conditional Use Permit applications shall be accompanied by at least 15 copies of the concept site plan, and when required, two copies of the detailed landscape and construction/design plans, per the provisions of Section 3.030: Site Plan Review.

FINDING A-6: The required plans have been submitted. Criterion met.

3.050.040 Review Criteria:

Subsection A. Permitted Conditional Uses. The proposed use is conditionally permitted in the zone district where it is proposed to be located.

FINDING A-7: The proposed use is permitted outright in the Central Business Commercial district. A conditional use permit application is required due to the off-street parking reduction request.

Subsection B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this ordinance, applicable policies of the Comprehensive Plan, and any other statutes, ordinances, or policies that may be applicable.

FINDING A-8: The proposed use is permitted outright. This application is being reviewed as a conditional use permit for the parking waiver request.

Subsection C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this section. Impacts caused by the construction of the conditional use shall not be considered regarding a decision on the validation of the application.

1. Noise impacts across the property line shall not exceed 60 decibels. Noise related to traffic impacts shall not be included in this determination. Nothing in this section shall modify other noise ordinance standards as adopted by the City.

FINDING A-9: Typically, noise for this type of use should not exceed allowable decibels. Staff has never received a complaint of excessive noise of the existing business. The applicant will be advised of the allowable levels.

2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)

FINDING A-10: The lighting is addressed as a condition of approval and is discussed later in this report.

3. *Dust and other particulate matter shall be confined to the subject property.*

FINDING A-11: The proposed use would not typically create dust or other particulate matter.

4. *The following odors shall be completely confined to subject property:*

- a. *industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;*
- b. *fuels, and*
- c. *fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.*

FINDING A-12: The proposed use will not be using any of the listed items that cause odors. This proposal does not indicate that many of these nuisances need to be reviewed in depth for mitigation purposes. The City always retains the right to enforce nuisances as the need arises. However, there is the possibility of vector/odor control associated with the presence of perishable and non-perishable foodstuffs. Specifically, trash receptacles should be sized to fully accommodate the needs of the business. Appropriate screening from the public right-of-way and adjacent neighbors and containment of trash receptacles should be required as a condition of approval.

No outdoor storage of materials or supplies related to this proposed use will be allowed. This will also be addressed as a condition of approval. Criterion will be addressed as a condition of approval.

5. *Vibrations shall not be felt across the property line.*

FINDING A-13: The proposed expansion does not include machinery or equipment that causes vibration.

6. *The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use.*

Evaluation factors shall include, but are not limited to:

- a. *Street designations and capacities; and*
- b. *On-street parking impacts.*

FINDING A-14: The proposed structure is an existing residential structure that is being re-located from Parks and Open Space to a Commercial zone district. No significant or harmful impacts are anticipated with the conversion and addition to the historic structure. Although most structures in this area are of a residential nature, this property is located within a commercial district with encouraged and permitted commercial uses. Commercial uses will tend to occur through conversion of ground floor residences or entire residential structures to allow business uses. Tenneson Engineering is located directly across West 4th Street; which is an example of an entire structure that was

converted from a residence to a business. This addition/expansion of the Tea Parlour will blend well with the existing mixed uses in the neighborhood.

The total number of required off-street parking spaces for the proposed use and proposed addition ranges from 8 to 18 spaces. It is not possible for this use to provide the off street parking spaces due to the topography of the lot, and the recommendation by the archaeologist for no additional excavation to the rear of the lot.

The applicants' proposal of not providing the required parking is not anticipated to result in any negative impact to the desirable neighborhood characteristics because of the mixed residential and commercial uses that exist in the surrounding areas. The recent addition of the lot on the corner of 3rd and Lincoln has provided additional parking for the surrounding businesses, which in turn frees up on-street parking. The applicant's customers are allowed to use the City owned property for parking their vehicles, however the parking lot is allowed to be used by all.

The applicant does not anticipate large groups at any one time and is limited to occupancy set fourth by the State Building Codes Department. On occasion, parking may become an issue with weddings at the neighboring St. Peters Landmark or bed and breakfasts. As with any existing commercial or residential use in the surrounding area, parking is available on the public right-of-way. With a majority of the surrounding properties being of a residential nature, the impact of this small commercial use is minimal. If the surrounding area was entirely commercial, the impact of this expanded use may be greater. This neighborhood is familiar with the mixed uses of the surrounding properties as well as the weekend uses and impacts of the church and bed and breakfast uses in the area.

Fourth Street is an arterial street with a higher volume of use as this street leads to the historic Sixth Street Bridge crossing Mill Creek. The location of this structure is conducive to walking traffic from nearby residential districts as well as local businesses. Additionally, it should be noted that this structure is on the route for the historic walking tour of the City of The Dalles. It is anticipated that this use will serve a local population.

7. *In areas designated as Historic Districts, proposed development and redevelopment shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of the Historic Resources Ordinance (General Ordinance No. 94-1194.)*

FINDING A-15: The applicants received approval of the proposed expanded use and building by the Historic Landmarks Commission on November 15th, 2006.

The application is requesting the relocation of a historic structure known as the Booth House and commonly known as the Trevitt House into the Trevitt's Historic District.

This historic district is a mix of residential type structures. The zoning for this portion of the district is commercial; however, most of the structures are used for residential uses. The adjacent uses are both residential and commercial in nature.

The proposed use is a permitted outright use in this zoning district, therefore, there is no density issue. The structure is being relocated to Trevitt's Historic District and specific aesthetic guidelines apply. The Dalles Historic Landmarks Commission has reviewed this application through a process for any exterior modifications.

Section 7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions.

Subsection C. Reductions for existing Uses. (2) Where pre-existing development is unable to accommodate off-street parking that is required by a proposed use change and/or an addition or modification to existing building(s), the applicant may request a conditional use approval for a parking reduction providing each of the following conditions is met. The conditional use permit shall be processed per the provisions of Section 3.050: Conditional Use Permits.

- a) The enlargement, modification or use change does not displace any existing off-street parking.*
- b) The proposal is not for an existing non-conforming use.*
- c) The applicant can demonstrate that an opportunity for shared or joint parking, as specified in this Chapter, is not reasonably available.*

FINDING A-16: This proposal is for an expansion of an existing business located on the neighboring lot. The structures are functionally connected and will be operated as one business. The expansion does not displace any of the existing parking spaces for the existing business on the neighboring lot.

The parking waiver is supported by the Historic Landmarks Commission due to the historic design guidelines, the archaeological report, and the existing character of the neighborhood.

The use is an outright permitted use in the zoning district. Shared parking opportunities do not exist. The recently constructed city public parking lot is located within a block of this proposed site. The parking lot is available for all to use. Criterion met.

Section 3.030.040 Review Criteria.

- A. City Ordinance Provisions.** *All the provisions from the applicable City ordinances have been met or will be met by the proposed development.*

FINDING A-17: All provisions are met by this proposal or will be met as a condition of approval. This will be detailed in the staff report through a series of findings.

- B. Public Facilities Capacity.** *Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and were applicable, through, the subject property.*

FINDING A-18: Adequate capacity exists for facilities including water, storm sewer, and streets. The Dalles Public Works Department has verified this information.

- C. Arrangement of Site Elements.**

1. *Promote pedestrian, bicycle, and vehicular safety and welfare.*

FINDING A-19: Pedestrian safety and welfare is promoted by the access being provided from the sidewalk. No parking areas are proposed on-site.

2. Preserve and maintain public amenities and significant natural features.

FINDING A-20: There are known significant archeological features on this site as determined by a licensed professional. A report has been completed and is on file with the Planning Department. The applicant is familiar with the report and plans to follow the recommendations set forth by the archaeologist. The criterion is met.

3. Avoid traffic congestion.

FINDING A-21: No on-site parking is proposed, therefore, this criterion does not apply.

4. Minimize potential adverse impacts on surrounding properties.

FINDING A-22: The range of uses for this site does not have a high potential for off-site impacts. Nuisance conditions that may develop are addressed on a complaint basis; this includes noise, dust, vibration, and odor. Criterion will be addressed as a condition of approval.

- D. Lighting.** *Proposed lighting shall not directly illuminate adjoining properties.*

FINDING A-23: General lighting of the parking areas and the buildings is not shown on the site plan. Lighting is not allowed to illuminate adjoining properties. A detailed site lighting/photometric plan shall be submitted and approved prior to the issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights. These items will be addressed as a condition of approval.

- E. City Engineer Approval.** *Detailed construction/design plans for public infrastructure, improvements, or rights of way affected by or located within a proposed development site shall be approved by the City Engineer as a condition of Site Plan Review approval.*

FINDING A-24: The detailed construction/design plans for all improvements located within the proposed development site shall be approved by the City Engineer prior to construction. Criterion will be addressed as a condition of approval.

F. *Waiver of Remonstrance. Where applicable, the applicant shall agree to waive any future rights to remonstrate against future improvements, per the provision of Section 6.110: Waiver of Right to Remonstrate of this ordinance.*

FINDING A-25: All improvements adjacent to the site exist. A waiver or remonstrance is not necessary with this application. Criterion met.

Section 5.050.020 Permitted Uses

A. Primary Uses Permitted Outright

5. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations.)

FINDING A-26: As indicated on the application submitted by the applicant, the proposed use is an expansion of the adjacent Anzac Tea Parlour, which is a food service type use. The use is therefore allowed in the zone. Criterion met.

Section 5.050.050 Development Standards:

The following table specifies Central Business Commercial development standards applicable to this application.

Central Business Commercial	Standard	Proposal	Meets Requirements
Lot Size	<i>No minimum, one City block maximum</i>	Existing lots	Yes, existing lots.
Setbacks	Front 0 feet maximum Historic Design guidelines: 15 feet minimum. Side Yard: no minimum /maximum. Rear Yard: No minimum/maximum.	Front: 22 feet Side: 39 feet and 28 feet Rear: 41+ feet	Yes, when using the historic guidelines.
Building Height	<i>55 ft. maximum</i>	Proposed structure is 32 feet in height.	Yes
Building Orientation	<i>New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance.</i>	The proposed building will be oriented towards the street.	Yes
Pedestrian Access	<i>All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with subsection 5.050.060{C}: Pedestrian Walkways</i>	Detailed below.	Detailed below.
Off-Street Parking	<u><i>Parking exempt zone.</i></u> <u><i>Per Section 7.020.040 D. 1.</i></u>	No on-site parking is proposed.	See parking exemption finding.
Landscaping	<i>Detailed Below</i>	Detailed Below	Detailed Below

FINDING A-27: This proposal meets the development standards. Criterion met.

Section 5.050.060 Design Standards:

Subsection A. Exterior Elevations. *Exterior elevations of buildings (except allowed 1 and 2 family dwellings) shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.*

1. ***Horizontal.*** *At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.*
2. ***Vertical.*** *At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.*

FINDING A-28: Architectural features will need to be met for both the LUDO as well as the Historic Design Guidelines. The submitted elevation drawings and structure meet the minimum requirements. Criterion met.

Subsection B. Entries.

1. ***Commercial and Residential.*** *Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of Subsection (C) below. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.*

FINDING A-29: The primary entrance faces West 4th Street. Criterion met.

Subsection C. Pedestrian Walkways. *Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.*

Section 10.040 Pedestrian Requirements:

Subsection B. Connectivity.

- (3) (a) *The on-site pedestrian circulation system shall connect the sidewalk on adjacent street(s) to the main entrance of the primary structure on the site to minimize out-of-direction pedestrian travel.*
- (b) *Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to*

the streets abutting the site.

- (c) Walkways shall be as direct as possible and avoid unnecessary meandering.*
- (d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets and pedestrian facilities.*
- (e) Walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).*

FINDING A-30: A pedestrian walkway will be required to be provided to the proposed building from the front sidewalk. Criterion will be addressed as a condition of approval.

Section 6.010 Landscaping Standards:

6.010.030 General Provisions, Subsection B. Landscape Plans; *where landscaping is required by this Ordinance, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the Site Plan Review process.*

FINDING A-31: The “CBC” Central Business Commercial zone requires that landscaping follow the design guidelines for the historic district that it is located. The design guidelines state that landscaping should keep low near the building using flowers and low shrubs with larger plants and trees further away from the building. Criterion will be addressed as a condition of approval.

Section 7.030.110 Refuse Collection *Where refuse collection is provided in, or adjacent to a parking area the following shall be required:*

- A. **Screening.** *Refuse storage facilities shall be screened by a solid wall, fence, evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from streets, accessways, and adjacent properties.*

FINDING A-32: There is no proposed refuse collection area shown on the plan. This will need to be added to the revised site plan, or state that the refuse will remain indoors. Criterion can be met as a condition of approval.

B. COMPREHENSIVE PLAN POLICIES

The Comprehensive Plan was adopted in 1994.

Goal #9. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

FINDING B-1: This plan goal established numerous goals to achieve to further business creation and expansion to expand both the economic and tax base of our community. This proposal is a residential service business. This will provide income to local residents while providing a service to the local community.

Furthermore, it is anticipated that, during the summer months, outdoor seating may be provided which will enhance the visual appearance of our downtown historic district. This type of living activity serves to strengthen community linkages and promote continued investment in the community. This proposal is consistent with the City of The Dalles Comprehensive Plan.

IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:


1. Signs are to be applied for under a separate permit process and should be of a historic nature.
2. All materials and supplies must be stored within the structure. No outside storage of business materials or supplies will be allowed.
3. Trash receptacles should be sized appropriately to accommodate the business and the residential uses. Appropriate screening from the public right-of-way and adjacent neighbors as well as containment of trash is required. This will need to be shown on a revised site plan.
4. ADA access to the structure will need to be addressed. The applicant will need to contact the State Historic Preservation Office to request a historic exemption for ADA access to the tea parlour if they are unable to provide.
5. A bicycle rack with two spaces will be required.
6. All state and county licensing requirements will need to be met prior to opening business. (State Building Codes, Department of Agriculture and/or the Health Department.)
7. Proposed development and final detailed construction plans will be required to be reviewed and approved by the City Engineer per established standards.
8. A detailed site lighting/photometric plan shall be submitted and approved prior to the issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights.
9. Prior to the issuance of a building permit, the applicant shall submit a completed Wastewater Survey Questionnaire to the City Planning Department.
10. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined by local, state, and federal standards shall not be allowed.
11. The proposed refuse collection area will need to be added to the revised site plan and meet the requirements. Or a statement needs to be made that the refuse will remain indoors.
12. All conditions set forth by the Historic Landmarks Commission will need to be met prior to the issuance of a building permit.
13. A detailed landscape plan will be required to be submitted prior to issuance of a building permit.
14. Details of the irrigation system with a backflow prevention device will need to be shown on a revised site plan. The backflow prevention device will need to be permitted through the City of The Dalles.

City of The Dalles

STAFF REPORT

Conditional Use Permit No. 138-06
& Site Plan Review 349-06

Alan & Bev Eagy
The Anzac Tea Parlour Expansion

Prepared by: Dawn Marie Hert, Associate Planner 

Procedure Type: Quasi-Judicial

Hearing Date: December 7, 2006

Assessor's Map: Township 1 North, Range 13 East, Map 3 BC

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Address: 214 & 216 West 4th Street

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Zoning District: "CBC" Central Business Commercial

Request: Relocation and conversion of a vacant residential structure historically known as the Booth House, commonly known as the Trevitt House. The house will be converted into an expansion of the Anzac Tea Parlour. The structures will not be physically connected but will be functionally connected and operate as one.

BACKGROUND INFORMATION

The Eagys are applying to relocate the historic Booth house from its current location in City Park to the vacant lots adjacent to their current Anzac Tea Parlour Business

The Eagys are being reviewed for a Site Plan Review and requesting a conditional use permit to allow the waiver for on-site parking. The proposed use as a tea parlour is permitted outright in the Central Business Commercial zone. However, the off-street parking requirements cannot meet for a few reasons. Because the property is located in the Trevitt's National Historic District, any excavation that finds artifacts is required, by ordinance, to be professionally evaluated. The previous owner of the lot excavated the lot and found artifacts. An archeological study was required and completed. The study recommended that no additional excavation occur to the rear of the lot; as numerous artifacts were found on site.

Staff has looked at a number of options for the site and agrees with the applicant that construction of a parking lot on-site would not only detract from the neighborhood characteristics and not meet the historic design guidelines ordinance, but it would require additional excavation to the rear of the lot. Additional excavation is not feasible.

The historical portion of this application has been reviewed and approved, with conditions, by the Historic Landmarks Commission. The Commission agrees with staff and the Historic Design Guidelines ordinance, that parking on the lot will deter from the neighborhood characteristics and not meet the Historic Design Guidelines.

This staff report will detail the reasoning by staff and the Historic Landmarks Commission for the support of no on-site parking.

NOTIFICATION

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes.

COMMENTS RECEIVED

Property Owner Comments – No comments were received as of the date this report was written.

RECOMMENDATION: Approval, with conditions, based upon the following findings-of-fact.

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222:

Section 3.010.040 Applications:

Subsection B. Completeness.

FINDING A-1: This application was found to be complete on November 16, 2006. The 120-day State mandated decision deadline is March 16, 2006.

Section 3.020.050 Quasi-Judicial Actions:

Subsection A. Decision Types, (1)Site Plan Review:3. Conditional Use Permits:

FINDING A-2: This application is for a Conditional Use Permit and Site Plan Review per Section 7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers and Exemptions, Subsection C. (2). The decision criteria listed in this ordinance section is addressed in the body of this staff report.

Subsection B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval with conditions, or denial.

FINDING A-3: The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed

through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request.

Subsection C. Public Hearings.

FINDING A-4: The public hearing is scheduled for December 7, 2006.

Subsection D. Notice of Hearing.

FINDING A-5: Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies have been completed.

Section 3.050.030 Review Procedures:

Subsection A. Applications. Conditional Use Permit applications shall be accompanied by at least 15 copies of the concept site plan, and when required, two copies of the detailed landscape and construction/design plans, per the provisions of Section 3.030: Site Plan Review.

FINDING A-6: The required plans have been submitted. Criterion met.

Section 3.050.040 Review Criteria

Subsection A. Permitted Conditional Uses. The proposed use is conditionally permitted in the zone district where it is proposed to be located.

FINDING A-7: The proposed use is permitted outright in the Central Business Commercial district. A conditional use permit application is required due to the off-street parking reduction request.

Subsection B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located.

FINDING A-8: The proposed use is permitted outright. This application is being reviewed as a conditional use permit for the parking waiver request.

Subsection C. Impact. The location's size, design, and operating characteristics of the proposed use shall be reasonably compatible with and have minimal adverse impact on the legal development of abutting properties and surrounding neighborhood, with consideration given to:

1. Harmony of scale, bulk, building coverage, and density.

FINDING A-9: The application is requesting the relocation of a historic structure known as the Booth House and commonly known as the Trevitt House into the Trevitt's Historic District.

The historic district is a mix of residential type structures. The zoning for this portion of the district is commercial; however, most of the structures are used for residential uses. The adjacent uses are both residential and commercial in nature. The harmony of scale, bulk and building coverage will match the surrounding properties.

The proposed use is a permitted outright use in this zoning district, therefore, there is no density issue. The structure is being relocated to Trevitt's Historic

District and specific aesthetic guidelines apply. The Dalles Historic Landmarks Commission has reviewed this application through a process for any exterior modifications.

2. *The availability of public facilities.*

FINDING A-10: This site currently has public facilities. The existing services include sewer, water, public access, and power available.

3. *Any harmful effects on desirable neighborhood characteristics and livability.*

FINDING A-11: The proposed structure is an existing residential structure that is being re-located from Parks and Open Space to a Commercial zone district. No significant or harmful impacts are anticipated with the conversion and addition to the historic structure. Although most structures in this area are of a residential nature, this property is located within a commercial district with encouraged and permitted commercial uses. Commercial uses will tend to occur through conversion of ground floor residences or entire residential structures to allow business uses. Tenneson Engineering is located directly across West 4th Street; which is an example of an entire structure that was converted from a residence to a business. This addition/expansion of the Tea Parlour will blend well with the existing mixed uses in the neighborhood.

The total number of required off-street parking spaces for the proposed use and proposed addition ranges from 8 to 18 spaces. It is not possible for this use to provide the off street parking spaces due to the topography of the lot, and the recommendation by the archaeologist for no additional excavation to the rear of the lot.

The applicants proposal of not providing the required parking is not anticipated to result in any negative impact to the desirable neighborhood characteristics because of the mixed residential and commercial uses that exist in the surrounding areas. The recent addition of the lot on the corner of 3rd and Lincoln has provided additional parking for the surrounding businesses, which in turn frees up on-street parking. The applicant's customers are allowed to use the City owned property for parking their vehicles, however the parking lot is allowed to be used by all.

The applicant does not anticipate large groups at any one time and is limited to occupancy set fourth by the State Building Codes Department. On occasion, parking may become an issue with weddings at the neighboring St. Peters Landmark or bed and breakfasts. As with any existing commercial or residential use in the surrounding area, parking is available on the public right-of-way. With a majority of the surrounding properties being of a residential nature, the impact of this small commercial use is minimal. If the surrounding area was entirely commercial, the impact of this expanded use may be greater. This neighborhood is familiar with the mixed uses of the

surrounding properties as well as the weekend uses and impacts of the church and bed and breakfast uses in the area.

Fourth Street is an arterial street with a higher volume of use as this street leads to the historic Sixth Street Bridge crossing Mill Creek. The location of this structure is conducive to walking traffic from nearby residential districts as well as local businesses. Additionally, it should be noted that this structure is on the route for the historic walking tour of the City of The Dalles. It is anticipated that this use will serve a local population.

4. Traffic generation, the capacity and safety of surrounding streets and alleys.

FINDING A-12: This site for the expansion of the tea house is located near the corner of 4th and Lincoln Street here in The Dalles as well as at the edge of the downtown core area. Both streets serve commercial traffic as well as residential to the surrounding properties. There are ample pedestrian walkways, with ADA ramps in the downtown area.

5. Bicycle and Pedestrian Circulation, Access, and Safety.

FINDING A-13: This structure has not been used for many years and is not currently ADA accessible. Due to the structure being a Primary Contributing historic structure located in the Commercial Historic District and being relocated to the Trevitt's Historic District, the likelihood of a historic exemption is great. Oregon State Building Codes allows for a historic exemption with support from the State Historic Preservation Office on historic structures when ADA alterations will take away from the historic appearance of the structure.

However, the applicant is planning to provide a rear access to the proposed addition. This addition is planned to be ADA accessible as well as provide for an ADA restroom. There are no existing bike racks available in the parking area. These criteria will be addressed as conditions of approval.

6 Any other impacts of the development deemed relevant to the Commission.

FINDING A-14: This is an existing structure that is being relocated to be re-used as a commercial use. Section 3.050.050 of the LUDO details conditions the Commission may deem necessary to satisfy the review criteria. This staff report has considered these conditions with the review of this application.

D. Nuisance. The use shall not generate off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

FINDING A-15: This proposal does not indicate that many of these nuisances need to be reviewed in depth for mitigation purposes. The City always retains the right to enforce nuisances as the need arises. However, there is the possibility of vector/odor control associated with the presence of perishable and non-perishable foodstuffs. Specifically, trash receptacles should be sized to fully accommodate the needs of the business. Appropriate

screening from the public right-of-way and adjacent neighbors and containment of trash receptacles should be required as a condition of approval.

No outdoor storage of materials or supplies related to this proposed use will be allowed. This will also be addressed as a condition of approval. Criterion will be addressed as a condition of approval.

Section 7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions.

Subsection C. Reductions for existing Uses. (2) Where pre-existing development is unable to accommodate off-street parking that is required by a proposed use change and/or an addition or modification to existing building(s), the applicant may request a conditional use approval for a parking reduction providing each of the following conditions is met. The conditional use permit shall be processed per the provisions of Section 3.050: Conditional Use Permits.

- a) The enlargement, modification or use change does not displace any existing off-street parking.*
- b) The proposal is not for an existing non-conforming use.*
- c) The applicant can demonstrate that an opportunity for shared or joint parking, as specified in this Chapter, is not reasonably available.*

FINDING A-16: This proposal is for an expansion of an existing business located on the neighboring lot. The structures are functionally connected and will be operated as one business. The expansion does not displace any of the existing parking spaces for the existing business on the neighboring lot.

The parking waiver is supported by the Historic Landmarks Commission due to the historic design guidelines, the archaeological report, and the existing character of the neighborhood.

The use is an outright permitted use in the zoning district. Shared parking opportunities do not exist. The recently constructed city public parking lot is located within a block of this proposed site. The parking lot is available for all to use. Criterion met.

Section 3.030.040 Review Criteria.

A. City Ordinance Provisions. *All the provisions from the applicable City ordinances have been met or will be met by the proposed development.*

FINDING A-17: All provisions are met by this proposal or will be met as a condition of approval. This will be detailed in the staff report through a series of findings.

B. Public Facilities Capacity. *Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and were applicable, through, the subject property.*

FINDING A-18: Adequate capacity exists for facilities including water, storm sewer, and streets. The Dalles Public Works Department has verified this information.

C. Arrangement of Site Elements.

1. *Promote pedestrian, bicycle, and vehicular safety and welfare.*

FINDING A-19: Pedestrian safety and welfare is promoted by the access being provided from the sidewalk. No parking areas are proposed on-site.

2. Preserve and maintain public amenities and significant natural features.

FINDING A-20: There are known significant archeological features on this site as determined by a licensed professional. A report has been completed and is on file with the Planning Department. The applicant is familiar with the report and plans to follow the recommendations set forth by the archaeologist. The criterion is met.

3. Avoid traffic congestion.

FINDING A-21: No on-site parking is proposed, therefore, this criterion does not apply.

4. Minimize potential adverse impacts on surrounding properties.

FINDING A-22: The range of uses for this site does not have a high potential for off-site impacts. Nuisance conditions that may develop are addressed on a complaint basis; this includes noise, dust, vibration, and odor. Criterion will be addressed as a condition of approval.

D. *Lighting. Proposed lighting shall not directly illuminate adjoining properties.*

FINDING A-23: General lighting of the parking areas and the buildings is not shown on the site plan. Lighting is not allowed to illuminate adjoining properties. A detailed site lighting/photometric plan shall be submitted and approved prior to the issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights. These items will be addressed as a condition of approval.

E. *City Engineer Approval. Detailed construction/design plans for public infrastructure, improvements, or rights of way affected by or located within a proposed development site shall be approved by the City Engineer as a condition of Site Plan Review approval.*

FINDING A-24: The detailed construction/design plans for all improvements located within the proposed development site shall be approved by the City Engineer prior to construction. Criterion will be addressed as a condition of approval.

F. *Waiver of Remonstrance. Where applicable, the applicant shall agree to waive any future rights to remonstrate against future improvements, per the provision of Section 6.110: Waiver of Right to Remonstrate of this ordinance.*

FINDING A-25: All improvements adjacent to the site exist. A waiver or remonstrance is not necessary with this application. Criterion met.

Section 5.050.020 Permitted Uses

A. Primary Uses Permitted Outright

5. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations.)

FINDING A-26: As indicated on the application submitted by the applicant, the proposed use is an expansion of the adjacent Anzac Tea Parlour, which is a food service type use. The use is therefore allowed in the zone. Criterion met.

Section 5.050.050 Development Standards:

The following table specifies Central Business Commercial development standards applicable to this application.

Central Business Commercial	Standard	Proposal	Meets Requirements
Lot Size	<i>No minimum, one City block maximum</i>	Existing lots	Yes, existing lots.
Setbacks	Front <i>0 feet maximum</i> Historic Design guidelines: <i>15 feet minimum.</i> Side Yard: <i>no minimum /maximum.</i> Rear Yard: <i>No minimum/maximum.</i>	Front: 22 feet Side: 39 feet and 28 feet Rear: 41+ feet	Yes, when using the historic guidelines.
Building Height	<i>55 ft. maximum</i>	Proposed structure is 32 feet in height.	Yes
Building Orientation	<i>New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance.</i>	The proposed building will be oriented towards the street.	Yes
Pedestrian Access	<i>All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with subsection 5.050.060{C}: Pedestrian Walkways</i>	Detailed below.	Detailed below.
Off-Street Parking	<u><i>Parking exempt zone.</i></u> <u><i>Per Section 7.020.040 D. I.</i></u>	No on-site parking is proposed.	See parking exemption finding.
Landscaping	<i>Detailed Below</i>	Detailed Below	Detailed Below

FINDING A-27: This proposal meets the development standards. Criterion met.

Section 5.050.060 Design Standards:

Subsection A. Exterior Elevations. *Exterior elevations of buildings (except allowed 1 and 2 family dwellings) shall incorporate architectural design features such offsets, balconies, projections, base/wall/cornice design, windows, entries,*

bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.

1. **Horizontal.** At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
2. **Vertical.** At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.

FINDING A-28: Architectural features will need to be met for both the LUDO as well as the Historic Design Guidelines. The submitted elevation drawings and structure meet the minimum requirements. Criterion met.

Subsection B. Entries.

1. **Commercial and Residential.** Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of Subsection (C) below. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.

FINDING A-29: The primary entrance faces West 4th Street. Criterion met.

Subsection C. Pedestrian Walkways. Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.

Section 10.040 Pedestrian Requirements:

Subsection B. Connectivity.

- (3) (a) The on-site pedestrian circulation system shall connect the sidewalk on adjacent street(s) to the main entrance of the primary structure on the site to minimize out-of-direction pedestrian travel.
- (b) Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
- (c) Walkways shall be as direct as possible and avoid unnecessary meandering.
- (d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets and pedestrian facilities.
- (e) Walkways shall be separated from vehicle parking or maneuvering areas by grade,

different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).

FINDING A-30: A pedestrian walkway will be required to be provided to the proposed building from the front sidewalk. Criterion will be addressed as a condition of approval.

Section 6.010 Landscaping Standards:

6.010.030 General Provisions, Subsection B. Landscape Plans; *where landscaping is required by this Ordinance, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the Site Plan Review process.*

FINDING A-31: The “CBC” Central Business Commercial zone requires that landscaping follow the design guidelines for the historic district that it is located. The design guidelines state that landscaping should keep low near the building using flowers and low shrubs with larger plants and trees further away from the building. Criterion will be addressed as a condition of approval.

Section 7.030.110 Refuse Collection *Where refuse collection is provided in, or adjacent to a parking area the following shall be required:*

A. Screening. *Refuse storage facilities shall be screened by a solid wall, fence, evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from streets, accessways, and adjacent properties.*

FINDING A-32: There is no proposed refuse collection area shown on the plan. This will need to be added to the revised site plan, or state that the refuse will remain indoors. Criterion can be met as a condition of approval.

B. COMPREHENSIVE PLAN POLICIES

The Comprehensive Plan was adopted in 1994.

Goal #9. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

FINDING B-1: This plan goal established numerous goals to achieve to further business creation and expansion to expand both the economic and tax base of our community. This proposal is a residential service business. This will provide income to local residents while providing a service to the local community.

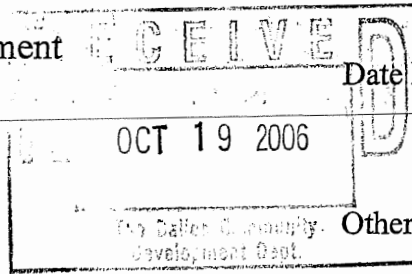
Furthermore, it is anticipated that, during the summer months, outdoor seating may be provided which will enhance the visual appearance of our downtown historic district. This type of living activity serves to strengthen community linkages and promote continued investment in the community. This proposal is consistent with the City of The Dalles Comprehensive Plan.

IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:

1. Signs are to be applied for under a separate permit process and should be of a historic nature.
2. All materials and supplies must be stored within the structure. No outside storage of business materials or supplies will be allowed.
3. Trash receptacles should be sized appropriately to accommodate the business and the residential uses. Appropriate screening from the public right-of-way and adjacent neighbors as well as containment of trash is required. This will need to be shown on a revised site plan.
4. ADA access to the structure will need to be addressed. The applicant will need to contact the State Historic Preservation Office to request a historic exemption for ADA access to the tea parlour if they are unable to provide.
5. A bicycle rack with two spaces will be required.
6. All state and county licensing requirements will need to be met prior to opening business. (State Building Codes, Department of Agriculture and/or the Health Department.)
7. Proposed development and final detailed construction plans will be required to be reviewed and approved by the City Engineer per established standards.
8. A detailed site lighting/photometric plan shall be submitted and approved prior to the issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights.
9. Prior to the issuance of a building permit, the applicant shall submit a completed Wastewater Survey Questionnaire to the City Planning Department.
10. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined by local, state, and federal standards shall not be allowed.
11. The proposed refuse collection area will need to be added to the revised site plan and meet the requirements. Or a statement needs to be made that the refuse will remain indoors.
12. All conditions set forth by the Historic Landmarks Commission will need to be met prior to the issuance of a building permit.
13. A detailed landscape plan will be required to be submitted prior to issuance of a building permit.
14. Details of the irrigation system with a backflow prevention device will need to be shown on a revised site plan. The backflow prevention device will need to be permitted through the City of The Dalles.

CONDITIONAL USE PERMIT APPLICATION

CITY OF THE DALLES
Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490



Date Filed 10-17-06
File# CUP 138-06
Date Deemed Complete 10-19-06
Hearing Date 12-7-06
Approval Date _____
Permit Log # _____
Other Cross Reference# HLC 101-06
+ SPR

APPLICANT

Name Alan & Bev Eagy
Address 218 W 4th
The Dalles, OR 97058
Telephone # (541) 296-5877

LEGAL OWNER (If Different than Applicant)

Name Same
Address _____
Telephone # _____

PROPERTY INFORMATION

Address 214, 216 W 4th Street
Map and Tax Lot 1N13E 3BC 3900, 3600
Size of Development Site .26 acre
Zone District/Overlay CBC In City Limits: Yes X No _____
Comprehensive Plan Designation CBC Geohazard Zone: C

PROJECT INFORMATION

New Construction Expansion/Alteration Change of Use Amend Approved Plan
Current Use of Property Vacant
Proposed Use of Property Use of Booth House for Tea Parlour
See HLC 101-06

Briefly Explain the Project Move Trevitt House (AKA Booth House) from City Park to the vacant lots next to our home at 218 W. 4th
The house will be restored & used as a TEA PARLOUR.
Requesting a PARKING WAIVER.

PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet) 814 sq. ft., including PORCH.

PARKING INFORMATION

Total Number of Spaces Proposed 0

Square Footage of Parking Lot Landscaping Proposed 0

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed TBD Percent of Landscaping Irrigated _____

ECONOMIC DEVELOPMENT INFORMATION

Proposed Project is located in the Enterprise Zone

_____ Full Time Equivalent (FTE) jobs are currently provided.

_____ FTE jobs are expected to be created by the proposed project.

Signature of Applicant

Signature of Property Owner* or Owners Agent

_____ Date

_____ Date

* Notarized Owner Consent Letter may substitute for signature of property Owner

NOTE: This application must be accompanied by the information required in Section 3.050: Conditional Use Permits, contained in Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.

PLANS SUBMITTED:

At least 15 copies of concept site plan.

At least one 11 x 17 concept site plan.

2 copies detailed landscape plans

2 copies construction detail plans

SITE PLAN REVIEW APPLICATION

CITY OF THE DALLES
Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us

Date Filed SPR 349-06
File# 10-17-06
Date Deemed Complete 10-19-06
Hearing Date 12-7-06
Approval Date _____
Permit Log # _____
Other Cross Reference# _____

APPLICANT

Name ALAN & BEV EAGY
Address 218 W. 4TH STREET
THE DALLES, OR 97058
Telephone # (541) 296-5877

LEGAL OWNER (If Different than Applicant)

Name _____
Address _____
Telephone # _____

PROPERTY INFORMATION

Address 214, 216 W. 4TH STREET
Map and Tax Lot N13E3BC.3900, 3600
Size of Development Site .26 acre
Zone District/Overlay CBC In City Limits: Yes X No _____
Comprehensive Plan Designation CBC Geohazard Zone: C

PROJECT INFORMATION

New Construction Expansion/Alteration Change of Use Amend Approved Plan

Current Use of Property NONE - VACANT LOTS

Proposed Use of Property MOVE TREVITT HOUSE TO LOT; USE AS TEA PARLOUR

Briefly Explain the Project MOVE TREVITT HOUSE (AKA BOOTH HOUSE)
FROM CITY PARK TO THE VACANT LOT NEXT TO OUR HOME
(AT 218 W. 4th) THE HOUSE WILL BE RESTORED AND USED AS A
TEA PARLOUR.

PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet) 814 sq. ft, including porch.

PARKING INFORMATION

Total Number of Spaces Proposed _____

Square Footage of Parking Lot Landscaping Proposed _____

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed _____ Percent of Landscaping Irrigated _____

ECONOMIC DEVELOPMENT INFORMATION

Proposed Project is located in the Enterprise Zone

_____ Full Time Equivalent (FTE) jobs are currently provided.

_____ FTE jobs are expected to be created by the proposed project.

Signature of Applicant

Signature of Property Owner* or Owners Agent

_____ Date

_____ Date

* Notarized Owner Consent Letter may substitute for signature of property Owner

NOTE:

This application must be accompanied by the information required in Section 3.030: Site Plan Review, contained in Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.

PLANS SUBMITTED:

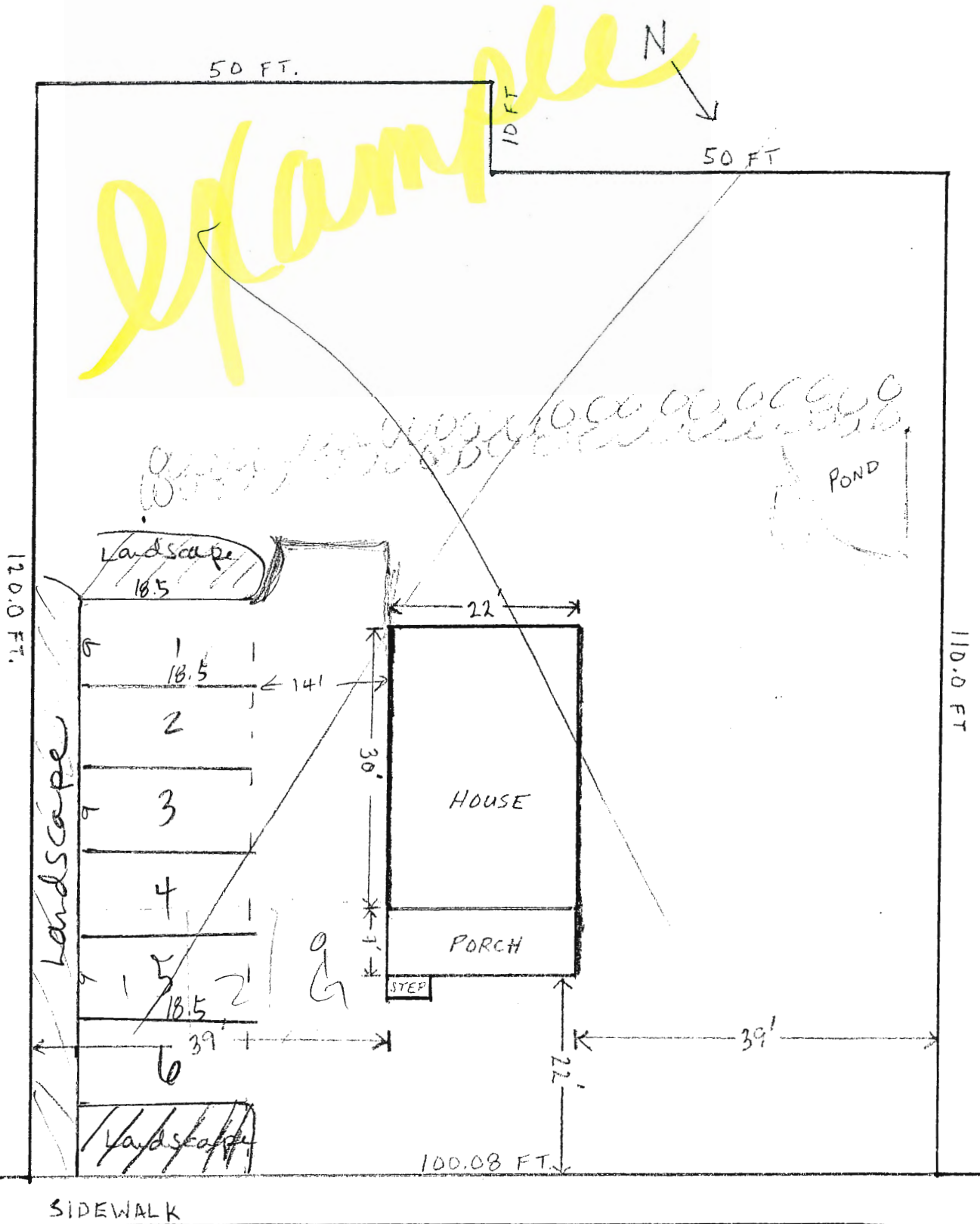
At least 15 copies of concept site plan.

At least one 11 x 17 concept site plan.

4 copies detailed landscape plans

4 copies construction detail plans

SITE PLAN

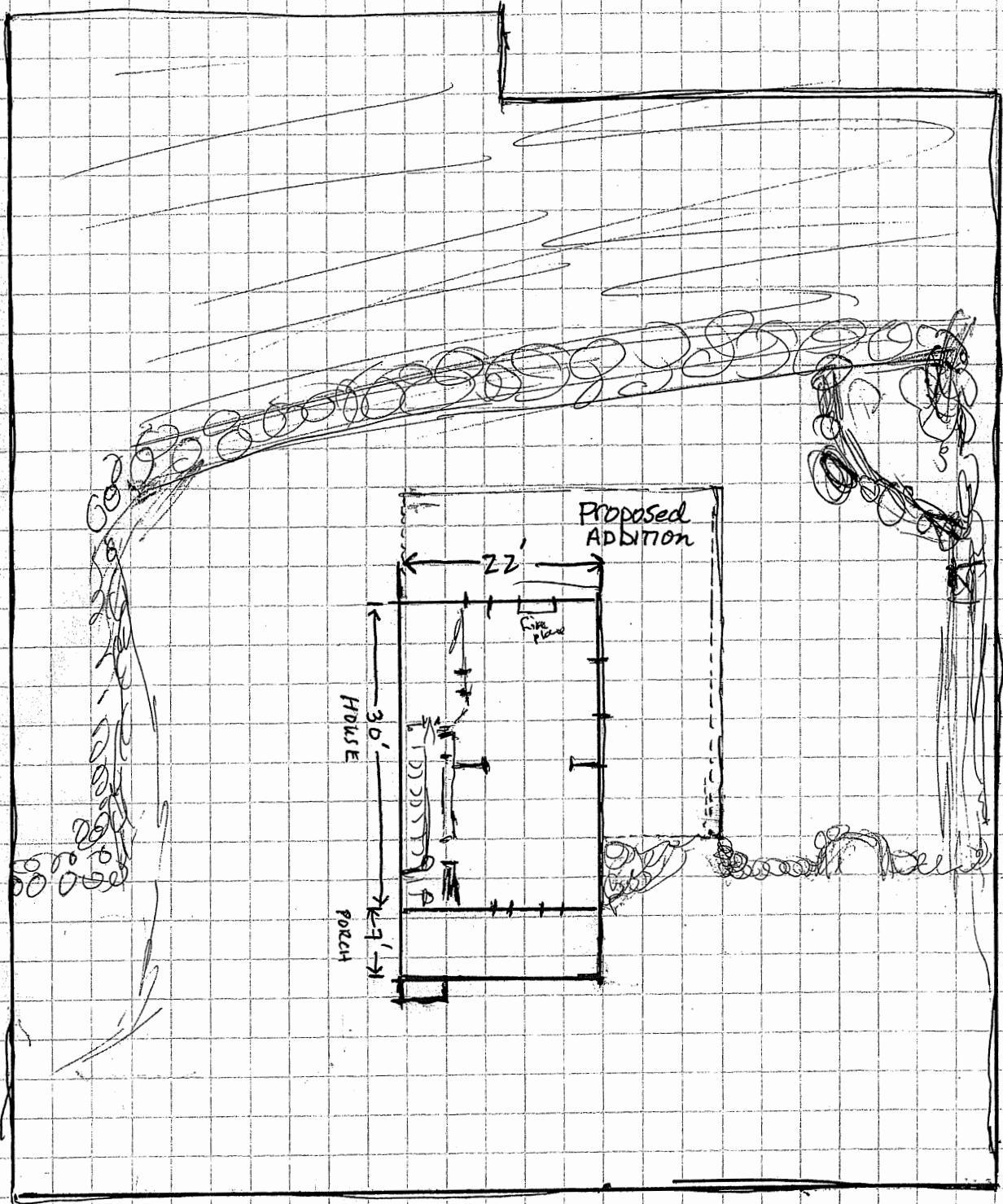


SCALE
1" = 16'

4TH STREET

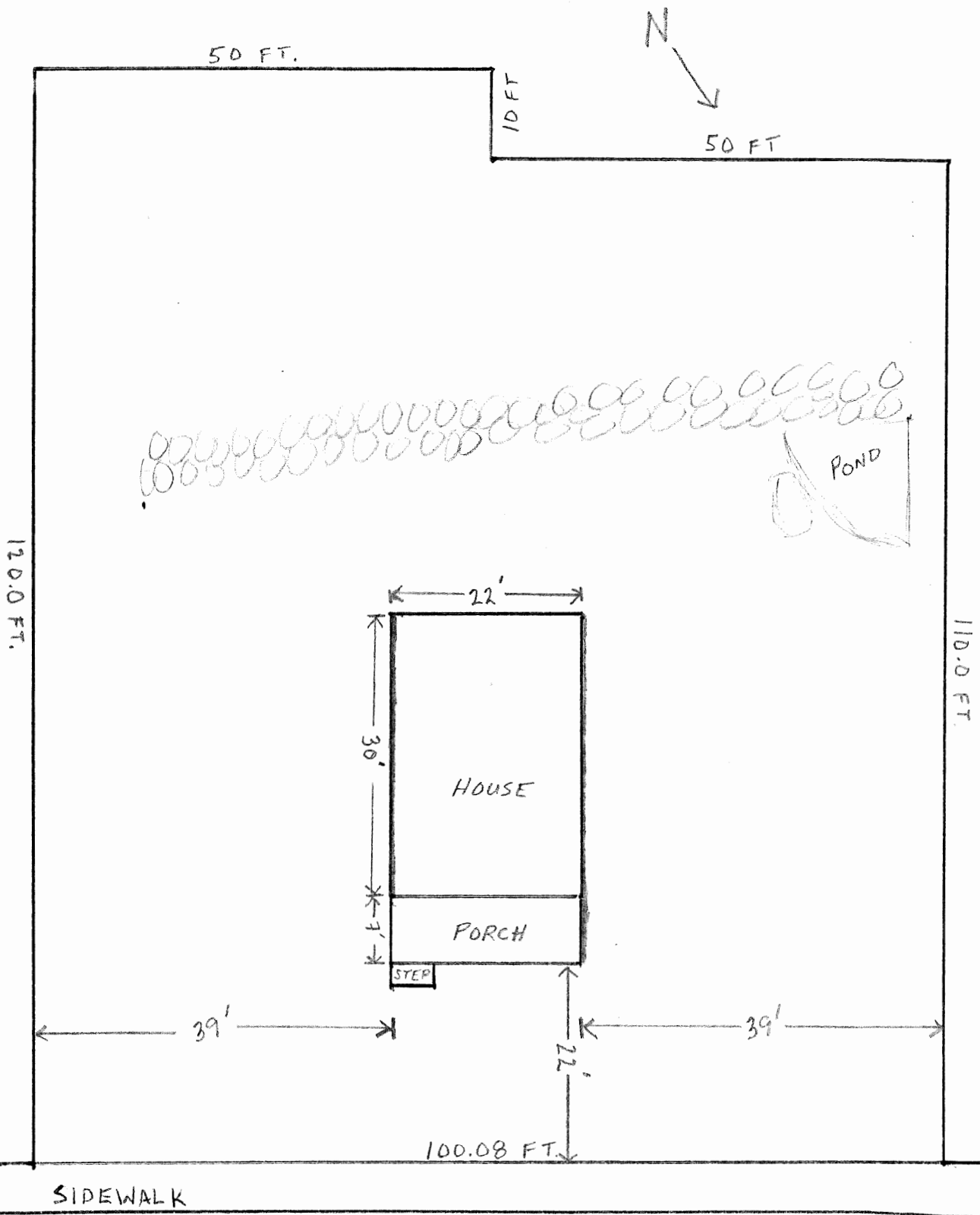
TREVITT HOUSE PROJECT

10/09/06



SCALE: 1" = 16'

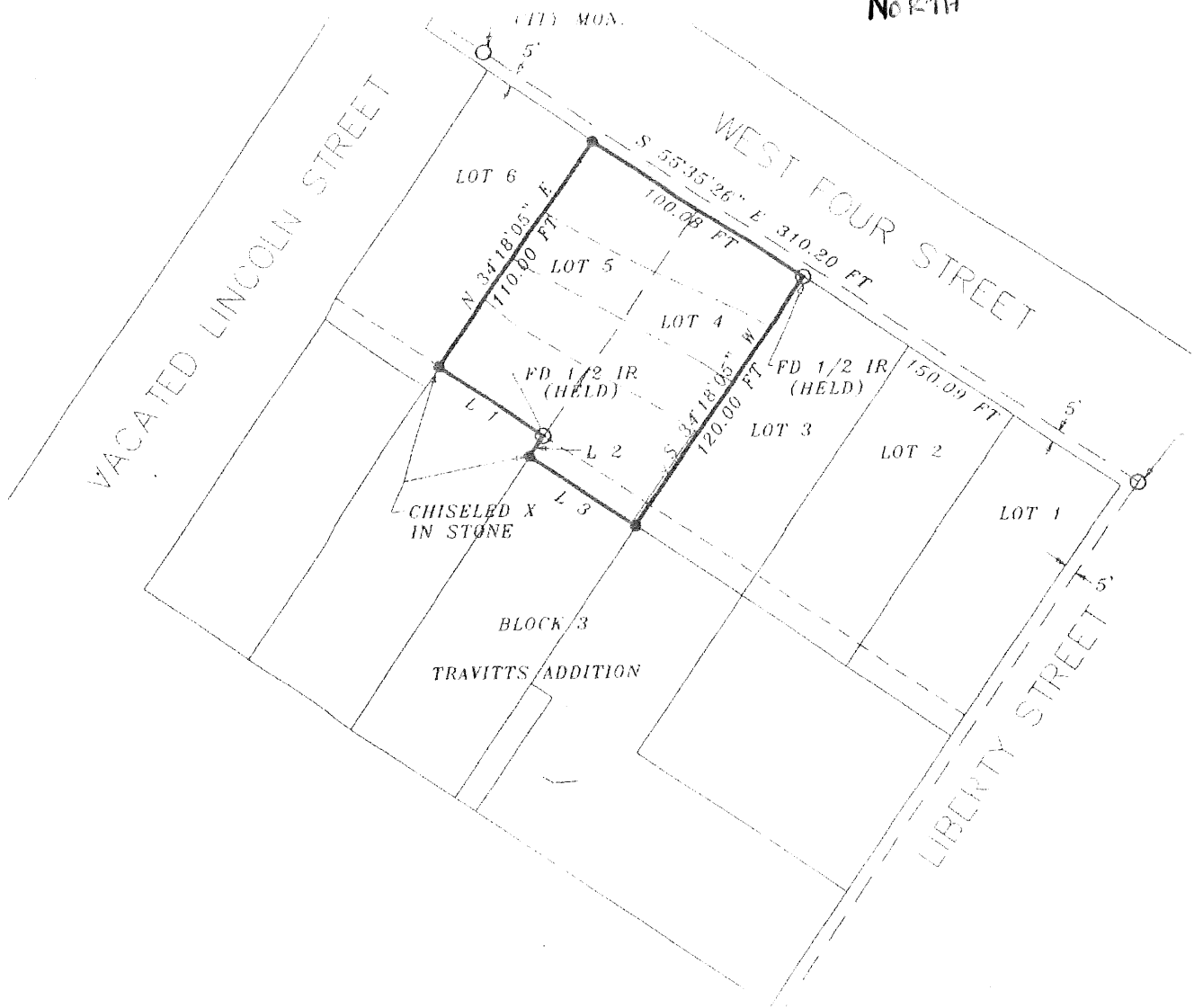
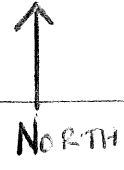
Height of house = 32 feet



SCALE
1" = 16'

4TH STREET

FIRE
HYDRANT





HISTORIC LANDMARKS RESOLUTION NO. 96-06

Approving The Dalles Historic Landmarks Commission Application #101-06 of Alan and Bev Eagy to relocate the Trevitt House from the City Park to vacant parcels located at 214 & 216 W. 4th Street and convert the house into a tea parlor. The historic name of the building is the Booth House.

I. RECITALS:

- A. The Historic Landmarks Commission of the City of The Dalles has, on November 15, 2006 conducted a public hearing to consider the above request.
- B. A Staff report was presented, stating findings of fact and conclusions of law.
- C. Staff Report number 101-06 and the minutes of November 15, 2006, upon approval, provide the basis for this resolution and are herein attached by reference.

II. RESOLUTION: Now, Therefore, be it FOUND, DETERMINED, and ORDERED by the Historic Landmarks Commission of the City of The Dalles as follows:

- A. In all respects as set forth in Recitals, Part "I" of this resolution.
- B. Historic Landmarks Review No. HLC 101-06 of Bev and Alan Eagy is hereby approved with the following conditions:
 - 1. Work will be completed in substantial conformance to the pictures and proposals as submitted and reviewed.
 - 2. If any archeological resources or materials are discovered during excavation, the applicant will need to stop excavation and have the site professionally evaluated prior to continued excavation at the site.
 - 3. The applicant will take the utmost care in the new addition and how it is attached to the historic building in such a manner that, if removed in the future, the essential form and integrity of the historic building and its environment would be unimpaired.
 - 4. A detailed landscape plan will need to be submitted to the Planning Department for review and approval. The landscape plan will need to meet the historic guidelines. Any future plans for fencing or landscaping will require review and approval by the Planning Department Director.
 - 5. The final color scheme for the home will need to be reviewed and approved by the Planning Department Director. The color scheme should be chosen from a historic palette, and should vary from the surrounding properties.
 - 6. The applicant will need to go through a formal Site Plan Review prior to approval of the final construction plans for the subject site.

7. The applicant will need to submit plans for a building permit to the local State Building Codes Department.
8. Cleaning of the historic structure will require the applicant to use the gentlest means possible. No harsh chemical or sandblasting will be allowed.
9. The materials used for the addition will need to be similar to the historic structure. Utmost care will need to be taken with the addition to ensure that if removed in the future the essential integrity of the building would be unimpaired.
10. Any repairs or alterations to the existing roof will be required to follow the design guidelines and can be approved by the Planning Director.
11. If any windows or doors need to be replaced, the historic design guidelines will be required to be followed for the replacement. The applicant will need to notify the Planning Department of any alteration of the approved plans.
12. Review of the final plans for the conservatory/sunroom addition will need to be approved ministerially by the Historic Landmarks Commission prior to construction.

III. APPEALS, COMPLIANCE AND PENALTIES:

- A. Any party of record may appeal a decision of the Historic Landmarks Commission to the City Council for review. Appeals must be made in accordance to Section 9(a) of the Historic Landmarks Ordinance No. 1194, and must be filed with City Clerk within ten (10) days of the date of mailing of this Order.
- B. Failure to exercise this approval within the time line set either by Order or by Ordinance will invalidate this permit.

APPROVED AND ADOPTED THIS 15th DAY OF NOVEMBER 2006.

Bob McNary
 Eric Gleason, Chairman *by BOB McNary, vice chair*
 Historic Landmarks Commission

I, Dan Durow, Director of the Community Development Department of the City of the Dalles, hereby certify that the foregoing Order was adopted at the meeting of the City Historic Landmarks Commission, held on November 15, 2006

AYES: Gleason, Parker, McNary, Hashizume

NAYS: None

ABSENT: Clason

ABSTAIN: NONE

ATTEST: None

Richard Gorman for
 Dan Durow, Director Community Development Dept.

TO: Pat and Mike Fowler
PO Box 549
The Dalles, OR 97058

FROM: Robert A. Freed
Archaeologist/Project Manager
Archaeological Consulting Services
1515 NW 136th Street
Vancouver, WA 98685

DATE: April 29, 2005

ACS Letter Report No. 46:

**Assessment of Historic Archaeological Remains at
212 West Fourth Street in The Dalles, Wasco County, Oregon**

This letter report presents the results of an assessment of historic archaeological remains encountered during preparation of a lot for residential construction at 212 West Fourth Street in one of the city's oldest neighborhoods near downtown The Dalles, Oregon. The property, owned by Pat and Mike Fowler, is located in the Trevitt's Addition Historic District. The Planning Department required an after-the-fact assessment of the archaeological material pursuant to City of The Dalles General Ordinance 94-1194. The field work was conducted by Archaeologist/Project Manager, Rob Freed, on April 21, 2005.

Project Location and Setting

The lot measures approximately 100 feet east-west by 120 feet north-south and is located in the NE 1/4, SW 1/4, NE 1/4, Section 3, T1N, R13E, Willamette Meridian, on The Dalles South, OR-WA, USGS Quadrangle map (Figure 1). The property is bordered on both the east and west by historic residential structures, on the south by a steep hillside or bluff, and on the north by West

Fourth Street. A concrete sidewalk is present along the street, and an existing curb cut provides access to the lot. The Fowlers are planning to construct a house on the property which originally consisted of two smaller lots, each measuring 50 feet east-west by 120 feet north-south. A house existed on each lot, the addresses of which were 212 and 216 West Fourth.

The property is located at an elevation of 100 feet above mean sea level. Prior to the removal of the previously existing structures, the ground surface elevation gradually rose about six feet from street level to the back of the lot, a distance of 80 feet. This determination was made by examining the existing excavation cuts on the property lines of the neighboring residences to the east and west. At this distance from the street, the hillside/bluff rises steeply about 40 feet in elevation. Initial lot preparation by the Fowlers resulted in the removal of several feet of soil and the excavation of a portion of the base of the bluff to accommodate the siting of the new home. The soil and rock excavated from the hillside has remained on-site and has been used as fill to build up the elevation of the lot. Additional rock fill has been brought in from an off-site location and is stockpiled in the middle of the lot. Sparse vegetation, consisting of perennial weeds and grasses, is present.

Further preparation of the lot for house construction has been suspended, pending completion of the archaeological assessment. The Fowlers' plan includes excavating an additional five feet into the base of the hillside in the southeast corner at the back of the lot and constructing two four-foot-high retaining walls terraced into the hillside.

Field Investigation

Prior to the field work, Mrs. Fowler contacted State Archaeologist Dennis Griffen with the Oregon State Historic Preservation Office (OSHP). Dr. Griffen confirmed no archaeological sites have previously been recorded on the property. The OSHP files indicate the Trevitt's Addition Historic District was placed on the National Register of Historic Places in 1995 and consists of 53 structures encompassing 250 acres. The district is bounded by Mill Creek and Second, Sixth, and Liberty streets. At the request of the City of The Dalles Planning Department, Erik Gleason (who is an archaeologist and a member of The Dalles Historic Landmarks Commission) contacted Archaeological Consulting Services to explain the city's archaeological requirements and to describe the cultural material observed at the lot.

At the time of the investigation, the Fowlers were present on site as was John Lundell who was extremely helpful by providing historical information on the property's previous use. Mr Lundell once owned the Fowlers' property, as well as the residence to the west and several other houses in the neighborhood. He currently resides in a newer house located at the top of the bluff directly behind the Fowlers' lot.

According to Mr Lundell, the structure (220 West Fourth Street) to the west of the Fowlers' property is known as the Ben Snipes House and was constructed in 1864. The house (210 West

Fourth Street) to the east is the Captain Gray House and was built in the 1880s. The Oregon State historical plaque in front of the latter indicates construction around 1900; however, the 1888 Sanborne map shows the Captain Gray House had already been constructed. This map indicates dwellings present on all four lots (i.e., 210, 212, 216, and 220 West Fourth Street) and a shed present in the southeast corner of the lot at 216 West Fourth. The 1909 Sanborne shows "cellar built into hill" behind both residences at 212 and 216 West Fourth. The shed no longer existed at the latter address, but a stairway led to the hillside. The 1926 map does not show the cellars present but does indicate that garages had been built in the northwest portion of both lots.

Mr. Lundell provided a 1976 photograph of the root cellar behind the house at 216 West Fourth. He remembers the garage at 216 West Fourth was removed in the 1960s and the houses and root cellar demolished in 1983. He also indicated that he has no memory of the shed noted on the 1888 Sanborne at 216 West Fourth, and the structure definitely was not present at the time of the house's demolition. The Sanborne maps show a barn present on the bluff south of 220 West Fourth. This structure is now located on Mr. Lundell's property and was built in 1875. He also indicated no other structures (other than his current new house) have ever been present on the bluff above the Fowlers' property. However, in the 1970s, the upper portion of the bluff/hillside was removed and used for fill for the J. C. Penny parking lot in downtown.

The field investigation consisted of examining all three (i.e., west, south, and east) soil profiles exposed during excavation, as well as inspecting the existing ground surface by walking meander-style transects. Historic archaeological material was observed on the lot's ground surface as well as in all three profiles.

A portion of the west profile, the location of the Ben Snipes House, contained historic artifacts and an ash deposit within an area that was characterized by grey soil, indicative of cultural activity (Figure 2). Artifacts in the soil around residences of this period are commonly found, particularly prior to the initiation of public trash removal in cities. Most likely similar artifacts existed around the residences at 212 and 216 West Fourth Street before their demolition and the removal of the debris and soil. The east profile, where the Captain Gray House is located, also contained a thin, grayish-colored cultural layer in the upper two to three inches that was continuous from where excavation began to the back of the lot for a distance of about 42 feet (Figure 2). Only a few historic artifacts were observed.

The south profile contained an extensive amount of historic cultural material (Figure 2). At the back of the lot at 216 West Fourth Street, grayish-colored cultural deposits were at least three feet deep in the upper layer and contained considerable evidence of burning as significant ash deposits were present. Animal bone (i.e., fowl and possibly cow) and large unidentifiable pieces of metal were observed within these deposits. The section of the profile with the thickest deposits matched the approximate location of the former cellar, as indicated on the 1909 Sanborne map. Examination of the west and east profiles allows one to determine the approximate original elevation and slope of the ground, on which the residential dwellings were constructed. Consequently, the cellar's former location appears to coincide with the location of

the cultural deposits. Large chunks of unmodified basalt were also present within the grey soil. Although no mortar was evident, the basalt may have been used to form the back wall of the cellar. Original bedrock or naturally eroded rock deposits exist below the cultural layer.

The hillside/bluff above the back of the lot was examined by traversing the slope which appeared to be somewhat terraced. A path switchbacked up the slope where a section of rock wall was present about 12 feet above the top of the bank cut at the southwest corner of the Fowlers' lot. Mr. Lundell indicated the wall had been constructed after the top of the sloping hill/bluff had been removed in the 1970s. Historic artifacts/remains were scattered across much of the hillside and were undoubtedly eroding downslope toward the Fowlers' lot.

A significant amount of historic cultural material was observed on the hillside, in the soil profiles, and within the lot. An extensive amount of bottle glass fragments were present. Colors included brown, green, clear, and aqua. Remains of mason jars and medicine bottle necks and rims were identified. An entire, clear-glass ink container was also noted. Other remains consisted of window glass, china/ceramic dishware (at least two with maker's marks), crockery, and two brick fragments. Some of the clear glass fragments had an opaque appearance, evidence of being affected by heat. A lot of the material in the hillside cut at the back of the Fowlers' lot was beyond reach; moreover, removing cultural material from the dry crumbly soil matrix would have promoted further loosening of the artifacts and erosion of the hillside. The cultural material observed appeared to date to the late 1800s to early 1900s.

The information provided by Mr. Lundell and obtained from the Sanborne maps, supplemented by the field observations, were used to offer a couple of explanations of what may have occurred on and adjacent to the property. The historic cultural material appears to be associated with domestic household activities. While the storage of items in containers does occur to a limited extent in "root cellars," the amount and variety of historic remains encountered is not entirely consistent with material associated with root cellars. One possible explanation is the hillside/bluff area may have been historically used as a trash dump by adjacent households located in this section of the historic district or those residences along West Fourth Street. Perhaps the subsequent removal of the bluff top in the 1970s contributed to the exposure of the historic material and may have exacerbated hillside erosion during the ensuing 30 years. The cultural material located on the lot most likely resulted from the hillside excavation. The amount of material present in the hillside, the extent of the deposits, and the presence of ash suggests the existence of a dump, rather than solely resulting from incidental household activities.

Summary and Recommendations

The historic cultural material observed while investigating the Fowlers' property would appear to represent a trash dump from the late 1880s to early 1900s. The potentially significant historic material could provide information important to the understanding of the early historic period of The Dalles. Consequently, further excavation into the hillside or construction of retaining walls

is not recommended if the work would adversely affect the cultural deposits. Preservation in place is the preferred treatment. If further construction work on the Fowlers' property to accommodate the house plans cannot be performed without adversely affecting the cultural deposits, then a comprehensive evaluation of the significance of the historic cultural remains would need to be undertaken by a professional archaeologist and would require obtaining an archaeological excavation permit from the OSHPO.

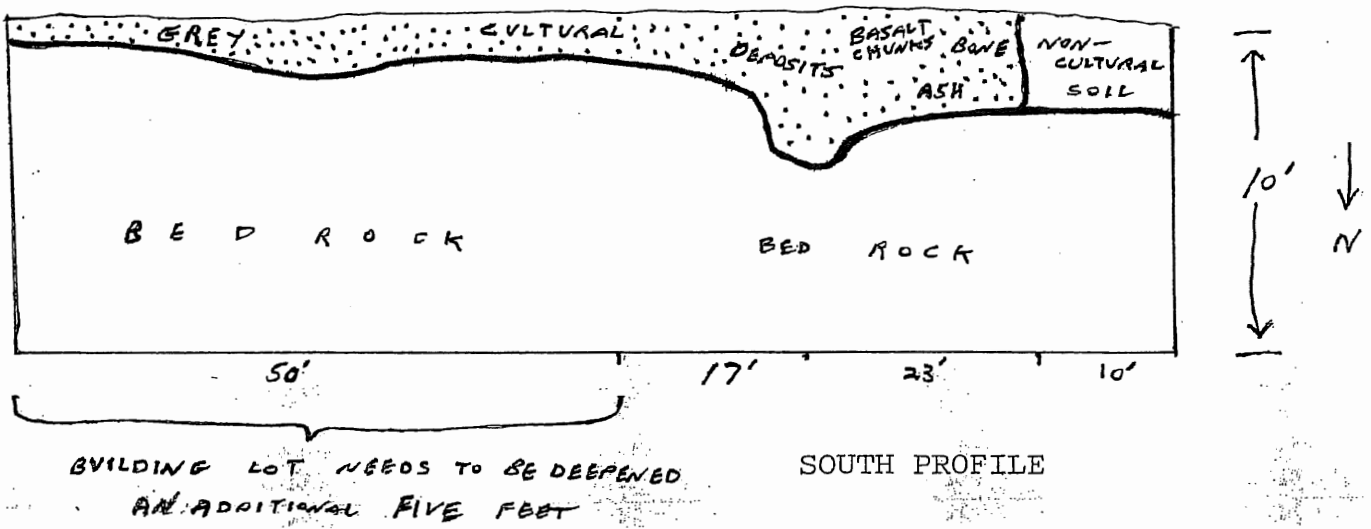
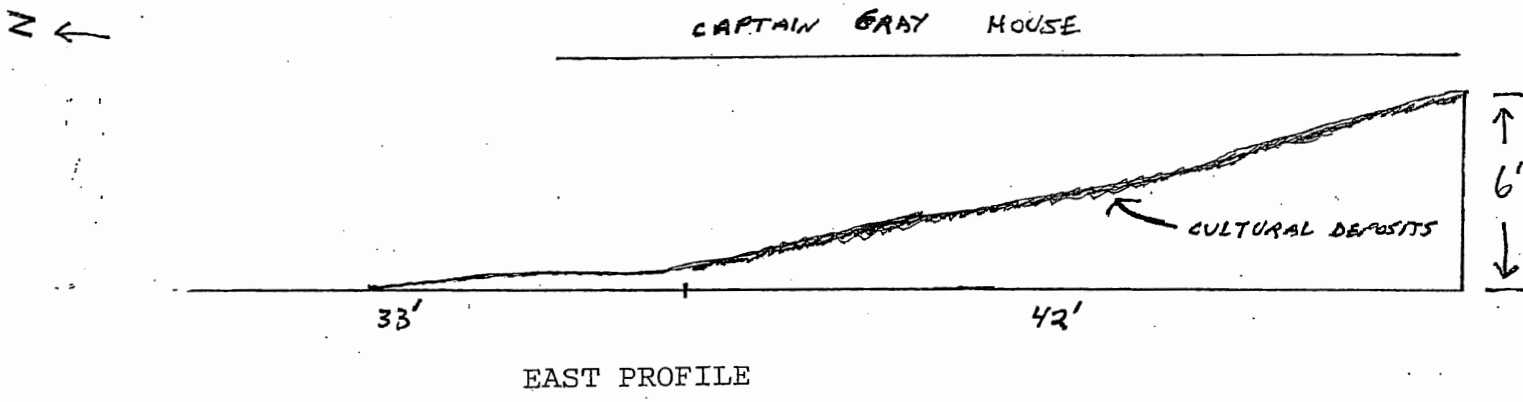
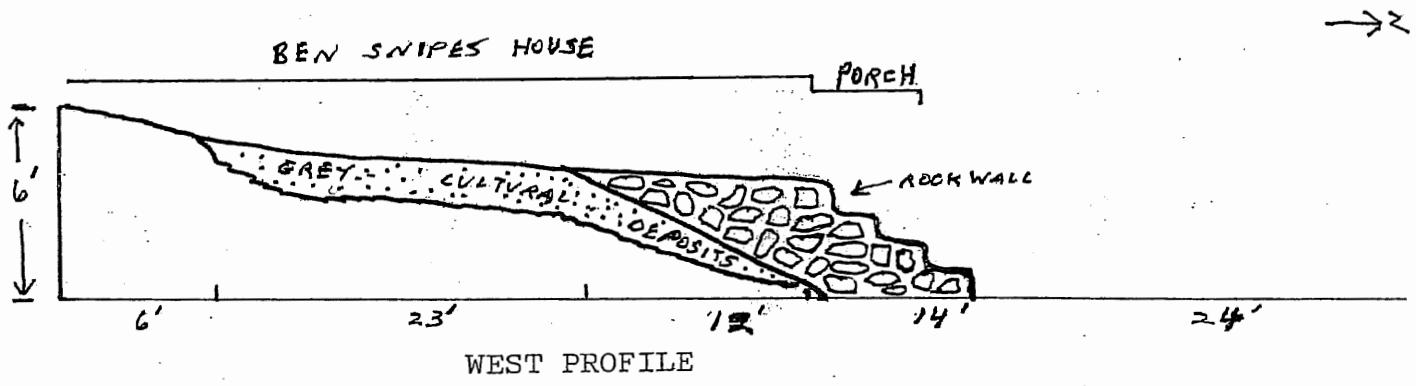
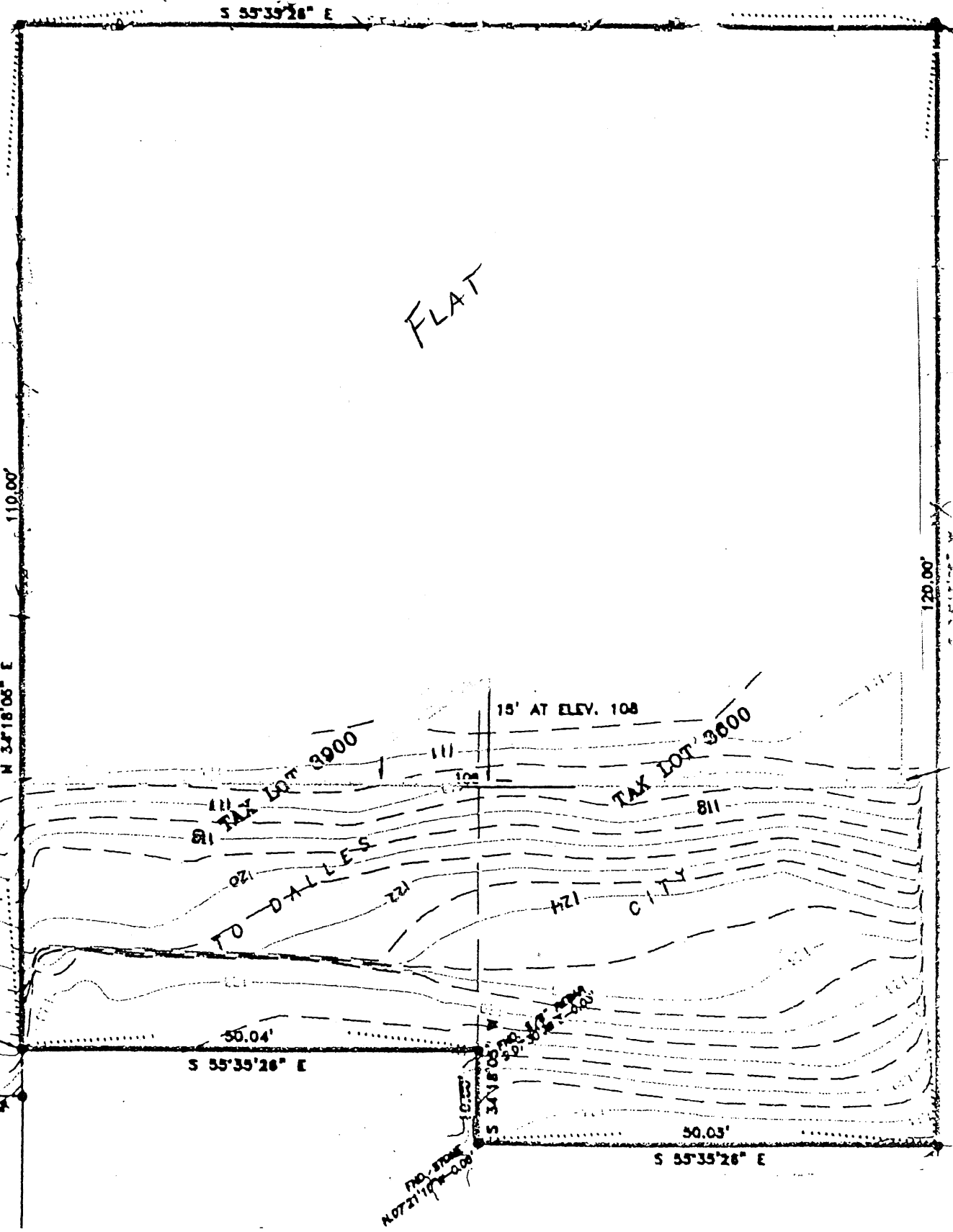


FIGURE 2. PROFILES

ELEVATION



← 4th Street →



RESOLUTION NO. P.C. 465-06

Adopting Conditional Use Permit # 138-06 and Site Plan Review 349-06 of Alan and Bev Eagy to operate a tea parlor in the soon-to-be relocated Booth House (Trevitt House) and approving an on-site parking waiver due to the topography of the property and the archaeological assessment of the historic site. The property is located at 214 & 216 W. 4th Street and is further described as 1N 13E 3 BC tax lots 3600 and 3900. Property is zoned “CBC” – Central Business Commercial.

I. RECITALS:

- A.** The Planning Commission of the City of The Dalles has on December 7, 2006 conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- B.** Staff’s report of Conditional Use Permit 138-06 and SPR 349-06 and the minutes of the December 7, 2006 Planning Commission meeting, upon approval, provides the basis for 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.
- B.** Conditional Use Permit 138-06 and Site Plan Review are hereby approved with the following conditions:

CONDITIONS OF APPROVAL:

1. Signs are to be applied for under a separate permit process and should be of a historic nature.
2. All materials and supplies must be stored within the structure. No outside storage of business materials or supplies will be allowed.
3. Trash receptacles should be sized appropriately to accommodate the business and the residential uses. Appropriate screening from the public right-of-way and adjacent neighbors as well as containment of trash is required. This will need to be shown on a revised site plan.
4. ADA access to the structure will need to be addressed. The applicant will need to contact the State Historic Preservation Office to request a historic exemption for ADA access to the tea parlour if they are unable to provide.
5. A bicycle rack with two spaces will be required.
6. All state and county licensing requirements will need to be met prior to opening business. (State Building Codes, Department of Agriculture and/or the Health Department.)
7. Proposed development and final detailed construction plans will be required to be reviewed and approved by the City Engineer per established standards.
8. A detailed site lighting/photometric plan shall be submitted and approved prior to the issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights.

9. Prior to the issuance of a building permit, the applicant shall submit a completed Wastewater Survey Questionnaire to the City Planning Department.
10. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined by local, state, and federal standards shall not be allowed.
11. The proposed refuse collection area will need to be added to the revised site plan and meet the requirements. Or a statement needs to be made that the refuse will remain indoors.
12. All conditions set forth by the Historic Landmarks Commission will need to be met prior to the issuance of a building permit.
13. A detailed landscape plan will be required to be submitted prior to issuance of a building permit.
14. Details of the irrigation system with a backflow prevention device will need to be shown on a revised site plan. The backflow prevention device will need to be permitted through the City of The Dalles.

III. APPEALS, COMPLIANCE, AND PENALTIES

- a. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to Section 3.020.080 of the Land Use and Development Ordinance, and must be filed with the City Clerk within ten (10) days of the date of mailing of this resolution.
- b. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.
- c. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to \$500.00 per day for the violation period; 3) a civil proceeding seeking injunctive relief.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.

APPROVED AND ADOPTED THIS 7th DAY OF DECEMBER 2006

Bruce Lavier, Chairman
Planning Commission

I, Dan Durow, 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 7th of December 2006.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: _____
Dan Durow, Community Development Director
City of The Dalles