



CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, February 19, 2004

City Hall Council Chambers
313 Court Streets
The Dalles, OR 97058
Conducted in a handicap accessible room

CALL TO ORDER:

Chair Bruce Lavier called the meeting of the City of The Dalles Planning Commission to order at 6:45 P.M.

ROLL CALL:

Present: Bruce Lavier, Ron Ahlberg, Dean Wilcox, and Mark Poppoff
Absent: Ted Bryant, Jo Ann Wixon, Jean Thomas
Staff: Gene Parker, City Attorney, Dale McCabe, City Engineer, Dawn Hert, Planner;
Denise Ball, Secretary.

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

MINUTES: Lavier asked if any corrections were needed for the minutes of January 15, 2004. Ahlberg pointed out some bracketed language on page 3 that should be removed. Ahlberg moved to approve the minutes as corrected and Wilcox seconded the motion. The motion carried unanimously with Bryant, Wixon, and Thomas absent.

PUBLIC COMMENT: None

PUBLIC HEARING

Site Plan Review Application 305-04 of Richco Investors Inc. to expand the existing auto sales facility, which was approved in SPR 297-03, to encompass a large portion of the three lots. The expansion will include auto repair that will be in support of the existing auto sales as well as keeping the existing appliance sales/repair store. Property is located at 3028 W. 6th Street and is further described as 2N 13E 32 AA, Tax Lots 2000, 2100, 2200.

Chair Lavier read the rules for conducting a public hearing. He asked if any commissioner wished to declare any bias, conflict of interest, or ex-parte contact. Ahlberg and Wilcox said they had visited the site but it would not bias their opinion.

Lavier declared the public hearing open and asked for the Staff Report.

Hert, City Planner, presented the Staff Report. She explained this is a three-phase Master Plan application. Typically this would be handled administratively. However, there have been compliance issues with this site so the Director chose to elevate it to a Public Hearing.

Hert discussed the conditions of approval. She notified the Commission that one new condition of approval has been added that requires the applicant to provide the Community Development Department with a Waste Water Survey Questionnaire for each commercial business on the site. Hert asked if there were any questions.

Wilcox asked what SPR 297-03 was.

Hert explained that SPR 297-03 was handled administratively in the summer of 2003 for the Gary Brace Car Sales application and it is shown as Phase I on the current drawing.

Ahlberg asked if a Phase 4 is planned and Hert said not at this time. Hert said there are additional undeveloped areas of the site, so a Phase 4 is possible in the future.

Ahlberg asked if fencing will be installed to screen the rear undeveloped area of the site. He went on to say that it looks like a wrecking yard full of junk cars.

Hert said fencing of the undeveloped area was not a part of this application.

Poppoff asked if trees could be required between the pavement and the sidewalk.

Hert said this is a sales lot with a display area. Trees would obscure the display of vehicles.

The Commission and Staff briefly discussed the vehicle circulation and paving plan.

Ahlberg said he is concerned that the undeveloped portion of the site will continue to fill up with junk cars.

Hert said inoperable cars are addressed in Condition #12 and would be handled as a code enforcement issue if the applicant does not comply.

Proponent Testimony: Keith Mobley, P.O. Box 537, Dufur, Oregon, is an Attorney-at-Law representing Lorne Richman aka Richco Investors Inc. Mobley said Mr. Richman purchased the property in 1978 and since that time it has been home to a variety of small businesses. This application is an opportunity to improve and upgrade the property. Mobley said the conditions of approval are reasonable. Mobley asked for any questions.

Ahlberg asked what would prevent a tenant from using the undeveloped area for inoperable vehicles storage.

Mobley said the lease between the landlord and tenant is to assure that activity that takes place on the property is not in violation of the law. A code enforcement action is a violation of the law and the landlord or his representative would take action to correct the situation.

Poppoff asked if the Commission could extend Condition #12 to cover the rear, undeveloped portion of the property.

Parker said the Nuisance ordinance covers unapproved uses of that property. Parker went on to say that that portion of the property is not part of this application. This is not a Conditional Use application where the Commission can attach conditions that become criteria, but is an outright permitted use. Parker said Mr. Richman has been very cooperative with the City when compliance issues are brought to his attention.

Don Lewis, 3021 W. 7th, The Dalles, Oregon said he has lived at this address since 1948. Lewis said he has no complaints. There have been no loud noises and the tenants have been good neighbors.

Opponent Testimony: None

Rebuttal Testimony: None

Ahlberg said his only concern was the circulation "loop". Ahlberg asked City Engineer McCabe if he saw any safety problems with pedestrians walking between the buildings.

McCabe said the loop does meet fire code.

Hert said there are conditions of approval to improve the pedestrian circulation.

Chair Lavier closed the public testimony portion of the hearing.

Deliberations:

Ahlberg said paving the entire lot would be an improvement. Correcting the problem of the junk cars giving it a "wrecking yard" look is essential. It does not create an inviting appearance.

Ahlberg moved to approve Site Plan Review 305-04 of Richco Investors, Inc. based upon findings of fact and conclusions of law, with the 18 original conditions of approval and the 19th condition as added during the hearing regarding waster water survey questionnaires for each business. Wilcox seconded the motion and it carried unanimously with Bryant, Thomas, and Wixon absent

RESOLUTION

Ahlberg moved to adopt Resolution PC 440-04 approving SPR 305-04, including #19 under Conditions of Approval. Wilcox seconded the motion and it carried unanimously with Bryant, Thomas, and Wixon absent.

COMMISSIONER COMMENTS

Poppoff asked what would be involved to add residential landscaping requirements, especially for street trees.

Hert said Senior Planner Bernhardt is aware of that concern and it will be addressed during the LUDO change process.

McCabe and Hert updated the Commission on the latest Home Depot submittals.

Ahlberg asked if there is anything the Community could do to keep the Shop N Kart from sitting empty.

Hert said the building owner is receiving rent from the previous tenant so they have no motivation to lease to anyone else for a lesser amount.

Commission and Staff briefly discussed the Ernst property, Arco property, Hilco Fuel property, and the Elks Building.

NEXT MEETING: The next scheduled meeting is March 4, 2004 but at this time there is no business scheduled.

ADJOURNMENT:

The regular Planning Commission meeting was adjourned at 7:50 p.m.

Respectfully submitted by Denise Ball, Secretary.




Bruce E. Lavier
Bruce Lavier, Planning Commission Chair

City of The Dalles

STAFF REPORT

Conditional Use Permit No. 129-04

Alan & Bev Eagy
The Anzac Tea Parlour

Prepared by: Dawn Marie Hert, Planner 

Procedure Type: Quasi-Judicial

Hearing Date: May 20, 2004

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

Tax Lot: 4000

Address: 218 West 4th Street

Comprehensive Plan Designation: "CBC" Central Business Commercial

Zoning District: "CBC" Central Business Commercial

Request: Conversion of an existing residential structure to include a teahouse and commercial kitchen on the main floor with the residential use remaining on the second floor.

BACKGROUND INFORMATION

The subject property has been used as a residence for many years. The Eagy's are applying to operate a commercial kitchen and teahouse on the main floor of their residence. Over the past few years Bev has been building up her business of baking and packaging Anzac tea biscuits as well as her Bush Bickies (Australian shortbread cookies) and most recently her dried fruit line called Dried and Gone to Heaven. She has been preparing her items at Columbia Gorge Community College in their commercial kitchen and has decided to upgrade her existing kitchen and move her operation to her home. Bev has also been teaching classes at the college on Australian tea parties. She has had requests to host tea parties and decided that a teahouse would be a great accessory use to her commercial kitchen located in her residence.

The Eagy's are requesting a conditional use permit to allow the teahouse and commercial kitchen on the ground floor of their residence. This use is permitted outright in the Central

Business Commercial zone. However, the off-street parking requirements cannot physically be met.

Our ordinance allows for reductions to the parking requirements through the conditional use process. Most of the guidelines addressing building height, setbacks, and landscaping are not applicable as this structure exists and no external modifications are proposed.

This structure is a Primary Contributing property that is located in the National Historic District called Trevitt's Historic Addition. Any future modifications to the exterior of this structure will be required to be reviewed by the Historic Landmarks Commission. Signage for the business will be required to be reviewed separately.

NOTIFICATION

Property owners within 100 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.

Site Team Comments – April 8, 2004

Engineering/Utilities/Planning

- Application will be reviewed as a Conditional Use Permit due to the parking reduction request. (Per Section 7.020.040 (C.) (2.))
- The application will be required to be reviewed at a quasi-judicial hearing (Planning Commission).
- All existing on-site parking will remain with development. No footprint changes are being proposed with this application.
- This site has an existing residence on it that will be modified internally only. Any exterior modifications will require that the business owner make an application to the Historic Landmarks Commission. This site is located in the Trevitt's Historic District.
- The uses proposed for this site are permitted outright for the Central Business Commercial District. The residential use will also continue at this site.
- Landscaping requirements for CBC Sub-district 1 are required to follow the Historic Design Guidelines. (The site appears to currently meet the requirements even with the applicant's plans to remove the two shrubs in the front yard.)
- Applicant should submit \$350.00 fee to Planning Department to start formal land use process.
- Any proposed signs will be permitted under a separate process, and can be reviewed at staff level rather than the Historic Landmarks Commission.

PUD

- No comments on this application.

Mid Columbia Fire & Rescue

- No concerns with application as long as there is no commercial deep-frying at location.

Wasco County Health Department

- All licensing requirements will need to be met prior to opening business. (With either the Department of Agriculture or the Health Department.)

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 April 13, 2004. The 120-day State mandated decision deadline is September 10, 2004.

Section 3.020.050 Quasi-Judicial Actions:

Subsection A. Decision Types, 3. Conditional Use Permits:

FINDING A-2: This application is for a Conditional Use Permit 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 May 20, 2004.

Subsection D. Notice of Hearing.

FINDING A-5: Appropriate mailings to property owners within 100 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: This is an existing structure with no exterior modifications contemplated. The scope of this review is limited to the off-street parking requirements and conditional use impact standards as no structural modification is included in this 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: This is an existing structure; no structural changes are proposed affecting scale, bulk or building coverage. The proposed use is a permitted outright use in this zoning district, therefore, there is no density issue. The existing structure is located in the Trevitt's Historic District and specific aesthetic guidelines apply. The Dalles Historic Landmarks Commission reviews these applications through a process for any exterior modifications including signage.

2. The availability of public facilities.

FINDING A-10: This is an existing site with all public facilities including sewer, water, public access, and other private utilities—power, telephone, TV cable, etc., available.

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

FINDING A-11: This is an existing residential structure located in a commercial zoning district. No significant or harmful impacts are anticipated with the conversion of a portion of this structure to a commercial facility to be used as a tea parlor. 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.

The total number of required off-street parking spaces for the proposed use along with the residential use is 6 spaces. It is not possible for this use to provide the off street parking spaces due to the existing structure and topography of the lot. Currently, the applicant has three off-street parking spaces that will remain with the proposed change of use. Therefore, the net loss of parking spaces for this application is three parking spaces. These three spaces are 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 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 additional 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 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 been used as a residence for many years and is not currently ADA accessible. Due to the structure being a Primary Contributing historic structure located in 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. The applicant has a rear

entrance to her house that could be used as an ADA entrance without making alterations to the exterior of the structure. 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 facility with no changes being proposed. 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: No off-street parking spaces are being eliminated by this proposal. The use is an outright permitted use in the zoning district. Shared parking opportunities do not exist, as there are no suitable parking lots within a reasonable distance from this location.

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 a local resident 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.
4. ADA access through the rear of the structure shall be kept clear and accessible or the applicant will need to contact the State Historic Preservation Office to request a historic exemption for ADA access to the tea parlour.
5. A bicycle rack with one space will be required.
6. Any alterations to the exterior of the structure will require a separate review by the Historic Landmarks Commission.
7. 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.)
8. The easement on the adjacent parcel that is used as a driveway for the existing parking and the neighboring property will need to remain clear at all times.