

RESOLUTION NO. P.C. 441-04
APPROVING CONDITIONAL USE PERMIT APPLICATION 129-04 OF ALAN AND BEV
EAGY TO OPERATE A COMMERCIAL KITCHEN AND TEA PARLOUR IN THEIR HOME.

RECITALS:

- A.** The Planning Commission of the City of The Dalles has on May 20, 2004 conducted a public hearing to consider the above request for property located at 218 W. 4th Street and further described as 1N 13E 3 BC tax lot 4000. Property is zoned "CBC" – Central Business Commercial and is located in the Trevitt's Historic District.
- B.** A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- C.** Staffs report of Conditional Use Permit 129-04 and the minutes of the May 20, 2004 Planning Commission meeting, upon approval, provide 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 application 129-04 is hereby approved with the following conditions:
 - 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. The applicant shall consult with the State Historic Preservation Office to determine whether a historic exemption for ADA access can be granted or whether modification will be required to comply with ADA access standards.
 - 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.
 - 9. Any application for a commercial use other than the use approved by this application shall be subject to a separate land use review process.

2. 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 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 20th DAY OF MAY 2004.



Bruce Lavier, Chairman
Planning Commission

I, Daniel C. 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 20th day of May 2004.

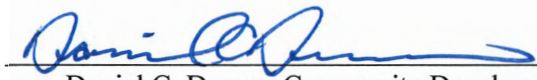
AYES: *Lavier, Bryant, Thomas, Ahlberg, Poppuff, Stipon*

NAYS: *none*

ABSENT: *Stilcox*

ABSTAIN: *none*

ATTEST:



Daniel C. Durow, Community Development Director
City of The Dalles