



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
Planning Department

CERTIFICATE OF MAILING

I hereby certify that I served the attached notice of Decision
regarding:

BBV 006-17 Alan & Bev Eagy

On 1-11-18, by mailing a correct copy thereof, certified by me as such,
contained in a sealed envelope, with postage paid and deposited on the post office at The Dalles
Oregon on said day. Between the said Post Office and the address to which said copy was mailed,
there is a regular communication by US Mail.

DATED: 1-11-18

Paula Webb
Secretary, Planning Department

Dyrk Pritchett
Century Link
902 Wasco St.
Hood River, OR 97031

Dan Wallace
Charter Cable
409 Union Street
The Dalles, OR 97058

US Post Office
101 W. 2nd Street
The Dalles, OR 97058

Mark Poppoff
213 E. 9th Street
The Dalles, OR 97058

The Dalles Disposal Service
PO Box 1430
The Dalles, OR 97058

Email: Julie Krueger
Izetta Grossman Gene Parker
Dave Anderson Dale McCabe
Planning Comm. Media

Planning Dept. Paul Titus
Jamie Carrico Arthur Smith
Pat Ashmore Bradley Cross
Cynthia Keever WC Assessor

WC Planning Dan Hammel
John Zalasnik Tonya Brumley
Ben Beseda Dan Bubb
Steph Ziegler Michael Duncan

Pat Cimmiyotti Brad DeHart
Cynthia Drake Shane Johnson
Jeremiah McCafferty
rowapplications@bpa.gov

Hard Copy:
Applicant
Parties of Record
Property File

Bev and Alan Eagy
218 W. 4th Street
The Dalles, OR 97058

John Lundell
PO Box 1384
The Dalles, OR 97058



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(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

NOTICE OF ADMINISTRATIVE DECISION
BBV 006-17
Alan and Bev Eagy

DECISION DATE: January 10, 2018

APPLICANT: Alan and Bev Eagy

REQUEST: Applicant is requesting to operate a vacation rental business from the property at 214 W. 4th Street.

LOCATION: Property is located at 214 W. 4th Street, The Dalles, Oregon and is further described as 1N 13E 3 BC tax lot 3600

PROPERTY OWNER: Alan and Bev Eagy

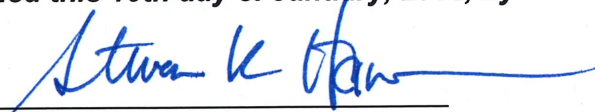
AUTHORITY: City of The Dalles Land Use and Development Ordinance 98-1222

DECISION: Based on the findings of fact and conclusions in the staff report of BBV 006-17, the request by **Alan and Bev Eagy** is hereby **approved** with the following conditions:

1. The length of stay for guests is limited to 30 consecutive days. After 30 days, the rental reverts to a rental contract.
2. The issuance of a Bed and Breakfast Permit/Vacation Rental shall not relieve the applicant from the duty and responsibility to comply with all other rules, regulations, ordinances or other laws governing the use of premises and structures including, but not limited to, building and fire codes.
3. The bed and breakfast facility shall be subject to the transient room tax, per the provisions of General Ordinance No. 950, The Transient Room Tax Ordinance. Applications for transient room tax can be obtained in the City Finance Department.
4. The maximum number of Bed and Breakfast/Vacation Rental is two (2) persons per bedroom. Because the rental has two bedrooms, the maximum capacity shall be four (4) persons.
5. The applicant must obtain a permit to operate the Bed & Breakfast/Vacation Rental from the local Health Department. A copy of this permit will need to be provided to the City Planning for the land use file.

6. Signage shall be limited to one 4 square foot sign. A separate permit is required for this sign prior to installation.
7. Approval of the Bed and Breakfast/Vacation Rental Permit is limited to five years; the expiration date of this permit will be January 10th, 2023.

Signed this 10th day of January, 2018, by



Steven K. Harris, Director
Planning Department

TIME LIMITS: The period of approval is valid for the time period specified for the particular application type in Ordinance No. 98-1222. All conditions of approval shall be fulfilled within the time limit set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time. Failure to fulfill any of the conditions of approval within the time limits imposed can be considered grounds for revocation of approval by the Director.

Please Note! No guarantee of extension or subsequent approval either expressed or implied can be made by the City of The Dalles Planning Department. Please take care in implementing your approved proposal in a timely manner.

APPEAL PROCESS: The Director's approval, approval with conditions, or denial is the City's final decision, and may be appealed to the Planning Commission if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on the 10th day following the date of the mailing of the Notice of Administrative Decision. The following may file an appeal of administrative decisions:

1. Any party of record to the particular administrative action.
2. A person entitled to notice and to whom no notice was mailed. (A person to whom notice is mailed is deemed notified even if notice is not received.)
3. The Historic Landmarks Commission, the Planning Commission, or the City Council by majority vote.

A complete record of application for public hearing action is available for review upon request during regular business hours, or copies can be ordered at a reasonable price, at the City of The Dalles Planning Department. Notice of Appeal forms is also available at The Dalles Planning Office. The fee to file a Notice of Appeal is \$380.00. **The appeal process is regulated by Section 3.020.080: Appeal Procedures of Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.**



STAFF REPORT
Bed & Breakfast and Vacation Permit 006-17
Alan and Bev Eagy

Procedure Type: Administrative
Decision Date: January 10, 2018
Assessor's Map: Township 1 North, 13 East, Section 3 BC
Tax Lot: 3600
Address: 214 West 4th Street
Comprehensive Plan Designation: "CBC" Central Business Commercial
Zoning District: "CBC" Central Business Commercial
Prepared by: Garrett McAllister, Planner

SYNOPSIS: Alan and Bev Eagy are applying to operate a vacation rental from the property at 214 W 4th Street in The Dalles. The Victor Trevitt Guest House is a 2-bedroom 1350 square foot historic house built circa 1868. The Eagy's will be using the house as a vacation rental. All supplies and equipment for the business will be located entirely within the house and garage. The applicants have indicated that there is ample parking.

NOTIFICATION: Property owners within 100 feet per ordinance 98-1222, Section 3.020.040.

COMMENTS RECEIVED:

A letter was received on December 12, 2017 from John Lundell who resides at 223 W 5th Place. Mr. Lundell commented in favor of the application.

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

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222:

Section 6.020.030, General Requirements:

Subsection A .Permit. All required permits shall be obtained prior to any rental of the property.

FINDING A-1: Alan and Bev Eagy are applying to operate a vacation rental at the property at 214 W 4th St. This staff report will detail the requirements to obtain and keep this permit.

Subsection B. Signs.

1. Residential Zones. Signage shall be limited to one 4 square foot sign. The sign may be a wall sign on the primary building, or a free-standing sign limited to 4 feet in height (top of sign). If free-standing, the sign area ONLY may be lighted, not to exceed 40 watts. No off-premises signs are permitted.

FINDING A-2: Applicants are planning to put up a sign that will be 1' x 4' (4 sq. ft.) with "Victor Trevitt Guest House" painted on it. The sign will hang over the front steps/porch. This is permitted according to LUDO Section 13.040.010 "Signs in Residential Zones". Signs are reviewed as a separate process. Criteria will be addressed as a condition of approval.

Subsection C. Length of Stay. The length of stay for guests is limited to 30 consecutive days. After 30 days, the rental reverts to a rental contract.

FINDING A-3: The applicant will be made aware of the length of stay requirements. This will be addressed as a condition of approval.

Subsection D. Fire and Life Safety. Each facility shall meet all state and local requirements for fire and life safety.

FINDING A-4: The applicants will need to be sure that they meet all state and local requirements for fire, life and safety. Comments were received and included in this staff report from both the Fire Marshal and the Health Department. The comments received from both these agencies will be addressed in the conditions of approval.

Subsection E. Room Tax. Each facility shall be subject to the transient room tax, per the provisions of General Ordinance No. 950, The Transient Room Tax Ordinance.

FINDING A-5: The applicant will need to be sure that the transient room taxes are reported to the City of The Dalles Finance Department. All forms pertaining to this tax are available in the Finance Department. This will be addressed as a condition of approval.

Subsection F. Owner's Responsibilities. It is the property owner's responsibility to ensure that the facility remains in compliance with all provisions of this and other City Ordinances, and with Oregon State Health, Safety, Building, and Fire Codes, and Traveler's Accommodations requirements in the Oregon Revised Statutes.

FINDING A-6: The applicant will need to be sure that they meet all state, federal and local requirements. This will be addressed as a condition of approval.

Section 6.040.040 Permit Requirements

Subsection A. Requirements for Both Bed and Breakfast and Vacation Rentals.

- 1. The facility is proposed for an existing detached single family residential dwelling.*
- 2. The structure containing the facility retains the characteristics of a single family dwelling. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.*
- 3. Any other conditions of approval deemed necessary by the approving authority to mitigate impacts to the surrounding neighborhood.*

4. *There is 1 parking space for each guest room after 2 rooms in the facility. (The residential off-street parking requirements must also be met where the facility is also a primary residence.) A Bed and Breakfast or Vacation Rental's street frontage, calculated at 20 feet/space excluding curb cuts and clear vision areas, may be considered in calculating the parking requirement.*

FINDING A-7: The structure being used for the vacation rental is a detached single family residence. The site is landscaped appropriately and there is adequate parking for the resident/owner as well as guests. The applicants have indicated that there is a 100' curb space in front of the house, which is sitting in the middle of a double lot, as well as another 58' next door in front of their residence at 218 W 4th Street. Altogether, there are 7 parking spaces, which surpass the parking requirements. Criteria met.

Subsection B. Requirements for Vacation Rentals.

1. *All vacation rentals must comply with City Ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick up is required during the months of May through September.*
2. *There shall be no excessive generation of traffic created by the vacation rental.*
3. *The maximum number of occupants per facility shall be determined by the Director and the Fire Marshall. The maximum number of occupants shall be posted inside, near the front door, in a conspicuous place. Maximum occupancy is based on 2 persons per bedroom or a Fire Marshall approved number of persons per square feet.*

FINDING A-8: The rental has two bedrooms. The maximum number of guests will be addressed as a condition of approval. Criterion will be addressed as a condition of approval.

B. Conclusion:

Many of the criteria for approval of a bed and breakfast/vacation rental permit are nuisance regulations providing for the protection of the surrounding neighborhood. The applicant has been apprised of these criteria and stated full compliance with the bed and breakfast/vacation rental criteria. There are established revocation procedures for a bed and breakfast/vacation rental permit that have been designed to provide relief to negatively affected property owners in the neighborhood. These focus on violations of submitted application information and excessive activity. Neighbors feeling the bed and breakfast/vacation rental exceeds the limitations of this permit are required to document date/time and incident. This information is vital for revocation procedures.

C. Conditions of Approval:

1. The length of stay for guests is limited to 30 consecutive days. After 30 days, the rental reverts to a rental contract.
2. The issuance of a Bed and Breakfast Permit/Vacation Rental shall not relieve the applicant from the duty and responsibility to comply with all other rules, regulations, ordinances or other laws governing the use of premises and structures including, but not limited to, building and fire codes.
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