



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

CERTIFICATE OF MAILING

I hereby certify that I served the attached notice of Decision

regarding:

HLC 165-19 Victor
w/ RES 155-19 Johnson

Approval

On 4/26/2019, 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: 4/26/2019

Dan M. Hest, Senior Planner
Secretary
Community Development Department

Dawn Hert

From: Dawn Hert
Sent: Friday, April 26, 2019 5:17 PM
To: Paula Webb; Arthur Smith; Bradley Cross; 'Brumley, Tonya'; Carolyn Wood; Cynthia Drake; Cynthia Keever; Dale McCabe; Dave Anderson; Ernie Garcia; Gene Parker; Jamie Carrico; Jay Wood; John Zalaznik; Julie Krueger; Pat Ashmore; Pat Cimmiyotti; Planning Distribution List; Richard Mays; TD Disposal Service; Wasco County Assessor; Wasco County Planning; Bob McNary; 'Dennis Davis'; Donna Lawrence; Doug Leash; Eric Gleason; Sandy Bisset; Timothy McGlothlin; Al Wynn; Byron Gibson; KACI FM; KIHR; KODL; Mark Gibson; Neita Cecil; Rodger Nichols; Tom Peterson; Y102
Subject: Notice of Decision: HLC 165-19 & HLC 166-19
Attachments: 20190426171257969.pdf

Please see attached Notices of Decision for the following applications:

- HLC 165-19 for Victor Johnson
- HLC 166-19 for Scott Austin

Thank you and have a great weekend.

Dawn

Dawn Marie Hert, Senior Planner &
Historic Landmarks Coordinator
City of The Dalles Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481 ext. 1129
dhert@ci.the-dalles.or.us

Website: www.thedalles.com or www.thedalles.org

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NOTICE OF PUBLIC HEARING DECISION Historic Landmarks Commission 165-19 Victor Johnson

DECISION DATE: April 24, 2019

APPLICANT: Victor Johnson

***REQUEST:** Requesting approval to landscape courtyard area and construct a small, lean-to structure.

LOCATION: The property is located at 313 W. 4th Street, The Dalles, Oregon and is further described as 1N 13E 3 BB tax lot 4100. Property was built circa 1964 and circa 1890 and is located in Trevitt's National Historic District and is zoned "CBC" – Central Business Commercial.

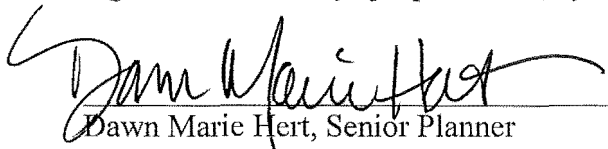
PROPERTY OWNER: Victor Johnson

AUTHORITY: The Dalles Municipal Code, Chapter 11.12 Historic Resources

DECISION: Based on the findings of fact and conclusions in the staff report of HLC 165-19, and after a hearing in front of the Historic Landmarks Commission on April 24, 2019, the request by **Victor Johnson** 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 be discovered during excavation, the applicants shall stop excavation and have the site professionally evaluated prior to continuing work.
3. The landscape plan will need to meet the historic guidelines.
4. The materials used for the covered deck/lean-to and arbor will need to be wood or metal and be consistent with the submitted photos and drawings.
5. Any cleaning of the historic structure will require the applicants to use the gentlest means possible. No harsh chemical or sandblasting will be allowed.

Signed this 26th day of April, 2019, by



Dawn Marie Hert, Senior Planner
& Historic Landmarks Commission Coordinator
Community Development Department

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

1. Any party of record to the particular 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 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 Community Development Department. A Notice of Appeal form is available at The Dalles Community Development Department. The fee to file a Notice of Appeal is \$380.00. **The appeal process is regulated by The Dalles Municipal Code Chapter 11.12.090.**



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HISTORIC LANDMARKS RESOLUTION NO. 155-19

Adopting The Dalles Historic Landmarks Commission Application #165-19 of Victor Johnson. This application is for a Historic Landmarks Commission hearing to gain approval to landscape courtyard area and construct a small, lean-to structure. The property is located at 313 W. Fourth Street, The Dalles, Oregon and is further described as 1N 13E 3 BB tax lot 4100. The Herbring House is a primary contributing resource included in Trevitt's Addition Historic District. Property is zoned "CBC" – Central Business Commercial.

I. RECITALS:

- A. The Historic Landmarks Commission of the City of The Dalles has, on April 24, 2019, 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 #165-19 and the minutes of the April 24, 2019, hearing, 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 165-19, Victor Johnson, is *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 be discovered during excavation, the applicants shall stop excavation and have the site professionally evaluated prior to continuing work.
 - 3. The landscape plan will need to meet the historic guidelines.
 - 4. The materials used for the covered deck/lean-to and arbor will need to be wood or metal and be consistent with the submitted photos and drawings.
 - 5. Any cleaning of the historic structure will require the applicants to use the gentlest means possible. No harsh chemical or sandblasting will be allowed.

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 Article 11.12.090 of The Dalles Municipal Code, Chapter 11.12 Historic Resources, and must be filed with the 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 The Dalles Municipal Code will invalidate this permit.

ADOPTED THIS 24TH DAY, APRIL, 2019.

for Bob McNary
Eric Gleason, Chair *Bob McNary, via chair*
Historic Landmarks Commission

I, Dawn Marie Hert, Senior Planner & Historic Landmarks Secretary for 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 April 24, 2019.

AYES: McNary, Bissett, Leash

NAYS: —

ABSENT: Gleason, Davis

ABSTAIN: —

ATTEST: Dawn Marie Hert
Dawn Marie Hert, Senior Planner & Historic Landmarks Commission Secretary
City of The Dalles Community Development Department



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STAFF REPORT HISTORIC LANDMARKS REVIEW # 165-19

TO: The Dalles Historic Landmarks Commission

FROM: Dawn Marie Hert, Senior Planner

HEARING DATE: Wednesday, April 24, 2019

ISSUE: The applicant is proposing to landscape the courtyard area and construct an arbor and lean-to type accessory structure.

SYNOPSIS:

APPLICANT	Victor Johnson
PROPERTY OWNER	Victor Johnson
LOCATION	313 W. Fourth Street, The Dalles, OR 97058
ZONING	"CBC-3" – Central Business Commercial, Trevitt's Addition Historic District
EXISTING USE	Mixed-use, residential and approved commercial; Previous use: multi-family
SURROUNDING USE	Commercial and Residential
HISTORIC STATUS	Classified as a Primary Significant/Contributing resource in Trevitt's National Historic District.

NOTIFICATION: Published advertisement in local newspaper; notification to property owners within 100 feet, SHPO.

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

BACKGROUND: The historic Herbring house was built circa 1864 and had the brick addition added circa 1890. The house is a primary, contributing resource in the Trevitt's National Historic District. In 2015 Victor Johnson purchased the building; in 2016, he gained approval for Conditional Use Permit #182-16 from the Planning Commission to change the use of the existing multi-family building to mixed use. The Planning Commission approved the use of the lower floor as an ice cream/coffee shop/small event venue with residential uses being on both the lower and upper floors.

Over the past few years, the applicant has continued to restore and upgrade the interior of the historic building and complete minor repairs, stair and deck repairs/replacement to the north and east side of the building as well as maintenance work and painting to the exterior. The applicant has been a successful recipient of both Columbia Gateway Urban Renewal grants as well as the Oregon Main Street's Revitalization Grant. Also, in late 2018, the applicant hosted the Historic Landmarks Commission's 'Plaster Repair Workshop' which was funded with Certified Local Government monies that are facilitated through the Oregon State Historic Preservation Office (SHPO).

The next step is gaining approval for the modifications to the courtyard. This courtyard is located north of the building between the Old Saint Peter's Landmark and a parking lot owned by the Zukin family. The applicant's Conditional Use Permit application required that he provide parking for the change of use. Providing on-site parking was not feasible and would also detract from the historic building; the applicant was able to lease spaces from the neighboring Zukin lot. The applicant is requesting approval from the HLC for the following items:

- Transformation of the courtyard space from a transient camp to a community center for residents and tourists:
 - Fabrication and installation of new fence
 - Fabrication and installation of a new arbor to resemble the historic arbor
 - Installation of complementary benches throughout the courtyard
 - Installation of pavers for ADA access to adjacent parking spaces on lot to the west
 - Installation of bicycle parking rack/area
 - Adding plantings that are appropriate for the climate and building
 - Kids play area
 - Fire pit area
 - Cleaning up existing outbuilding on the east property line
 - Fabrication and installation of a covered deck/lean-to stage area for small events

ANALYSIS: The Historic Landmarks Commission is responsible for conducting hearings dealing with proposed alterations to historic buildings. The Dalles Municipal Code, Title 11 Planning, Chapter 11.12 – Historic Resources provides process as well as established design guidelines to assist the Commission in making these decisions. The purpose of the Historic Landmarks Commission, the Historic Code and the review criteria are to:

- *Protect historic and cultural resources from destruction, inappropriate alteration, and incompatible adjacent development;*
- *Stabilize and improve property values in historic districts and citywide;*
- *Enhance the city's attractiveness to visitors and residents, and stimulate business, industry and tourism;*
- *Educate The Dalles' citizens and visitors concerning the city's heritage;*
- *Preserve the historic housing stock of The Dalles;*
- *Comply with The Dalles Comprehensive Plan.*

A. THE DALLES MUNICIPAL CODE – TITLE 11.12 – HISTORIC RESOURCES – CODE RELATING TO HISTORIC RESOURCES WITHIN THE CITY OF THE DALLES.

Section 11.12.070, Subsection A. Review Criteria:

3. “Secretary’s Standards. Commission decisions shall be based on the Secretary of the Interior’s Guidelines for the Treatment of Historic Properties.” The following are pertinent standards from the “Guide”.

1. *“A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.”*

FINDING A-1: The existing building was constructed as a residence from its construction in circa 1864 and circa 1890. The applicant has previously received approval to use the site as mixed use commercial and residential, which is permitted outright in the CBC zone. Criterion met.

2. *“The historic character of a property shall be retained and preserved. The removal of historic materials or alterations to features and spaces that characterize a property shall be avoided.”*

FINDING A-2: The request does not include removing any historic materials from the building. Criterion met.

3. *“Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.”*

FINDING A-3: There are no plans for additions that would create a false sense of historical development. The applicant has used a number of historical photos in designing the courtyard with hopes of bringing back some historic features that were removed from the landscape. Criterion met.

4. *“Changes to a property that have acquired historic significance in their own right shall be retained and preserved.”*

FINDING A-4: No know changes are planned to be removed. Criterion does not apply.

5. *“Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.”*

FINDING A-5: There are no plans for any historic features to be removed. Criterion met.

6. *“Deteriorating historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible,*

materials. Replacement of missing features shall be substantiated by documentary and physical evidence.”

FINDING A-6: The applicants do not plan to alter any historic features to the site or building. Criterion does not apply.

7. *“Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.”*

FINDING A-7: Applicant does not include plans to surface clean the building. However, if desired, any exterior cleaning will be required to be gentle without sandblasting or chemicals involved. Criterion will be addressed as a condition of approval.

8. *“Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.”*

FINDING A-8: Only minor ground disturbance is planned for the courtyard area, specifically for the placement of paver stones that are to be hard surface from the courtyard to the adjacent handicap accessible parking on the Zukin lot. There will also be minimal digging for the footings of the new covered deck. Criterion will be addressed as a condition of approval.

9. *“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”*

FINDING A-9: The applicant is proposing a small covered deck/lean-to structure that will not be attached to the historic structure. Three photos were provided to give the commission an idea of the design. The arbor will be constructed to look similar to the arbor that is included in the historic photos. The size of the proposed courtyard structures will be compatible in size and scale with the courtyard and will be differentiated from the old historic building. Criterion met.

10. *“New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”*

FINDING A-10: Neither structure will be connected to the historic structure. Therefore this criterion does not apply.

B. THE DALLES MUNICIPAL CODE – TITLE 11.12.095 – HISTORIC RESOURCES – CODE RELATING TO DESIGN GUIDELINES FOR HISTORIC RESOURCES.

LANDSCAPING

“Yards in the Trevitt's Addition vary as a result of the topography and in general the houses are setback from the sidewalk in contrast with the commercial district. They have three zones;

sidewalk, front yard and house. New construction and rehabilitation should maintain the alignment of houses in the district and the historic character of the yards.

GUIDELINES:

- a. New construction should be set back from the street property line a minimum of 15 feet.*
- b. Street facing portions of the property should be preserved so that the public's visual access is not obstructed.*
- c. Shrubs, trees, and foundation plantings should not dominate the appearance of the house; rather, they should be complimentary and highlight important features of the building.*
- d. Preserve and maintain all mature landscaping, remove only if diseased or presenting a life safety hazard.*
- e. New construction should keep landscaping low near the building using flowers and low shrubs with larger plants and trees further away from the building.*
- f. In choosing landscaping elements the following should be considered:
style of house
climate appropriate plantings*
- g. Use of fences is recommended provided they are in keeping with the style of the house and the scale of the neighborhood.*
- h. The use of historic photographs for reference is recommended.”*

FINDING-B (a): The proposed covered deck/lean-to will be set back over 15 feet from the street. This small area will be used as a stage for small events and music. The arbor will be placed at the 4th Street property line at the top of the existing stairs. This criterion is intended for structures; an arbor is not considered a structure. Therefore the criterion is met.

FINDING-B (b): As shown on the submitted site plan, landscaping is planned for the 3rd Street courtyard in front of the building. The applicant will need to ensure that the landscaping does not obstruct the public’s visual access to the historic structure. Criterion will be addressed as a condition of approval.

FINDING-B (c): The landscape plan submitted shows minimum height, and medium height vegetation. The number of shrubs should not dominate the appearance of the proposed house. Criterion will be addressed as a condition of approval.

FINDING-B (d): The existing courtyard area has a few trees along the side property lines and a few small bushes. The owner removed substantial overgrowth that was obscuring the historic building. No other mature landscaping exists in the courtyard area. Criterion met.

FINDING-B (e): The submitted landscape plan shows low landscaping near the building, and no proposed trees at this time. If trees are planned at a later date, they will need to be set away from the building. Criterion will be addressed as a condition of approval.

FINDING-B (f): The applicant’s landscape plan will need to be appropriate for both the style of the historic building, as well as climate. Criterion will be addressed as a condition of approval.

FINDING-B (g): The applicant is proposing to install a wood fence along the brick wall on the easterly property line. The provided historic photos show a wood fence that appears to be about 4 feet in height. Criterion met.

FINDING-B (h): The applicant has compiled a number of historic photographs of the building and courtyard. These photos assisted with the design of the courtyard to ensure that was historically accurate. The applicant plans to continue using the photos as a reference for the project. Criterion met.

CONCLUSIONS: The proposed improvements to the site will be within the historic design guidelines. The modifications to the courtyard will complement the building and enhance the commercial street façade. These changes to the site will encourage the continued use of this historic landmark. In all respects this application meets the standards of the Secretary of the Interior and The Dalles Municipal Code, Title 11.12 Historic Resources with the following conditions:

Recommended Conditions of Approval:

1. Work will be completed in substantial conformance to the pictures and proposals as submitted and reviewed.
2. If any archeological resources or materials be discovered during excavation, the applicants shall stop excavation and have the site professionally evaluated prior to continuing work.
3. The landscape plan will need to meet the historic guidelines.
4. The materials used for the covered deck/lean-to and arbor will need to be wood or metal and be consistent with the submitted photos and drawings.
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