



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
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, FEBRUARY 2, 2012

6:00 PM

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes: December 15, 2011
- V. Public Comment (Items not on the Agenda)
- VI. **Quasi-Judicial Public Hearings**
 - A. **APPLICATION NUMBER: CUP 135-05; Greg and Molly Ott;** Continuance of Public Hearing on the request for a modification of Conditional Use Permit #135-05 for expanded hours of operation and for expanded scope of operation. The property is located at 401 E. 10th Street, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 3 CB, tax lot 7600.
 - B. **APPLICATION NUMBER: ADJ 12-013, Joe and Sharon Stewart;** Request to add an addition to connect an existing house with an existing detached garage located three feet from a side property line, closer than the required five foot side yard setback. The property is located at 1822 E. 9th Street, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 2 CA, tax lot 3700. Property is zoned "RH" – High Density Residential District.
- VII. Resolutions
- VIII. Staff Comments
Suggested LUDO Amendments
- IX. Commissioner Comments/Questions
- X. Next scheduled meeting date: February 16, 2012
- XI. Adjournment

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, December 15, 2011

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:00 PM.

BOARD MEMBERS PRESENT:

Bruce Lavier, Mark Poppoff, John Nelson, Dennis Whitehouse

BOARD MEMBERS ABSENT:

Ron Ahlberg, Nan Wimmers, Chris Zukin

STAFF MEMBERS PRESENT:

City Attorney Gene Parker, Senior Planner Richard Gassman, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Whitehouse and seconded by Nelson to approve the agenda as submitted. The motion carried unanimously; Ahlberg, Wimmers and Zukin were absent.

APPROVAL OF MINUTES:

Chair Lavier asked if there were any additions, corrections or deletions to the November 17, 2011 minutes. Commissioner Nelson asked for clarification on the second sentence on Page 2, paragraph 4. The sentence was changed to read, "Kelly affirmed it *would only be used for parking.*" It was moved by Nelson and seconded by Whitehouse to approve the minutes as corrected. The motion carried unanimously; Ahlberg, Wimmers and Zukin were absent.

Commissioner Zukin arrived at 6:04 PM.

PUBLIC COMMENT:

None

QUASI-JUDICIAL HEARINGS:

Application CUP #135-05, Greg and Molly Ott, requesting a modification of expanded hours of operation and for expanded scope of operation. The property is located at 401 E. 10th Street, The Dalles, OR, and is further described as 1N 13E 3 CB tax lot 7600. Property is zoned "RH" – Residential High Density District.

Chair Lavier read the rules for conducting a public hearing. Lavier asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact. Commissioners Whitehouse and Nelson stated they attended events at this facility. City Attorney Parker asked both Commissioners if they discussed the application with anyone at the events. Whitehouse and Nelson both said they did not. Chair Lavier asked for challenges to the qualifications of those Commissioners, no challenges were submitted by the audience.

Chair Lavier opened the public hearing at 6:10 PM.

Senior Planner Gassman reported that four comments were received by Staff following the distribution of the Notice of Public Hearing. First, Gassman explained a portion of the Staff Report where he stated that the City had not received any complaints about parking due to the applicants' business. Gassman reported that Mr. Ted Pitt, in his written response, stated that he had called in and asked about parking issues with the applicants' business. Gassman said he did not view that particular call as a complaint at the time because he had explained to Mr. Pitt that the scope of the restaurant's operation would be reviewed. However, Gassman stated, Mr. Pitt's call could be considered a complaint.

Senior Planner Gassman stated that, after reviewing the comments, the biggest problem with the parking seemed to be related to the events, not the expanded scope of operation. Gassman clarified that the purpose of this hearing was to consider the applicants' request for two modifications of the original CUP #135-05, hours of operation and the scope of the restaurant's operation, and that this hearing was not intended to address parking issues dealing with the events facility. Gassman suggested parking issues could be considered at another meeting with a more formal review if necessary.

Senior Planner Gassman explained that he visited the business site on two different occasions during daylight hours, and there were several parked cars in the area, and no event was taking place on either of his visits. Gassman also stated that there were comments that people's driveways had been blocked or partially blocked occasionally, and Gassman suggested those people could call the police to have the cars towed. Gassman also stated that there were comments regarding an issue with littering which would be a concern for the Commission and the neighborhood.

Senior Planner Gassman pointed out that the lack of available street parking could not be a valid complaint by neighbors on one hand, because on-street parking was intended for the public at large and local residents could not claim any on-street parking spaces as their own. On the other hand, Gassman explained, Land Use Development and Ordinances (LUDO) did not allow for the transportation system to be used for a restaurant facility in this land use zone.

Senior Planner Gassman reported that the main concern of the Planning Staff was the scope of the restaurant's operation. Gassman said the original approval for the event facility considered the facility as unique to the area, and LUDO did not address such an operation. The City, at that time, deemed it similar to a community facility where people tend to gather, and such facilities, Gassman explained, were allowed in any zone. However, Gassman stated, when an operation changes to a restaurant facility, the codes do not allow such operations in residential zones. This case was difficult, Gassman commented, because as the business progressed, the City allowed the applicants to bring in food services and they made a natural progression to serve food outside the scope of an events facility. In closing, Gassman stated that one person recently called the Planning Department to inquire about the process for starting a restaurant operation in a home just like the Otts had done, and the caller was advised that such a business was not allowed in a residential zone. There were some distinctions, Gassman said, between the Otts' operation and a restaurant facility, but it placed the City in somewhat of an awkward situation to explain to others why future home restaurants would not be allowed in residential areas.

Chair Lavier asked for clarification on the original scope of operating hours, and Gassman explained that the original hours of operation that were set forth had not been violated. In their current request, Gassman said, the applicants requested earlier hours of operation and for the approval of a restaurant operation.

PROPONENTS:

Molly Ott, 403 E. 10th Street, distributed Exhibit 1 which included 1) the Otts' letter to The Dalles Planning Commission dated December 15, 2011; and 2) a Conditional Use Permit Application dated August 5, 2010, with attachments. Ott presented a history of the business stating they purchased the building and submitted the CUP application in 2005. They opened for business and renovated the building as time allowed, Ott reported. Over a period of time, Ott explained, the business evolved as they saw a need to provide a warm environment offering a small food service business to nearby high school students. In August of 2010, Ott submitted a new CUP application to City Planning requesting a small coffee shop operation; but after her discussion with Senior Planner Gassman, Ott stated, Gassman told her he did not think the application needed to be submitted because it did not deviate much from the original scope of operation. Ott said that the August 2010 application was not submitted to the Planning Department based on her conversation with Gassman. Ott also explained that she proceeded to apply for a grant from MCEDD to purchase equipment, and MCEDD approved the grant with the understanding that City Planning had approved the change in scope of business. Ott stated she believed the current scope of operation was beneficial to the community, especially to the high school students. Ott explained that she understood the need to come before the Planning Commission to make requests, and she understood the need for land use codes. She and her husband asked the Commission to consider their operation unique to the community and grant their requests. Ott stated they would, as business owners, continue to work with the community to resolve any types of issues that might arise as they have done in the past. None of the people that submitted comments to the current request came to them directly to express their concerns, Ott said.

Chair Lavier asked Senior Planner Gassman about Molly Ott's August 2010 visit to the Planning Department. Senior Planner Gassman stated he had forgotten about the conversation. Gassman stated he did not recall the specifics of the conversation, but looking at the August 2010 CUP application, the request was for a coffee shop; however, the current scope of operation went beyond a coffee shop. Gassman said that Staff did not bring the August 2010 CUP application before the Planning Commission, as Ott stated. Molly Ott stated that she would not have gone to MCEDD if she had not received approval from the Planning Department.

Donna Polehn, 3573 Old Olney Road, The Dalles, stated that a lot of time and investment had gone into the building and that the economic goal of the community was to preserve historic buildings and to support small business. Polehn stated she did not see how the Commission could go against this request that met all criteria of the community's economic goals.

Dana Schmidling, 240 Lone Pine Lane, #3, The Dalles, stated that she supported the Otts' endeavors. Schmidling stated she had visited the business on several occasions and had seen what the owners were doing. Schmidling stated that she believed the business was a real asset to the community. This building had been used for public use, and it should continue to be used for the community, Schmidling emphasized. Part of the City's Vision Action Plan, Schmidling stated, was to have designated locations for high school students, and at present the City had not been able to meet this vision in any other manner. She asked the Commission to allow the Otts' request.

Greg Ott, 403 E. 10th Street addressed some of the neighbors' written comments. Ott stated that he spoke to a few of these neighbors in the past, and he was surprised at the additional comments by some of them in their emails. Ott stated that over the period of time the business had been in operation, they had received two complaints, and Ott dealt with both issues. Ott said he spoke with Mr. Rosa regarding the litter, and Ott believed that if they were to speak to the students, the litter issue would be resolved. Ott brought out the fact that the business employs seven people. Also, Ott stated that the current business was a café, not a restaurant, and that the maximum customer occupancy ran around approximately 20 people—other than high school students. Ott pointed out that there was adequate parking for their current business operation because he monitors the parking issue as much as possible. As far as the events were concerned, Ott stated, they were trying to manage the noise level. In closing, Ott stated the intent was to operate a small coffee shop with a small menu with enough of an operation to employ seven people.

Chuck Covert, 3819 Columbia View Drive, The Dalles, stated that he believed the Otts' operation was unique, and to operate such a business, parking was very important. Covert stated that the community should make specific exceptions that are unique to unique buildings, and that the community needed to consider some way to make this business operation work. Covert pointed out that most of the Otts' customers walk to the establishment, parking was not such a demand, and he asked the Commission to give special consideration for the unique business operation.

OPPONENTS:

Chair Lavier asked if there was anyone in the audience that wished to speak in opposition to the application. There were none, therefore Lavier identified the written comment letters in opposition as follows: Johnson letter – Exhibit 2; Pitt letter – Exhibit 3; Rosa letter – Exhibit 4; and Wingfield letter – Exhibit 5.

Chair Lavier asked if Commissioners had any questions regarding the letters. Commissioner Nelson asked the Otts what percentage of the business was walk-in business. Molly Ott estimated it to be around 80 percent.

Chair Lavier called for questions from the audience. Bill Johnson, 4800 McCoy Road, The Dalles, stated he owned a house across from the Otts' business. Johnson said he attended the meeting because he had questions regarding the scope of the restaurant's operation request. Johnson's comment, in light of what he heard in testimonies, was that he believed this business was a good thing for the community.

REBUTTAL:

Molly Ott, 403 E. 10th Street, The Dalles, stated that the correct closing time was 4:00 p.m., not 4:30 p.m., as some had stated. Ott said she was not sure why the letters were coming up, because she and her husband had spoken with these people in the past.

Commissioner Nelson asked Ott for the current hours of operation. Ott answered that they were 7 a.m. to 4 p.m. Monday through Friday. The café is not open on weekends, Ott commented. For events, Ott explained, customers leave by 10 p.m. on weeknights and 11 p.m. on weekends.

After some discussion, Chair Lavier asked Staff how the City could facilitate this request and meet the City's criteria. After hearing testimony, Lavier stated the Ott's were providing a very positive and good service that was needed and it was supplying jobs for other people.

Senior Planner Gassman proposed that Staff work with the applicants to develop a definition of the Ott's' business operation that would reflect all or most of their requests then present this at the next Planning Commission meeting as part of the modifications of the Conditional Use Permit. For instance, Gassman said, the facility was an historic building—not a residence, the events operations were approved, and perhaps the business could fall under the definition of a coffee shop.

Chair Lavier asked Molly Ott if this sounded reasonable to her, and she affirmed that it did.

Chair Lavier asked City Attorney Parker for his thoughts. Parker stated he was not adamantly opposed to the applicants' requests and the issues could be re-addressed to possibly justify the applicants' requested change in scope of operation and hours.

After further discussion, the motion was made by Commissioner Zukin and seconded by Whitehouse to leave the public hearing portion of the meeting open, City Planning Department will enter into a discussion with the Ott's to seek resolution, then continue the public hearing at the next Planning Commission meeting. The motion carried unanimously, Ahlberg and Wimmers were absent.

Application CUP 166-11, KOLA, Inc. requesting approval of the construction of an addition to the existing medical clinic. The property is located at 700 Veterans Drive, The Dalles, OR, and is further described as 1N 146 t.l. 400. Property is zoned "RL" – Residential Low Density.

Chair Lavier asked if any Commissioners had any bias, ex parte contact, or conflict of interest regarding the application. Commissioner Whitehouse stated his wife was an employee at the facility, but they had not discussed this application.

Senior Planner Gassman presented the staff report and explained that the clinic had been approved by the Planning Commission approximately one year ago, and now the applicant was requesting the construction of an expansion to the existing building. Gassman stated that the applicant planned on adding additional parking and square footage.

Commissioner Zukin asked if the conditions of approval were standard or were there any unusual conditions. Gassman replied that the conditions of approval were standard.

Commissioner Poppoff asked if the adjacent lot was residential, Gassman stated the adjacent property had nothing on it, there were no neighbors.

PROPONENT:

Ben Beseda, 2402 State Route 141, Trout Lake, WA 98650, stated the new expansion would have the same purpose as the existing clinic. The existing clinic square footage was 1300 square feet, and the existing parking lot had five spaces, Beseda reported. The new space, Beseda said, would allow the Veterans Administration to offer treatments locally to patients rather than patients travelling for treatments. The new addition would be 2,300 square feet and 10 new parking spaces would be added for a total of 15 parking spaces—some would be ADA spaces, Beseda stated.

There were no opponents, and Chair Lavier closed the public hearing portion of the meeting at 7:15 p.m.

The motion was made by Commissioner Zukin and seconded by Commissioner Nelson to approve CUP #166-11 for the addition to the existing Veterans medical clinic to include the conditions of approval recommended by Staff based on the findings of fact. The motion carried unanimously, Ahlberg and Wimmers were absent.

RESOLUTIONS:

Chair Lavier stated that the resolution for CUP #135-05 would be placed on hold.

It was moved by Commissioner Whitehouse and seconded by Commissioner Zukin to approve Resolution No. P.C. 515-11 as submitted, a resolution approving CUP #166-11 of KOLA, Inc. to construct an addition to an existing medical clinic and install additional parking spaces. The motion was approved unanimously, Ahlberg and Wimmers were absent.

STAFF COMMENTS:

Senior Planner Gassman apologized to the Commission for not including his previous conversation with Molly Ott in the Staff Report.

COMMISSIONER COMMENTS/QUESTIONS:

Commissioner Nelson asked on the status of the fence issue on Trevitt and 10th. Senior Planner Gassman stated he and the property owner had not connected via telephone to discuss the issue.

NEXT MEETING:

Next meeting: January 19, 2012

ADJOURNMENT:

The meeting was adjourned at 7:37 p.m.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.

Bruce Lavier, Chairman

Greg and Molly Ott
The Riverenza
401 E 10th St
The Dalles, Oregon

December 15, 2011

The Dalles Planning Board
313 Court Street
The Dalles, Or 97058

To: The Dalles Planning Board:

Good evening my name is Molly Ott, I grew up on a cherry farm in The Dalles, and graduated from the The Dalles High School in 1982. In 1998 I moved back to The Dalles with my husband and three children with the intention of opening a par three executive golf course in The Dalles. After a couple failed attempts of acquiring land and perusing this dream we came across the old stone church building on 10th and Federal. I fell in love with gothic architecture and the quaint charm of the building. Even though the building was in poor condition we made the decision to purchase it with the intention of renovating, restoring and preserving the beauty of the century old church building.

We began renovation right away and worked on it as time and money allowed. In 2005 we were approved for a conditional use permit with the intention of hosting public gatherings, private events and small weddings. (CUP 135-05) We hosted our first wedding in September of 2007. My husband was employed full time as a draftsman while I managed the special events and weddings.

In the spring of 2010 as we were getting a gate installed, I asked the worker if I could get him something to eat. He asked if I could get him a burrito. So I ran down to the corner of 11th and Kelly to the "taco wagon". When I got there I was amazed to see 70 or more high school students standing in line for a burrito. That's when I realized that we have a perfect location to meet a community need by opening our doors and offering a safe indoor place for the students to have lunch. I began to plan the opening of a concession style café. Three months into the planning process my husband got laid off his job. That's when instead of panicking, I began to share my vision with him and he jumped on board to begin the venture of the Riverenza Espresso Bar.

I then completed an amendment to modify the original CUP with the change in hours as well as changing the scope of operations to include selling coffee and light lunches. After submitting it to The Dalles planning department I was told that it wasn't necessary to submit it because the hours of operation and the use of the building were not much different from the original CUP.

We then applied for and were awarded a loan from MCEED to build a commercial kitchen and purchase the equipment and supplies needed to open the espresso bar.

While continuing to host events evenings and weekends we opened the espresso bar November 1st of 2010, our hours of operation were 6am-1pm Monday through Friday.

We did very little advertising; our intentions were to get the word out to the high school students. What we didn't expect was that many neighbors and people from the community would begin coming in for coffee and lunch. As a result by December of 2010 we had to hire a cook. In January of 2011 we hired a baker. In February we hired an additional cook. By April people were asking that we extend our hours in the afternoon. The response from our community has been so great that we not only extended our hours but we also added many items to our menu. We currently employ seven people.

Many people comment to us how they love coming to work at The Riverenza. Daily The Riverenza hosts many business men and women coming in to work on their lap tops or meet with clients. We believe that The Riverenza has become an important hub not only for high school students and neighbors but also for our community as a whole. The Riverenza Espresso has about 150 regular customers.

Not only do we provide a warm inviting place for high school students to eat lunch we believe we have become mentors and role models for many of the students who visit us. These kids rise to their surroundings, we dress the tables in formal table cloths and fancy decorations, and we believe the students feel honored and respected while visiting The Riverenza.

When we received word from The Dalles planning department that we must appear before the planning board and ask for two modifications to our Cup, we realized that the City planning staff must implement zoning and land use laws in our community. We understand that the planning department was approached by a resident who would like to open a restaurant in their house. The property at 401 E 10th st was built over one hundred years ago as a church and has been a public meeting facility for as many years. This property is unique in nature and we ask that you take in to consideration the original purpose of a church building being that of a community gathering facility and we request that you allow the CUP 135-05 to be modified to include the weekdays hours from 6am to 8am and for the ability to serve coffee , pastries and light lunches.

Sincerely,

Greg and Molly Ott

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
www.ci.the-dalles.or.us

Date Filed _____
File# _____
Date Deemed Complete _____
Hearing Date _____
Approval Date _____
Permit Log # _____
Other Cross Reference# _____

APPLICANT

Name Greg & Molly Ott
Address 401 E 10th ST
The Dalles, OR 97058
Telephone # 541-980-1743

LEGAL OWNER (If Different than Applicant)

Name Columbia trails LLC
owned by Greg & Molly Ott
Address 401 E 10th ST
The Dalles, OR 97058
Telephone # 541-980-1743

E-mail address: theriverenza@gmail.com

PROPERTY INFORMATION

Address 401 E 10th ST

Map and Tax Lot _____

Size of Development Site _____

Zone District/Overlay _____ In City Limits: Yes No

Comprehensive Plan Designation _____ Geohazard Zone: _____

PROJECT INFORMATION

New Construction Expansion/Alteration Change of Use Amend Approved Plan

Current Use of Property CLP 135-05

Proposed Use of Property open mon - fri 6am to 1pm for
a coffee shop.

Briefly Explain the Project we would like to open for a neighborhood coffee shop monday - friday 10am to 1pm.

PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet) _____

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

mae liz A [Signature] 8-5-10
Date

Signature of Property Owner* or Owners Agent

Gregory A [Signature] 8/5/10
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.

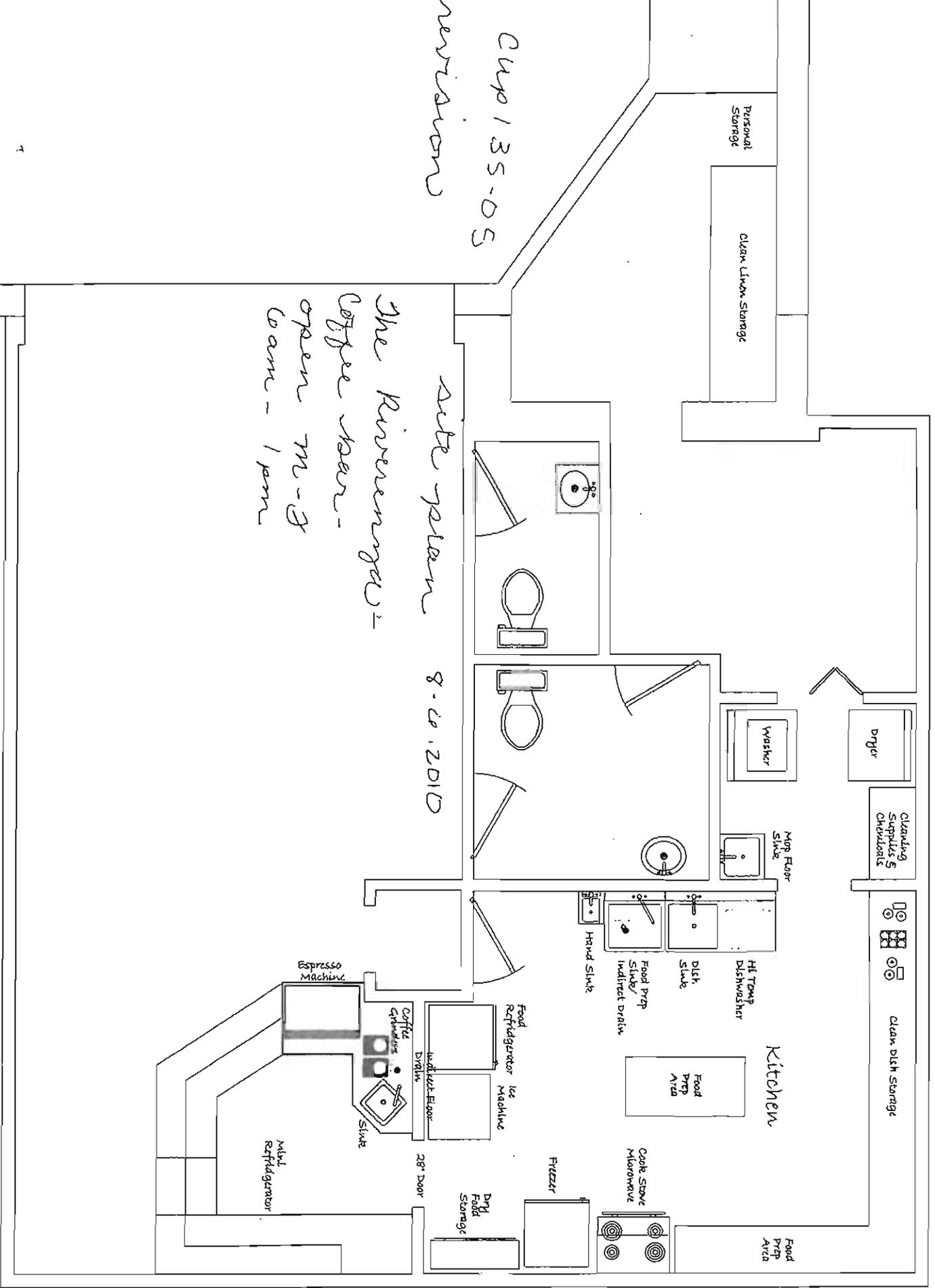
PLANS REQUIRED:

- At least 12 copies of concept site plan.
- At least one 11 x 17 concept site plan.
- 2 copies detailed landscape plans
- 2 full size copies construction detail plans

Cup 135-05
revision

The Riverways -
Coffee bar -
open m-f
10am - 1pm

site plan 8-10-2010



Personal Storage

Clean Linen Storage

Dryer

Cleaning Supplies & Chemicals

Clean Dish Storage

Kitchen

Washer

Mop Floor

High Temp Dishwasher

Dish Sink

Food Prep Sink/ Indirect Drain

Hand Sink

Food Prep Area

Coat Storage

Freezer

Food Refrigerator 1/2 Machine

Dry Food Storage

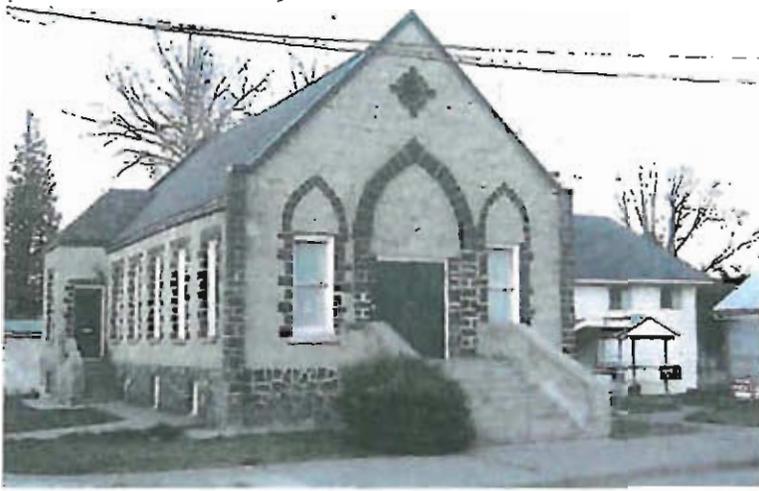
28" Door

Coffee Grinder

Sink

Espresso Machine

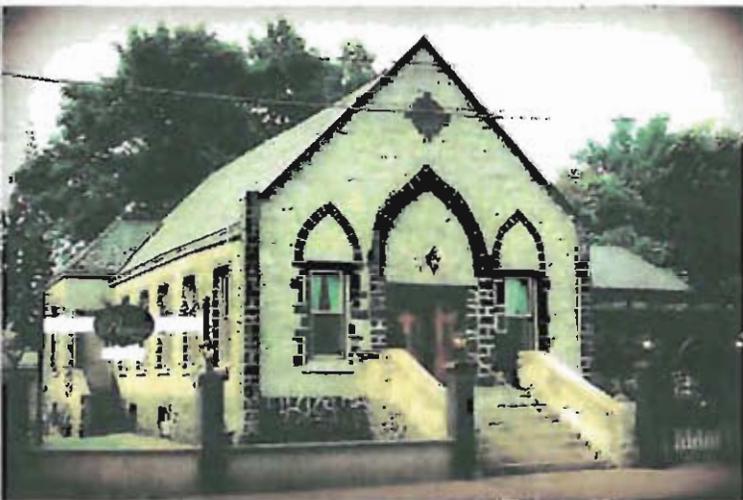
Metal Refrigerator



October 2004



October 2004



October 2010

The Riverenza
410 E 10th St.
The Dalles, OR 97058
541-980-1743

November 18th, 2011

City of The Dalles Planning Commission
313 Court St
The Dalles, Oregon 97058

Re: Conditional Use Permit 135-05

The Dalles Planning Commission,

Old Stone Events, DBA as The Riverenza, owned and operated by Greg and Molly Ott has expanded and requests that the CUP 135-05 dated October 7, 2005 be modified to begin operations on weekdays at 6:00am.

The Riverenza's new operations include serving coffee, beverages and light lunches from 6am-4pm Monday thru Friday. We will continue the original operations of hosting weddings and events on evenings and weekends.

If you have any questions or need to speak with us, I may be contacted at 541 980-1743.

Thank you for your consideration of this request.

Molly Ott
Owner/Operators
The Riverenza

Exhibit 2

From: JohnsonWilliam A JointRLT 4800 McCoy Road The DallesOr 97058

Johnson Virginia JointRlt

Subject: Greg & Molly Ott CUP 135.05

To: rgassman@ci.the-dalles.or.us

Comments. 1. It seems that the format of this business has changed. If originally they hosted receptions Memorial Services, Weddings etc. Now it seems that they have a kitchen for breakfast & lunches for the high school kids, resulting in a lot more foot traffic through the neighborhood, from 6 am to 4pm as their advertising says. Parking is a problem when they have an event, visitors to residents have to park a block away causing a big nuisance. I assume they have been permitted to be open till 10 PM week nights and 11 PM on weekends. The 11 o'clock closing is late enough for a residential neighborhood, causing all sorts of noise for such a location. If they have expanded without a proper permit and get way with it, other such locations are in jeopardy throughout the city.

2. The addition of a multiple unit house for the burned down house. Are they going to be multiple families in this supposed single family dwelling? Seems to me this could be a sticky situation.

3. The Ott's knew from day one that this location had some short falls for having a business such as this in a neighborhood: parking is a problem, foot traffic in a residential area causes degrading of adjacent property, late hours of operation takes a lot of monitoring by the operator of a business, which has been questionable at times due to loud music after 10 PM and I don't think this neighborhood needs to see an expansion of hours or scope of this business.

William A Johnson & Virginia Johnson RLT Owners not residents , but have observed the situation.

Comments:



Exhibit 3

From: Mandie Pitt [mailto:italkpitt@gmail.com]
Sent: Monday, December 12, 2011 11:54 PM
To: Richard Gassman
Subject: DEC 15, 2011 hearing CUP 135-05

Dear Richard Gassman and commission,

I am writing in reference and concern to the Conditional Use Permit No 135-05 requested by the Riverenza address 401 East 10th St. The Dalles Oregon.

- Section 3.050.040 Review Criteria Finding #8 states "Few commercial uses are allowed in the RH zone. Restaurants are not allowed even with a CUP"
 - I request that the counsel consider what justifications have been given that would allow this change to be made. As stated this will allow others to open similar types of business in residential locations with very little ability to prevent or structure in the future.
- Section 3.050.040 Finding #15 States: "The site has no off street parking and no possibility for adding any off street parking." It also states that there has been no complaint received to date. I would like to correct this statement, Aug. 22, 2011 you received a verbal complaint and a request to review the CUP. It was also explained that in the original approval the city counsel required that there be a formal review of the effect parking had on the area at the one year anniversary. At that time the Riverenza was not up and running yet and the parking review was never completed. It was not assigned an additional annual review but rather left to be initiated upon complaints of the neighbors.
- The Wedding and Events cause a 2 to 3 day disruption. The first day is filled with set up and rehearsals. Second day is the event, even more vehicles and people. Sometimes but not always a third day filled with clean up and pick up. In addition this has caused people attending the events to park close to and at times over lapping neighbors driveways making it difficult if not impossible for the home owners to enter or back out. It also makes it difficult for houses in the surrounding area to have family events of their own as there is no place for their guest to park.
- The coffee shop has been in operation for sometime over the last year. First starting of with the operating hours of 6AM to 10 AM, moving to 6 AM- 12:30 PM and presently open from 6AM - 4:30 PM. As the popularity has grown so has the traffic both foot and vehicular, morning and afternoon with no plausible solution.

I request that you strongly consider the effects of a full time business in a residential area and require that a plan addressing the present parking issue be required before it can be granted.

Thank you,

Ted Pitt
408 E 10th St.

RE: CUP135-05
Roger & Molly Ott

Exhibit 4

TO WHOM IT MAY CONCERN:

WE LIVE ACROSS THE STREET FROM RIVERENZA COURT. WE HAVE FOUND THAT ROGER & MOLLY OTT HAVE BEEN VERY GOOD NEIGHBORS AND HAVE KEPT A PLEASANT AND CLEAN FACILITY. WE HAD NO PROBLEM WITH THE SPECIAL EVENTS , WEDDINGS, RECEPTIONS, ETC. THAT WERE BOOKED IN THE LOCATION AT THE BEGINNING. THERE WAS A SHORTAGE OF PARKING BUT WE LEARNED TO DEAL WITH IT BEINGS IT WAS USUALLY ON WEEKENDS. NOW IT SEEMS THAT THE RULES HAVE CHANGED.

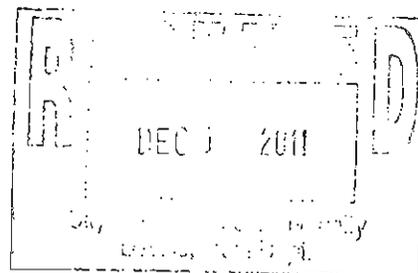
WE ARE NOT HAPPY WITH THE CURRENT STATUS OF THE FACILITY AND HOURS. WE FEEL THAT IT IS A RESIDENTIAL AREA AND DURING SCHOOL HOURS IT IS VERY CONGESTED. THERE IS NO PARKING AND AT TIMES WE HAVE HAD OUR DRIVEWAY BLOCKED. WE DO NOT FEEL THAT IS A COMMERCIAL ZONE AND A 7 AM TO 4 PM MONDAY THRU FRIDAY BISTRO SERVING ALCOHOL SHOULD BE ALLOWED. IT SEEMS TO HAVE ESCALATED FROM A EVENT CENTER WITH BOOKINGS ON WEEKENDS AND EVENINGS TO AN ALL DAY RESTAURANT. NOW WE ARE FIGHTING LITTER AND CUPS THROWN IN OUR YARD & DRIVEWAY AND TRAFFIC THAT IS GETTING WORSE AND WORSE.

WHO OK'D IT TO GO FROM A EVENT CENTER TO A FULL FLEDGED "BISTRO?"

I HAVE ENCLOSED A CLIPPING FROM AN ADVERTISEMENT IN A LOCAL PUBLICATION.

SINCERELY,

LEN & GLENDA ROSA
320 E. 10TH
THE DALLES, OR. 97058





Introducing our morning coffee special.

**Purchase a Latte or Mocha
and receive a FREE Scone**

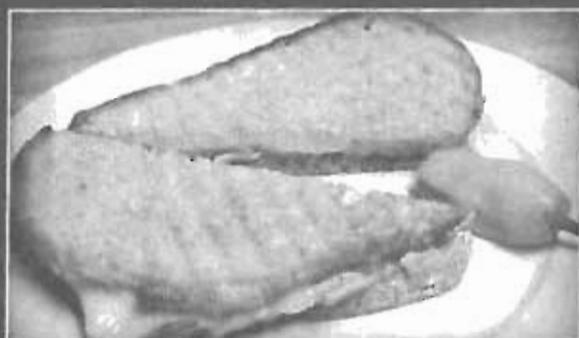
**Open Mon-Fri
7am-4pm**

- Breakfast Sandwiches
 - Scones
 - Oatmeal
- Italian Sodas
- Smoothies
- Stumptown Coffee
 - Paninis
 - Salads
- Flat Breads
 - Wraps



**Purchase a Breakfast Sandwich
and receive a FREE Coffee**

**Join Us Any Week Day For Light Breakfast
or An Elegant Lunch At Affordable Prices**



Now Serving Beer & Wine With Lunch



Please keep in mind the High school is close by and students come for lunch between 11:30 and Noon

**Open Monday-Friday from 7am-4pm
Closed Evenings & Weekends for Private Events**

We Provide An Inviting Setting To Enjoy Your Coffee,
Meet With Your Friends or Work Away From Your Office

Call Ahead to Plan Your Private Event

www.riverenza.net • theriverenza@gmail.com

**401 E 10th St. • The Dalles, OR
541-980-1743**



Carole Trautman

From: Richard Gassman
Sent: Thursday, December 15, 2011 8:37 AM
To: Carole Trautman
Subject: FW: Modification of Conditional Use Permit(CUP 135-05) 401 E. 10th St

From: dick wingfield [mailto:dick_kathyw@yahoo.com]
Sent: Tuesday, December 13, 2011 5:40 PM
To: Richard Gassman
Subject: Modification of Conditional Use Permit(CUP 135-05) 401 E. 10th St

I'm Richard Wingfield 1004 Federal St. (541-296-29660 two houses from the Ott property. We now have restricted parking in front of our home during events during summer, primarily wedding receptions. The business is now expanded 7am to 4pm M-F which food is served, and beer and wine (Refer to The Dalles Community Advantage Guide distributed by the local post office). I purchased my property for my primary residence in a residential area. I don't have anything against the Ott family selling sandwiches to high school children. However, the beer and wine license indicates the intent to expand business beyond that, to a restaurant, serving meals, beer and wine, with expanded hours, as well as catering to special events with expanded hours and I assume serving beer and wine at those events. Does the City of The Dalles support continued encroachment of businesses in property now zoned as Residential High Density Districts? If the property is sold by the Ott's can I expect the new owners to make further business expansion with those zone changes in place? I don't support this request for modifications of the permit.



Memorandum

To: Planning Commission

CC: Dan Durow

From: Dick Gassman, Senior Planner

Date: February 2, 2012

Re: Ott/Riverenza CUP 135-05

At the December 15, 2011 Planning Commission meeting, the Commission held a public hearing to review a request by the Otts to modify the Conditional Use Permit for their facility at 401 East 10th Street, CUP 135-05.

After hearing the staff report, testimony from the applicant, and comments from interested parties, the Commission directed staff and the applicant to discuss the requested modifications and return to the Commission at a later date.

Staff examined the facility and noted there were several features which distinguish this property from other property in residential zones. Those features include: the building was built as a church and has been used in the past as church; the building is well suited for larger gatherings; the building was built in the early part of the 20th Century and can be considered an historic property; the property has an existing conditional use permit; as part of the CUP approval the applicant was allowed to serve food and beverages at events; and based on the CUP approval the applicant has made substantial improvements to the kitchen facilities.

The applicant and staff met, reviewed the history of the site and the CUP, and have agreed to recommend that the Commission approve the requested modification, based on the following conditions:

1. Any improvements must be completed in accordance with the Land Use and Development Ordinance, 98-1222, as amended.
2. Provide onsite supervision for events with 100 or more individuals.
3. Hours of operation for the coffee shop, open to the general public, is from 6 a.m to 4 p.m. Monday through Friday, and from 7 a.m. to 4 p.m. on Saturday and Sunday.
4. Hours of operation for the event facility may go to 10 p.m. on Sunday through Thursday and to 11 p.m. on Friday and Saturday.
5. Require outside posting of contact number for complaints.

City of The Dalles

Staff Report

Adjustment No. 12-013

Joe and Sharon Stewart

Prepared by: Dick Gassman, Senior Planner

Procedure Type: Quasi Judicial

Hearing Date: February 2, 2012

Assessor's Map: Township 1 North, Range 13 East, Map 2 CA, tax lot 3700

Address: 1822 East 9th Street

Comprehensive Plan Designation: "RH" High Density Residential District

Zoning District: "RH" High Density Residential District

City Limits: Inside

Request: To add an addition to connect an existing house with an existing detached garage located three feet from a side property line, closer than the required five foot side yard setback.

BACKGROUND INFORMATION

The subject property is currently developed with a single family home and a detached garage. The garage is located three feet from the side property line, as allowed. The applicant is seeking a variance so that he can connect the house to the garage, putting the house structure within three feet from the side property line, less than the five feet required in the code. Since the requested relief is more than the 33% allowed for in administrative adjustments, this application is a quasi-judicial adjustment.

NOTIFICATION

Property owners within 300 feet, City Departments and other agencies were mailed a notice on January 23, 2012 as required by sections 3.080.030 and 3.020.050 D.

COMMENTS

As of the preparation of this staff report, no comment had been received.

REVIEW

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

Section 3.010.040 Applications

B. Completeness. An application shall be considered complete when it contains the information required by this Ordinance, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 1.120: Fees of this Ordinance. Complete applications shall be signed and dated by the Director.

FINDING #1: The application was found to be complete on January 13, 2012. Criterion met.

Section 3.020.050 Quasi-judicial Actions

A. Decision types. Quasi-judicial actions include adjustments.

FINDING #2: This application is for an Adjustment per Section 3.080.

Adjustments may be either administrative actions or quasi-judicial actions. The specific request is for more than a 33% reduction in the set back area requirement, putting this in the quasi-judicial action process per Section 3.080.020 C. Criterion met.

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 #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. Criterion met.

C. Public Hearing. Applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting with 45 days from the date the application is deemed complete.

FINDING #4: The 45 day deadline from January 13, 2012 is February 27, 2012. The hearing is scheduled for February 2, 2012, within the required time line. Criterion met.

D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to a variety of individuals, including the applicant and owners of property within 300 feet.

FINDING #5: The appropriate notices were mailed on January 23, 2012.

Criterion met.

Section 3.080.030 Review Procedures

Quasi-Judicial Adjustment review procedures shall be the same as those specified for Quasi-Judicial Actions in Subsection 3.020.020. B. 2.

FINDING #6: The application has been reviewed as required in Subsection 3.020.020 B. 2. as shown below. Criterion met.

Section 3.080.040 Review Criteria

A. An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.

1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.
2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
3. City designated scenic resources and historic resources are preserved; and
4. Any impacts resulting from the adjustment are mitigated to the extent practical; and
5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable,
Or
6. Application of the regulation in questions would preclude all reasonable economic use of the site; and
7. Granting the adjustment is the minimum necessary to allow the use of the site; and
8. Any impacts resulting from the adjustment are mitigated to the extend practical.

FINDING #7:

7. 1. This is a residential zone. Approval of this adjustment will not significantly detract from the livability or appearance of the area since the garage is already located three feet from the property line.

7. 2. Only one adjustment is requested.

7. 3. There are no City designated scenic or historic resources involved with this request.

7. 4. The impacts will be minimal, no mitigation is required except as provided for in the recommended conditions of approval.

7.5. The area is not an environmentally sensitive area.
Criteria met.

- B. Additional Criteria. If the applicant meets the approval criteria above, then the Approving Authority may also take into consideration, when applicable, whether the proposal will:
1. Result in a more efficient use of the site;
 2. Provide adequate provisions of light, air, and privacy to adjoining property;
 3. Provide for accessibility, including emergency vehicles, per City standards;
 4. Result in a structure that conforms to the general character of the neighborhood or zone district;
 5. If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements.

FINDING #8: The requested adjustment would result in a more efficient use of the site. Accessibility is not an issue. Parking is not requested to be lowered. Whether approved or not, parking needs to be met. Criteria met.

3.080.050 Conditions of Approval

In granting the adjustment, the Approving Authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

FINDING #9: The Recommended conditions of approval are listed below.
Criterion met.

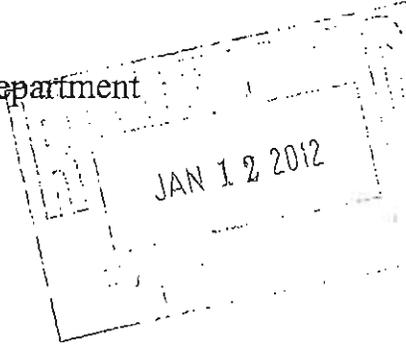
RECOMMENDATION: The request to add an addition that connects the existing house to an existing garage located three feet from the side property line, less than the five foot setback required in the code, should be approved with the following conditions:

1. Except as modified by this decision, all development must be completed in accordance with Land Use and Development Ordinance 98-1222, as amended.
2. The driveway must be brought up to standards prior to issuance of a building permit for the addition.
3. The garage cannot be converted to living space without approval of the Planning Commission.

ADJUSTMENT APPLICATION

PA ✓

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 1/13/2012
File# 12-013
Date Deemed Complete 1/13/2012
Hearing Date 2/2/2012
Approval Date _____
Permit Log # _____
Other Cross Reference# _____

APPLICANT

Name Joe & Sharon Stewart

LEGAL OWNER (If Different than Applicant)

Name SAME

Address 2400 Fairview St.
The Dalles, OREGON

Address SAME

Telephone # 541 300 0700
E-Mail joefstewart@yahoo.com

Telephone # SAME
E-Mail SAME

*If applicant is not the legal owner, attach either [1] owner consent letter, or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

PROPERTY INFORMATION

Address 1822 East 9th

Map and Tax Lot 1N13E2CA 3700

Size of Development Site _____

Zone District/Overlay RH

Comprehensive Plan Designation RH

REQUEST

- New Construction Expansion/Alteration Change of Use Amend Approved Plan

The previous tenants

Brief Explanation: rented 1822 E. 9th St for almost 15 years. He was a Masonry Contractor and operated his business from this home. They could not get financing but hoped to someday purchase the property from us. They remodeled the inside built a wheel chair ramp and in July of 2008 PAT submitted plans to rebuild a new garage in place of the old garage which was in bad condition.

(Cont)

JUSTIFICATION OF REQUEST

Review Criteria for Adjustments are found in LUDO Section 3.080.040

For approval the applicant must satisfy the criteria in EITHER Section A or Section B. On a separate piece of paper provide sufficient information for the review body to determine each of the issues listed in the section chosen. The information may be written, photographic, or any other method which will provide useful information to the review body. Except for the application, information may be sent by fax or E-mail.

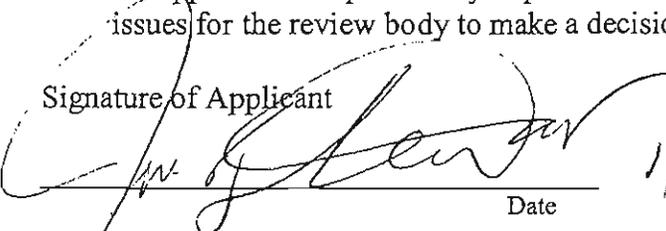
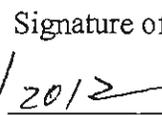
- A.
 - 1. If in a residential zone, show that the proposal will not significantly detract from the livability or appearance of the residential area.
 - 2. If more than one adjustment is being requested, the cumulative affect of the adjustments results in a project which is still consistent with the overall purpose of the zone.
 - 3. City designated scenic resources and historic resources are preserved.
 - 4. Any impacts resulting from the adjustment are mitigated to the extent practical.
 - 5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.

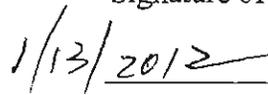
- B.
 - 1. Application of the regulation in question would preclude all reasonable economic use of the site.
 - 2. Granting the adjustment is the minimum necessary to allow the use of the site.
 - 3. Any impacts resulting from the adjustment are mitigated to the extent practical.

- C. If the applicant meets the approval criteria under either Section A or Section B, the review body may also take into consideration, when applicable, whether the proposal will:
 - 1. Result in a more efficient use of the site.
 - 2. Provide adequate provisions of light, air, and privacy to adjoining property.
 - 3. Provide for accessibility, including emergency vehicles, per City standards.
 - 4. Result in a structure that conforms to the general character of the neighborhood or zone district.
 - 5. If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements.

(The applicant may also provide comments on any of the issues in part C.)

There are no mandatory plans or other types of information required with this application. It is the applicant's responsibility to provide sufficient information and documentation on each of the issues for the review body to make a decision. Insufficient justification will result in a denial.

Signature of Applicant  Signature of Property Owner* 

Date  Date

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

Explanation (Don't)
Sadly, that ~~same~~ family is no longer together and
do NOT live at 1822 E 9th any longer.

I want to improve the house by adding a new bedroom and expand the kitchen and hopefully construct stairs to the basement.

To enter the existing bathroom, one must walk through a bedroom. It needs to be upgraded, but it is in the wrong place.

The best place for the bathroom (floor design, plumbing, electrical) would be between the existing house & the newer garage. However, this will require your approval because of a setback requirement, ~~but~~ ^{the previous tenants,} submitted plans for the newer garage to be built 3 feet from the property line (where the original garage was located) so it would be easy to drive straight into the garage rather than at an angle.

By connecting the older house to the newer garage, it would make a much needed remodel possible. In so doing, it would improve the appearance of the building and the neighborhood.

It would look odd to build a shorter 7-8 foot addition which was NOT connected to the garage and the 9 foot distance would both work & look better.

For these reasons, we request your help to make these improvements.

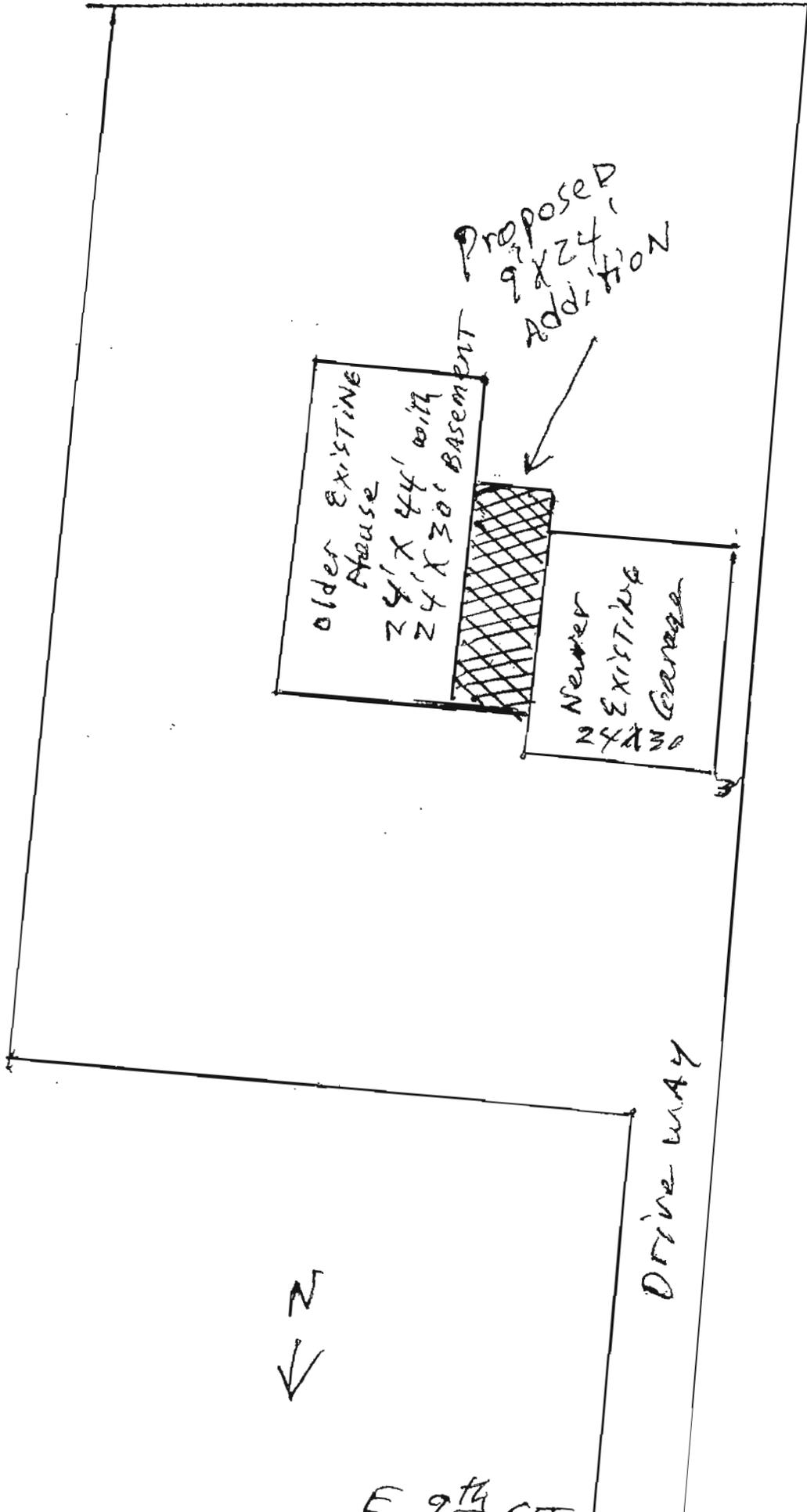
Respectfully submitted,

Joe Stewart
Shawn Stewart

E 10th ST

1422 E
9th ST.

Joe + Sharon
Stewart
2400 Fairview
The Dalles, OR
541 300 0700



RECEIVED
 JAN 12 2012
 Community
 Planning Dept.

E 9th ST

RESOLUTION NO. P.C. 516-12

Adopting Conditional Use Application #135-05 of Greg and Molly Ott to gain approval for the modification of the existing Conditional Use Application (CUP) approved in 2005 to allow operation of an events facility in an old church building. The modification request is for expanded hours of operation and for expanded scope of operation. The property is located at 401 E. 10th Street, The Dalles, Oregon, and is further described as 1N 13E 3 CB tax lot 7600. Property is zoned “RH” – Residential High Density District.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on December 15, 2011 and February 2, 2012 conducted public hearings 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 CUP 135-05 and the minutes of the December 15, 2011 and February 2, 2012 Planning Commission meetings, 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. Conditional Use Permit 135-05 is hereby approved with the following conditions of approval:
 - 1. Any improvements must be completed in accordance with the Land Use and Development Ordinance, 98-1222, as amended.
 - 2. Provide onsite supervision for events with 100 or more individuals.
 - 3. Hours of operation for the coffee shop, open to the general public, is from 6 a.m. to 4 p.m. Monday through Friday, and from 7 a.m. to 4 p.m. on Saturday and Sunday.
 - 4. Hours of operation for the event facility may go to 10 p.m. on Sunday through Thursday and to 11 p.m. on Friday and Saturday.
 - 5. Require outside posting of contact number for complaints.

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 2nd DAY OF FEBRUARY, 2012.

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 2nd day of February, 2012.

AYES:

NAYS:

ABSENT:

ABSTAIN:

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

RESOLUTION NO. P.C. 517-12

Approval of Adjustment Application 12-013 of Joe and Sharon Stewart to gain approval to add an addition to connect an existing house with an existing detached garage located three feet from a side property line, closer than the required five foot side yard setback.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on February 2, 2012 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 Adjustment 12-013 and the minutes of the February 2, 2012 Planning Commission meetings, 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. Adjustment 12-013 is hereby approved with the following conditions of approval:
 - 1. Except as modified by this decision, all development must be completed in accordance with Land Use and Development Ordinance 98-1222, as amended.
 - 2. The driveway must be brought up to standards prior to issuance of a building permit for the addition.
 - 3. The garage cannot be converted to living space without approval of the Planning Commission.

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 2nd DAY OF FEBRUARY, 2012

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 2ND day of FEBRUARY, 2012.

AYES:

NAYS:

ABSENT:

ABSTAIN:

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



February 2, 2012

Suggested LUDO Amendments

Here is the current list of suggested LUDO amendments for 2012. They are listed in order of LUDO section, as much as possible. The list includes suggestions from staff and other interested parties. Staff has met once to review the list. At this time we are seeking additional suggestions. If you have suggestions, please contact the CDD staff.

1. 5.010.020 A 2 b; Add language to explain that zero lot lines are available only when used in a series so that all dwellings are 0 and 8; or where houses are built attached, as townhouses. Cannot be used in a single lot without an easement from neighboring property.
2. 5.050.050. Height in CBC zone. Consider restrictions on elevations for the new height CUP in the CBC zone, such as require architectural features? No more than xxx feet higher than surrounding buildings? This from the Planning Commission meeting on August 18, 2011.
3. 5.100. CFO zone. Consider tightening up the LUDO section on the Community Facilities Overlay in a residential area. Consider stipulating how far a structure must be from residences, or limit height within a certain distance from residential zone, as in CG Section 5.060.040 which has a limit of 40 feet in height within 100 feet of a residential zone.
4. 6.010.050 H 1 a. Fences in exterior side yards. Currently limited to 4 feet high. Keep this or allow up to 6 feet? What about vision clearance for alleys?
 - 4a. Require all fences (over 4 feet in height?) to get a permit as a way of avoiding problems with height and placement of fences.
5. 6.030.020 C. 1. Accessory structures. Consider excluding garages and other structures over xxx s.f. from the three foot setback exception.
6. 6.030.020 C. 3. Why do we allow zero setbacks for garages opening onto 20 foot wide alleys, but not for other types of garages or detached buildings? This provision is for rear yard setbacks only. Why? Consider allowing a zero yard side or rear yard setback for detached accessory buildings, to eave line, not wall, if adjacent to a 20 foot wide alley.
7. 6.030.030. Accessory Dwellings. Make clear that the 600 s.f. in 6.030.020 includes all areas that are not USED as garages, no matter what it indicates on the plans.
 - 7a. Should we limit accessory dwellings in the RL district to those attached to main dwelling only?

8. 6.060.020. Driveways. Many nonconforming, unimproved driveways do not meet current standards, usually the 5 foot setback from side property line. Do we allow to improve as nonconforming, or require them to come up to code?
9. 6.060.020 and 6.050.030. Try to clarify the provisions for driveways on collector streets in the residential area. Perhaps something as simple as cross referencing 6.060.020 back to 6.050.030.
10. 6.120.030 E. Change to 1976 from 1962, or do away with entirely. Now allowed in MHP. Should we prohibit any new installation of mobile homes, i.e. those prior to 1976?
11. 6.120.040 B 2. Delete last sentence referring to 12 inches. The basic provision was deleted in LUDO amendments in 2005.
12. 7.030.020 A. This technically prohibits parking in front of your garage if the garage is no more than 20 feet from the front P/L. Need to exempt driveways and make it clear that no parking is allowed on sidewalks or in ROW except where provided.
13. 8.020.010 A 3. Change reference from A1 and A2 areas to new language
14. 10.030. Timing of improvements. Put a time limit on putting in public improvements as part of a site plan review. For land divisions we require the improvements prior to signing the plat, but for those public improvements required as a condition of approval, we have no specific time limits.
15. 12.020 C. Minimum RV Park size of 5 acres. Why? Compare with 11.030 A minimum size for MHP of 1 acre. Eagles have a parking area plus another lot totaling a little over 1.5 acres. We could either change code to allow for smaller areas – eliminate size requirement, or provide for a variance. Problem is there are no RV parks in the City and no good places with 5 acres.
16. 12.050. Review time line on RV parks (assuming we get one someday) for length of stay. Do we want to limit to 30 days? Example from Dan of our roundabout inspector living in his RV for several months while working here.

Others:

17. From legislature:

- a. SB 806. Xeriscaping on C and I properties. Allows certain type of landscaping. No change to our code required.
- b. HB 3516. Exempts solar photovoltaic and thermal energy systems from land use restrictions, within limits.
- c. HB 3361. Cluster mailboxes. Must comply with (non-existent) standards from Building Codes. See LUDO Section 10.120.

18. Discuss non-transient transient dealers, such as Cup of Mud, taco wagon on Kelly, taco wagon on Chenoweth, etc., especially in light of TSDCs.