

HISTORIC LANDMARK COMMISSION MINUTES

March 23, 2011

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

CALL TO ORDER

Chair Gleason called the meeting to order at 4:04 P.M.

ROLL CALL

The following Commissioners were present:

- Eric Gleason
- Bob McNary
- Dixie Parker
- Pat Smith
- Dennis Davis

The following Commissioners were absent: none

Staff present:

- Dan Durow, Director
- Dawn Hert, Associate Planner
- Brenda Green, Admin. Secretary
- Carole Trautman, Admin. Secretary

APPROVAL OF AGENDA

Commissioner Parker moved to approve the agenda as submitted. Commissioner Smith seconded the motion. The motion carried unanimously.

APPROVAL OF MINUTES

Commissioner Smith pointed out that the January 26, 2011 minutes had the incorrect year date of 2010. Commissioner McNary moved to approve the minutes of January 26, 2011 as modified. Commissioner Parker seconded the motion. The motion carried unanimously.

REVIEW OF GOAL SETTING

Associate Planner Hert stated that at the last City Council meeting where the Historic Landmark Commission's (HLC) 2011 Goals were discussed, she was asked to prepare a staff report. In that report she gave the City Council options to approve or deny the HLC's Goals. Hert was asked to bring back to the HLC a couple of goal items of concern. One item was a special archaeological testing plan, and the other item was the expansion of existing historic districts. Hert commented that Mayor Wilcox suggested the HLC should revisit those two items and possibly remove them from the 2011 Goals. She responded to Mayor Wilcox and the City Council that the Goals were not the Council's Goals, they were the HLC's Goals.

After conferring with the Certified Local Government Coordinator, Associate Planner Hert learned there are no State Historic Preservation Office (SHPO), state, or federal laws that require approval of the HLC's Goals by a governing body. Hert commented that she also reviewed the HLC Ordinances and determined there was no language requiring approval as well. The goals must only be presented in a report to the City Council. Hert suggested the HLC could either revisit the goals or keep them as is.

Commissioner Parker moved to reaffirm the HLC Goals as created. The motion remained on the floor. Commissioner McNary stated the HLC had the option to re-word the goals. Discussion followed.

In regards to archaeological discovery, Associate Planner Hert reviewed state laws regarding public and private lands dealing with significant discovery. She stated that Chair Gleason's recommendation for a condition of approval is more of a guideline that will assist any development. The guideline would make it unnecessary to go through discovery every time and re-establish an archaeological plan.

Chair Gleason explained that particular project area, for the most part, understood to be an archaeological site. The depth, character, or significance, Gleason said, is not known, and it needs to be determined before development can happen. He further stated that anything the HLC can do to move this process along is meant to assist, not impede. The thought, he said, is to get in "front of the ball," it will cost less money and get done in a better way.

Chair Gleason indicated the wording on HLC Goal 9 could be improved. Associate Planner Hert stated that Mayor Wilcox's main concern was imposing additional layers of government and regulations that private citizens do not want. Chair Gleason responded that the establishment of a National Register District would go to a public vote within that district.

Barbara Pashek, 1332 W. 10th, gave public comment that the February 28, 2011 City Council meeting minutes indicated there was Council discussion regarding whether the Council should ask HLC to revisit its goals or accept its goals with no Council support on Goals 7 and 9. Pashek further stated that she found it hard to believe it was the entire City Council that did not support those goals. Associate Planner Hert explained that the concern was brought up by Mayor Wilcox, but the Council agreed as a whole not to support those two Goals.

Commissioner Parker reiterated that she stands by the HLC's decision and that she did not believe the HLC needed to revisit the goals.

The other comment from the Council, according to Associate Planner Hert, was regarding the removal of the Lewis & Clark Monument because it was deteriorating.

Commissioner McNary asked if approval to excavate would be easier for a public agency to obtain rather than a private agency. Associate Planner Hert said not according to discussions with Dennis Griffith. The sensitivity is that it is an old China town which is very rare. Griffith, she reported, wasn't sure if archaeological discovery would be classified as "significant." Griffith also advised that if discovery was classified significant, it then goes to a local body to make a determination on whether or not the discovery is significant. If there is any disagreement from archaeologists, as well as a local body, SHPO and the state archaeologist would examine it. Hert asked Griffith if he would have the final say. Griffith stated he wouldn't.

Chair Gleason stated the issue was, more or less, a determination of eligibility. The discovery needs to be eligible for the National Registry--it needs to meet certain criteria that make the archaeological site significant enough to be eligible for the National Registry. If it is determined to be eligible, Gleason advised, it does not necessarily have to be on the National Registry. But if it is determined to be eligible, then it gets the same protection as those on the National Registry.

Director Durow asked Chair Gleason to describe those protections. Gleason explained that if any federal money is brought into the project, then it is protected by Section 106. Durow asked what that would mean for the hotel project. Gleason replied that if there was any federal money funded for the project, it would be protected. Durow thought, at this point, new market tax credits may be used. But basically no federal monies will be used. Gleason stated he wasn't certain. If the project goes through Federal Rehabilitation Tax Credits, then the project would go through the Section 106 process. Durow asked if the entire site would be required to be excavated if federal money was used. Gleason explained there is a three-step process. The first step is a survey. The second step is testing to determine what resources are on the sub-surface. If deemed significant, there are two options: 1) avoidance of what was found to be significant, or 2) go through the mitigation. Gleason indicated the best option is avoidance.

Associate Planner Hert asked if archaeologists would give recommendations to the mitigation. Chair Gleason thought it would be part of the testing. Associate Planner Hert asked if that would be the next step. Some portions of the First Street project would go through the Section 106 process, but not those specific parcels? Gleason said the process is complex.

Chair Gleason commented there are two ways to look at the archaeological site. The first is to observe it as an impediment; the second is to observe it as an advantage. His guess was that there is a fairly rich deposit of artifacts and features that sheds light on a people group that did not document its history. China town sites, Gleason explained, are relatively easy to claim as significant. Hert said Dennis Griffith made the same comment.

Commissioner Davis asked if there is established wording that would clarify or be more encouraging for development progress. Chair Gleason suggested revised wording to read: "Encourage the development of an archaeological management plan for the future development within the First Street area." Davis emphasized that HLC is trying to bring about an awareness up front that this project will cost time and dollars.

Commissioner McNary asked if the staff will be resubmitting the HLC Goals to Mayor Wilcox and the City Council. Associate Planner Hert responded that her plan was to submit a memo, through City Manager Young and Director Durow, to Mayor Wilcox and the City Council that will present the goals, whether or not the goals are revised. Commissioners McNary and Parker commented that the 2011 HLC Goals are merely goals, nothing more, and that the federal and state agencies will have the final say.

Barbara Pashek commented that the City Council asked that the Lewis & Clark Monument Goal be changed as well. Associate Planner Hert stated that her comments to the Council were that there was a

private group that had interest in that project. Hert indicated the Council, as a whole, had no other problem with it.

Barbara Pashek asked if the City Council was advised of the HLC's decision regarding the Request for Proposal on February 7, 2011 on Rock Fort. Associate Planner Hert stated the staff presented an update. Hert also commented that Northern Wasco County Parks and Recreation owns the property and the Lewis & Clark Monument. The HLC Goal is to make it historically designated. The property owners' approval is still needed, Hert reported. It may be relocated, but at this time it is uncertain if it's a fit in the Rock Fort location.

Barbara Pashek asked if the Lions' Club was interested. Associate Planner Hert stated that Mayor Wilcox commented at the City Council meeting that the Lions' Club had no interest in the project. It is still a goal for the HLC unless the Commission decides to remove it. Hert also reported there are no funds for granting at this time, but it may change with the Preservation and Maintenance Plan.

Commissioner Davis seconded Commissioner Parker's original motion to re-affirm the HLC's 2011 Goals. The motion carried unanimously.

PIONEER CEMETERY DISCUSSION

Associate Planner Hert reported she recently had a meeting with City Manager Young regarding potential grants and funding. There is \$2,000 in the Community Development budget for maintenance and preservation, and \$2,000 in the City Council budget for special projects. Currently there is nothing to be done, Hert advised, unless the HLC wants to have a fence installed.

Commissioner McNary reminded Associate Planner Hert to look into the possibility of a source of labor to help clear the land for the fence installation. Hert stated the City Clerk's office was going to look into it, and she will follow up. McNary indicated the labor would be the top issue on the fence installation. He checked on the possibility of acquiring Jack Bissett, but Bissett is not available. Hert stated she met with City Manager Young and learned there will be a granting opportunity in the next grant cycle for the Oregon Historic Cemeteries.

Commissioner McNary reported he does not have guardrail posts available any longer. Associate Planner Hert talked with Dan Spatz and has not heard back from him, she will follow up with Spatz. McNary said he will have to secure another way to get more guardrail posts.

Commissioner McNary also asked if there was spring mowing money available. Associate Planner Hert responded that she would check on that. McNary said it would be good to know because lawn work is usually done before Memorial Day.

COMMISSIONER/STAFF COMMENTS:

Director Durow presented an update on the following Urban Renewal projects:

- First Street – The staff is working with the developers, and the Memorandum of Understanding (MOU) is signed. The deadline for the Disposition and Development Agreement (DDA) is April 1, 2011. There is provision for a 60-day extension on the deadline, and it will probably be used. Durow explained there are two projects, the redevelopment of the block and the streetscape work. In regards to the streetscape, the staff has been working with ODOT on

some additional language that will help ease the process on construction easements that border the private properties on that block. The easements must be in place in order for the DDA to be finalized. Once easements are in place, they will be reviewed by the developers. The DDA requires that they perform a number of things between now and March of 2012. Based upon performance, the property sale can happen. Once the sale happens, Durow believes the process will move along quickly. The staff is deciding on an architectural firm and working on financing. The financing should not be a problem, according to Durow.

The streetscape work is about 75% engineered. The railroad undercrossing project is somewhat behind schedule due to design issues. An agreement has been reached on the type of crossing and the type of construction. Durow reported the costs are rising because of the stiff requirements on the movement of the track. The contractors are concerned about liability issues. Durow further explained that the street work will be timed with the hotel construction so as not to tear up the area twice. He estimates construction will begin sometime in late 2012 or early 2013. The City will build a public parking structure between 1st Street and Federal. The 3rd Street streetscape project will be delayed three to five years since its funding will be used for the parking structure.

- Festival area and dock – Both projects are all designed. The contract documents are ready to go out for bid. Funds are in place, and staff is currently waiting for the Warm Springs Tribe to sign the MOU.
- Washington Street Plaza – The plans are to re-expose the first floor of the blue building and generally restore the building. It has been fire damaged a couple of times. Chair Gleason stated that after the last fire, the upper half of the building was removed.

Commissioner McNary commented this project may involve a considerable amount of excavating. McNary asked how far east the Chinese migrated. Chair Gleason stated the block behind the recreation was probably the highest concentration of Chinese lodgings and businesses. Records from the 1879 fire show three buildings survived the fire: Model Laundry, Baldwin, and Waldron Drug. Gleason further reported that before the 1879 fire, at least four Chinese wash houses existed. The China town didn't start developing until around the 1880s, but the Chinese people spread out to other areas as well.

Chair Gleason asked if the street excavating will go below the historic grade. Director Durow stated it should end up about where the original grade was located. Gleason commented there are other historic sites as well, such as the Hudson Bay Trading Post. Commissioner McNary said the underpass will be the deepest excavation, it could be a potential problem. Durow stated the streets have always been where they are currently. Gleason reported an archaeologist was present when the boring work was done for the underpass. Commissioner Davis stated a significant amount of contamination oils were found as well. Durow explained that what was found during the boring work was different from what was found in the tank. The City may be cleaning up some of it, Durow stated.

Commissioner Parker asked why the HLC took public testimony under Item 5 in this meeting's agenda. Associate Planner Hert said the "Public Comments" agenda item needs to be re-inserted into future meeting agendas.

Commissioner McNary commended Associate Planner Hert for her presentation at the last City Council meeting. He suggested Hert should prepare an informational memo for the City Council for the next meeting.

Commissioner Smith asked if any of the Commissioners were planning to attend the Vision Action meeting. Director Durow stated the meeting is scheduled for March 30 at the middle school, and it is an important meeting. He urged the Commissioners to come with ideas, projects, and activities.

ADJOURNMENT: The meeting was adjourned at 5:04 P.M.

Submitted by Carole Trautman, Administrative Secretary

Bob McNary
~~Eric Gleason, Chair~~ Bob McNary, Vice Chairman
Historic Landmark Commission

Next Meeting: The next regularly scheduled meeting is April 27, 2011.