



## **CITY OF THE DALLES PLANNING COMMISSION MINUTES**

**Thursday, October 4, 2001**

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

*Conducted in a handicap accessible room*

### **CALL TO ORDER:**

Chair Bruce Lavier called the regular meeting of the City of The Dalles Planning Commission to order at 6:32 P.M.

### **ROLL CALL:**

Present: Bruce Lavier, Ted Bryant, Ron Ahlberg, Mark Poppoff

Absent: Jean Thomas

Staff: Dan Durow, Community Development Director; Denise Ball, Administrative Secretary; Gene Parker, City Attorney; Dale McCabe, City Engineer

**AGENDA:** Ahlberg moved to approve the Agenda and Poppoff seconded. The motion passed unanimously, Thomas absent.

**MINUTES:** Lavier asked if any changes were needed for the minutes of August 30, 2001 and September 6, 2001. There were no corrections. Bryant moved to approve the minutes Poppoff seconded, and the motion passed with Lavier, Bryant and Poppoff voting in favor, Ahlberg abstaining and Thomas absent.

**PUBLIC COMMENT:** None

**PUBLIC HEARING CONTINUATION:** *Quasi-Judicial*

- A. Minor Partitions 188-01 and Property Line Adjustments 79-01 of Mark and RaeAnn Clark.** This hearing includes a minor partition application to divide one parcel into two parcels as well as a property line adjustment. Property is located at 2112 W. Scenic Drive and is further described as 1N 13E 4CD TL 8200 and 7900. Property is zoned "RL" - Residential Low Density.
- B. Minor Partitions 189-01 and Property Line Adjustments 80-01 of Mark and RaeAnn Clark.** This hearing includes a minor partition application to divide one parcel into two parcels as well as a property line adjustment. Property is located at 2112 W. Scenic Drive and is further described as 1N 13E 4CD TL 8000 and 7900. Property is zoned "RL" - Residential Low Density.

Chair Lavier read the rules for conducting a public hearing. Lavier asked if any commissioner wished to declare a conflict of interest or bias or had any ex-parte contact. No commissioner declared a conflict of interest, bias, or ex-parte contact and there were no challenges from the audience. Lavier then opened the public hearings for Minor Partitions 188-01 and 189-01, along with Property Line Adjustments 79-01 and 80-01.

Durow presented a supplemental Staff Report for both applications. Staff handed out copies of the supplemental report and a letter in opposition from Karl Cozad received by Staff on October 3, 2001.

Ahlberg asked staff who enforces the vision clearance triangle compliance and whether it was a Code Enforcement issue.

Parker replied that it is a Code Enforcement function, performed currently by John Dennee. Dennee contacts property owners found to be in violation of the vision clearance ordinance. It is usually something a neighbor notifies the City about and enforcement is complaint driven.

Poppoff asked staff about the proposed "No Parking" zone.

Durow said the entire radius would be no parking, with the exact location and extent to be determined by the City.

Ahlberg noticed that the plat shows two of the proposed side lot lines, which are not at right angles to the street. Ahlberg said the criterion was not met.

Parker replied that the wording in the ordinance is "side lines of lots, as far as practicable, shall be at right angles to the street the lots face". Parker continued that Staff felt the side lot lines were acceptable.

Ahlberg asked how the houses would be situated on the lots.

Durow replied that all houses must have a front door facing the street.

Ahlberg asked why Mid Columbia Fire and Rescue did not comment on the application.

Durow said they are not required to.

Ahlberg asked Staff about the grading, cut and fill that will be necessary for building the driveway.

Durow replied that grading, cut and fill are development issues not minor partition criteria.

Lavier clarified that this is an application to partition or subdivide, and not to develop.

Durow said that is correct.

Ahlberg asked why the applicant has to identify trees and significant natural features if we aren't trying to preserve them.

Durow reminded Commissioners that the Minor Partition and Property Line Adjustment procedures are only on paper and that physical development doesn't happen until after partitioning.

Parker followed up by saying that during the development process those trees and natural features can then be looked at and preserved if possible.

Poppoff asked if the no parking zone to the northeast of the proposed drive cut would only be twenty feet.

Durow replied yes.

Ahlberg asked if tax lot 8100 was dividable.

Durow said no.

### **Opponent Testimony:**

Lavier next opened the hearing to opponents who did not testify at the hearing on August 30, 2001.

The first opponent was Delores Habberstad, 2110 W. Scenic Drive, The Dalles, Oregon. Habberstad handed out copies of her letter, entered into the record as Exhibit 3. She then read the letter aloud.

There were no questions from the Commissioners.

The second opponent was Tom Tramontina, 2111 Garrison, The Dalles, Oregon. Tramontina handed out copies of a letter from Barry Carter, entered into the record as Exhibit 4. He then read Carter's letter aloud.

Bryant asked if Tramontina was simply reading Carter's letter or could he answer questions.

Tramontina said he had not discussed the points of the letter with Carter and didn't feel he could answer questions about it.

The third opponent was Harley Earl, 420 W. Scenic Drive, The Dalles, Oregon. Earl handed out copies of his letter, entered into the record as Exhibit 5. He then read his letter aloud.

Bryant told Earl it sounded like he was addressing the wrong commission; he should be addressing the Traffic and Safety Commission.

Earl replied he would have loved to address them but the application never went to them.

Ahlberg asked if Earl's concerns would be the same if this were a four-parcel partition instead of a six-parcel partition.

Earl said he would not like the headlights from the private driveway shining into his house but he could live with it. He also feels there should be no on street parking for the entire radius of that corner.

Earl next handed out copies of a letter from Al Wynn, entered into the record as Exhibit 6. He then read the letter aloud.

The fourth opponent was Carl Nadler, 2108 Garrison, The Dalles, Oregon. Nadler handed out copies of his letter, entered into the record as Exhibit 7. Nadler read aloud the first two pages of his letter and then asked Commissioners if they had any questions.

Commissioners had no questions.

Nadler asked if the public would have an opportunity to testify during the development application process.

Durow replied that generally single-family dwelling building permits are handled as a Ministerial Action, which does not allow for public comment. Because the lots are in an A-2 geo-hazard zone, they may be handled as an Administrative Decision, which would allow for an appeal period.

Bryant asked what an A-2 zone is.

Durow explained the geo-hazard slide study and subsequent zone designations for the various sections of the City.

Nadler asked when the affected parties could address the aesthetics of the proposed development.

Durow replied that the Land Use and Development Ordinance has a checklist of design criteria and new single family dwellings must meet at least five of the design criteria.

Lavier pointed out that citizens were involved in creating and approving the Land Use and Development Ordinance. Citizens had the opportunity to address aesthetics at that time.

Nadler finished giving opposition testimony. He ended by noting that LUDO changes are being looked at. He feels one of the "loopholes" to be changed is language in the ordinance that allows a developer to create a "subdivision" by applying for subsequent, annual minor partitions.

The Commissioners had no questions.

Bill Ward, 2100 W. Scenic Drive, The Dalles, Oregon, next testified in opposition. Ward said the traffic accident report submitted by Staff was not complete; several accidents he was aware of were not reflected on the map prepared by Staff. He also feels that the applications did not address the criteria of Section 9 of the LUDO properly and should not be approved.

The Commissioners had no questions.

The next opponent was Rod Runyon, 2019 W. Scenic Drive, The Dalles, Oregon. Runyon stated he has also been a Planning Commissioner. He believes the partitions and subsequent development will dangerously increase and change the current traffic flow in that area of W. Scenic Drive. Runyon feels the Traffic Safety Commission should be included in the decision-making. Runyon said the decision should be delayed if not denied. He urged Commissioners to vote against the proposed partition.

### **Proponent Rebuttal**

RaeAnn Clark, 1001 Cherry Heights, The Dalles, OR 97058, said that they had originally requested separate drive cuts for the proposed lots. Having individual driveways would have been more in keeping with the rest of the neighborhood. However, Staff required the shared driveway in the interest of public safety. Clark went on to say that they are trying to best utilize the land to create a legal amount of buildable lots for people wanting to live in a nice neighborhood.

Lavier closed the hearing for public testimony and requested a break at 8:37 PM with the hearing to resume at 8:45 PM.

The hearing resumed at 8:45 PM. The public testimony portion was re-opened to allow additional testimony due to a misunderstanding.

An additional opponent, Leon Kinner, 105 W. Scenic Drive, The Dalles, Oregon, stated that the property should be condemned and turned into a public park.

There was no additional proponent rebuttal.

The public testimony portion of the hearing was closed.

### **Discussion**

The Commissioners and Staff discussed how to proceed with deliberations. Staff recommended that they have time to prepare a response to the opponent testimony to help the Commissioner's with their deliberations. The deliberation and decision portions of the hearing would need to be continued until October 18<sup>th</sup>, 2001 to give Staff adequate time.

Ahlberg asked if a bike path was proposed for W. Scenic Drive.

Durow said no, it would continue as a shared travel lane.

Poppoff said he would not be available for the meeting on the 18<sup>th</sup>.

Ahlberg moved to continue the deliberations on the Public Hearings for Minor Partition 188-01 and 189-01, and Property Line Adjustment 79-01 and 80-01 until the October 18, 2001 Planning Commission Meeting. Bryant seconded the motion. The motion carried unanimously with Thomas absent.

**COMMISSIONER COMMENTS AND CONCERNS**

Commissioners asked Staff if the Senior Planner position had been filled.

Durow replied there was one qualified applicant and Staff hoped to interview the applicant next week.

**NEXT MEETING:**

October 18<sup>th</sup> is the next scheduled meeting with a Public Hearing for Union-Baker E.S.D. and the continuance of the Mark and RaeAnn Clark hearings.

**ADJOURNMENT:**

The regular Planning Commission meeting was adjourned at 9:07 P.M.

Respectfully submitted by Denise Ball, Administrative Secretary.



\_\_\_\_\_  
Bruce Lavier, Planning Commission Chair

## PINES ADDITION APPLICATION

Good Evening. I am Dolores Habberstad and reside at 2110 W. Scenic Dr. As we begin these proceedings, I would like to stop for a moment to consider how privileged we are to live in a country that allows and values citizen input. We are involved in a process tonight that is the bedrock of our democracy. You, as citizen appointees, are representing all of us in this community as part of the governmental checks and balances. We appreciate the time and consideration you give.

Tonight we are here to continue providing you with information that can assist in making a planning decision for the common good of the community. The Land Use and Development Ordinance # 98-1222 of The Dalles serves as the framework for these decisions. According to Section 1.040 of the Ordinance, the guidelines within the ordinance shall be effective throughout the City's planning jurisdiction. To interpret this ordinance, Section 1.090 states that the provisions of this Ordinance shall be liberally construed to effect its purpose.

So what is the purpose of what we doing here tonight? According to Section 1.020 of the Ordinance our purpose is as follows, and I quote:

"The purpose of this Ordinance is to encourage the most appropriate and efficient use of land; to accommodate orderly growth; to provide adequate public parks and open space; to protect and improve the aesthetic and visual qualities of the living environment; to aid in securing safety from fire, natural disaster, and other dangers; to facilitate the adequate provision of public improvements and sanitary conditions; to provide adequate access to and through property, to assist the public in identifying and understanding regulations affecting the development and use of the specific parcels of land; to promote the public health, safety and general welfare; and, to implement the City of The Dalles Comprehensive Plan and to guide and manage the future growth in the City in accordance with the Plan."

You are the stewards of the Vision for The Dalles. The decisions that you make will be the legacy that is left for the future residents of the city. On Monday, June 19, 1911, there were citizens who had the Vision to locate a Park on top of a hill overlooking our city. Aren't we glad they did? The four lots of Pines Additions represent the remanents of that 1911 Vision. We

think some of these original natural features can be preserved with four lots as approved but not with six.

So tonight, we are here with facts to assist you in applying the Planning Ordinance to this application. As citizens with jobs, and families, we do not deal with these issues every day as you do. However, tonight in this process, our facts and information have the same weight for your consideration as the staff recommendations. The Land Use Ordinance gives you the power of interpretation. If this were not true, the city would only need someone with a tape measure to check the accuracy of the lot size.

10-3-01

Planning Director  
City of The Dalles  
City Hall  
313 Court Street  
The Dalles, Oregon 97058

Re: Hearing scheduled 10-4-01, Mark and RaeAnn Clark  
Partition 2212 West Scenic Drive

I will be unable to attend the hearing on 10-4-01 and this letter is intended to preserve my status in this matter. This letter my thoughts and some of the thoughts of a group of concerned neighborhood property owners, many of who will attend the hearing.

My intuitive view of the subdivision, as proposed, is that the use is too intense for the site. Although the site may theoretically take the number of lots proposed, good planning dictates that the proposal be subject to standards of contemporary development. This is particularly important due to the unique shape of the site.

Although this is a partition of existing lots. There is no question that the applicant is proposing a six-lot subdivision. A contemporaneous development of a six-lot subdivision would almost certainly entail an interior street, public or private, constructed to City standards. Further, underground utilities would be installed.

While the method of utility installation is not necessarily a planning matter, the street is. The subdivision proposes a 20' private drive for the use of six home sites. Not only is this not a competitive development feature, it is inadequate for a subdivision of this size. A twenty-foot private street is not adequate for off street parking nor is it adequate for public safety.

A fifty foot right-of-way, improved to city standards with a fifty foot improved radius cul-de-sac would not only address the adequacy and safety issues but would be competitive with contemporary subdivisions. This may cause the loss of one lot but the subdivision, as drawn, has a very difficult site (proposed parcel B, tax lot 8000) on which to build. Consider the emergency access and turn-around for police, fire and ambulance.

A twenty-foot driveway access may be appropriate for two or three home sites, but not six. Many planning bodies in other jurisdictions, most nearby, have addressed this by requiring a street, public or private, improved to city/county standards for any subdivision with more than three lots. From a planning standpoint, the logic of doing this is to promote safety, prevent unusually intensive use and promote projects that are consistent with existing and proposed neighborhoods.

EXHIBIT A

The twenty foot access will not only create market resistance but will create future problems with access and maintenance, resulting in future market resistance reflected in comparatively lower property values. This will not only effect the neighborhood but also eventually, the City will be called on to address the problems caused by the access.

From a planning standpoint strategic planning requirements, stated in the Land Use and Development Ordinance, need to be considered and met. Specifically 1.020; "...to protect and improve the aesthetic qualities of the living environment; to aid in securing safety from fire natural disasters and other dangers...to provide access to...property." Further in 9.010; "...to ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles; to minimize negative effects of development upon the natural environment...to create residential living environments...protected from the adverse effects...of intensive land uses."

The Land Use and Development Ordinance demands that these considerations be made as well as the more defined linear requirements. These are the considerations that separate good development from bad and give to the planning body the ability and responsibility to make an objective decision based on broader considerations. If a decision is made outside of the veil of the "purpose" of the Ordinance, and the Land Division sections, it will be invalid.

Usually when a body of people object to neighborhood development it is not due to the development itself, but the effect it will have on their neighborhood. More often than not, the objection has its basis in the strategic requirements of the development ordinance. The effected neighbor knows it feels wrong but has difficulty defining the problem.

The long lasting effects of aesthetic and visual qualities of the living environment, adequate access, safety from fire and other dangers, safe and efficient routes for pedestrians, bicycles, and motor vehicles, negative effects of development upon the natural environment and more intensive land use are not only concerns of the neighborhood but must be satisfied to ensure proper development. This decision now belongs solely to the Planning Commission.

Thank You,



Barry Carter  
405 W. 20<sup>th</sup> Street  
The Dalles, Oregon 97058

THE DALLES CITY PLANNING COMMISSION

Regarding the KODL subdivision:

New to me ---maybe not new to you.

The auto access into this new subdivision via private driveway was never sent to the Traffic and Safety commission for their review and input. This citizen review committee has had no written input or comment on this proceedings.

The original administrative approval to create four lots on the inside of the KODL horseshoe corner was never sent to the neighbors. Even without being notified there were only a few real concerns about the development. (My personal concern regarded the location of the private drive pointing at my front door and windows at a 5% grade).

Now with the 50% increase in the number of lots still to use the same private 20' driveway onto a main arterial (Scenic Dr.). Almost everyone in the neighborhood expressed some real concern regarding the traffic and safety. Still you did not refer this proposal to the Traffic and Safety comm.

Six homes --- 12+ cars and RV's at one trip per day equals 24 approaches at this access point, that is one per hour --- not bad over a 24 hour period but you and I know it doesn't work this way.

You have already seen the police department report regarding the 14+ accidents in this area. Please be aware, per Jay Waterberry, that does not include accidents that involve more serious charges. For example last Dec. 23 there was a wreck that pinned a boy in his car for over an hour as the neighbors can attest to after listening to his screams. That accident was cataloged as a DUII. I personally have seen more accidents than I can recall that have gone on down the road.

I have seen the 'Site Team's recommendations but I have no idea what was discussed by those in attendance. I would like to see the record and recommendations of the streets and maintenance representative. It would have been nice to include and inform the neighbors when decisions like that effecting the character of the neighborhood come up for discussion. Who addressed and what was said regarding fire

and particularly ambulance access since all homes will have entrances off of the private driveway.

Regarding the Site Team's recommendations #4 should be corrected to read three (3) existing curbcuts not two (2). See staff report May 3rd page two and staff report Aug. 30 page three. Also, in the May 3rd staff report, page 5, "it should --- no off-street parking ---." From where to where. Please explain.

I believe the neighborhood input was not solicited before these decisions were finalized. That should also be a concern of yours.

No one has discussed the growth of Columbia Gorge Community College. This year alone has really multiplied the number of students and cars. The school records show a 25% increase in students this fall. With the electronics program (INTEL) growing, the nursing program just starting with plans of growth, and now a ballot measure to annex part of Hood River County the traffic is increasing annually. From Dennis Whitehorse, there are 150 plus faculty and residents along with all the day and evening students -- averaging 1000 bodies per day using the campus. The college has added a new 55 car parking lot and there are still cars parked in the park and on Scenic Drive. This definitely implies more traffic.

I believe you have overlooked the specifics of some aspects of the problems that this sub-division will create. Please address specifically --- in writing:

1. No on-street parking on both sides of Scenic Dr. from where to where in feet!
2. Parking on the entire 20 ft. private driveway.
3. Who are the owners and decision makers regarding the regulation and maintenance of the hard surface driveway.
4. Will this main access just have a regular curbcut, or curbing?
5. Consider a no left turn going East on Scenic Drive to enter this drive, as up hill traffic is very scarie there at times. I invite you to come sit at my dining room table and observe the action for a while.

In closing, I want to let you know that Mr. Clark talked to me many times regarding his work on the KODL corner. At least a dozen times he told me he did not want to change the "character of the neighborhood" in his work there. All I can say is what a "piece of work" ██████████

Harley E. Earl

EXHIBIT 5

**KODL RADIO**  
404 E 2<sup>nd</sup> Street  
The Dalles, Oregon  
97058

October 4, 2001

**TO WHOM IT MAY CONCERN**  
The Dalles City Planning Commission

**RE: Development of former KODL property**

Please be aware that during the tenure of KODL operating from the Scenic Drive location in The Dalles, which was 60 years, the most cars in the parking lot at a given time would be five. However most of the time only two or three cars would be in the parking lot.

Having utilized the location for such a long time it is hard to imagine more than three homes being constructed on the property. The traffic merging into Scenic Drive presents a high risk, because of volume and the high rate of speed. I used to feel like I was taking my life in hand trying to pullout of the parking lot at KODL.

I have been approached by residents who live nearby I can fully understand their concerns.

Please feel free to discuss this with me at anytime.

Sincerely  
Al Wynn  
Gen Mgr.

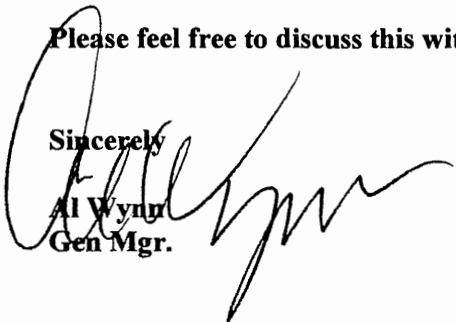
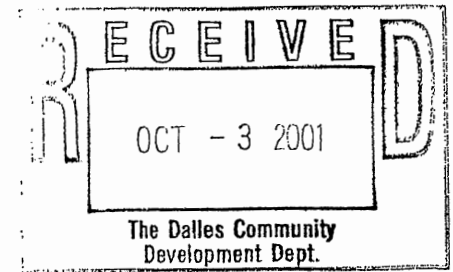


EXHIBIT 6

October 3, 2001

The Dalles Planning Commission  
City of The Dalles  
313 Court St.  
The Dalles, OR 97058



Re: MIP 188-01  
189-01

PLA 79-01  
80-01

Dear Commissioners,

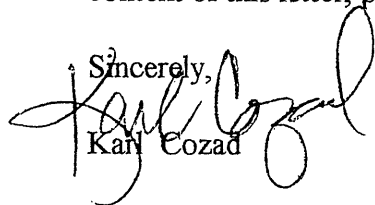
My name is Karl Cozad and I reside at 310 W. 20th, The Dalles. This letter is in reference to the above identified items of action. I am opposed to the proposal made the applicant to increase the number of building lots from 4 to 6. My opposition is based primarily on the increased risk of automobile accidents occurring on this section of Scenic Drive.

The first concern is that of decreasing the already limited visibility of oncoming traffic as one travels on Scenic Drive in either direction. This is without the addition of any new points of ingress or egress. I realize that 4 lots have been approved for access to Scenic Drive, but the addition of 2 more would increase that conflict of Scenic Drive traffic and vehicles entering the street by 50%. I would have to believe that the risk of potential accidents would increase at an even greater rate. Currently, drivers are challenged with visibility issues, when entering Scenic Drive from the intersection of West 20th and Scenic Drive. Any additional visual obstructions, such as houses and parked cars, along with additional driveways, will certainly be a detriment to that situation.

The second concern is that of increased levels of traffic. Certainly the 6 lots would generate a substantial increase in traffic counts, but on a larger scale is the fact that Columbia Gorge Community College has experienced a tremendous growth in student registration this Fall. Scenic Drive, being the only street to the college, has, and will continue to experience increases in traffic counts as a result of additional students at the college. Again, any additional traffic congestion along Scenic Drive will be an additional risk factor to safe travel along this street. I feel that by allowing the additional 2 lots we are be short sighted of the safety risks associated with such a decision.

My last concern is that of the potential development of the land directly across the street, and what impact that may have on any traffic flows into and out of the general area. If, indeed there is a plan, would it not be prudent to review it now and assess the total impact the neighborhood at large?

I appreciate the opportunity to express my views of opposition on the proposed changes of adding 2 lots to the existing plat plan. If you should have any questions regarding the content of this letter, please contact me at 296-9533.

Sincerely,  
  
Karl Cozad

## INCOMPLETE APPLICATION

### Introduction

The applications of Mark and RaeAnn Clark to partition the land and adjust the lot lines at 2112 West Scenic Drive are incomplete and should be denied. The City's requirements for partition applications are found in Chapter 9 of The Dalles' Land Use Development Ordinance, or LUDO. Chapter 9 pertains to land divisions such as subdivisions and partitions. Section 9.030.030 specifically lays out the requirements for partition applications.

### Identification of Natural Features

Section 9.030.030.A.14 requires that the tentative plat shall include "identification of significant natural features including, but not limited to, rock outcroppings, creeks, streams, ponds, riparian areas, and existing native, ornamental, and orchard trees having a trunk diameter of 14 in. or more at a point 5 feet above the ground." The tentative plat notes, "there are approximately 20 mature pine trees on the site." However, the side note claims that "20" is an approximation. An approximation in a side note falls short of the requirement to identify the trees on the tentative plat.

Also included in the tentative plat side note is a conclusion that there are no rock outcroppings on the site, which is not true. Within the area labeled Tax Lot 8100 on the tentative plat, there is a significant rock pedestal or capstone, similar in stature and appearance to the historic Pulpit Rock on 12<sup>th</sup> Street. The pedestal rises a least 6 feet above the ground and has been a significant feature on the parcel since time immemorial.

Being located near the City limits and Urban Growth Boundary, deer, raccoons, skunks, fox, and other animals often come through the area. The animals routinely cross the site and have created a path that is visible on the ground. However, the path is not identified on the tentative plat. Although Section 9.030.030.A.14 requires specific natural features such as trees and rock outcroppings to be identified, it clearly does not limit the requirement to the natural features that

have been specifically listed. Animal paths are natural features; and although they are not in specifically listed, they are natural features that must be identified on the tentative plat.

### Potential Physical and Environmental Constraints

Section 9.030.030.A.11 requires that the tentative plat shall include "approximate location of any potential physical and environmental constraints for review per the provisions of *Chapter 8: Physical and Environmental Constraints*. Such constraints include, but are not limited to, slopes of the land, erosion control, flood ways, flood plains, natural drainage ways, and geological hazard areas."

The site is located in an A2 Geo-Hazard Zone. Yet on the tentative plat, there is a note that "there are no significant physical or environmental constraints such as land slope, flood ways, flood plains, or natural drainage ways associated with the site." The statement is inaccurate and the tentative plat should be corrected to clearly show the geologic hazard associated with the site, in accordance with the application requirements.

### Conclusion

Failure to accurately identify the pine trees, rock outcroppings, animal paths, and geological hazards on the tentative plat in accordance with the Section 9.030.030 partition application requirements makes the Clark's applications incomplete. Although Section 9.030.030.B allows the Director to "waive any of the requirements where determined that the information is unnecessary to properly evaluate the proposed development," the staff report is void of any such determinations or waivers. Therefore, the applications are incomplete and the Commission should deny them.

## PARTITION REVIEW CRITERIA

### Introduction

The applications of Mark and RaeAnn Clark to partition the land and adjust the lot lines at 2112 West Scenic Drive do not meet the review criteria and therefore should be denied. As noted earlier, LUDO Chapter 9 deals with land division proposals. Within Chapter 9, Section 9.030.040.B identifies the proper review criteria for land partition applications.

Specifically, Section 9.030.040.B.2 requires that land partition proposals be consistent with the purposes of Chapter 9, relevant development standards of the LUDO, policies and density requirements of the Comprehensive Plan, Public Works standards and policies, and any other applicable policies and standards adopted by the City Council.

The purposes of Chapter 9 are set forth in Section 9.010, which states that the purpose is, among other things:

- to ensure that building sites are sufficient for their intended use and that lots to be created are within the density ranges permitted by the Comprehensive Plan;
- to ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
- to minimize negative effects of development upon natural environment and incorporate natural features into the proposed development where possible;
- to create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses; and
- to preserve, protect, and promote the public health, safety, convenience, and general welfare.

Planning staff properly evaluated the proposals with respect to the lot size and density requirements. However, without further analysis or discussion regarding the

consistency of the proposals with the other Chapter 9 purposes, planning staff concluded in their reports that the proposals will meet, or meet with conditions, all applicable policies and standards. In so doing, staff overlooked the fact that the proposals are not consistent with the Chapter 9 purposes. Moreover, the conditions in the proposed resolutions do not address the issues that were overlooked in the planning staff's evaluation.

#### Pedestrian, bicycle and motor vehicle safety

One purpose of Chapter 9 is to ensure safe routes for pedestrians, bicycles, and motor vehicles. Yet there is no analysis or discussion in the staff reports on the subject. Scenic Drive is a major arterial and it makes a 180° curve around the site. Over the years, the curve has been the location of many traffic accidents. Cars entering traffic from four lots at the site, whether from a single access point or not, will make the curve less safe than it was before when the radio station was there. However, four lots have been approved for the site.

Now the applicants want to increase the number of lots, and consequently the number of vehicles parking at the site and entering traffic, by 50%. Yet there is no discussion in the staff report as to how a 50% increase in vehicular traffic and parking will be accommodated while still ensuring safe passage of pedestrians, bicycles, and motor vehicles on Scenic Drive and the private drive.

Lack of adequate parking will affect the pedestrian, bicycle and motor vehicle safety. Section 7.060 requires only two parking spaces per dwelling unit. And the applicants are proposing a private drive that is only 20 feet wide, the minimum width that is required by Section 10.060.J.5. The result will be that residences with more than two vehicles, or guests with vehicles, will have to find parking elsewhere.

Parking on the private drive will not only preclude or impede traffic flow on the private drive, but it will also affect traffic flow on Scenic Drive as vehicles try to enter the site.

For that reason and probably for emergency (ambulance, police and fire) access reasons, Section 10.060.J.5 notes that no parking is allowed on private drives. If parking is going to be prohibited on the private drive, the staff report should indicate how that will be accomplished. Conversely, if parking is going to be allowed on the private drive, then the staff report should include an explanation as to how the flow of traffic on the private drive and on Scenic will not be impeded.

Obviously, parking on Scenic Drive will affect traffic flow on Scenic Drive, as well as block the view of vehicles trying to enter traffic from the private drive. In the May 3, 2001 staff report, a report that recommended denial of the applications and led to their withdrawal, planning staff noted that "no off-street (sic) parking shall be allowed on this bend on West Scenic Drive." However, the staff reports for these proposals today are silent on the issue of parking. If parking on Scenic Drive will be prohibited, the staff report should indicate how that will be accomplished. And conversely, if parking is going to be allowed Scenic Drive, then the staff report should include an explanation regarding the safe passage of pedestrian, bicycle and motor vehicle traffic.

Since adequate parking directly affects the safe passage of pedestrians, bicycles, and motor vehicles, failure to provide for parking and safe passage of pedestrians, bicycles, and motor vehicles in the proposals is also a failure to be consistent with the Chapter 9 purposes. Therefore, the proposals do not meet the Section 9.030.040.B partition review criteria.

#### Natural environment and features

As noted above, another purpose of Chapter 9, and hence a partition application review criterion, is to minimize negative effects of development upon the natural environment and to incorporate natural features into the proposed development. In my August 15, 2001 letter, I pointed out that Section 6.010.030.H requires that significant trees should be preserved to the greatest extent practical and integrated into the design of the

development. I noted that the mature pine trees at the site helped stabilize the soil, which is an important consideration since the site is in an A2 Geo-Hazard Zone.

However, the staff report response was that tree removal and soil stability as a result of tree removal are not criteria by which partition applications are reviewed. The staff reports contains no analysis or discussion as to how the negative effects of development can be minimized upon the trees or how the trees can be incorporated into the development.

In fact, the natural environment and natural features are a part of the land review process for land partition proposals. Failure to address how the negative effects of the development upon the natural environment can be minimized and failure to address how natural features can be incorporated into the development is a failure of the proposals to be consistent with the Chapter 9 purposes. Therefore, the proposals do not meet the Section 9.030.040.B partition review criteria.

#### Neighborhood identity

Another purpose of Chapter 9, and hence a partition application review criterion, is to create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses. However, there is no analysis or discussion in the staff reports as to how the proposals will accomplish that. A survey of 74 lots in the area showed that the average lot size is 0.28 acres. Although smaller lots are dispersed though out neighborhood, they have independent access points and blend into the neighborhood, fostering a sense of neighborhood identity.

On the other hand, the applicants propose to partition three lots, that average 0.25 acres, into five lots that average 0.15 acres. Although the proposed lot sizes are consistent with the Comprehensive Plan, the fact that they will be smaller than the average neighborhood lot size, and be clumped together with only a single access

point, will make them appear to be an intensive housing compound within the neighborhood. They will be distinct from the rest of the neighborhood and alter the neighborhood identity.

By the same token, destruction of the mature pine trees on the site will change the identity of the neighborhood. For some reason, whether due to micro-climatic conditions or the efforts of some foresighted individual long ago, Ponderosa pine trees are present at the big bend on Scenic Drive. The pine trees lend a character to the neighborhood that the residents, and visitors driving to Sorosis Park, identify with our neighborhood and the park. The pine trees make the neighborhood beautiful and attractive to the residents and to the visitors. Destroying the trees will destroy that beauty, attraction and neighborhood identity. And in the end, Scenic Drive will become less "scenic."

Yet, the staff reports do not include any analysis or discussion of the affects that the proposals will have on the identity of the neighborhood. There is nothing to show how the pine trees, which are the natural features, will be incorporated into the development. Nor do the proposals include any analysis or discussion as to how the neighborhood will be protected from the new more intensive land use.

Failure to consider how the proposals foster a sense of neighborhood identity and protect the neighborhood from the new more intensive land use at the new housing compound is also a failure to be consistent with the Chapter 9 purposes. Again, the proposals do not meet the Section 9.030.040.B partition review criteria.

### Conclusion

Section 9.030.040 review criteria are not just applicable to these proposals, they are applicable to every land partition proposal that the City receives. Land partition review does not begin and end with arithmetic calculations of lot size. Review must also include the difficult tasks of ensuring consistency with the purposes of the land division

ordinance. Since the proposals do not meet the Section 9.030.040 partition review criteria, the proposals should be denied.

MEMORANDUM

TO: Planning Commission Members  
Parties of Record

FROM: Gene Parker, City Attorney GP  
Dan Durow, Community Development Director DD

DATE: October 11, 2001

RE: Staff Analysis of Additional Issues

The staff has had an opportunity to research and review certain issues raised by the opponents to the minor partition applications submitted by Mr. and Mrs. Clark. To assist the Planning Commission members in their deliberations, this memorandum will separate a discussion of the issues into two categories; those issues which the staff believe are not relevant to the review criteria for minor partitions, and those issues which the staff believes are relevant under the review criteria. The review criteria for a minor partition is set forth in Section 9.030.040(B) which provides as follows:

- B. Review Criteria. Partition applications shall be reviewed to assure:
1. The tentative plat meets the Wasco County recording requirements.
  2. The proposal is consistent with the purposes of this Chapter, relevant development standards of this Ordinance, policies and density requirements of the Comprehensive Plan, Public Works standards and policies, and any other applicable policies and standards adopted by the City Council.
  3. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including provision of City services and access from a public street.

Issues Not Relevant to Review Criteria

One concern of the opponents was the lack of review of potential traffic safety concerns posed by the proposed partitions, by the Traffic Safety Commission. The Planning Commission does have the discretion to refer issues to the Traffic Safety Commission for their review and approval. The staff does not believe that a referral of this matter to the Traffic Safety Commission is warranted.

As discussed in the original and supplementary staff reports, Section 10.060(A) of the LUDO does not require a traffic study for the proposed applications, because they do not fit within the

category of a “significant traffic generator”, which is defined as a development proposal for 16 or more single or multi-family dwellings. Although there appears to be some conflicting testimony and evidence in the record as to the number and types of accidents that have occurred within the area immediately adjacent to the horseshoe curve, upon which the lots are located, the information supplied by the staff from the police department records does not establish a significant and consistent pattern of traffic accidents in this area.

Testimony was provided by the opponents indicating that some of the accidents which occurred in the area were caused by drivers who were speeding, or driving in a careless or reckless manner. Such evidence could indicate there is a need to increase the enforcement of traffic laws in the area, but there was no substantial evidence establishing that traffic generated by the proposed partitions would cause or contribute to unsafe traffic conditions. It may be appropriate for the Traffic Safety Commission to review whether there are traffic enforcement issues which could be addressed on Scenic Drive. In staff’s opinion, the proposed applications do not present any potential traffic safety concerns which would require the Traffic Safety Commission to examine the proposed partitions.

In his letter of opposition, Mr. Carter raised a concern that the applicants were in effect proposing to build a six-lot subdivision, and that the method of access proposed for the minor partitions would not be consistent with the access requirements for a six-lot subdivision. The Clarks previously submitted an application for a single lot line adjustment and a minor partition that created four lots. Under section 9.010 of the LUDO, this application complies with the definition of a “partition”. During the following year, the Clarks submitted the applications which are the subject of the current hearings, for lot line adjustments and minor partitions to create two more lots. The new applications also fit within the definition of a “partition” under Section 9.010. There does not appear to be any provision in the LUDO which prevents the Clarks from submitting the applications for consecutive minor partitions. If there is a concern that allowing consecutive minor partitions reflects a bad policy, those concerns need to be addressed through a process of amending the City’s land use ordinance.

A concern was also raised as to whether Mid-Columbia Fire and Rescue had a sufficient opportunity to comment upon the proposed application, and address any potential concerns over access through the proposed single driveway. In a telephone conversation with the City Attorney, Stu Nagel, the Fire Marshal for Mid-Columbia Fire and Rescue, confirmed that he had reviewed the proposed applications, as part of the site team review process, and determined the fire department had no objections to the proposed applications. Mr. Nagel indicated the proposed access complied with the requirement that the fire department be able to get equipment within 150 feet of the ground level of a structure, and he also indicated the placement of fire hydrants complied with fire code requirements.

In Mr. Carter’s letter of opposition (which was labeled Exhibit #4 at the October 4<sup>th</sup> hearing), he expressed a concern about “potential market resistance” to the development of the property, a concern over long term maintenance of the private driveway, and a concern that the application

did not comply with the provisions of Section 1.020 which sets forth provisions concerning the purpose of the LUDO. None of these concerns address any of the specific review criteria under Section 9.030.030(B), and they are not relevant for purposes of the Planning Commission's deliberations.

In Mr. Nadler's letter of opposition (which was labeled Exhibit #7 at the October 4<sup>th</sup> hearing), he asserted the applications were incomplete. In support of his assertions, Mr. Nadler claimed the applications did not comply with Section 9.030.030(A)(14) by failing to identify several "significant natural features" which allegedly exist on the property. Mr. Nadler claimed the plat contained a footnote which refers to "approximately 20 mature pine trees" on the site. He also claimed there was a large outcropping on Tax Lot 8100 which was not shown on the tentative plat. Finally, he argued there were several paths or trails which have been created by animals which were not shown on the tentative plat.

The term "identification" is not defined in Section 9.030.030(A)(14). Section 2.010 of the LUDO provides that "All words and terms used in this Ordinance have their commonly accepted, dictionary meaning unless they are specifically defined in this Ordinance, or the context in which they are used clearly indicates to the contrary." Webster's dictionary defines "identification" as the process of recognizing as being shown, or showing a person or thing to be the very person or thing known, described or claimed, or to fix the identity of the person or thing; for example, to identify a biological specimen. There is no specific language in Section 9.030.030(A)(14) that requires the precise location of the alleged natural feature be shown on the tentative plat. Staff believes the plat sufficiently identifies the existence of the trees by noting their presence in the note on the tentative plat.

Concerning the presence of the large rock outcropping on Tax Lot 8100, this particular tax lot is not one of the lots which is proposed for partitioning, and therefore, there is no need to show this feature on the tentative plat. Regarding the alleged failure to show existing animal trails on the tentative plat, under the language in Section 2.010, the Planning Commission should consider the context of the examples of natural features listed in Section 9.030.030(A)(14). The examples listed include rock outcroppings, creeks, streams, ponds, riparian areas, and existing trees. These are all features created by nature or by man, not by animals. The examples refer to permanent natural features, not to temporary or transient features created by animals. Staff believes the Planning Commission should interpret Section 9.030.030(A)(14) not to include animal paths as "significant natural features".

Mr. Nadler also asserted the application was incomplete under Section 9.030.030(A)(11) by containing a note that "there are no significant physical or environmental constraints such as land slope, flood ways, flood plains, or natural drainage ways associated with the site." Mr. Nadler asserts this claim is inaccurate. The tentative plat does contain a note (Note #2) that the site is located within the A-2 geological hazard zone. Staff believes that the plat complies with the provisions of Section 9.030.030(A)(11).

### Issues Which Are Relevant to the Review Criteria

The second primary argument presented by Mr. Nadler in his letter of opposition was that the applications failed to comply with the review criteria set forth in Section 9.030.030(B)(2), which requires the proposals be consistent with the purposes of Chapter 9. One of the stated purposes in Section 9.010 is to “ensure that building sites are sufficient for their intended use and that lots are to be created within the density ranges permitted by the Comprehensive Plan”. Staff believes that the discussion and the findings of fact set forth on pages 6 and 7 of the original staff report, which discuss the applicable provisions of the Comprehensive Plan, are sufficient to establish the proposed lots are designed for single family dwellings, and of a sufficient size to comply with the density ranges established by the Comprehensive Plan.

Another purpose stated in Section 9.010 is to “ensure economical, safe and efficient routes for pedestrians, bicycles and motor vehicles”. East Scenic Drive is classified as a collector street. It is the staff’s opinion that the capacity of East Scenic Drive is sufficient to handle the additional traffic to be generated by the proposed minor partitions, in a safe and efficient manner. As discussed previously, the number of proposed single family dwellings proposed by the development is not sufficient to qualify as a “significant traffic generator” requiring a traffic study. Information provided by staff based upon records provided by the police department did not appear to establish a significant consistent pattern of traffic accidents in the vicinity of the lots proposed to be partitioned. Evidence of accidents caused by speeding or careless drivers may indicate a need to increase traffic enforcement in the area, but there was no substantial evidence that the proposed applications would be generating significant traffic, or creating a situation that would pose a threat to traffic safety in the area. The proposed vision clearance area shown on the tentative plat, and the two additional conditions recommended in the supplemental staff report, are designed to address any potential concerns about traffic safety in the area.

Another of the stated purposes in Section 9.010 is to “minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible.” As discussed previously, the only significant natural feature which would appear to qualify under Section 9.030.030(A)(14) are the pine trees, and the applicants complied with the requirement to identify those trees on the tentative plat. The opponents expressed strong concerns over the loss of the existing trees on the property. Such testimony appears to be speculative in nature, as there was no direct testimony that the trees were going to be removed. The ability to incorporate the existing trees into the development will depend in large part upon the geological impact statement which will have to be performed for each individual lot, before a building permit will be approved for that particular lot. The Planning Commission has the discretion to include a condition of approval that encourages the applicant to preserve as many trees as possible when the property is finally developed.

Section 9.010 also provides a stated purpose is “to create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses”. Mr. Nadler argued the proposed lot sizes will be typically smaller

than the average lot sizes in the area, and with the single access driveway, the area will appear to be an “intensive housing compound”, out of character with the neighborhood. Mr. Nadler is in effect arguing the proposed partitions will not be aesthetically acceptable.

Staff is concerned that the criteria in the stated purpose could be subject to challenge under the provisions of ORS 197.307 which requires that standards or conditions regulating appearance or aesthetics, in whole or in part, when applied to an application involving “needed housing” or to a permit for residential development, must be clear and objective, and the standards or conditions cannot be applied in such a manner as to deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zoning district.

Under Goal #10 of the City’s Comprehensive Plan concerning housing, 167.0 acres has been identified as needed for the low density residential zoning classification. The Comprehensive Plan indicates that certain infill strategies should be implemented commensurate with adequate design standards to ensure compatibility with existing and new neighborhood development patterns. On page 34 of the Plan, several different options are listed for single family dwellings. Sub-Goal #1 of Goal 10 states the Plan should “Promote and provide an adequate supply of safe, healthy and affordable housing for all members of the community in a variety of housing types recognizing the need and desires of the community’s residents”. Implementing Policy #1 of Goal #10 states the Plan should “Provide for development of a wide range of housing types which may include single-family detached and attached housing, townhouses, apartments and condominiums, and manufactured housing and mobile homes. Housing types shall allow for a variety of price ranges to meet the needs of low, medium and high income groups.”

The language in the Plan would appear to indicate that a variety of housing types has been identified as “needed housing” within the City. Although an application for a minor partition is not technically defined as an application for a “permit” for purposes of ORS 197.307, staff is concerned that if the criteria of “creating residential living environments that foster a sense of neighborhood identity”, is somehow construed to provide a basis for denying the application for the partitions, this will have same effect as denying an application for a building permit to construct a dwelling upon the lots. The criteria in this portion of the purpose language appears to be directly focused towards issues involving aesthetics and appearance of the proposed development. The legislative history of ORS 197.307 indicates that the legislature’s intent in adopting the legislation was to prevent cities from discriminating against certain styles of housing, such as manufactured housing. If the opponents’ concerns are that the proposed development could produce “an intensive housing compound”, which could include manufactured housing or some other form of single family dwelling other than a traditional stick built home with a single driveway access, such concerns appear to directly contradict the stated purpose of the state legislation, and a denial of the partitions on this basis would appear to be inconsistent with the policy of the State of Oregon.

The language expressing a concern for the need to “create residential living environments that foster a sense of neighborhood identity” appears to be subjective in nature, and it is very similar in

scope and style to the type of standards which the Land Use Board of Appeals determined did not comply with the “clear and objective” requirements of ORS 197.307 in the case of Rogue Valley Association of Realtors v. City of Ashland, LUBA No. 97-260. For this reason, and the reasons stated above, staff recommends that the Planning Commission not construe this criteria in a manner that would allow for denial of the applications.


Regarding the concern raised by Mr. Nadler that the applications do not comply with the stated purpose to “protect an existing neighborhood from the adverse effects of heavy traffic and more intensive land uses”, the provisions and conditions which the staff have recommended to establish the clear vision area and the no parking zones indicate the proposals are designed to mitigate any negative traffic impact. As mentioned previously, the number of proposed single family dwellings in the development are not sufficient to warrant a traffic study. Concerning the possible effects of more intensive land uses, the property to be developed is zoned “R-L” Low Density Residential, so the allowed uses on each of the proposed lots is not more intensive than the uses existing on the surrounding property.

# City of The Dalles

## STAFF REPORT

Conditional Use Permit No. 122-01

Union-Baker Education Service District  
Administrative Offices & Resource Center

Prepared by: Dan Meader, Interim Planner 

Procedure Type: Quasi-Judicial

Hearing Date: October 18, 2001

Assessor's Map: Township 1 North, Range 13 East, Map 3BD

Tax Lot(s): 9700, 9800

Address: 414 Federal Street

Location: Northeast corner of 4<sup>th</sup> and Federal Streets

Comprehensive Plan Designation: "CBC" Central Business Commercial

Zoning District: "CBC" Central Business Commercial

Request: Establish Community Facilities Overlay "CFO" to allow conversion of existing structure to provide Administrative Offices and a Resource Center for Union-Baker ESD.

### BACKGROUND INFORMATION

The Union-Baker Education Service District is establishing an Administrative Office and a Resource Center in the former The Dalles Chronicle building at located at 4<sup>th</sup> and Federal Streets in the City. The ESD is providing services for both Wasco and Moro Counties. The District provides alternative educational opportunities for pregnant teens, parenting teens and those students re-entering the public educational system. The Resource Center will provide many of the same services as the former Learning House. The District operates 17 of these facilities in 34 school districts and will be serving students of District 12 with this facility.

There is little change anticipated with the building, only new paint and carpets will be added. There are approximately 14 off street parking spaces; however, the applicant states that only 3 to 6 will be needed.

#### **NOTIFICATION**

Property owners within 600 feet as the requirements of the Community Facilities Overlay zone requires, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes.

#### **COMMENTS RECEIVED**

➤ **Property Owner Comments** – No comments were received as of the date this report was written.

➤ **Site Team Comments** – (September 20<sup>th</sup>, 2001)

##### Engineering/Utilities/Planning

- Final submission/plat will have to meet all the requirements outlined in Section 3.050 in the LUDO.
- Applicant will need to pay \$350.00 application fee. Tentatively the application will be set for the October 18<sup>th</sup>, 2001 Planning Commission meeting.

##### Mid Columbia Fire & Rescue

- Because of the type of use proposed, the State Fire Marshall will be inspecting the site & building.
- On a site check the local Fire Marshall said that he noticed a stove that may be of a concern to the State Fire Marshall.

**RECOMMENDATION:** Approval, with conditions, based upon the following findings-Of-fact.

#### **A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222:**

##### **Section 3.010.040 Applications:**

###### *Subsection B. Completeness.*

**FINDING A-1:** This application was found to be complete on September 25, 2001. The 120-day State mandated decision deadline is January 23, 2002.

##### **Section 3.020.050 Quasi-Judicial Actions:**

###### *Subsection A. Decision Types, 3. Conditional Use Permits:*

**FINDING A-2:** This application is for a Conditional Use Permit per Section 5.100, Community Facilities Overlay District. The review criteria are listed in Section 3.050.

##### **Section 3.050.040 Review Criteria**

*Subsection A. Permitted Conditional Uses.* The Permitted Conditional Uses within the CFO zone include, under 5.100.020, J, Public and Private Schools and Facilities. The proposal is for public education Resource Center and Administrative Office.

*Subsection B. Standards.* The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located.

**FINDING A-3:** This is an existing structure with no exterior modifications contemplated. The scope of this review is limited to the change of use characteristics of the building from commercial activity to a public school facility.

*Subsection C. Impact.* The location's size, design, and operating characteristics of the proposed use shall be reasonably compatible with and have minimal adverse impact on the legal development of abutting properties and surrounding neighborhood, with consideration given to:

1. *Harmony of scale, bulk, building coverage, and density.*  
**FINDING A-4:** This is an existing structure. No exterior or interior modifications are contemplated for the building.
2. *The availability of public facilities.*  
**FINDING A-5:** This is an existing site with all public facilities including sewer, water, public access, and other private utilities—power, telephone, TV cable, etc., available.
3. *Any harmful effects on desirable neighborhood characteristics and livability.*  
**FINDING A-6:** This is an existing commercial structure. No significant or harmful impacts are anticipated with the conversion of this structure to a community facility to be used as a public school.
4. *Traffic generation, the capacity and safety of surrounding streets and alleys.*  
**FINDING A-7:** The structure is located at the northeast corner of 4<sup>th</sup> and Federal Streets in the City at the edge of the downtown core area. Both streets serve commercial traffic. There are ample pedestrian walkways, with ADA ramps in the downtown area.
5. *Bicycle and Pedestrian Circulation, Access, and Safety.*  
**FINDING A-8:** This structure has been used as a community retail center for many years. The building is ADA accessible. There are no existing bike racks available in the parking area. This will be addressed as a condition of approval.
6. *Any other impacts of the development deemed relevant to the Commission.*

**FINDING A-9:** This is an existing facility with no changes being proposed. The level of use of the structure will be less intensive than the former use as a newspaper publishing facility.

**B. COMPREHENSIVE PLAN POLICIES**

The Comprehensive Plan was adopted in 1994.

1. *Encourage the development of public and private facilities that meet the community's economic, social, and cultural health and educational needs.*

**FINDING A-10:** The proposed facility serves an identified need in the community for alternative education opportunities. This facility will provide an opportunity for a limited number of students to continue their education in less formal surroundings. This facility will also serve as administrative offices for providing these services in Wasco and Moro counties.

**CONDITIONS OF APPROVAL:**

1. Signs are to be applied for under a separate permit process.
2. A three space bicycle rack is required with this use.

# PROPERTIES WITHIN 600 FT OF CONDITIONAL USE PERMIT 122-01 WITH COMMUNITY FACILITY OVERLAY



- ☆ Subject Property
- Notified Properties
- Taxlots
- Streets/ Right-of-Way