



CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, October 18, 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, and Jean Thomas

Absent: Mark Poppoff

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

AGENDA: Dan Durow, Community Development Director, asked to amend the agenda by adding a review of the Sun Ridge subdivision final plat as item VIII, renumbering the items after. Ahlberg moved to approve the Amended Agenda and Bryant seconded. The motion passed unanimously, Poppoff absent.

MINUTES: Lavier asked if any corrections were needed for the minutes of October 4, 2001. There were no corrections. Ahlberg moved to approve the minutes and Bryant seconded. The motion passed with Lavier, Bryant and Ahlberg voting for, Thomas abstaining and Poppoff 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.

Lavier opened the public hearings for deliberation and discussion on Minor Partitions 188-01 and 189-01, as well as Property Line Adjustments 79-01 and 80-01.

Discussion

Thomas asked where the no parking zone would be.

Durow said where the road begins to make its curve, approximately, on both sides of the street. Staff will work with the applicant to define the no parking zone.

Lavier asked Commissioners to view the aerial photo in their information packet to see the proposed no parking area.

Ahlberg asked if there had ever been a traffic count for that corner.

McCabe replied that he is not aware of a traffic count.

Ahlberg asked if Staff had additional traffic accident information from the Police Department.

Durow replied no, Staff had not requested any new evidence.

Parker informed Commissioners that Staff felt there wasn't sufficient evidence to indicate that this specific proposal would create a hazard or increase congestion. There was a concern about other drivers in the area who apparently may be driving excessively fast or causing the problem but there was no evidence that the problem was being caused by the proposal itself. There could be some traffic enforcement issues generally in the area that need to be addressed by Traffic Safety.

Ahlberg felt the Commission had been supplied with incomplete information.

Durow replied that the Police information shows this corner of Scenic Drive is no different than any other corner on Scenic Drive.

Ahlberg asked if there were any plans for a traffic study.

Durow said there are no plans for a traffic study. He believes a study would show, however, that Scenic Drive could carry more traffic.

Thomas asked if the Traffic Safety Commission had any type of comparative figures on what are the dangerous spots here in town. Thomas asked if that was part of what they do or can it be done? There was a fatal accident on Brewery Grade, which doesn't happen every day. Thomas stated there were traffic counts on West 10th recently.

Staff wasn't aware of any comparative figures.

Ahlberg said he was bothered that the side lot lines are not at right angles to the street. He asked Staff to give him examples where this has been approved before.

Durow said he would need to look that information up.

Bryant asked to re-visit the serious accident issue. He pointed out that DUI's and reckless driving citations were not shown on the report presented by Staff and that really bothered him.

Durow replied that the "accident report" doesn't show drunken driving citations because they would be charged as a different crime.

Thomas asked when the A-2 zoning for geohazards was created.

Durow replied about ten years ago.

Thomas asked if testing for hazards would be required before a building permit is issued in the new development.

Durow replied yes.

Ahlberg stated that he has difficulty with the proposals. He feels the original partition creating four lots meets the neighborhood character criteria better. He stated that, were this in some other area rather than a major arterial like Scenic Drive, he would be more in favor of it. The lots seem small. He recognizes that the provisions in the Land Use Ordinance allow for these smaller lots but if it were as simple as allowing it at all times the Planning Commission wouldn't be here to review these kinds of things. He thinks this is a classic example of where the community input is important as well as a long-range look at our community. He knows other development is going to happen in the area. He would be much happier having only the four lots on the corner.

Thomas said change is going to happen, it is inevitable.

Ahlberg said he knows these proposals can be done but just because it can be done doesn't mean necessarily that it should be done.

Lavier said he agrees in principle but believes that the LUDO would not support a denial.

Thomas asked what would happen if the Commission denied the applications.

Durow said it could be appealed to the City Council as a new hearing and then, if appealed again, to LUBA where it would not be a new hearing but would be reviewed on the record.

Lavier asked what would happen if the Commissioners ended in a 2 – 2 vote.

Parker said at the end of the 120-day deadline the application would automatically be approved.

Parker asked Commissioners to review the criteria they felt was lacking.

Commissioner Ahlberg said the lot lines not being at right angles to the street is one area where he feels the criteria is not met. One other issue is that the development could create a traffic safety issue on this corner. Also, the smaller lots created by the additional partitions would make it hard to save any of the pine trees identified on the plat.

Durow said that the City does not control trees on private property other than if they are diseased or something similar. A property owner anywhere in the community can plant a tree or cut a tree down on his or her property. Staff tries to encourage maintaining the trees and that's about as far as staff can go.

Bryant wondered if there had been any discussion regarding a "no left turn" when coming out of the driveway for this property.

Durow replied placing a no left turn would probably cause people to turn on 20th Street, drive through that neighborhood and come down the side of Sorosis Park.

Mr. Earl made a point of order that in the Staff Analysis of Additional Issues document, page four, "East" Scenic Drive should be "West" Scenic Drive.

Thomas said she had asked about that herself. Secretary Ball had told her it was a typographical error and should be obvious West Scenic Drive is what was meant.

Ahlberg asked what the set back lines would be on a curb radius.

Durow said the set backs in the Residential Low Density zone are: front yard fifteen foot minimum, rear yard ten foot minimum, and side yard, interior side, is five foot and ten foot if on a corner lot. A garage has a twenty-foot minimum set back facing the street. These are not considered corner lots because two streets do not intersect at a right angle.

Commissioners deliberated briefly about the traffic issues of West Scenic Drive. A long range traffic study was a suggestion. Commissioner Ahlberg felt four lots would allow for better traffic visibility on that corner lot. He also feels the City has identified this area of West Scenic Drive as a dangerous intersection by making it "no parking" on both sides. Ahlberg also feels two additional lots on this corner are not to the long range benefit of this community.

Lavier said he would entertain a motion if the Commissioners were ready.

Ahlberg moved to deny the applications for Minor Partition 188-01, Property Line Adjustment 79-01, Minor Partition 189-01 and Property Line Adjustment 80-01 for two reasons. One, that they do not comply with 9.030.040 (B)(2) that states that the proposal be consistent with the purposes of Chapter 9. Specifically, (Section 9.010) that the proposal ensure economical, safe and efficient routes for pedestrians, bicycles and motor vehicles and also that the proposal creates residential living environments that are protected from the adverse effects of heavy traffic. And two, Section 9.020.020 (C)(5) that the lot side lines are not at right angles to the street as far as practicable.

The primary basis for Ahlberg's motion is that the evidence and testimony presented by the neighbors convinced Ahlberg and other Commissioners that there were traffic safety issues that were not sufficiently addressed and there is a hazard created by this proposal that has not been sufficiently addressed.

Thomas seconded the motion. The motion failed with Ahlberg voting for and Lavier, Thomas, and Bryant voting against; Poppoff absent.

Parker again recommended that the Commissioners go back to the criteria and review the findings.

Commissioners deliberated about off-street parking on these smaller lots. Chair Lavier reminded Commissioners that the physical development of these lots is a separate issue and not criteria for these partition applications.

Dale McCabe, City Engineer and a member of the Traffic Safety Commission, said a couple of the opponents to the applications had brought the situation up at the October 17, 2001 meeting of the Traffic Safety Commission. The Traffic Safety Commission's response was that they felt it was not a favorable situation but they could not stop the proposal based upon information presented to them.

Bryant stated again that he wants them to address it in a formal manner.

Bryant moved to approve the applications for Minor Partition 188-01, Property Line Adjustment 79-01, Minor Partition 189-01 and Property Line Adjustment 80-01 based upon the findings of fact as presented in the Staff reports, with the original five conditions, modify Condition six to extend the no parking zone to the end of tax lot 8100 on the inside of the curve and add condition number seven to refer the applications to the Traffic Safety Commission so they can further address the traffic safety situation.

Thomas seconded the motion. The motion passed with Bryant, Thomas and Lavier voting for, Ahlberg voting against, and Poppoff absent.

Lavier recessed for a five-minute break at 8:00 pm.

The Planning Commission meeting resumed at 8:05 pm.

Public Hearing

Lavier read the rules for conducting a public hearing. Lavier asked if any commissioner wished to declare a conflict of interest, 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 opened the hearing for **Conditional Use Permit 122-01, Union/Baker Educational Service District to apply a Community Facility Overlay to the existing underlying zones in order to site Administrative Offices for both Wasco and Morrow County E.S.D. as well as a**

resource center for approximately 25 students needing alternative schooling. Property is located at 414 Federal Street, the former Chronicle building.

Dan Meader, Planning Consultant, presented the Staff Report. He asked if there were any questions.

Thomas asked if the Chronicle sign was gone and was informed it is gone.

Ahlberg asked if the gravel parking behind the building was part of the E.S.D.'s facility.

Dan Spatz, Editor of The Dalles Chronicle, advised Dan Meader that the gravel parking lot is owned by Kargl, Elwood and Geiger and not a part of the former Chronicle facility.

Dan Meader relayed that information to the Commissioners.

Thomas asked if the building was already occupied.

Meader said yes. He also noted that there are no landscaping requirements in the Central Business Commercial zone.

Proponent Testimony:

Lavier asked if there were any proponents who wished to speak.

Lyle Mann, Union/Baker Educational Service District, 10214 Wallowa Lake Highway, Island City, Oregon 97850 spoke in favor of the proposal. Mr. Mann said twenty five students would be close to the maximum. The Union/Baker E.S.D. is an accredited educational facility. They contract their services to other counties.

Ahlberg asked what typical day is like.

Mann said most students are at the facility an average of four hours daily. The facility is open four days a week, from 7:30 am to 5:30 pm. They also teach life skills such as home economics and personal finance.

Ahlberg asked if they would ever acquire the gravel parking lot.

Mann said he didn't think that they would need it.

Opponent Testimony:

There was no opponent testimony.

Lavier closed the public testimony portion of the hearing.

After a brief deliberation, Thomas moved that Conditional Use Permit of the Union/Baker Educational Service District to apply a Community Facility Overlay to the existing underlying

zones in order to site Administrative Offices for both Wasco and Morrow County E.S.D. as well as a resource center for approximately 25 students needing alternative schooling be approved. Bryant seconded the motion. The motion carried unanimously, Poppoff absent.

RESOLUTIONS:

Thomas moved to approve Resolution 422-01 approving Minor Partition 188-01 and Property Line Adjustment 79-01, with conditions, of Mark and RaeAnn Clark. Bryant seconded. The motion carried with Lavier, Thomas, and Bryant voting for and Ahlberg voting against; Poppoff absent.

Thomas moved to approve Resolution 423-01 approving Minor Partition 189-01 and Property Line Adjustment 80-01, with conditions, of Mark and RaeAnn Clark. Bryant seconded. The motion carried with Lavier, Thomas, and Bryant voting for and Ahlberg voting against; Poppoff absent.

Bryant moved to approve Resolution 425-01 approving Conditional Use Permit 122-01, with conditions, of Union/Baker Educational Service District. Thomas seconded and the motion passed unanimously; Poppoff absent.

SUN RIDGE SUBDIVISION:

Durow handed out copies of the final plat and gave a brief history of the project. He noted that Dale McCabe, City Engineer, still needed to sign the final plat pending completion of a few minor details. Also, Gene Parker, City Attorney, will need to approve the bond. Bryant moved that the final plat be approved with the above-mentioned conditions. Thomas seconded. The motion passed with Lavier, Thomas, and Bryant voting for, Ahlberg abstaining, and Poppoff absent.

COMMISSIONER COMMENTS AND CONCERNS

Bryant asked about the Administrative Decision he received on the home business for Deanna Molina.

Staff informed Commissioners that a new building would be constructed on the site. The materials currently being stored outside will go inside the new building.

Durow informed Commissioners that a Sidewalk Plan would be presented to City Council on Monday, October 22, 2001.

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

Durow replied the one qualified applicant had accepted a position elsewhere. The position has been re-posted "until filled".

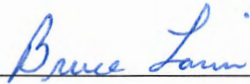
NEXT MEETING:

The next scheduled meeting on November 1, 2001 is cancelled. It appears a public hearing will be on the agenda for November 15, 2001.

ADJOURNMENT:

The regular Planning Commission meeting was adjourned at 9:05 P.M.

Respectfully submitted by Denise Ball, Administrative Secretary.



Bruce Lavier, Planning Commission Chair



**City of The Dalles
Planning Commission**

**STAFF REPORT
Conditional Use Permit No. 123-01**

**Wayne and Laurel Lease
Alzheimer's Care Facility**

Prepared by: Community Development Department Staff
Dan Meader, Contract Planner *DM*

Procedure Type: Quasi-Judicial

Hearing Date: November 15th, 2001

Assessor's Map: 1 North 13 East 4DC

Tax Lot: 4200

Address: 1812/1816 Liberty Way

Comprehensive Plan
Designation: "RL" Low Density Residential

Zoning District: "RL" Low Density Residential

BACKGROUND INFORMATION

The applicants, Mr. and Mrs. Lease, are seeking a Conditional Use Permit approval for a Concept Site Plan to develop an Alzheimer's Care Facility on property they own at 1812/1816 Liberty Way.

A Concept Site Plan allows the applicant to go through the planning process without having to expend a significant amount of money for detailed engineering plans and drawings. Once the Concept Site Plan Approval/Conditional Use Permit has been granted, the applicant can then begin the detailed engineering effort, knowing that the site can be approved and the

project can go forward, provided the City staff approves the detailed site plan and landscaping plan. The State of Oregon must also license the facility prior to operation.

The Site

The site contains approximately 0.83 acre of vacant land lying adjacent to Liberty Way. The site has northwest-facing slopes ranging from 5 to over 20 percent and would be considered a challenging site to develop. Water, sewer, storm sewer, and other public utilities, i.e., phone, cable, and power are readily available to the lot although there would be some construction costs associated with providing service into the property. Those costs would be borne by the developer.

City Planning and Zoning

As indicated above, the property is planned and zoned "RL" Residential Low Density. As such, a residential care facility is an allowable conditional use. The City's ordinance allows Concept Site Plan Approval as a part of the Conditional Use Permit Review Process.

CONCEPT SITE PLAN

The applicant's Concept Site Plan relies upon a base topography map prepared by a local engineering firm in 1965. The applicant states that the conditions on the parcel are generally the same as depicted upon the map prepared 36 years ago. The applicant has drafted a proposed Development Plan and overlain it on the topography map, which is contained within your packet. The Concept drawing indicates a 6,500 square foot structure that would house up to 15 Alzheimer's patients. A driveway from Liberty Way to the upper reaches of the tract would be constructed. The applicant indicates that the slopes would be in the character of 20 percent on the upper levels of the driveway. A total of 7 off-street parking spaces, including one handicap space, would be provided and a 10' x 10' bicycle rack would be provided adjacent to the handicap parking area. The height of the structure will be 22-1/2 feet. No specific floor plan for the structure has been submitted and in the Concept Site Plan process, none is required.

NOTIFICATION

Property owners within 100 feet, City Departments, and franchise utilities were notified. The notice of public hearing was also published in The Dalles Chronicle.

COMMENTS RECEIVED

- ◆ **Property Owner Comments** – At the time of this writing, one comment had been received from Margaret Nester. That comment is attached.

- ◆ **Site Team Comments** – September 6th, 2001
Engineering/Utilities/Planning
 - Final submission/plat will have to meet all the requirements outlined in Section 3.050 in the LUDO.

- Water and Sewer are available in Liberty. New services will be required with any development. Both existing and proposed utilities will need to be shown on the final plat.
- The driveway will need be a 5% grade for the first 20 feet and must be at a ninety-degree angle to the street. The remainder of the driveway shall not exceed a 12% grade.
- A defined approach is required, and the driveway and parking area will need to be paved.
- Sewer line through property is “live” and easement needs to be maintained and not built upon. A driveway is acceptable, however.
- Parking will require a minimum of one space per four beds with no maximum. Bicycle parking requirements are one space per six beds. Applicant is proposing a minimum of six parking spaces and one ADA space.
- Parking lot landscaping is required on lots larger than six spaces and is 10% of the parking area.
- Landscaping is not required in the “RL” – Residential Low Density Zone, however City staff would encourage landscaping for this site.
- A waiver of remonstrance for sidewalk, curb & gutter will be required with development.
- The additional fire hydrant requested by the Fire Marshal will need to be located in the right-of-way. The City will not allow the hydrant to be attached to the water line that currently runs through the property. The City plans to abandon that line within in the next few years.

PUD

- No issues with this request. Applicant will need to contact the PUD for service connection.

Mid Columbia Fire & Rescue

- The driveway shall not exceed an 8-10% grade.
- A fire hydrant will need to be installed towards the middle of the property (in the right-of-way) in order to best serve the lot.
- Applicant will need to contact Fire Marshal for any questions or concerns.

◆ Fire Marshal – (Telephone conversation September 28th, 2001)

Telephone conversations with the City’s Fire Marshal on Friday, September 28th, 2001, indicated the Fire Marshal’s willingness to work with the applicant on the site, recognizing that this is a difficult site to develop. There are a number of factors that will influence the requirements of Mid-Columbia Fire & Rescue. These are based on decisions that will have to be made by the applicant and, until that time, specific requirements cannot be determined. These include the size and location of the building, the type of construction, the grading and/or paving of the driveway, the amount of water available in the existing lines on Liberty Way, and other factors. Based on the information in the Concept Plan, no determination can be made now.

The recommended condition of approval will be that the final design satisfies any requirements of Mid-Columbia Fire & Rescue.

CITY LAND USE AND DEVELOPMENT ORDINANCE REQUIREMENTS

The City staff worked with the applicants for an extended period of time to bring the Concept Site Plan into compliance with City standards. The following findings indicate compliance with the initial submittal requirements of the Land Use and Development Ordinance.

◆ **Section 3.010.040 (B)**

The application was found to be complete on October 26, 2001. The 120-day time frame for Final Decision is February 28, 2001.

◆ **Section 3.020.050**

A. **Quasi-Judicial Applications, Conditional Use Permits**

The application is for a Conditional Use Permit for the Concept Site Plan for a residential care facility located within the Low Density Residential zoning district.

B. **Staff Report**

A staff report has been prepared and has been available for review by the general public.

C. **Public Hearings**

A public hearing is scheduled for November 15, 2001.

D. **Notice of Hearing**

A notice of hearing has been submitted to adjoining property owners and public notice has been published in the local newspaper.

◆ **Section 3.050.030**

A. **Review Procedures and Requirements**

The required copies (15) of the Concept Site Plan have been submitted to the Department.

◆ **Zoning Requirements for Development**

The following table indicates the substantive siting criteria for the RL zone and the applicant's Concept Site Plan responses to these standards. A general finding is that the Concept Site Plan complies with the required siting standards of the RL zone.

Low Density Residential	Standard	Proposal	Meets Requirements
Lot Size	7,260 square foot minimum	Approximately 0.83 acre	Yes
Setbacks	Front = 15 feet (garage = 20 feet) Rear – 10 feet Sides – 5 feet	28 feet to front of structure, 13 feet to deck, 10 feet rear, 10 to 140± feet on either side yard	Yes/depending on final site plan and height of deck
Building Height	30 feet	22-1/2 feet	Yes
Lot Coverage	60% Maximum	20% Structure Only	Yes
Building Orientation	The front building line shall be parallel to the street or private accessway	Oriented toward Liberty Way	Yes
Off-Street Parking	Auto @ 1 per 4 beds minimum with no maximum and bicycle @ 1 per 6 beds. Requires 4 car and 3 bicycle spaces	7 auto spaces including 1 accessible space. Unspecified number of bicycle spaces	Yes for auto and yes, with condition that bicycle rack be capable of securing 3 bicycles
Accessory Uses, Buildings and Structures	Per Section 6.030	Trash storage facility	Yes
Driveway locations	24 foot maximum width. 10 foot separation	16 foot width. 39 feet from property line.	Yes
Landscaping Requirements	Approximately 800 square feet	7,000 square feet	Yes

◆ **3.030.040 Concept Site Review Criteria**

The following criteria shall be used to approve, approve with conditions, or deny the Concept Site Plan.

A. City Ordinance Provisions

All the provisions from the applicable City ordinances have been met or will be met by the proposed development.

Finding: The table above indicates most of the applicable zoning requirements are met on the Concept Site Plan. There are additional issues, which are contained in later provisions of the Land Use and Development Ordinance. These requirements are addressed below.

◆ **6.060.030 Grade**

A. At Sidewalk

Driveway and entrance grade at sidewalk shall not exceed 2 percent. Where the sidewalk forms part of the entrance apron, the sidewalk shall bump out around the apron to allow for the 2 percent grade.

Finding: A Condition of Approval shall be that the detailed Site Plan meets all the requirements of the Land Use and Development Ordinance.

B. Approach Grade

Approach grades for all driveways shall not exceed 5 percent for the first 20 feet.

Finding: The Concept Site Plan shows the first 20 feet at 5 percent, as required by Ordinance.

C. Grade

Preferred drive grade is 12 percent or less.

Finding: Site Team review comments indicate that driveways shall not exceed 12 percent. The topography of the lot is such that the applicant's Concept Site Plan shows slopes on the upper reaches approximating 20 percent. The text of the Land Use and Development Ordinance reads, "The preferred drive grade is 12 percent or less." It does not say that grades cannot exceed that amount. The primary issue in this instance is access by emergency vehicles. Conversations with the Fire Marshal indicate that a steeper driveway may be possible, depending upon a variety of factors. Staff has determined that the detailed Site Plan should meet the requirements of Mid-Columbia Fire & Rescue and not be limited to 12 percent of gradient for the driveway.

◆ **6.060.040(C) Driveway Surfacing**

Requires special surfacing standards for driveways. Depending upon the final design of the Site Plan, these standards must be met.

◆ **8.040.010 Geologic Hazard Study**

This site lies within the A-1 zone as designated on The Dalles Landslide Hazard Study Map. The applicants executed a Release From Liability Waiver in January of 1996 under the terms of the former City Zoning Ordinance in lieu of doing a geologic hazard study. However, it is the opinion of the City staff, through the City Attorney's Office, that this waiver is specific to the modular homes on concrete pads proposed in 1996 and is valid for that development only. The current proposal will require a Geologic Hazard study under the provisions of LUDO.

◆ **8.050.040 Cut and Fill Permit**

The development of the site may require cut and fill of more than 50 cubic yards of materials, depending upon the final site design and the preparation of the detailed Site Plan. A Physical Constraints Permit should be a Condition of Approval pending the final design plan preparation.

B. Public Facilities Capacity

Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and where applicable, through, the subject property.

Finding: The City infrastructure is adequate to serve this site. A Waiver of Remonstrance for future public improvement will be required as a Condition of Approval.

C. Arrangement of Site Elements

Elements of the Site Plan are arranged to:

1. Promote pedestrian, bicycle and vehicular safety and welfare.

Finding: The Concept Site Plan provides for on-site circulation and traffic safety. The access to Liberty Way meets City standards, provided the driveway and parking lot are paved.

2. Preserve and maintain public amenities and significant natural features.

Finding: There are no public amenities or natural features identified on the site.

3. Avoid traffic congestion.

Finding: The Concept Site Plan meets City standards for traffic safety management.

4. Minimize potential adverse impacts on surrounding properties.

Finding: The applicant must address this requirement.

D. Lighting

Proposed lighting shall not directly illuminate adjoining properties.

Finding: The proposed lighting will direct glare downward and not impact adjoining properties.

E. City Engineer Approval

Detailed construction/design plans for public infrastructure, improvements, or rights-of-way affected by or located within a proposed development site shall be approved by the City Engineer as a condition of Site Plan Review approval.

Finding: This will be a Condition of Approval.

CONDITIONAL USE REVIEW PERMIT CRITERIA

◆ Section 3.050.040 Review Criteria

The following Review Criteria are the standards for issuing a Conditional Use Permit. Federal law and the courts have generally ruled that residential care facilities must be treated as a single-family residence and, as such, standards for reviewing them must be the same as for a single-family residence. However, a residential care facility is a Conditional Use in the RL zone and, as such, the Conditional Use Review Criteria also apply. The standards by which the Commission approves the proposed Conditional Use Permit are contained below. It is the responsibility (burden of proof) of the applicant to show the Commission that the proposed facility meets the criteria listed below. It is not the responsibility of the Planning Staff to prepare the proposed findings for the applicant. Conversely, those opposed to such an application may also submit testimony indicating the non-compliance of the proposed facility with the Review Criteria. It should be noted, however, the staff has found the application complies with Items A and B. For further explanation on the staff position in this issue, please see discussion under Staff Recommendation.

A. Permitted Conditional Use.

Finding: The proposed use is conditionally permitted in the zone district where it is proposed to be located.

B. Standards.

Finding: The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located.

The applicant is required to address the following issues:

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

1. Harmony of scale, bulk, building coverage, and density
2. The availability of public facilities and utilities
3. Any harmful effects on desirable neighborhood characteristics and livability
4. Traffic generation and the capacity and safety of surrounding streets and alleys
5. Bicycle and pedestrian circulation, access, and safety
6. Any other impacts of the development deemed relevant by the Commission

D. Nuisance. The use shall not generate off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

STAFF RECOMMENDATION:

Based upon what the Department knows about the property and its location, the Department generally supports the approval of the application, with a number of conditions which are listed below. The public hearing process is to allow testimony from interested citizens, including adjoining neighbors and property owners, to provide the Commission with additional information concerning the proposed use on the property. The purpose of the public hearing is to allow the Planning Commission to review all aspects of the development and make an informed decision regarding the proposed use.

Staff's recommendation to the Planning Commission for this CUP hearing is more instructive than direct, and places more of the burden of proof on the applicants. This is because the Planning Commission will need to weigh the evidence both for and against the request and determine whether the applicants have met their burden of proof. This procedural requirement has been discussed with the applicants.

In all land use hearings, the burden of proof to show that the request meets the review criteria is that of the applicant. But because the land use decision making process is often complicated and unfamiliar to the ordinary citizen, it is the staff's practice (as with planners across the State) to provide as much assistance as necessary to get the request to the decision makers in a proper format, with the applicable criteria addressed, and proper findings made. This assistance usually begins with a review of the preliminary application at the site team meeting and ultimately takes the form of a staff report that is then presented to the Planning Commission. In most cases this planning assistance works well. However, when a request for a land use decision becomes controversial, this assistance may make staff appear to be advocates, however unintentionally. In some cases, staff should not prepare the findings that support either position.

It is anticipated there will be conflicting testimony during the hearing. The Planning Commission must weigh both presentations against the criteria and come to its own conclusions as to whether the burden of proof has been met by the applicants. In doing so, the Planning Commission has the following decision options:

OPTIONS

1. Approve the application with the conditions of approval as stated.
2. Approve the application and modify the conditions of approval.
3. Deny the application.

Whichever option the Planning Commission selects, they should direct staff to prepare a resolution that sets forth their decision, and the findings of fact and conclusion of law that will support the decision as part of their motion to adopt the selected option.

RECOMMENDED CONDITIONS OF APPROVAL

1. A detailed Site Plan meeting the requirements of the Land Use and Development Ordinance be prepared and submitted to the City for review and approval by City staff prior to Building Permit being issued. The detailed Site Plan shall indicate the type of paving or other hard surface materials on the driveway and parking lot.
2. A detailed Landscaping Plan shall be provided to the City for review and approval by City staff.
3. All requirements of Mid-Columbia Fire & Rescue shall be met, including the grade and surfacing of the driveway.
4. A Waiver of Remonstrance for future improvements, including street, curb, sidewalk, storm sewer, and water and sanitary sewer shall be executed by the owner prior to issuance of the Building Permit.
5. Any signage shall be subject to the Sign Permitting Process of The Dalles City Sign Ordinance and is under a separate process.
6. A bicycle rack housing at least three bicycles shall be provided.
7. All outside lighting shall be directed downward and any glare shall be shielded from adjacent properties.
8. A Physical Constraints Permit for cut and fill operations resulting in more than 50 cubic yards of material being moved shall be required pending final design and preparation of the detailed Site Plan. Any cuts or fills for over 250 cubic yards of material must be designed by a licensed professional engineer.
9. A Geologic Hazard Study shall be required.
10. This Conditional Use approval is conditioned upon the facility obtaining a license or licenses from the State of Oregon for operation of a Residential Care Facility. If the license(s) is(are) revoked, this Conditional Use Permit shall be null and void under the terms of Section 3.050.080 Revocation.

RESOLUTION NO. P.C. 426-01
APPROVING CONDITIONAL USE PERMIT 123-01 TO CONSTRUCT A
RESIDENTIAL CARE FACILITY FOR A MAXIMUM OF 15 ALZHEIMER'S DISEASE
PATIENTS.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on November 15th, 2001 conducted a public hearing to consider the above request for property located at 1812/1816 Liberty Way, and is further described as Township 1 North, Range 13 East, Map 4DC, Tax Lot 4200.
- B. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- C. Staffs report of Conditional Use Permit 123-01, and the minutes of the November 15th, 2001 Planning Commission meeting, 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.
- B. Conditional Use Permit 123-01 is hereby approved with the following conditions:
 - 1. A detailed Site Plan meeting the requirements of the Land Use and Development Ordinance be prepared and submitted to the City for review and approval by City staff prior to Building Permit being issued. The detailed Site Plan shall indicate the type of paving or other hard surface materials on the driveway and parking lot.
 - 2. A detailed Landscaping Plan shall be provided to the City for review and approval by City staff.
 - 3. All requirements of Mid-Columbia Fire & Rescue shall be met, including the grade and surfacing of the driveway.
 - 4. A Waiver of Remonstrance for future improvements, including street, curb, sidewalk, storm sewer, and water and sanitary sewer shall be executed by the owner prior to issuance of the Building Permit.
 - 5. Any signage shall be subject to the Sign Permitting Process of The Dalles City Sign Ordinance and is under a separate process.
 - 6. A bicycle rack housing at least three bicycles shall be provided.
 - 7. All outside lighting shall be directed downward and any glare shall be shielded from adjacent properties.

8. A Physical Constraints Permit for cut and fill operations resulting in more than 50 cubic yards of material being moved shall be required pending final design and preparation of the detailed Site Plan. Any cuts or fills for over 250 cubic yards of material must be designed by a licensed professional engineer.

9. A Geologic Hazard Study shall be required.

10. This Conditional Use approval is conditioned upon the facility obtaining a license or licenses from the State of Oregon for operation of a Residential Care Facility. If the license(s) is(are) revoked, this Conditional Use Permit shall be null and void under the terms of Section 3.050.080 Revocation.

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 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 15th DAY OF NOVEMBER 2001.

Bruce Lavier, Chairman
Planning Commission

I, Daniel C. Durow, Director, Community Development Department of 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 15th day of November 15, 2001.

AYES:

NOES:

ABSENT:

ABSTAIN:

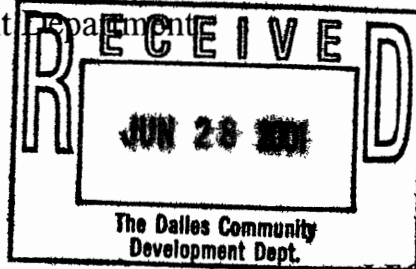
ATTEST: _____
Daniel C. Durow, City of The Dalles

CONDITIONAL USE PERMIT APPLICATION

CITY OF THE DALLES

Community Development Department

313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 125
Fax (541) 298-4094



Date Filed	<u>6-28-01</u>
Date Deemed Complete	<u>10-31-01</u>
Building Permit Log #	
Other Cross Reference #	
Hearing Date	<u>11-15-01</u>
Approval Date	

APPLICANT

Name WAYNE LEASE

Address 41 PRIVATE LAKE RD
WHITE SALMON, OREGON
98672

Telephone # 509-493-3582

LEGAL OWNER (If Different than Applicant)

Name WAYNE & LAURE LEASE

Address 41 PRIVATE LAKE RD
WHITE SALMON, OREGON
98672

Telephone # 509-493-3582

PROPERTY INFORMATION

Address 1812 AND 1816 LIBERTY WAY

Map and Tax Lot TL # 4200 LOTS 5 & 6 EXHIBIT ADDITION IN13E4DC

Size of Development Site APPROX. 0 ACRE

Zone District/Overlay RL

Comprehensive Plan Designation LOW DENSITY RESIDENTIAL

PROJECT INFORMATION

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

Current Use of Property VACANT LOTS

Proposed Use of Property RESIDENTIAL CARE FACILITY

Briefly Explain the Project ASSISTED LIVING CARE FACILITY
FOR A MAXIMUM OF 15 ALZHEIMERS
DISEASE PATIENTS. ALZHEIMER RESIDENTS ARE UNDER
SUPERVISION 24/7 - SECURITY SYSTEMS ARE ALWAYS IN PLACE TO CONTROL
MOVEMENT.

PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet) 5200 Joe -

PARKING INFORMATION

Total Number of Spaces Proposed MIN 8 Number of ADA Spaces Proposed MIN 2

Square Footage of Parking Lot Landscaping Proposed EXISTING NATURAL APPROX 3000

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed 5000 EXISTING NATURAL APPROX Percent of Landscaping Irrigated 1200
SEEDED LAWN AREA

ECONOMIC DEVELOPMENT INFORMATION N/A

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 [Signature]
Date 6/28/07

Signature of Property Owner* [Signature]
Date 6/28/07

*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 SUBMITTED: At least 15 copies of concept site plan.

2 copies detailed landscape plans

2 copies construction detail plans

INFORMATION REQUIRED WITH APPLICATION

There are 3 sets of plan information which can be combined on the same plan or separated onto different plans and reviewed at different times through the approval process. The **minimum plan requirements** which must accompany a Conditional Use Permit Application are those specified in the Concept Site Plan below.

1. Concept Site Plan. The concept site plan shall clearly indicate all of the following information applicable to the particular development proposal:
 - A. Project name.
 - B. A separate vicinity map indicating location of the proposed development.
 - C. Scale. The scale shall be at least one inch equals 50 feet (1:50), unless a different scale is authorized by the Director. *TOPO MAP*
 - D. North arrow.
 - E. Date.
 - F. Location and names of all existing streets and location of proposed streets within or on the boundary of the proposed development.
 - G. Lot layout with dimensions for all lot lines.
 - H. Location, dimensions, and height of all existing and proposed buildings, structures, fences and gates. Indicate which buildings, structures and fences are to remain and which are to be removed
 - I. Location and dimensions of all yards and setbacks from all property lines and distances between existing and proposed buildings.
 - J. Location and dimensions of all driveways and bicycle and vehicle parking areas.
 - K. Number of vehicle and bicycle parking spaces, parking lot layout, and internal traffic circulation pattern.
 - L. Size and location of existing and proposed curb openings (access from street to property), and distance to curb openings on adjacent property.
 - M. All points of entrance and exit for pedestrians, bicycles and vehicles, including service vehicles.
 - N. Location and description of any slopes greater than 20%, and any proposed cut and fill activity.

- O. General nature and location of all exterior lighting.
- P. Outdoor storage and activities where permitted, and height and type of screening.
- Q. Conceptual drainage and grading plan.
- R. Location, size, height, material and method of illumination of existing and proposed signs.
- S. Location of existing utilities, easements, and rights of way.
- T. Location of any significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, drainage ways and wetlands.
- U. Location, size, and use of any proposed underground activity (storage tanks, septic systems, heat transfer coils, etc.).
- V. Location of existing fire hydrants.
- W. Location and dimension of all areas devoted to landscaping, and a general description of proposed planting and materials (trees, rocks, shrubs, flowers, bark, etc.).
- X. Location of existing and proposed trash storage area(s) including enclosure construction design and access for pick up purposes.
- Y. Any additional information required by the Director to act on the application.

Detailed plans may be submitted after land use approval is granted; **however**, detailed plan approval will be required prior to City sign-off on building permit application forms.

2. Detailed Landscape Plans. Detailed landscape plans shall clearly indicate the following information:

- A. Project name.
- B. Scale. The scale shall be at least one inch equals 50 feet (1:50) or larger.
- C. North arrow.
- D. Date.
- E. Location and initial sizes of plants and tree species, and other proposed landscape material.
- F. Pipe location and size, point of connection, and water requirements of automatic sprinkler systems, and location and details of cross connection control device.

3. Detailed Construction/Design Plans. The detailed construction/design plans shall clearly indicate the following information:

- A All information required for the concept site plan.
- B Location of existing rights-of-way.
- C Existing streets, sidewalks, curbs and utilities.
- D Existing and proposed street trees.
- E Parking lot striping and pavement cross section.
- F Perimeter curb location and details.
- G Utility service types, sizes, locations and details (including hydrants, manholes, cleanouts, vaults, meters, inlets/catch basins, manholes, cleanouts, parking, drive pads, distance to drive pads on adjacent property, curb and sidewalk, retaining walls, and retaining wall drainages).
- H Location and details of cross connection control devices.
- I Fence and gate locations and details.
- J Street and parking lot lighting locations and details.
- K Site drainage and grading plan and construction details sufficient to evaluate whether runoff generated from improvements is collected on site and disposed of in a manner which eliminates sheet flow of storm water onto sidewalks, public rights-of-way and abutting private property.
- L Erosion control plan and/or traffic control plan as required by the City Engineer. Where City street, curb, sidewalk or utility extensions are required, provide complete plan, profile, and construction detail drawings, including signs, striping and pavement markings, and specifications when required by the City Engineer, prepared and stamped by a licensed professional engineer for the proposed improvements within public rights-of-way.
- M City Engineer and all other required state and federal approvals for extensions.