



CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, November 15, 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 6:30 P.M.

ROLL CALL:

Present: Bruce Lavier, Ted Bryant, Ron Ahlberg, Jean Thomas, and Mark Poppoff

Absent: None

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

AGENDA: Ahlberg moved to approve the Agenda and Bryant seconded. The motion passed unanimously.

MINUTES: Lavier asked if any corrections were needed for the minutes of October 18, 2001. Thomas pointed out on page 7, under Commissioner Comments and Concerns that the minutes should read Bryant asked about the Administrative Decision, not Thomas. Also, Bryant noted on page 4, paragraphs three and four should say "no left turn" instead of "left turn only" Thomas moved to approve the minutes as corrected and Bryant seconded. The motion passed unanimously.

PUBLIC COMMENT: None

PUBLIC HEARING CONTINUATION: *Quasi-Judicial*

- A. Conditional Use Permit 123-01 of Wayne and Laurel Lease** to construct a Residential Care Facility for a maximum of 15 Alzheimer's disease patients. Property is located at 1812/1816 Liberty Way and is further described as 1N 13E 4DC TL 4200. Property is zoned "RL"- Residential Low Density.

Lavier read the rules for conducting a public hearing. He asked if any Commissioner had bias, ex-parte contact, or a conflict of interest. No Commissioner made a declaration and there were no

challenges from the audience. Lavier declared the public hearing for MIP 123-01 open.

Dan Meader, planning consultant, presented the Staff Report and asked for questions from the Commission.

Bryant asked Meader if the Planning Commission would have a chance to visit this issue again should they approve the conceptual site plan.

Meader replied that normally it would be a staff review process, however, the Commission could direct that it come before them again as a condition of approval.

Bryant next asked about the Site Team notes on page six of the Staff Report. He asked about the grade requirements and the word "should" on the 12 percent grade of the driveway.

Meader replied that the Ordinance reads "The preferred drive grade is 12 percent or less", meaning Staff cannot require it. Staff will accept whatever Mid Columbia Fire and Rescue requires.

Bryant turned to page seven of the Staff Report and asked for a definition of "City infrastructure".

Meader replied that infrastructure means water, sewer, streets.

Bryant asked if infrastructure also meant pedestrian access because he doesn't believe there are any sidewalks on that street.

Meader replied a Waiver of Remonstrance for future improvements, including sidewalks, is one of the conditions of approval.

Thomas asked about the geologic hazard survey study and if the findings of such a study are definite, such as yes or no.

Meader replied that this application is requiring a geologic study, at the applicant's expense. It is performed by a qualified geotechnical engineer and reviewed by the City Engineer upon completion and prior to a building permit being issued.

Durow further explained that the study could say that the proposed building could be placed on the site with or without additional conditions or it would say the building could not be built on the site.

Lavier clarified that if the Commission approves the Conditional Use Permit but the geo-hazard study should show the site unacceptable for building then the Conditional Use Permit would be moot.

Poppoff asked about the upper end of the building and would it be at ground level.

Meader said that question should be directed to the applicant.

Lavier opened the hearing to public testimony. He noted that he would be limiting the testimony to five minutes to ensure everyone would get a chance to speak. The applicant will be given a little more time to address those items on which he bears the burden of proof.

Proponent Testimony

Wayne Lease, 41 Private Lake Road, White Salmon, WA 98672 spoke in favor of the application. Lease clarified that he wants to build a care center for persons suffering from dementia, not just Alzheimer's. This would be a first stage care center. He recommended a book called "The 36 Hour Day" to fully understand this disease. Lease said that this is an "R" facility in an "R" zone; it should be looked at the same as any residence. The Fire Marshall has inspected the job site and discussed the driveway options with Mr. Lease. Mr. Lease described his property and noted that it is about the same size as the other parcels in the neighborhood and has some of the same, inherent topographical problems. Mr. Lease went on to say he has a problem with the condition of approval that requires him to have a geo-hazard study. He had signed a waiver of release in 1996, under the old Ordinance, that allowed him to build without the geo-hazard study. He feels that waiver should apply to this application. He will do the geo-hazard study, however, if the Commission approves the Conditional Use Permit with the staff recommended conditions. Lease also quoted from the September/October "Code Link" by the State of Oregon "adult foster care homes are private dwellings and cannot be classified as any other occupancy". Lease went on to say that his original intention when he purchased the property had been to build a large home for he and his wife, Laurel. Then along came a cerebral stroke and his priorities changed. Now he is asking to build a large home for persons suffering from dementia that will also benefit the community. Mr. Lease asked if the Commission had any questions.

Poppoff asked about the height of the deck and the amount of surface area for parking.

Lease clarified that this is a conceptual site plan. If the Commission has additional recommendations for approval he is more than happy to put that on the final plans.

Ahlberg asked how much staffing there would be and the amount of traffic that would be generated.

Lease said he would meet the State requirements for staffing and said probably two full time employees. Also, the patients would be transported to their doctor, therapy, and dental appointments. He feels the traffic generated by this care center would be less than the three or four homes that could be sited on the property.

Bryant asked Lease to clarify what a "latch-key" client is and would they be able to come and go.

Lease said the patients would not be able to come and go. He meant that the patients would be under constant supervision.

Commissioner Thomas returned to the "latch key" issue. Thomas said that "latch-key" generally means someone (usually a child) who has been given their own key and can let himself or herself in and out without supervision. Using the term "latch-key" is not correct.

Lease apologized and said he stands corrected.

Ahlberg said he is unclear as to the amount of traffic this facility would generate in the neighborhood.

Lease replied that he believes three homes would generate more traffic than this facility.

Ahlberg clarified that the patients would not be driving.

Lease said that is correct, the patients would not be driving.

Ahlberg asked about staff and visitors, also about travel to appointments. He is concerned about the traffic this facility would generate on a daily basis.

Lease pointed out that this is a low traffic volume street presently. The Traffic Safety Committee had no concerns during the Site Team meeting.

Poppoff asked how close the houses are above the proposed care center.

Lease replied approximately 40 to 50 feet. Lease further explained that he placed the residence on the east side of the property to have the least encroachment on other properties in the neighborhood and to benefit from the sun. He would be happy to place the home elsewhere on the property if the Commission or Staff required it.

Bryant voiced his concerns regarding the lack of "friendliness" for pedestrians on this street, especially when there is snow and ice. Bryant pointed out his ex-wife lives on the street and he has had to winch her out of a snow bank more than once, so he is familiar with it. He believes people will have a problem entering and exiting the proposed driveway due to the blind corner and the blind hill as well as not being able to stop when leaving the driveway.

Lease said his first driveway proposal to staff had a wider egress/ingress that would eliminate the blind corner. The ordinance does not allow him to have that size driveway cut on his approach. He would still be willing to do it if staff would allow it.

Bryant said he has a problem with Stu Nagels statement in the Staff Report that he is willing to work with the applicant and Staff to make the driveway work. He feels that this comment is putting it off until later.

Lease asked Bryant what he would like him to do.

Bryant said he would like a centerline in the driveway. He wants to know what the slope is.

Lease said the grade of the driveway is 20 percent and the slope is about 11 percent.

Poppoff said if there is snow and ice, nothing will be able to get up the driveway.

Lease said he intends to take care of the driveway during bad weather. He pointed out that there

are many driveways in town that are just as steep or steeper.

Ahlberg asked if it was one lot or two.

Lease replied that it is two lots and would remain two lots.

Durow explained the Site Team Comments section of the Staff report. They are included to give the Commissioners an understanding of what is talked about prior to the application being deemed complete. Ideas are exchanged around the table but nothing is finalized at that point. A thorough review is undertaken after the Site Team meeting and the Ordinance is applied to the application.

There were no more questions of the applicant.

There were no additional proponents.

Opponent Testimony

The first opponent was John Kelly of 1815 Liberty Way, The Dalles, OR. Mr. Kelly said he takes issue with two points that were raised in the Staff Report. First is the driveway paving ordinance, 6.060.040. He thinks the Ordinance does restrict the grade to 12 percent. The highest noted driveway has a 12 percent grade. The other issue is on page 7 in the Staff Report item C, arrangement of site elements, number 1, 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." Kelly said Liberty Way is a quiet street in many ways and does not carry a lot of traffic. The numbers up and down the street are relatively low. However, there are weekly occasions where the traffic is at exceptional speeds, 60 to 70 miles an hour. He has had wrecks in front of his house. He believes there will be several visiting daily caregivers who will fill up the parking lots and be forced to park in the street. The street will become narrower and the kids driving 40 miles per hour will start wiping out. He has gone to the Traffic Safety Commission in the past and they have declined to take any action to make a safer street. He feels banning on street parking or requiring more parking places at the facility could address this issue. He also feels a 20 percent driveway in winter is unsafe. Kelly also feels that the conceptual site plan does not give enough information on which to base a decision. There are no site-specific criteria available such as grade criteria, set back criteria, landscaping criteria. Does the plan meet the code? In section 3.030.010 of the Ordinance directions are given to look at site-specific criteria. Kelly also noted neighborhood compatibility criteria. He believes the applicant did not address how his proposed facility will impact the surrounding neighborhood. Kelly quoted page 8 of the Staff Report, section C – Impact, and feels the applicant did not meet the burden of proof on these criteria.

Lavier asked if there were any questions of Mr. Kelly. There were none.

The next opponent was Debbie Kelly of 1815 Liberty Way, The Dalles, OR. Kelly is an out patient physical therapist and does work in adult foster care facilities. These adults are more susceptible to illness and injury due to their age. She says there can be several visiting caregivers at one time for each recovering patient. This population of patients is rushed back to their homes, from the hospital, after an illness or injury, because their recovery is better in the home

environment. She believes at any one time at least a quarter of the residents would be receiving home health care. She also says the staffing requirements would be greater than two. Her professional suggestion would be a minimum of five staff people. She also believes on street parking should be prohibited for safety reasons. Kelly believes that the spouses of the patients will be visiting on a daily basis and could be taking up fifteen parking spaces.

Lavier asked if there were any questions of Ms. Kelly. There were none.

The third opponent was Anne Bialous, P.O. Box 1956, The Dalles, OR. Bialous is concerned about the street situation and about outside security for the patients. She does not see where there is an area the residents can be taken outside for walks and fresh air.

Lavier asked if there were any questions.

Bryant asked if her concern on the movement of the patients was based on professional training.

Bialous said she has worked in a retirement center that had Alzheimer patients who had gotten lost.

Bryant said that he believed Mr. Lease had addressed the security of the facility.

The next opponent was K.C. Kortge of 1820 Liberty Way, The Dalles, OR. Kortge wants to see specifically what is going to be done on the property. He believes that drainage problems coming off the steep hill cannot be addressed by what is shown.

Bryant asked how often the street is plowed when there is snow.

Kortge said it is plowed infrequently. It is not a long street and is easy to miss.

Ahlberg asked if the road is ever closed during inclement weather.

Kortge said in the five or six years he has lived there, the road has never been closed that he has seen.

The fifth opponent was Myrna Kinner of 105 W. Scenic Drive, The Dalles, OR. Kinner wonders what the case would be if the people who run the facility decide to close it. It is not a normal family house. Would the Planning Commission have to deal with the new owners?

Durow replied that the same activity would be approved outright. A different use of the property would require approval by the City.

Lavier asked if there were any questions of Mrs. Kinner. There were none.

Meador read a letter from Mr. and Mrs. Wharton of 1709 Liberty Way, The Dalles, OR. They also opposed the application due to the unsafe conditions of the street. They also felt that there was no guarantee of success of this type of business and that it would lower their property values.

Mr. Lease asked for a recess to prepare for rebuttal and Chair Lavier recessed for five minutes.

Proponent Rebuttal

Lease first addressed the parking issue. He has adequate off street parking and can increase the amount of parking if needed. He never believed that on street parking would be necessary. Lease next said the facility would blend with the neighborhood; it will look like a 6,500 square foot home. He will landscape as natural as possible. He left the trees when he groomed the property a few years ago. There are deer that come on the property. He had asked his neighbor, K.C. Kortge if his swimming pool had any cracks in it and Kortge said there is not one crack. Lease feels that shows the area is very stable. He believes his property will pass a geo-hazard study for his proposal. Lease went on to say that whether he builds or not will not deter someone from going over "Thrill Hill". Snow removal is the City's responsibility and placing a care facility on the property could improve the attention the City gives to Liberty Way during bad weather. Lease feels that he has met the criteria and done what he has been asked.

Lavier closed the public testimony portion of the hearing.

Deliberation

Thomas asked the audience to let them know if they could not hear what commissioners or staff had to say and they would try to speak up.

Durow said that to help with the deliberations Staff had prepared some options for the Commissioners and he outlined them.

Ahlberg asked about the Site Team comments from Mid Columbia Fire and Rescue on the 8 to 10 percent grade of the driveway. He asks why the proposed drive is now a 20 percent grade.

Meador clarified that page 6, item C of the Staff Report addresses the driveway. Again, the Site Team Comments are only that, comments. The Ordinance requirement says the "preferred" grade is 12 percent. In subsequent conversations with the Fire Marshall, he said due to the lack of details in the concept site plan, he can't make the final determination on the driveway grade until final plans are available.

Durow added that in writing the LUDO it was necessary to allow for some flexibility to go above 12 percent approach grade or there would be a number of properties eliminated in the community from being built on.

Meador clarified that both the Conditional Use Permit criteria and Site Plan Review criteria are applicable to this hearing.

Ahlberg said he is concerned with the driveway access; could a different design make the access better.

Dale McCabe, City Engineer said the topography of the land dictates a higher grade.

Ahlberg said he would like to have more information on the actual condition of this street.

Meader responded that Liberty Way is a local, residential street.

Parker told Commissioners they could request more evidence. They would need to close the hearing, continue it, and give proponents and opponents an opportunity to respond.

Ahlberg said he doesn't feel he has been given enough information to make a decision and what he has heard from the neighbors lead him to believe the street is not adequate. Ahlberg next asked about cut and fill. Ahlberg asked if the street is adequate for dump truck type of work.

Lavier said it is a paved street with curbs on both sides.

Ahlberg asked if there is a situation where a care facility like this would not be allowed.

Durow replied that it is almost like asking where would you not permit a residential home in a residential zone. This is a conditional use however and it is the Commissions call to approve it or not.

Parker said some facilities may pose a safety issue for the residents or a public nuisance and would not be allowed. It is a real fine line and care needs to taken not to discriminate against the residents because of who they are.

Thomas said the concept site plan doesn't say how much cut and fill will be required. She is concerned about the property directly below this lot.

Bryant said there seems to be a feeling of casualness about this entire project. The applicant says he will have eight on site parking spaces but the plans show six plus one handicap for a total of seven. Bryant says he does want to see a centerline for the driveway. He does not agree that the City infrastructure is adequate to support this building. The applicant is not clear on the staffing requirements for the facility. The applicant has not addressed how much traffic will be generated.

Commissioners and Staff discussed the idea of the Concept Site Plan. This is the first application that has been submitted with a Concept Site Plan. The Commissioners are uneasy making a decision without more details.

Lavier said if this conceptual plan were approved, he would want to review the final plan also.

Durow said that could be a condition of approval.

Lavier said the traffic and safety issues are causing the applicant problems. The street is a pre-existing problem and having Mr. Lease deal with it is not the answer.

Durow said part of the frustration comes from dealing with opinions rather than facts. The accidents are due to faulty or reckless driving and not necessarily due to the street.

Lavier said there is a problem with the street whether a facility is built there or not.

He said he would not like to see little kids playing on the street either. The City needs to deal with the unsafe conditions of Liberty Way.

Thomas said the review criteria on page 8, section C, needs to be sorted out by what the applicant contributes, what the opponents contribute, and what the Commissioners think.

Durow said that is exactly right. Commissioners need to decide if they are satisfied that the criteria have been met.

Thomas feels number 4, regarding traffic, has not been met.

Poppoff said his biggest problem is a driveway with a 20 percent grade. He just can't approve that.

Thomas said she would like to see more parking spaces even though the LUDO says one space for four beds.

Lavier said the Commission should be consistent on how they deal with this application in comparison to the previous Alzheimer care facility application. He asked Staff if they remembered the conditions of approval from that application.

Parker said the Planning Commission denied that application and the City Council over-turned that denial. It never was appealed to LUBA. He doesn't remember the exact conditions of approval.

Ahlberg asked if they could approve it with the condition the actual detailed site plan has to meet with the Planning Commission's approval.

Parker said he believes that could be an additional condition of approval.

Bryant moved to deny the application for Conditional Use Permit 123-01 based upon the fact not enough information was provided to make a decision. Specifically, Section 8.050.040 B, the City infrastructure is not adequate to serve this site. Second, there is general confusion as to the required grade of the driveway. Third, Section 3.050.040 C 4) the applicant did not bear the burden of proof on the impact of traffic generation and the capacity and safety of surrounding streets and alleys; and 5) bicycle and pedestrian circulation, access and safety.

Poppoff seconded the motion.

Ahlberg asked if they should add more reasons to deny the application.

Commissioners felt the motion was fine as stated.

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

RESOLUTIONS:

Durow said the resolution would be prepared for the Planning Commission vote at the meeting of December 6, 2001. There is a ten-day appeal period following the date of mailing of the resolution.

COMMISSIONER COMMENTS AND CONCERNS

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

Durow said no. He said there have been no volunteers for the Planning Commission either.

Commissioners and Staff had a brief discussion about concept site plans.

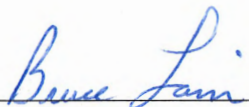
NEXT MEETING:

The next scheduled meeting is December 6, 2001.

ADJOURNMENT:

The regular Planning Commission meeting was adjourned at 9:50 P.M.


Respectfully submitted by Denise Ball, Administrative Secretary.



Bruce Lavier, Planning Commission Chair

City of The Dalles
STAFF REPORT
Conditional Use Permit #124-01

Unity and Recovery Foundation
To Establish a Community Facility Overlay
For A Meeting Room Facility

Prepared by:  Dan Meader, Contract Planner

Procedures: Quasi-Judicial

Hearing Date: December 6, 2001

Assessor's Map: Township 1 North, Range 13 East, Map 3CB, Tax Lot 7600

Property Address: 401 East 10th Street

Property Location: Northeast corner of 10th and Federal Streets

Comprehensive Designation: RH High/Medium Density Residential

Zoning District: RH High/Medium Density Residential

Request: To establish a Community Facilities Overlay (CFO) to allow use of an existing church building as a meeting room for people involved in the 12-step program to resolve alcohol/drug abuse problems.

BACKGROUND INFORMATION

The facility is an existing church, on the northeast corner of 10th and Federal Streets and has been vacant for an extended period of time. The Unity and Recovery Foundation is actively seeking a permanent facility for 12-step groups to meet, and has entered into a lease option agreement leading to the purchase of the property. The structure has served churches of many denominations over the years, but is not listed as a Historic Landmark in the community. The building has served as a single-family residence over the past three years. The church is a two-story structure with an addition on the east side. There are sidewalks and curbs along all the frontage of 10th and Federal Streets. There is no new construction proposed on the site. The Foundation will simply use the existing facility. It is noted that there is no off-street parking available on the property. The Unity and Recovery Foundation was formed in 1992 and is a non-profit organization which raises funds through membership, gifts, and donations. A copy of their brochure and mission statement is attached.

It is the intent of the Unity and Recovery Foundation to provide a central location for a variety of groups to conduct meetings. At the present time, a number of these organizations conduct 12-step process meetings in a variety of churches, public buildings, and private facilities throughout the community. This practice will continue; however, this facility will serve as a centralized location in addition to other facilities. The Foundation plans to have a couple living on the site to manage the facility. There will be no other residential use of the building. The hours of operation, as stated in the brochure, would be available for meetings 24 hours a day. That should be clarified. The location of this facility in a residential neighborhood would not be conducive to around-the-clock operations. Nominal hours of operation should be established.

The City's planning process requires a Community Facilities Overlay Zone, which is established through the Conditional Use Permit, be completed. If approved, this Overlay Zone is placed on top of the base RH High/Medium Density Residential Zone and the Conditional Use Permit for the meeting facility is granted.

NOTIFICATION

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

COMMENTS RECEIVED

Property Owners – None as of the date this staff report was prepared.

Engineering/Utilities/Planning

- Final submission/site plan will have to meet all the requirements outlined in Section 3.050- Conditional Use Permits in the LUDO.
- The Site plan submitted will need to be revised. It appears to not be 'to scale'.
- The applicant will need to pay the \$350.00 Conditional Use Permit fee to the Planning Department.
- Sewer and water exist to this property.
- Applicant will need to make a formal request to the Planning Department for a parking waiver. This request will need to show that an effort for shared parking was attempted and not available within a reasonable distance.
- Applicant will need to talk to the local State Building Codes regarding ADA conversions to the building.

P.U.D.

- No concerns with this application.

Mid Columbia Fire & Rescue

- Will review building once it is occupied.
- Smoking is allowed in the building. The Fire Marshal suggests that the applicant provide a “lounge” area for this purpose. (Ash tray will need to be provided.)
- Smoke detector will be required in the bedroom.
- Fire extinguisher will be required on each floor of the building. They will need to be located near an exit.
- Doors will need to swing outward. (Panic bars are already in place on the front doors.)

Wasco County Road Department

- No concerns with this application.

ISSUES

There are some issues with this particular request that need to be discussed. Briefly, these are hours of operation as indicated above, off-street parking, ADA access, and for want of a better word—loitering.

Hours of Operation

Given the location of the structure in a residential neighborhood, around-the-clock operation is not recommended. However, the foundation conducts special events on the major holidays to provide a safe alternative for individuals in the program. On the major holidays, the facility would be open through the evening hours until noon of the following day. Regular meeting schedules vary for a variety of individuals; however, no meetings or on-site activities should be conducted between 10:00 p.m. and 7:00 a.m., except for recognized special events. This proposed condition of approval would provide some assurance to local residents that the building’s activities would not be disruptive in the neighborhood.

Off-Street Parking

This facility has no existing off-street parking. Under the terms of the Land Use and Development Ordinance, Section 7.020.040(C)(2)(A-C), a waiver of off-street parking requirement may be granted if the applicant can demonstrate the change of use (a) does not displace any existing off-street parking, (b) the proposal is not for a non-conforming use, and (c) the applicant can demonstrate that an opportunity to procure joint parking as specified in this chapter is not reasonably available. Attached is a letter from the applicant showing an attempt to share parking with a nearby church is not possible. Further, it is noted that most of the participants in the meetings walk or have other means of transportation to and from the meeting place. The reduction in off-street parking is recommended.

ADA Access

The existing building is not ADA accessible. However, no new construction, either from the exterior or the interior of the building, is proposed and thus there is no requirement to make the building ADA accessible with this land use action.

Loitering

The problem occurs before and after meeting times. When meeting participants arrive early, they must wait outside the facility for an extended period of time before the doors are open, and after the meeting when members socialize directly in front of the meeting facility's access doors. This activity would not be appropriate in the residential setting of this facility. A condition of approval should require regular monitoring of outside building activities directly before and after meetings to ensure that extended outside discussions do not occur. The on-site managers will ensure the ongoing compliance with this condition.

RECOMMENDATION

Staff recommends 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 November 20, 2001. The 120-day state mandated decision deadline is March 20, 2002.

Section 3.020.050 Quasi-Judicial Actions:

Section A. Decision Types, 3. Conditional Use Permits:

FINDING A-2. The application for Conditional Use Permit per Section 5100, 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 listed conditional uses in the CFO Overlay Zone include a variety of public and quasi-public facilities. That listing also allows the Director to determine similar uses which are not specifically listed, and in 5.100.020 (e) The Ordinance allows places of civic assembly. This most closely defines a proposed use; however, it is noted that the Ordinance includes other allowed uses, including churches and places of worship, government public facilities, libraries and cultural exhibits, and public and private schools and facilities. Clearly, the structure and the proposed use fall within the parameters of a community facility.

Subsection B. Standards. The proposed use conforms to all applicable standards of the zone and district in which the proposed use is 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 from previous uses on the site. It is anticipated there will be less intense activity at the site than previous church operations, because of the smaller size of the meeting groups.

Subsection C. Impact. The location, size, 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. A change of use from a church to a public meeting facility will result in less intensive activity, given the size of the groups using the facility at any one time.

2. The availability of public facilities.

FINDING A-5: This is an existing site with all public facilities, including water, sewer, public access, and private utilities already available.

3. Any harmful effects on desirable neighborhood characteristics and livability.

FINDING A-6: This is an existing facility that has served as a community church for many years. The surrounding property is developed primarily with single-family residential units. No significant or harmful impacts are anticipated with the conversion of this structure to a public meeting facility as proposed.

4. Traffic generation, the capacity and safety of surrounding streets and alleys.

FINDING A-7: Tenth Street is a designated arterial street, providing east and west flow of traffic through the City. Federal Street is a local residential street. Both these streets have served this facility for many years. No incremental increase in traffic is foreseen with the proposed use of the facility.

5. Bicycle and pedestrian circulation, access, and safety.

FINDING A-8: The structure has been used as a community church for many years. It has sidewalks on both 10th and Federal Streets. The building is not ADA accessible and is not required to be by this action. Bicycle racks will be required. Section 7.060 of the Ordinance requires mathematical determination of 0.75 units per thousand square feet of floor area. This building has just over 4,966 square feet; therefore, a bicycle rack for four bicycles must be provided.

6. Any other impacts of the development deemed relevant to the Commission.

FINDING A-9: A recommended condition of approval is to monitor outside activities at the access points to the structure to prevent loitering both prior to and after meetings.

(B) COMPREHENSIVE PLAN POLICY

The Comprehensive Plan was adopted in 1994. There is one relevant policy.

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

FINDING A-10: The proposed meeting room will meet the identified need to provide appropriate facilities to serve an identified need within the community.

RECOMMENDED CONDITIONS OF APPROVAL

1. There will be no residential occupancy of the structure other than the two caretakers as designated by the Foundation.

2. Meetings will be conducted between 7:00 a.m. and 10:00 p.m. in the structure. There will be no regular meeting times scheduled between 10:00 p.m. and 7:00 a.m., except for recognized special events on holidays which include New Years, ~~Valentines Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving, and Christmas.~~ *These events shall be limited to group related support activities.*

3. A bicycle rack containing four bike stalls shall be provided at the facility.

4. Any signs proposed for the facility shall be requested and processed under the City's Sign Ordinance.

5. The access points to the facility shall be monitored to ensure no loitering of participants before or after meetings. A nominal time of 10 minutes to gather and/or leave the structure shall be allowed.

6. CFO zone (should be 1)

X Recommend ADA access as a goal.

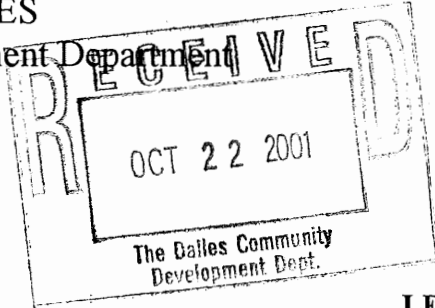
Not condition but recommendation.

Make every effort possible

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 | _____ |
| Date Deemed Complete | _____ |
| Building Permit Log # | _____ |
| Other Cross Reference # | _____ |
| Hearing Date | _____ |
| Approval Date | _____ |

APPLICANT

Name Larry Chance
Address 304 E 10th
The Dalles, OR 97058
Telephone # 296-3467

LEGAL OWNER (If Different than Applicant)

Name Unity and Recovery Foundation
Address P.O. Box 1086
The Dalles, OR 97058
Telephone # 296-3467
296-1212

PROPERTY INFORMATION

Address 410 E 10th St, The Dalles, OR 97058
Map and Tax Lot 1N13E 3CB Txlot 7600
Size of Development Site 90x90?
Zone District/Overlay RH/CFO
Comprehensive Plan Designation RH

PROJECT INFORMATION

New Construction Expansion/Alteration Change of Use Amend Approved Plan

Current Use of Property Vacant
Proposed Use of Property Meeting place/resident

Briefly Explain the Project To provide location for 12-step meetings
for people struggling with alcohol/drug abuse problems.
People referred by court, corrections and self-referral

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

PARKING INFORMATION

Total Number of Spaces Proposed N/A Number of ADA Spaces Proposed 1

Square Footage of Parking Lot Landscaping Proposed N/A

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed exist Percent of Landscaping Irrigated exist

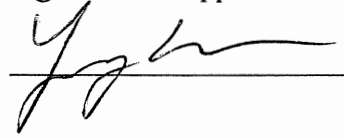
ECONOMIC DEVELOPMENT INFORMATION

Proposed Project is located in the Enterprise Zone

 Full Time Equivalent (FTE) jobs are currently provided.

 FTE jobs are expected to be created by the proposed project.

Signature of Applicant

 10-22-01
Date

Signature of Property Owner*

Date

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

NOTE: This application must be accompanied by the information required in Section 3.050: Conditional Use Permits, contained in Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.

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

2 copies detailed landscape plans 2 copies construction detail plans

Our Mission

The Unity & Recovery Foundation is a non-profit organization working toward becoming self-supportive.

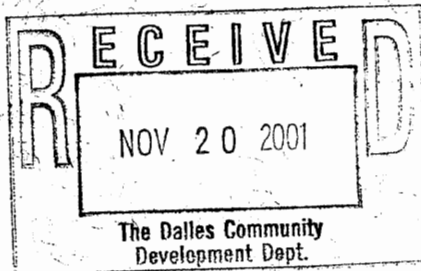
We are a group of recovering alcoholics, addicts and their families who are striving for a better life. Through unity and supporting each other we are able to help those with our shared problems to stay clean and sober minded and grow in recovery.

Our goal is to provide
A PLACE
for people struggling with alcoholism and addictions
TO GO
where others, like themselves, can offer support and fellowship.

Unity & Recovery Foundation
P.O. Box 1083, The Dalles, OR 97058
(541) 506-1712

Tax ID# 93-1093086

If you have questions regarding gifts or the tax benefits of making a donation, please call us.

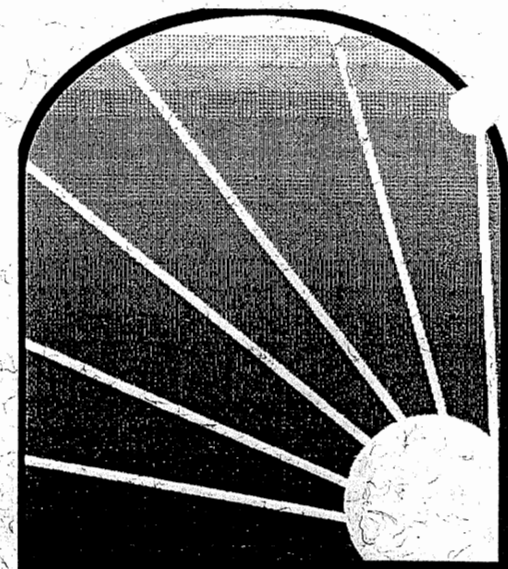


Unity & Recovery Foundation
P.O. Box 1083
The Dalles, OR 97058

UNITY & RECOVERY FOUNDATION

*a non-profit organization
established in 1992*

*to provide support & fellowship to those in our
community recovering from addiction*



Who we are

The Unity & Recovery Foundation was established in 1992 to assist members of our community who are actively participating in their recovery from addiction.

The foundation is a non-profit organization, raising funds through membership, gifts and donations.

Why we are here

The members of the Unity & Recovery Foundation united toward a common goal; reaching out to those in our community who are still suffering from various addictions. Recognizing a need for unity within this community, the foundation has established a meeting place for members of various 12-step programs.

Some of the 12-step programs currently using the hall for meetings are:

- Alcoholics Anonymous
- Alanon
- Alateen
- Narcotics Anonymous
- Clean Teens
- ORCYPAA-Oregon Regional Conference of Young People in AA
- Gamblers Anonymous
- Cocaine Anonymous
- Overeaters Anonymous
- Adult Children of alcoholics

Our Future

We currently rent a portion of the building located at 612 East 3rd Street, The Dalles, OR. This location hosts at least 12 meetings a week.

Through fund raising efforts, membership dues and donations, our long term goal is to acquire a permanent building where access to meetings, social gatherings and fellowship would be available 24 hours a day. We believe having a permanent location would encourage the founding of more 12-step recovery groups. This, in turn, would lead to a larger, more developed and diverse recovery community.

We desire to work in cooperation with schools, churches, treatment centers, hospitals and corrections. With a permanent building site, the foundation could establish and maintain an information referral service as well as a hotline for those in crisis situation.

There is great desire within the Unity & Recovery Foundation membership to make this goal a reality.

How you can help

We invite you to join with us as we increase awareness, throughout our community, of all the valuable 12-step recovery programs available. With your help we can play a vital role in reaching those suffering from addictions

throughout the entire Mid-Columbia region.

Opportunities to help are many, and gifts of all sizes are welcome and appreciated.

Please accept my gift

Name _____

Address _____

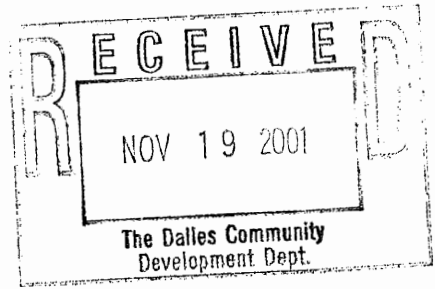
In memory of _____

In honor of _____

Please make checks payable to the Unity & Recovery Foundation.

Board of Directors

Larry Chance
Steve Fadness
William Howell
Daniel Williams
David Bullock



CITY OF THE DALLES
COMMUNITY DEVELOPMENT DEPARTMENT
313 COURT STREET
THE DALLES, OR 97058

ATTN: DAWN HERT

NOVEMBER 19, 2001

The Unity and Recovery Foundation is requesting that the planning department review this application per section 7.020.040 (C) 2.

This building is existing and currently has no off-street parking. Our proposal is a conditionally permitted use in the "RH" residential medium high density zone. (Section 5.020.030 (A)).

We have discussed with The First United Church of The Dalles located at 305 E. 11th Street

Re: a shared parking plan, at this time they are unable to provide extra parking for us.

Therefore we would like to have a parking waiver for our use. Historically our members means of transportation is mostly limited to foot or bicycle. However, when a driver is available our members tend to car pool.

Thank you for your time,


A handwritten signature in black ink, appearing to read "Larry Chance".

Larry Chance

President, Unity & Recovery Foundation

City of The Dalles
STAFF REPORT
Conditional Use Permit #125-01

The Dalles Evangelical Church
To Establish a Community Facilities Overlay
In order to build a concrete recreation slab

Prepared by:  Dan Meader, Contract Planner

Procedure Type: Quasi-Judicial

Hearing Date: December 6, 2001

Assessor's Map: Township 1 North, Range 13 East, 3DC, Tax Lot 6100

Property Address: 1001 East 12th Street

Property Location: Northwest corner of 12th and "H" Streets

Comprehensive Plan
Designation: RH Medium/High Density Residential

Zoning Designation: RH Medium/High Density Residential

BACKGROUND INFORMATION

The applicant, Kase Construction, is acting on behalf of The Dalles Evangelical Church, and is proposing to build a 60' x 85' concrete slab on property they own on 12th and "H" Streets adjacent to the Church. The Church describes the facilities as a 60' x 85' multipurpose court for recreational activities. They intend to place six basketball standards around the court, which will have an adjustable height from 7-1/2 to 10 feet. The buffer area around the facility will be planted in grass and a 6-foot cyclone fence will surround the site. The fence must meet height limitations and front yard setback requirements from 12th Street. The Church intends to store one of their church buses on the site as well. The facility will be lighted. The applicant's indicate the light will be a 200-watt floodlight, which will be directional and prevent glare from impacting the neighbors. They are also indicating that the hours of operation will be from 8:00 a.m. to 10:00 p.m. and that the gates to the facility will be locked at other times to prevent unauthorized use of the court.

The City's planning process requires that a Community Facilities Overlay (CFO) Zone be established through the Conditional Use Permit process. This Overlay Zone is to be placed over the RH Medium/High Density Residential Zone and will only involve the lot on which this facility is placed.

NOTIFICATION

The property owners within 600 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes.

COMMENTS RECEIVED

Property Owners – None received as of the date the Staff Report was prepared.

Engineering/Utilities/Planning

- Final submission/site plan will have to meet all the requirements outlined in Section 3.050- Conditional Use Permits in the LUDO.
- The applicant will need to pay the \$350.00 Conditional Use Permit fee to the Planning Department.
- No sewer or water is planned for this use.
- The applicant will need to submit a statement of operations to City staff. This will need to include hours of operation, lighting, if any spectators are anticipated, and if the facility would be available to the general public.
- Any lighting for the recreation area cannot shine onto adjacent properties.
- Fence height cannot exceed 4' on the front yard setback and no higher than 6' around the side and rear of the property. However, fences and walls not located in the required yards may exceed the height standards. (i.e. the front fence (12th Street) can be 6' in height as long as it is setback 15' from the property line.)

P.U.D.

- No concerns with this application. Applicant has spoke with PUD regarding street lighting in the area.

Wasco County Road Department

- No concerns with this application.

RECOMMENDATION

Staff recommends 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 November 15, 2001. The 120-day State mandated decision deadline is March 15, 2001.

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, A, Churches and Places of Worship. The proposal is for a church recreation facility.

Subsection B. Standards. The proposed use conforms to all applicable standards of the zone and district in which the use is proposed to be located.

FINDING A-3: This is an outdoor recreation facility in conjunction with the existing church. The concrete slab and fence will meet City Zoning Standards for vision clearance and setback.

Subsection C. Impact. The location, 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 a ground level structure, which will be used for outdoor recreational activities, primarily basketball. No additional structures are contemplated at this time.

2. The availability of public facilities.

FINDING A-5: This is an outdoor recreation facility. The only public facility contemplated at this time is for power for outdoor lighting as indicated in the applicant's submittal.

3. Any harmful effects on desirable neighborhood characteristics and livability.

FINDING A-6: This will be an outdoor recreation activity. The hours of operation will be limited to mitigate the potential impact on nearby residential uses.

4. Traffic generation, the capacity and safety of surrounding streets and alleys.

FINDING A-7: 12th Street is a designated arterial. "H" Street is a local residential street. No additional impact on traffic is foreseen with the completion and use of this facility.

5. Bicycle and pedestrian circulation, access, and safety.

FINDING A-8: The site is served with sidewalks on 12th Street and "H" Street. The slab will be at ground level and will be ADA accessible. There are no indications of bike racks at the site or at the church. This new construction does not necessarily trigger a requirement for bike racks. However, the church may wish to consider providing a suitable amount of bike parking facilities at the site.

6. Any other impacts of the development deemed relevant to the Commission.
FINDING A-9: The recommended condition of approval is to control the outside lighting to ensure that no glare is directed at neighboring properties.

(B) COMPREHENSIVE PLAN POLICY

The Comprehensive Plan, adopted in 1994, indicates one relevant policy.

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

FINDING A-10: The proposed recreational facility will provide additional recreational opportunities for members of the church.

RECOMMENDED CONDITIONS OF APPROVAL

1. The site plan shall be modified to show the exact location of the fence. The fence must meet setback and vision clearance requirements for this zone.

2. Outside lighting must be properly shielded to prevent glare on neighboring properties and shall be controlled with a timer.

3. Hours of operation shall be those as specified by the applicant from 8:00 a.m. to 10:00 p.m. The gates shall be locked during periods of closure. The church shall be responsible in monitoring the hours of operation.

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 | _____ |
| Date Deemed Complete | _____ |
| Building Permit Log # | _____ |
| Other Cross Reference # | _____ |
| Hearing Date | _____ |
| Approval Date | _____ |

APPLICANT

Name Kase Construction
Address 508 Washington St
The Dalles, OR
Telephone # (541) 296-9331

LEGAL OWNER (If Different than Applicant)

Name The Dalles Evangelical Church
Address 1001 East 12th St
The Dalles, OR 97058
Telephone # 296-3730

PROPERTY INFORMATION

Address Corner of East 12th + "H" Street
Map and Tax Lot PN 13E 3DC tax lot 6100
Size of Development Site 100x120
Zone District/Overlay RH
Comprehensive Plan Designation RH

PROJECT INFORMATION

New Construction Expansion/Alteration Change of Use Amend Approved Plan

Current Use of Property Church / Vacant lot (Previously a house)

Proposed Use of Property Church

Briefly Explain the Project 60x85 Concrete Recreation Slab

PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet) N/A

PARKING INFORMATION

Total Number of Spaces Proposed _____ Number of ADA Spaces Proposed _____

Square Footage of Parking Lot Landscaping Proposed _____

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed 8,000 Percent of Landscaping Irrigated 100%

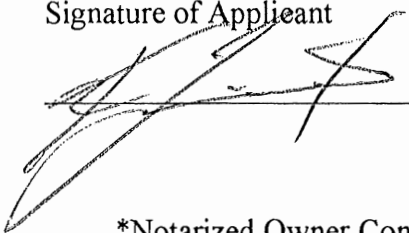
ECONOMIC DEVELOPMENT INFORMATION N/A

Proposed Project is located in the Enterprise Zone

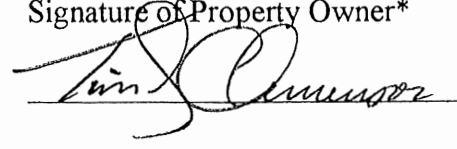
_____ Full Time Equivalent (FTE) jobs are currently provided.

_____ FTE jobs are expected to be created by the proposed project.

Signature of Applicant

 11-6-01
Date

Signature of Property Owner*

 11/7/01
Date

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

NOTE: This application must be accompanied by the information required in Section 3.050: Conditional Use Permits, contained in Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.

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

2 copies detailed landscape plans

2 copies construction detail plans

RESOLUTION NO. P.C. 426-01

A RESOLUTION DENYING THE APPLICATION OF WAYNE LEASE
FOR CONDITIONAL USE PERMIT NO. 123-01 TO CONSTRUCT A
RESIDENTIAL CARE FACILITY FOR A MAXIMUM OF FIFTEEN
ALZHEIMER'S DISEASE PATIENTS

WHEREAS, on November 15, 2001, the City of The Dalles Planning Commission conducted a hearing upon an application submitted by Wayne Lease for Conditional Use Permit No. 123-01, to construct a residential care facility for a maximum of fifteen Alzheimer's disease patients, upon the property located at 1812/1826 Liberty Way; and

WHEREAS, a staff report was presented to the Planning Commission and public testimony was received during the public hearing; and

WHEREAS, following the close of the public hearing, the Planning Commission deliberated and voted 4 to 1, to deny the application of Wayne Lease for Conditional Use Permit No. 123-01, based upon findings of fact and conclusions of law; and

WHEREAS, the Planning Commission requested staff to prepare a Resolution denying the appeal, and setting forth findings of fact and conclusions of law made by the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of The Dalles adopts the following findings of fact:

1. The subject property is located at 1812/1816 Liberty Way, and is further described as Assessor's Map No. 1N 13 4DC, Tax Lot 4200. The Comprehensive Plan designation and zoning classification for the parcel is "R-L" Low Density Residential. The applicant, Wayne Lease, requests approval for the siting of a fifteen bed residential care facility upon the property. The site contains approximately 0.83 acres of vacant land lying adjacent to Liberty Way. The site has northwest-facing slopes ranging from 5 to over 20 percent. Water, sewer, storm sewer, and other public utilities are available to the site, although there would be some construction costs associated with providing service to the property, which costs would be incurred by the applicant.

2. The concept site plan submitted by the applicant proposed a 6,500 square foot structure which would house up to fifteen patients suffering from Alzheimer's disease. The plan showed a driveway to be constructed from Liberty Way to the upper portions of the parcel. The applicant indicated on the concept plan that the slopes would be in the character of 20 percent on the upper levels of the driveway. The applicant proposed to construct a total of seven off-street parking spaces, including one handicap parking space, and a 10 foot by 10 foot bicycle rack to be provided adjacent to the handicap parking area. The height of the structure was proposed to be 22 and one-half feet.

3. Notice of the application was submitted to property owners within 100 feet of the subject parcel, and to City Departments and franchise utilities. Notice of the public hearing was

published in The Dalles Chronicle. The application was deemed to be complete as of October 26, 2001. The required number of copies of the concept site plan were submitted by the applicant.

4. Several comments were received from the City's Site Team Review Committee. The Site Team initially recommended that the proposed driveway needed to be at a 5% grade for the first twenty feet, and be at a ninety-degree angle to the street, and the remainder of the driveway should not exceed a 12% grade. In reviewing the provisions of Section 6.060.030(C) of the Land Use and Development Ordinance, staff discovered this provision established a "preferred" grade for driveways of 12% or less. In conversations with Stu Nagel, the Fire Marshal for Mid-Columbia Fire and Rescue, staff was advised by Mr. Nagel that it may be possible to allow for a grade higher than 12% on the remaining portion of the proposed driveway. Staff recommended a condition that any detailed site plan submitted by the Applicant would have to comply with the requirements established by the Fire Marshal for Mid-Columbia Fire and Rescue.

5. During the hearing, the Applicant testified that the size of the subject parcel was comparable to the size of adjacent lots. The Applicant testified in his opinion, the residents of the proposed residential care facility would be quiet, and that the volume of traffic in the vicinity of the facility was low. The Applicant stated the proposed facility would potentially have two staff members on site. The Applicant also testified in his opinion, that the volume of traffic that would be generated by the proposed facility, would be much less than the traffic that could be generated from three manufactured homes, which could be placed upon the site if the property was partitioned. In response to a question from a planning commissioner, the Applicant acknowledged a concern regarding blind corners which could exist as a result of the placement of the proposed driveway to the facility. In rebuttal testimony, the Applicant offered to provide more off-street parking spaces if that was deemed to be necessary. He also asserted that problems created by speeding drivers on the adjacent street are the result of the driver's actions, and not caused by the proposed residential care facility. The Applicant also testified the City could take action to expedite the removal of snow on Liberty Way if such action was needed to ensure vehicles had access to the facility in the event of bad weather.

6. Several adjacent property owners testified in opposition to the proposed residential care facility. The neighbors expressed strong concerns that the existing steep grade of the adjacent street created a traffic hazard, which would be exacerbated by the construction of the proposed residential care facility. Two of the opponents, who had experience in the health care field and experience in working in a residential care facility, questioned whether the proposed number of employees (which was two) would be adequate to ensure the safety of the residents, and they testified in their opinion the facility would likely require a larger number of full time employees, which would cause an impact to the traffic generated upon the street. The opponents also asserted the number of daily trips to and from the facility would be more significant than the amount claimed by the Applicant, resulting from visits from health care providers, service delivery vehicles, and visitors to the facility. The opponents expressed concerns about the ability of emergency vehicles to have access to the facility, particularly in the winter months when snow and ice could make it difficult to get into and out of the steep driveway.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE PLANNING COMMISSION ADOPTS THE FOLLOWING CONCLUSIONS OF LAW:

1. The application of Wayne Lease, for Conditional Use Permit No. 123-01, for a Concept Site Plan to develop a fifteen bed residential care facility on the property located at 1812/1816 Liberty Way, is hereby denied.

2. Section 3.030.040 sets forth the review criteria for a concept site plan. Three of the pertinent criteria are set forth in subsections (A), (B), and (C), which provide as follows:

- A. City Ordinance Provisions. All the provisions from the applicable City ordinances have been met or will be met by the proposed development.
- 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.
- C. Arrangement of Site Elements. Elements of the site plan are arranged to:
 - 1. Promote pedestrian, bicycle, and vehicular safety and welfare.
 - 2. Preserve and maintain public amenities and significant natural features.
 - 3. Avoid traffic congestion.
 - 4. Minimize potential adverse impacts on surrounding properties.

3. Section 3.050.040 sets forth the following review criteria for a conditional use permit:

- A. Permitted Conditional Use. The proposed use is conditionally permitted in the zone district where it is proposed to be located.
- B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located.
- 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.

4. Pursuant to the requirements of Section 5.010.030(E), the Planning Commission concludes that the proposed residential care facility is a conditional use allowed in the “R-L” Low Density Residential zoning district. Based upon the following table, the Commission concludes that the proposed facility complies with the required siting standards of the “R-L” Low Density Residential District”.

| Low Density Residential | Standard | Proposal | Meets Requirements |
|--|--|---|--|
| Lot Size | <i>7,260 square foot minimum</i> | Approximately 0.83 acre | Yes |
| Setbacks | <i>Front = 15 feet (garage = 20 feet) Rear – 10 feet Sides – 5 feet</i> | 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 | <i>30 feet</i> | 22-1/2 feet | Yes |
| Lot Coverage | <i>60% Maximum</i> | 20% Structure Only | Yes |
| Building Orientation | <i>The front building line shall be parallel to the street or private accessway</i> | Oriented toward Liberty Way | Yes |
| Off-Street Parking | <i>Auto @ 1 per 4 beds minimum with no maximum and bicycle @ 1 per 6 beds. Requires 4 car and 3 bicycle spaces</i> | 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 | <i>Per Section 6.030</i> | Trash storage facility | Yes |
| Driveway locations | <i>24 foot maximum width. 10 foot separation</i> | 16 foot width. 39 feet from property line. | Yes |
| Landscaping Requirements | <i>Approximately 800 square feet</i> | 7,000 square feet | Yes |

5. The Applicant did not comply with the burden of proof to submit substantial evidence that the application complied with the requirements set forth in Sections 3.030.040(B) and (C)(1)

and (3), and Section 3.050.040(C)(4) and (5). The Commission concludes that the testimony of the opponents, concerning the number of staff likely to be required to supervise the residents in the facility, and the number of trips to and from the facility to be generated by health care providers, service providers, and visitors, indicates the proposed facility will contribute a more significant impact upon the traffic in the neighborhood, than the impact claimed by the Applicant. The Commission concludes that the steep grade of the driveway, which may be allowed to exceed a slope of 12 percent, depending upon the decision of the Fire Marshall, could present significant obstacles to the ability of vehicles, particularly emergency vehicles, to have access and egress to the facility, especially in times of inclement weather.

6. The Planning Commission finds and concludes the testimony of the opponents as to the history of automobile accidents in the area, due in part to the steep grade of an adjacent street, and the presence of blind corners which would be created by the proposed driveway to the facility, create a significant potential hazard to the safety of drivers and pedestrians in the neighborhood, and that the additional traffic to be generated by the facility will add to the traffic congestion in the area. The Planning Commission finds and concludes that the Applicant failed to carry his burden of proof to submit substantial evidence to establish that the proposed concept site plan would promote pedestrian, bicycle and vehicular safety and welfare, and avoid traffic congestion.

7. This resolution shall be considered effective as of December, 6, 2001.

APPROVED AND ADOPTED THIS 6TH DAY OF DECEMBER, 2001.

Bruce Lavier, Chairman
Planning Commission

The Secretary of the Commission shall (a) certify to the adoption of the Resolution, and (b) transmit a copy of the Resolution along with a stamped approved/denied site plan to the applicant.

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 6th day of December, 2001.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

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

RESOLUTION NO. P.C. 427-01

APPROVING CONDITIONAL USE PERMIT 124-01 TO APPLY A COMMUNITY FACILITY OVERLAY DISTRICT TO THE EXISTING UNDERLYING ZONE FOR UNITY AND RECOVERY FOUNDATION IN ORDER TO SITE A MEETING ROOM FACILITY

I. RECITALS:

- A.** The Planning Commission of the City of The Dalles has on December 6, 2001 conducted a public hearing to consider the above request for property located at 401 East 10th Street, described as Township 1 North, Range 13 East, Map 3CB, Tax Lot 7600.
- 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 124-01, and the minutes of the December 6th, 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 124-01 is hereby approved with the following conditions:

1. There will be no residential occupancy of the structure other than the two caretakers as designated by the Foundation.
2. Meetings will be conducted between 7:00 a.m. and 10:00 p.m. in the structure. There will be no regular meeting times scheduled between 10:00 p.m. and 7:00 a.m., except for recognized special events on holidays which include New Years, Valentines Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving, and Christmas.
3. A bicycle rack containing four bike stalls shall be provided at the facility.
4. Any signs proposed for the facility shall be requested and processed under the City's Sign Ordinance.
5. The access points to the facility shall be monitored to ensure no loitering of participants before or after meetings. A nominal time of 10 minutes to gather and/or leave the structure shall be allowed.

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 6th DAY OF DECEMBER 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 6th day of December 2001.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

RESOLUTION NO. P.C. 428-01

APPROVING CONDITIONAL USE PERMIT 125-01 TO APPLY A COMMUNITY FACILITY OVERLAY DISTRICT TO THE EXISTING UNDERLYING ZONE FOR THE DALLES EVANGELICAL CHURCH TO BUILD A CONCRETE RECREATION SLAB

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on December 6, 2001 conducted a public hearing to consider the above request for property located at 1001 East 12th Street, described as Township 1 North, Range 13 East, Map 3dC, Tax Lot 6100.
- 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 125-01, and the minutes of the December 6th, 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 125-01 is hereby approved with the following conditions:
 - 1. The site plan shall be modified to show the exact location of the fence. The fence must meet setback and vision clearance requirements for this zone.
 - 2. Outside lighting must be properly shielded to prevent glare on neighboring properties and shall be controlled with a timer.
 - 3. Hours of operation shall be those as specified by the applicant from 8:00 a.m. to 10:00 p.m. The gates shall be locked during periods of closure. The church shall be responsible in monitoring the hours of operation.

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.

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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 6th day of December 2001.

AYES:

NOES:

ABSENT:

ABSTAIN:

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



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481

November 20, 2001

NOTICE OF PUBLIC HEARING

The City of The Dalles Planning Commission will hold a public hearings on Thursday, December 6th, 2001, at 6:30 p.m. The hearings will take place in the City Council Chambers at City Hall, 313 Court Street, The Dalles, Oregon. The purpose of the hearings is to receive public testimony regarding the following applications:

Conditional Use Permit 124-01 of Unity and Recovery Foundation to establish a “CFO”– Community Facility Overlay District to the existing, underlying zone in order to provide a location for 12-Step meetings for people struggling with alcohol/drug abuse problems. The people are referred by the courts, corrections department, and self-referral. Property is located at 401 E. 10th Street and is further described as 1N 13E 3CB Tax Lot 7600. Property is zoned “RH” Residential Medium High Density.

Conditional Use Permit 125-01 of Kase Construction and The Dalles Evangelical Church to establish a “CFO” – Community Facility Overlay District to the existing, underlying zones in order to build a 60’ X 80’ fenced ,concrete, recreation slab. Property is located at 1001 E. 12th Street is further described as 1N 13E 3DC Tax Lots 6100. Property is zoned “RH” Residential Medium High Density.

All information relating to the application and review criteria is available at, and comments may be delivered to, the Community Development Department, 313 Court Street, The Dalles, OR 97058, phone (541) 296-5481, ext.1125. Comments must be received by the hearing date, or may be presented at the hearing. The meeting will be conducted in a handicap accessible meeting room. Anyone requiring accommodations may call the office of the City Clerk, (541) 296-5481 ext. 1120, Monday through Friday, from 8:00 a.m. to 5:00 p.m. to make arrangements.

PLEASE PUBLISH ONCE, SUNDAY, NOVEMBER 25TH, 2001
THANK YOU, DAWN HERT, PLANNER

Ref P.O. # 150460