



CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, December 6, 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 6:35 P.M.

ROLL CALL:

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

Absent: None

Staff: Dan Durow, Community Development Director; Gene Parker, City Attorney; Dawn Hert, City Planner; Dan Meader, Planning Consultant; Denise Ball, Admin. Secretary.

AGENDA: Gene Parker, City Attorney, announced that an issue has been brought to Staff's attention regarding an ex-parte contact. He asked that the Public Hearing for 123-01 of Wayne Lease be re-opened and Commissioners polled again regarding bias, ex-parte contact and conflict of interest for the record. Resolution 426-01 should be moved as well. Both items should follow Public Comments on the agenda. Thomas moved to approve the Agenda as amended and Bryant seconded. The motion passed unanimously.

MINUTES: Lavier asked if any corrections were needed for the minutes of November 15, 2001. There were no corrections. Ahlberg moved to approve the minutes and Bryant seconded. The motion passed unanimously.

PUBLIC COMMENT: Wayne Lease, 41 Private Lake Road, White Salmon, WA 98672 commented briefly on the hearing process he went through two weeks ago. He feels that he and his wife were guinea pigs. He and his wife Laurel are the first applicants, who submitted for formal review, a concept site plan. This type of review allows an applicant to apply without spending lot money for engineering designs. He asks that the commissioners "don't throw the baby out with the bath water". He believes the process has validity and he asks the Commissioners to ask their questions while public comment is still open.

Lavier said he had planned to have Commissioners go over the concept site plan process during "Commissioner Comments and Concerns" on the agenda tonight.

Laurel Lease, 41 Private Lake Road, White Salmon, WA 98672 commended the effort of both the Commissioners and Staff in handling their application and trying to facilitate economic development in the community. She feels there has been too much obstruction and regulation that has stopped a lot of businesses from coming to our area. Lease said the process and purpose of the concept site plan review was not fully understood by the Planning Commissioners.

Parker interrupted Mrs. Lease and said he felt her comments were starting to cross the line and get in to the merits of the Lease's application, which is still pending.

Lease said she did not want to cross the line and thanked Parker for the correction. She continued by saying she feels it would be helpful to have an objective third party to adjudicate the testimony for its relevance.

There was no more public testimony.

Ex-parte Contact

Lavier asked Parker to explain this addition to the agenda.

Parker said the Commission had been asked to place this item on the Agenda, before they considered the Resolution 426-01, because it did come to Staff's attention following the hearing of November 15, 2001 that an ex-parte contact may have occurred regarding CUP 123-01 that had not been declared at the initial hearing. Oregon law requires, in order for the decision to avoid being determined to be invalid, that that type of contact needs to be disclosed on the record and the parties of record have an opportunity to rebut whatever information is disclosed in that contact. Parker turned the meeting back to Chair Lavier and asked that he inquire of the Commissioners if there was an ex-parte contact that was not disclosed at the initial hearing.

Lavier asked if any of the Commissioner's had an ex-parte contact or conflict of interest regarding the hearing for CUP 123-01 that was held on November 15, 2001.

Bryant declared that he did have an ex-parte contact with a neighbor of the lot. The neighbor approached Bryant while Bryant was looking at the site with his map. The neighbor was K.C. Kortge. Mr. Kortge expressed to Bryant his concerns about the road and the driveway access as he did during the public hearing.

Lavier asked Bryant if he felt he could be impartial in deciding on this issue and Bryant said he did feel he could be impartial on this issue.

Lavier asked if there were any questions on that from the audience.

Mrs. Lease said yes, they would like to question the contact.

Parker said that would be appropriate and there may be some more details Bryant forgot to mention.

Mr. Lease asked when the contact took place. Bryant said he believed it was on the Sunday following his receipt of the concept drawing. While he had the map on the ground, Mr. Kortge approached him and asked what he was doing. Lease asked if Bryant had introduced himself and Bryant said he had. Lease asked if Bryant had told Kortge he was a Planning Commissioner and Bryant said he had. Lease clarified that the contact took place on the land and Bryant said that was correct. Lease asked where on the land and Bryant said it was on the level part of the property. Lease asked how long the contact lasted. Bryant said fifteen minutes. Lease asked what had been discussed during that fifteen minutes. Bryant said Kortge explained about the property line conflict between the two properties and he also helped Bryant locate a sewer on the 17th Street side. Bryant said Kortge's concerns were the road and the steepness of the access to the property. Bryant went on to say Mr. Kortge has been a farmer for many years and Bryant did know him although he did not recognize him at first. They talked about farming probably as much as they talked about the Lease application. Lease asked if the sewer line discussed was a private or public line. Bryant said he didn't know but just found the cleanout and Kortge said there was a sewer line that ran along the edge of the property. Lease said he couldn't place what sewer line that would be based on the Bryant's description. Lease asked if Kortge had initiated the contact. Bryant said yes. Lease asked if any of the other Commissioner's were aware he had this contact and Bryant said not as far as he was aware. Lease asked if Bryant had any other contact besides Mr. Kortge on this application. Bryant said he had talked to his wife and told her he was going to walk up and look at the site and that was the extent of his discussion with his wife. Lease said, as he understands it Bryant and Kortge only talked about the sewer and the road and the traffic on the street. Bryant said he also had Kortge point out the corner of his property. Bryant said he was sorry but he doesn't remember anything else.

Lease confirmed with Parker that he could rebut those items Bryant discussed with Kortge. Parker said that was correct at some point. Parker said a determination needs to be made if Mr. Bryant can still participate in the hearing. Once that is resolved, Lease's right of rebuttal can be addressed.

Mrs. Lease asked if Bryant had any discussion with his ex-wife, who Bryant had mentioned and lives on the street in question.

Mr. Bryant said he had only mentioned that he had pulled his wife out of a snow bank and had not discussed this procedure with her.

Mr. Lease asked if Staff had knowledge that Bryant had talked to Kortge prior to the hearing.

Parker said from what he understands it came to Staff's attention following the hearing. He was not sure of the exact date, Ms. Ball was the only one who was aware that Mr. Kortge had come in to the office and asked to see the file on this application. Kortge made a comment to Ball that the map he was looking at was not the same one Bryant had in his possession.

Ball said this conversation happened the day of the hearing, maybe an hour or so before the office closed.

Mrs. Lease clarified that Bryant believed Kortge was aware he was on the Planning Commission. Bryant said yes, he introduced himself as such. Mrs. Lease went on to say that during her conversation with Mrs. Ball regarding her conversation with Kortge Mrs. Ball said that while she was copying some of the information for Mr. Kortge she told Kortge that the reason Bryant had the most current map was because he is a Planning Commissioner. Kortge's response was "Oh he is?" or "Oh is he?" Ball said to the best of her recollection that was what was said. Bryant said he could see why that would cause some confusion.

Mr. Lease asked if any of the Commissioner's had contact with anyone since the hearing.

Poppoff said he might have talked with someone over at Kargl, Elwood and Geiger. It might have been mentioned during a discussion about the KODL property.

Ahlberg said, as he understands the rules, after a hearing Commissioner's have the right to talk to whomever they want because the decision has been made. Ahlberg said he's sure he has probably chatted with somebody to some extent about it.

Durow said the question is still out there if any party wishes to challenge Commissioner Bryant's ability to sit and make a decision.

Mrs. Lease said they do wish to challenge and Mr. Lease concurred.

Mr. Lease said that his legal counsel advised them that the mere fact that Bryant failed to disclose his ex-parte contact makes it questionable as to whether he has any bias or not and that is why they are challenging.

Lavier said a decision needs to be made if Bryant can sit in on the decision. Lavier said to keep in mind that even if Bryant's vote were removed the application would still have been denied by a 3 to 1 vote.

Lease said also to keep in mind that the mere fact Mr. Bryant did not disclose this contact the hearing may be tainted, may be skewed and may have to be redone.

Mrs. Lease said her reasons for challenging are Mr. Bryant's failure to disclose this communication, which does challenge his credibility. Bryant's extended and detailed conversation with Kortge has influenced his opinion, has biased and predisposed him prior to hearing the application. Otherwise, why would he not have revealed it when the question was first asked? Lease also went on to say that multiple times during the hearing, Bryant brought up traffic issues and driveway issues, both items he has admitted to discussing with Kortge. His questions during the hearing indicate a prior knowledge of these issues. Also, Bryant made the motion to deny the application during deliberation with the other Commissioner's when they were asking Staff repeatedly if they could add additional conditions of approval to the application. Mr. Bryant jumped in with the motion to deny that had to be constructed with Staff's help in order to get the different points in he was concerned about. The Secretary wrote the motion down and read it back. Lavier asked for a second to the motion and there was hesitation and no second was forthcoming immediately. Mr. Bryant said, "after all that writing you better give her a second".

Poppoff finally seconded the motion. Lease went on to say that Commissioner Thomas commented that if the motion doesn't pass they can make another motion. Thomas just wanted to keep their options open. Lavier had asked if they could approve this application with more conditions. Lease went on to say that if Bryant had not made the motion so quickly, the deliberations that were taking place could have resulted in a different resolution.

Parker said Mr. Bryant needs to respond to the challenge at this point.

Bryant said he feels the contact with Mr. Kortge did not unduly bias him and he will not willingly remove himself from this procedure.

Thomas asked Staff if someone approaches her, should she tell them immediately that she can't talk to them about it.

Parker said to advise the person that you are on the Commission, will be making a decision, and can't discuss it.

Thomas went on to say that the Commissioner's do not have a lot of training for their job.

Parker said the remaining Commissioner's need to decide if they want to allow Bryant to remain or to be removed from this hearing process.

Thomas moved to allow Bryant to remain to participate in the deliberations. Ahlberg seconded. The motion passed unanimously with Bryant abstaining.

Rebuttal for the Lease's and other parties of record was agreed to take place on January 17, 2002. There will be a re-notice to the parties of record regarding this right of rebuttal.

Lease clarified the issues he can rebut against. One is traffic and the second is the road. He asked if the centerline was also an issue. Bryant said he was trying to determine the grade of the driveway. Lease asked to have in writing, to be clear, just what issues he can rebut. Lease also wants a copy of this taped meeting and a copy of the minutes. He wants in writing how this rebuttal will be conducted and Parker said he would have to look into that.

Ahlberg said he heard three issues, traffic, sewer line, and the driveway. Mrs. Lease said that was what she heard also.

Bryant said he had also discussed the fence, the common property line.

Parker said he would clarify that for everyone.

Lease said if he had made anyone uncomfortable, he apologized. He asked only those questions his legal counsel advised him to.

Lease agreed to waive his 120-day deadline.

Resolution 426-01 is also continued until January 17, 2002.

Parker said the discussion regarding concept site plan process should not be discussed during Commissioner Comments and Concerns tonight but postponed until January 17, 2002 also. Lavier agreed.

PUBLIC HEARING: *Quasi-Judicial*

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 zone 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.

Lavier announced the public hearings on the agenda. He next read the rules for conducting a public hearing. Lavier asked if any Commissioner had any bias, conflict of interest, or ex-parte contact. Thomas said she lived next door to the applicant, Larry Chance, but felt she could be impartial. Lavier declared the public hearing for CUP 124-01, Unity and Recovery Foundation, open.

Dan Meader, Planning Consultant, presented the Staff Report.

Commissioners asked Staff a few brief questions.

Lavier then opened the hearing for public testimony and asked for proponent testimony.

Proponent Testimony

Larry Chance, 304 E. 10th, The Dalles, OR 97058 spoke in favor of the application. He explained about Unity and Recovery, their meeting schedule, and how they have outgrown their current location.

Ahlberg asked if this building was ADA accessible.

Chance said not at this time, but it was one of their goals.

Commissioners asked Chance questions about items on Unity and Recovery’s brochure regarding the types of meetings that would be held and how the group is self-supportive.

Bill Howell, 414 Washington, The Dalles, OR 97058 explained about fund raising and “passing the basket”.

Lavier asked what activity he would observe outside the building during holiday meetings.

Chance said it would only be people arriving or leaving.

Poppoff asked if there would be live music after 10 PM. Chance said no.

Ahlberg said again he is concerned about the lack of ADA access.

Ross Gardner, 614 Sherman Drive, The Dalles, OR 97058, said Unity and Recovery needs a good location and facility. It will make it attractive and keep recovery in this area.

There were no questions of Mr. Gardner.

Rose Chance, 304 E. 10th, The Dalles, OR 97058. Mrs. Chance said the applicant, Larry Chance, is her son. He is in recovery. If this help had not been available for him he would be dead now. This is something alcoholic and addicts need.

There were no questions of Mrs. Chance.

Lana Tepfer, P.O. Box 1492, The Dalles, OR 97058. Spoke in favor of the application. She said this is a faith-based group and using this church building would be perfect. Tepfer also went on to say she walks along the street regularly and doesn't believe this facility will create a parking problem.

Opponent Testimony

Dick Wingfield, 1004 Federal, The Dalles, OR 97058. Wingfield said he is a career police officer of thirty-one years and has first hand knowledge of drug addicts. Those people who are court mandated to attend this type of meeting are going only to get their "chit" or card signed and are not going to the meetings to get help in recovery. Wingfield feels these court mandated addicts could pose a risk to the students in that area because this building is within a block of the high school.

Thomas asked Wingfield to explain about the card signing.

Wingfield explained that the people who stay at the meetings are those that want to be there and are trying to change their lives. These court ordered persons are only attending as a condition of their parole or sentence.

Thomas said she can't believe someone would sign that persons card knowing they aren't going to stay for the meeting.

Lina Haug, 404 E. 10th St., The Dalles, OR 97058, said there is a parking problem on that street. She also is concerned with the loitering that could take place in a residential area.

There were no questions of Mrs. Haug.

Proponent Rebuttal

Larry Chance, 304 E. 10th St., The Dalles, OR 97058, said that the caretakers who will be at this facility 24 hours a day will eliminate loitering and the possibility of trouble. They want to be good neighbors. Chance explained that people who go to get their court slips signed are clean and sober; otherwise they wouldn't go the meetings.

Ahlberg clarified that Unity and Recovery Foundation is totally separate from AA and other Twelve Step groups. Chance said that is correct.

Thomas asked about their five board members.

Chance said there are actually seven board members and they are volunteers.

Rose Chance, 304 E. 10th St., The Dalles, OR 97058, said the teenagers in the neighborhood already pose a loitering problem.

There was no additional rebuttal.

Meador advised the Commission that the photos Commissioner Bryant had taken of the Church and surrounding area, Exhibit A, as well as the six letters, Exhibits B through G, received supporting this application need to be entered into the record.

The public testimony portion of the hearing was closed.

Ahlberg asked if the conditional use is awarded to the group or the building.

Meador said his understanding is the approval goes to the specific group.

Parker said another group would have to go through a Conditional Use Permit process.

Staff and Commissioners held a brief discussion regarding Community Facility Overlays and the Conditional Use process.

Lavier asked if a sixth condition needed to be created making sure that the Conditional Use would apply only to the Unity and Recovery Foundation. He also noted that condition two should have the wording changed to eliminate the chance for a loud party during the holidays and limit what use can take place.

Meador asked for time to write the new condition six and re-word condition two. Parker suggested a recess. Lavier recessed the hearing until 9 PM.

The hearing resumed at 9 PM.

Meador read the revised condition two. It reads, "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 Thanksgiving, Christmas, and New Years. Those events shall be limited to group related support activities limited in number of participants and designed not to create any nuisance conditions.”

Condition number six that shall be moved to number one reads, “This Community Facility Overlay Zone is established on this property and runs with the land. The Conditional Use Permit is granted to the Unity and Recovery Foundation under the findings and specific conditions of approval. Any deviation in the stated purpose of this request will be grounds for revocation of the permit.” This will re-number the other conditions.

Ahlberg recommended that every possible effort be made to create ADA access to this facility. He also wants to be assured that the place does not get run down or become a nuisance to the neighborhood. Lavier said a building being physically used will improve the neighborhood.

Thomas moved to approve CUP 124-01 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 with the six conditions as modified and based upon findings of fact. Poppoff seconded. The motion carried unanimously.

Lavier opened the hearing for CUP 125-01. He did not repeat the rules for a public hearing because no new audience members were present. He did ask if any commission members had any ex-parte contact, conflict of interest or bias. There was none.

Meader disclosed that his firm, Tenneson Engineering, had prepared the site plan. He was not personally involved however.

Meader presented the Staff Report.

Lavier asked if there were any storm drain issues. Meader said Staff did not feel there were any issues to address. Lavier suggested that a condition be added for the applicant to address how standing water on the surface of the recreation slab will be removed.

Bryant asked if this will be open to the public.

Meader said he doesn’t believe it will be, but Bryant should ask the applicant.

Ahlberg said quasi-public use would mean it was open to those people who choose to be members of the Church, their guests or visitors.

Ahlberg asked if this is two lots. Meader said it is.

Ahlberg asked about a different fence height requirement because this is a basketball court and for safety reasons.

Meader replied the Ordinance allows for a four foot high fence in the front yard area of the proposed slab. After the 15 foot front yard set back, the fence can be six foot high.

Commissioners and Staff briefly discussed the proposed fence.

Lavier opened the hearing for public testimony.

Proponent Testimony

Pastor Tim Clemonson, 703 E. 20th Street, The Dalles, OR 97058 spoke in favor of the application. Clemonson gave the Commission a history of the Evangelical Church and its properties. He also talked about the proposed fence and said he would be happy to build the fence however Staff and the Commission decide.

Bryant asked why the work had started before a permit had been issued.

Clemonson said that Kase Construction had been hired to perform the work. He had relied upon the contractor to do everything correctly.

Charles Hill, 524 W. 22nd St., The Dalles, OR 97058 spoke in favor of the application. He said their congregation has experienced an increase in young members.

Val Tenney, 923 E. 12th Street, The Dalles, OR 97058 supports the application. Tenney also read a letter (Exhibit 1) from her husband, Michael Tenney. He also is in support of the application.

Opposition Testimony

Ruby Utley, 1020 E. 12th Street, The Dalles, OR 97058 handed out a letter (Exhibit 2) in opposition. Her concern is traffic safety.

Staff presented an opposition letter (Exhibit 3) from R. Kambel, 1021 E. 13th Street, The Dalles, OR 97058.

Ruby Utley spoke again and said her friends, Jan & Steve Cox, 1610 E. 14th Street, The Dalles, OR 97058 were unable to attend the hearing but had asked Utley to voice their opposition also.

Rebuttal Testimony

Pastor Clemonson said they would monitor the area and do their best to make sure it was not a nuisance to the neighbors.

Revell Coy, 2323 E. 11th Street, The Dalles, OR spoke in favor of the recreation slab.

The public testimony portion of the hearing was closed.

Deliberation

Commissioners deliberated about the height of the fence. The ordinance allows for only a four foot fence in the front yard. Meader said Staff would probably not be able to support a variance for a higher fence.

Bryant stated his unhappiness with the work starting before a permit had been applied for.

Ahlberg moved to approve 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 zone in order to build a 60' X 80' fenced, concrete, recreation slab with the two original conditions of approval, modified condition three, and adding condition four which states, "A drainage plan to provide on-site containment of storm water run-off shall be prepared and submitted to City Engineer for approval", based upon findings of fact. Thomas seconded the motion. The motion carried with Lavier, Thomas, Ahlberg and Poppoff voting for and Bryant voting against.

Resolutions

Thomas moved to adopt Resolution 427-01 with conditions as modified and Bryant seconded. The motion passed unanimously.

Poppoff moved to adopt Resolution 428-01 with conditions as modified and Ahlberg seconded. The motion passed with Lavier, Thomas, Ahlberg and Poppoff voting for and Bryant voting against.

COMMISSIONER COMMENTS AND CONCERNS

Commissioners asked if there were any new applicants for the Planning Commission.

Staff said no.

Staff explained about our R.A.R.E. student program.

Lavier asked about the Clark application status. Parker advised the Commission the matter was scheduled for the City Council on December 10, 2001 for a decision.


NEXT MEETING:

The next scheduled meeting on December 20, 2001 is cancelled. January 3, 2002 will be the next meeting should there be applications.

ADJOURNMENT:

The regular Planning Commission meeting was adjourned at 10:45 P.M.

Respectfully submitted by Denise Ball, Administrative Secretary.



Bruce Lavier, Planning Commission Chair

EXHIBIT "A"



Fifteenmile Creek

Council staff summary: Bonneville has funded a passage improvement and habitat protection strategy in Fifteenmile Creek since 1987. Salmonid production in the subbasin is entirely natural; there are no artificial production programs. The population of winter steelhead in the subbasin is the easternmost in the Columbia River. Spring chinook also spawn in the subbasin.

Bonneville investments have supported a series of instream habitat structures and 98 miles of riparian fencing on Fifteenmile Creek and its tributaries. The ongoing funding by Bonneville is for operation and maintenance of the fencing, water gaps and instream habitat structures. When the fencing program was initiated, the Oregon Department of Fish and Wildlife established 15 year agreements with landowners to maintain the fencing and access for repairs to instream habitat structures. The Mitchell Act has also funded irrigation diversion screening in the subbasin.

The recommendations of the fish and wildlife managers would continue Bonneville funding for the maintenance program in the subbasin and continued installation of new riparian fencing at a rate of ten miles a year. The managers also placed a high priority on funding for the Oregon Water Trust to acquire senior water rights in the subbasin for instream flows. A monitoring program to trap migrating smolts to estimate production in the basin is a priority in the CBFWA work plan. The managers supported the proposal by the Wasco Soil and Water Conservation District to fund technical assistance to enroll landowners in the U.S. Department of Agriculture's Conservation Reserve Enhancement Program (CREP), but stated that Bonneville funding for the proposal raises an issue of conflicting with the Northwest Power Act's restriction on funding the legal obligations of other government agencies. The CREP program compensates landowners for withdrawing marginal lands from agricultural production specifically to aid riparian restoration.

ISRP review:

While supporting the core habitat restoration and maintenance projects in the CBFWA work plan, the ISRP disagreed with CBFWA's lower priority for the CREP enrollment project and a demonstration project for integrated pesticide application in the subbasin. The ISRP recommended no funding for the Oregon Department of Fish and Wildlife's monitoring project, even after a response from the Department in the "fix-it" review. The ISRP also noted a concern with the relatively short duration of the landowner agreements for maintenance of the fencing and instream habitat structures installed with Program funds.

Issues for the Council:

- The continued funding for installing riparian fencing as recommended by CBFWA is supported by the ISRP. There are, however, management issues the Council staff



MID-COLUMBIA CENTER FOR LIVING

(PROVIDING MENTAL HEALTH, DEVELOPMENTAL DISABILITIES & ALCOHOL/DRUG SERVICES TO WASCO, HOOD RIVER, SHERMAN & GILLIAM COUNTIES)

Hood River

1235 STATE STREET
HOOD RIVER, OR 97031-1427
TELEPHONE (541) 386-2620
FAX (541) 386-6075

Business Office


WASCO COUNTY COURTHOUSE ANNEX A
419 EAST SEVENTH STREET, ROOM 207
THE DALLES, OR 97058-2607
TELEPHONE (541) 296-5452
FAX (541) 296-9418

Condon

422 NORTH MAIN
P.O. Box 705
CONDON, OR 97823-0705
TELEPHONE (541) 384-2666
FAX (541) 384-3121

November 19, 2001

To: City of The Dalles
Council Members

From: Sharon Guidera, M.A., Executive Director 
Mid-Columbia Center for Living

Subject: Support for Unity Recovery Foundation in The Dalles

Please be advised that the Mid-Columbia Center for Living supports the Unity Recovery Foundation in The Dalles.

We see a definite need for both Alcoholics Anonymous and Narcotics Anonymous in our community as we have seen positive results from community support groups. We additionally support the use of the "Stone Church" as a central place of interactions and socialization.

Should you have any questions and/or desire any additional information, please do not hesitate to contact me at 541/296-5452, ext. 274.

SG:ajc
H:\Amy-DIWPWIN\AmyURFMemo.wpd

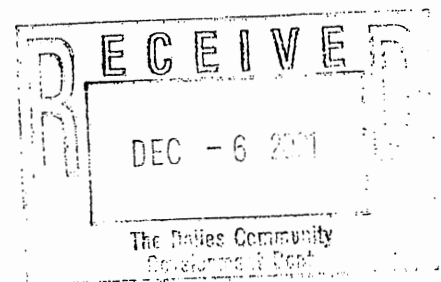


EXHIBIT B



Mid-Columbia Social Survival Skills Program

November 13, 2001

The Honorable Robb Van Cleve, Mayor
City Council Members
City of The Dalles
313 Court Street
The Dalles, OR 97058

RE: URF's Proposal To Convert Old Tenth Street Church to Recovery Center

Dear Mayor Van Cleve and City Council Members:

This letter is being written in complete support for of the Unity and Recovery Foundation's proposal for the old church on Tenth Street for the use of people in Recovery.

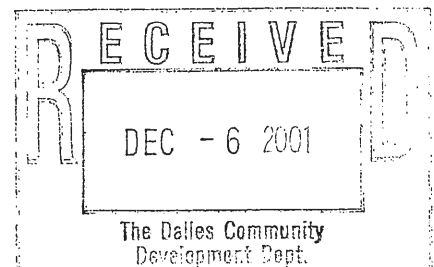
The Dalles has long needed a safe environment for people in Recovery to be able to interact, socialize and have as a haven. At the present time Recovery is made much more difficult for many people in The Dalles whose only place to socialize before has been in bars, lounges and with friends who use alcohol and drugs. Many cities have alcohol and drug-free sites where people in Recovery can participate in the type of entertainment they enjoy and formerly have found only in bars and lounges - darts, dancing, pool or just "hanging around". A building dedicated to the use of people in Recovery would ensure those in Recovery are able to meet and interact positively with others also in Recovery. In addition to being a safe environment, the center would create informal as well as formal support and recovery groups. Healthy support is very important to any type of Recovery.

Having a safe building such as that proposed by URF could well mean the difference between Recovery and relapse for many. With Recovery also comes lessening of crime, domestic and sexual abuse, motor vehicle accidents, loss of work time to mention only a few of the benefits the community as a whole would experience from URF's proposal.

Please give serious consideration as well as your approval and support to URF's petition.

Thank you,

Sandra Bernards, MS
Drug and Alcohol Evaluation Specialist





NORCOR CORRECTIONS FACILITIES

Gilliam - Hood River - Sherman - Wasco
201 Webber Road
The Dalles, OR. 97058
(541) 298-1576
Fax (541) 298-1082

March 1, 2001

To Whom It May Concern:

The Unity and Recovery Foundation is a worthwhile and beneficial program for many of the occupants of the Columbia Gorge Area. It provides vital services to those who are in need of support in recovering from additions many of us can not hope to understand.

This is an organization comprised of volunteers and others who wish to simply help others to gain a new lease on life and become productive in society. Many of these people may not gain this opportunity unless they have the needed support to abstain from some type of addiction they have suffered.

As a Corrections Facility, we observe the amount of harm that drug and alcohol addiction does to members of our society. The hope is that with help these people may be able to pull themselves out of the pit they have found themselves in. The Unity and Recovery Foundation helps guide these individuals from lives of crime and addiction to productiveness and unity with families and friends.

Please support this organization in their goal to obtain a permanent site for their vitally needed work. Also please help them in their quest to obtain grants and funding to keep this program growing. With your help members of our community will be assisted in recovering from the positions they now find themselves in by the caring of others.

Sincerely,

Captain Larry Lindhorst
NORCOR

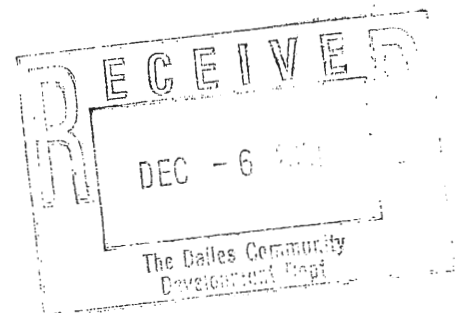


EXHIBIT D



WASCO COUNTY CIRCUIT COURT

Seventh Judicial District
511 Washington St.
P.O. Box 1400
The Dalles, Oregon 97058
541-296-2209 Fax: 541-298-2977

**Circuit Judge
John V. Kelly**

**Circuit Judge
Bernard L. Smith**

November 28, 2001



The Dalles City Council:

Re: Lease/Purchase of the Old Church of Christ Building at E. 10th & Federal

Dear Councilors:

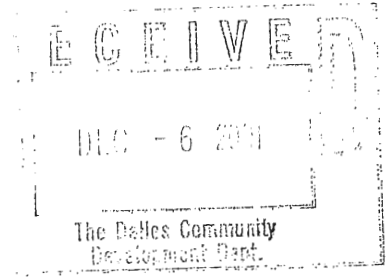
I support the proposal of the Unity and Recovery Foundation to lease/purchase the Old Church of Christ Building from the City of The Dalles. As you are aware, the various addictions that members of our community suffer are under treated. The use of the Old Church of Christ Building for 12 step programs would be a win-win situation for the community, the salvaging of the building and of lives would be a positive step for the City of The Dalles.

Yours very truly,

**BERNARD L. SMITH
CIRCUIT COURT JUDGE**

EXHIBIT E

William G. Lennox
1005 Federal Street
The Dalles, Oregon 97058



The Dalles City Council
The Dalles, Oregon

Re: Support for Unity and Recovery Foundation operation from the old Church of Christ building for 12 step fellowship meetings and functions.

To the City Council:

As a resident who lives across the street from the Church of Christ building located at 10th and Federal Street, I support Unity and Recovery Foundation's proposal to lease with option to purchase the property and to use the property for meetings and other related functions.

Sincerely,

William G. Lennox
541-296-3949

EXHIBIT F

CIRCUIT COURT OF OREGON

SEVENTH JUDICIAL DISTRICT

JOHN V. KELLY

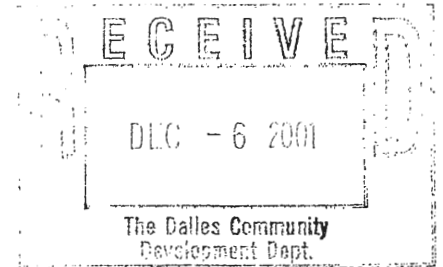
CIRCUIT JUDGE

GILLIAM COUNTY
HOOD RIVER COUNTY
SHERMAN COUNTY
WASCO COUNTY
WHEELER COUNTY

P. O. BOX 1400
COUNTY COURTHOUSE
THE DALLES, OR 97058
PHONE (541) 296-3196

November 28, 2001

The Dalles City Council
313 Court Street
The Dalles, Oregon 97058



Re: Unity and Recovery Foundation Proposal To Rent
The Old Church of Christ Building On East 10th & Federal

Dear Council Members:

I support and recommend that the Unity and Recovery Foundation's proposal to rent the old Church of Christ building on East 10th Street and Federal for 12 Step meetings be adopted.

12 Step meetings seem to be essential for recovery from alcoholism and addition. The various 12 Step fellowships in the community have grown over the years. Many people who have appeared before me are now responsible citizens as a result of their association, participation and recovery in 12 Step fellowships. A central location for meetings and social gatherings will benefit the fellowships' members and ensure the continued growth of these fellowships in our community.

Very truly yours,

A handwritten signature in black ink, appearing to be "John V. Kelly", written over a horizontal line.

JOHN V. KELLY
Circuit Judge

JVK:kh

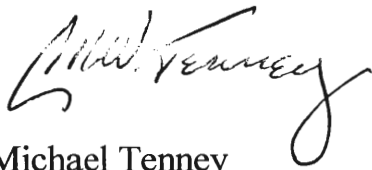
EXHIBIT 6

December 6, 2001

To the City of the Dalles Planning Commission:

My name is Michael Tenney and I reside at 923 East 12th Street in The Dalles. I am a neighbor of The Dalles Evangelical Church in that we share the north corners of 12th and G Streets, our properties facing each other across G.

I would like to go on record as supporting the conditional use permit sought by the church in order to build a concrete recreational slab on the eastern edge of their property. I have had the privilege to watch their youth group playing in the parking lot north of the church for several years, and they are a fine bunch of young people. If the church can continue to provide a social environment that the youth choose to inhabit in today's day and age of television, computers, GameBoys and X-Boxes, then I think they are to be commended and their path should be smoothed of obstacles at our every opportunity. Raise up a child in the way that is right and he or she will be a credit to the parents, to the community, and to the nation, says the proverb. Here's a chance to assist with the project, so let us welcome this playground area with a glad heart! I urge you to grant this permit and start building the community leaders of tomorrow. Thank you.

A handwritten signature in black ink that reads "Michael Tenney". The signature is written in a cursive style with a large, sweeping initial "M".

Michael Tenney

Exhibit 1

TO: COMMUNITY DEVELOPMENT DEPT.

SUBJECT; CONDITIONAL USE PERMIT #125-01

Reference to "Background Information"

Page 1 of 4

3rd Sentence: They intend to place six basketball standards around the court which will have an adjustable height from 7 ½ ' to 10'.

Page 2 of 4 - Engineering/Utilities/Planning

Last Item: Fence height cannot exceed 4' on front yard setback and no higher than 6' around the side and rear of the property.

Concern: 4' and 6' fences will not contain errant basketballs with target rim heights of 7 ½' 10'. This could be a traffic problem, especially if the 10' rim and the 4' or even 6' fence borders 12th Street.

Page 3 of 4 - Review Criteria

Subsection C. Impact

Item 1. Finding A-4: Last sentence: No additional structures are contemplated at this time.

Question: Does this mean it could be turned into a building in the future? It appears the already excavated footings are more than needed to just hold a concrete slab in place

Item 4. Finding A-7: Last sentence:

No additional impact on traffic is foreseen with completion and use of this facility.

Concern: We have resided directly across 12th Street from the proposed facility for 40 years. We park vehicles on street in front of house. This is not by choice! Do not have room in back. Over the years have come to the conclusion that a lot of drivers are not very good judges of where the right side of their vehicle is. Our vehicles have been side-swiped 3 times, mirrors knocked off 3 other times and rear-ended once. The probability of these kinds of accidents are at least doubled when vehicles traveling east and west meet to pass each other when they are adjacent to a parked car. Think what would it be if a car was parked on each side of the street with two vehicles passing in between? Now throw in a kid chasing a basketball.

We hope the church would require recreational users that drive vehicles to utilize the church parking lot and install their 10' backboards on the north end of the slab.

Harold & Ruby Utley

1020 E. 12th Street

Exhibit 2

The Dalles Community Dept.

I am not in favor of another play area in this neighborhood. This is Wilson - Thurst Park & The Dalles Middle School area.

There's several questions to be ~~asked~~ to be looped into.

Will the play area be open to all ages? The fence should be at least 10' since it will border on a narrow busy st. I've no problem with the 10:00 P.M. closing. The city should have stayed with their 10:00 P.M. Curfew.

They had rightly problems with Basketball playing & "Boom" boxes so loud they rattled the windows, plus at all hours of the nite. More in the summer time. It didn't matter to them it was a residential area.

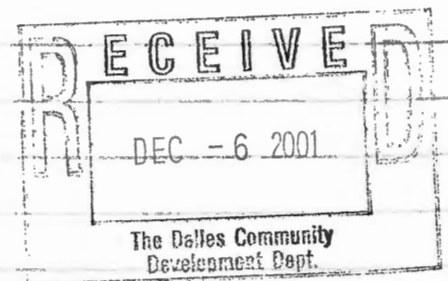
That's enough said -

L. Kambel

1021 E 13th St.

I've lived at this address since 1953

EXHIBIT 3





CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 122
FAX (541) 296-6906

MEMORANDUM

TO: Parties of Record in Conditional Use Permit #123-01, submitted by Wayne and Laurel Lease to Construct a Residential Care Facility

FROM: Gene E. Parker, City Attorney *GEP*
Dan Durow, Community Development Director *DD*

DATE: January 3, 2002

RE: Procedure for Hearing Scheduled for January 17, 2002

As you may be aware, on December 6, 2001, Ted Bryant, a member of the City Planning Commission, disclosed the existence of an ex parte contact that had occurred prior to the initial evidentiary hearing on this matter on November 15, 2001. Under Oregon law, once this ex parte contact was disclosed, interested persons must be allowed an opportunity to present testimony and evidence rebutting the information disclosed in the ex parte contact. A hearing has been scheduled on January 17, 2002, at 6:30 PM, before the Planning Commission to provide interested persons with the opportunity to present such rebuttal evidence or testimony.

A review of the minutes of the December 6, 2001 meeting, in which the substance of the ex parte contact was disclosed, indicates there are four potential issues which could be the subject of rebuttal testimony or evidence. Those issues are as follows:

1. The location of a fence, as described by Mr. Kortge, as it relates to the boundary lines of Mr. Lease's property and Mr. Kortge's property, and the actual location of the boundary lines of the two properties.
2. The location of a sewer line, which may be a public or private line, adjacent to Mr. Lease's property.
3. The adequacy of Liberty Way in terms of traffic volume, i.e., exactly what impact would the traffic proposed to be generated by the residential facility have on the neighborhood?
4. Concerns over the slope of the proposed driveway to the facility, and whether it was sufficient to allow vehicular access to the facility.

Memorandum
January 3, 2002
Page 2

During the hearing on January 17, 2002, only testimony or evidence which directly addresses the issues outlined above will be allowed. The applicants, Mr. and Mrs. Lease, will be given the initial opportunity to present any rebuttal testimony or evidence that addresses any or all of the four issues outlined above. After the applicants have presented their rebuttal testimony, an opportunity will be given to any other party of record, which includes any person who testified in opposition to the proposed use, either in person at the November 15, 2001 hearing, or who submitted a letter in opposition to the proposed use, to present any testimony or evidence which is intended to address any or all of the four issues mentioned above. If any new testimony or evidence is presented during the opponents's presentation, the applicants will be given a limited right of rebuttal (technically referred to as the right of sur-rebuttal) to address the new testimony or evidence.

After the opponents or any other parties of record have had an opportunity to present any rebuttal evidence or testimony, and the applicants have had the opportunity to present any sur-rebuttal testimony, if necessary, the hearing will be closed, and the matter will be open to the Planning Commission for deliberation. Oregon law provides the Planning Commission must reevaluate it's original decision, which was to deny the application for the conditional use permit. The Planning Commission will need to take into account the evidence and argument presented during the November 15, 2001 hearing, and also consider the evidence and testimony presented during the January 17, 2002 hearing. Prior to the disclosure of the ex parte contact, City staff had prepared Resolution No. 426-01 for the Planning Commission's review and possible adoption. Depending upon the Planning Commission's final decision following its reevaluation of its initial decision, it is likely that a new resolution will need to be prepared that would incorporate any additional findings of fact that would be necessary to support the Commission's final decision. City staff will prepare such a resolution, which would probably be considered by the Planning Commission at the meeting scheduled for February 7, 2002.



Supplemental Staff Report

[Modified]

Conditional Use Permit #123-01 – Residential Care Facility
Wayne and Laurel Lease

January 17, 2002

Prepared by: Dan Durow and Gene Parker

The following information is provided to assist the Planning Commission in making a determination in the conditional use application. The information provided relates to the third and fourth issues that are subject to the rebuttal testimony hearing.

ISSUES:

#3. *The adequacy of Liberty Way in terms of traffic volume, i.e., exactly what impact would the traffic proposed to be generated by the residential facility have on the neighborhood.*

City Staff has done some additional measurements, and a review of a previous decision, to help establish a better factual situation in an effort to assist the Commission in its determination of this application. Although there have been no recent traffic counts on Liberty Way, the volume of traffic is relatively low. This street can be classified as a 'Lane' based upon the LUDO dimensional standards of 'street width' and 'right-of-way' width, but can also be classified as a 'neighborhood' or 'residential' street based upon the number of lots it serves and its overall length. Since no recent traffic counts have been made, it is not possible to determine how the street would be classified based upon 'volume'. The posted speed for this section of the street is 20 miles per hour. This is the classification standard for a 'Lane'. Any street classification should not be considered an automatic limiting factor on the ability of the street to handle a larger volume of traffic. Liberty Way has the capacity to carry a significantly larger volume of traffic than the number used to classify the street as a Lane; examples of this include, East 10th Street west of Dry Hollow and 14th Street west of Kelly.

The attached drawings shows that from the center point of the proposed driveway location there is a distance of 202 feet to the crest of the road toward the west, and a distance of 190 feet to the line of sight point farthest along the curb on the north side of the road toward the east. The slope of the road from the center of the proposed driveway to the crest of the road toward the west is 4.89 percent, to the first grade break toward the east the slope is 6.72 percent, and from there to the line of sight point farthest along the curb on the north side of the road the slope is 13.6 percent. To provide some comparison, the slope of Trevitt Street from 6th to 7th Street is 11.3 percent.

The LUDO standards for Vision Clearance (Section 6.100) for a residential street intersection (at 25 mph) do not apply to the proposed driveway. However, if these standards are applied in this case and a clear vision area is required as a condition (as with the Mark and RaeAnn Clark partition where a shared driveway was required and these standards were imposed) the angles and distances necessary to satisfy these standards are easily met within the existing road and driveway configuration. The attached drawing shows the clear vision areas that would result. [Note, the drawing is for graphic purposes, if approved these measurements would be done on site.] Although LUDO only requires a distance of 115 feet for a residential street intersection at 25 mph, a distance of 125 feet was used for the Clark partition; staff recommends that for consistency the additional distance be applied in this situation as well.

In addition, and keeping with the Clark decision, by applying a no parking zone on both sides of the driveway on the south side of the road for a distance of 100 feet, the clear vision area will project into the street far enough to insure a safe, clear vision distance. With these conditions, the proposed driveway would surpass all clear vision standards required for a full 'residential street' intersection at 25 miles per hour.

Although this section of Liberty Way has a reputation as "thrill hill", the risk of someone driving recklessly should not be a reason to deny the applicants the ability to develop the property within the provisions of the LUDO. The Commission should not focus on the problems created by drivers who do not obey the traffic laws but on any potential traffic safety hazards created by the proposed use itself. One factor the Commission should consider is whether there is any evidence in the record that there has been a significant number of accidents in the vicinity of the proposed development and whether this proposed development would contribute to an unsafe situation.

#4. Concerns over the slope of the proposed driveway to the facility, and whether it was sufficient to allow vehicular access to the facility.

By requiring a 20-foot distance with a 5 percent slope or less at the entrance, acceptable egress and ingress to the property from the street will be ensured. The driveway should be approved if the fire marshal is satisfied.



Supplemental Staff Report

Conditional Use Permit #123-01 – Residential Care Facility
Wayne and Laurel Lease

January 15, 2002

Prepared by: Dan Durow and Gene Parker

The following information is provided to assist the Planning Commission in making a determination in the conditional use application. The information provided relates to the third and fourth issues that are subject to the rebuttal testimony hearing.

ISSUES:

#3. *The adequacy of Liberty Way in terms of traffic volume, i.e., exactly what impact would the traffic proposed to be generated by the residential facility have on the neighborhood.*

City Staff has done some additional measurements, and a review of a previous decision, to help establish a better factual situation in an effort to assist the Commission in its determination of this application. Although there have been no recent traffic counts on Liberty Way, the volume of traffic is relatively low. This street is classified as a 'residential street' in the LUDO based upon vehicle trips of up to 1,000 per day. The classification of the street should not be considered as an automatic limiting factor on the ability of the street to handle a larger volume of traffic. Liberty Way has the capacity to carry a significantly larger volume of traffic than the number used to classify the street type. The posted speed for this section of the street is 20 miles per hour. This is less than for most other residential streets in the community.

The attached drawing shows that from the center point of the proposed driveway location there is a distance of 202 feet to the crest of the road toward the west, and a distance of 190 feet to the line of sight point farthest along the curb on the north side of the road toward the east. The slope of the road from the center of the proposed driveway to the crest of the road toward the west is 4.89 percent, to the first grade break toward the east the slope is 6.72 percent, and from there to the line of sight point farthest along the curb on the north side of the road the slope is 13.6 percent. To provide some comparison, the slope of Trevitt Street from 6th to 7th Street is 11.3 percent.

The LUDO standards for Vision Clearance (Section 6.100) for a residential street intersection (at 25 mph) do not apply to this proposed driveway. However, if these standards are applied in this case and a clear vision area is required as a condition (as with the Mark and RaeAnn

Clark partition where a shared driveway was required and these standards were imposed) the angles and distances necessary to satisfy these standards are easily met within the existing road and driveway configuration. The attached drawing shows the clear vision areas that would result. (Although LUDO only requires a distance of 115 feet for a residential street intersection at 25 mph, a distance of 125 feet was used for the Clark partition, staff recommends that for consistency the additional distance be applied in this situation as well.)

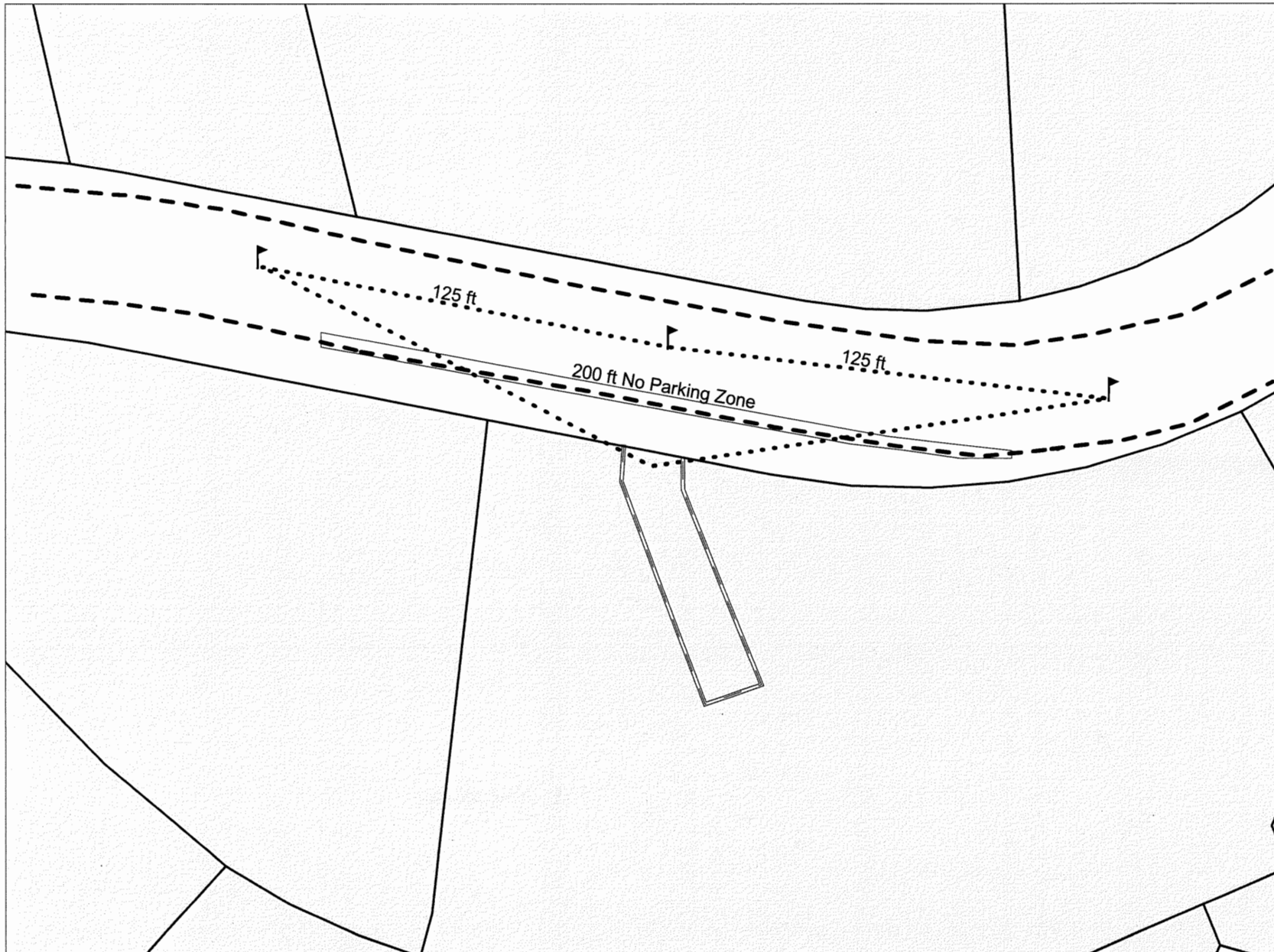
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#4. Concerns over the slope of the proposed driveway to the facility, and whether it was sufficient to allow vehicular access to the facility.

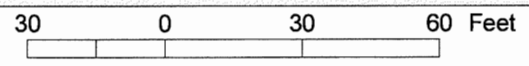
By requiring a 20-foot distance with a 5 percent slope or less at the entrance, acceptable egress and ingress to the property from the street will be ensured. The driveway should be approved if the fire marshal is satisfied.

Vision Clearance Requirements

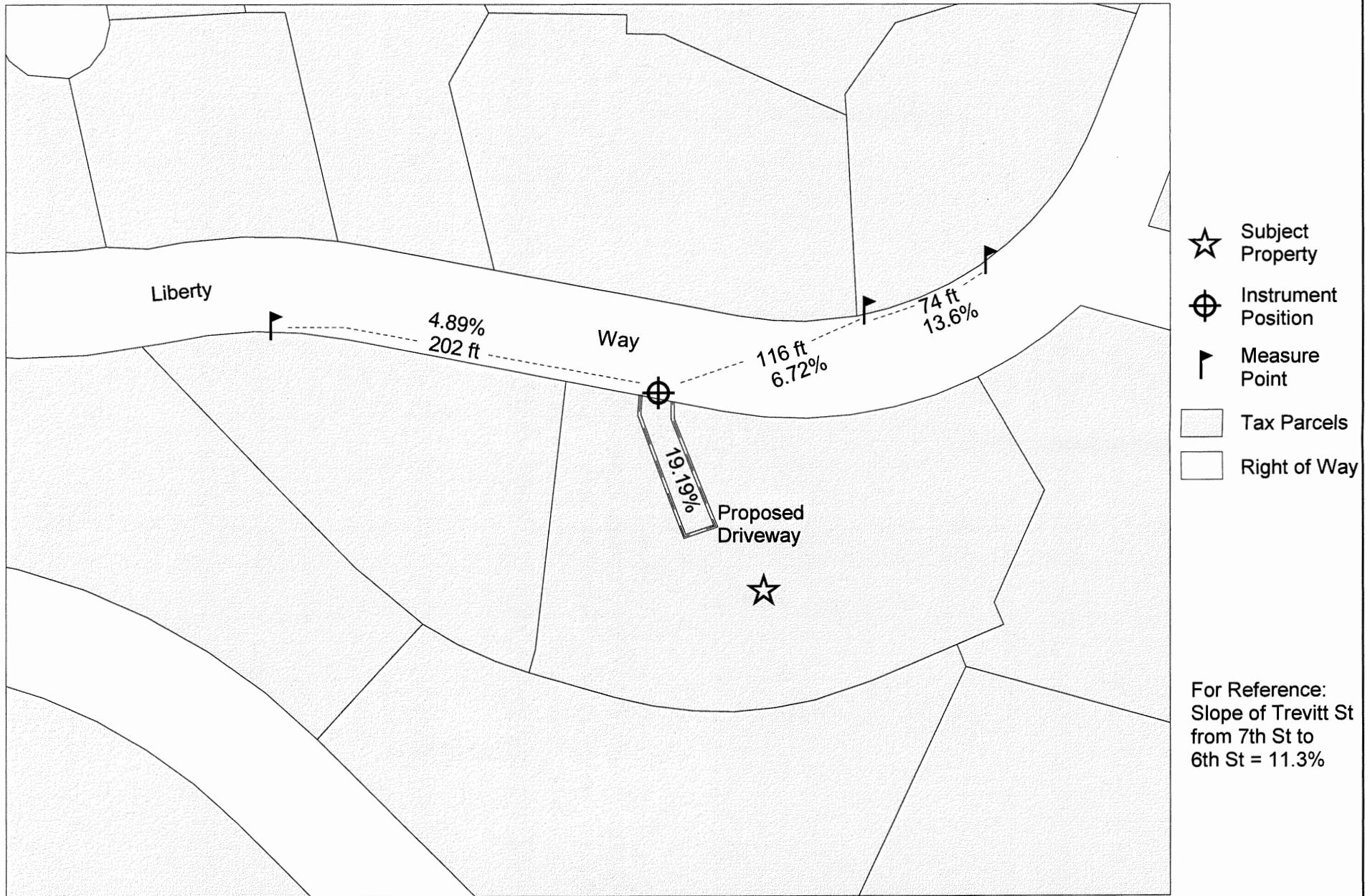


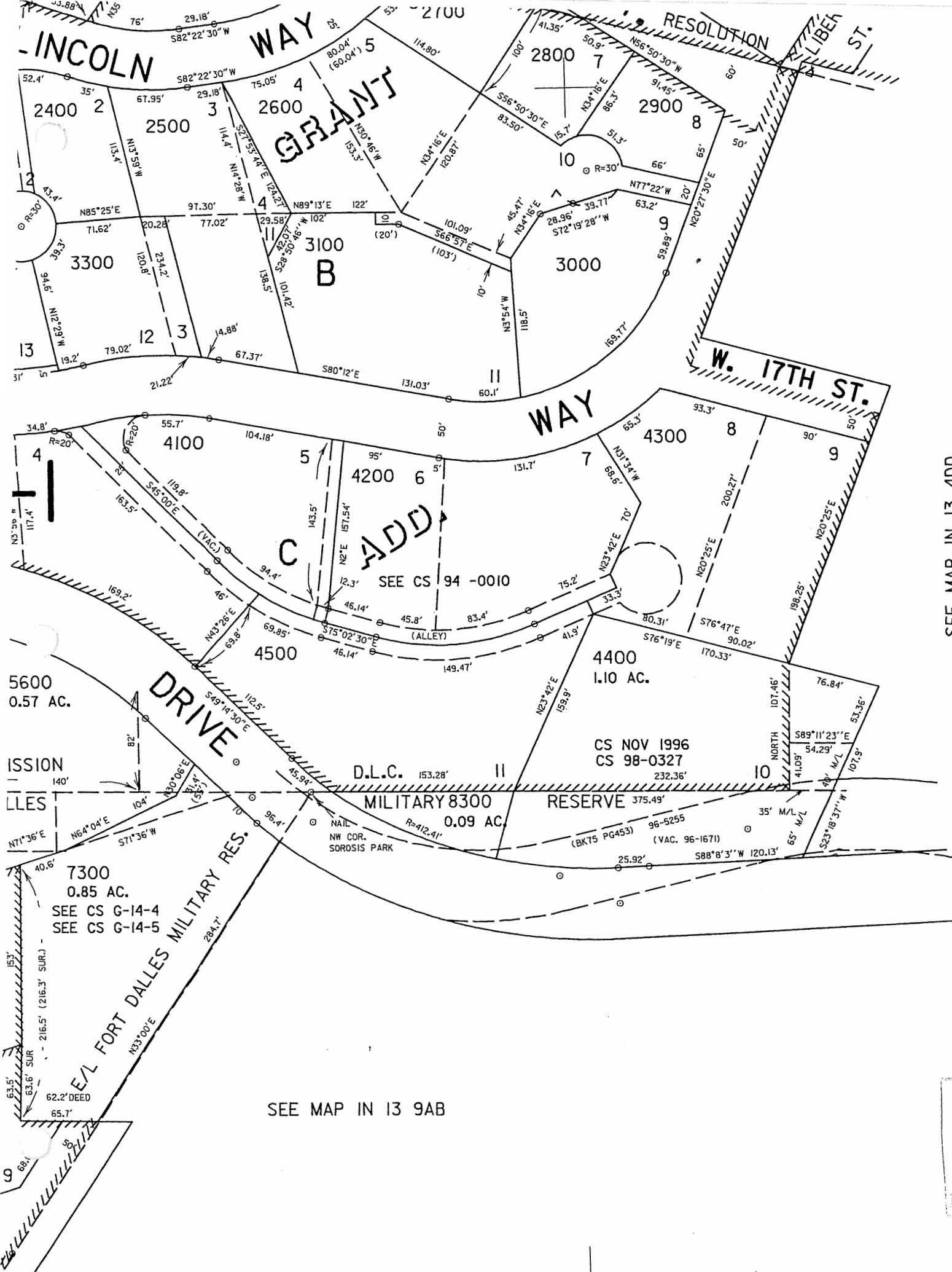
- Vision Clearance Boundary
- - - - - Approx Curb-line
- ==== Proposed Driveway
- _____ Property Boundary

*** All measurements are approximate and should be used only as a reference ***



Slope Comparisons of Proposed Driveway





SEE MAP IN 13 4DD

SEE MAP IN 13 9AB

Th
Dev