

RESOLUTION NO. P.C. 111-90

A RESOLUTION AMENDING RESOLUTION NO. P.C. 107-89
APPROVING CONDITIONAL USE PERMIT NO. 54-89, A
REQUEST FOR A CHILDRENS DAY CARE FACILITY FOR
36 CHILDREN ON THE NORTHWEST CORNER OF EAST
19TH STREET AND OREGON AVENUE

I. **RECITALS**

- A. The Planning Commission of the City of The Dalles has heretofore, on November 2 and November 16, 1989, conducted a public hearing to consider conditional use permit no. 54-89 relating to the following described property:
- 1N 13E 11BB, tax lot 5803 and 5805 (1719 East 19th Street)
- B. Said property is located in a residential (R-1) district. Applicant proposes a childrens day care facility be allowed in an existing residential home. A childrens day care facility for 13 or more children is permitted in the R-1 Zone subject to a conditional use permit.
- C. The child day care center operated by Mid-Columbia Medical Center has been in operation since 1982 as part of the hospital complex.
- The facility serves the children of employees of the medical staff, volunteers and allied health professionals of Mid-Columbia Medical Center.
- D. Section 31 (Conditional Use Permit) of The Dalles Zoning Ordinance establishes a procedure for issuing conditional use permits and requires that the Commission make findings of fact and state the reasons for its action.
- E. This matter was appealed and referred back to the Planning Commission by the City Council on January 2, 1990, for the purpose of hearing new evidence as required under Section 36 (D) of The Dalles Zoning Ordinance. The Notice of Appeal, dated December 15, 1989, was filed by M.D. VanValkenburgh.
- F. The Planning Commission has heretofore, on January 22, 1990, conducted a public hearing to consider new

evidence regarding conditional use permit No. 54-89.

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. The application requesting approval of conditional use permit no. 54-89 for a childrens day care facility is hereby approved, with conditions based upon the following Findings of Fact and Conclusions of Law:
 - 1. Zoning Ordinance: The use meets the criteria for the granting of a conditional use permit as set forth in Chapter 12, Section 31 (d) of The Dalles City Zoning Ordinance.

Findings:

- (a) The proposed childrens day care facility will not generate additional traffic to the area since the clients of the existing facility located at the Mid-Columbia Medical Center complex currently drive past the proposed site.
- (b) The City of The Dalles Traffic Safety Commission has determined that a loading/unloading zone on the northern curb of 19th Street, adjacent to the proposed facility will not create traffic congestion. The Traffic Safety Commission provided a recommendation to the Planning Commission at their November 15, 1989 meeting.
- (c) The installation of crosswalks running north and south from the hospital will provide adequate safety precautions for those who choose to unload their children when traveling east on 19th Street.
- (d) Noise, glare, odor and vibrations are not normally a bi-product of a childrens day care facility. The only noise will be that of children playing at regularly scheduled times throughout the day.
- (e) Business hours are limited from 6:30 a.m. to 6:00 p.m., Monday through Saturday, which

reduces the impact on the surrounding properties.

- (f) While the day care facility has not generated additional traffic in the neighborhood, the operation has resulted in a change in traffic patterns. Ron Braun, Transportation Supervisor of School District #12 testified that the same number of buses (5) service the day care center as before its relocation. Buses load and unload children in the newly created loading zone while westbound, eliminating the need for children to cross East 19th Street. According to Valerie Kendrick, most parents park in the loading zone to drop off or pick up their children, while some parents choose to park in the Mid-Columbia Medical Center parking lot and walk across East 19th Street.

A video film taken by hospital employees shows that the loading zone provides adequate space for dropping off and picking up children without backing up through traffic on 19th Street.

Prior to relocation, loading and unloading of children occurred on hospital property.

Conclusion: The use will not endanger the public health or safety if located where proposed and developed and the use will not allow conditions which tend to generate nuisance conditions, including but not limited to noise, glare, odor or vibration.

Findings:

- (a) The proposed facility meets all development standards required in the R-1 district, including setbacks, lot size, height limitations and landscaping. Off-street parking for employees will be provided at the Mid-Columbia Medical Center parking lot as required by Section 27(B).
- (b) No public improvements are necessitated by the proposed facility.
- (c) After considering the legislative intent of Zoning Ordinance Amendment No. 88-1092, the

Planning Commission has determined that Section 7.2 (B) 9 "Day care for 13 or more children, including the provider's own, in residential homes. (Added by Ord. 88-1092)" allows day care in residential homes without requiring someone to live in the structure. The Planning Commission finds that the term "residential home" refers to the architecture and appearance of the structure and not whether someone lives in it. The term "providers own" is used for the purpose of calculating the total number of children being cared for at the facility and not as a limitation to require that a "provider" both live in and own the facility. Furthermore, after reviewing ORS Statute 418.817, the Planning Commission has determined that the ordinance complies with the intent of the law which is to remove road blocks to the provision of day care services. The State law does not preclude local legislative bodies from allowing day care in residential homes without requiring someone to live in the structure.

Conclusion: The use does meet all required conditions and specifications as set forth in the R-1 Zone.

Findings:

- (a) Adjacent and nearby properties contain a number of related and similar uses including:
1. Medical clinic on the east side of the subject property, at Oregon Avenue and 19th Street.
 2. Proposed and approved Residential Care facility approximately 350 feet west of the hospital on 19th Street (under appeal).
 3. Mid-Columbia Medical Center, across 19th Street from the subject property.
 4. Dry Hollow elementary school approximately 1,800 feet west of the hospital on 19th Street.
- b. The use will not result in significant

outside alteration of a residential building, i.e., the residential appearance will be maintained and parking for clients will be provided at Mid-Columbia Medical Center.

- c. **The subject property sits on two (2) lots and is a split-level residential building enclosed by a chain link fence with a newly constructed play structure in the rear yard. The building was previously used as a residence.**

Conclusion: The location and character of the use will be in harmony with the area in which it is to be located and is consistent with the interpretation that the structure has the appearance and architecture of a residential home.

- C. Based upon the above Findings of Fact and Conclusions of law, the Planning Commission for the City of The Dalles hereby grants the conditional use permit subject to the following conditions:


1. Construction of sidewalks on Oregon Avenue the entire length of the day care facility property by **June 1, 1990.**
2. Submit application for curb cuts as required.
3. Compliance with Traffic Safety Commission recommendation:
 - a. Along the property on 19th Street, from the west side of the driveway to the west property line, a loading zone is created along the curb, instead of having a driveway for loading. This will eliminate hazardous backing onto the street. The driveway should be closed by moving a fence/gate to the sidewalk line.
 - b. Eliminate loading of passengers on Oregon Street side of the property. Due to the 13% grade of Oregon Street, stopping and starting, as well as loading could be a hazard, especially when the street is wet (slippery) or snow covered/icy.

- c. An off-street loading area for delivery of supplies could be created on Oregon Street if desired.
- d. Fencing off-street parking on East 19th Street.

4. Occupancy is limited to 36 children.

- D. The Secretary of the Commission shall (a) certify to the adoption of the Resolution and (b) forthwith transmit a copy of the said Resolution to the City Council of the City of The Dalles.

APPROVED AND ADOPTED THIS 1ST DAY OF FEBRUARY, 1990.


Shirley Miller, Chairman
Planning Commission

I, Jack Lesch, Secretary to the Planning Commission of the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the Regular Meeting of the Planning Commission of the City of The Dalles, held on the 1st day of February, 1990.

AYES: Shirley Miller, Carri Morris, and Bud Earl

NO'S: None

ABSENT: Carol Cutler

ABSTAIN: Ken Farner and Terry Turner

ATTEST: 
Secretary, Planning Commission