

RESOLUTION NO. P.C. 417-00
APPROVING CONDITIONAL USE PERMIT FOR WINDY RIVER GLEANERS TO
CREATE A COMMUNITY FACILITY OVERLAY ZONE AND USE AN EXISTING
STRUCTURE FOR HUMANITARIAN PURPOSES.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles, has on August 17, 2000, conducted a public hearing to consider the above request for property located At 3504 West 6th Street, described as Township 2 North, Range 13 East, Map 29DA, tax lots 1600 and 1900.
- B. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- C. Staff report of Conditional Use Permit 117-00 and the minutes of the August 17, 2000 Planning Commission meetings upon approval, provide the basis for this resolution and are herein attached 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 117-00 is hereby approved with the following conditions:
 - 1. Proposed lighting will not shine onto adjacent properties.
 - 2. Proposed development plans will be reviewed and approved by the City Engineer per established standards. Site plan must be submitted on a 24 by 36 inch plan sheet of an appropriate scale suitable for review.
 - 3. Signs will be applied for under a separate permit.
 - 4. ADA access must be provided to the public right of way.
 - 5. Final parking lot layout must include required landscaping design and address specific needs of tenant related to truck and personal vehicle access. The lot must meet all applicable design guidelines detailed in General Ordinance

- 98-1222 including but not limited to pavement, stall width, depth, and circulation.
6. Street trees required.
 7. Sidewalk, curb and gutter must be constructed with development.
 8. Detailed landscape plan must be submitted with building permit application reflecting required landscaping.
 9. All supplies, materials, and storage of any kind must be contained in a structure and not visible to any right of way.
 10. A vector control plan should be submitted demonstrating adequate measures are taken to control rodents and other pests.
 11. The applicant shall execute and file an agreement with the City specifying the maximum period in which the required improvements shall be completed. The agreement shall include an engineer's estimate for the cost of the improvements, and a performance guarantee as required by Section 9.040.060(I) of the LUDO, subject to the provisions of condition number 12. The agreement shall provide that if the designated improvements are not completed by the specified deadline, the City may complete the work and recover the full cost and expense from the applicant. The agreement shall also provide the applicant shall provide a one year guarantee for the improvements from the date the improvements are accepted by the City. The agreement shall specify deadlines for the completion of each phase of construction of the improvements, and may allow for an extension of time for completion under specified conditions. The agreement shall also provide that if the applicant fails to comply with any provision in the agreement, including the provision requiring the applicant to reimburse the City for any costs or expense it occurs in completing construction of the improvements, the City reserves the right to initiate proceedings to revoke the conditional use permit issued to the applicant.
 12. The performance guarantee shall be waived until the actual purchase of the property is completed or March 31, 2001, whichever event occurs first. Upon the occurrence of the applicable event, the terms and conditions of the agreement set forth in condition number 11 shall go into effect.

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 \$2,500.00 per day for the violation period and/or imprisonment in the County jail for a term not to exceed one (1) year.

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 17th DAY OF AUGUST 2000.



(Signed September 1, 2000)

Bruce Lavier, Vice Chairman
Planning Commission

I, Bob Paul, 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 City Planning Commission, held on the 17th day of August 2000.

AYES: Bruce Lavier, Anita Payne, David Peters, Chris Zukin

NOES:

ABSENT: Jim Coggins, Walt Hoffman

ABSTAIN:

ATTEST:



Secretary, Planning Commission