



AGENDA
CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM

THURSDAY, JULY 16, 2009
6:30 P.M.

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
 - a) May 21, 2009
 - b) June 4, 2009
- V. Public Comment (Items not on the Agenda)
- VI. Public Hearings
 - **Quasi-Judicial Public Hearing** – Application Number: CUP 155-09 of Mid-Columbia Medical Center **Request:** To construct an addition to the Linear Accelerator Vault at the Celilo Oncology Building and provide for additional parking. **Location:** Property is located at 1700 East 19th Street. The property is further described as 1N 13E 11 BC tax lot 100. Property is zoned “RL/CFO” – Low Density Residential District with Community Facility Overlay
- VI. Resolutions
 - a) PC 488-09 – Burgerville
 - b) PC 489-09 – MCMC
- VII. Commissioner Comments/Questions
- VIII. Staff Comments
 - a) Elimination of Quarterly Ethics Reporting
- IX. Next scheduled meeting date: August 6, 2009
- X. Adjournment

**City of The Dalles
Staff Report**

Conditional Use Permit No. 155-09

Mid Columbia Medical Center

Prepared by: Dick Gassman, Senior Planner *DG*

Procedure Type: Quasi-Judicial

Hearing Date: July 16, 2009

Assessor's Map: Township 1 North, Range 13 East, Map 11BC, tax lot 100

Address: 1700 East 19th Street, The Dalles

Comprehensive Plan Designation: RL-Low Density Residential District with Community Facility Overlay zone

Zoning District: RL-Low Density Residential District with Community Facility Overlay zone

City Limits: Inside

Request: To construct an addition to the Linear Accelerator Vault at the Celilo Oncology Building and provide for additional parking.

BACKGROUND INFORMATION

The subject property is currently developed with buildings and campus of Mid Columbia Medical Center. This application is a request to expand the Oncology wing by adding an approximately 2,148 square foot Linear Accelerator Vault at the southwest corner of the existing building. The hospital is also proposing to add 12 parking spaces to the existing parking lot on the west side of the campus.

An addition of this size requires approval of a Conditional Use Permit (CUP). A CUP requires a quasi-judicial hearing. Since the proposal does not involve public improvements and is an addition to an existing facility, this process will also be used to grant Site Plan Review (SPR) approval.

NOTIFICATION

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes were mailed a notice on June 30, 2009, as required by Section 5.100.030 B.

COMMENTS

As of the date of the preparation of this report, no comments have been received.

RECOMMENDATION

Approval of the Conditional Use Permit application, with conditions, based upon the following findings-of-fact.

LAND USE AND DEVELOPMENT ORDINANCE 98-1222

Section 3.010.040 Applications

B. Completeness.

FINDING #1: The application was found to be complete on June 30, 2009. The 120-day State mandated decision deadline is October 28, 2009. The hearing date is set for July 16, 2009. Criterion met.

Section 3.020.050 Quasi-Judicial Actions

A. Decision types. 3. Conditional Use Permits:

FINDING #2: This application is for a Conditional Use Permit as required in Section 5.100.030. A. Conditional Use Permits require a quasi-judicial hearing per Section 3.050.030. The hearing is a quasi-judicial hearing. Criterion met.

B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval with conditions, or denial.

FINDING #3: The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request. Criterion met.

C. Public Hearings. Applications for quasi-judicial planning actions shall be heard within 45 days from the date the application is deemed complete.

FINDING #4: The public hearing is scheduled for July 16, 2009, within 45 days from June 30, 2009. Criterion met.

- D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public, notices shall be mailed to property owners within 300 feet of the property.
FINDING #5: Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on June 30, 2009.
Criterion met.

Section 3.050.030 Review Procedures

A. Applications. Conditional Use Permit applications shall be accompanied by at least 15 copies of the concept site plan, and when required two copies of the detailed landscape and construction/design plans, per the provisions of Section 3.030: Site Plan Review.

FINDING #6: The plans that were submitted were adequate for this review.
Criterion met.

C. Concept Review. The City offers a two stage concept approval process for conditional uses. The applicant may request initial concept approval using the quasi-judicial process. If approval of the concept is granted, the applicant must then submit a detailed site plan and get final approval through the site plan review process.

FINDING #7: This is a detailed plan review. As part of the same process, the City will also consider this as a Site Plan Review, as required by Section 3.050.030 B. 2. Approval of the site plan may be approved at the same time as the conditional use permit. Criteria met conditionally.

Section 3.050.040 Review Criteria

A. Permitted Conditional Uses. The proposed use is conditionally permitted in the zone district where it is proposed to be located.

FINDING #8: Community Facilities are conditionally allowed in the RL zone. The hospital is a community facility. Criterion met.

B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this ordinance, applicable policies of the Comprehensive Plan, and any other statutes, ordinances, or policies that may be applicable.

FINDING #9: Section 5.100.040 sets out the development standards for the CFO district except the height is not specified. The height of the proposed building is 29 feet, within the height limitation for the RL district, so no exception is required. The proposed building will meet all development standards. Criteria met.

C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this section. Impacts caused by the construction of the conditional use shall not be considered regarding a decision on the validation of the application.

1. Noise impacts across the property line shall not exceed 60 decibels.

3.050.050 Zone Specific Review Criteria

Certain conditional uses in certain zones require specific condition to guard against impacts that, in addition to those in the previous section, may adversely affect the health, welfare, safety, privacy, and/or neighborhood character of the surrounding persons and property.

Uses in RL-Low Density Residential District zone: The RL zone is the most restrictive of the residential zones, focusing primarily on single-family residences on the majority of lots. To preserve the residential character of this zone, the size, location, and other characteristics of certain conditional uses in this zone shall be regulated.

The majority of existing conforming structures in the RL zone is substantially below the maximum allowable limits for building height, lot coverage, and front and/or rear yard setbacks. It would therefore be possible for the structure of a conditional use to adhere to the zoning standards for the RL zone, but still appear out-of-character with the existing residential uses, resulting in negative impacts on the visual continuity and aesthetics of the neighborhood.

- A. Floor Area Ratio. Certain uses may not have a Floor-Area Ratio (FAR) greater than ten percent (10%) over the greatest FAR for any structure within the Neighborhood Area, as defined in *Section 3.040.020.A – Neighborhood Area*.

Floor area for subterranean basements shall not be included in the FAR calculation. Floor area for daylight/walkout basements shall be included in the FAR calculation. For the purposes of this section, “daylight/walkout basement” shall be defined as a partially-subterranean living area that : is built into a sloping site; has at least one full-height (6’8”) exterior passage door, that leads out to the ground level without more than one step; and has a minimum interior ceiling height of 7’0”.

FINDING #17: The Oncology wing is part of the Celilo Clinic. This building and the hospital in general are separated from other development in the RL zone and floor area ratio issues are not applicable. Criterion met.

- B. Uses. Uses allowed conditionally in the RL zone shall meet the landscaping requirement of chapter 6 for the CG zone.

FINDING #18: Section 6.010.070 provides that uses in the CG zone must have landscaping equal to 20% of the first floor area of all structures. The site plan and aerial photos indicate what appears to be ample landscaping. The amount of landscaping in relation to the first floor area of the buildings can be verified by the applicant at or before the time of the hearing. Criterion met conditionally.

- C. Conditional Uses. The standards shall apply to the following Conditional Uses in the RL zone:
1. Child Care Centers;

Noise related to traffic impacts shall not be included in this determination. Nothing in this section shall modify other noise ordinance standards as adopted by the City.

FINDING #10: Noise impacts are not discussed in the application. This will need to be addressed at the hearing. Criterion met conditionally.

2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot candle is the amount of light falling up a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)

FINDING #11: Lighting will be required to stay within code limitations. Criterion met.

3. Dust and other particulate matter shall be confined to the subject property.

FINDING #12: No dust or other particulate matter is anticipated from the operation of this facility. All vehicle parking and maneuvering areas will be required to be paved. Criterion met.

4. The following odors shall be completely confined to subject property:
 - a. industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;
 - b. fuels, and
 - c. fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.

FINDING #13: No odors are anticipated. Criterion met.

5. Vibrations shall not be felt across the property line.

FINDING #14: No vibrations are anticipated. Criterion met.

6. The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are not limited to:
 - a. Street designation and capacities; and
 - b. On-street parking impacts.

FINDING #15: The hospital has existing parking on both the west side and east side, but continues to experience parking shortages. The addition of 12 spaces will satisfy LUDO requirements for this additional floor space. The dimensions of the individual parking spaces will be reviewed at the building permit application. No new streets are proposed. Criterion met conditionally.

7. In areas designated as Historic Districts, proposed development and redevelopment shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of the Historic Resources Ordinance (General Ordinance No. 94-1194.)

FINDING #16: This area is not in a Historic District. Criterion met.

2. Funeral and Interment Services (interring and cemeteries only); and
3. Community Facilities.

FINDING #19: As a Community Facility the hospital must meet the standards as set out in Section 5.100.040. Subject to the verification of the landscaping this addition meets all development standards. Criterion met conditionally.

- D. Operations. Business hours for commercial and industrial uses in residentially zoned neighborhoods shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.

FINDING #20: The hospital is not a commercial or industrial use, so the limitation on hours of operation does not apply. Criterion met.

Additional Review for Site Plan Approval

Section 3.030.040 Review Criteria

The following criteria shall be used to approve, approve with conditions, or deny the site plan:

- A. City Ordinance Provisions: All the provisions from the applicable City ordinances have been met or will be met by the proposed development.
FINDING #21: For this proposed development satisfying the provisions of the LUDO for a CUP and for a SPR will meet the provisions of City Ordinances. Applicant has supplied information that shows there is existing landscaping of over 62,000 square feet, in excess of the 11,000 square feet required; 354 parking spaces counting the proposed 12 spaces, over the minimum required of 348 spaces, and less than 60% coverage. Other parts of the development standards such as details for the new parking spaces, parking lot landscaping, and outdoor lighting will be reviewed at the building permit stage. Criteria met conditionally.
- 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 in order to 1) meet connectivity standards per the Transportation System Plan and other documents, and; 2) provide for future development of surrounding property.
FINDING #22: There is adequate capacity for water, sanitary sewer and storm sewer. No new streets or sidewalks are proposed to be installed. This development will have no effect on development of surrounding properties. Criteria met.
- 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.

FINDING #23: The Applicant is proposing to add 12 parking spaces which will help relieve the parking problems at this site and will meet the minimum requirements for this facility. In general this relatively small addition will not create any adverse impacts on surrounding properties. Criteria met.

D. Lighting. Proposed lighting shall not directly illuminate adjoining properties.

FINDING #24: The location and intensity of outdoor lighting will be reviewed at the building permit stage. Criterion met conditionally.

E. City Engineer Approval. Detailed construction/design plans for public infrastructure, improvement, or rights of way affected by or located within a proposed development site shall be approved by the City Engineer prior to granting a building permit as a condition of Site Plan Review approval.

FINDING #25: No public improvements are included with this proposal. East 19th is fully improved adjacent to this property. Criterion met.

F. Waive of Remonstrance. Where applicable, the applicant shall agree to waive any future rights to remonstrate against future public improvements, per the provision of Section 6.110: Waiver of Right to Remonstrate of this Ordinance.

FINDING #26: A waiver is not required with this proposal. Criterion met.

Section 3.050.060 Conditions

The Commission may approve a conditional use permit subject to any and all conditions the Commission deems necessary to satisfy the review criteria and mitigate identified impacts, provided such conditions are related to the proposed development or to the operational characteristics of the proposed use.

IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:

Staff recommends approval of the request based on the information provided, subject to the following conditions:

1. All development must be completed in accordance with Land Use and Development Ordinance 98-1222.
2. Approval of this Conditional Use Permit application also acts as approval of a Site Plan Review application.
3. Detailed plans for buildings and other site improvements such as height and outdoor lighting will be reviewed as part of the building permit approval.
4. New parking areas must meet requirements of Chapter 7 of the LUDO. Applicant has a plan showing 12 new parking spaces. A detailed plan for the new parking

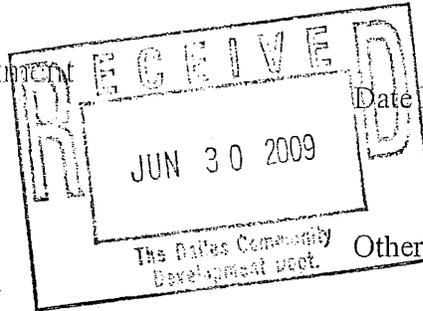
area with dimensions and other requirements of Chapter 7 will need to be provided with the building permit application.

5. Parking areas must provide Landscaping as regulated by section 7.030.040.
6. Property is in geohazard zone A2. A geohazard report is required if this area was not covered in the original report. Applicant will need to follow recommendations of the report during construction.
7. System Development Charges will be reviewed and assessed at the time of the building permit review.
8. Unless modified in this land use process, applicant must meet all development standards for the CFO overlay zone as contained in Section 5.100.040.

CONDITIONAL USE PERMIT APPLICATION

CITY OF THE DALLES

Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us



Date Filed 7-1-09
File# CUP 155-09
Date Deemed Complete 7-1-09
Hearing Date 7-16-09
Approval Date _____
Permit Log # _____
Other Cross Reference# _____

APPLICANT

Name: **Steve Kolberg**
PKA Architects

Address: **6969 SW Hampton Street**
Portland, OR 97223

Telephone # **503.968.6800**

Email address: Steve@PKAarchitects.com
Russ@PKAarchitects.com

LEGAL OWNER

Name **Health Care For**
The Mid-Columbia Region

Address **1700 E 19th St,**
The Dalles, OR 97058-3317

Phone # **(541) 296-1111**

Owner's Representative: **Randy Skov**
Email address: randys@mcmc.net

PROPERTY INFORMATION

Address: **Mid Columbia Medical Center – Celilo Oncology Building**

Map and Tax Lot: **Tax Lot 100 (1N-13-11BC)**

Size of Development Site: **13.63 acres**

Zone District/Overlay **RL/Low-Density Residential**

In City Limits: **Yes**

Comprehensive Plan Designation **CFO—Community Facility Overlay,**
NC—Neighborhood Center Overlay

Geohazard Zone: **A2**

PROJECT INFORMATION

New Construction Expansion/Alteration Change of Use Amend Approved Plan

Current Use of Property **Medical Center & Oncology Building**

Proposed Use of Property **Addition of an linear Accelerator Vault Expansion to exiting Oncology Building**

Briefly Explain the Project **"Mid Columbia Medical Center – Celilo Oncology Linac Expansion"**

The addition of an approx 2148 square foot Linear Accelerator Vault involving the expansion of the southwest corner of the Celilo Oncology Building.

PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet) 2,148 sf

PARKING INFORMATION

Total Number of Spaces Proposed **12**

Square Footage of Parking Lot Landscaping Proposed: 0

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed 9,275 sf

Percent of Landscaping Irrigated 100%

ECONOMIC DEVELOPMENT INFORMATION

Proposed Project is located in the Enterprise Zone

Full Time Equivalent (FTE) jobs currently provided: 504 FTE at Mid Columbia Medical Center Main Building (MCMC); 12 FTE at Celilo Cancer Center; 24 FTE at Finance; 8 at MOB (These are only MCMC employees and not the other clinics inside the MOB)

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

Signature of Applicant

6.30.09
Date

Signature of Property Owner* or Owners Agent

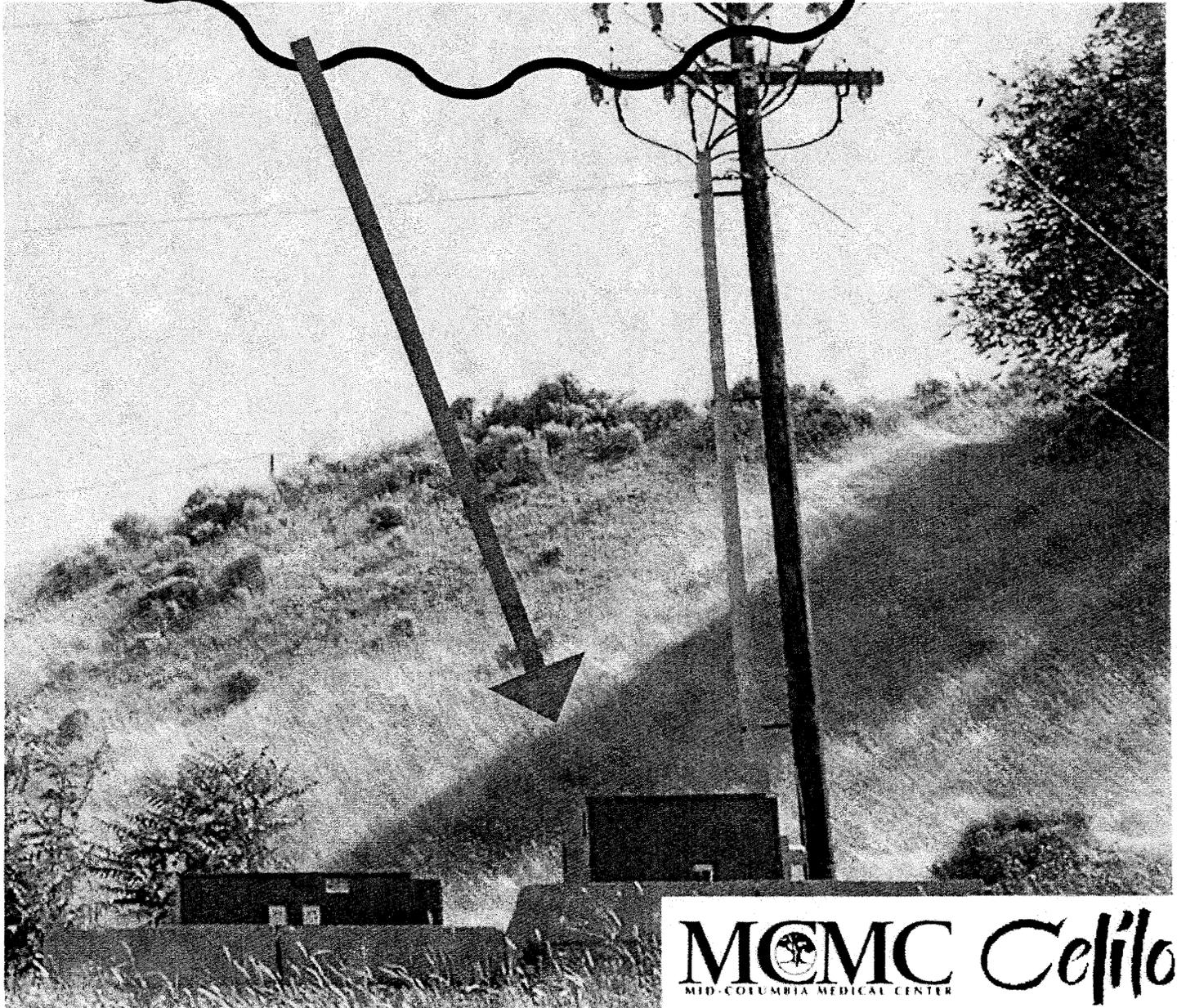
Date **6/30/09**

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

Exhibit A -

Refer to (A) on
Conceptual Site Plans

**MAIN
POWER SUPPLY
& UNDERGROUND TO
BE PROTECTED DURING
CONSTRUCTION**



MCMC
MID-COLUMBIA MEDICAL CENTER

Cesilo

**MAINTAIN
EMERGENCY EXIT**

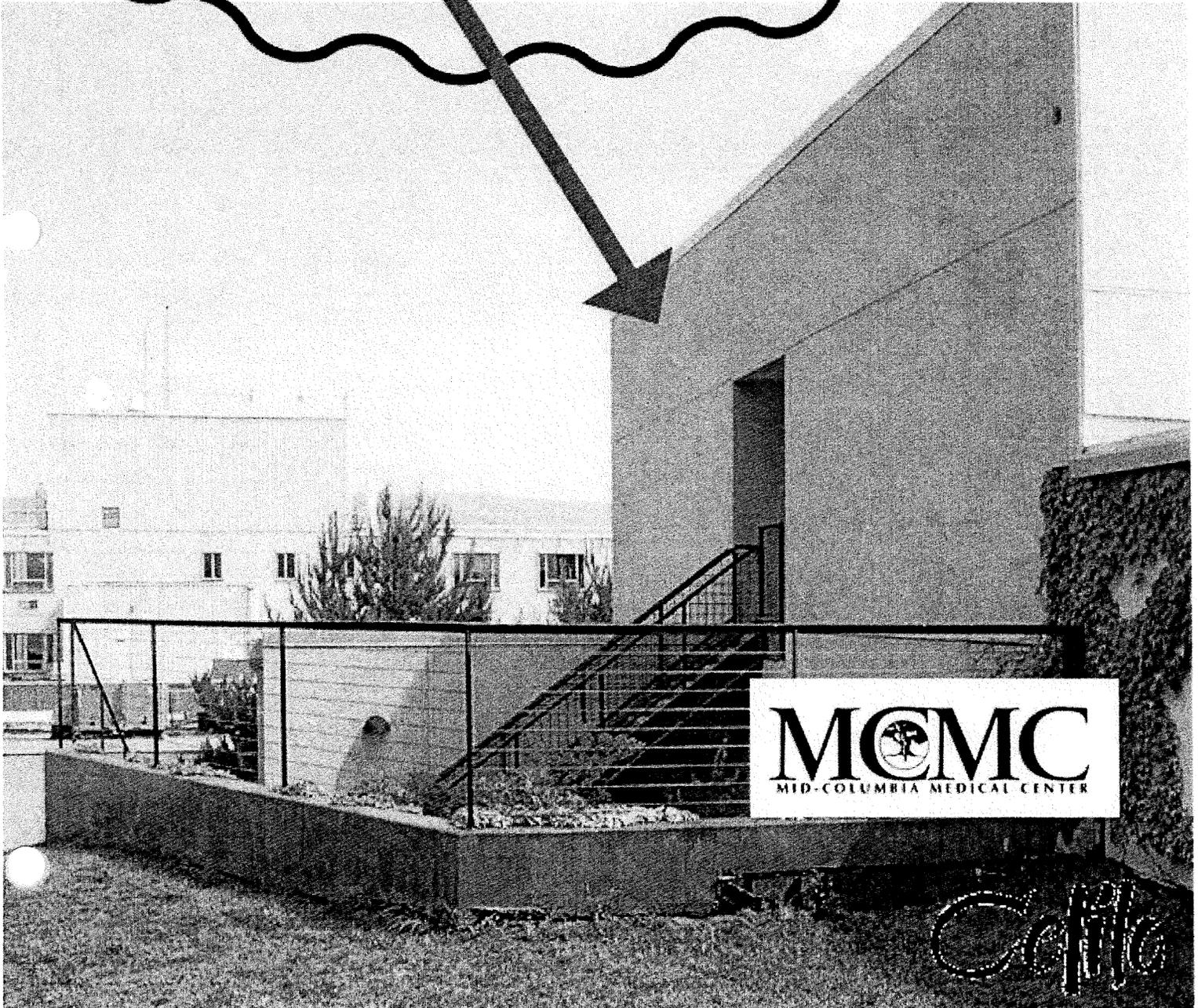
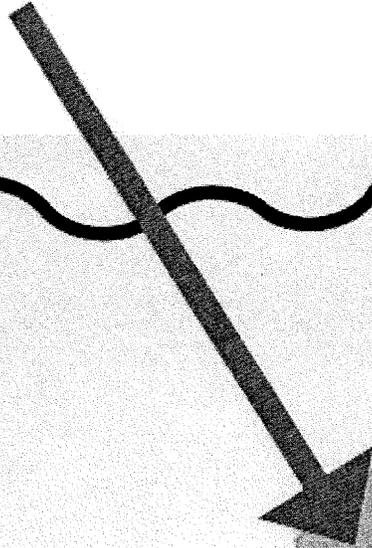
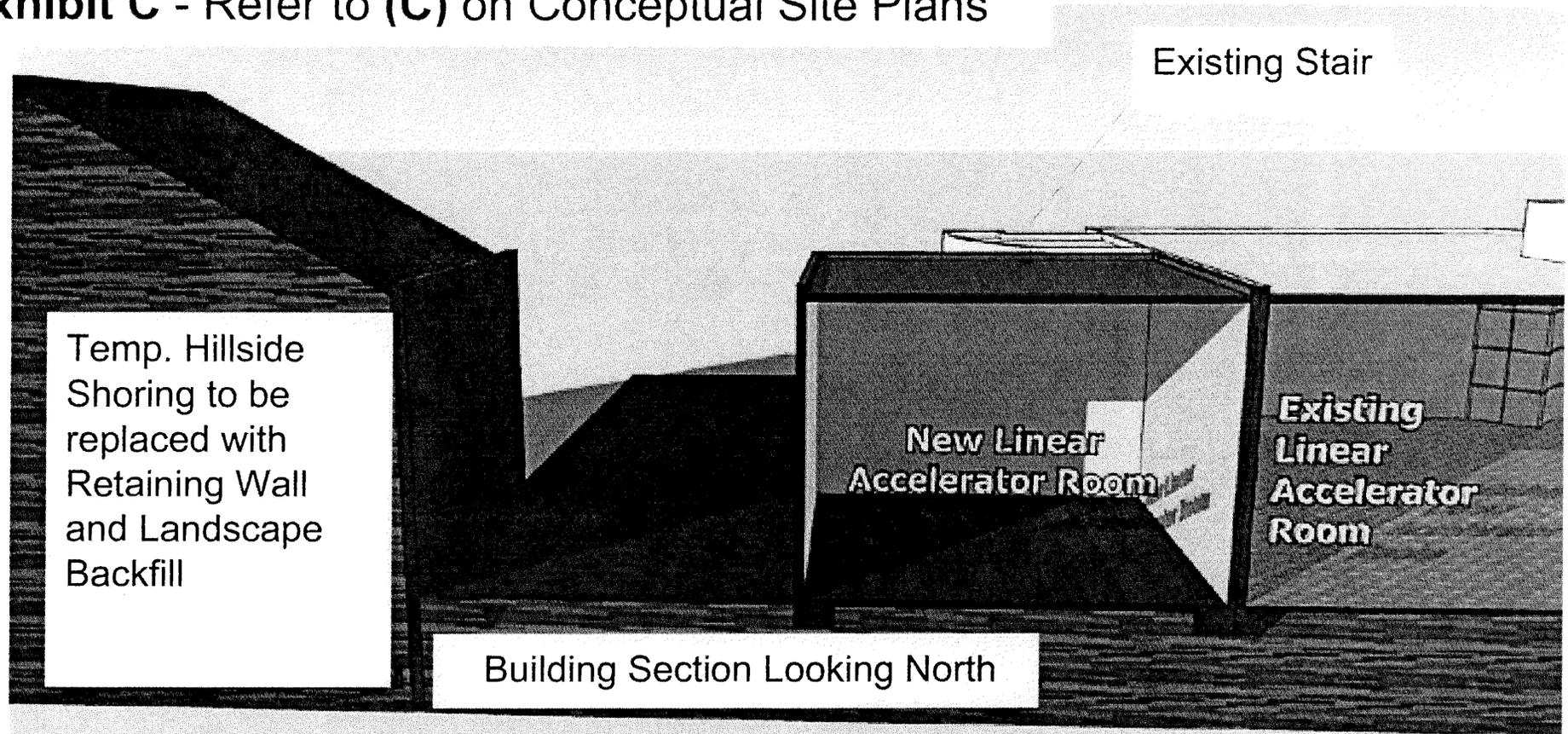
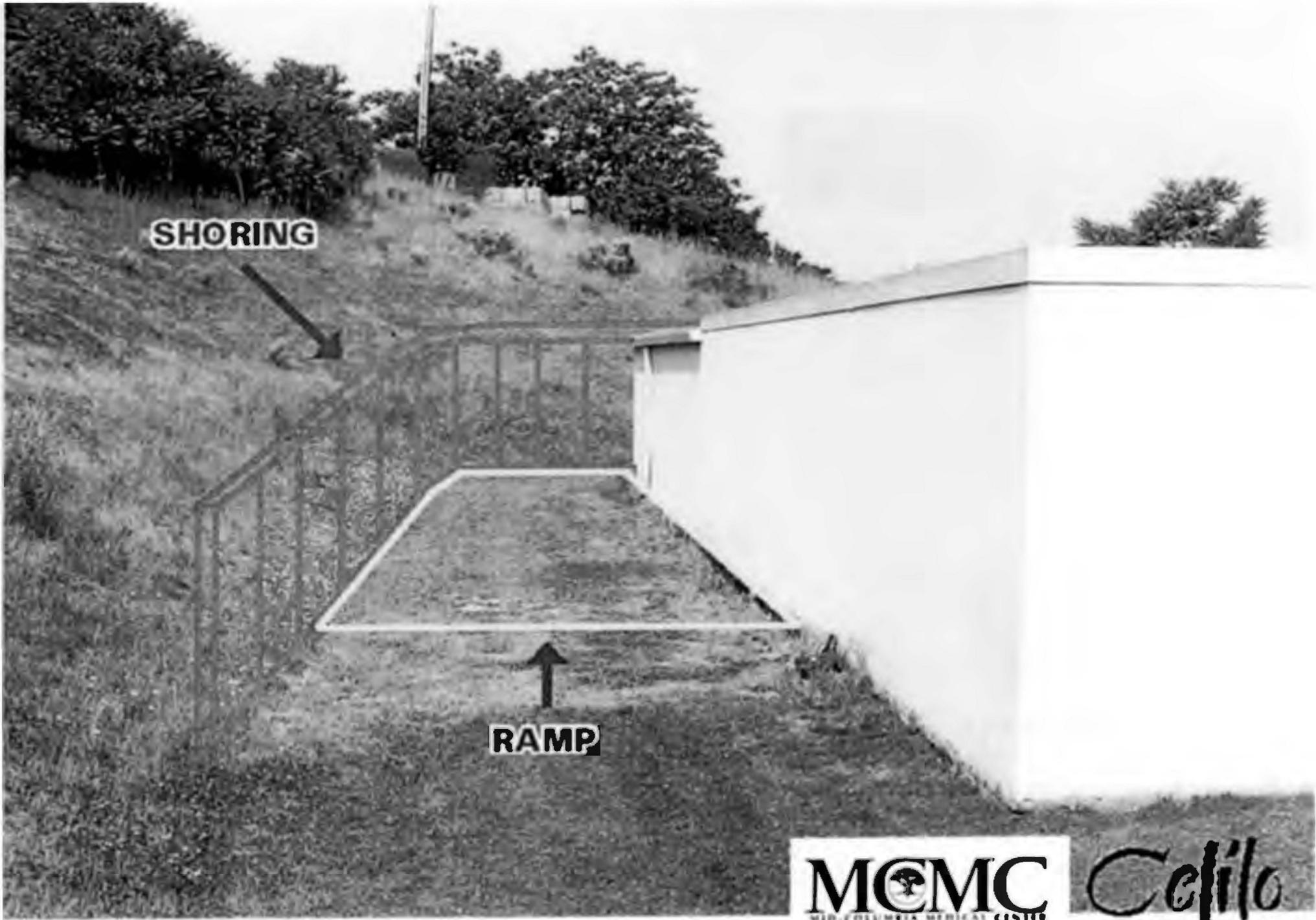


Exhibit C - Refer to (C) on Conceptual Site Plans





SHORING

RAMP

Exhibit E - Shoring Diagram (Work Area Access)



Exhibit F- Signage at West Entrance



MCMC
MID-COLUMBIA MEDICAL CENTER

Cesilo

Exhibit G - Signage at East Entrance

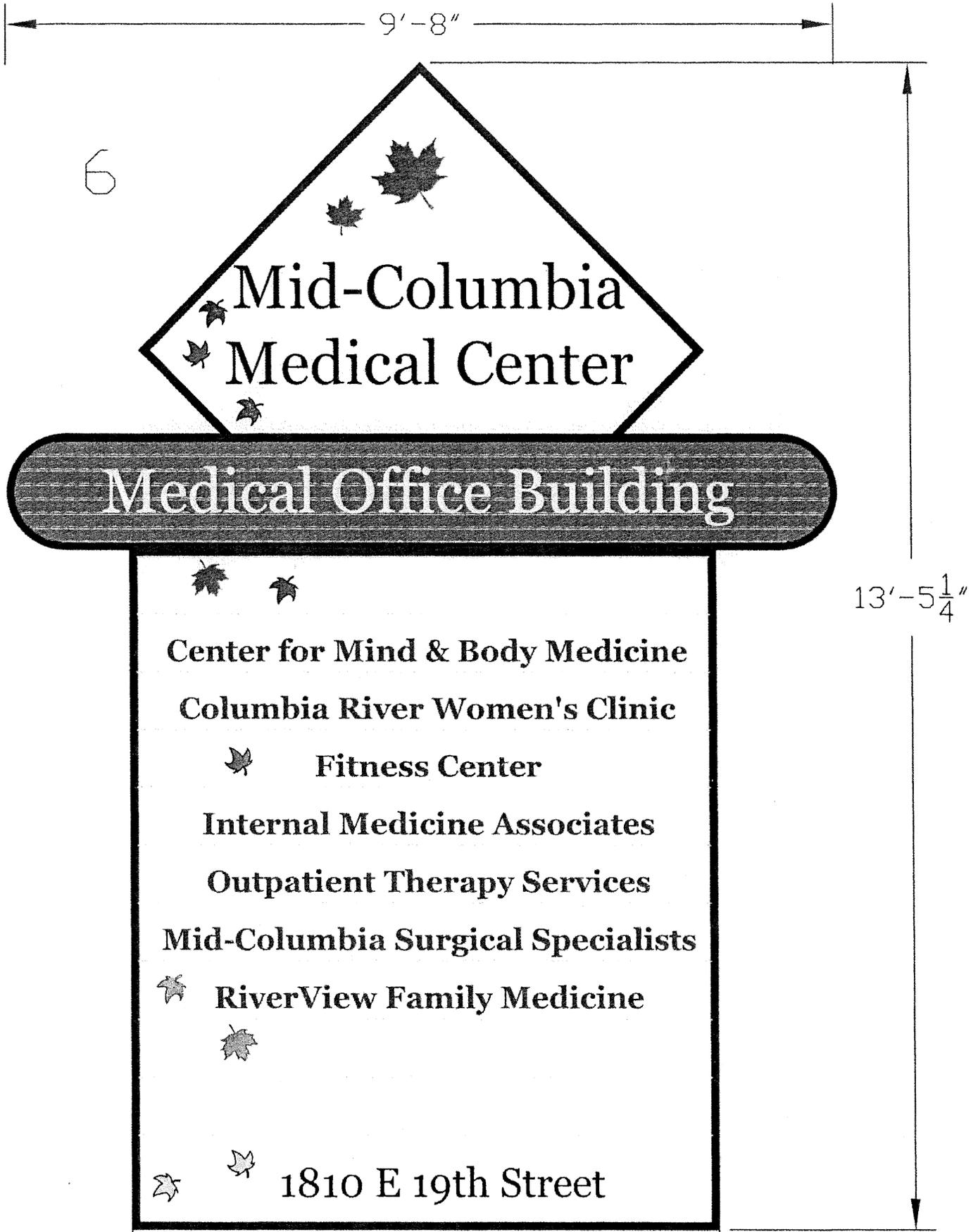
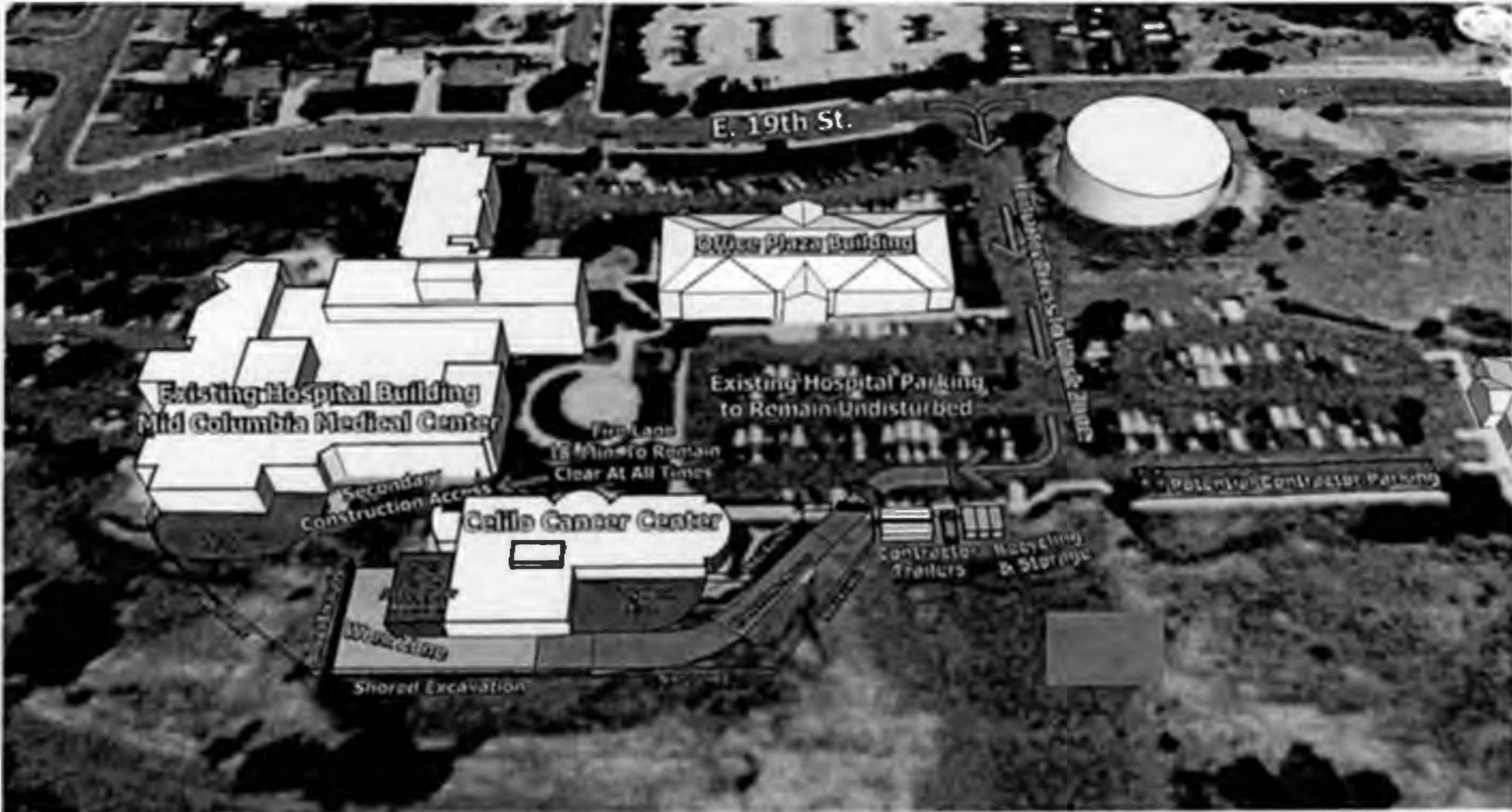


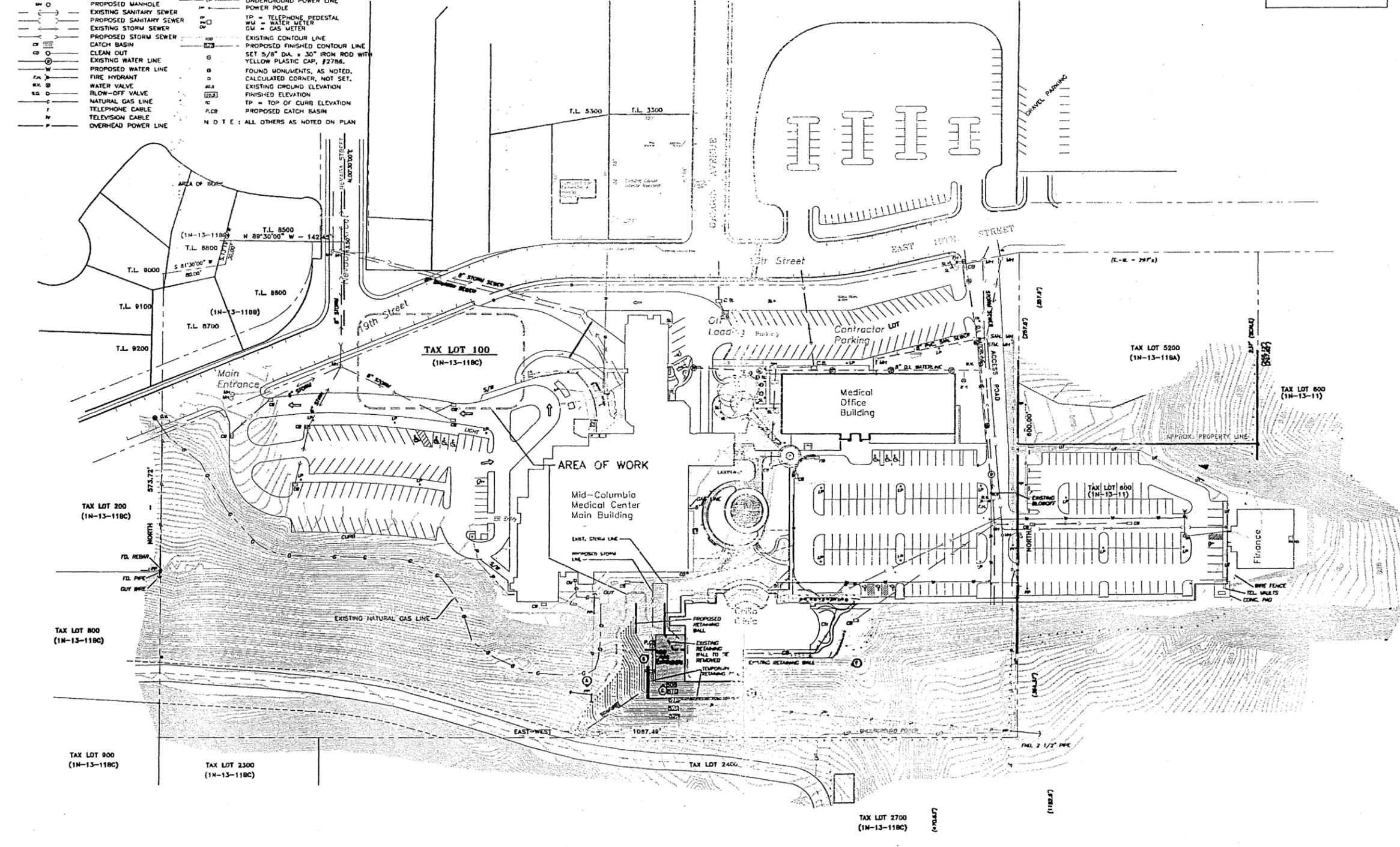
Exhibit H - Proposed Construction Staging, Parking and Traffic Circulation



RECEIVED
 JUN 30 2009
 The Dalles Community Development Dept.

- EXHIBITS:
 (1) EXISTING POWER
 (2) EXISTING EMERGENCY EXITING
 (3) SHORING DIAGRAM
 (4) SHORING DIAGRAM
 (5) SHORING DIAGRAM
 (6) SHORING
 (7) SHORING

- LEGEND:**
- | | | | | | | | | | | | | | | | | | |
|---------------------------|---|--|-------------------------|-------------------------|-------------------------|----------------------|----------------|-----------------------|--------------------------------|--|----------------------------|-----------------------------|---------------------------|--------------------|----------------------------|----------------------|-----------------------------------|
| TAX LOT 2300 (1N-13-118C) | EXISTING MANHOLE | PROPOSED MANHOLE | EXISTING SANITARY SEWER | PROPOSED SANITARY SEWER | EXISTING STORM SEWER | PROPOSED STORM SEWER | CATCH BASIN | CLEAN OUT | EXISTING WATER LINE | PROPOSED WATER LINE | FIRE HYDRANT | WATER VALVE | BLOW-OFF VALVE | NATURAL GAS LINE | TELEPHONE CABLE | TELEVISION CABLE | OVERHEAD POWER LINE |
| (1N-13-118C) | EXISTING LIGHT POLE, PARKING LOT LIGHTING | (NEW) LIGHT POLE, PARKING LOT LIGHTING | UNDERGROUND POWER LINE | POWER POLE | TP = TELEPHONE PEDESTAL | WM = WATER METER | GM = GAS METER | EXISTING CONTOUR LINE | PROPOSED FINISHED CONTOUR LINE | SET 5/8" DIA. x 30" IRON ROD WITH YELLOW PLASTIC CAP, #2786. | FOUND MONUMENTS, AS NOTED. | CALCULATED CORNER, NOT SET. | EXISTING GROUND ELEVATION | FINISHED ELEVATION | TP = TOP OF CURB ELEVATION | PROPOSED CATCH BASIN | NOTE: ALL OTHERS AS NOTED ON PLAN |



Project Title:
MID COLUMBIA MEDICAL CENTER
 The Dalles
 OR 97058

MEMC
 MID COLUMBIA MEDICAL CENTER
Celilo
 Celilo Cancer Center
 1800 E 15th Street, The Dalles, OR 97058

CELILO ONCOLOGY LINEAR ACCELERATOR EXPANSION
 Key Plan:
 Sheet Title:
CONCEPTUAL SITE PLAN P-1

Drawn By:
 Date:
 June 30, 2009
 Revision:
 No. 1
 Date

Project Number:
 090504
 Sheet Number:
P-1

LOT COVERAGE DATA

Tax Lot 100 (1N-13-11B)
 Size of Development Site:
 13.63 acres
IMPERVIOUS SURFACE SF/ACRE
 PRKG #1: 56,846 SF=1.3 acre
 WLK #1: 5,521 SF = 0.13 acre
 PRKG #2 & WLK #2: 43,478 SF= 1.0 acre
 DRIVE #1 8,491 SF = 0.2 acre
 MOB 16,086 SF = 0.4 acre
 PRKG #3: 88,168 SF = 2.0 acres
 HOSP 46,760 SF = 1.1 acre
 CELILO 18,415 SF = 0.4 acre
 WLK #3b 11,127 SF = 0.25 acre
 FIN 6,532 SF = 0.15 acre

LANDSCAPING DATA

20% of the First floor area of all buildings = 55,650 SF
 SF 55,650 SF (x) .20 = 11,130 SF
LANDSCAPING REQUIRED: 11,130 SF
LANDSCAPING PROVIDED: 62,025 SF (approximately)

PARKING DATA SUPPORT

Hospital Building 105,695 SF
Medical Office Building 25,360 SF
Finance Building 4,750 SF
Celilo Oncology 20,745 SF

Hospital: 2 spaces/bed,
 48 Beds = 98 spaces max.
MOB: 5 spaces /1000 SF
 25,360 SF = 127 spaces max.
Finance: 4 spaces /1000 SF
 4750 SF = 19 spaces max.
Celilo: 5 spaces /1000 SF
 20,745 SF = 104 spaces max.

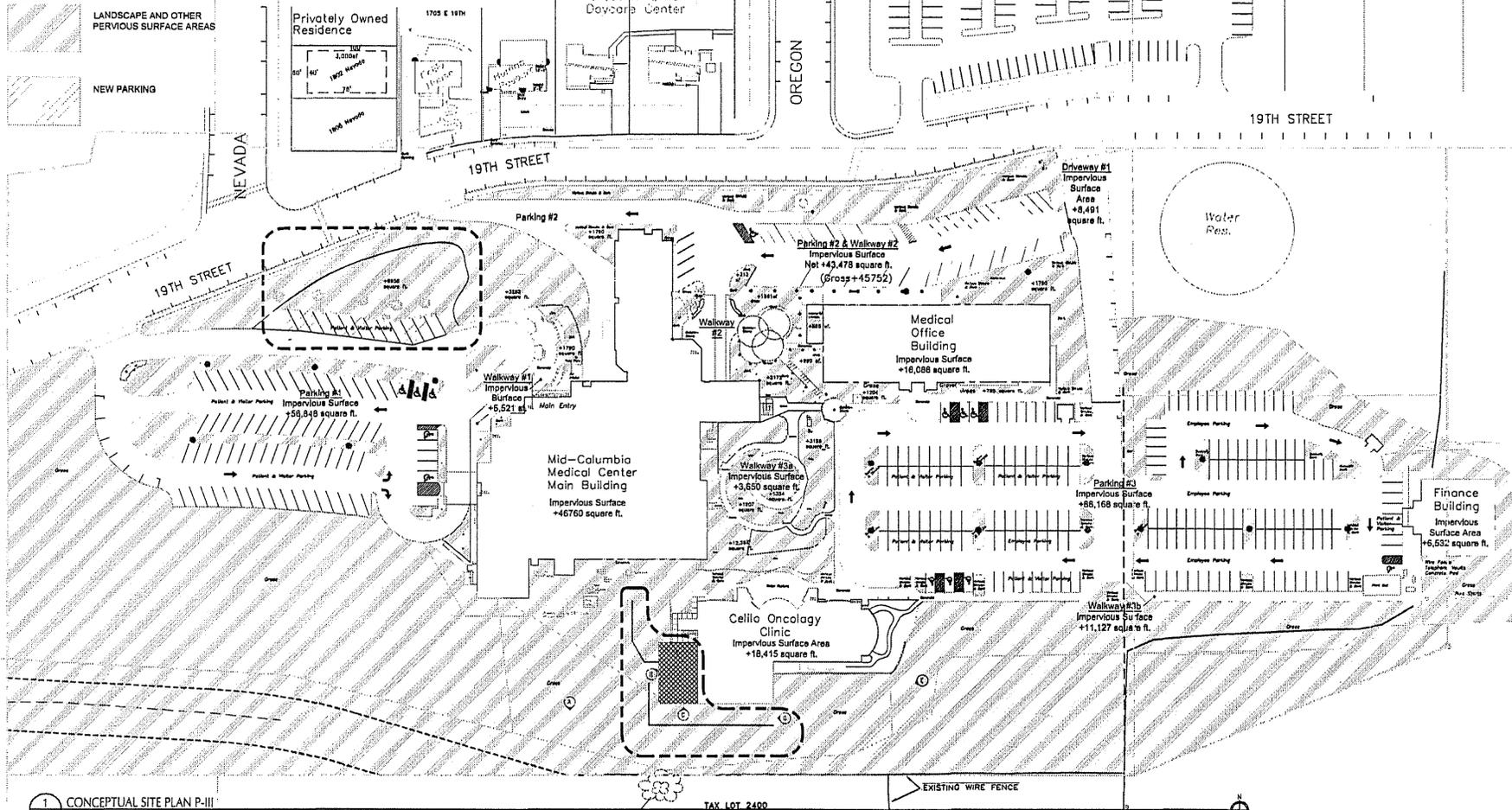
* **Total Combined Parking:**
 98+127+19+104 = 348

PARKING DATA

TOTALS, ALL LOTS
 NEW SPACES: 12
 EX. SPACES: 330
 EX. HC: 12
 Total Provided 354
 Total Required 348*
 Total Difference 6

- EXHIBITS:**
- ⊙ EXISTING POWER
 - ⊙ EXISTING EMERGENCY EXITTING
 - ⊙ SHORING DIAGRAM
 - ⊙ SHORING DIAGRAM
 - ⊙ SIGNAGE
 - ⊙ SIGNAGE
 - ⊙ PROPOSED CONSTRUCTION STAGING

LEGEND



PETERSEN KOLBORG & ASSOCIATES
 ARCHITECTS/PLANNERS
 10000 N. 10th Street
 Portland, OR 97228
 Phone: 503-944-8400
 Fax: 503-944-4800
 www.pkaarchitects.com

Project Title:
MID COLUMBIA MEDICAL CENTER
 The Dalles
 Oregon



Celilo
 Celilo Cancer Center
 1800 E 19th Street, The Dalles, OR 97058
CELILO ONCOLOGY LINEAR ACCELERATOR EXPANSION

Sheet Title:
CONCEPTUAL SITE PLAN P-II

Drawn By: C
 Date: July 8, 2020
 Reviewed: [Signature]
 No. Revisions: 0 Date:

Project Number:
 00000
 Sheet Number:
 P-III

1 CONCEPTUAL SITE PLAN P-III
 P-II 1/2" = 10'

RESOLUTION NO. P.C. 488-09

A RESOLUTION APPROVING VARIANCE #112-09 OF THE
HOLLAND, INC., DBA BURGERVILLE, FOR APPROVAL OF
A MENU SIGN WHICH EXCEEDS THE SIGN CODE SIZE LIMITATION

WHEREAS, the City Planning Commission conducted an evidentiary hearing on June 4, 2009 to review an application for a variance submitted by The Holland Inc., dba Burgerville, to obtain approval for a menu sign which exceeds the sign code size limitations; and

WHEREAS, the Planning Commission deliberated and voted to approve the requested variance, with four recommended conditions of approval, based upon findings of fact and conclusions of law; and

WHEREAS, City staff has prepared a resolution setting forth proposed findings of fact and conclusions of law in support of the Planning Commission's decision; and

WHEREAS, the Planning Commission has reviewed the proposed findings of fact and conclusions of law, attached to this Resolution as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby adopts and approves the findings of fact and conclusions of law set forth in Exhibit "A". Based upon these findings of fact and conclusions of law, the application for Variance #112-09 of The Holland, Inc., dba Burgerville for approval of a menu sign which exceeds the sign code limitations, is approved with the following conditions:

CONDITIONS OF APPROVAL:

1. The applicant will obtain a sign permit.
2. The sign is restricted to 54 square feet.
3. The applicant is restricted to a total of 64 square feet for all menu board signage at this location.
4. In the event the primary structural portion of the existing menu board sign, including the supporting structure, is replaced, the sign will have to comply with the sign code requirements in effect at the time of replacement.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2009.

Bruce Lavier, Chairman
Planning Commission

I, Dan Durow, Community Development Director for 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 _____ day of _____, 2009.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Dan Durow, Community Development Director
City of The Dalles

Exhibit "A"

FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR VARIANCE #112-09

BACKGROUND INFORMATION

The subject property is developed with a Burgerville Restaurant. On the site, there is an existing 54 square foot menu board which was installed in 2000. The permit application for this sign was denied by the Community Development Department on February 28, 2000. The applicant attempted to obtain approval for the sign by proposing to separate the existing sign into two menu boards, or by altering the top of the sign to a graphic which would reduce the square footage of the sign. The Applicant was advised that neither of these alternatives would be acceptable. In a letter dated March 29, 2008, the Applicant was advised that the sign would either have to be removed, or an application for a variance would need to be submitted. No further enforcement was taken by the City to attempt to bring the sign into compliance with the City's sign ordinance.

The address of the subject site is 118 West 3rd Street, The Dalles, Oregon, and the property is more particularly described as Assessor's Map Township 1 North, Range 13 East, Map 3BC, Tax Lot 1000. The Comprehensive Plan designation and Zoning District is described as "CBC" Central Business Commercial. The code limit for this type of sign is 32 square feet. The Applicant is requesting a variance to allow the sign to be 54 square feet.

REVIEW OF APPLICABLE CRITERIA

A. LAND USE AND DEVELOPMENT ORDINANCE #98-1222

Chapter 3. Application Review Procedures

Section 3.010.040(B) Completeness. An application shall be considered complete when it contains the information required by this Ordinance, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 1.120: Fees, of this Ordinance. Complete applications shall be signed and dated by the Director.

FINDING #1: The application was found to be complete on May 8, 2009. The 120 day state mandated decision deadline is September 5, 2009. The hearing will be held within the required time line.

CONCLUSION: The criteria in Section 3.010.040(B) have been satisfied.

Section 3.020.050(A)(4). Variances.

FINDING #2: This application is for a Variance pursuant to Section 3.070 of the LUDO. Variances are processed as quasi-judicial hearings pursuant to Section 3.070.020(B).

CONCLUSION: The criteria in Section 3.020.050(A)(4) have been satisfied.

Section 3.020.050(B). Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval with conditions, or denial.

FINDING #3: The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to the request.

CONCLUSION: The criteria in Section 3.020.050(B) have been satisfied.

Section 3.020.050(C). Public Hearings. The quasi-judicial process requires a public hearing within 45 days from the date the application is deemed complete.

FINDING #4: The application was deemed complete on May 8, 2009. The 45 day period ends on June 24, 2009. The public hearing is scheduled for June 4, 2009.

CONCLUSION: The criteria in Section 3.020.050(C) have been satisfied.

Section 3.020.050(D) Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notices shall be mailed to property owners within 300 feet of the subject property.

FINDING #5: Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on May 22, 2009.

CONCLUSION: The criteria in Section 3.020.050(D) have been satisfied.

Section 3.070.020(A). Applications. Variance applications shall be accompanied by at least 15 copies of the concept site plan, and a written statement which specifically addresses the review criteria.

FINDING #6: The required number of plans and the written statement have been submitted.

CONCLUSION: The criteria in Section 3.070.020(A) have been satisfied.

Section 3.070.030. Review Criteria. A variance to the requirements of this Ordinance shall be granted only in the event that each of the following circumstances is found to exist:

- A. The proposed variance will not be contrary to the purposes of this Ordinance, policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City.
- B. Exceptional or extraordinary circumstances apply to the subject property which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or circumstances over which the applicant has no control.
- C. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as owners of other property in the same zone or vicinity.
- D. The conditions or circumstances justifying the variance have not been willfully or purposely self-imposed, and do not result from a violation of this Ordinance since its effective date.
- E. The proposed variance will not substantially reduce the amount to privacy enjoyed by users of neighboring land uses if the variance were not allowed.
- F. The proposed variance is the minimum variance which would alleviate the difficulty.

FINDING #7: The proposed variance is consistent with the purposes of the sign ordinance set forth in Section 13.010.010. Section 13.010.010(B) provides that signs should be erected and maintained in order to “protect the health, safety, property and welfare of the public”. In the application for the variance, the Applicant noted the proposed sign does not face traffic, or cause any potential traffic hazards or present any other safety concerns. The Applicant noted the materials proposed for construction of the sign will not affect public safety or welfare. Section 13.010.010(D) provides that one of the purposes of the sign ordinance is to “Improve the effectiveness of signs in identifying and advertising businesses and facilities”. In its application for the variance, the Applicant asserted the menu sign was consistent with the standard sign used at 39 other restaurant locations operated by the Applicant, and the variance was being requested to “maintain the integrity” of the Applicant’s brand, and to best serve their customers. No specific provision of the Comprehensive Plan was identified which would be violated by approving the requested variance. The City’s sign code has a provision which limits the size of menu board signs to 32 feet each, and granting approval of the proposed sign which measures 54 square feet would appear to be inconsistent with the size limitation in the sign code. However, the Planning Commission finds that it is consistent with the spirit and intent of the size limitations in the sign code to restrict the total square footage for menu board signs on the

premises to 64 square feet, and the Commission included such a restriction as a condition of approval.

CONCLUSION: The criteria in Section 3.070.030(A) have been satisfied.

FINDING #8: Concerning the criteria regarding exceptional or extraordinary circumstances, the Applicant asserted in its application for the variance that the menu board faces an alley and the backside of other businesses, and is only visible from the alley. The Commission finds from the testimony in the record that the existing sign has been in place since 2000, and no complaints were received from the public concerning the placement of the sign. Testimony in the record indicates the City took no enforcement action to remove the sign following the denial of the application for a sign permit on February 28, 2000. The Applicant asserted in its application for the variance that denial of the request would require the Applicant to incur a cost in excess of \$12,900 to build a custom made sign for this particular location. The Commission finds and concludes that these factors create exceptional or extraordinary circumstances over which the Applicant did not have any control.

CONCLUSION: The criteria in Section 3.070.030(B) have been satisfied.

FINDING #9: Concerning the criteria which addresses the issue of preservation of property rights of the Applicant, the Planning Commissions finds that other property owners within the same zoning district which applies to the Applicant's property could have two menu reader boards measuring 32 square feet each, for a total square footage of 64 feet. The Planning Commission finds that granting a variance with a condition restricting the overall square footage for menu board signs for the Applicant's property is consistent with protecting a property right for the Applicant which other property owners also share.

CONCLUSION: The criteria in Section 3.070.030(C) have been satisfied.

FINDING #10: Concerning the criteria which addresses the issue as to whether the circumstances justifying the variance have been willfully or purposely self-imposed, the Planning Commission finds that the Applicant's actions did not constitute a willful violation for purposes of Section 3.070.030(D). Evidence in the record establishes the City did not institute any enforcement proceedings since the denial of the sign permit application on February 28, 2000, and no complaints have been received from the public since installation of the sign. The Planning Commission finds that the City's lack of enforcement action could have been interpreted by the Applicant to mean the City had determined that a violation did not exist on the property.

CONCLUSION: The criteria in Section 3.070.030(D) have been satisfied.

FINDING #10: Concerning the criteria regarding the loss of privacy enjoyed by users of neighboring land uses if the variance were allowed, the Planning Commission finds that approval

of the requested variance will not reduce the amount of privacy enjoyed by neighboring users.

CONCLUSION: The criteria in Section 3.070.030(E) have been satisfied

FINDING #11: Concerning the criteria whether the proposed variance is the minimum variance which would alleviate the difficulty, the Planning Commission finds the proposed variance is the minimum needed to allow this sign.

CONCLUSION: The criteria in Section 3.070.030(F) have been satisfied

Section 13.070.060 Variances and Appeals

- A. The Planning Commission of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the Director.
- B. The Planning Commission shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to this ordinance.
- E. In exercising its appeal or variance authority, the commission may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 13.010.010 of this Ordinance.

FINDING #12: Concerning the criteria in Section 13.070.060(A), the hearing on the variance application was heard by the Planning Commission.

CONCLUSION: The criteria in Section 13.070.060(A) have been satisfied.

FINDING #13: Concerning the criteria in Section 13.070.060(B), the Planning Commission finds the decision criteria shall be the same as for all variances as provided for in Section 3.070.030.

CONCLUSION: The criteria in Section 13.070.060(B) have been satisfied.

FINDING #14: Concerning the criteria in Section 13.070.060(E), the Planning Commission finds that it has included four recommended conditions of approval for the requested variance, which are consistent with the purposes stated in Section 13.010.010.

CONCLUSION: The criteria in Section 13.070.060(E) have been satisfied.

RESOLUTION NO. P.C. 489-09

Adopting Conditional Use Permit Application #155-09 and the Site Plan Review of Mid Columbia Medical Center to construct an addition to the Linear Accelerator Vault at the Celilo Oncology Building and provide for additional parking. LOCATION: Property is located at 1700 E 19th Street and is further described as 1N 13E 11 BC tax lot 100. Property is zoned "RL/CFO" – Low Density Residential/Community Facility Overlay.

I. RECITALS:

- A.** The Planning Commission of the City of The Dalles has on July 16, 2009 conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- B.** Staff's report of Conditional Use Permit 155-09 and the minutes of the July 16, 2009 Planning Commission meeting, upon approval, provides the basis for this resolution and are incorporated herein by reference.
- C.** Site Plan Review is also approved under the same conditions.

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 155-09 is hereby approved with the following conditions:

CONDITIONS OF APPROVAL:

1. All development must be completed in accordance with Land Use and Development Ordinance 98-1222.
2. Approval of this Conditional Use Permit application also acts as approval of a Site Plan Review application.
3. Detailed plans for buildings and other site improvements such as height and outdoor lighting will be reviewed as part of the building permit approval.
4. New parking areas must meet requirements of Chapter 7 of the LUDO. Applicant has a plan showing 12 new parking spaces. A detailed plan for the new parking area with dimensions and other requirements of Chapter 7 will need to be provided with the building permit application.
5. Parking areas must provide Landscaping as regulated by section 7.030.040.
6. Property is in geohazard zone A2. A geohazard report is required if this area was not covered in the original report. Applicant will need to follow recommendations of the report during construction.
7. System Development Charges will be reviewed and assessed at the time of the building permit review.
8. Unless modified in this land use process, applicant must meet all development standards for the CFO overlay zone as contained in Section 5.100.040.

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 mailing of this 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 16th DAY OF JULY 2009

Bruce Lavier, Chairman
Planning Commission

I, Dan Durow, Community Development Director for 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 16th of July 2009.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: _____
Dan Durow, Community Development Director
City of The Dalles