

# Baker City Planning Commission

Wednesday, October 18<sup>th</sup>, 2006

The meeting was called to order at 7:02 by Chair Alan Blair. Laurie Woodworth, Wayne Burnside, Alan Blair, Sharon Rudi, Ken Rockwell and Rick Rembold were in attendance. Rob Ellingson was not present.

Staff members present were Jennifer Murphy and David Fine

## **Approval of Meeting Minutes of September 20, 2006**

Ken Rockwell MOVED to approve the minutes and Sharon Rudi SECONDED it. The motion carried UNANIMOUSLY.

## **Planning Commission Case 06-CUP-13**

*A request by Julie Capon to use the building at 1401 and 1405 Valley Avenue as a private school and daycare facility.*

David Fine started out by explaining normally the chairperson reads the rules but they were not able to locate them in time for the meeting. He then read out of the statute stating everything as close to possible of what would have been in the rules. He stated that if the parties are concerned about getting complete information they may table the issue until the next meeting. The parties stated that they were not concerned, and that David Fine's reading of the statute would be sufficient.

Alan Blair wanted to verify that everyone had reviewed the property as well as the staff report. Everyone indicated that they had.

Jennifer Murphy read the Conditional Use Permit criterion that is set forth in Section 15.3.400 of the Development Code.

Ken Rockwell asked the staff if the zoning area was identified as a school or daycare, and if that fell in the same classification for this permit. Jennifer Murphy explained that yes it would fit regardless of the use of a school or daycare.

Alan Blair then asked for the applicants to come forward

Julie Capon, 1339 Valley approached the podium. Julie stated that she had applied one year ago and due to various reasons they were not able to get the school off the ground as they had planned. That is why she is before the commission again. She would like to teach children from Kindergarten through 3<sup>rd</sup> Grade. There will be 12 kids total in her class. Last year there was a tenant in half the building and that was a major concern for her, as well as the primary reason the school is not already opened. The tenant is now out and they are set to open in the Fall of 2007. She has had parents approach her and state that they feel that her having a daycare in part of the facility would be helpful. They would then not have to leave work to transfer their children. She has been looking into it

and is now asking the commission to allow the daycare in the other side of the duplex. The yards are separately fenced and the toys will be appropriate and safe for each age group in the yards. They have built a basketball court. The must have 100 ft per kid outside and 35ft per kid inside. They do meet these numbers.

Ken Rockwell asked if the lighting would be compatible with the residential neighborhood. He stated that his hope was it would be similar to that of residential.

Julie Capon stated that there are currently flood lights on each side that motion lights. There is emergency lighting as well. All of the neighbors have indicated they are excited to see this proceed.

Sharon Rudi asked David Fine if down the line for whatever reason she closes the school down can this structure be turned back into residential. David Fine stated that as long as it meets zoning regulations at that time it would be acceptable. Any new owner may choose to use it as a residential as long as it meets regulations. Any new owner may choose to use it as a business as well.

Julie Capon stated that the Fire Marshall said they do not need overhead sprinklers due to the exits and a lot of large windows. After he inspected he stated that as long as the exits are marked and there are fire extinguishers on hand, sprinklers are not needed. There is a fire hydrant directly across the street. The building is also handicap accessible. There will be lever action door handles installed.

Wayne Burnside asked if they will be licensed. Julie stated that she is a licensed teacher but the facility will not be a licensed school. Alan Blair asked if the daycare would be licensed. Julie stated that yes it's already in the process of getting licensed and as soon as this gets approved the licensing process will proceed. Wayne Burnside asked if they will be serving food. Julie stated that yes by law she has to and she is working on setting up the food program. Wayne Burnside asked if there would be any employees. She stated that yes there will be one employee who will help with the daycare.

Sharon Rudi asked how does the state allow the kids their academic credit if it is not a licensed school. Julie stated that they get credit by testing at the beginning and end of each school year. There is a good chance that the students will be ahead due to the small class size. She stated that they are treated kind of like a home schooled parent. If tests and records are not being received the state will come in and evaluate the kid's files.

Ken Rockwell asked what affect this would have on traffic patterns. Julie stated that Chris Ruddell looked at the lot and there is room for 20 cars to park on her own property. Her only concern is if there is an open house night or play that there might be extra cars. There however is a lot across the street that she owns and that they can park there. It is beneficial that she owns two large corner lots. Kids are dropped off for daycare generally between 7 & 8. School starts at 9 and ends at 12. Daycare ends at 5. There is no mid-day pickup as most kids will go next door to the daycare.

Ken Rockwell asked if they had considered the noise being a problem for neighbors. Julie stated that the current neighbors are okay with everything. If there were problems she could do some sound barring landscaping such as trees or shrubs along the fence line. She has already planted a few and this should help reduce the noise. The class will be small enough she can wave the kids in and there will be no bell or anything.

Alan Blair asked if there were any further questions. No one had any so they proceeded to discuss and deliberate. There was no correspondence to the city in regards to this matter. New notices did go out.

Alan Blair MOVED to approve based on recommendations. Wayne Burnside SECONDED. The motion carried UNANIMOUSLY.

### **Other Business**

David Fine stated he had prepared the letter for City Council, to get an ordinance to require any future subdivision that excludes one or more lots to identify it on the plat map. This does amend one section of the current ordinance. Wayne Burnside stated that it looked as if it was well written. He is hopeful that this would go along way toward addressing the concerns he's had. David Fine stated that during his research he was not able to find any other cities that have done this, but it is allowed and he understands the reasoning. Alan Blair stated that after what has happened over the last few months he feels that this is needed. Sharon Rudi said that as a realtor she has come across many disappointments in subdivisions that exclude properties. This would put it clearly on the record who is excluded from CC&Rs. She thinks it would be a great thing for Baker City to do and lead the way for other cities.

Sharon Rudi MOVED to approve, Wayne Burnside SECONDED. The motion carried UNANIMOUSLY.

David Fine stated that the county is looking at it as well. He recommended that they make a motion to send it to the county as well.

Sharon Rudi asked for them to pass the recommendation on to the county. All commissioners were in agreement.

Jennifer Murphy stated that she is going to start going through the development code starting with the residential area. She stated she will highlight things she sees that might need modified and try to bring it back at the next meeting.

Ken Rockwell brought up an article about Baker City that his family had sent him regarding the tennis courts. He said that to his recollection the permit was only good for the Grangers. He said it is something that wants to make clear now to avoid the debate that surrounded the issue the last time it came before the commission. He asked that staff look at the prior decision to see if it is compatible with the decisions made in the past.

Sharon Rudi stated that to her understanding the people who bought the property could continue the use that was granted to the Grangers and asked staff if that was correct. Jennifer Murphy stated that Don McClure doesn't play tennis. People from all over have encouraged him to keep it open so he has. What concerns her is that they are considering holding receptions there. Rick Rembold stated he thought that the permit transferred to owners but not to new events. For example they would not be able to hold the senior party there because it would last all night and the permit requires the lights off by 9pm.

David Fine stated that the permit goes to the land not the person. Secondly that new owner would be expanding the use by holding parties of any sort. He will meet with the owner to clarify these issues.

Sharon Rudi said that they need to make sure they understand they can not charge for the tournaments, because it would then be a commercial exposure. They are not able to accept any money except for maintenance. They were very specific when this permit was given that it was to be non profit.

The meeting was adjourned at 7:50.