



STAFF REPORT
August 1, 2017

AGENDA ITEM (File No. CUP-17001)

Consideration of a Conditional Use Permit application to operate a preschool in a residential neighborhood. The preschool proposes to locate in an existing accessory structure in the Residential Single-Family (R-1-10) zoning district. The project site is located at 917 Mendolia Way, and is identified on the Jackson County Assessor’s map as 37S 2W 10BB, Tax Lot 807 (Property). **Owner:** Jeanne Quigley **Applicant:** Kendra Marineau

SOURCE

Molly Bradley, Community Planner I

BACKGROUND

The Applicant is requesting a Conditional Use Permit to operate a preschool, “Imagination Station”, in an existing 400ft², detached accessory structure located in the rear yard of the Property (Attachment “A”). Per CPMC 17.20.030(C), preschools are designated Conditional Uses in the R-1 zoning district, and require special consideration so they are properly located with respect to the objectives in the zoning title and their effect on surrounding properties. The operation of preschool facilities is regulated by the Early Learning Division in the Oregon Department of Education. The City’s review will be limited to land use issues.

Project Description:

The Applicant proposes to open a Recorded Preschool, “Imagination Station”, in Fall of 2017, and enroll six (6) 4-year old students, with the potential to increase enrollment in the future. A Recorded Preschool means a facility providing care for preschool children that is primarily educational for four hours or less per day and where no child is present at the facility for more than four hours per day (Attachment “B”). Hours of operation are proposed to be Monday, Wednesday and Friday from 9:00am-12:00pm, following the school district calendar. Access to the site will be from the public street, Mendolia Way, and off-street parking is provided in the driveway of the project site, per the Applicant’s Findings. (Attachment “E”). There is a gate to the backyard, accessed from the driveway, which will serve as the main access to the preschool. Restroom facilities will be available to the preschool children inside the primary residence. The Property is surrounded by Single-Family Residential (R-1-10) properties.

ISSUES

There are three (3) issues relative to the proposed preschool, which are addressed below:

1) Parking Requirements. Per CPMC 17.64.02B, a Preschool requires one (1) off-street parking space per employee, plus 1 space per 5 children the facility accommodates. Based on the Applicant's proposal to have one (1) employee and six (6) students, a total of two (2) off-street parking spaces would be required to meet the code standard. The proposed parking plan illustrates two (2) covered off-street parking spaces for the single-family residence, and three (3) uncovered parking spaces in the driveway (Attachment "A"). As shown on the Applicant's site plan, use of two (2) of the uncovered parking spaces will cause intermittent disruption of the access to covered spaces provided in the garage during the hours designated for drop-off and pick-up, causing a potential conflict with the covered parking spaces.

Comment: The potential conflict with the covered parking spaces is considered minor and can be mitigated by the Applicant through coordination of ingress/egress for the covered parking to avoid drop-off and pick-up times. Staff finds that because of the unique characteristics of this application in regards to proposed preschool attendance and the intermittent disruption of access to the covered garage parking spaces, that the potential conflict can be prevented through an agreement between the Applicant and property owner.

2) Enrollment. The Applicant's Findings state that enrollment may be increased in the future. The State does not determine enrollment standards for Recorded Preschool Programs; therefore, the number of students permitted to occupy the preschool will be dictated by the off-street parking spaces available at the preschool site. Per CPMC 17.64.02B, a Preschool requires one (1) off-street parking space per employee plus 1 space for every 5 students. On this basis, where the maximum number of off-street parking spaces available is three (3), the maximum number of students that can be accommodated is ten (10).

Comment: Staff recommends that, per Condition of Approval #4, the Applicant be limited to maximum enrollment of ten (10) students at the proposed preschool.

3) Public Comments. During the public comment period, two (2) letters of opposition were received from property owners adjacent to the project site (Attachments "D-1, D-2"). The concerns raised in the letters are summarized and addressed in categories of concern below:

A) Alternative Zoning Districts. Both letters received by the City raise concerns about the compatibility of a preschool within the residential zoning district, and recommend finding an alternative zoning district to locate the operation.

Comment: Per the current municipal code, preschools are classified as a conditional use in the Residential Single-Family (R-1), Residential Two-Family (R-2), and Residential Multiple-Family (R-3) zoning districts. Preschools are not identified as a permitted use or as a conditional use in any other zoning district. Because preschools may pose potential impacts to the livability or desired character of an area, a conditional use permit is required to identify these potential impacts, and to apply conditions that will address identified concerns. This Application has been conditioned per the approval criteria in CPMC 17.76.040 to mitigate the potential impacts that a

preschool may pose to the surrounding neighborhood.

B) Child Safety and Liability. One letter of public comment asks if the City could be held responsible for incidents of child negligence or inadequate supervision that might put a child in danger.

Comment: Child safety and liability are addressed through the State's operation requirements and are regulated by the Early Learning and Child Care Division in the Oregon Department of Education. The proposed preschool is classified as a Recorded Preschool Program, which means it must be recorded with the State but is exempt from licensure. Per OAR 414-450-0030, the two (2) requirements for Recorded Preschool Programs are 1) Complete a background check on all staff and volunteers 18 years of age or older who have contact with children in the program; and 2) Post a notice where it is visible to parents that the preschool is recorded with the Child Care Division and is legally exempt from licensure (Attachment "B"). The proposed preschool operation is subject to both sanctions and denial of application by the State if it is found to be in violation of regulations per applicable OAR. Through Condition of Approval #2, the City also has authority to revoke the conditional use permit and business license if the Applicant violates any State Rules for Recorded Programs, or any conditions of approval that are set forth in this report. The City is not liable for potential negligence that occurs at a privately run preschool on private property.

C) Noise. The letters of opposition from the adjacent property owners state concerns regarding the potential impact to their quality of life due to noise from preschool students that could disrupt surrounding neighbors during the hours of the preschool's operation.

Comment: The preschool is proposing to operate in the 400ft² accessory structure in the backyard of the Property, with activities occurring both inside and outside the structure. The Applicant has stated in her findings that a 6-foot fence surrounds the back yard of the Property, and four tall trees stand next to the rear yard fence, which may help to contain or buffer noise from the preschool. The Conditional Use Permit process provides an opportunity to mitigate potential impacts, such as noise, from a proposed use. In response, staff recommends Condition of Approval #4 which prohibits the Applicant from operating the preschool outside the hours of 9:00am - 12:00pm on Monday, Wednesday and Friday during the school year, and limits the number of preschool student enrollment to ten (10).

FINDINGS

The Applicant has stated in their findings that all requirements outlined per the Conditional Use Permit section 17.76.040 have been met (Attachment "E").

CONDITIONS OF APPROVAL

- 1) Prior to commencing operation of the preschool, the Applicant shall obtain a business license with the City of Central Point.
- 2) Prior to issuance of a business license, the Applicant shall provide the Community Development Department with an active program record for the proposed preschool, “Imagination Station”, issued by the State of Oregon Child Care Division per ORS 329A.255.
- 3) The proposed preschool shall comply with all state and local laws, including State regulations for Recorded Preschool Programs. Failure to comply with these regulations will result in the City revoking the conditional use permit and business license for the proposed preschool.
- 4) The preschool shall not operate outside the hours of 9:00am – 12:00pm, Monday, Wednesday and Friday, excluding drop-off and pick-up times which may occur within 15-minutes of the hours of operation. The preschool shall be limited to the enrollment of ten (10) students. Any changes to the proposed use (i.e. increasing enrollment or hours of operation, etc.) are subject to CPMC 17.09, Modifications to Approved Plans and Conditions of Approval.
- 6) Prior to issuance of a business license, a Change of Occupancy Permit is required per the condition stated in the Building Department letter, dated June 26 (Attachment “C-4”).
- 7) A sign permit shall be obtained by the Applicant and approved by City staff prior to installation. The sign face shall be limited to 4-feet by 2-feet in area.

ATTACHMENTS

- Attachment “A-1” – Site Plan
- Attachment “A-2” – Elevations and Photos
- Attachment “B” – “Rules for Recorded Programs” – Oregon Administrative Rules
- Attachment “C-1” – RVSS Comments, June 1, 2017
- Attachment “C-2” – Airport Comments, June 28, 2017
- Attachment “C-3” – Fire District #3 Inspection, June 15, 2017
- Attachment “C-4” – Building Official Comments, June 26, 2017
- Attachment “C-5” – Public Works Department Comments, June 26, 2017
- Attachment “D-1” – Public Comment #1, dated July 11, 2017
- Attachment “D-2” – Public Comment #2, dated July 17, 2017
- Attachment “E” – Applicant’s Findings of Fact

ACTION

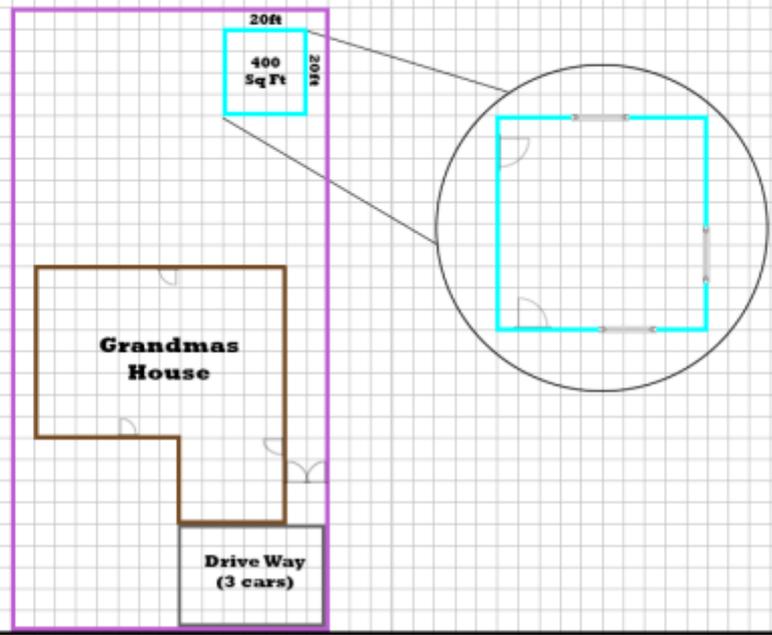
Consideration of a Conditional Use Permit (CUP) to allow a preschool, "Imagination Station", to operate in the Residential Single-Family (R-1-10) zoning district. The Planning Commission may choose to
1) Approve the CUP; 2) Approve the CUP with conditions; or 3) Deny the CUP.

RECOMMENDATION

Approve the Conditional Use Permit with conditions as recommended in the Staff Report dated August 1, 2017, or as otherwise amended by the Planning Commission.

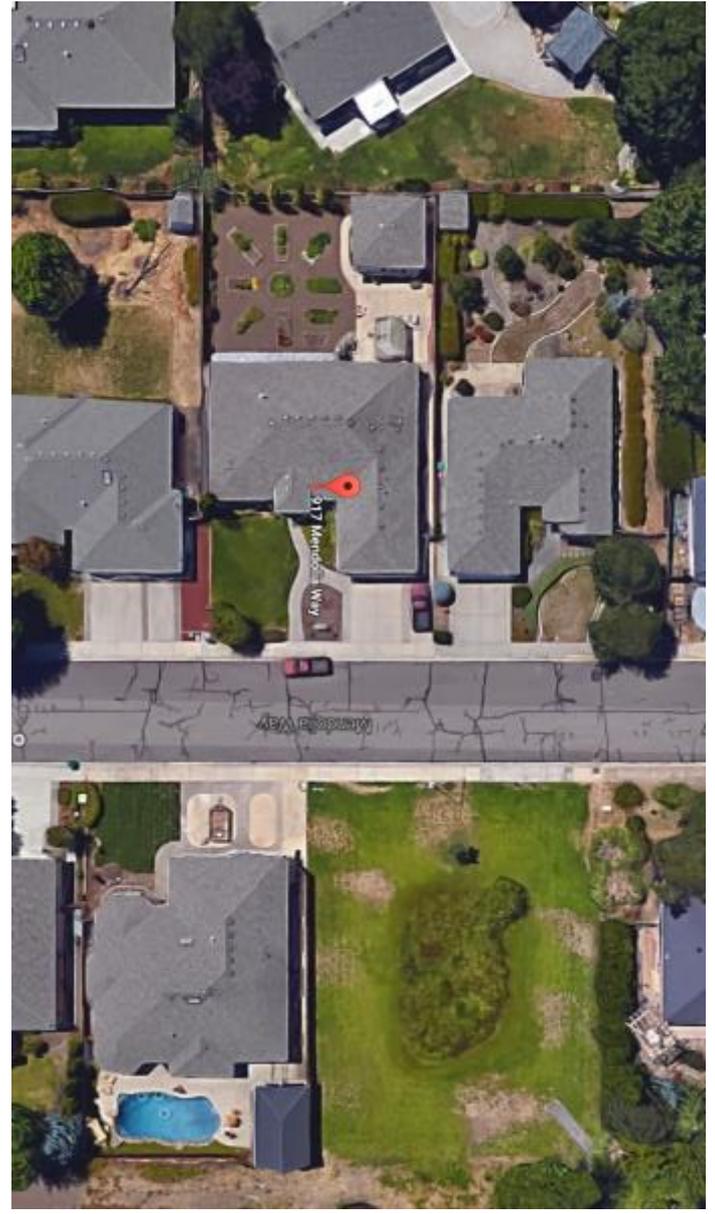
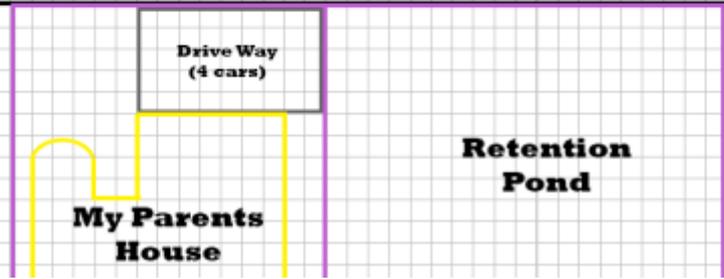
Key

- Pre-School
 - Property Line
 - Grandmas House
 - My Parents House
 - Drive Way
 - Entrence/Exit
 - Window
- 1 square = 5 feet



Street

ATTACHMENT "A-1"



Imagination Station

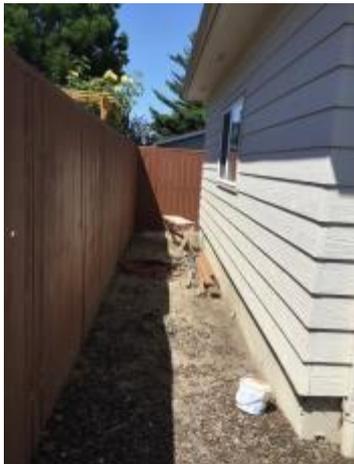
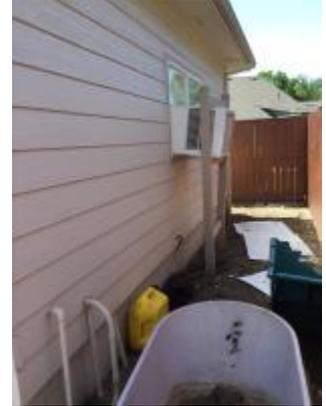
Location



- The preschool will be located at 917 Mendolia Way in Central Point
- It will be in a 20x20 detached studio

Entrances & Exits

There are two doors and three windows in the studio



Entrances & Exits

Continued



If the gate was not accessible, due to an emergency, and we needed to evacuate we could go through the back door on the house and out the front door

The kids will enter through the gate on the side of the house



Parking

There is plenty of parking to accommodate the parent/guardian when dropping off their child



There are 3 parking spots in the driveway at 917 Mendolia Way and at least 2 curb parking spots in front of the house

Across the street is a retention pond that has 5-6 curb parking spots



My parents live across the street from my grandma at 916 Mendolia Way and there is 4 driveway parking spots





Rules for Recorded Programs

School-Age and Preschool Programs



Oregon Employment Department
Child Care Division
503-947-1400 • 1-800-556-6616

REC-305 07/01/2010

Introduction And Information Regarding Recorded Programs

There is a large body of knowledge, including new brain research, about the importance of early childhood. We know that the foundation of a child's health and character is established during the early years of life. If children do not have opportunities early in life for normal development of their minds, bodies, and relationships with others, it becomes increasingly difficult to make it up to them later. There is no second chance at childhood, and the future of this state depends on the healthy physical, mental, and emotional growth and development of today's children.

It was with this in mind that the state of Oregon enacted Oregon Administrative Rules (OAR) 414-425-0000 et seq and 414-450-0000 et seq, that are the Child Care Division requirements for recorded programs. The purpose of these rules is to collect and publish information on school-age programs and require criminal background checks on staff and volunteers having contact with children in these programs

The Child Care Division, with the assistance of child care programs, the Center for Career Development in Childhood Care and Education, the Oregon Family Child Care Network, the Department of Human Services (Health Division), the USDA Food Program (Department of Education), the Commission on Children and Families, the Commission for Child Care, and several other state agencies developed these administrative rules.

You do not need to record your program with the Division if it is:

- Operated by a school district as defined in ORS 332.002
- Licensed with the Child Care Division
- Provides care that is primarily a single enrichment activity, for eight hours or less a week

If any of these apply, your program is not required to be recorded with the Division

Questions regarding these rules can be directed to:

Oregon Employment Department
Child Care Division
503-947-1400 • 1-800-556-6616

RULES FOR RECORDED PROGRAMS PRESCHOOL PROGRAMS

414-450-0000 Purpose

- (1) Oregon Administrative Rules (OAR) 414-450-0000 through 414-450-0040 are the Child Care Division's minimum requirements for preschool recorded programs. The purpose of these rules is to collect and publish information on preschool recorded programs, and require criminal background checks on staff and volunteers having contact with children in these programs.
- (2) Nothing in these rules is intended to create requirements applicable to a program that is:
 - (a) Required to be certified under ORS 657A.280 or registered under ORS 657A.330; or
 - (b) Operated by a school district as defined in ORS 332.002; or
 - (c) Operated by a political subdivision of this state; or
 - (d) Operated by a governmental agency.

414-450-0010 Definitions

- (1) **"Child Care"** means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day, with or without compensation.
- (2) **"CCD"** means the Child Care Division of the Employment Department, or the Administrator or staff of the Division.
- (3) **"Preschool-Age Child"** means a child who is 36 months of age up to the summer vacation months prior to being eligible to be enrolled in the first grade in public school.
- (4) **"Preschool Recorded Program"** means a facility providing care for preschool-age children that is primarily educational for four hours or less per day and where no preschool child is present at the facility for more than four hours per day.
- (5) **"Program Record"** means the document a preschool recorded program is issued by the Child Care Division to operate a preschool recorded program pursuant to ORS 657A.257 and OAR 414-450-0000 through 414-450-0040.
- (6) **"School-Age Child"** means a child eligible to be enrolled in the first grade or above in public school including the months of summer vacation prior to being eligible to be enrolled in the first grade or above in the next school year, up to age 13. For purposes of these rules, a child attending kindergarten may be considered a school-age child.

- (7) “**Staff**” means any individual 18 years and older who works in, and has contact with children in the program.
- (8) “**Volunteer**” means any individual 18 years or older who intends to perform uncompensated duties for the program and who may have unsupervised contact with the children in the program; or who is in the facility more than four hours per year and has contact with children in the program.

414-450-0020 Application for a Program Record

- (1) No person or organization shall operate a preschool recorded program without an active program record issued by the Child Care Division (CCD).
- (2) Application for a program record shall be made on forms provided by CCD. The original forms must be submitted to CCD for processing.
- (3) A completed application is required:
 - (a) For a new program record
 - (b) For renewing a program record
- (4) There is a non-refundable processing fee of \$20 for each application.
- (5) To determine if requirements are met, the applicant may be required to supply additional information or permit CCD to visit and assess the program.

414-450-0025 Issuance of a Preschool Program Record

- (1) CCD shall issue a program record to a person or organization operating a preschool program if CCD determines that the applicant meets the requirements of ORS 657A.250 to 657A.450 and OAR 414-205-0000 et seq and OAR 414-300-0000 et seq and OAR 414-450-0000 through 414-450-0040.
- (2) A program record is valid for two years from date of issuance.
- (3) A program record authorizes operation of the preschool recorded program only at the address described in the record and only by the person named in the record.
- (4) CCD will create and maintain a database of preschool recorded programs. The database will include:
 - (a) Name and address of the program;
 - (b) Name of contact person; and
 - (c) Program information such as capacity, age range of children served, and hours of operation.

414-450-0030 **General Requirements**

- (1) The preschool recorded program must assure that criminal background checks are done on all staff and volunteers prior to having contact with children in the program.
- (2) The preschool recorded program must post a notice where it is visible to parents that the program is recorded with CCD and is legally exempt from licensure.

414-450-0040 **Denial of Application and Sanctions**

- (1) An initial application for a new program record or renewal application may be denied if the Division finds that:
 - (a) The program or its operation does not comply with ORS 657A.250 to ORS 657A.450, with applicable rules or with any term or condition imposed under the record; or
 - (b) A visit, on-site investigation or inspection of a program or its records authorized by ORS 657A.390 has not been permitted.
- (2) A person or organization that violates any provision of this section or any term or condition of a program record is subject to a civil penalty not to exceed \$100.



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

June 1, 2017

Molly Bradley
City of Central Point Planning Department
155 South Second Street
Central Point, Oregon 97502

Re: 917 Mendolia Way, Tax Lot 807, Map 37 2W 10B

There is an 8 inch sewer main on Mendolia Way fronting the East property line of Tax Lot 807. The subject tax lot is currently served by a connection to this main.

The sewer service for this tax lot will not be affected by the proposed use. However, the change of use will require a calculation and payment of applicable SDC charges. An RVSS sewer service permit will be subject to the configuration of any proposed building sewer outside of the existing structure.

The project is within the Phase 2 stormwater quality area, however the project does not require stormwater management as impervious surface will not be added.

Rogue Valley Sewer Services requests that approval of this project be subject to the following conditions:

Prior to the start of construction:

1. Applicant must provide site and architectural plans to RVSS for the calculation of applicable sewer SDC fees and evaluation of a sewer service permit.
2. Applicant must pay all applicable sewer SDC fees to RVSS.
3. Applicant must obtain a sewer service permit if required.

During Construction and prior to final acceptance.

1. Sewer service to the proposed project must be inspected and accepted by RVSS if a sewer permit is required.

Feel free to call me if you have any questions.

Nicholas R. Bakke

Nicholas R. Bakke, PE
District Engineer

K:\DATA\AGENCIES\CENTPT\PLANNING\PA\2017\917 MENDOLIA
WAY_PRESCHOOL.DOC

Molly Bradley

From: Marcy Black <BlackMA@jacksoncounty.org>
Sent: Wednesday, June 28, 2017 8:53 AM
To: Molly Bradley
Subject: RE: Action Needed: Agency Comments on Land Use Application
Attachments: image001.png

Molly:
The Airport has no comments.

Thanks,

Marcy Black
Deputy Director-Administration

From: Molly Bradley [mailto:Molly.Bradley@centralpointoregon.gov]
Sent: Monday, June 26, 2017 9:24 AM
To: Aaron Gratias <Aaron.Gratias@pacificorp.com>; Bobbie Pomeroy <Bobbie.Pomeroy@centralpointoregon.gov>; Chad Pliler <Chad.Pliler@ECSO911.com>; David McFadden <David.McFadden@avistacorp.com>; Derek Zwagerman <Derek.Zwagerman@centralpointoregon.gov>; Jeff Keyser <jeff.keyser@pacificorp.com>; Jeff Wedman <jeff.wedman@centurylink.com>; Marcy Black <BlackMA@jacksoncounty.org>; Mark Kimmelshue <mark.kimmelshue@centurylink.com>; Mark Northrop <MarkN@jcf3.com>; Matt Samitore <Matt.Samitore@centralpointoregon.gov>; Mike Ono <Mike.Ono@centralpointoregon.gov>; ctappert@rvss.us
Subject: Action Needed: Agency Comments on Land Use Application

Good Morning,

The City has received a Conditional Use Permit application to operate a preschool in a residential neighborhood (File No. CUP-17001). The project site is located at 917 Mendolia Way in the Residential Single-Family (R-1-10) zoning district, and identified on the Jackson County Assessor's Map as 37 2W 10BB Tax Lot 807. The request for comments is attached to this email for your review. Additional information regarding the application, including site plan and findings of fact, is available at the link below:

<http://www.centralpointoregon.gov/cd/project/imagination-station-preschool-conditional-use-permit>

Please contact me with any questions.

Sincerely,

Molly Bradley
Community Planner I
City of Central Point
140 South 3rd Street
Central Point, OR 97502
Desk: (541) 664-3321 (x245)
Fax: (541) 664-1611
www.centralpointoregon.gov

Jackson County FD #3

Occupancy: **Imagination Station**
 Address: **917 Mendolia WAY**
 Central Point OR 97502



Inspection Type: **HIGH HAZARD FIRE INSPECTION**
 Inspection Date: **6/15/2017** By: **Northrop [P], Mark (1127)**
 Time In: **11:30** Time Out: **12:00**
 Authorized Date: **Not Author** By:

Form: GENERAL
 INSPECTION FORM FOR
 FLSD

Next Inspection Date: **06/15/2017 HIGH HAZARD FIRE INSPECTION**

Inspection Topics:

MISCELLANEOUS INSPECTION

GENERAL INSPECTION INFORMATION

COMMENTS/NOTES

Status: NO HAZARDS NOTED
Notes: I conducted a Fire Safety Inspection and found no violations.

Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
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Notes: No Additional time recorded

Total Additional Time: 0 minutes
Inspection Time: 30 minutes
Total Time: 30 minutes

Summary:

Overall Result: PASS
Inspector Notes:

ATTACHMENT "C-4"

City of Central Point, Oregon
140 S Third Street, Central Point, OR 97502
541.664.3321 Fax 541.664.6384
www.centralpointoregon.gov



Building Department
Derek Zwagerman, P.E., Building Official

June 26, 2017

Molly Bradley
Community Planner I
City of Central Point

RE: CUP - 17001/Imagination Station Preschool

A Change of Occupancy permit will be required for this structure.

No other comments.

A handwritten signature in black ink, appearing to read "D. Zwagerman".

Derek Zwagerman, P.E.
Building Official

Molly Bradley

From: Matt Samitore
Sent: Monday, June 26, 2017 9:24 AM
To: Molly Bradley
Subject: RE: Action Needed: Agency Comments on Land Use Application
Attachments: image001.png

Molly,

PW has no comment on the CUP.

Matt Samitore, Parks and Public Works Director
Public Works Department
City of Central Point
140 South Third Street
Central Point, OR 97502
Desk: 541-664-3321 (x205)
Fax: 541-664-6384
www.centralpointoregon.gov



From: Molly Bradley
Sent: Monday, June 26, 2017 9:24 AM
To: Aaron Gratiias; Bobbie Pomeroy; Chad Pliler; David McFadden; Derek Zwagerman; Jeff Keyser; Jeff Wedman; Marcy Black; Mark Kimmelshue; Mark Northrop; Matt Samitore; Mike Ono; ctappert@rvss.us
Subject: Action Needed: Agency Comments on Land Use Application

Good Morning,

The City has received a Conditional Use Permit application to operate a preschool in a residential neighborhood (File No. CUP-17001). The project site is located at 917 Mendolia Way in the Residential Single-Family (R-1-10) zoning district, and identified on the Jackson County Assessor's Map as 37 2W 10BB Tax Lot 807. The request for comments is attached to this email for your review. Additional information regarding the application, including site plan and findings of fact, is available at the link below:

<http://www.centralpointoregon.gov/cd/project/imagination-station-preschool-conditional-use-permit>

Please contact me with any questions.

Sincerely,

Molly Bradley



July 11, 2017

Dear Central Point Planning Commission,

I am writing with deep concern for the future quality of life change that may occur upon my household with the institution of a daycare/preschool outside my back door.

As a precursor, my wife and I moved here two years ago from Juneau, Alaska. Both of us are retired teachers and I having spent nearly 25 years as an elementary physical education instructor. I feel comfortable saying from experience that I am expert dealing with 5-12 year olds playing in an enclosed space. The idea of a preschool in such close proximity is a cruel hoax to me and the many retired neighbors in our quiet residential area.

Having been in physical education for 25 years, I was extremely aware of liability, lawsuits, and negligence in dealing with children. Is this something the city can be held responsible for in a court of law? I coached gymnastics for 10 years and know the liability of improper instruction and supervision. Are you willing to open this door?

In our search for a retirement area a few years ago we had many options. Family in the Midwest, other family in Alaska, Florida with no taxes, Arizona...etc. We chose Central Point. Peaceful, laid back, hardworking people. We would **Never Ever** have chosen a home next to a lumber mill, downtown business, school, amusement park, or daycare. And I'll bet neither would any of you in your retirement home search!

Already, with knowing few in this community, this is pitting neighbor against neighbor. I don't want to live next to screaming, playing, bouncing, high children's voices in my residential area. Please find somewhere else already zoned for this type of business.

Please stand by your established residential codes and deny the conditional use permit for the Imagination Station.

Thank you,

A handwritten signature in cursive script that reads "John Pastorino".

John Pastorino
330 Meadow Lark Way
Central Point, OR 97502



**Cindy Pastorino
330 Meadow Lark Way
Central Point, OR 97502**

July 17, 2017

City of Central Point
Planning Commission
140 S. 3rd Street
Central Point, OR 97502

Dear City of Central Point Planning Commission:

RE: Objection to Granting Conditional Use Permit for Imagination Station within the Residential Single-Family (R-1-10) Zoning District

When I purchased my home in a peaceful residential neighborhood at 330 Meadow Lark Way, Central Point, I never imagined I would be writing to the Central Point Planning Commission a short two years later. Alas, I am not imagining that a proposed preschool, the Imagination Station, is seeking a conditional use permit to operate in an accessory structure directly adjacent to my home and backyard.

When we first moved to Central Point after living over 40 years in Juneau, Alaska, we had many options. The decision was not easy, but after exploration and research we decided on the Rogue Valley. We looked at many different properties in different communities: Talent, Medford, Jacksonville, Eagle Point, Ashland, Shady Cove—we chose Central Point. We feel very blessed to have found our beautiful home with a lovely backyard on a quiet cul-de-sac in a neighborhood where people show pride in home ownership. Please understand how disappointing it is for us to have our little slice of paradise compromised.

After the initial adjustment period of such a major move, we have been very pleased with the Central Point community. We enjoy attending the 4th of July and Holiday parades, activities in the parks, events at the Expo, walking about the town, and supporting local schools, charities, and businesses. We have good neighbors and feel we are good neighbors and citizens.

My husband and I are retired teachers; combined we have over 45 years of teaching experience in public schools. While we have been committed to children's success and enjoyed our careers as teachers, we would never have chosen a property in such close proximity to a daycare, preschool, elementary, middle or high school.

Because of its proposed location, I'm concerned my property will be the one most impacted. After reviewing Central Point Municipal Code, I've learned I have legitimate claims to object to the granting of this conditional use permit. Due to the close proximity to my property and the impact the preschool will have on the quality of life in my home and backyard, I request the Central Point Planning Commission deny the applicant's conditional use permit. I believe the for-profit business to be incompatible with a Residential Single-Family zoning district.

Location

Central Point Municipal Code states conditional uses require special consideration so that they may be properly located with respect to the objectives of the zoning title and their effect on surrounding properties. Given its proposed location, this business will have a **negative effect** on our property. (CPMC 17.76.010)

How close will the proposed Imagination Station be from our property?

- Approximately 4 feet from the fence
- Approximately 14 feet from the patio
- Approximately 32 feet from the living room & dining room
- Approximately 40 feet from the master bedroom & bathroom

Unfortunately, all of our home's major living space faces this proposed business. Our living room, dining room, master bedroom, newly remodeled master bathroom, and patio all face its direction. It will be hard for us to escape the sound. (CPMC 17.76.040, C.) & (CPMC 17.76.040, D.)

Please refer to the enclosed pictures from our side of the fence to visually realize the close proximity to our property. The building beyond the fence is the proposed Imagination Station. The yard where the children will be playing is on the immediate other side of the fence.

Noise

If you have or have had children please remember when they were 4 year olds. Now take your one 4 year old and multiply by 6. This will be the amount of sound generated by the students.

We enjoy our peaceful Residential Single-Family zoning district neighborhood. Yes, there are several barking dogs and we can hear a lot of the activities going on, but these are neighborhood sounds (not for-profit business sounds) and are to be expected. Sound carries. Sound is powerful. I believe a person has the right to peace and quiet in her own home and yard.

The applicant states in her findings *"In the winter most activities will be inside, so noise should be held to a minimum."* Key words "should be held to a minimum" not "will be." She goes on to state *"Any outdoor activities would take place between 9 am to 12 pm, most neighbors are awake or at work during those hours so it will not be a disruption."* If outdoor activities are held between 9 am till 12 pm that means that the noise from 6 preschoolers playing in the yard could potentially be for 3 solid hours, 3 days a week! The applicant should not make the assumption that most neighbors are awake at this time (neighbors' sleeping habits are not her concern nor should they be dictated by her business noise.) Nor should the applicant make the assumption that most neighbors are at work at this time (we are retired and we know other neighbors that are retirees too). Contrary to her claim, the noise from this business will be a disruption to our lives. (CPMC 17.76.040, E.8.)

Hours

The hours of the preschool also relate to my noise concerns. The hours proposed are 9 am till noon. Does this mean no kids will be onsite until 9 am or will they be allowed to be dropped off earlier (say 8:30)? Will they be all gone by noon or will they be allowed to stay later (say 1:00)? My point is, what assurances do we have the preschool will only be in operation 3 hours a day? I fear logistically it will be more than 3 hours a day. (CPMC 17.76.040, E.8.)

Size

I have concerns regarding the size of the preschool. When the applicant first approached me to see how I felt about her proposed business, she indicated eight 4-year olds would be her target. In her written proposal she states *"Since the building is 400 square feet, I can have up to 11 kids at one time."* In another paragraph she states *"According to Municipal Code, for the preschool located at 917 Mendolia Way it can have up to 15 kids."* Although she is currently applying for the conditional use permit for 6 children, if approved, what assurances are there that the preschool wouldn't grow to 15 children, more than doubling the noise from more children, more parents, and therefore more traffic noise as well. (CPMC 17.60.190, C.8)

Building & Yard

While the applicant has determined the site/structure to be appropriate, one of the windows directly faces and is within 4 feet of our shared fence. Noise from this window will come directly to our house. One of the two doors is clearly visible from our property and is very close. Noise coming from the opening and shutting of this door would have an impact. You'll see this window and door in our enclosed pictures. (CPMC 17.76.040, C), (CPMC 17.60.190, C.5.)

Regarding the yard the children will play in, the applicant states, *"There is lawn and garden boxes in the backyard as well as 30' by 35' slab of concrete. The concrete slab is located between the house and preschool so there is a noise barrier for the neighbors behind."* I'm not sure how this concrete slab will provide a noise barrier, the structure is 4 feet from our shared fence. While she claims the fence will help with any excessive noise I'm not as confident the fence will mitigate the noise of preschoolers and their teacher in any significant way. (CPMC 17.76.040, E.7.)

In her findings the applicant states *"four big trees against the back fence will significantly reduce any noise from the preschool."* I'm not convinced the arborvitae trees will significantly reduce noise from preschoolers and their teacher in any notable way. (CPMC 17.76.040, E.7.)

The accessory structure for this business may have been permitted back in 1999, but I believe that a preschool business was **not** the intent when it was permitted. There was no conditional use permit granted for building our home. That is, our home was permitted because it meets the intent of a structure in a Residential Single-Family zoning district.

Alternative Locations

I was told by the city it would be a good idea to come up with possible alternative locations. I have found other locations in more appropriately zoned locations and I'm sure the applicant can too. While these locations may not be as economically attractive, there is a cost to doing business that the applicant should have to pay, not her neighbors.

Closing

Honestly, I'm disappointed to be put in the position of having to take a side that is neighbor vs neighbor. I didn't move here to be a neighborhood activist. Being as I oppose the proposed conditional use permit I'm concerned that hard feelings could possibly come about between me and my neighbor. I'm certain this is not the intent of a residentially zoned neighborhood, but it is the awkward position I now find myself in, one I never imagined I would be in when I purchased my property. All I want to do is live peacefully and quietly in my beautiful home in the fair city of Central Point. I want to be a good neighbor, but given the circumstances I must object to granting this conditional use permit. This just isn't an appropriate business for a Residential Single-Family zoning district so close that it is literally in my backyard.

I respectfully request the City of Central Point Planning Commission deny the conditional use permit for the Imagination Station located at 917 Mendolia Way.

Sincerely,



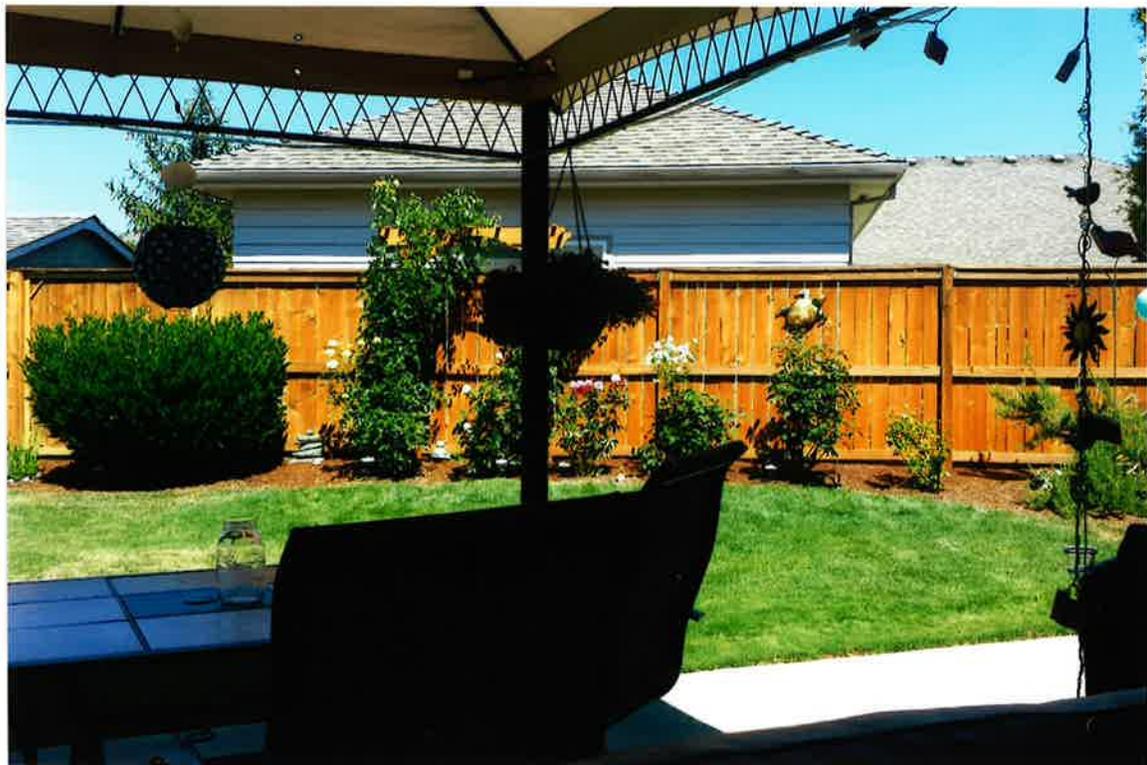
Cindy Pastorino
Retired Teacher
330 Meadow Lark Way
Central Point, OR 97502

Enclosures: Pictures

Pastorino's View



From Dining Room ↑

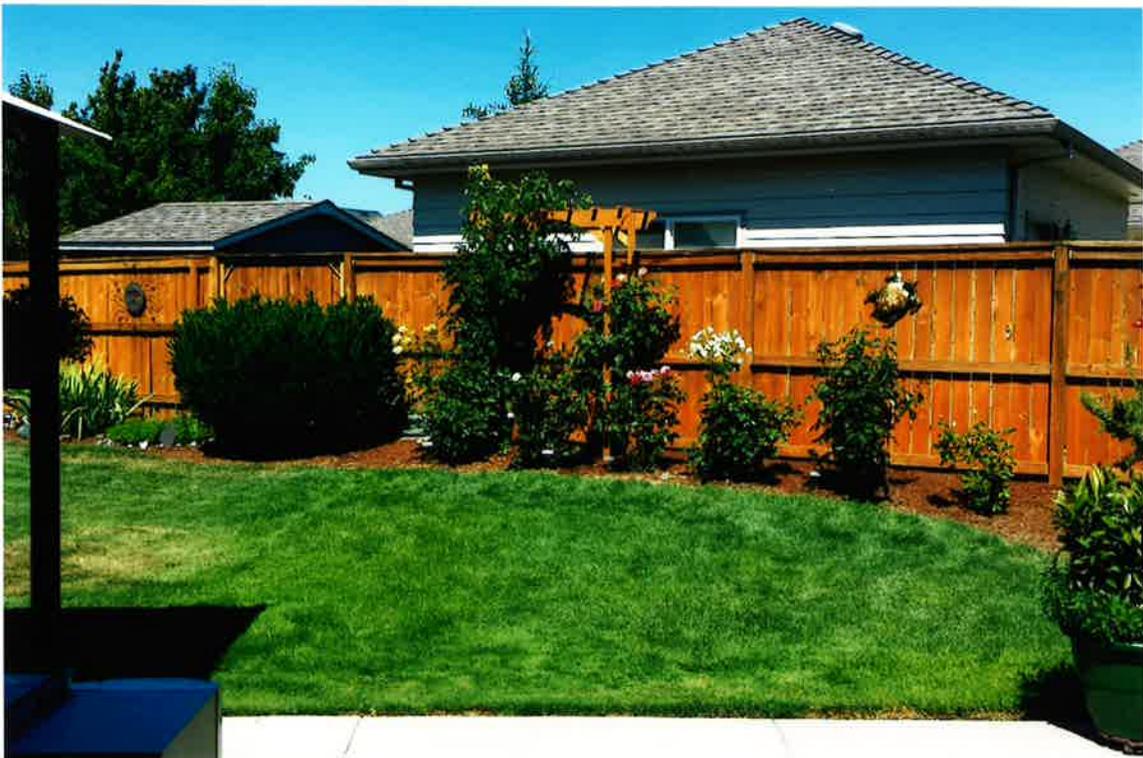


From Living Room

Pastorino's View



Note Window + Door



From Patio

Pastorino's View



From Master Bedroom



Applicant's proposed sound abatement

Pastorino's View



Side door

Imagination Station

Kendra Marineau

916 Mendolia Way

Central Point OR, 97502

541-621-6976



A. That the site for the proposed use is adequate in size and shape to accommodate the use and to meet all other development and lot requirements of the subject zoning district and all other provisions of this code;

Finding: The studio where the preschool will be located was built with a permit when the house was built in 1999. It is 400 square feet, and complies with setback requirements for accessory structures in the R-1-10 zone. The State of Oregon requires 35 square feet per child. Since the building is 400 square feet, I can have up to 11 kids at one time. Two exits are required for safety of the children. There are two doors and three windows in the preschool. The children will have an adequate amount of outdoor play area and access to a bathroom.

Conclusion: No structural modifications to the building are necessary.

B. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use;

Finding: The preschool is located off of Mendolia Way, a public street that is well maintained by the City. The proposed preschool will not generate a significant amount of traffic that street improvements would be required. The Central Point Municipal Code states that 1 space per employee; plus 1 space per 5 children the facility is designed or intended to accommodate. No requirements for facilities caring for 5 or fewer children simultaneously. According to the Municipal Code, for the preschool being located at 917 Mendolia Way it can have up to 15 kids. There are three parking spots in the driveway. I do not plan on having any employees. Per code requirement, one (1) off-street parking space will be designated specifically for the preschool facility during its hours of operation. This parking space is paved and located to the side of the driveway on the subject property, as noted on the proposed site plan.

Conclusion: The site has adequate access to Mendolia Way, a public street, and the street is in adequate condition to accommodate traffic to the site.

C. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof. In making this determination, the commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings and structures; walls and fences; landscaping; outdoor lighting; and signs;

Finding: The hours of the preschool will be from 9AM to Noon and will follow the School District 6 calendar. In the winter most activities will be inside, so noise should be held to a minimum. Any outdoor activities would take place between 9AM to 12PM, most neighbors are awake or at work during those hours so it will not be a disruption. The studio is in the back right hand corner of the property. The ceiling is 9 feet tall. There is a concrete walkway down the side yard to access the studio. There is lawn and garden boxes in the backyard as well as 30' by 35' slab of concrete. The concrete slab is located between the house and preschool so there is a noise barrier for the neighbors behind. The fence is 6 feet tall and borders the property line which will also help with any excessive noise.

Conclusion: The building is built to code so there should be no effect on abutting properties. The fence that is surrounding the backyard, and four big trees against the back fence will significantly reduce any noise from the

preschool. The concrete slab is located between the house and preschool so there is a noise barrier for the neighbors behind.

D. That the establishment, maintenance or operation of the use applied for will comply with local, state and federal health and safety regulations and therefore will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods and will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community based on the review of those factors listed in subsection C of this section;

Finding: A fire extinguisher, smoke detector, and carbon monoxide alarm are present. I will have evacuation drills once a month to insure the safety of the children. An inspection on the fire extinguisher will be completed annually. The State of Oregon says that each child needs 35 square feet. Since the preschool is 400 square feet I can have up to 11 children at one time. I plan on starting with about 6 children, so my ratio would be in compliance. Background checks are required for any adult that is interacting or on the facility where children are present. All necessary background checks are completed. Recorded Preschools in the State of Oregon there is no staff to student ratio.

Conclusion: All applicable local, state and federal health and safety regulations are satisfied, and the proposed use will not be detrimental or injurious to the property or the surrounding neighborhood.

E. That any conditions required for approval of the permit are deemed necessary to protect the public health, safety and general welfare and may include:

1. Adjustments to lot size or yard areas as needed to best accommodate the proposed use; provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district, unless a variance is also granted as provided for in Chapter 17.13,

Finding: The lot is 10,636 square feet. The house is 2,254 square feet and the preschool is 400 square feet, so there is plenty of yard for the kids to play in.

Conclusion: Lot size and yard areas will not need to be adjusted since the studio is already built and there is sufficient square footage.

2. Increasing street widths, modifications in street designs or addition of street signs or traffic signals to accommodate the traffic generated by the proposed use,

Finding: The street width is wide enough to accommodate the preschool and daily use.

Conclusion: No modifications to streets, traffic signals, or signs would be needed.

3. Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use,

Finding: The requirement for parking is 1 off street parking spot per 5 kids. There are 3 off street parking spots at 917 Mendolia Way. I will not permitted to have more than 11 kids so it should not be a problem.

Conclusion: Off- street parking would not be needed due to available parking in drive way.

4. Regulation of points of vehicular ingress and egress,

Finding: The cars can enter and exit on Mendolia Way from Grant Road to Mitchell Way or Blue Heron Drive.

Conclusion: No changes to accommodate vehicle ingress and egress are needed.

5. Requiring landscaping, irrigation systems, lighting and a property maintenance program,

Finding: The landscaping, irrigation system, lighting and property maintenance is done by the property owner and will continue to be maintained by the property owner.

Conclusion: Landscaping, irrigation system, lighting and property maintenance will not change.

6. Regulation of signs and their locations,

Finding: A small sign (about 2' by 4') will be hung on the fence where kids enter. The sign will be hung all of the time unless only permitted during business hours.

Conclusion: The sign will not disturb surrounding neighbors.

7. Requiring fences, berms, walls, landscaping or other devices of organic or artificial composition to eliminate or reduce the effects of noise, vibrations, odors, visual incompatibility or other undesirable effects on surrounding properties,

Finding: A 6 foot wood fence is around the property line in the backyard. There are a few tall trees as a burrier along the back fence. Most activities in the winter will be inside so noise will be kept to a minimum.

Conclusion: No required changes are needed.

8. Regulation of time of operations for certain types of uses if their operations may adversely affect privacy of sleep of persons residing nearby or otherwise conflict with other community or neighborhood functions,

Finding: I plan on running weekdays from 9AM to noon. Most neighbors are at work or awake during these hours. Depending on weather, outside playtime will be no more than 3 hours a day. There is a 6-foot wood fence between surrounding properties. The preschool is located by the back right corner fence. There is a 30' by 35' slab of concrete for kids to play that is between the preschool and house.

Conclusion: Time of operation will not affect the community or surrounding neighbors.

9. Establish a time period within which the subject land use must be developed,

Finding: The building is already built.

Conclusion: Not applicable since no development is needed.

10. Requirement of a bond or other adequate assurance within a specified period of time,

Finding: The structure of the proposed preschool already exists; therefore, this proposal does not require assurances, such as a bond.

Conclusion: This criterion is not applicable.

11. Such other conditions that are found to be necessary to protect the public health, safety and general welfare,

Finding: The preschool will not affect the public health, safety and general welfare in anyway.

Conclusion: The proposed preschool complies with all requirements to protect public health, safety and general welfare.

12. In considering an appeal of an application for a conditional use permit for a home occupation, the planning commission shall review the criteria listed in Section 17.60.190. (Ord. 1823 §5, 2001; Ord. 1684 §72, 1993; Ord. 1615 §55, 1989; Ord. 1533 §1, 1984; Ord. 1436 §2(part), 1981).

Finding: Per CPMC 17.60.190, this proposed preschool would be considered a home occupation. A business license will be obtained prior to operation.

Conclusion: All criteria as listed in 17.60.190 is satisfied.

PLANNING COMMISSION RESOLUTION NO. 843

A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT FOR THE PURPOSE OF OPERATING A PRESCHOOL LOCATED AT 917 MENDOLIA WAY

Applicant: Kendra Marineau; Owner: Jeanne Quigley

(37S 2W 10BB, Tax Lot 807)

File No. CUP-17001

WHEREAS, the applicant submitted an application for a Conditional Use Permit to operate a Preschool in the Residential Single-Family (R-1-10) zoning district (Application), identified on the Jackson County Assessor’s map as 37S 2W 10BB, Tax Lot 807 (Property); and

WHEREAS, the Property is currently planned and zoned for Residential Single-Family uses, which stabilize and protect the urban low density residential characteristics of the district while promoting and encouraging suitable environments for family life;

WHEREAS, a preschool is classified as a Conditional Use in the R-1 zone, designated as such to allow for special consideration of the use and its effect on surrounding properties; and

WHEREAS, on August 1, 2017, the Central Point Planning Commission opened a duly-noticed public hearing on the Application, at which time the Planning Commission heard testimony and comments on the Application; and

WHEREAS, the Planning Commission, as part of the Conditional Use Permit application, has considered and finds per the Staff Report dated August 1, 2017, that adequate findings have been made demonstrating that approval of the conditional use permit is consistent with the intent of the Residential Single-Family (R-1) zoning district, now, therefore;

BE IT RESOLVED, that the City of Central Point Planning Commission, by this Resolution No. 843 does hereby approve the Application based on the findings and conclusions of approval as set forth in Exhibit “A”, the Staff Report dated August 1, 2017, which also includes attachments, attached hereto by reference and incorporated herein; and

PASSED by the Planning Commission and signed by me in authentication of its passage this ____ day of August, 2017.

Planning Commission Chair

ATTEST:

City Representative

Approved this ____ day of August, 2017.

Planning Commission Chair

CONDITIONS OF APPROVAL

- 1) Prior to commencing operation of the preschool, the Applicant shall obtain a business license with the City of Central Point.
- 2) Prior to issuance of a business license, the Applicant shall provide the Community Development Department with an active program record for the proposed preschool, “Imagination Station”, issued by the State of Oregon Child Care Division per ORS 329A.255.
- 3) The proposed preschool shall comply with all state and local laws, including State regulations for Recorded Preschool Programs. Failure to comply with these regulations will result in the City revoking the conditional use permit and business license for the proposed preschool.
- 4) The preschool shall not operate outside the hours of 9:00am – 12:00pm, Monday, Wednesday and Friday, excluding drop-off and pick-up times which may occur within 15-minutes of the hours of operation. The preschool shall be limited to the enrollment of ten (10) students. Any changes to the proposed use (i.e. increasing enrollment or hours of operation, etc.) are subject to CPMC 17.09, Modifications to Approved Plans and Conditions of Approval.
- 6) Prior to issuance of a business license, a Change of Occupancy Permit is required per the condition stated in the Building Department letter, dated June 26 (Attachment “C-4”).
- 7) A sign permit shall be obtained by the Applicant and approved by City staff prior to installation. The sign face shall be limited to 4-feet by 2-feet in area.