

RESOLUTION NO. P.C. 115-90

A RESOLUTION APPROVING VARIANCE NO. 55-90  
FOR A VARIANCE TO THE REAR LOT DEVELOPMENT  
SIZE REQUIREMENT AT 2926 AND 2936 WEST 10TH  
STREET AND APPROVING THE SITE PLAN  
SUBJECT TO THE ATTACHED CONDITIONS

I. **RECITALS**

- A. The Planning Commission of the City of The Dalles has heretofore, on March 1 and March 15, 1990, conducted a public hearing to consider variance no. 55-90 relating to the following described property:

Township 2 North, Range 13 East, Section 32BA, tax lot number 3200 and 3300.

- B. Said property is located in the Multiple Family Residential District. Applicant requests a variance to the rear lot development size requirement (Section 28.1 (A)).
- C. The Zoning Ordinance requires that property shall be less than one acre in order to create a rear lot. The applicant proposes to develop a rear lot that is 1.266 acres.
- D. The Planning Commission, as part of the public hearing, has interpreted the following language of the Zoning Ordinance to refer to the incipient rear lot and not the entire property being partitioned:
- "Property shall be less than one (1) acre in area."  
Section 28.1 (A).
- E. Section 32 (Variances) of The Dalles Zoning Ordinance establishes the criteria for approving or denying variance applications.
- F. All other development requirements of the district are complied with.

II. **RESOLUTION:** Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles, as follows:

- A. In all respects as set forth in Recitals, Part "I" of this Resolution.

B. The application requesting approval of variance no. 55-90 for a variance to the rear lot development size requirement of The Dalles Zoning Ordinance is hereby approved with conditions based upon the following Findings of Fact and Conclusions of Law.

1. Zoning Ordinance: Section 23 of The Dalles Zoning Ordinance allows for variances subject to meeting the criteria listed below:

a. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.

b. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

2. Findings:

a. The Planning Commission found that rear lots adjacent to the subject property have been developed which do not comply with the rear lot development standards.

b. The topography and location of the property in an area that is already developed and built upon precludes further land division.


3. Conclusion:

a. The variance application meets the criteria for granting of a variance as listed in Section 32 of The Dalles Zoning Ordinance.

C. Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission for the City of The Dalles hereby grants approval of the variance and rear lot development site plan subject to the following conditions of approval:

1. Provide a recorded 15 foot easement centered on the existing sanitary sewer line.
  2. The newly created rear lots shall not be further partitioned.
  3. The residences on the newly created rear lots must be hooked up to City sewer by June 1, 1990.
  4. Paving of the access roads must be completed by July 1, 1990. Paving shall include aprons and extend to the end of the access road.
- D. The Secretary of the Commission shall (a) certify to the adoption of the Resolution and (b) forthwith transmit a copy of the said Resolution to the City Council of the City of The Dalles.

APPROVED AND ADOPTED THIS 5TH DAY OF APRIL, 1990.

  
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Terry Turner, Vice-Chairman  
Planning Commission

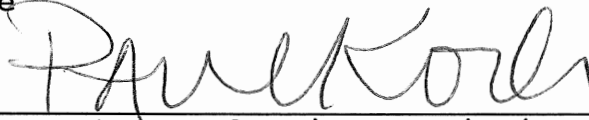
I, Paul Koch, Secretary to the Planning Commission of the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the Regular Meeting of the Planning Commission of the City of The Dalles, held on the 5th day of April, 1990.

AYES: Terry Turner, Carol Cutler, Carri Morris, Bud Earl, Ken Farner

NO'S: None

ABSENT: Shirley Miller

ABSTAIN: None

ATTEST:   
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Secretary, Planning Commission