

**RESOLUTION NO. P.C. 113-90**

A RESOLUTION APPROVING VARIANCE NO. 53-90  
FOR A VARIANCE TO THE LANDSCAPING REQUIREMENT  
OF THE CENTRAL BUSINESS DISTRICT (CB) AT  
512 AND 514 EAST SECOND STREET

I. **RECITALS**

- A. The Planning Commission of the City of The Dalles has heretofore, on March 1, 1990, conducted a public hearing to consider variance no. 53-90 relating to the following described property:

Township 1 North, Range 13 East, Section 3bd, tax lot numbers 9600 and 9700 (512 and 514 East Second Street)

- B. Said property is located in the Central Business District (CB). Applicant requests a variance to the landscaping requirement of said district.
- C. The landscaping requirement for the proposed use is 600 square feet. The applicant is proposing to provide 90 square feet.

There is no setback requirement in the CB District for yards or landscaping. No setback requirement indicates that the intent of the zoning ordinance is to allow construction up to the property line.

- D. Section 32 (Variances) of The Dalles Zoning Ordinance establishes the criteria for approving or denying variance applications.
- E. 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 number 53-90 for a variance to the landscaping requirement of the Central Business District 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 in said section.

2. Findings:

- a. The Planning Commission determined the application meets the criteria number 1 that the granting of a variance will not be contrary to the intent of this ordinance, or to the public safety, health and welfare
- b. The Planning Commission has determined that there is some contradiction in the ordinance in that no setbacks for yards or landscaping in the CB Zone are required, indicating the intent of the zone is to allow construction up to the property line.
- c. The Planning Commission has determined that because of special circumstances applicable to the subject property, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- d. The Planning Commission has determined that historically, businesses in the Central Business District have been constructed without setbacks and most buildings in the area do not provide any landscaping.
- e. The Planning Commission determined that those buildings which do provide landscaping, do not provide enough to comply with the ordinance requirement and that the applicant is providing 90 square feet of landscaping.

3. Conclusions:

- 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 subject to the following conditions of approval:

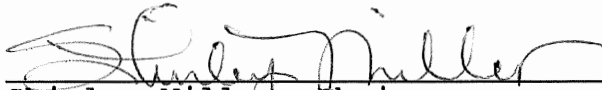
1. Sign a waiver of remonstrance for any storm water

improvements.

2. Provide a permanent irrigation system for landscaping.

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 15TH DAY OF MARCH, 1990.

  
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Shirley Miller, Chairman  
Planning Commission

I, Lance Holmstrom, 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 15th day of March, 1990.

AYES: Shirley Miller, Terry Turner, Ken Farner, Bud Earl, Carri Morris

NO'S: None

ABSENT: Carol Cutler

ABSTAIN: None

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission