

RESOLUTION NO. P.C. 513-11

Adopting Variance Application #117-11 of Susan Herring to gain approval for the construction of a fence in the front and exterior side yard setbacks in excess of the 4 feet allowed in the Land use and Development Code. Property is located at 761 Pomona Street and is further described as 2N 13E 32AA, tax lot 1000. Property is zoned "RM" – Medium Density Residential District.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on September 1, 2011 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 Variance 117-11 and the minutes of the September 1, 2011 Planning Commission meetings, upon approval, provide the basis for this resolution and are incorporated herein by reference.

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. Variance 117-11 is hereby approved with the following conditions of approval:
 - 1. Except as provided for in this variance, all development must be completed in accordance with Land Use and Development Ordinance 98-1222.
 - 2. A fence up to six feet in height is allowed in the front yard along Pomona Street and in the exterior side yard along Floral Court.
 - 3. The Planning Commission reserves the right to review and amend this variance if, at any time, Pomona Street or Floral Court become fully improved.

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 1st DAY OF SEPTEMBER, 2011.

Bruce E Lavier
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 1st day of September, 2011.

AYES: Lavier, Ahlberg, Nelson, Poppoff, Wimmers, Zukin, Whitehouse

NAYS: None

ABSENT: None

ABSTAIN: None

ATTEST: Richard P. Lavier for
Daniel C. Durow, Community Development Director
City of The Dalles