

RESOLUTION NO. PC 463-06

A RESOLUTION DENYING VARIANCE NO. 110-06, MINOR
PARTITION NUMBERS 269-06 AND 270-06, AND SITE PLAN
REVIEW NO. 345-06 OF KEN CORBETT TO BUILD FOUR
TOWNHOUSE UNITS UPON FOUR NEWLY CREATED LOTS

WHEREAS, on October 19, 2006, the City Planning Commission conducted a public hearing upon an application submitted by Ken Corbett for Variance No. 110-06, Minor Partition Numbers 269-06 and 270-06, and Site Plan Review No. 345-06, to build four townhouse units on four newly created lots, located on East 13th Street east of Thompson Street; and

WHEREAS, following the close of the public hearing, the Planning Commission voted 5 to 2 to deny the requested variance, which would have the effect of denying the application for the minor partitions and the site plan review as proposed; and

WHEREAS, the Planning Commission has reviewed a resolution prepared by the City Attorney setting forth the findings and fact and conclusions of law in support of the Planning Commission's decision;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission adopts the following findings of fact:

1. The subject property consists of two lots located on the south side of East 13th Street, east of Thompson Street. The property is further described as Assessor's Map No. 1N 13E 2DC, Tax lots 7701 and 7702. The property is zoned "R-H" Residential High-Medium Density. The applicant, Ken Corbett, proposed to build two townhouse units on each of the two lots. Each of the lots has a width of approximately 47.5 feet. The variance was requested to allow lots less than 28 feet in width. The application for the minor partitions was intended to create two lots out of one for each of the two lots; and the site plan review application was required by the City's Land Use and Development Ordinance, because single family attached dwellings were being proposed in the "RH" zone. The application was determined to be complete on September 21, 2006, the necessary copies were submitted as required by the City's LUDO ordinance, and the required notice of the public hearing was provided.
2. Mike Woodside, a local realtor testifying on behalf of Mr. Corbett, stated that the applicant could still build four dwelling units upon the lots and satisfy the density requirements in the Land Use and Development Ordinance. Mr. Woodside testified the applicant's goal was to promote home ownership through the use of the townhouses, where the occupants would own the land underneath the townhouses, as compared to dwelling units that would be occupied by renters. Mr. Woodside testified in his opinion that homeowners would make better neighbors than renters.
3. Several adjacent property owners testified in opposition to the requested variance. The neighbor's testimony focused upon concerns about increased traffic that would be generated by the proposed use, and the negative impact upon the neighborhood from that traffic, particularly the lack of on-street parking for visitors and guests who would be traveling to visit

residents in the neighborhood, including residents of the proposed townhouses. The neighbors also expressed concerns about the ability of emergency vehicles to have access to the townhouses and the other residential structures in the neighborhood. Testimony was presented that representations were made to the neighbors that only two families would be occupying the residential dwelling units on the lots, and that the neighbors were not advised that up to four single family dwelling units would actually be created as a result of the project being approved.

BASED UPON THE FOLLOWING FINDINGS OF FACT, THE PLANNING COMMISSION
ADOPTS THE FOLLOWING CONCLUSIONS OF LAW:

1. The application for Variance No. 110-06, and for Minor Partition Nos. 269-06 and 270-06 and Site Plan Review 345-06 of Ken Corbett to build four townhouse units on four newly created lots is hereby denied.
2. The Planning Commission finds and concludes that the proposed variance does not satisfy the review criteria set forth in Section 3.070.030(A), in that approval of the requested variance would be contrary to the purposes of the City's Land Use and Development Ordinance, and the policies of the City's Comprehensive Plan. The Planning Commission finds and concludes that the size of the proposed lots does not comply with the width standards in the LUDO; that the proposed housing use is not compatible with the neighborhood, which is inconsistent with the policy expressed in Section 3.040 to promote neighborhood compatibility, and with sub-goal 10 of Goal 10 of the City's Comprehensive Plan which is to "Promote the development of housing that is complementary with the environment and the surrounding land uses," and that the increased traffic use generated by the proposed development and the narrow width of East 13th Street would create traffic congestion and potential traffic hazards, which would have a negative impact upon the neighborhood.

APPROVED AND ADOPTED THIS 2ND DAY OF NOVEMBER, 2006

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 November 2, 2006.

AYES: Ahlberg, Poppoff, Wixen, Hiser

NAYS: Lavier

ABSENT: Bryant, Wilcox

ABSTAIN: _____

Attest: _____

Dan Durow, Community Development Director
City of The Dalles