

## **RESOLUTION NO. P.C. 459-06**

**Adopting PUD 14-06 of Bustos Construction for Creek View LLC** for a Planned Unit Development that will legally partition the land into eight individual lots with a ninth lot as common Open Space owned by a Homeowner's Association. Six of the lots will be in an attached configuration with a zero lot line construction. One lot will have a 50% reduction in the front yard setback.

### **RECITALS:**

- A.** The Planning Commission of the City of The Dalles has on April 6, and April 20, 2006 conducted a public hearing to consider the above request for property located at 702 W. 6<sup>th</sup> Street that is further described as 1N 13E 4 AB tax lot 2200. Property is zoned "RH" – Residential High-Medium Density. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- B.** Staff's reports of PUD 14-06 and the minutes of the April 6, and April 20, 2006 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.
- B.** Planned Unit Development 14-06 is hereby approved with the following conditions:
  - 1. The submission of a final planned development and subdivision plat meeting all the requirements of the Land Use Development Ordinance and the conditions listed here. Approval of these documents will satisfy the requirement for site plan approval.
  - 2. Dedication will be required for Public Utility Easements if public utilities are on private property.
  - 3. A home owners or other similar organization will be established to manage the common areas.
  - 4. Applicant must obtain a physical constraints permit for cuts and fills exceeding 50 cubic yards. If over 250 cubic yards the applicant must provide engineered plans.
  - 5. Additional information such as detailed landscaping plans will be required to be submitted and approved prior to the signing of the final plat.
  - 6. All public improvements will need to get approval from the City Engineer for construction design and installation.
  - 7. Any new storm water disposal point into Mill Creek will require approval from all entities with jurisdiction of this site.

8. Each lot will have all utilities provided. All utilities shall be placed underground.
9. Provide access easement for City maintenance equipment and vehicles to bridge across Mill Creek on the south side of the property.
10. Waive setback requirements except along West 6<sup>th</sup> Street.
11. Landscaping of the first 15 feet of property along West 6<sup>th</sup> Street except where developed.
12. Provided performance guarantee if all public improvements are not construction prior to the filing of the final plat.
13. The existing water service line across West 6<sup>th</sup> to be abandoned when new service line installed. Individual water and sewer lines must be provided to each lot. Applicant must confirm that sufficient water flow is available.
14. Applicant will need to confirm to the City Engineer that fire hydrant at southern end of the property has sufficient flow for the proposed buildings.
15. Fire Marshal recommends sprinklers and will require sprinklers for all structures where the ground floor is more than 150 feet from any access point.
16. Applicant must provide turnaround for emergency vehicles as approved by the Fire Marshal.
17. The curb cut from West 6<sup>th</sup> must be at least 20 feet wide. The curb cut and sidewalk must meet ADA standards.
18. A sidewalk or form of pedestrian pathway must be installed to connect each of the units to West 6<sup>th</sup>.
19. Approve waiver of minimum one acre area requirement for Planned Unit Developments.
20. Provide a minimum of 30% open space.
21. Approve adjustment to front yard setback within five feet of the property line adjacent to West 6<sup>th</sup> Street for the building to be located on lot #1.

**PROCEDURAL RECOMMENDATIONS:**

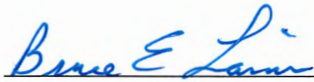
22. Staff further recommends that if the applicant is required to submit a revised tentative plat, the staff be allowed to administratively determine if the resubmitted plat meets the conditions set out by the Planning Commission and give tentative approval without returning to the Planning Commission.
23. At the time of final plat submission, staff recommends the Planning Commission delegate to staff the decision to accept the final plat.

**2. 1. 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 20<sup>th</sup> DAY OF APRIL 2006



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 20<sup>TH</sup> of April 2006.

AYES: Lavier, Bryant, Ahlberg, Poppoff, Wixon, Hiser

NAYS: none

ABSENT: Wilcox

ABSTAIN: none

ATTEST:



Dan Durow, Community Development Director  
City of The Dalles