

RESOLUTION NO. P.C. 97-88

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THE DALLES APPROVING CONDITIONAL USE PERMIT NO. 45-87, A REQUEST FOR A HOME OCCUPATION WITH ONE VARIANCE, LOCATED AT 300 WEST 21ST STREET, SITUATED IN THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT.

I. Recitals.

- A. The Planning Commission of the City of The Dalles has heretofore, on January 21, 1988, conducted a public hearing to consider Conditional Use Permit No. 45-87 relating to the following described property:

Tax Lot 700, Township 1 North, Range 13 East, Section 9AB
- B. Said property is located in the R-1 (Single Family Residential) zoning district.
- C. Ordinance No. 80-986, as amended, provides for home occupations subject to certain standards and requires obtainment of a Conditional Use Permit in the R-1 District.
- D. The Applicants, Laurel and Martin Merriss, request Conditional Use Permit approval for home occupation that involves raising and selling bonsai plants. They also request two variances to the home occupation standards to allow them to (1) Conduct their business outdoors; and (2) Make retail sales.
- E. Section 31, Conditional Use Permit, and Section 32, Variances, of The Dalles Zoning Ordinance require that the Commission make findings of fact and state the reasons for its action.

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 Conditional Use Permit No. 45-87 for a home occupation is hereby approved for the following reasons:
 - 1. The use will not endanger the public health, or safety if located where proposed and developed and the use will not allow conditions which tend to generate nuisance conditions including but not limited to noise, glare, odor, or vibrations.
 - a. Raising bonsai and other plants for sale should not create any nuisance conditions or endanger the public health or safety. The applicants state in their application that they will not use lights or dangerous chemicals in their operation. Selling bonsai and other


plants from the property might pose traffic and parking problems for the surrounding neighborhood, however.

2. The use does meet all required conditions and specifications set forth in the R-1 Zone, and for a home occupation except that the applicant proposes retail sales and operating the business outdoors.
 3. The location and character of use, if developed according to the plan as submitted for approval, will be in harmony with the area in which it is to be located and in general conformity with The Dalles Comprehensive Plan.
 - a. Raising plants will not detract from the residential character of the neighborhood. Gardening is an accepted activity in residential areas.
- C. The variance application for a home occupation to be conducted outdoors is hereby approved and the variance application to allow retail sales is hereby denied, for the following reasons:
1. That any variance granted shall be subject to such conditions as will assure 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.
 - a. Allowing retail sales would be a grant of special privilege in that all residents of the four residential zones in the City of The Dalles are prohibited from making retail sales from their properties.
 - b. Allowing the home occupation to be conducted outdoors would not be a grant of special privilege since all residents of residential zones can garden and raise plants outdoors.
 2. 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.
 - a. There are no special circumstances regarding this property that would warrant allowing retail sales.
 - b. A variance to allow the home occupation to be carried on outdoors should be allowed, however, since all property owners are allowed to raise plants outdoors and it would be unreasonable to expect the applicant to raise bonsai plants indoors just because they are part of a home occupation.
- C. The Planning Commission approves Conditional Use Permit No. 45-87 with a variance to allow a home occupation to be conducted outdoors and denies the variance to allow retail sales. The Conditional Use Permit is subject to the following conditions:

1. There shall be no detrimental effect on the residential character of the surrounding neighborhood through the generation of excessive traffic or on-street parking caused by the home occupation.
 2. No direct sales on the property.
- D. The Secretary of the Commission shall (1) certify to the adoption of the Resolution; and (2) forthwith transmit a copy of the said Resolution to the City Council of the City of The Dalles.

ADOPTED AND APPROVED THIS 3RD DAY OF MARCH, 1988


Joe Byrne


Chairman of Planning Commission

I, Jack Lesch, Secretary to the Planning Commission of the City of The Dalles, do hereby certify that the foregoing Resolution was passed at a Special Meeting of the Planning Commission of the City of The Dalles held on the 21st day of January, 1988.

AYES, COMMISSIONERS: Joe Byrne, Bud Earl, Carol Cutler, Terry Turner
Ken Farner, and Bob Peickert.
NOES, COMMISSIONERS: None
ABSENT, COMMISSIONERS: Shirley Miller
ABSTAIN, COMMISSIONERS: None

ATTEST:


Jack Lesch, Secretary