



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

CERTIFICATE OF MAILING

I hereby certify that I served the attached notice of Decision

regarding:

ADJ 18-039 David Frame

On Sept. 13, 2018, by mailing a correct copy thereof, certified by me as such, contained in a sealed envelope, with postage paid and deposited on the post office at The Dalles Oregon on said day. Between the said Post Office and the address to which said copy was mailed, there is a regular communication by US Mail.

DATED: Sept. 13, 2018

Paula Webb

Secretary
Community Development Department

Dyrk Pritchett
Century Link
902 Wasco St.
Hood River, OR 97031

Dan Wallace
Charter Cable
409 Union Street
The Dalles, OR 97058

US Post Office
101 W. 2nd Street
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Mark Poppoff
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The Dalles, OR 97058

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Email: Julie Krueger
Izetta Grossman Gene Parker
Dave Anderson Dale McCabe
Planning Comm. Media

Planning Dept. Paul Titus
Jamie Carrico Arthur Smith
Pat Ashmore Bradley Cross
Cynthia Keever WC Assessor

WC Planning Dan Hammel
John Zalasnik Tonya Brumley
Ben Beseda Dan Bubb
Cindy Boyd *Amy Pfeiffer*

Pat Cimmiyotti Brad DeHart
Cynthia Drake Shane Johnson
Jeremiah McCafferty
rowapplications@bpa.gov

Hard Copy:
Applicant
Parties of Record
Property File

David Frame
1025 Champion Lane
White Salmon, WA 98672



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NOTICE OF ADMINSTRATIVE DECISION
ADJ 18-039
David Frame

DECISION DATE: September 13, 2018

APPLICANT: David Frame

REQUEST: Request is to reduce rear yard setback from 10 feet to 8 feet 10 inches for construction of a single family home.

LOCATION: 1N 13E 3 BC tax lot 4401
517 Lincoln Street

PROPERTY OWNER: David Frame

AUTHORITY: The Dalles Municipal Code, Title 10 Land Use and Development (Section 10.3.080.020.C.1)

DECISION: Based on the findings of fact and conclusions in the staff report of ADJ 18-038, the request by **David Frame** is hereby **approved** with the following conditions:

1. Approval of an 11.6% reduction to the required rear yard setback of the subject parcel in the City's High Density Residential (RH) zone in order to allow for the placement of an additional single-family dwelling with attached garage. *All other development standards shall be met at the time of development.*
2. Any potential development impacts shall be addressed through the separate building permit process.
3. Except as modified by this decision, all development must be completed in accordance with The Dalles Municipal Code, Title 10 Land Use and Development.

Signed this 13th day of September 2018, by

Steven K. Harris, AICP, Director
Community Development Department

TIME LIMITS: The period of approval is valid for the time period specified for the particular application type in The Dalles Municipal Code, Title 10 Land Use and Development. All conditions of approval shall be fulfilled within the time limit set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time. Failure to fulfill any of the conditions of approval within the time limits imposed can be considered grounds for revocation of approval by the Director.

Please Note! No guarantee of extension or subsequent approval either expressed or implied can be made by the City of The Dalles Community Development Department. Please take care in implementing your approved proposal in a timely manner.

APPEAL PROCESS: The Director's approval, approval with conditions, or denial is the City's final decision, and may be appealed to the Planning Commission if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on the 10th day following the date of the mailing of the Notice of Administrative Decision. The following may file an appeal of administrative decisions:

1. Any party of record to the particular administrative action.
2. A person entitled to notice and to whom no notice was mailed. (A person to whom notice is mailed is deemed notified even if notice is not received.)
3. The Historic Landmarks Commission, the Planning Commission, or the City Council by majority vote.

A complete record of application for public hearing action is available for review upon request during regular business hours, or copies can be ordered at a reasonable price, at the City of The Dalles Community Development Department. Notice of Appeal forms are also available at The Dalles Community Development Office. The fee to file a Notice of Appeal is \$380.00. **The appeal process is regulated by Section 10.3.020.080: Appeal Procedures of The Dalles Municipal Code, Title 10 Land Use and Development.**



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STAFF REPORT Adjustment No. 18-039 David Frame

Procedure Type: Administrative
Decision Date: September 12, 2018
Assessor's Map: Township 1 North, 13 East, Section 3 BC
Tax Lot: 4401
Address: 515 and 517 Lincoln Street
Comprehensive Plan Designation: "RH" High Density Residential
Zoning District: "RH" High Density Residential
Prepared by: Joshua Chandler, Planning Technician

SYNOPSIS: The Applicant is requesting an 11.6% reduction of the rear yard setback of the proposed garage from ten feet (10') to eight feet, 10 inches (8'10") to accommodate the construction of a 32' x 28'-6" garage with second floor living space on the subject property. The Dalles Municipal Code Title 10 Land Use and Development allows up to a 33% reduction of required yard setbacks to be treated as an administrative action (Section 10.3.080.020C.1). Due to the irregular configuration of the parcel, yard setbacks were determined by the placement of the primary single-family dwelling proposed on the parcel (515 Lincoln Street). Therefore the proposed siting of the garage (517 Lincoln Street) perpendicular to the primary structure creates a side building wall parallel to the rear yard setback of the lot.

NOTIFICATION: Property owners within 100, City Departments and Franchise Utilities.

COMMENTS RECEIVED: No comments were received as of September 11, 2018.

RECOMMENDATION: Approval, with conditions, based on the following findings of fact.

THE DALLES MUNICIPAL CODE, TITLE 10 LAND USE AND DEVELOPMENT;

Section 3.010.040 Applications

A. Acceptance

FINDING #1: The application was received on August 17, 2018.

B. Completeness

FINDING #2: The application was deemed complete on August 27, 2018. **Criterion met.**

Section 3.020.0404 Administrative Actions

B. Decision Types

FINDING #3: This application is for an adjustment per Section 10.3.080.020C.1. The specific request is for the allowance of up to a 33% reduction in the rear yard setback of the subject parcel. This request follows the administrative adjustment procedure – as per Section 10.3.080.020C.1. **Criterion met.**

C. Notice of Application. *To be completed within 10 days after receipt of a complete application.*

FINDING #4: Appropriate mailings were sent to property owners within 100 feet and notice to affected departments and agencies were made on August 27, 2018. **Criterion met.**

D. Time Limits. *All applications processed as administrative actions shall be approved, approved with conditions, denied, or postponed with consent of the applicant within 45 days after the filing of a complete application.*

FINDING #5: The Applicant submitted all documentation on August 17, 2018, and staff approved the decision within 45 days after deeming the application complete.

E. Staff Report. *Staff shall prepare a staff report which identifies the criteria and standards that apply to the application and summarizes the basic findings of fact. The staff report will also include a recommendation for approval, with conditions or denial.*

FINDING #6: This document serves as the staff report. **Criterion met.**

Section 3.080.040 Applications

A. Review Criteria

An adjustment will be approved if the review body finds that applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.

- 1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.*

FINDING #7: The subject property is located in the RH – High Density Residential District – which allows for residential uses in this area. As per Section 5.020.060 Development Standards, rear yard setbacks in the RH district are a minimum of 10 feet. As mentioned above, the irregular shape of the property has created a conflicting yard designation with each proposed building on the lot. The proposed front entry placement of the garage (517 Lincoln) perpendicular to the proposed main dwelling (515 Lincoln) resulted in the side wall of the garage being parallel to the rear lot line. Therefore, the garage side yard shall comply with the rear yard setbacks of Section 5.020.060. The Applicant is requesting an overall setback reduction of 14", from 10' to 8'10". This reduction in the side yard setback will not significantly detract from the livability or appearance of the nearby residential area. **Criterion met.**

2. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.*

FINDING #8: Only one adjustment is requested. **Criterion not applicable.**

3. *City designated scenic resources and historic resources are preserved.*

FINDING #9: The subject property abuts the Historic Col. N.B. Sinott house (316 W. 4th Street) to the northwest. It is currently listed as an eligible contributing resource with the State Historic Preservation Office (State Inv. No. 20). Staff was able to determine from GIS and photos of the property, that the existing historic structure is around eighty (80') feet from the shared property line of the subject property (515 and 517 Lincoln Street) and separated by a major rock outcropping. No comments were received from the impacted property at 316 W. 4th Street. **Criterion met.**

4. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

FINDING #10: After discussions with staff regarding setback requirements on the subject property, the Applicant is proposing the least rear-yard setback reduction possible without impacting additional yard setbacks. Further consideration was taken in regards to the building separation requirements of Section 10.5.020.070 (F) *Multiple Buildings on One Lot* requiring a ten foot (10') separation between structures. An Administrative Adjustment application allows an applicant a 33% reduction to required setbacks. For the subject property, up to a 33% reduction in the required rear yard setback of ten feet (10') would result in an approximate 6'7" rear yard setback. The Applicant is requesting an 11.6%, or 8'10", reduction to the required rear yard setback. The proposed placement of both structures, accessibility by way of a private drive, and surrounding topography of rock outcroppings will further lessen the visual impact of the reduced setback on neighboring properties. **Criterion met.**

5. *If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.*

FINDING #11: There are no known environmentally sensitive areas at this site. **Criterion not applicable.**

Section 3.080.050 Conditions of Approval

In granting the adjustment, the Approving Authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

FINDING #12: Staff recommends approval with the following conditions.

Conditions of Approval

1. Approval of an 11.6% reduction to the required rear yard setback of the subject parcel in the City's High Density Residential (RH) zone in order to allow for the placement of an additional single-family dwelling with attached garage. *All other development standards shall be met at the time of development.*
2. Any potential development impacts shall be addressed through the separate building permit process.
3. Except as modified by this decision, all development must be completed in accordance with The Dalles Municipal Code, Title 10 Land Use and Development.