



2705 East Second Street • The Dalles, OR 97058
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PLANNING COMMISSION NOTICE OF DECISION

FILE #: 921-23-000023-PLNG	NEWSPAPER PUBLISHING DATE:	July 12, 2023
	HEARING DATE:	August 1, 2023
	PLANNING COMMISSION DECISION DATE:	August 3, 2023
	APPEAL DATE:	August 18, 2023

REQUEST: Scenic Area Review for a Replat (Prince Heights Subdivision) of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). Vacation of unused ROW and easements plus dedication and construction of Cavern Way cul-de-sac ROW and necessary lot preparation and utilities, and to place existing Sandstone Way centered in ROW (was constructed outside of ROW in original development).

- Six residential lots total
- Lot 1 = 4.12 acres
 - Lot 2 = 1.05 acres
 - Lot 3 = 1.02 acres
 - Lot 4 = 2.89 acres
 - Lot 5 = 3.20 acres,
 - Lot 6 = 3.09 acres
 - Private Open Space Tract A - 1.31 acres
 - Public Park space Tract B 0.16 acres

APPLICANT/OWNER INFORMATION:

APPLICANT: Elizabeth Betts, 1411 13th Street, Hood River, OR 97031

OWNER: Smilekel Group, 1309 SE 195th Ave., Camas, WA 98607

PROPERTY INFORMATION:

LOCATION: The subject property is located 0.35 miles southwest of West 10th Street, on the immediate west and north side of Cherry Heights Road, situated on the south side of Hermits Way, approximately 0.14 miles northwest of the City of The Dalles; more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
1N 13E 5 AD 300	8347	2.28
1N 13E 5 AD 1000	8355	2.74
1N 13E 5 AD 1100	15570	3.76
1N 13E 5 AD 1200	8350	1.90
1N 13E 4 BC 2600	15569	4.27

ZONING: "R-R" Rural Residential Zone (GMA & SMA), GMA R-5 of the Columbia River Gorge National Scenic Area

Staff Reviewer: Daniel Dougherty, Senior Planner



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ATTACHMENTS:

- Attachment A** **Conditions of Approval and Recommendation**
 - Attachment B** **Time Limits & Appeal Information**
 - Attachment C** **Maps**
 - Attachment D** **Staff Report**
 - Attachment E** **Comments Submitted**
 - Attachment F** **Preliminary Copy of Road Maintenance Agreement**
 - Attachment G** **Subsection 21.310.B Final Subdivision Plat Approval Standards**
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ATTACHMENT A - CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

A. Fire Safety

1. As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they understand these standards and commit to achieving compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG. Staff Finds the Request complies with Section 11.210.

B. National Scenic Area Conditions

1. Significant ground disturbance shall be revegetated no later than the next planting season (Oct-April) with native species, and property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive.
2. If cultural resources are discovered during development of any new structure or building, all construction shall cease within 100' of the discovered cultural resource. The cultural resource(s) shall remain as found and further disturbance is prohibited. The owner shall notify the Wasco County Planning Department, the Wasco County Sheriff the Gorge Commission, the four Indian tribal governments (Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Perce Nez, and Yakama Indian Nation), and Washington State Physical Anthropologist, Dr. Guy Tasa, must also be notified within 24 hours of discovery.
3. If human remains are discovered, all work on the parcel shall cease and the owners shall immediately notify the The owner shall notify the Wasco County Planning Department, the Wasco County Sheriff the Gorge Commission, the four Indian tribal governments (Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Perce Nez, and Yakama Indian Nation), and Washington State Physical Anthropologist, Dr. Guy Tasa.
4. The applicant shall obtain any necessary federal, state, and local permits pertinent to the requested subdivision and development.

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B. Land Division Related Conditions:

1. In lieu of a park dedication, the subdivider shall pay to the County a sum equal to six and two-thirds percent (6 2/3%) of the assessed value of the land area, exclusive of streets, within the subdivision. Such sum shall be paid to the County Clerk prior to recording of the final subdivision plat and such sum shall be held by the County Clerk in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.
2. The final subdivision plat shall detail applicable property corners at street intersections that are rounded and with a radius of not less than ten (10) feet.
3. Existing easements to be extinguished shall be illustrated on the final subdivision plat, and all proposed and non-extinguished existing easements shall be illustrated on the final subdivision plat, and that the proposed easements be at least (12) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.
4. Following approval from the planning commission, the preliminary subdivision plan will be valid for a 24-month period, with no phasing proposed in accordance with Subsection 21.200C.2. To ensure compliance, the preliminary subdivision plan is valid for 24 months from the date of final approval, which is the end of the 15-day appeal period following the final decision of the Planning Commission. A final subdivision plat must be submitted for review by the authorized decision making body prior to the expiration of the 24 month period of validity. If the time limitation expires, approval of the preliminary subdivision plan shall be void. Any subsequent proposal by the applicant for a division of the property shall require a new development request. An extension of time may be granted, if it is applied for in accordance with Section 2.250 Extension of Validity of Land Use Approvals, and Subsection 21.200.F of the Wasco County National Scenic Area Land Use and Development Ordinance.
5. The final plat shall provide all existing and proposed public and private easements, restrictions, and covenants providing for, or affecting all services, and utilities, and that if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.
6. During the final subdivision review, the applicant shall provide the proposed source of water supply, estimated volume to be available, together with data regarding the location, type, and size of all storage facilities, distribution lines, fire hydrants, and gate valves.
7. The final plat shall provide a statement from an authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian regarding the approval of each lot or parcel to be sold for installation of septic tank facilities.
8. The final plat shall be prepared in conformance with all applicable provisions of Subsection 21.310.B.

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C. Road Related Conditions

1. Upon approval of the preliminary subdivision request by the Planning Commission, the applicant shall apply with the Wasco County Public Works Department for a road vacation petition to vacate those roads identified within the preliminary subdivision plat (Sandstone Way (portion), Cavern Way, and Granite Way) in order that they be replaced with the proposed publicly dedicated Cavern Way cul-de-sac road. It is noted within Attachment D that the Wasco County Board of Commissioners cannot completely vacate Sandstone (portion), Cavern Way, and Granite Way before the proposed road dedication and subdivision replat are granted final approval because the road vacation will leave numerous lots within the Columbia Crest Addition without public access. The final road vacation order for Sandstone Way (portion), Cavern Way, and Granite Way roads can only take effect upon the final approval and recording of the final plat of the Prince Heights Subdivision, including the public dedication of the proposed Cavern Way cul-de-sac road. The vacation order for Sandstone Way (portion), Cavern Way, and Granite Way roads must be **conditioned** to take effect upon the final approval and recording of the Prince Heights Subdivision final plat, including the public dedication of the proposed Cavern Way cul-de-sac road.
2. The owner shall obtain Road Approach Permits for all of the proposed lots, if required by the Wasco County Public Works Department.
3. The owner shall repair damages, if any, that are made to Sandstone Way or Hermits Way during the development of the proposed Cavern Way cul-de-sac road and during preparatory work, if any, on the replatted lots. All necessary repairs shall meet applicable standards contained in Sections 21.410 through 21.440. It is recommended that the owner obtain an existing conditions report on Sandstone Way and Hermits Way prior to construction.
4. In general, dead end (cul-de-sac) roads are not desirable, but considering the fire safety commentary, the geography of the area and the limited suitable land to locate septic drain fields, the following conditions of approval are required to ensure the cul-de-sac road and final subdivision plan is consistent with Chapter 11 Fire Safety Standards and Chapter 21 Land Division of this Ordinance, and state fire codes concerning fire apparatus access:
 - (a) To ensure access roads extend to within 150 feet of each structure on each lot, designated development areas for proposed Lots 1-6 shall be within 150 feet of the primary access road for the individual lot, or that Lots 1-6 must contain access roads or driveways that shall be engineered to support an imposed load of 85,000 lbs., are 12' wide, and that the grade of the access driveway shall be 10 percent of slope or less.
 - (b) To ensure that no obstacles exist for fire apparatus access, the Cavern Way cul-de-sac road shall be maintained free of vegetation, signage, or any other man-made or natural objects, and that the height of trees, signage, or other man-made or natural objects shall be at least 13'6" along the entire Cavern Way cul-de-sac road.
 - (c) To ensure the public is notified of restricted parking areas for fire apparatus, the subdivder shall provide signage for both sides of the Cavern Way cul-de-sac road, and that the signage shall be a minimum of 12" wide x 18" high with red letters with white reflective background with wording of "No Parking" and "Fire Lane". The signage shall be reviewed and approved by Mid-Columbia Fire and Rescue and the Wasco County Public Works Department.

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- (d) To ensure that all fire apparatus have access to the proposed Lots 3-6 along the Cavern Way cul-de-sac road, the road shall be paved and engineered to support an imposed load of 85,000 lbs., that the paved portion shall be at least 26' wide, that the grade shall be 10 percent of slope or less, and that the road shall have a 48' radius (96' diameter) cul-de-sac for fire turnaround at the end . A **variance** to the 10 percent slope condition may be granted upon demonstration of need by the applicant and approval by the local fire district.
 - (e) A road maintenance agreement for Cavern Way cul-de-sac road shall be provided by the homeowners and will be managed with a road maintenance agreement.
4. In consideration of water supply for fire apparatus, the following conditions of approval are proposed to ensure the cul-de-sac road and final subdivision plan is consistent with Chapter 11 and state fire codes concerning water supply:
- (a) To ensure on-site water is available for structural fire protection, fire hydrants shall be provided at least 200 feet from all designated development areas for the proposed Lots 1-6;
or
 - (b) If subdivider provides covenants, conditions, and restrictions that require that each of the lot's dwelling units shall be constructed to contain an approved automatic fire sprinkler system, fire hydrants shall be provided at least 250 feet from all designated development areas for the proposed Lots 1-6.
 - (c) A fire hydrant shall be provided within 500 feet of the fire hydrant servicing the cul-de-sac;
or
 - (d) If subdivider provides covenants, conditions, and restrictions that require that each of the lot's dwelling units be constructed to contain an approved automatic fire sprinkler system, the fire hydrant shall be provided within 625 feet of the fire hydrant servicing the cul-de-sac.
 - (e) If Lot 1 is accessed by Sandstone Way, a fire hydrant shall be situated so it is within 500 feet of the fire hydrant servicing the cul-de-sac, or that a separate fire hydrant shall be installed for Lot 1; or
 - (f) If subdivider provides covenants, conditions, and restrictions that require that each of the lot's dwelling units be constructed to contain an approved automatic fire sprinkler system, that the fire hydrant shall be provided within 625 feet of the fire hydrant servicing the cul-de-sac, or that a separate fire hydrant shall be installed for Lot 1.
 - (g) The fire hydrants shall have a flow rate of 1,000 gallons per minute with 20 pounds per square inch of residual pressure, and that the flow capacity shall be maintained for at least 60-minutes; or
 - (h) If subdivider provides covenants, conditions, and restrictions that require that each of the lot's dwelling units shall be constructed to contain an approved automatic fire sprinkler system, the required fire hydrant shall have a flow rate of 500 gallons per minute at 20 pounds per square inch of residual pressure that can be maintained for at least 30-minutes.
 - (i) To ensure the proposed fire hydrants can meet required flow rate conditions, prior to public dedication of the proposed Cavern Way cul-de-sac, the subdivider shall provide objective

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substantial evidence from the local fire district that the proposed fire hydrants will have the required flow rates; or

- (j) If the subdivider cannot demonstrate the required fire hydrant flow rate requirements, the subdivider, prior to public dedication of the proposed Cavern Way, shall provide objective substantial evidence from the local fire district that the required flow rates can be obtained from providing their own water system of reservoirs and hydrants, or by supplementing the current water system through upgrading the public water system. Upgrading the current water system to meet fire hydrant flow rate requirements is the sole responsibility of the subdivider.
5. To ensure adequate and safe access is provided to the area, prior to submittal of the final subdivision plat and public road dedication, all conditions required under Road Related Conditions 3 and 4 shall be illustrated with dimensions on the plat, and, or, practically demonstrated to have been achieved.
6. An 18" culvert shall be installed under the proposed Cavern Way cul-de-sac road in the area where the seasonal drainage way is purported to be located, and that the proposed "dry drainage channel easement" illustrated on Sheet 5 of 5 of the "PRINCE HEIGHTS SUBDIVISION APPROVALS AND NOTES" shall be provided for in the final subdivision plat.
7. Lot 2 has triple frontage from Sandstone Way, Hermits Way loop road, and the proposed Cavern Way cul-de-sac road. Currently, the preliminary plat has not designated which road access will be provided from. At least a (10) feet wide planting screen easement, across which there shall be no right of vehicle access shall be shown on the final plat for no less than two of the three frontage roads (Sandstone Way, Hermits Way, and/or Cavern Way cul-de-sac road).
8. Lot 1 has double frontage with Sandstone Way and Cherry Heights Road. Lot 1 will have access from Sandstone Way. Sandstone Way will be the primary access road for Lot 1. At least a (10) feet wide planting screen easement, across which there shall be no right of vehicle access shall be shown on the final plat for Cherry Heights Road.
9. All necessary easements, restrictions, and covenants shall be provided for "Tract A" to ensure the lot is used for the purpose provided within the application, detailed within the Attachment D Staff Report, and approved by the Planning Commission.
10. Prior to final subdivision plat approval and public road dedication, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the County Governing Body an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.

The applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).

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- 11.** The applicant shall provide one of the following options prior to final subdivision plat and public road dedication approval:
- (a). A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the District Attorney; or
 - (b). cash deposit with the County Tax Collector; or
 - (c). certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the County Road Master. The bank certification or letter of assurance shall be approved by the District Attorney; or
 - (d). cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the County Road Master. Escrow instructions shall be approved by the District Attorney.

Additionally, the assured amount shall be for a sum determined by a qualified licensed engineer or in the case of survey monuments, a licensed land surveyor as sufficient to cover the costs of included improvements and repairs or monuments and including related County expenses; and

Such assurance provides that: If the applicant fails to carry out provisions of the agreement or the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement; if the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder; and if the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.

- 12.** The following shall be achieved prior to final subdivision plat approval:
- (a). A waiver of remonstrance for future publicly funded road improvements for the proposed Cavern Way road be recorded with the Wasco County Clerk; and
 - (b). A restrictive covenant agreement requiring acknowledgment of improvement and maintenance costs for the proposed Cavern Way cul-de-sac be recorded with the Wasco County Clerk.
- 13.** The proposed Cavern Way cul-de-sac road and Sandstone Way Right of Way construction shall conform with applicable criteria contained within Sections 21.410 through 21.440. All roadway construction shall conform with applicable criteria contained within Sections 21.410 through 21.440.
- 14.** The construction of all proposed road shall be built according to applicable criteria provided for within Subsection 21.410.E.2.a.-d. The final construction of all proposed roads shall be certified and obtain the warranty requirements as required by subsections 21.410.E.2.e.
- 15.** If at the completion of the project, the Wasco County Public Works Director (The County Roadmaster) determines that "As Constructed Plans" shall be furnished, the consultant engineer

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shall furnish permanent reproducible plans of the work or an "as constructed" modification of the original permanent reproducible plans previously submitted in accordance with Subsections 21.410.E.2.f.(1)-(6).

- 16.** The County Governing Body may not accept the public road dedication until the applicant has either completed any improvements required as a condition of the approval of the dedication, or has complied with Section 21.310.D (Performance Bond). If the applicant chooses to complete road improvements in lieu of compliance with Section 21.310.D (Performance Bond), the Wasco County Public Works Director shall review and approve the completed road improvements prior to the final subdivision and road dedication application being submitted.
- 17.** The owner shall prepare a Dedication Deed dedicating Cavern Way illustrated and described in the "Tentative Plan" to the public, upon the acceptance of the dedication of the road issued by the Wasco County Board of Commissioners. After the deed is prepared, the Wasco County Board of Commissioners shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.
- 18.** Staff recommends the subject road not be included into the Wasco County road system for public maintenance.
- 19.** The proposed right of way construction on Sandstone Way and the proposed construction of the Cavern Way cul-de-sac road shall ensure drainage facilities necessary for the purpose of proper drainage of the subdivision and properties adjacent to the dedicated road are installed prior to final subdivision approval.
- 20.** Staff recommends a condition of approval that the proposed Cavern Way road, in general, be constructed according to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO): "A Policy on Geometric Design on Highways and Streets", and "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)".
- 21.** Aside from additional construction standards recommended as conditions of approval for fire safety within subsection 21.030.P, the proposed Cavern Way road shall conform to the design standards designated for the "Paved Rural Local Road" indicated in Table 21-1 (Rural Public Roadway Design Standards) of this Chapter. Additionally, the applicant shall submit documentation that the constructed public access road has been approved by The Wasco County Public Works Director and has been determined to conform to the "Paved Rural Local Road" and "Local Street" classifications indicated in Table 21-1 (Rural Public Roadway Design Standards) & 21-2 (Urban Public Roadway Design Standards) of this Chapter. This must be completed prior to public dedication by the Wasco County Board of Commissioners.
- 22.** The final road construction plans shall be prepared under the direction of a consultant engineer registered in the State of Oregon, and shall be submitted for approval to the Wasco County Public Works Director (County Roadmaster) and shall include the information provided for within Subsections 21.420.1.a.(1)-(14). The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related roadwork and affected utility installation and/or relocation.
- 23.** A survey be filed with the Wasco County Surveyor and meet the monumentation requirements provided for in this subsection. With the recommended condition, staff finds the request

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complies with Subsection 21.420.E.1.c.

- 24.** The property owner shall submit a preliminary title report issued by a title insurance company in the name of the owner of interest in the land prior to the signing of the final order by the Wasco County Board of Commissioners dedicating the proposed public road of local access as a public road.
- 25.** The developer shall consult with the Wasco County Road Department and Mid-Columbia Fire and Rescue to determine the amount and type of signage required and the developer shall furnish required permanent road signs to the Wasco County Public Works Department for installation; or pay the cost of the signage, which estimated cost will be provided for by the Wasco County Public Works Director.
- 26.** The placement of all street signage within the subdivision, to include the Cavern Way cul-de-sac road sign, shall be the responsibility of the developer, and prior to placement, the signage shall be approved by the Wasco County Public Works Department to ensure it meets county standards.
- 27.** Regarding subsection 21.030.P., Mid-Columbia Fire and Rescue Division Chief Jay Wood provided substantial comments concerning necessary parking signage along the proposed Cavern Way cul-de-sac road. Based on this commentary, the subdivder shall provide signage for both sides of the Cavern Way cul-de-sac road, and that the signage shall be a minimum of 12" wide x 18" high with red letters with white reflective background with wording of "No Parking" and "Fire Lane". The signage shall be reviewed and approved by Mid-Columbia Fire and Rescue.
- 28.** The subdivider shall purchase at least one street sign and one stop sign, and obtain approval from the Wasco County Public Works Department for the signage. The subdivider shall also purchase any additional signage the Wasco County Public Works Director finds necessary for the health, safety, and welfare of residents. The Wasco County Public Works Department shall install the signage.

SIGNED THIS 3rd day of August, 2023, at The Dalles, Oregon.

Daniel Dougherty, Senior Planner
Wasco County Planning

ATTACHMENT B - TIME LIMITS & APPEAL INFORMATION

NOTE: Any new land uses or structural development such as residences; garages, workshops or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: Oregon Revised Statutes, Chapter 215, requires that if you receive this notice, it must promptly be forwarded to the purchaser.

To ensure compliance, the preliminary subdivision plan is valid for 24 months from the date of final approval, which is the end of the 15-day appeal period following the final decision of the Planning Commission. A final subdivision plat and road dedication must be submitted for review by the authorized decision making body prior to the expiration of the 24 month period of validity. If the time limitation expires, approval of the preliminary subdivision plan shall be void. Any subsequent proposal by the applicant for a division of the property shall require a new development request. An extension of time may be granted, if it is applied for in accordance with Section 2.250 Extension of Validity of Land Use Approvals, and Subsection 21.200.F of the Wasco County National Scenic Area Land Use and Development Ordinance.

PLEASE NOTE:

No guarantee of extension or subsequent approval either expressed or implied can be made by the Wasco County Planning Department. Please take care in implementing your proposal in a timely manner.

APPEAL PROCESS:

The decision date for this land use review is **Thursday, August 3, 2023**. The decision of the Planning Commission shall be final unless an appeal from an aggrieved party is received by the Director within fifteen (15) days of the mailing date of this decision, **Friday, August 18, 2023, at 4:00 p.m.**, or unless the Board of County Commissioners on its own motion orders review within fifteen (15) days of the date of decision. A complete record of the matter is available for review upon request during regular business hours or copies can be ordered at a reasonable price at the Wasco County Planning Department. Notice of Appeal forms may also be obtained at the Wasco County Planning Department. **The filing fee for an appeal is \$1,412.64. Fees are refunded if appellant prevails.**

FINDINGS OF FACT:

Findings of Fact approving this request may be reviewed at the Wasco County Planning Department, 2705 East Second Street, The Dalles, Oregon, 97058, or are available for purchase at the cost of \$0.25 per page. These documents are also available online at: https://www.co.wasco.or.us/departments/planning/active_landuse_applications.php. Click on Active Applications. The table is sorted alphabetically by the name of the applicant. The information will be available until the end of the appeal period.