AGENDA: REGULAR SESSION

WEDNESDAY, SEPTEMBER 20, 2023

WASCO COUNTY BOARD OF COMMISSIONERS, THIS MEETING WILL BE HELD VIRTUALLY @

https://wascocounty-org.zoom.us/j/3957734524 OR Dial 1-253-215-8782 Meeting ID: 3957734524#

While these virtual options are provided, we cannot guarantee connection or quality of the call.

PUBLIC COMMENT: Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments from three to five minutes, unless extended by the Chair.

DEPARTMENTS: Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

NOTE: With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. Meetings are ADA accessible. For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900. If you require and interpreter, please contact the Commission Office at least 7 days in advance.

Las reuniones son ADA accesibles. Por tipo de alojamiento especiales, por favor póngase en contacto con la Oficina de la Comisión de antemano, (541) 506-2520. TDD 1-800-735-2900. Si necesita un intérprete por favor, póngase en contacto con la Oficina de la Comisión por lo menos siete días de antelación.

9:00 a.m. *Times are Approximate*	**CALL TO ORDER/PLEDGE OF ALLEGIANCE** Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board. **Corrections or Additions to the Agenda** ***Discussion Items***: Spire Grant Agreement; Grant Resolution; DLR Space Planning Agreement; EDC Appointment; *(Routine Items or Items of general Commission discussion, not otherwise listed on the Agenda)* ***Consent Agenda***: 9.6.2023 Regular Session Minutes *(Items of a routine nature: minutes, documents, items previously discussed.)* **Public Comment at the discretion of the Chair (3 minute limit unless extended by Chair)**
9:30 a.m.	Fee Schedule Hearing – Kathy Clark
9:35 a.m.	Land Use Appeal – Daniel Dougherty
11:00 a.m.	Executive Session – Pursuant to ORS 192.660(2)(e) Real Property Transactions
	COMMISSION CALL
	NEW/OLD BUSINESS
	ADJOURN

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(n) –Security Programs, ORS 192.660(2)(n) – Labor Negotiations

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
SEPTEMBER 20, 2023
This meeting was held on Zoom
https://wascocounty-org.zoom.us/j/3957734524
or call in to 1-253-215-8782 Meeting ID**: 3957734524#**

PRESENT:	Steve Kramer, Chair Phil Brady, County Commissioner
STAFF:	Kathy Clark, Executive Assistant
ABSENT:	Tyler Stone, Administrative Officer Scott Hege, Vice-Chair

Chair Kramer opened the session at 9:00 a.m.

Discussion Item – Grant Application Resolution

Administrative Services Office Manager and Wasco County Public Information Officer Stephanie Krell explained that Oregon Parks and Recreation has a County Opportunity Grant Program; we have successfully applied to that program in the past. She and Administrative Services Director Ali Postlewait are working on an application for the 2024 grant cycle to develop and rehabilitate the existing RV campgrounds on the 154 acres recently purchased by the County.

Ms. Krell went on to say that the scope of the project aims to comprehensively upgrade and expand the existing RV park, tent campsites and add restrooms and other park facilities that are typical in overnight campgrounds. Initial cost expectations for the project are approximately $350,000. They are requesting $262,312.50. There is a 25% match requirement, which comes to $87,437.50. The match would likely come from the Building Improvement Fund; the cost has been reviewed by Finance; they have confirmed that we have the match funding required for this grant.

The Board Packet includes a resolution authorizing staff to apply to the grant program, which is a requirement for the application. The grant also requires a land use compatibility statement and a land use application which is being submitted to the Wasco County Planning Department. The grant packet is due by October 1st; we will be notified by spring 2024 if we will be awarded the grant.

{{{Commissioner Brady moved to approve Resolution 23-012 authorizing

Wasco County to apply for a local government grant from the Oregon Parks and Recreation Department for the rehabilitation of an RV Park at the 154-acre County-owned property and delegating authority to the Administrative Services Director to sign the application. Chair Kramer seconded the motion which passed unanimously.}}}

Discussion Item – Spire Grant Agreement

Emergency Manager Sheridan McClellan explained that the grant application for this equipment was supported by partner agencies – Hood River Sheriff's Department, Oregon State Police, and the Department of Forestry. This vehicle will allow communication in rural areas where radio and cell service is unreliable.

Commissioner Brady asked if the vehicle will be a shared resource. Mr. McClellan replied that it will be shared with the supporting agencies. Wasco County will be responsible for vehicle maintenance and managing its use. He added that he will be ensuring that, after each use, the vehicle is returned to us in good condition.

{{{Commissioner Brady moved to approve the Oregon Department of Emergency Management State Preparedness and Incident Response Grant Agreement #SP22-027 for emergency response equipment. Chair Kramer seconded the motion which passed unanimously.}}}

Discussion Item – DLR Personal Services Contract

Ms. Postlewait explained that in conjunction with the acquisition of the 3rd Street office building, the County sought proposals to assist us with space planning, change management, and conceptual development of the building for use by various County departments. DLR has been selected; the agreement included in the Board Packet is still under review by DLR. She said she does not expect more than minor changes and is requesting approval of the agreement pending our own legal review.

Commissioner Brady stated that he worked with this company in his time at the School District. He commented that they are an excellent company. He asked that we include Public Health in this pre-work. Chair Kramer agreed that they should be included in the process.

{{{Chair Kramer moved to approve the contract between Wasco County and DLR Group for Wasco County Master Space Planning and Architect Design pending legal review. Commissioner Brady seconded the motion which

passed unanimously.}}}

Discussion Item – EDC Appointment

Ms. Clark reviewed the memo included in the Board Packet saying that the City of The Dalles has made a request to reassign their representation on the Wasco County Economic Development Commission from Mayor Mays to their Economic Development Officer Dan Spatz. Mayor Mays' term expires at the end of this year and they are asking that Mr. Spatz complete that term and be appointed to a full term that runs through the end of 2027.

Commissioner Brady commented that Mr. Spatz has an exceptional understanding of our community and region making this an excellent appointment.

{{{Commissioner Brady moved to approve Order 23-052 appointing Dan Spatz to the Wasco County Economic Development Commission representing City of The Dalles. Chair Kramer seconded the motion which passed unanimously. }}}

Consent Agenda – 9.6.2023 Regular Session Minutes

{{{Chair Kramer moved to approve the Consent Agenda. Commissioner Brady seconded the motion which passed unanimously.}}}

Chair Kramer opened the floor to public comment; there was none.

Commission Call

Chair Kramer said he would be going to Klamath Falls tomorrow for an AOC Legislative Committee/Board of Directors retreat. Topics will include AOC membership and Measure 110.

Chair Kramer said this year's County Fair was successful with the best rodeo attendance ever. The Fair Board will continue to work to improve the annual Fair.

Chair Kramer called a recess at 9:20 a.m.

The Session reconvened at 9:30 a.m.

Agenda Item – Fee Schedule Hearing

At 9:30 a.m. Chair Kramer opened a public hearing for the Wasco County Amended Fee Schedule Ordinance. Ms. Clark stated that no changes have been made to the Ordinance since its first reading on September 6th. No comments

have been submitted in regard to the Ordinance.

Chair Kramer opened the floor to public testimony. There was none.

{{{Commissioner Brady moved to approve Ordinance 23-001 in the matter of amending Wasco County's Uniform Fee Schedule for various county departments. Chair Kramer seconded the motion which passed unanimously.}}}

The public hearing was closed at 9:33 a.m.

Agenda Item – Appeal Hearing

At 9:33 a.m. Chair Kramer opened the Board of Commissioners Quasi-Judicial Appeal Hearing on agenda item 921-23-000023-PLNG, A National Scenic Area request decided upon by the Planning Commission for the following:

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 six residential lots, one private open space lot, and one public park lot). Vacation of unused Rights of Way (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).

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:

Map/Tax Lot	Acct. #	Acres
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

The governing criteria for this appeal hearing includes the following chapters within the Management Plan for the Columbia River Gorge National Scenic Area: Chapter 7: General Policies and Guidelines, Consolidation of Lots; and the Glossary. Additional criteria includes the following chapters within the National

Scenic Area Land Use and Development Ordinance for Wasco County (NSA-LUDO): Chapter 2 - Development Approval Procedures, Section 2.160 Review of a Decision of the Planning Commission; Section 2.170 Review by the County Governing Body; Chapter 3 - Basic Provisions, Section 3.160 "R-R" Rural Residential Zone (GMA & SMA); Subsection 3.160.D.13. Land Divisions and Replats; Subsection 3.160.G.1.a. Property Development Standards; Chapter 21 Land Divisions, Subsection 21.030.C. Conformity with the plan; Subsection 21.030.D. Conformity with zoning chapter; Section 21.200 Property Line Adjustments & Replats.

The proposed development must comply with applicable provisions contained in the Management Plan for the Columbia River Gorge National Scenic Area. Generally, unless otherwise noted, if a request is found to be consistent with the NSA-LUDO it is considered consistent with the Management Plan.

This will be a de novo hearing, conducted as a new hearing before the public. New evidence or testimony will be accepted to fully and fairly address significant procedural or substantive issues raised. The hearing scope shall be limited to the grounds relied upon in the petition request for review.

Chair Kramer asked if any commissioner wished to disqualify themselves for any personal or financial interest in this matter. There were none.

Chair Kramer asked if any commissioner wished to report any significant ex parte or pre-hearing contacts? There were none.

Chair Kramer asked, for the record, if any Commissioners conducted a site visit to the subject property. Commissioner Brady responded that he has a view of the property from the west side windows of his home.

PARTY RECOGNITION

Chair Kramer stated that anyone can speak for or against the proposal today. However, only those who have "party" status will be able to appeal a decision reached by this commission.

If you want party status, please say so at the beginning of your testimony.

A party is defined as:

a. *The applicant and all owners or contract purchasers of record, as shown in*

the files of the Wasco County Assessor's Office, of the property which is the subject of the application.

b. *All property owners of record, as provided in (a) above, within the notification area, as described in* Table 2-1, of the property which is the subject of the application.

c. *A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.*

d. *Any affected unit of local government or public district or state or federal agency.*

e. Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority.

And in ORS 197.830 (7)(b)(B) as:*Persons who appeared before the local government, special district or state agency, orally or in writing.*

THE RULES OF EVIDENCE ARE AS FOLLOWS:

- **a.** No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- **b.** Evidence received shall be of a quality that reasonable persons rely upon in the conduct of their daily affairs.
- **c.** Testimony and evidence must be directed toward the criteria applicable to the subject hearing or to criteria that the party believes apply to the decision.
- **d.** Failure to raise an issue with sufficient specificity may preclude raising it before the Land Use Board of Appeals.
- **e.** Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow Wasco County to respond to the issue precludes an action for damages in circuit court.

Chair Kramer announced that the Board would now hear any requests to continue this hearing, keeping the record open. He asked if the Applicant and/or their Representative want to request a continuance of the hearing.

Jay Harris, representing the applicant, said they would like to request a continuance to a date and time certain. He asked for 60 days.

Chair Kramer asked if the Appellant and/or their Representative want to request a continuance of the hearing.

Sean Malone, representing the appellant, said he concurred with the Applicant's request for a continuance.

Staff had no objection to the continuance.

Ms. Clark said there is only one Board Session in November which would not meet the 60-day request, the first session that is 60 days or more would be on December 6, 2023.

{{{Chair Kramer moved to continue this appeal hearing on agenda item 921-23-000023-PLNG to 9:30 a.m. on December 6, 2023, keeping the record open. Commissioner Brady seconded the motion, which passed unanimously.}}}

Agenda Item – Executive Session

At 9:52 a.m. Chair Kramer opened an Executive Session pursuant to ORS 192.660(2)(e) Real Property Transactions. He instructed members of the media to not record the session or report on anything discussed in the session except for the general topic as previously announced

The Regular Session resumed at 10:01 a.m.

Ms. Postlewait explained that the County is seeking to purchase an additional 4.62 acres adjacent to the 154 acre parcel recently acquired by the County. County Assessor Jill Amery said it is Property Tax Account Nos. 2022, 2N13E29 400 and 1928, 2N1329CA 1100.

Commissioner Brady observed that some time ago the Soil and Water Conservation District had submitted an application to do restoration work on Chenoweth Creek; however, they were denied as they could not gain access. With this purchase, the County can work with the District to push that project forward. It is a win for the District, the environment and the community.

{{{Commissioner Brady moved to approve Resolution 23-013 in the matter of approving the purchase of vacant land and authorizing the Administrative Services Director to sign the related documents regarding the close of escrow. Chair Kramer seconded the motion which passed unanimously.}}}

Commission Call

Commissioner Brady said he will be going to a meeting in Pine Grove where they are working to resolve water issues. Chair Kramer said he has been participating in that process but will not be able to make this next meeting.

Chair Kramer adjourned the meeting at 10:06 a.m.

Summary of Actions

MOTIONS

- **To approve the Oregon Department of Emergency Management State Preparedness and Incident Response Grant Agreement #SP22-027 for emergency response equipment.**
- **To approve Resolution 23-012 authorizing Wasco County to apply for a local government grant from the Oregon Parks and Recreation Department for the rehabilitation of an RV Park at the 154-acre County-owned property and delegating authority to the Administrative Services Director to sign the application.**
- **To approve the contract between Wasco County and DLR Group for Wasco County Master Space Planning and Architect Design pending legal review.**
- **To approve Order 23-052 appointing Dan Spatz to the Wasco County Economic Development Commission representing City of The Dalles.**
- **To approve the Consent Agenda: 9.6.2023 Regular Session Minutes.**
- **To approve Ordinance 23-001 in the matter of amending Wasco County's Uniform Fee Schedule for various county departments.**
- **To continue this appeal hearing on agenda item 921-23-000023-PLNG to 9:30 a.m. on December 6, 2023, keeping the record open.**
- **To approve Resolution 23-013 in the matter of approving the purchase of vacant land and authorizing the Administrative Services Director to sign the related documents regarding the close of escrow.**

Wasco County
Board of Commissioners

Steven D. Kramer, Commission Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner

Wasco County Board of Commissioners

Wasco County
511 Washington Street, Suite 101
Sep 20, 2023 9:00 AM - 10:30 AM PDT

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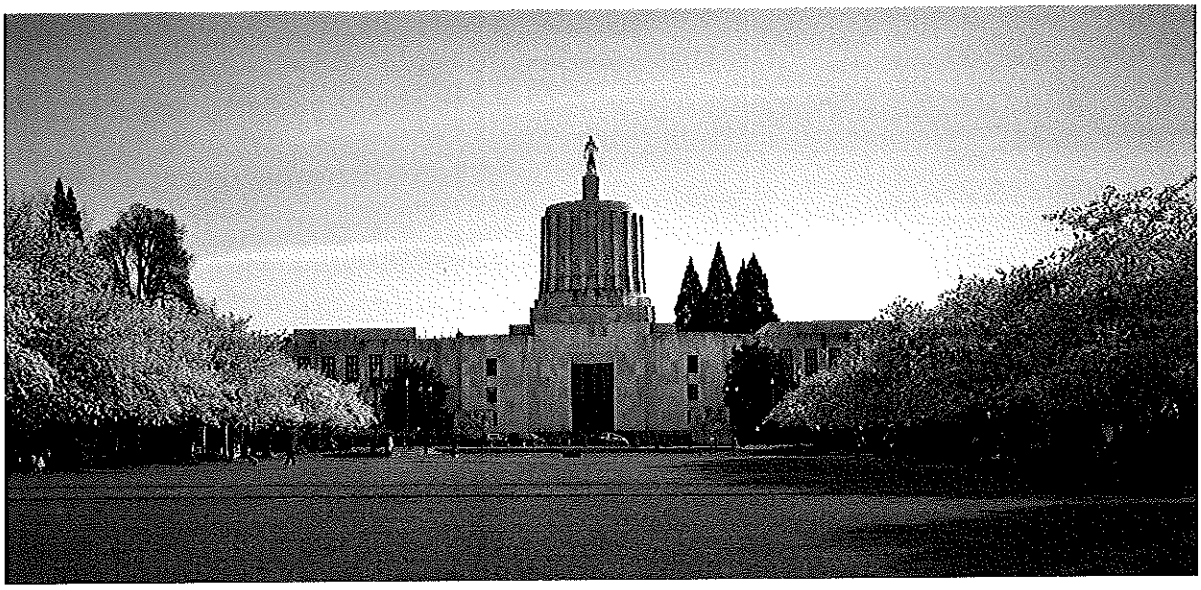
VI. Executive Session Pursuant to ORS 192.660(2)(e)

Grant Year 2022



STATE PREPAREDNESS AND INCIDENT RESPONSE EQUIPMENT (SPIRE) GRANT PROGRAM II

PROJECT PLANNING WORKSHEET

MARCH 2022

SPIRE II WORKSHEET

Overview

This worksheet is for applicants applying for the Grant Year 2022 State Preparedness and Incident Response Equipment (SPIRE) Grant, in compliance with Grant Year 2022 Grant Guidance and Application Instructions. This worksheet must be completed in full to be considered responsive to the application requirements.

Applicant Information:

1. Applicant Organization
Wasco County Sheriff's Office

2. Applicant Contact Information:
Name:Sheridan McClellan Title:Emergency Manager Organization:Wasco County Sheriff's Office Address:511 Washington Street Suite 102 The Dalles, OR 97058 Phone:541-506-2790 Email:sheridanm@co.wasco.or.us

3. Applicant Fiscal Contact Information:
Name:Mike Middelton Title:Finance Director Organization:Wasco County Address:511 Washington Street Suite 207 Phone:541-506-2770 Email:mikem@co.wasco.or.us

4. Federal Tax ID Number:
93-6002315
5. Is this Regional, County, Tribal, Community, or Individual Organization equipment?
Regional

6. List Partners for this project (N/A for Individual Organization):
Hood River County Sheriff's Office Sherman County Emergency Management Oregon State Police Oregon Department of Forestry

7. Identify State Priority:
Incident Stabilization

8. Project/Equipment Description:

Provide a detailed description of the requested equipment and the broader program(s) that it supports. Specify equipment details. See equipment list.

Equipment Selection:

Wasco County is requesting a Communications vehicle/tactical command vehicle to use as a Regional Asset.

The region has experienced several severe wildfire seasons back to back that have resulted in the destruction of hundreds of structures, thousands of acres of resource lands, and several fatalities. In addition, this region is also visited yearly by tourists in the Deschutes Canyon, John Day canyon Cottonwood Canyon, Clairno, Mount Hood region and the Barlow road, areas known to have communications difficulties for first responders while performing Search and Rescue or other types of responses. The lack of communication capability hinders the ability of first responders to get the right assets quickly on site or coordinate the response. This asset will help bridge the communications issues with dispatch and first responders on the ground by being able to drive through hard to reach areas and being used as a mobile repeater site and as an Incident Command Post.

Capabilities

• Satellite capability

• Off-pavement, off-grid capable vehicle

• Interoperable voice, video, and data

This regional asset would support the following programs:
Search and Rescue
Law Enforcement
Emergency Services (large scale incident involving different emergency services such as Ambulance, Fire and LE.)
Fire Response
Incident Stabilization through communication during a Natural Disaster such as Cascadia, flooding and wildfires

9. Sustainment:

Identify how you will sustain and maintain the equipment requested. This includes maintenance, storage, transportation, training and security for any equipment received under the grant. Demonstrate that you have considered and prepared for the equipment. Where will it be kept? Describe details of the storage location, its security features, etc.

Sustainment:

Maintenance – The vehicle shall have quarterly preventive maintenance performed on it, including moving the vehicle to ensure all parts are working. The maintenance will include operating the radios and all other electronic equipment. These maintenance check follow a inspection checklist that will be recorded each time a maintenance check is performed. The inspection records shall be kept in the Wasco County EM office. A report shall be send annually to Oregon Emergency Management, the report shall include a record of each time the vehicle was used with a brief narrative of the mission or exercise.

Storage – The vehicle shall be stored in the County Shed on 10th Street, inside the Garage with the counties Search and Rescue equipment and vehicles.

Transportation – drivers of the vehicle shall follow all Oregon rules of driving an emergency vehicle

Training – the agencies utilizing the vehicle shall designate personnel that will be driving the vehicle and utilizing the radio equipment. Prior to usage all designated personnel shall receive training in the proper usage of the equipment and shall have taken the Emergency Vehicle Operators Course. A small exercise shall be performed to include those agencies that will be using this regional exercise upon receiving the vehicle. The exercise shall include proper driving techniques off-road and the usage of the radio and equipment. Record of personal receiving this training shall be kept with the Wasco County EM.

Security – the vehicle shall be kept locked inside the County Garage/shed with the keys kept in the Wasco County Sheriff's Office. Usage of the vehicle shall be made verbally through phone call to the to the Sheriff, Chief Deputy or Emergency Manager with a follow up email cc'ing the Sheriff, Chief Deputy and Emergency Manager. Vehicle shall be inspected by the Sheriff's designee prior to its return. The agency using the vehicle shall be responsible for any damage incurred during its usage.

10. Name/Contact Information of Application Point of Contact:
Sheridan McClellan, Wasco County EM
Signature:

Sheridan McClellan <sheridanm@co.wasco.or.us>

SPIRE-2 Grant Award Letter

JEFFRIES Kevin * OEM <Kevin.JEFFRIES@oem.oregon.gov> Wed, Nov 2, 2022 at 2:42 PM
To: "sheridanm@co.wasco.or.us" <sheridanm@co.wasco.or.us>

Greetings, Sheridan McClellan,

The SPIRE II Grant Review Committee has completed review of SPIRE II applications and Oregon Emergency Management (OEM) Director, Andrew Phelps, has approved recommendations for funding.

Congratulations! Your application and request for Communications Vehicle/Tactical Command Vehicle, to be located with Wasco County Emergency Management has been approved for funding. In the coming months, OEM will be ordering the requested equipment and entering into an agreement with your organization.

It may take several months before you receive the requested equipment due to the nature of this grant program, its funding stream, and supply chain challenges. OEM will move as quickly as possible to fill these requests and keep applicants apprised of progress.

If you have any questions, please contact the SPIRE team by emailing Alaina, Carole, or Kevin

SP22-027

OREGON DEPARTMENT OF EMERGENCY MANAGEMENT
STATE PREPAREDNESS AND INCIDENT RESPONSE GRANT

Wasco County Emergency Management
Communications Vehicle/Tactical Command Vehicle

Grant No: SP22-027

This Agreement is made and entered into by and between the **State of Oregon,** acting by and through its Department of Emergency Management, hereinafter referred to as "OEM," and **Wasco County Emergency Management,** hereinafter referred to as "Recipient," and collectively referred to as the "Parties."

1. **EFFECTIVE DATE.** This Agreement shall become effective on the date this agreement is fully executed and approved as required by applicable law. This Agreement, and OEM's obligation to provide the Equipment (as that term is defined in Section 3) under this Agreement, shall terminate as provided in Section 9.

2. **AGREEMENT DOCUMENTS.** This Agreement consists of this document and Exhibit A, Equipment Schedule, which is attached hereto and incorporated by reference.
3. **GRANT OF EQUIPMENT.** In accordance with the terms and conditions of this Agreement, OEM shall provide Recipient the item(s) of emergency response vehicles, equipment, and other personal property identified in Exhibit A (collectively, the "Equipment").

4. **USE OF EQUIPMENT.** Recipient shall use the Equipment solely to decrease risks to life and property resulting from an "emergency," as that term is defined in ORS 401.025. Recipient shall not allow private organizations to use the Equipment for any purpose without OEM's prior written consent. This includes, without limitation, any use of the Equipment by a private organization for emergency or non-emergency purposes and whether or not the proposed use is within the scope of the organization's organizational or formation documents.

5. **MAINTENANCE; ANNUAL SUSTAINMENT REPORTS.**

   a. Recipient must maintain, repair, perform upkeep on, and otherwise keep the Equipment in good working condition.

   b. Recipient shall submit annual sustainment reports using a form provided by OEM. The sustainment reports will summarize Recipient's maintenance and use of the Equipment during the preceding year, or since the last sustainment report was submitted.

   c. Recipient must submit sustainment reports to OEM annually on or before July 31st.

   d. Recipient may request from OEM prior written approval to submit a sustainment report after its due date. OEM may approve or deny the request in its sole discretion.

   e. Failure of Recipient to timely submit an annual program sustainment report may result in termination of this Agreement.

6. RECORDS MAINTENANCE AND ACCESS; EQUIPMENT INSPECTIONS.

a. **Records, Access to Records**. Recipient shall make and retain proper and complete books of record and account and maintain all fiscal records related to this Agreement and the Equipment in accordance with all applicable generally accepted accounting principles, generally accepted governmental auditing standards, and state minimum standards for audits of municipal corporations. OEM, the Secretary of State of the State of Oregon (the "Secretary"), and their duly authorized representatives shall have access to the books, documents, papers, and records of Recipient that are directly related to this Agreement or the Equipment provided for the purpose of making audits and examinations. In addition, OEM, the Secretary, and their duly authorized representatives may make and retain excerpts, copies, and transcriptions of the foregoing books, documents, papers, and records.

b. **Retention of Records.** Recipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement or the Equipment for a minimum of six (6) years, or such longer period as may be required by other provisions of this Agreement or applicable law, following termination of this Agreement. If there are unresolved audit questions at the end of the six-year period, Recipient shall retain the records until the questions are resolved.

c. **Equipment Inspections.** Recipient shall permit authorized representatives of OEM to periodically inspect the Equipment, with or without notice.

7. OPERATION AND MAINTENANCE EXPENSES; MINIMUM INSURANCE REQUIREMENT. Recipient shall be solely responsible for the costs of operating, maintaining, licensing, and insuring the Equipment and the costs, if any, to acquire and install any parts, accessories, or attachments for the Equipment (collectively, the "Operating Expenses"). OEM shall not be responsible for any Operating Expenses while the Equipment remains in Recipient's possession, custody, or control. Recipient shall obtain Automobile Liability Insurance covering Recipient's use of the Equipment for bodily injury and property. Coverage shall be written with a combined single limit of not less than $1,000,000. Automobile Liability Insurance must include the **"State of Oregon, the Oregon Department of Emergency Management, and their respective officers, members, agents and employees"** as an **endorsed** Additional Insured. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

8. OWNERSHIP. OEM will retain ownership of the Equipment and can reclaim any or all of the item(s) of Equipment at any time and for any duration based on Recipient's failure to meet requirements of this Agreement, community needs, or any other purpose, as determined by OEM in its sole discretion. Upon the Equipment being fully depreciated under governmental accounting principles, OEM may elect to sell the Equipment to Recipient at its fair market value.

9. TERMINATION.

a. **Termination by OEM.** OEM may terminate this Agreement effective upon delivery of written notice of termination to Recipient, or at such later date as may be established by OEM in such written notice, if:

i. Recipient fails to follow grant agreement requirements or standard or special conditions; or

ii. Recipient fails to adequately maintain the Equipment; or

iii. Recipient fails to submit required reports; or

iv. Recipient fails to comply with inspections for any reason; or

v. Recipient files a false certification in this application or other report or document, including correspondence with OEM by any medium; or

vi. OEM determines that the Equipment could be of greater use to the community elsewhere.

b. Termination by Recipient. Recipient may terminate this Agreement effective upon delivery of written notice of termination to OEM, or at such later date as may be established by Recipient in such written notice, if:

i. Recipient no longer needs the Equipment; or

ii. The Equipment is beyond its useful life.

c. Termination by Either Party. Either Party may terminate this Agreement upon at least ten business days' notice to the other Party.

d. OEM's Rights Upon Termination. Upon termination under this Section 9:

i. OEM may repossess the Equipment from Recipient and, if Recipient has failed to adequately maintain the Equipment as required by Section 5(a), require Recipient to reimburse OEM the cost of repairing the Equipment; or

ii. Where Recipient has failed to adequately maintain the Equipment as required by Section 5(a), OEM may require Recipient to pay OEM an amount equal to the Equipment's fair market value assuming proper maintenance and repair.

10. REPRESENTATIONS AND COVENANTS REGARDING THE TAX-EXEMPT STATUS OF BONDS.

a. Recipient acknowledges that the State of Oregon may issue certain bonds (the "Bonds") in part to fund this grant and that the interest paid on the Bonds is excludable from gross income for federal income tax purposes. Recipient further acknowledges that the uses of the Equipment by Recipient during the term of the Bonds may impact the tax-exempt status of the Bonds. Accordingly, Recipient agrees to comply with all applicable provisions of the Internal Revenue Code of 1986, as amended, including any implementing regulations and any administrative or judicial interpretations, (the "Code") necessary to protect the exclusion of interest on the Bonds from federal income taxation.

b. Recipient shall not, without prior written consent of OEM, permit more than five percent (5%) of the Equipment to be used in a "private use" by a "private person" (as defined in the Code) if such private use could result in the State of Oregon, receiving direct or indirect payments or revenues from the portion of the Equipment to be privately used.

c. Recipient shall maintain documentation demonstrating compliance with this subsection 10 for the life of the Bonds, including any refunding bonds, and shall make sure documentation is available to OEM upon request.

d. Recipient indemnifies the State of Oregon for any costs, expenses or liability due to loss of federal tax benefits related to the Bonds, where such loss is caused by action or inaction of Recipient.

e. This Section 10 shall survive any expiration or termination of this Agreement.

11. GENERAL PROVISIONS.

a. Contribution.

i. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third-Party Claim") against a party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third-Party

Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third-Party Claim. Either party is entitled to participate in the defense of a Third-Party Claim, and to defend a Third-Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third-Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third-Party Claim.

ii. With respect to a Third-Party Claim for which OEM is jointly liable with Recipient (or would be if joined in the Third-Party Claim), OEM shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Recipient in such proportion as is appropriate to reflect the relative fault of OEM on the one hand and of Recipient on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of OEM on the one hand and of Recipient on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. OEM's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if OEM had sole liability in the proceeding.

iii. With respect to a Third-Party Claim for which Recipient is jointly liable with OEM (or would be if joined in the Third-Party Claim), Recipient shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by OEM in such proportion as is appropriate to reflect the relative fault of Recipient on the one hand and of OEM on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Recipient on the one hand and of OEM on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Recipient's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

b. Dispute Resolution. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation. Each party shall bear its own costs incurred under this Section 11.b.

c. Amendments. This Agreement may be amended or extended only by a written instrument signed by both Parties and approved as required by applicable law.

d. Notices. Except as otherwise expressly provided in this section, any communications between the parties hereto or notice to be given hereunder shall be given in writing by personal delivery, facsimile, email or mailing the same by registered or certified mail, postage prepaid to Recipient or OEM at the appropriate address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this section. Any communication or notice so addressed and sent by registered or certified mail shall be deemed delivered upon receipt or refusal of receipt. Any communication or notice delivered by

facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. Any communication by email shall be deemed to be given when the recipient of the email acknowledges receipt of the email. The parties also may communicate by telephone, regular mail, or other means, but such communications shall not be deemed Notices under this section unless receipt by the other party is expressly acknowledged in writing by the receiving party.

e. Governing Law, Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between OEM (or any other agency or department of the State of Oregon) and Recipient that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County in the State of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

f. Compliance with Law. Recipient shall comply with all federal, state, and local laws, regulations, executive orders, and ordinances applicable to the Agreement or to the implementation of the Project.

g. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.

h. Counterparts. This Agreement may be executed in two or more counterparts (by facsimile or otherwise), each of which is an original and all of which together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.

THE PARTIES, by execution of this Agreement, hereby acknowledge that each Party has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

Wasco County Emergency Management

By _____

Name _____
(printed)

Date _____

APPROVED AS TO LEGAL SUFFICIENCY
(If required for Recipient)

By _____
Recipient's Legal Counsel

Date _____

Recipient Program Contact:
Sheridan McClellan
Emergency Manager
Wasco County Emergency Management
511 Washington Street Suite 102
The Dalles, OR 97058
541.506.2790
sheridanm@co.wasco.or.us

Recipient Fiscal Contact:
Mike Middelton
Finance Director
Wasco County Emergency Management
511 Washington Street Suite 207
The Dalles, OR 97058
541-506-2770
mikem@co.wasco.or.us

State of Oregon, acting by through its Department of Emergency Management

By _____

Alaina Mayfield
Preparedness Section Manager, OEM

Date _____

APPROVED AS TO FORM

By _____
_____

Date: _____

OEM Program Contact:
Carole Sebens
Grants Coordinator
Oregon Department of Emergency Management
3930 Fairview Industrial Dr. SE
Salem, OR 97302
503-798-1938
carole.l.sebens@oem.oregon.gov

OEM Fiscal Contact:
Michelle Lovejoy
Chief Financial Officer
Oregon Department of Emergency Management
3930 Fairview Industrial Dr. SE
Salem, OR 97302
503-934-3303
oem.accountspayable@oem.oregon.gov

EXHIBIT A

Equipment Schedule

Description	Make	Model	Serial No.
Communications Vehicle/Tactical Command Vehicle			

MOTION

SUBJECT: **Spire Grant**

I move to approve the Oregon Department of Emergency Management State Preparedness and Incident Response Grant Agreement #SP22-027 for emergency response equipment.

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF AUTHORIZING WASCO COUNTY TO APPLY FOR A LOCAL GOV'T GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE REHABILITATION OF AN RV PARK AT THE 154 ACRE COUNTY-OWNED PROPERTY AND DELEGATING AUTHORITY TO THE ADMINISTRATIVE SERVICES DIRECTOR TO SIGN THE APPLICATION

ORDER #23-012

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and

WHEREAS, Wasco County desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements; and

WHEREAS, the Wasco County Board of Commissioners and Staff have identified potential RV improvements at the 154 acre property as a high priority need in Wasco County; and

WHEREAS, the project will rehabilitate and update existing RV infrastructure and tent camping grounds; and

WHEREAS, Wasco County has available local matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded; and

WHEREAS, Wasco County will provide adequate funding for on-going operations and maintenance of this park and recreation facility should the grant funds be awarded; and

NOW, THEREFORE, BE IT RESOLVED BY THE WASCO COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1: The Board of Commissioners demonstrates its support for the submittal of a grant application to the Oregon Park and Recreation Department for development of an RV Park at Hunt Park.

Section 2: This Resolution shall be effective following its adoption by the Board of Commissioners.

Passed by the Board of Commissioners this 20th day of September, 2023.

WASCO COUNTY
BOARD OF COMMISSIONERS

_____
Steven D. Kramer, Chair

APPROVED AS TO FORM:

_____
Scott C. Hege, Vice-Chair

_____
Kristen Campbell, County Counsel

_____
Philip L. Brady, County Commissioner

ATTEST:

_____
Ali Postlewait, Administrative Services Director

_____
Kathy Clark, Executive Assistant

MOTION

SUBJECT: **Grant Application Resolution**

I move to approve Resolution 23-012 authorizing Wasco County to apply for a local government grant from the Oregon Parks and Recreation Department for the rehabilitation of an RV Park at the 154-acre County-owned property and delegating authority to the Administrative Services Director to sign the application.

MEMORANDUM

SUBJECT: DLR Group | Proposal | SPACE ANALYSIS AND SITE MASTER PLANNING

TO: BOARD OF COUNTY COMMISSIONERS

FROM: ALI POSTLEWAIT

DATE: SEPTEBMER 12, 2023

Background Information

On June 23, 2023, Wasco County released a Request for Proposals soliciting space analysis and site master planning services for the County's new 3rd Street office building. Two proposals where received on August 16, 2023. Scoring, Interviews and reference checks were completed the week of August 21, 2023 which resulted in a decision to move forward with the DLR group out of Portland, Oregon. Negotiations occurred on September 7, 2023 and DLR agreed to also provide space planning services to teams remaining in the Courthouse as well as those teams moving into the Courthouse.

DLR's project schedule is anticipated to kick off the first week of October with a timeline of 12 weeks. The fee proposal totals $49,500.00 with an estimated reimbursable at $2,500.

The County has drafted a service agreement contract for review. There may be minor language changes to this contract that occur after Board Packet publication. We ask that the Board approve the draft contract pending legal review.

PERSONAL SERVICES CONTRACT

This Agreement is between the **Wasco County**, an Oregon Political Subdivision (hereinafter referred to as "**County")**, and **DLR Group Architecture and Engineering Inc**. **dba DLR Group** (hereinafter referred to as "**Consultant**").

In consideration of the mutual covenants set forth in this Agreement, County authorizes Consultant and Consultant agrees to carry out and complete services as described below:

1. **PROJECT**: Work shall be performed by Consultant in connection with a project generally described as: **Wasco County Master Space Planning and Architect Design**

2. **SCOPE OF SERVICES:** The Consultant shall be responsible for the performance of all services as set forth in the scope of services attached hereto and incorporated herein as **Exhibit 'A'** (the "Services") and to the extent described in this Agreement and shall perform Services using the degree of skill and knowledge customarily employed by professionals performing similar services in the community. The Consultant shall be responsible for providing, at the Consultant's cost and expense, all management, supervision, materials, administrative support, supplies, and equipment necessary to perform the Services as described herein, all in accordance with this Agreement.

3. **TERM OF AGREEMENT:** The term of this Agreement shall begin on the date this contract is fully executed and shall terminate on January 1, 2024 or when the Services have been completely performed to the County's satisfaction, whichever first occurs, or otherwise by mutual written agreement of the parties or by the exercise of the termination provisions specified herein.

4. **ADDITIONAL SERVICES:** The County may request that the Consultant provide the County with certain services not identified in Exhibit A ("Additional Services"). Additional Services shall not be performed by the Consultant unless written approval is received from the County. Upon receipt of the written request, the County and the Consultant shall negotiate the scope of the relevant Additional Services and price, which shall be subject to the mutual written agreement of the Consultant and the County. If the Consultant performs any Additional Services prior to or without receiving a written request from the County, the Consultant shall not be entitled to any compensation for such Additional Services. Authorization shall be issued by individual work orders or by amendment to this contract that is signed by the Administrative Officer or Board of Commissioners of the County.

5. **TIME OF THE ESSENCE:** The Services of the Consultant shall be undertaken and completed in such a manner and in such a sequence as to assure their expeditious completion in light of the purpose of this Agreement. It is agreed that time is of the essence in the performance.

6. **COMPENSATION:** The County shall pay fees to the Consultant for Services performed under the terms of this Agreement an amount not to exceed **$49,500.00** ("Compensation"), unless otherwise approved by the County. The County will also reimburse Consultant for reasonable direct expenses incurred by the Consultant ("Reimbursable Expenses"). Consultant will obtain written approval from County prior to expenditure of any individual Reimbursable expense that exceeds $500.00. Consultant will not exceed $2,500.00 in total Reimbursable Expenses.

   Consultant shall submit monthly invoices computed on the basis of the percentage of work completed and detailing the services provided to date. Invoices shall include a detailed description

of work performed and include evidence of any reimbursable expenses in a form acceptable to the County. County shall make payments in a timely manner, within twenty-five (25) days of receipt of invoice. Invoices received from the Consultant pursuant to this Agreement will be reviewed and approved by the County prior to payment.

If County does not pay within twenty-five (25) days of receipt of invoice acceptable to County, the invoice shall incur a service charge of 1.5% per month on the unpaid monthly balance. Consultant reserves the right to withhold services or cancel this Agreement if County's account is more than sixty (60) days delinquent.

7. **STATUS OF CONSULTANT AND RELATIONSHIP TO COUNTY:** The Consultant is an independent contractor, and nothing contained herein shall be construed as constituting any relationship with the County other than that as owner and independent contractor, nor shall it be construed as creating any relationship whatsoever between the County and any of the Consultant's employees. Neither the Consultant nor any of the Consultant's employees are nor shall they be deemed employees of the County. The Consultant is not and shall not act as an agent of the County. All employees who assist the Consultant in the performance of the Services shall at all times be under the Consultant's exclusive direction and control. The Consultant shall pay all wages, salaries and other amounts due the Consultant's employees in connection with the performance of the Services and shall be responsible for all reports and obligations respecting such employees, including without limitation social security tax, income tax withholding, unemployment compensation, worker's compensation, employee benefits and similar matters. Further, the Consultant has sole authority and responsibility to employ, discharge and otherwise control the Consultant's employees. The Consultant has sole authority and responsibility as principal for the Consultant's agents, employees, sub-consultants and all others the Consultant hires to perform or assist in performing the Services. The County's only interest is in the results to be achieved.

8. **REPRESENTATIONS:** The Consultant represents and covenants that:
   - **a.** The Consultant has the required authority, ability, skills and capacity to, and shall, perform the services in a manner consistent with this Agreement. Further, any employees and sub-consultants of the Consultant employed in performing the Services shall have the skill, experience and licenses required to perform the Services assigned to them. All Work Product of Consultant required to be stamped shall be stamped by the appropriately licensed professional.
   - **b.** To the extent the Consultant deems necessary, in accordance with prudent practices, the Consultant has inspected the sites and all of the surrounding locations whereupon the Consultant may be called to perform the Consultant's obligations under this Agreement and is familiar with requirements of the Services and accepts them for such performance.
   - **c.** The Consultant has knowledge of all of the legal requirements and business practices in the State of Oregon that must be followed in performing the Services and the Services shall be performed in conformity with such requirements and practices.
   - **d.** The Consultant is validly organized and exists in good standing under the laws of the State of Oregon and has all the requisite powers to carry on the Consultant's business as now conducted or proposed to be conducted and the Consultant is duly qualified, registered or licensed to do business in good standing in the State of Oregon.

e. The execution, delivery and performance of this Agreement and the consummation of the transactions contemplated hereby have been duly authorized by all necessary action and do not and will not (a) require any further consent or approval of the board of directors or any shareholders of the Consultant or any other person which has not been obtained or (b) result in a breach of default under the certificate of incorporation or by-laws of the Consultant or any indenture or loan or credit agreement or other material agreement or instrument to which the Consultant is a party or by which the Consultant's properties and assets may be bound or affected. All such consents and approvals are in full force and effect.

9. CONSULTANT'S INSURANCE:

Consultant shall keep and maintain the following insurance for the duration of the contract period:

a. Commercial General Liability insurance on an occurrence basis with a limit of not less than $2,000,000 each occurrence for bodily injury and property damage and $4,000,000 general aggregate. The Liability Insurance coverage shall provide contractual liability. The coverage shall name the Wasco County and each of its Commissioners, officers, agents, and employees as Additional Insured with respect to Contract.

b. Automobile Liability insurance with a combined single limit of not less than $1,000,000 each occurrence for bodily injury and property damage, including coverage for owned, hired, or non-owned vehicles, as applicable.

c. Professional Liability insurance with a $2,000,000 per claim and $2,000,000 in the aggregate for malpractice or errors and omissions coverage against liability for personal injury, death or damage of property, including loss of use thereof, arising from the firm's negligent acts, errors or omissions related to this Contract.

d. Prior to commencing any work under this Agreement, the Consultant shall provide the County with a certificate or certificates evidencing the insurance required by this section, as well as the amounts of coverage for the respective types of coverage. If the Consultant sub-contracts any portion(s) of the Services, said sub-consultant(s) shall be required to furnish certificates evidencing statutory worker's compensation insurance, comprehensive general liability insurance and professional liability insurance coverage in amounts satisfactory to the County and the Consultant. If the coverage under this paragraph expires during the term of this Agreement, the Consultant shall provide replacement certificate(s) evidencing the continuation of required policies.

e. Workers' Compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers. (Required of contractors with one or more employees, unless exempt under ORS 656.027.)

As evidence of the insurance coverage required by this Contract, the Contractor shall furnish acceptable insurance certificates to the County at the time Contractor returns the signed Contract. The Commercial General Liability certificate shall provide that the County, its Commissioners, officers, agents, and employees are Additional Insured but only with respect to the Contractor's services to be provided under this Contract. Endorsement CG 20 10 11 85 or its equivalent must be attached to the Certificate. The Certificate shall provide that the insurance shall not terminate

or be canceled without 30 days written notice first being given to the County. Insuring companies or entities are subject to County acceptance. If required, complete copies of the insurance policy shall be provided to the County. The contractor shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

If any policy obtained by the Consultant is a claims-made policy, the following conditions shall apply: the policy shall provide the Consultant has the right to purchase, upon cancellation or termination by refusal to renew the policy, an extended reporting period of not less than two (2) years. The Consultant agrees to purchase this extended insurance coverage and to keep it in effect during the reporting period. If the policy is a claims-made policy, the retroactive date of any renewal of such policy shall be not later than the date this Agreement is signed by the parties hereto. If the Consultant purchases a subsequent claims-made policy in place of the prior policy, the retroactive date of such subsequent policy shall be no later than the date this Agreement is signed by the parties hereto.

10. **INDEMNIFICATION:** The Consultant shall indemnify, defend and hold harmless the County, its commissioners, employees and agents, from and against any and all claims, demands, suits, actions, proceedings, judgments, losses, damages, injuries, penalties, costs, expenses (including attorney's fees) and liabilities to the extent, they are directly resulting from, or alleged to arise from, the acts of the Consultant, or any of the Consultant's sub-consultants, Consultant's suppliers and/or Consultant's employees arising in connection with the performance of this Agreement. The obligations of the indemnifications extended by the Consultant to the County shall survive the termination or expiration of this Agreement.

11. **CONFIDENTIALITY:** During the performance of the Agreement and for all time subsequent to completion of the Services under this Agreement, the Consultant agrees not to use or disclose to anyone, except as required by the performance of this Agreement or by law, or as otherwise authorized by the County, any and all information given to the Consultant by the County or developed by the Consultant as a result of the performance of this Agreement. The Consultant agrees that if the County so requests, the Consultant will execute a confidentiality agreement in a form acceptable to the County and will require any employee or sub-consultant performing work under this Agreement or receiving any information deemed confidential by the County to execute such a confidentiality agreement.

12. **ASSIGNMENT:** Neither party shall assign this Agreement or parts hereof or its duties hereunder, but not including work products produced by the Consultant, without the express written consent of the other party. In the event of dissolution, consolidation or termination of the County, the parties agree that the County may assign to a successor entity any rights, obligations and functions it may have remaining under this Agreement.

13. **SUBCONSULTANTS:**
    - **a.** General. The Consultant is solely and fully responsible to the County for the performance of the Services under this Agreement. Use of any sub-consultant by the Consultant shall be pre-approved by the County. The Consultant agrees that each and every agreement of the Consultant with any sub-consultants to perform Services under this Agreement shall be terminable without penalty.

    - **b.** Sub-Consultant Commitments: All of the Consultant's subcontracts in connection with the performance of the Services shall be in writing and include the following provisions:

i. The subcontract/contract is immediately terminable without cause, and cost for such termination activities shall be determined according to the terms of this Agreement.
ii. The sub-consultant shall carry insurance in forms and amounts satisfactory to the County in its sole discretion, as provided by this Agreement
iii. All warranties (express or implied) shall inure to the benefit of the County and its successors and assigns.

The Consultant shall provide the County with a copy of each subcontract executed with the performance of the Services within seven (7) days of each subcontract's execution.

Sub-consultants who assist the Consultant in the performance of the Services shall at all times be under the Consultant's exclusive direction and control and shall be sub-consultants of the Consultant and not consultants of the County. The Consultant shall pay or cause each sub-consultant to pay all wages, salaries and other amounts due to the Consultant's sub-consultants in performance of the duties set forth in this Agreement and shall be responsible for any and all reports and obligations respecting such sub-consultants. All sub-consultants shall have the skill and experience and any license or permits required to perform the Services assigned to them.

14. <u>TERMINATION NOT-FOR-CAUSE:</u> In addition to any other rights provided herein, the County shall have the right, at any time and in its sole discretion, to terminate, not for cause, in whole or in part, this Agreement and further performance of the Services by delivery to the Consultant of written notice of termination specifying the extent of termination and the effective date of termination.

a. <u>Obligations of Consultant.</u> After receipt of a notice of termination, and unless otherwise directed by the County, the Consultant shall immediately proceed as follows:

i. Stop work on the Services as specified in the notice of termination;
ii. Terminate all agreements with sub-consultants to the extent they relate to the Services terminated;
iii. Submit to the County detailed information relating to each and every sub-consultant of the Consultant under this Agreement. This information will include sufficient detail so the County can immediately contact each such sub-consultant to determine the role or function of each in regard to the performance of the Services and if the County so elects, the County may engage any sub-consultant for substantially the same terms as have been contracted by the Consultant;
iv. Complete performance in accordance with this Agreement of all of the services not terminated; and
v. Take any action that may be necessary, or that the County may direct, for the protection and preservation of the property related to this Agreement that is in the possession of the Consultant and in which the County has or may acquire an interest.

b. <u>Termination Settlement.</u> After termination, the Consultant shall submit a final termination settlement proposal to the County in a form and with a certification prescribed by the County. The Consultant shall submit the proposal promptly, but no later than thirty (30) days from the effective date of termination, unless extended in writing by the County upon written request by the Consultant within such thirty-day period. If the Consultant fails to submit the proposal within the time allowed the County's payment obligations under this Agreement shall be deemed satisfied and no further payment by the County to the

Consultant shall be made.

c. Payment Upon Termination. As a result of termination without cause the County shall pay the Consultant in accordance with the terms of this Agreement for the Services performed up to the termination and unpaid at termination.

d. County's Claims and Costs Deductible Upon Termination. In arriving at the amount due the Consultant under this paragraph there shall be deducted any claim which the County has against the Consultant under this Agreement.

e. Partial Termination. If the termination is partial the County shall make an appropriate adjustment of the price of the Services not terminated. Any request by the Consultant for further adjustment of prices shall be submitted in writing within thirty (30) days from the effective date of notice of partial termination or shall be deemed forever waived.

15. FORCE MAJEURE: Neither party to this Agreement shall be liable to the other party for delays in or failure to perform services caused by circumstances beyond its reasonable control, including but not limited to acts of God, acts of governmental authorities, strikes, riots, civil unrest, war, lockouts extraordinary weather conditions or other natural catastrophe, or any other cause beyond the reasonable contemplation of either party. For delays resulting from unanticipated material actions or inactions of County or third parties, Consultant shall be given an appropriate time extension and shall be compensated for all costs of labor, equipment, and other direct costs Consultant reasonably and necessarily incurs. Delays of more than ninety (90) calendar days shall, at the option of either party, make this contract subject to termination.

16. RECORD KEEPING: The Consultant shall maintain all records and documents relating to Services performed under this Agreement for three (3) years after the termination or expiration of this Agreement. This includes all books and other evidence bearing on the Consultants time based and reimbursable costs and expenses under this Agreement. The Consultant shall make these records and documents available to the County, at the County's office, at all reasonable times, without any charge. If accepted by the County, photographs, microphotographs or other authentic reproductions may be maintained instead of original records and documents.

17. WORK PRODUCT: All work product of the Consultant prepared pursuant to this Agreement, including but not limited to, all maps, plans, drawings, specifications, reports, electronic files and other documents, in whatever form, shall upon payment of all amounts rightfully owed by the County to the Consultant herein remain the property of the County under all circumstances, whether or not the services are complete. When requested by the County, all work products shall be delivered to the County in PDF or full-size, hard copy form. Work products shall be provided to the County at the time of completion of any of the discrete tasks specified in the Services. Consultant shall maintain copies on file of any such work product involved in the Services for three (3) years, shall make them available for the County's use, and shall provide such copies to the County upon request at commercial printing or reproduction rates.

Subject to the provisions of the Oregon Public Records Law (the "Law"), all construction documents, including, but not limited to, electronic documents prepared under this Agreement are for use only with this project, and may not be used for any other construction related purpose, or dissemination to any contractor or construction related entity without written approval of the

Consultant.

18. **CONSULTANT TRADE SECRETS AND OPEN RECORDS REQUESTS:**

    a. Public Records. The Consultant acknowledges and agrees that all documents in the County's possession, including documents submitted by the Consultant, are subject to the provisions of the Law, and the Consultant acknowledges that the County shall abide by the Law, including honoring all proper public records requests. The Consultant shall be responsible for all Consultants' costs incurred in connection with any legal determination regarding the Law, including any determination made by a court pursuant to the Law. The Consultant is advised to contact legal counsel concerning such acts in application of the Law to the Consultant.

    b. Confidential or Proprietary Materials. If the Consultant deems any document(s) which the Consultant submits to the County to be confidential, proprietary or otherwise protected from disclosure under the Law, then the Consultant shall appropriately label such document(s), and submit such document(s) to the County together with a written statement describing the material which is requested to remain protected from disclosure and the justification for such request. The request will either be approved or denied by the County in the County's discretion. The County will make a good faith effort to accommodate a reasonable confidentiality request if in the County's opinion the County determines the request complies with the Law.

    c. Stakeholder. In the event of litigation concerning disclosure of any document(s) submitted by Consultant to the County, the County's sole involvement will be as stakeholder retaining the document(s) until otherwise ordered by the court and the Consultant shall be fully responsible for otherwise prosecuting or defending any actions concerning the document(s) at its sole expense and risk.

19. **DESIGNATION OF REPRESENTATIVES AND KEY PERSONNEL:** The County hereby designates Tyler Stone, Administrative Officer and the Consultant hereby designates Kent Larson Principal in Charge as the persons who are authorized to represent the parties with regard to administration of this Agreement, subject to limitations, which may be agreed to by the parties. In consultation with the County, the Consultant shall identify the Key Personnel acceptable to the County who will provide the Services under this Agreement. None of these individuals may be changed, while still in the employ of the Consultant and not on legally required leave, without the County's prior written consent, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, the Consultant acknowledges that the County considers the individuals named as Key Personnel critical to the Consultant providing its Services under this Agreement, and the County will not pay the cost of any individual providing the Services contemplated by the Key Personnel on behalf of Consultant unless such individuals have been approved by the County in writing.

20. **ENTIRE AGREEMENT:** This Agreement constitutes the entire agreement between the parties hereto relating to the Services and sets forth the rights, duties, and obligations of each party to the other as of this date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. This Agreement may not be amended except by a writing executed by both the Consultant and the County and approved by the County Commission.

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21. **INTERPRETATION:** In this Agreement the singular includes the plural, and the plural includes the singular; statutes or regulations are to be construed as including all statutory or regulatory provisions consolidating, amending or replacing the statute or regulation referred to; references to "writing" include printing, typing, lithography, computer software and other means of reproducing word in a tangible visible form; references to articles, sections (or subdivisions of sections), exhibits, annexes, appendices or schedules shall be construed to be in this Agreement unless otherwise indicated; references to agreements, exhibits, annexes, appendices hereto and other contractual instruments shall, unless otherwise indicated, be deemed to include all subsequent amendments and other modifications to such instruments, but only to the extent such amendments and other modifications are not prohibited by this Agreement; words not otherwise defined which have well-known technical or industry meanings, unless the context otherwise requires, are used in accordance with such recognized meanings; and references to persons include their respective permitted successors and assigns, and, in the case of governmental persons, persons succeeding to their respective functions and capacities.

22. **BINDING AGREEMENT:** This agreement shall inure to and be binding on the heirs, executors, administrators, successors, and assigners of the parties hereto.

23. **NO WAVIER:** No waiver of any provisions of this Agreement shall be deemed to constitute a waiver of any other provision of the Agreement, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided herein, nor shall the waiver of any default hereunder be deemed a waiver of any subsequent default hereunder.

24. **LIMITATION ON DELEGATION:** The parties hereto acknowledge and agree that certain powers, rights and duties conferred on or held by the County are inherently governmental in nature and may not be delegated by contract to the Consultant. Nothing in this Agreement shall be construed as an unlawful delegation of the non-delegable functions and powers of the County, and the Consultant shall have no obligation to perform any non-delegable function.

25. **LEGAL COUNSEL:** The parties hereto agree they have full and adequate opportunity to consult with legal counsel and that each has had such counsel as it deems appropriate.

26. **OBSERVE ALL LAWS:** The Consultant shall keep fully informed regarding and materially comply with all federal, state, and local laws, ordinances and regulations and all orders and decrees of bodies or tribunals having jurisdiction or authority which may affect those engaged or employed in the performance of this Agreement.

27. **CONTROLLING LAW:** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon, and any disputes hereunder shall be tried in the courts of the State of Oregon.

28. **FURTHER ASSURANCES:** Each party shall execute and deliver, at the request of the other party, any further documents or instruments, and shall perform any further acts that may be reasonably required to fully effect the transaction intended by this Agreement,

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, this____day of_____,

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2023.

Consultant: DLR GROUP		**Wasco County**	
Signed:		Signed:	
Name:	Kent Larson	Name:	Tyler Stone
Title:	DLR GROUP Principal in Charge	Title:	Administrative Officer
Date:		Date:	
Address:	110 SW Yamhill Street, Suite 101	Address:	511 Washington St The Dalles, OR 97058
Phone/Email:	503-274-2675 klarson@dlrgroup.com	Phone/Email:	(541) 506-2552 Tylers@co.wasco.or.us

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Exhibit A

Scope of work for Master Space Planning and Architect Design Documents

Purpose:

Planning + Design for a New Way of Working

As we track emerging return-to-work policies, we see organizations span the spectrum between fully in-office and fully remote. Just within Wasco County, in-office engagement is different for County administrative staff at the courthouse versus what makes sense for staff at the planning offices east of town. The future office will provide employees with the specific resources and tools they need to optimize onsite work while creating comfortable spaces that celebrate culture and inspire connection. Ensuring your people find success in an increasingly dynamic work environment is key for attraction, retention, productivity, and overall satisfaction. From our research and client engagement, four areas of focus have emerged: Increased focus on dynamic, social "WE" spaces to drive collaborative innovation and employee engagement. Expanded concept of wellbeing to include physical, mental, and emotional factors. Increased demand for truly resilient spaces that enable long term flexibility and adaptability at the employee and organizational levels. Increased interest in data transparency related the indoor air quality and environmental conditions.

Planning for Changing Work Modes

As counties evaluate their real estate portfolios, we continue to explore new standards and models of working that increase space utilization and offer variety in work settings. We have defined planning strategies that cater to a hybrid work model, providing opportunities to flex dedicated desking capacity. Other best practices include right-sizing workstations and layout configuration, establishing office standards, or developing a modular kit-of-parts—wall system, furniture, mobile media—that allows for quick reconfiguration. Each situation is unique; further exploration through the lenses of cost, culture, and values will yield priorities for improving utilization, and unveil innovative ideas, creative solutions, lessons learned, and emerging best practices. As the workplace changes, the way County agencies serve the public will also change. Every organization has made tremendous leaps into virtual and electronic customer service. We can help refine this evolution and identify where face to-face interaction is still the best customer service experience for the public. Throughout your planning process, we will pause to make sure we are fulfilling Wasco County's goals and supporting staff satisfaction and service to constituents.

Approach: Programming and Planning Tools/Deliverables

Visioning Workshop

At project commencement, we will facilitate a visioning workshop with the project steering committee to define and align real estate goals and desired outcomes. Even if the County already has an idea of which departments are coming over from the courthouse, we need this visioning workshop to identify which workstyles might be left behind, and which new ways of working staff can embrace by going from the courthouse to the GOBHI building. We will present trends affecting today's workplace. The group will discuss workstyle, culture, brand, client experience and employee experience, work process, space utilization goals and key adjacency requirements. We will also discuss big picture concepts for planning

strategies. We will use the information collected regarding workstyles and preferences to inform the overall program and space needs.

Departmental Questionnaires

Asking the right questions, at the right level of detail, and at the right time is key to developing a sound understanding of future space needs. At project initiation, we will work closely with your team to confirm available data to eliminate redundancies, refine the department questionnaire to make response efforts as seamless as possible for participants, and determine the questionnaire distribution type—Qualtrics survey, editable PDF, or Word document.

Detailed Space Needs Workbook

Documenting the current and projected space needs is a critical path for informing the planning efforts. Based on input from the department questionnaires and interviews, DLR Group will develop a comprehensive program in Excel that organizes data by department, with program summaries that include both quantitative and qualitative requirements, consolidating critical planning data in one place.

Space Planning

Upon completion of the programming effort, the department-level space needs and shared support/ amenity requirements will form the building blocks for the scenario development effort. We will prepare concept planning scenarios addressing the quantitative program and stated objectives. Each scenario will be tabulated for comparative analysis. In this first broader study, we often present break out alternatives in addition to the scenario concepts.

Cost Modeling

As the quantitative and qualitative markers are brought together in a space plan, cost modeling of alternative solutions can inform site planning and be used to gain confident executive approvals. In conjunction with the space plans, we will develop a pricing narrative for the GOBI property, in order to obtain a high level cost estimate and validate the constructability and potential phasing of planning scenarios.

Approach: Engagement and Consensus-Building

DLR Group's planning team will work closely with Wasco County to assess your space needs and develop a plan that fits within your project parameters. We'll begin by defining space needs and examining the existing building. While our planning team is meeting with stakeholders and observing current functions, our architectural and engineering team will identify options for reusing space, building system needs, and accessibility needs. How can we take advantage of the rooftop space for staff? Can the elevator on the building's east side accommodate all public traffic to and from the second floor?

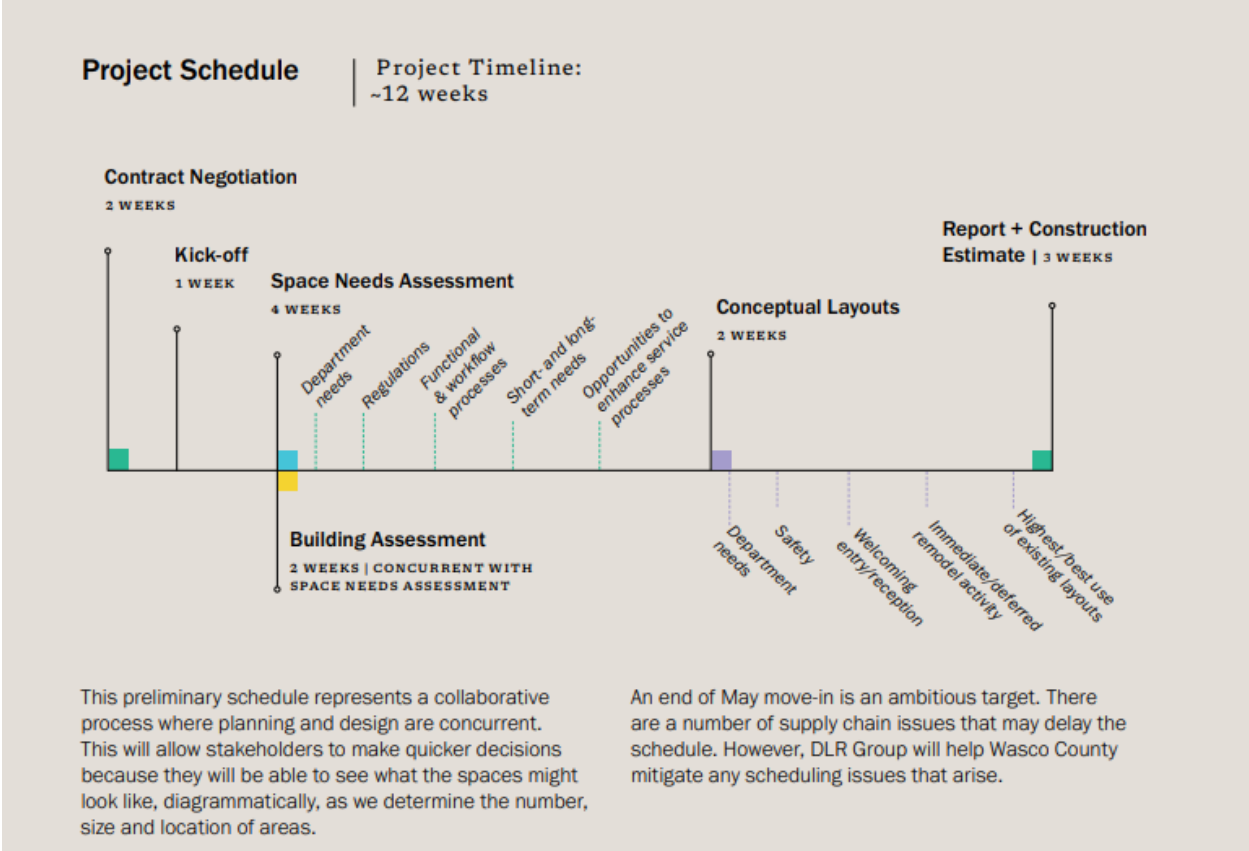
We will meet with stakeholders to understand their operational needs, how they are delivering services now, and how services might be delivered in the future. Based on our conversations and observations, we will suggest ways to improve the service experience and workflow efficiency.

DLR Group understands that Wasco County wants to not only be a great place to work but also provide the best constituent experience. One important aspect of this project will be to create a welcoming

entrance on East Third Street that is safe and secure for both staff and the public, and to do the same for staff who park in and enter from the lot on Laughlin Street. Balancing a welcoming atmosphere and security/ safety is something nearly all of our clients grapple with. We aim to create a feeling of safety in a way that is almost invisible to the casual observer, yet a deterrent to anyone with nefarious intentions. We will review and adjust conceptual layouts of each floor of the building with stakeholders to ensure buy-in. These layouts will include demolition diagrams, new scope diagrams, and preliminary furniture, fixture, and equipment layouts. This will enable our cost estimator to provide an accurate conceptual construction estimate as part of our final report. We appreciate the importance of creating an outstanding workplace that offers the best constituent experience, and we commit to delivering both.

COURTHOUSE

It was agreed that DLR will provide space planning services for teams not leaving the courthouse. This request included interviewing of departments and managing the transition of new departments into the courthouse.



MOTION

SUBJECT: DLR Personal Services Contract

I move to approve the contract between Wasco County and DLR Group for Wasco County Master Space Planning and Architect Design pending legal review.

Memorandum

Date: **September 12, 2023**
To: **Wasco County Board of County Commissioners**
From: **Jacque Schei, EDC Staff**
Re: **Appointment for EDC Position 5**

The Economic Development Commission (EDC) is requesting an appointment for Position 5 from the Board of County Commissioners.

Position 5 represents the City of The Dalles and is currently held by Rich Mays. This appointment is set to expire on December 31, 2023. The City of The Dalles has requested a change to their EDC representative, effective immediately, to city staff Dan Spatz. The EDC recommends Mr. Spatz serve the remainder of the current term and an additional four-year term starting January 1, 2024, and recommends this appointment by the Board of County Commissioners.

Request

1. Appoint:
   a. Dan Spatz to fulfill the remainder of the current term for Position 5 and for a four-year term beginning January 1, 2024.

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF DAN SPATZ TO THE WASCO COUNTY ECONOMIC DEVELOPMENT COMMISSION POSITION #5

ORDER #23-052

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

IT APPEARING TO THE BOARD: That the City of The Dalles has recommended the Dan Spatz as their representative on the Wasco County Economic Development Council replacing Rich Mays; and

IT FURTHER APPEARING TO THE BOARD: That Rich Mays is willing and is qualified to be appointed to the Wasco Economic Development Commission.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Dan Spatz be and is hereby reappointed to the Wasco County Economic Development Commission in Position #5 to complete the term of Rich Mays which expires December 21, 2023 and to serve a complete, consecutive term; said term to expire on December 31, 2027.

DATED this 6th day of September, 2023.

APPROVED AS TO FORM:

_____

Kristen Campbell, County Counsel

WASCO COUNTY BOARD OF COMMISSIONERS:

_____

Steven D. Kramer, Commission Chair

_____

Scott C. Hege, County Commissioner

_____

Philip L. Brady, County Commissioner

MOTION

SUBJECT: **Economic Development Commission Appointment**

I move to approve Order 23-052 appointing Dan Spatz to the Wasco County Economic Development Commission representing City of The Dalles.

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
SEPTEMBER 6, 2023
This meeting was held in person and on Zoom
https://wascocounty-org.zoom.us/j/3957734524
or call in to 1-253-215-8782 Meeting ID**: 3957734524#**

PRESENT: Steve Kramer, Chair
Scott Hege, Vice-Chair
Phil Brady, County Commissioner
STAFF: Kathy Clark, Executive Assistant
Tyler Stone, Administrative Officer

Chair Kramer opened the session at 9:00 a.m. with the Pledge of Allegiance.
Additions to the Agenda: Gorge Commission Updates – Planning Director

Discussion Item – Youth Think Contract Renewals

Prevention Coordinator Debby Jones explained that the Personal Services Contract Amendment with Leah Ferguson is a renewal. Ms. Ferguson, who is a graphic design teacher at The Dalles High School, supports the YouthThink website and provides graphic designs.

{{{Vice-Chair Hege moved to approve Amendment 1 to the Act On Personal Services Contract extending Leah Ferguson's services through June 30, 2024. Commissioner Brady seconded the motion which passed unanimously.}}}

Ms. Jones stated that ActOn is the customer relations software program; we renew with them annually. She said that they will be extending this facet of their work by connecting it to the County Public Information Officer.

Commissioner Brady asked about the funding for this program. Ms. Jones replied that it comes out of the Substance Abuse and Mental Health Services Administration (SAMHSA) Partnering for Success Grant.

{{{ Vice-Chair Hege moved to approve the Act On Order Form for the 2023/2024 fiscal year. Commissioner Brady seconded the motion which passed unanimously.}}}

Ms. Jones said that the NORC Contract is another renewal that goes with the Partnership for Success Grant for 2 more years. They work with YouthThink to increase capacity for treatment. It is being used with Mid-Columbia Center for Living, Youth Services, and others. The idea is to have more successful, brief conversations to connect people with resources.

Commissioner Brady asked at what point in the timeline between arrest and trial do these conversations happen. Ms. Jones answered that they want to have those conversations earlier than arrest. They look for opportunities to screen, specifically youth, anytime they are even cited or referred for anything. This tool is used to screen early. Another component is that if a young person does not screen positive for drug use, we want to have a brief celebration for that healthy choice. The idea is to make that contact before there is a crisis; so, they will be training first responders to have those conversations which will encourage early resource intervention.

{{{Vice-Chair Hege moved to approve Agreement 8552.06 renewing services with the National Opinion Research Center for through September 15, 2024. Commissioner Brady seconded the motion which passed unanimously.}}}

Chair Kramer open the floor to public comment. There was none.

Discussion Item – Forest Legacy Project Letter of Support

Vice-Chair Hege commented that when the board has done this in the past the Land Trust has agreed to continue to pay property taxes. And he said that in supporting this, he would expect them to continue with that practice.

Chair Kramer noted that this will be part of the city's watershed; it will be protecting its upper end. The Dalles City Councilor Dan Richardson said this is for the Land Trust to purchase the land. It is the last and largest private forestland in the City of The Dalles watershed. Vice-Chair Hege said that his questions are around real property taxes and public access. He stated that he would support it if those questions can be answered.

*****The Board was in consensus to send a letter of support for Forest Legacy Project Under the condition that Vice-Chair Hege is satisfied with answers from the Land Trust.*****

Discussion Item – Columbia River Gorge Commission Update

Planning Director Kelly Howsley-Glover said that late last week we received a letter and report from the Columbia River Gorge Commission Executive Director

detailing a proposal that will be an action item on their September 12th agenda. This proposal is to make significant revisions to the Bi-State Compact. We have been speaking to the State about the time lines because of the cultural review delays. We have not had enough time to analyze many of the other revisions. She reported that she spoke to Angie Brewer, our Regional Representative at the Department of Land Conservation and Development. Ms. Brewer shared some concerns and will be taking those to her boss as well as the Department of Justice.

Ms. Howsley-Glover stated we need some time to run this by attorneys in order to understand the full impact. We will also be talking to the Planning Directors from Hood River and Multnomah Counties. Some of the changes could increase our risk of litigation and make us ineligible for grants. She said these are significant concerns. She proposed that the Chair send a letter requesting this be a discussion item rather than an action item on the Columbia River Gorge Commission's agenda to give us time to fully analyze the proposed revisions. A second letter expressing our concerns may be necessary if CRGC staff is unwilling to change the status of this topic on their agenda.

Vice-Chair Hege asked if the CRGC has the authority to do this without going through the State Legislature. Ms. Howsley-Glover responded that this is a legislative concept they are proposing to go through the legislature. We would like to provide quality input before it becomes a piece of legislation.

Vice-Chair Hege commented that it seems unusual for them to push this forward without talking to counties. Ms. Howsley-Glover said we invited them to talk about a timeline issue several months ago but that was all it was. Vice-Chair Hege observed that their letter made it sound very innocuous and that is not what it is at all.

Commissioner Brady noted that there are proposals for two letters. He asked if those would be a time separated. Ms. Howsley-Glover replied that the first one will come from the Board of County Commissioners. If it remains it as an action item, then we will need to voice concerns to the Gorge Commission with a second letter.

Mr. Stone said we will have to find specialized counsel for this. He said his expectation would be that Vice-Chair Hege will represent the County at next week's meeting.

*****The Board was in consensus to sign a letter to the Columbia River Gorge**

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Commission regarding revisions to the Bi-State Compact.***

Agenda Item - Community Corrections Agreements

COMMUNITY CORRECTIONS BIENNIAL PLAN/GRANT IN AID IGA

Community Corrections Manager Fritz Bachman explained that this is the regular biennial plan and agreement. The agreement has not changed and is the mechanism the State uses to provide funding for Community Corrections programs. This approves the final budget based on the biennial plan. Our slice of the pie last biennium was 0.89% of the State funding which is determined by caseload size. A lot of counties went down in funding; Wasco County went down a little more drastically. This biennium we are down 2.83% for a loss of approximately $500,000.

Mr. Bachman explained that they have made a lot of cost cuts over the last two years. They had one retirement and someone who moved on to another job; those positions were not filled, resulting in a savings of $300,000. A portion of the funding goes to NORCOR which will be reduced from $1 million to $840,000.

Vice-Chair Hege asked for an explanation of the reduction. Mr. Bachman replied that the bed use fluctuates; based on estimated bed use, our portion is 20% to 50% of those housed. Community Corrections pays them a blanket amount which stabilizes the budget. He said that end-of-year reviews reveal that Community Corrections is paying their fair share at NORCOR.

Vice-Chair Hege noted that although Community Corrections will be reducing their payment to NORCOR, the County's obligation remains the same. Mr. Stone concurred, saying that the County's contribution is paid out of General Fund. Mr. Bachman noted that 8 years ago we had 350 under supervision and used about 15 beds; we now supervise about 200 and so expect to use fewer beds.

Mr. Bachman stated that they do well with their programs and the result of their success is restricted funding as their caseloads diminish. Reduced funding means they cannot maintain the successful programs. They are lobbying for a different model that will frontload prevention.

Commissioner Brady noted that the District Attorney reports they are prosecuting more cases at the same time Community Corrections records declining cases. Mr. Bachman explained that a lot of that is driven by drug law changes. In addition, there are crimes that can be negotiated to not be on supervision while others can earn the right to be removed from supervision

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early. He said Community Corrections has a good relationship with the District Attorney. He commented that although their caseload has decreased, the cases are harder and more time consuming as the client is usually further down the road of the addiction.

*****The Board was in consensus to send a letter of approval for the 2023/2025 Community Corrections Biennial Plan.*****

{{{Vice-Chair Hege moved to approve Grant In Aid IGA 6552 between Wasco County and the State of Oregon for the creation and administration of the County Community Corrections Plan. Commissioner Brady seconded the motion which passed unanimously.}}}

BRIDGES TO CHANGE CONTRACTS

Mr. Bachman explained that the Transitional Housing Program agreement is the same we have done for the last four biennia. This program is funded through the Justice Reinvestment (JRI) Grant. We distribute JRI funding as follows: $100,000 for NORCOR reentry; $3,600 to Specialty Court for incentives; 10% for victim services; the remaining $225,000 for Transitional Housing. He said the contract is the same and pays for the large house next to the Community Corrections office. He said costs have gone up but Bridges to Change is absorbing the increases.

Mr. Bachman said the La Casa Vida agreement is new and not funded through JRI. He said this is a new grant with Center for Living. LPSCC wanted to pursue this through Community Corrections. This contract confirms the amount coming from the grant. Center for Living owns the property and needed to repurpose it. The house, located just southeast of Community Corrections, is owned by Mid-Columbia Center for Living for mental health needs but it has not been successful. This facility is not necessarily for people under supervision. It is additional transitional housing with peer mentors, staff and mental health services. Mid-Columbia Center for Living will be running it.

{{{Vice-Chair Hege moved to approve the Transitional Housing and Support Services Program Personal Services Contract and the LaCasa Vida Personal Services Contract between Wasco County and Bridges to Change. Commissioner Brady seconded the motion which passed unanimously.}}}

Agenda Item - Water System Expansion Project

Mr. Stone said this is a project that has come before the board previously. This is the contract document for a municipal water system expansion that begins at the

underpass near Discovery Center Drive and will install a water line on the south side of the road down to the golf course, turning at the apartments, where a fire hydrant will be installed, and into the golf course irrigation pond.

{{{Vice-Chair Hege moved to approve the Water Line Contract between Wasco County and Crestline Construction for the completion of the Discovery Center Water System Expansion Project. Commissioner Brady seconded the motion which passed unanimously.}}}

Agenda Item – Fee Schedule Hearing

Ms. Clark explained that the Fee Schedule Policy requires that the Uniform Fee Schedule be updated every September based on the Western Region Consumer Price Index which is 4.5% for this year. Building Codes has asked that their fees not be increased this year which is allowed under the revised Fee Schedule Policy, should it be adopted, if justified by the Department and approved by the Board of Commissioners.

Mr. Stone stated we are working jointly with Hood River County for Building Code Services and we are approaching that from a shared service perspective. We are down by two people right now so shared services is very helpful. We also share contractors but our fee schedules for each of the two counties are different. Mr. VanVoast, who serves as the Building Official for both counties, would like to get the fee schedules in alignment. He would like to hold for a year to balance the schedules out between the two counties. In addition, it takes only two people to challenge fees in the building codes world; with the disparity in fees that becomes more likely. He said they will approach it again next year as a region.

Commissioner Brady asked if there is an expectation that Hood River will be increasing their fees. And Mr. Stone replied that is a discussion that is still coming. Mr. Brady said the concern is that fees will get behind and larger increases will actually made in the future. Mr. Stone responded that is why we put the policy in place; however, he said he is okay with holding steady for a year.

Ms. Clark went on to say that the Planning Department has made significant changes to the structure of their fees. Ms. Howsley-Glover and reported that they formed a committee to evaluate and improve the schedule. One point of pain is that the planning department fee schedule looks different from the rest of the County, so they have reformatted for consistency. In addition, they have elected to not collect recorded document fees as there is a problem in anticipating the

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number of documents that will be recorded. She said staff will inform customers to expect those fees. They also wanted to make it more obvious when they are collecting the Assessor's mapping fees.

Vice-Chair Hege observed that it is a lot of work to update schedule. He said he assumes they worked with the other offices. Ms. Howsley-Glover responded affirmatively saying she had talked with the County Clerk.

Vice-Chair Hege read the title of the ordinance into the record: Ordinance 23-001 in the matter of amending Wasco County's Uniform Fee Schedule for Various County Departments.

Agenda Item - Legislative Updates: Representative Jeff Helfrich

Representative Helfrich reviewed a number of items that were part of this year's legislative session. He said he was not able to help with the Mosier Center but continues to search for funding.

Vice-Chair Hege asked the status of the Emergency Declaration for cherry growers. Representative Helfrich replied that he has not yet heard from the Governor. He said that there is a lot of conversation regarding work force housing rules which are very restrictive. He reported that there is funding for growers to apply for grants and low interest loans for the upgrades.

Representative Helfrich went on to say that House Bill 2645 equalizes possession of fentanyl in powder and pill form. Funding has also been added to increase class seats by 20 for OSP training; there will be a total of 60 seats.

Representative Helfrich said he was part of the effort in securing $30 million for the Hood River Bridge; we need at least one seismically sound bridge to get services during a disaster.

Commissioner Brady asked about a bill addressing broadband. Representative Helfrich replied he would have to get that answer.

Representative Helfrich concluded by saying housing will be a focus in the next legislative session.

Vice-Chair Hege commented that the board just received a report from community corrections regarding Measure 110. He said the Community Corrections Manager reported people are coming in later and typically are much more ingrained in addiction and criminal activity; the new laws delay

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intervention. Representative Helfrich responded that there are some reforms being discussed. He said he believes in accountability; decriminalizing hard drugs has taken a toll on our communities.

Mr. Brady asked what the main topics will be for the next session. Representative Helfrich replied issues will include housing and homelessness, technical fixes to House Bill 2001, a 2025 transportation package, and the assigning of defense attorneys. He explained that there is a hiring crisis for defense attorneys with many models being considered by a workgroup assigned to address the issue. He went on to say that they are more electric cars so we are getting less funding for gas tax revenues; we need to look more carefully on how to pay for the roads.

Agenda Item – Hospital Updates

Adventist Health Columbia Gorge (formally Mid-Columbia Medical Center) President Dennis Knox reviewed the presentation included in the Board Packet. He stated that the hospital is important to the region's health care and economic viability. He said the Selection Committee chose Adventist because they aligned with the culture and can maintain our current referral patterns and electronic records system. In addition Adventist Health is contributing $100 million, $6 million of which is already slated to be used to purchase needed equipment. The recruitment capabilities of Adventist Health will help the hospital get quality providers and support staff.

Mr. Knox stated that integration is a long process; it takes about 18 months and there are still some items to address. They have formed an Integration Steering Committee that is helping with that process which will be staff inclusive.

Mr. Knox and they will continue to invest in new technology and focus on the needs of the community. He said the hospital needs to hear from the public if there are gaps; we want to keep patients close to home.

Commissioner Brady agreed that local healthcare is desirable. He asked if Adventist Health has a vision for partnering with other healthcare organizations. Mr. Knox replied that the more infrastructure they can incorporate the better it will be for patients; he said he is meeting with Skyline Hospital and will also meet with Klickitat Valley Health to work on partnering.

Rodger Nichols asked what will become of Planetree. Mr. Knox said they will continue to be a Planetree hospital. He said Adventist Health has other Planetree hospitals and he hopes it proliferates throughout the Adventist system.

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Commissioner Brady asked the status of the local hospital board of trustees. Mr. Knox explained that it will become a board of directors that will act in an advisory capacity. Adventist Health focuses on the local Board of Directors to influence how services are provided locally.

Vice-Chair Hege observed that $6 million of the $100 million investment is already slated for purchases. He asked what the balance will be used for. Mr. Knox responded that process starts with the Capital Committee. There is an Urgent Capital Committee which will expedite the $6 million; there is a lot of the equipment at end of life with 71 items on the Urgent Capital Committee list.

Chair Kramer reported that he heard from a patient's family member regarding the switch to Adventist Health; they were very impressed.

Randy Cole asked about the possibility of a new hospital being built. Mr. Knox replied that they still have a vision for a new facility. The 1959 facility is becoming a money pit; however, the pandemic caused a great deal of inflation so it will take longer.

Mr. Nichols asked if Water's Edge will be restored. Mr. Knox replied the hospital needs to focus on core services. They are considering a supervised fitness center for physical therapy. He reported that the Urgent Care program has been breaking all kinds of records. They struggle staffing at first, but have been consistently open and out-producing projected volume figures by an average of 12%.

Chair Kramer call a recess at 11:03 AM.

The session reconvened at 11:08 AM

Agenda Item – School Bond Issue

Devina Craig, Treasurer of the North Wasco Stronger Community Schools Action Committee, said they have a mandate to place a $140 million school bond on the November 7th ballot to support the construction of a new school. The proposed building will have more square footage, and provide a safe and an accessible environment. The board is committed to a legacy plan with an investment of funds to make it a viable community resource center for youth development and community services. They have a strategy in place to promote the bond with yard signs, billboards, and postcards. She pointed out that the current high school is an 85-year-old structure. We need reliable Wi-Fi and can do more in a

modern building including community benefits such as a disaster center or a safe haven during an air quality crisis.

Robin Denning of Immense Imagery said the County has already done good work with Google to provide more resources for schools.

Mr. Brady said he would be interested in what portion of the old high school is dedicated to the auditorium. He noted that it was built in 1941 which was pre-television; it is a lot of space that is not being used for a classroom and the needs of the community have changed. Ms. Craig replied that those spaces have been upgraded and will be good community spaces.

Vice-Chair Hege observed that this is expensive for citizens. He asked how they plan to address that. Ms. Craig responded that she does not think people understand what their assessed value is. We need to educate people about how the tax rate will be applied. Some will have a significant tax increase but it is an investment into the community and the education of those who will be providing us with professional services in the future. The current building was paid for over 65 years ago; virtually no one in this town has paid for a school. She noted that as with the hospital, costs have gone up and it will only get more expensive over time.

County Clerk Lisa Gambee stated that an as the entity responsible for counting the ballots, the County can take no official position on the bond.

Executive Session

At 11:30 a.m., Chair Kramer recessed from the Regular Session to open an Executive Session Pursuant to ORS 192.660(2)(e) Real Property Transactions ORS 192.660(2)(h) Conferring with Legal Counsel and ORS 192.660(2)(f) Records Exempt from Public Inspection. He reviewed the process for Executive Session and instructed the media to not record the session or report on anything discussed in the session except the general subject as previously announced.

The Regular Session reconvened at 12:45 p.m.

Discussion Item – Revised Fee Schedule Policy

Ms. Clark explained that as staff moved through the Fee Schedule update process some concerns were raised regarding making increases to the Building Codes Fees for the next calendar year. In addition, it occurred to staff that there may be some circumstances, such as a natural disaster or economic downturn, in which the Board would prefer to not increase fees. However, the current Fee

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Schedule Policy only allows for fees to be increased annually. The proposed new language would provide some flexibility to allow the Board to address unforeseen circumstances.

{{{Vice-Chair Hege moved to approve Policy 23-001 Revising the Policy guiding updates to the Wasco County Uniform Fee Schedule. Commissioner Brady seconded the motion which passed unanimously.}}}

Discussion Item – MCEDD Appointment

Ms. Clark explained that there is a vacancy for a Cities of Wasco County representative on the MCEDD Board. Dan Richardson applied to MCEDD and they are recommending the appointment. Mr. Richardson submitted a chat message saying that he would stay in communication with the other municipalities in the County to act effectively as their representative on the MCEDD Board.

{{{Vice-Chair Hege moved to approve Order 23-051 Appointing Dan Richardson to the Mid-Columbia Economic Development District Board of Directors as the Representative of the Cities of Wasco County. Commissioner Brady seconded the motion which passed unanimously.}}}

Discussion Item – Legal Notices Contract

Ms. Clark explained that this is an annual contract establishing the cost of publishing legal notices in The Gorge News and the responsibilities of both parties to the contract. The costs have gone up from $8.25 to $8.50 for each column inch of space, representing a 3.125% increase over last year.

{{{Chair Kramer moved to approve the 2023/2024 contract with Columbia Gorge News for the publication of legal notices for Wasco County. Vice-Chair Hege seconded the motion which passed unanimously.}}}

Consent Agenda – 8.2.2023 Regular Session Minutes; 8.8.2023 Town Hall Minutes, DLCD Grant Agreement; Fire District Dissolution Documentation

Commissioner Brady asked about the dissolution of the Fire District. Chair Kramer explained the District was resolved and a Rangeland Fire Protection Association has been created to take its place. The Association broadens the representation and gives them access to more equipment and funding.

{{{Commissioner Brady moved to approve the Consent Agenda. Vice-Chair

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Hege seconded the motion which passed unanimously.}}}

Commission Call

Commissioner Brady said he had been working with the Health Council for the Deschutes Rim Health Clinic; the Health Council is providing $50,000 in support.

Commissioner Brady reported that he has been meeting with staff members of North Central Public Health District. They have personal concerns regarding the possible transition to a County department such as vacation and pay. They also have program concerns; the greatest fear seems to be that they are receiving a lot of funding and they think County wants access to that. Wasco County Finance Director Mike Middleton will be having conversations to assuage those concerns. He said people do not like change but he believes they will be happier to be more secure within the County organization.

Chair Kramer suggested that we place a dollar value on office space at so that North Central Public Health District will understand costs should they elect to remain a District.

Commissioner Brady said he has been talking to Brandie McNamee who is trying to create a dark sky recreation area in Antelope. She has acquired some cabins from Young Life and wants to reopen the café.

Vice-Chair Hege announced that he will be going on an Outreach Team trip to Washington, DC, leaving on September 13th. He said he would be attending the September 20th Board Session remotely.

Vice-Chair Hege reported that the Space Planning Group has selected a firm and is negotiating for the contract. He said it will be an extensive process, but he is hopeful. Commissioner Brady asked when they might start. Mr. Stone said it should be within 30 days.

Vice-Chair Hege said he thinks we have a very good company to work with, but it will take time to make this move. Mr. Stone said it will take 12 to 16 weeks for space planning and then an RFP we'll go out for design construction.

Commissioner Brady announced that he will be gone from September 10th to the 19th. Chair Kramer noted that there is a District 3 meeting at the end of the month and Legislative Retreat in the third week of the month. He will also be attending the September 20th Board Session remotely.

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Chair Kramer said there will be an after action report at the Fair Board meeting tonight. He said they do good things and had a great County staff team working at the Fair. He said there is still a lot of work to make the fairgrounds and Hunt Park usable year-round for recreation and emergency shelter. He said he will bring a final report to the Board at a future session.

Chair Kramer adjourned the meeting at 1:09 p.m.

Summary of Actions

MOTIONS

- **To approve Amendment 1 to the Act On Personal Services Contract extending Leah Ferguson's services through June 30, 2024.**
- **To approve the Act On Order Form for the 2023/2024 fiscal year.**
- **To approve Agreement 8552.06 renewing services with the National Opinion Research Center for through September 15, 2024.**
- **To approve Grant In Aid IGA 6552 between Wasco County and the State of Oregon for the creation and administration of the County Community Corrections Plan.**
- **To approve the Transitional Housing and Support Services Program Personal Services Contract and the LaCasa Vida Personal Services Contract between Wasco County and Bridges to Change.**
- **To approve the Water Line Contract between Wasco County and Crestline Construction for the completion of the Discovery Center Water System Expansion Project.**
- **To approve Policy 23-001 Revising the Policy guiding updates to the Wasco County Uniform Fee Schedule.**
- **To approve Order 23-051 Appointing Dan Richardson to the Mid-Columbia Economic Development District Board of Directors as the Representative of the Cities of Wasco County.**
- **To approve the 2023/2024 contract with Columbia Gorge News for the publication of legal notices for Wasco County.**
- **To approve the Consent Agenda: 8.2.2023 Regular Session Minutes; 8.8.2023 Town Hall Minutes; DLCD Grant Agreement; Fire District Dissolution Documentation.**

CONSENSUS

- **To send a letter of support for Forest Legacy Project Under the condition that Vice-Chair Hege is satisfied with answers from the Land Trust.**
- **To sign a letter to the Columbia River Gorge Commission regarding**

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revisions to the Bi-State Compact.

- **To send a letter of approval for the 2023/2025 Community Corrections Biennial Plan.**

Wasco County
Board of Commissioners

_____
Steven D. Kramer, Commission Chair

_____
Scott C. Hege, Vice-Chair

_____
Philip L. Brady, County Commissioner

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF AMENDING WASCO COUNTY'S UNIFORM FEE SCHEDULE FOR VARIOUS COUNTY DEPARTMENTS

ORDINANCE 23-001

THE BOARD OF COMMISSIONERS OF WASCO COUNTY OREGON DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE

Wasco County provides core services to all citizens which are paid for through the annual tax base. On the whole, the County endeavors to proactively provide access to services in alignment with our Vision and Mission statements.

In some instances, special services are required or necessitated by various state statutes, or to meet the needs of citizens who have requests outside of core services. The purpose of this Ordinance is to outline the fees to be collected by Wasco County Departments for performing services, and to establish a uniform fee schedule.

Section 2. AUTHORITY

The Ordinance is enacted pursuant to the authority granted to general law Counties by ORS 203.035-ORS 203.065 and by ORS 192.440.

Section 3. FEE SCHEDULE

Fees shall be charged and collected by the indicated Department before the filing, recording or copying of subject documents shall be completed. A table of all County fees can be found in Appendix A, B and C. Other fees may apply as assessed under Oregon Revised Statutes.

Section 4. ENACTMENT PROVISIONS (1)

(1) CONFORMANCE WITH LAW

Except as expressly provided herein, this Ordinance shall in no way be a substitute for or eliminate the necessity of conforming with any and all State and Federal laws, rules and regulations including but not limited to the payment of all other fees required by law and other Ordinances which are now or may be in the future in effect which relate to the requirements provided in the Ordinance.

(2) SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portion of this Ordinance.

(3) EFFECTIVE DATE

This Ordinance shall take effect on January 1, 2024 upon its adoption, and all previous orders, resolutions or ordinances setting fees conflicting with the provisions of this Ordinance are hereby repealed and will be of no further force and effect.

Regularly passed and adopted by the Board of Commissioners of the County of Wasco, State of Oregon, by a __ to __ vote on this 20th day of September, 2023.

WASCO COUNTY BOARD

OF COMMISSIONERS

ATTEST:

_____
Kathy Clark
Executive Assistant

_____
Steven D. Kramer, Commission Chair

_____
Scott C. Hege, Vice-Chair

APPROVED AS TO FORM:

_____
Philip L. Brady, County Commissioner

_____
Kristen Campbell
Wasco County Counsel

APPENDIX A: County Fee Schedule

Fees Across All County Departments

Service Description	Fee Amount	Applicable Statute
Miscellaneous Copies/Printing/Transmission		
Black and white copies *8.5" x 11" or 8.5" x 14"*	$0.25 per page	County Ordinance
Black and white copies *11" x 17"*	$1.17 per page	County Ordinance
Color copies *(any size listed above)*	$1.17 per page	County Ordinance
Providing content on media *(zip disk, jump drive, CD, etc.)*	$17.60 per media plus actual costs of services	County Ordinance
Printing computer labels	$46.92 plus actual printing and label cost	County Ordinance
Electronic transmission of documents *(Fax, email, FTP, or similar transmission. If printing of copies is required to redact information or to get records into the appropriate form, subset, etc., copy fees and research time will also apply.)*	$5.86 per transmission plus actual costs of services	County Ordinance
Research and Professional Services Fees		
Basic Research Fee *(Only upon availability of staff)*	$46.92 per hour, one hour minimum, *unless specified by Department fee schedule*	County Ordinance
Professional Services / Complex Analysis	See specific Department fee schedule	County Ordinance
Public Record Request Fees		
Certification of a Public Record *(Birth certificates, licenses, etc.)*	$3.75 per record	ORS 205.320
Public records request, general *(Cost is request-dependent and is sum of research, copies, transmission, etc.)*		

Administrative Services

Service Description	Fee Amount	Applicable Statute
FINANCE DEPARTMENT		
Placing a stop payment on a Wasco County issued check	$38.73 per check	County Ordinance
Returned item (non-sufficient funds, closed account, etc.) deposited to Wasco County bank account	$29.62 per check	County Ordinance
INFORMATION SERVICES DEPARTMENT		
Professional Services	$141.24 per hour	County Ordinance

GIS Mapping : *See Appendix C*

LEGAL SERVICES		
County Counsel Fees. *Please contact Administrative Services for estimate.*	At current hourly rate	County Ordinance

Land-based and Civil Services

Service Description	Fee Amount	Applicable Statute
ASSESSMENT AND TAXATION DEPARTMENT		
Assessment mapping changes and new plat	$633.31 base fee	County Ordinance
Additional lot created	$58.09 each	County Ordinance
Additional map affected	$58.09 each	County Ordinance
Lot line adjustment	$292.74 each	County Ordinance
Calculation of farm/forest disqualifications *(To be applied against penalty if the account is disqualified within 90 days)*	$46.70 per hour, one hour minimum	County Ordinance
CLERK'S OFFICE		
Land-based Recording Fees 3*All documents presented for recording must be "required or permitted by law to be recorded")*		
Deed and Mortgage Records Breakdown of fees: Clerk Recording Fee Public Land Corner Preservation Fund Geographic Information Systems (GIS) Fund Assessment & Taxation Fund Oregon Land Information System (OLIS) Fund Affordable Housing Alliance Fund	$105.00 for the 1st page, $5.00 for each page after $5.00 per page $10.00 per document $19.00 per document $10.00 per document $1.00 per document $60.00 per document	ORS 205.320 and County Ordinance
Lien Records *Breakdown of fees:* Clerk Recording Fee Assessment & Taxation Fund Oregon Land Information System (OLIS) Fund Affordable Housing Alliance Tax	$76.00 for the 1st page, $5.00 for each page after $5.00 per page $10.00 per document $1.00 per document $60.00 per document	ORS 205.320 and County Ordinance
Partition Plat, Replat, and Property Line Adjustment Plat		ORS 205.320 and County Ordinance
Surveyor Fee, Property Line Adjustment Plat, Single-Parcel Partition Plat or Replat	*See Surveyor's Office fees*	
Assessor and Tax Collector Fees	*See Assessment and Taxation*	
Recording Base Fee *(includes A&T Fund, OLIS Fund, GIS Fund, Public Land Corner Preservation Fund, General Clerk Fee)*	$90.00 per document	
Affordable Housing Alliance Fund	$60 per document	
Clerk Recording Fee	$5.00 per page	

County Court Approval (if required) Copy Fees	$10.00 $3.00 per page	
Subdivision and Subdivision Replat; Surveyor Fee, Subdivision and Subdivision Replat, Condominium Assessor and Tax Collector Fees Recording Base Fee, 20 lots or less Recording Base Fee, 21 mots or more *(includes A&T Fund, OLIS Fund, GIS Fund, Public Land Corner Preservation Fund, General Clerk Fee)* Affordable Housing Alliance Fund Clerk Recording Fee County Court Approval (if required) Copy Fees	 *See Surveyor's Office fees* *See Assessment and Taxation* $90.00 per document $110.00 per document $60.00 per document $5.00 per page $10.00 $3.00 per page	ORS 205.320 and County Ordinance
Non Standard Documents	$20.00 per document	ORS 205.327
Documents Describing More Than One Transaction	$5 per additional transaction or title	ORS 205.236(4)
Location of Record *(land records are available online free of charge. See the Digital Research Room on the Wasco County website)*	$3.75 location fee plus $0.25 per page	ORS 205.320
Recording Image Subscription *(download of images recorded in the Clerk's office and provided on media)*	$0.25 per page/image plus cost of media if applicable	County Ordinance
Marriage Fees		
Marriage License	$50.00	ORS 205.320 and ORS 106.045
Civil Marriage Ceremony *(in office, by appointment only)*	$117.00	Senate Bill 27
Staff Witness for Ceremony	$17.44 per staff member	County Ordinance
Certified Copy of Marriage License	$7.75	ORS 205.320
Time Waiver of 3-day Waiting Period	$18.22	County Ordinance
Certificate of Parental Consent for Marriage of a Minor	$18.22 per minor	County Ordinance
Amending a Filed Marriage Record	$25.00	
Domestic Partnership Declaration		
Registration	$50.00	ORS 205.320
Certified Copy of a Domestic Partnership Declaration	$7.75	ORS 205.320
Elections Reports		
Request for List of Electors	$25.00 plus 2.5¢ per 100 names	OAR 165-002-0020 Section 1

PLANNING DEPARTMENT

See Appendix B	County and ORS

PUBLIC WORKS DEPARTMENT		
Petition for Road Vacation	$586.61	County Ordinance
Permit for Mass Gathering	$586.61	County Ordinance
Permit for Motor Vehicle Road Rally	$1,173.22	County Ordinance

SURVEYOR'S OFFICE		
Survey Filing *(Reviewed, filed and indexed)*	$222.11 plus $56.95 per page over 2 pages	ORS 209.260
Property Line Adjustment Survey Filing *(Reviewed, filed and indexed)*	$301.85 plus $56.95 per page over 2 pages	ORS 209.260
Single-Parcel Partition Plat, or Single Parcel Replat Review *(Reviewed, filed and indexed)*	$569.53 per plat	ORS 92.100 and County Ordinance
Multiple-Parcel Partition Plat or Replat Review *(Reviewed, filed and indexed)*	$746.08 per plat	ORS 92.100 and County Ordinance
Subdivision or Subdivision Replat Review *(Reviewed, field-checked, filed and indexed)*	$837,20 subdivision plus $79.45 per lot	ORS 205.350 and County Ordinance
Condominium Plat Review *(Reviewed, field-checked, filed and indexed*	$899.76 per condominium, plus $79.45 per unit	ORS 205.350 and County Ordinance
Re-check or Re-design Review	50% of the original review fee	County Ordinance
Affidavit of Correction, Consent, Post-Monumentation, etc.	$62.65 per affidavit recorded	ORS 92.170 and County Ordinance
Marking the Record Upon the Surveyor's Copy of an Original Plat	$62.65 per recorded document	ORS 271.230 (2) and County Ordinance
Research	$90.94 per hour after the first hour	County Ordinance
Large Format Printing or Copying	$1.16 per square foot, $2.00 minimum	County Ordinance

Public Safety Services		
Service Description	**Fee Amount**	**Applicable Statute**
COMMUNITY CORRECTIONS DEPARTMENT		
Community Service Work Program Placement	$45.56	County Ordinance
DNA Sample Draw	$28.48	County Ordinance
Drug Testing	$22.78 per sample for in-lab tests $11.39 for instant tests	County Ordinance
Inter-County Transfer Request	$56.95	County Ordinance
Interstate Compact	$113.91	County Ordinance
Probation/Post Prison/Parole Supervision	$45.56 per month	County Ordinance
Travel Permit	$5.70 each permit	County Ordinance
Treatment Program Intake	$176.55	County Ordinance
Treatment Assessment	$176.55	County Ordinance
Treatment Assessment Update	$96.82	County Ordinance
Unexcused Assessment No-Show Fee	$62.65	County Ordinance
Treatment: Individual Counseling Session	$148.08	County Ordinance
Treatment: Group Session	$56.95	County Ordinance
Program Curriculum Book	$34.17	County Ordinance
Electronic Monitoring Set Up	$28.48	County Ordinance
Electronic Monitoring Daily Fee	$5.70	County Ordinance
SHERIFF'S OFFICE		
Civil Fees	Per Statute	ORS 21.300
Concealed Handgun License	Per Statute	ORS 166.291(5)(a)
Fingerprinting	$22.78 per card or $20.90 for electronic submission	County Ordinance
OLCC Liquor License *(regular and special event)*	$25.00 per permit	ORS 471.166 (7)

Real Property Foreclosure Sheriff Sale	$800.00 deposit *(Applicants will be billed for actual costs and employee time.)*	ORS 18.930(5)
Sheriff Incident Reports* *(No charge for victim for first copy)*	1–24 pages: $17.60 per report 25–49 pages: $28.46 per report 50+ pages: $58.66 per report	County Ordinance
Videos	$17.60 plus staff time*	County Ordinance
*** Research/Staff Time** – *fee is based on salary and fringe benefits of the employee charged with the task (such as document research, retrieval, review or redaction), converted to an hourly rate. Time is charged in 15-minute increments with a 15-minute minimum. Call the Sheriff's Office for an estimate when research or staff time is needed.*		County Ordinance
BUILDING CODES DEPARTMENT		
See Appendix D		County Ordinance

APPENDIX B

PLANNING DEPARTMENT	
Type of Review	**Total Fee Amount**
Ministerial	
Address (*New or Change*)	$ 89.98
Land Use Verification Letter (*Not Involving Land Use Decision*)	$ 179.97
Marijuana Production – Up to 10 hrs. *($91.12 per hour after)*	$ 1,067.95
Non-Structural Sign-Off (*MNN*)	$ 108.21
Structural without Land Use Application (*MNS*) ***Includes $105.00 Clerk's recording fee*	$ 355.11
Property Line Adjustment (*MNS*) ***Includes $292.74 Assessor's mapping fee*	$ 731.64
Telecommunications Tower – Collocation ***Includes $105.00 Clerk's recording fee*	$ 2,091.50
Administrative	
FF(10) Non-Farm/Forest Dwelling	$ 1,474.59
Dwelling (*Accessory, Large Tract Forest, Lot of Record, Primary, Relative*)	$ 1,474.59
Rural Residential Dwelling	$ 697.76
Overlay Zone Review (*OZ*)	$ 697.76
Guest House	$ 517.79
Subject to Standards Review, Other	$ 697.82
Utility Facilities Necessary for Public Service (*STS*)	$ 2,806.14
Marijuana Processing and/or Wholesale – Up to 20 hrs. *($91.12 per hr. after)*	$ 2,311.79
Extension of Time for Land Use Approval	$ 488.17
Partition or Replat (*not involving public or private roads*) ***Includes Assessor's Mapping Fee of $633.31 (Possible additional per lot fee of $58.09)*	$ 1,749.10
Site Plan Review (*parking, loading, and home occupation*)	$ 637.39
Legal Parcel Determination - Up to 5 hrs. *($91.12 per hr. after)*	$ 493.87
Similar Use Determination - *per hour @ $91.12*	----------
Major Modification of Approval with Notice – *per hour @ $91.12*	----------
Non-conforming Use Review *(verification, restoration or alteration)*	$ 1,115.79
Temporary Use Permit	$ 756.99
Temporary Use Renewal *(Medical Hardship)*	$ 398.19
Variance - Less Than 50% Deviation from Stated Standard *(Administrative)*	$ 756.99
Power Generating Facility (EFSC Approval and required review) *per hour @ $91.12*	----------
Power Generating Facility (*Commercial*)	$ 5,955.04
Additional fee per tower @ $1,149.50 each	----------
Power Generating Facility *(Non-Commercial)*	$ 2,088.54
Additional fee per tower @ $1,149.50 each	----------
National Scenic Area	
Expedited *(Uses listed in 3.110 of Wasco County NSALUDO)*	$ 1,395.99
Expedited *(Removal or Demolition)*	$ 278.59
Full Review *(fence and accessory structures less than 500 sq. ft.)*	$ 1,174.51
Full Review	$ 3,464.60
Quasi-Judicial (Planning Commission / Hearings Officer)	
Non-Farm Dwelling	$ 2,433.46
Aggregate and Other Subsurface Resources	$ 3,092.21

Mobile Home/RV Park	$ 2,584.01
Farm Ranch Recreation	$ 1,948.76
Other Conditional Uses - Administrative / Hearings Officer - Up to 20 hrs. *($91.12 per hour after)*	$ 1,567.61
Other Reviews Directed to Planning Commission or Hearings Officer by Ordinance	$ 1,809.01
Appeal to Planning Commission (*ORS 215.416.(11)(b), full refund if upheld*)	$ 250.00
Property Line Adjustment (Non-MNS) *(involving public or private road approvals) **Includes Assessor's Mapping Fee of $633.31*	$ 2,311.41
Single Parcel Partition or Replat *(involving public or private road approvals) **Includes Assessor's Mapping Fee of $633.31 (Possible additional per lot fee of $58.09)*	$ 2,311.41
Multiple Parcel Partition or Replat *(involving public or private roads approvals) **Includes Assessor's Mapping Fee of $633.31 (Possible additional per lot fee of $58.09)*	$ 2,311.41
Planned Unit Development *(Preliminary)*	$ 4,489.76
Planned Unit Development *(Final) **Includes Assessor's Mapping Fee of $633.31*	$ 970.97
**Plus Assessor's per lot fee @ $58.09 each*	----------
Subdivision (Preliminary)	$ 4,906.00
Subdivision (Final) ***Includes Assessor's Mapping Fee of $633.31*	$ 970.97
**Plus Assessor's per lot fee @ $58.09 each*	----------
Variance *(50% or Greater Deviation from Stated Standard)*	$ 1,186.46
Board of County Commissioners Hearings	
Appeal to Board of Commissioners	$ 1,426.30
Goal Exception - Up to 20 hrs. *($91.12 per hour after 20 hours)*	$ 2,063.05
Zone Change - Up to 20 hrs. *($91.12 per hour after 20 hours)*	$ 2,063.05
Open Space Lands Tax Assessment	$ 994.32
Road Renaming/Re-Addressing (not a land use decision) *** Re-addressing for new road name is applicant's responsibility: 100% of addressing fee for applicant and 50% addressing fee for all others affected by change*	----------
Subdivision Lot Line Vacation *(per ORS 368.326)*	$ 459.49
Miscellaneous	
Amendment to Land Use Application Request *(after pre-notice; prior to approval)*	$ 419.17
Complex Projects - As Determined by the Planning Director *($91.12 per hour)*	----------
Continuance/Extension Request of Planning Commission, Hearings Officers or Board Hearing	$ 629.48
LUBA Remand and Review *($91.12 per hour)*	----------
Pre-application Conference *(Under 2 hours, no written report)*	Free
Pre-application Conference (Between 2-5 hours of work, 50% of the fee applies towards a land use application if applied for within 90 days of conference)	$ 598.00
Pre-application Conference (5+ hours, 50% of the fee applies towards land use application if applied for within 90 days of conference) *plus additional per hour @ $91.12*	$ 598.00
Research/Records Request *($91.12 per hour)*	----------
Outdoor Mass Gatherings (Not a Land Use Decision)	
• Less than 3,000 people	$ 3,147.38
• 3,000 or more people or 120 hours or more	$ 5,665.25

Additional Fees	
Work commenced in County without required land use approval	*Additional 100%*
Work commenced in NSA without required land use approval	*Additional 100%*
Refunds	
Before completeness is determined	*75%*
After completeness is determined	*50%*
After Pre-Notice or Notice of Decision is Mailed	*No Refund*
Withdrawal of Appeal after received	*No Refund*
Code Compliance	
Administrative overhead hourly rate @ $91.12 per hour	----------
Appeal to Hearings Officer	$ 522.50

FEE SCHEDULE ATTACHMENT - POLICY & PROCESS

- MNN: There is no fee for LUCS issued with a building permit.

- MNS: Examples include building permits, manufacture home placement permit and agricultural exempt permit applications.

- Fee Waivers:

1) Applicability: A Fee Waiver is applicable to Planning Department fees only. All "Other Departmental Fees" must be paid in full or documentation provided that they have been waived, at the time of application submittal.

2) Ministerial Sign off with Administrative Review: If an applicant pays for and receives approval of Type II (Administrative/Discretionary) review, all ministerial sign offs associated with that review shall be waived. This includes Building Permit Application, Manufactured Home Placement Permit Application, Agricultural Exempt Permit Application, Land Use Compatibility Statement, Water Rights Application, and Department of State Lands Permit Application.

3) Individuals: Any individual may request a Fee Waiver from the Planning Director of any

development review or appeal fees. To be granted a waiver (or portion of a fee waiver) an individual must provide documentation of household income at or below 150% of the federal poverty level. To prove a hardship, applicants must provide federal tax returns, pay stubs or annual benefit statements. Assistance will be provided based on the availability of funding. Waivers must be approved and granted by the Planning Director prior to submittal of an application or appeal.

4) Appeal: Any organization or individual may appeal the Planning Director's decision not to grant a

Fee Waiver (or portion thereof) to the Board of County Commissioners.

- Complex Projects: Complex projects involve more resources of the planning and other county departments due to their complexity and their overall impacts on the community. As such, complex projects may even require the hiring of outside assistance. For these types of large-scale projects that require a great deal of departmental resources to review, the county will require the applicant to sign a memorandum of agreement to compensate the county for actual costs incurred to complete the review and process in a timely manner. The agreement shall include details with regards to deposit and the

scheduling of payments. If an applicant refuses to enter into a memorandum of agreement or if the applicant and the county fail to reach an agreement, the application will not be processed.

FEE SCHEDULE ATTACHMENT – ADDITIONAL FEE WAIVER SPECIFICS

As part of a fee waiver request, the planning director can require documentation of income at or below 150% of the federal poverty level (FPL) to prove financial need. 150% of the federal poverty level is a measure frequently used by other agencies nationwide to prove individuals' financial need. This measure can beadjusted for household size. Those at or below 150% of the federal poverty level are in poverty. The percentage of the federal poverty level of an individual's income can be calculated using online calculators (http://www.lccaa.net/eligibility_calculator,

http://www.safetyweb.org/fpl.php).

Documentation that the County can accept to serve as proof of income includes:

- Tax returns (use the adjusted gross income figure)
- Pay stubs (use two months of them)(calculators are available online)
- Annual benefit statements for social security and other benefits, or cancelled checks from the Social Security Administration.

An alternate method to prove an individual's financial need is to require institutional documentation of receipt of public assistance such as TANF (food stamps), SNAP (food stamps for families), Section 8 housing, Medicaid, etc..

The following chart outlines 150% of the federal poverty level.

2023 Federal Poverty Guidelines – 150% of the Federal Poverty Level (FPL)								
Household Size	1	2	3	4	5	6	7	8
150%	$21,870	$29,680	$37,290	$45,000	$52,710	$60,420	$68,130	$75,840

Appendix C: GIS Services

GIS Services – Standard Labor Rate $97.96/Hour		
Map Prices – Custom Maps		
Size	**Price**	**Additional Copies (each)**
8.5x11”	$9.11	$1.70
11x17”	$10.25	$2.28
18x24”	$14.81	$14.81
24x36”	$18.22	$18.22
24x40”	$29.62	$29.62
36x48”	$41.40	$41.40
Maps that take longer than 15 minutes to make (excluding printing time) are charged at our labor rate		
Available Data Layers		**Fees allowed per ORS 190.050**
Layer	Price	Notes
Addresses	$54.34 each	
Extract of Assessor’s Database	$321.86	Table Schema See Assessor’s page for more info
Roads	$54.34 each	
Tax Code Areas	$49.12	
Tax Lot Maps	N/A	See also the Oregon Map
Taxlots	$1.05/parcel or $1,575.86 for entire County	See also our online maps
Other Groups/Layers $48 each		
	Contains	Notes
Labor Rate	$97.96 per hour	
Administrative Boundaries	Columbia Gorge Urban Renewal District, City of the Dalles Watershed, School Districts, NWCPUD, Subdivisions, Transition Lands Study Area, Wasco County Boundary	
Populated Places	City Limits, Urban Growth Boundaries, Rural Service Centers	See also State Data
Tax Codes	Tax Codes	
Zoning – Cities	Zoning – Cities	
Zoning – Environmental Protection Districts	Zoning – Environmental Protection Districts	
Zoning – Wasco County	Zoning – Wasco County	
We require payment in advance from companies we have not done business with in the past. Credit card payments get charged an addition amount (depending on how much the base purchase is) to match what the companies charge the County. Checks should be made out to Wasco County GIS and sent with a note stating which layers are being requested. Send to: Wasco County IS Department ATTN: GIS 2705 E. 2nd Street The Dalles, OR 97058		

Wasco County Building Codes Services Fee Schedule

Appendix D

STRUCTURAL PERMIT FEES	
In accordance with OAR 918-050-0100(1)(c) and (2)(c)(A), Building Valuation is determined per the ICC Building Valuation Data Table current as of April 1 of each year.	
Valuation:	
$1-$2,000.00	**$75.21**
$2,001.00-$25,000.00	**$75.21 for the $2,000.00 plus $11.78 for each additional $1,000.00 or fraction thereof, to and including $25,000.00**
$25,001.00-$50,000.00	**$346.15 for the $25,000.00 plus $8.77 for each additional $1,000.00 or fraction thereof, to and including $50,000.00**
$50,001.00-$100,000.00	**$565.40 for the first $50,000.00 plus $5.90 for each additional $1,000.00 or fraction thereof, to and including $100,000.00**
$100,001.00 and up	**$860.40 for the first $100,000.00 plus $4.89 for each additional $1,000.00 or fraction thereof.**
OTHER INSPECTIONS AND FEES	
Residential Fire Sprinkler (standalone/closed system) fee includes plan review (multipurpose/continuous loop requires Plumbing)	
Commercial Fire Systems – Sprinklers/Alarms, by valuation	**See Structural Permit Fee Table Above**
0 to 2000 sq. ft. area covered	**$122.84**
2001 to 3600 sq. ft. area covered	**$129.74**
3601 to 7200 sq. ft. area covered	**$175.17**
7201 sq. ft. and greater	**$233.47**
Prescriptive solar photovoltaic system-fee includes plan review	**$200.56**
Non-Prescriptive solar photovoltaic system-requires plan review	**Use structural Permit Fee table above**
Phased plan review - $75.21 application fee plus 10% of the total project building permit fee not exceed $1500.00 for each phase (in addition to standard structural plan review)	
Deferred plan review – 65% of the building permit fee calculated using the deferred portion valuation with a $195.55 minimum (in addition to standard structural plan review)	
Investigative Fee – *actual cost may include supervision, overhead, equipment, and/or rate/wage of the employee(s) involved*	**Actual Cost**
After hours inspections outside of normal business hours (IF available - minimum charge 2 hours)	**$97.77 per hour during work week. Double time rate with 4 hour minimum on weekends and holidays**
Re-Inspection fee	**$97.77 per each**
Inspections for which no fee is specifically indicated (as required)	**$97.77 per hour**
Each additional inspection, above allowable – per each	**$97.77 per hour**
Temporary Certificate of Occupancy Renewal Fee	**$100 per renewal**
Ag Exempt Request Fee	**$54.50**
Plan Review Fees	**65% of structural permit fee**

Fire and Life Safety Plan Review Fees	**40% of structural permit fee**
Additional plan review required by changes, additions, or revisions to approved plans	**$97.77 per hour**
MECHANICAL PERMIT FEES	
RESIDENTIAL:	
Minimum permit fee	**$75.21**
Furnace/Burner including ducts and vents	
Up to 100K BTU/hr.	**$15.04**
Greater than 100K BTU/hr.	**$15.04**
Heating/Cooling/Stove/Vents	
Ductwork only	**$15.04**
Unit Heater (suspended, wall, and floor)	**$15.04**
Wood/Gas/Pellet fireplace insert or free standing stoves	**$15.04**
Repair/alter/add to mechanical appliance	**$15.04**
Evaporative cooler (permanent)	**$15.04**
Air Conditioner	**$15.04**
Ventilation system, not a portion of HVAC system	**$15.04**
Ventilation fan connected to a single duct	**$11.28**
Attic/Crawl space fans	**$11.28**
Radon mitigation	**$11.28**
Range hood/other kitchen equipment	**$11.28**
Clothes dryer exhaust	**$11.28**
Floor furnace including vent	**$15.04**
Hydronic hot water system	**$30.08**
Gas Piping Outlets	
1-4 outlets	**$30.08**
Additional outlets	**$3.76**
Air-handling units including ducts/Heat pumps/Mini split system	
Any size	**$15.04**
Incinerators	
Domestic – installation or relocation	**$15.04**
Miscellaneous Fees	
Other heat/cool/vent/appliance (not indicated)	**$15.04**
COMMERCIAL (uses Structural Fee Schedule per OAR 918-050-0100):	
Minimum permit fee	**$75.21**
Valuation:	
$1-$2,000.00	**$75.21**
$2,001.00-$25,000.00	**$75.21 for the $2,000.00 plus $11.78 for each additional $1,000.00 or fraction thereof, to and including $25,000.00**
$25,001.00-$50,000.00	**$346.15 for the $25,000.00 plus $8.77 for each additional $1,000.00 or fraction thereof, to and including $50,000.00**
$50,001.00-$100,000.00	**$565.40 for the first $50,000.00 plus $5.90 for each additional $1,000.00 or fraction thereof, to and including $100,000.00**
$100,001.00 and up	**$860.40 for the first $100,000.00 plus $4.89 for each**

	additional $1,000.00 or fraction thereof.
Investigative Fee – *actual cost may include supervision, overhead, equipment, and/or rate/wage of the employee(s) involved*	**Actual Cost**
Re-inspection fee	**$97.77 per each**
Each additional inspection, above allowable – per each	**$97.77 per each**
Inspections for which no fee is specifically indicated (as required)	**$97.77 per hour**
After hours inspections outside of normal business hours (IF available - minimum charge 2 hours)	**$97.77 per hour during work week. Double time rate with 4 hour minimum on weekends and holidays**
Plan Review Fee, if required	**50% of subtotal**
Additional plan review required by changes, additions, or revisions to approved plans	**$98.00 per hour**
Request by government agency under ORS 190	**Cost of Inspector plus, travel & mileage to and from areas requested for inspections**
PLUMBING PERMIT FEES	
NEW 1 & 2 FAMILY DWELLINGS – includes the 1st 100' of each site utility, hose bibs, icemakers, underfloor low-point drains, and rain drain packages	
Minimum Permit Fee - Residential	**$75.21**
New 1 & 2 family dwelling - 1 bath / 1 kitchen	**$315.88**
New 1 & 2 family dwelling – 2 bath / 1 kitchen	**$428.70**
New 1 & 2 family dwelling – 3 bath / 1 kitchen	**$541.52**
Each add'l bath beyond 3 (1/2 bath counts as whole)	**$112.82**
Each add'l kitchen	**$75.21**
Each add'l 100' of site utilities or fraction thereof; storm, water, and sanitary sewer	**$45.13**
RESIDENTIAL	
Each fixture (for additions and alterations)	**$30.08**
Re-pipe water supply	**$109.00**
Each 100' of site utilities or fraction thereof; storm, water & sanitary sewer	**$45.13**
Manufactured Dwellings	
Site utilities - first 30 lineal feet are included with the Manufactured Dwelling Placement Permit	
Each additional 100' of site utilities of fraction thereof	**$45.13**
RV and Manufactured Dwelling Parks	
Base Fee (include the first 10 or fewer spaces)	**$481.34**
Each additional space	**$41.37**
COMMERCIAL	
Minimum Permit Fee – Commercial	**$75.21**
Each fixture (for new, additions, and alterations)	**$30.08**
Each 100' of site utilities or fraction thereof; storm, water, and sanitary sewer	**$45.13**
Commercial Plumbing - Medical Gas Piping	
$1 to $10,000 valuation	**$338.45**
$10,000.00 and greater Valuation	**$338.45 for the 1st $10,000.00 plus $2.26 for each add'l $100.00 or fraction thereof**

Wasco County Building Codes Services Fee Schedule

Residential Fire Sprinkler (continuous loop/multipurpose) – fee includes plan review	
0 to 2000 sq. ft., area covered	**$122.84**
2001 to 3600 sq. ft., area covered	**$139.74**
3601 to 7200 sq. ft., area covered	**$175.17**
7201 sq. ft. and greater	**$233.47**
Miscellaneous Fees	
Re-Inspection fee	**$97.77 per each**
Each additional inspection, above allowable – per each	**$97.77 per each**
Inspections for which no fee is specifically indicated (as required)	**$97.77 per hour**
Request by government agency under ORS 190	**Cost of Inspector plus, travel & mileage to and from areas requested for inspections**
Investigative Fee – *actual cost may include supervision, overhead, equipment, and/or rate/wage of the employee(s) involved*	**Actual Cost**
After hours inspections outside of normal business hours (IF available - minimum charge 2 hours)	**$97.77 per hour during work week. Double time rate with 4 hour minimum on weekends and holidays**
Plan Review fee, if required	**50% of subtotal**
Additional plan review required by changes, additions, or revisions to approved plans	**$97.77 per hour**
ELECTRICAL PERMIT FEES	
NEW 1 & 2 FAMILY DWELLINGS - SERVICE AND ATTACHED GARAGE INCLUDED	
Minimum Permit Fee - Residential	**$97.77**
First 1,000 sq. ft. or less	**$159.19**
Each additional 500 sq. ft. or portion thereof	**$28.83**
Limited Energy – new construction (per floor)	**$37.61**
Each manufactured home or modular dwelling service or feeder	**$97.77**
New Multifamily – total # of units	
Use 1 and 2 Family rates above for largest sq. ft. unit – **PLUS** the cost of largest unit ____/2 x number of remaining number	
New Multifamily limited energy (by floor)	**$67.69**
New Multifamily protective signaling (by floor)	**$67.69**
Services or Feeders (installation, alteration, relocation)	
200 amps or less	**$119.08**
201 to 400 amps	**$141.65**
401 to 600 amps	**$234.40**
601 to 1,000 amps	**$307.11**
Over 1,000 amps or volts	**$705.72**
Reconnect Only	**$78.97**
Temp. Services or Feeders (installation, alteration, relocation)	
200 amps or less	**$78.97**
201 to 400 amps	**$97.77**
401 to 600 amps	**$156.69**
601 to 1,000 amps	**$255.71**

Over 1,000 amps or volts	**$587.89**
Branch Circuits (new, alteration, extension per panel)	
Fee for branch circuits with purchase of a service or feeder fee:	
Each branch circuit	**$6.02**
Fee for branch circuits without purchase of a service or feeder fee:	
First branch circuit	**$81.48**
Additional branch circuits	**$6.02**
Miscellaneous (service or feeder not included)	
Each pump or irrigation circle	**$97.77**
Each sign or outline lighting	**$97.77**
Signal, circuit or a limited-energy panel - alteration or extension	**$78.97 Commercial** **$97.77 Residential**
Request by government agency under ORS 190	**Cost of Inspector plus, travel & mileage to and from areas requested for inspections**
Investigative fee – *actual cost may include supervision, overhead, equipment, and/or rate/wage of the employee(s) involved*	**Actual Cost**
Re-inspection fee	**$97.77 per each**
Each additional inspection, above allowable – per each	**$97.77 per each**
After hours inspections outside of normal business hours (IF available - minimum charge 2 hours)	**$97.77 per hour during work week.** **Double time rate with 4 hour minimum on weekends and holidays**
Inspections for which no fee is specifically indicated (as required)	**$97.77 per hour**
Master Individual Inspection Permit – *fee includes travel time, inspection, and report writing (minimum 2 hours)*	**$97.77 per hour**
Plan Review fee, if required	**50% of subtotal**
Additional plan review required by changes, additions, or revisions to approved plans	**$97.77 per hour**
Minimum Permit Fee – Commercial	**$97.77**
RENEWABLE ENERGY SYSTEMS PERMIT FEES	
5kva or less	**$119.08**
5.01 to 15kva	**$141.65**
15.01 to 25kva	**$234.40**
Solar ea. Add'l kva 25.01 to 100 max	**$9.47**
Wind 25.01 to 50kva	**$307.11**
Wind 50.01 to 100 kva	**$872.00**
Wind 100.01 or greater:	
Service or feeders of 601 to 1,000 amps	**$307.11**
Service or feeders over 1,000 amps or volts	**$705.72**
Re-inspection fee	**See Electrical Fee Schedule above**
Each additional inspection, above allowable – per each	**See Electrical Fee Schedule above**
After hours inspections outside of normal business hours (IF available - minimum charge 2 hours)	**See Electrical Fee Schedule above**
Inspections for which no fee is specifically indicated (as required)	**See Electrical Fee Schedule above**
Investigative fee – *actual cost may include supervision,*	**See Electrical Fee Schedule above**

overhead, equipment, and/or rate/wage of the employee(s) involved	
Plan Review fee, if required	**See Electrical Fee Schedule above**
Additional plan review required by changes, additions, or revisions to approved plans	**See Electrical Fee Schedule above**
MANUFACTURED DWELLING PERMIT FEES	
Installation fee (includes placement, concrete slabs/runners/foundations when prescriptive, electrical feeder, and plumbing/cross-over connections up to 30 lineal feet)	**$240.67**
Re-inspection fee	**$97.77 per each**
Each additional inspection, above allowable – per each	**$97.77 per each**
Inspections for which no fee is specifically indicated (as required)	**$97.77 per each**
After hours inspections outside of normal business hours (IF available - minimum charge 2 hours)	**$97.77 per each**
State fee	**$30.00**
Investigative fee – *actual cost may include supervision, overhead, equipment, and/or rate/wage of the employee(s) involved*	**Actual Cost**
MANUFACTURED DWELLING, RV PARK, AND ORGANIZATIONAL CAMP CONSTRUCTION PERMIT FEES	
AREA DEVELOPMENT PERMIT FEES - Please reference Table 2-MD (OAR 918-600-0030) and Table 2-RV (OAR 918-650-0030) to determine valuation, then apply to the Area Development Permit fee table below:	
$1.00 to $500.00	**$18.80**
$501.00 to $2,000.00	**$18.80 for the first $500.00, plus $2.51 for each additional $100.00 or fraction thereof, to and including $2,000.00**
$2,001.00 to $25,000.00	**$56.45 for the first $2,000.00, plus $11.29 for each additional $1,000.00 or fraction thereof, to and including $25,000.00**
$25,001.00 to $50,000.00	**$315.12 for the first $25,000.00, plus $8.15 for each additional $1,000.00 or fraction thereof, to and including $50,000.00**
$50,001.00 to $100,000.00	**$519.87 for the first $50,000.00, plus $5.65 for each additional $1,000.00 or fraction thereof, to and including $100,000.00**
$100,001.00 to $500,000.00	**$802.37 for the first $100,000.00, plus $4.39 for each additional $1,000.00 or fraction thereof, to and including $500,000.00**
$500,001.00 to $1,000,000.00	**$2,558.37 for the first $500,000.00, plus $2.51 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00**

Wasco County Building Codes Services Fee Schedule

Over $1,000,001.00	**$3,813.37 for the first $1,000,000.00, plus $2.51 for each additional $1,000.00 or fraction thereof**
Investigative fee – *actual cost may include supervision, overhead, equipment, and/or rate/wage of the employee(s) involved*	**Actual Cost**
Re-inspection fee	**$97.77 per each**
Each additional inspection, above allowable – per each	**$97.77 per each**
Inspections for which no fee is specifically indicated (as required)	**$97.77 per each**
After hours inspections outside of normal business hours (IF available - minimum charge 2 hours)	**$97.77 per each**
Plan Review Fees	**65% of park permit fee**
Additional plan review required by changes, additions, or revisions to approved plans	**$97.77 per hour**
MISCELLLANEOUS BUILDING FEES	
Permit Reinstatement Fee – to renew already expired permit, as eligible; subject to State Surcharge (per Building Official approval)	**$43.88 per hour Admin Time** **$97.77 per hour Inspection Time**
Refund Processing Fee - for repayment of costs of administration (per Building Official Approval)	**$25.00 per each**
Copy fees	**$1.09 for each**

MOTION

SUBJECT: 2024 Amended Uniform Fee Schedule

I move to approve Ordinance 23-001 in the matter of amending Wasco County's Uniform Fee Schedule for various county departments.

PLANNING DEPARTMENT

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WASCO COUNTY BOARD OF COUNTY COMMISSIONS AGENDA PACKET

FOR

Hearing Date: September 20, 2023

Hearing Time: 9:30 am

Hearing Location: Wasco County Courthouse, Room 302
511 Washington Street
The Dalles, OR 97058
Electronically via Zoom
Meeting ID: 3957734524#

HEARING DETAILS: File #921-23-000023-PLNG. Applicant/Owner: Smilekel Group. Appellant: Friends of the Columbia Gorge. An appeal hearing of a Wasco County Planning Commission approval of a Scenic Area request to replat 66 lots to six lots.

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MEMORANDUM TABLE OF CONTENTS

Date: September 13, 2023
To: Wasco County Board of County Commissioners
From: Wasco County Planning Office
Subject: Submittal for Hearing dated September 20, 2023
Re: Appeal of Planning Commission approval of #921-23-000023-PLNG: Scenic Area request to replat 66 lots to 6 lots

Item	Page
Summary of Information	BOCC 1 - 1
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Attachment B – Public Notifications of Application and Appeal Hearing	BOCC 1 - 12
Attachment C – Maps	BOCC 1 - 21
Attachment D – Staff Report	BOCC 1 - 39
Attachment E – Comments Submitted for Appeal	BOCC 1 – 183
Attachment F – Preliminary Copy of Road Maintenance Agreement	BOCC 1 – 296
Attachment G – Subsection 21.310.B Final Subdivision Plat Approval Standards	BOCC 1 – 299
Attachment H – Unrecorded & Recorded 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County"	BOCC 1 – 307
Attachment I – Land Sales Contract and Deeds	BOCC 1 – 342
Attachment J – Appeal Application	BOCC 1 – 371
Attachment K – Planning Commission Notice of Decision & Attachments	BOCC 1 – 375
Attachment L – Subdivision Application	BOCC 1 – 634

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SUMMARY OF INFORMATION

Prepared for the Wasco County Board of Commissioners

FILE #: 921-23-000023-PLNG

APPEAL HEARING DATE: September 20, 2023
NEWSPAPER PUBLISHING DATE: September 6, 2023

REQUEST: **An appeal of a Planning Commission approval of the following 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/APPELLANT INFORMATION:

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

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

APPELLANT: 123 NE 3rd Ave, Ste 108

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:

Map/Tax Lot	*Acct. #*	*Acres*
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

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SUMMARY OF INFORMATION

Staff Reviewer: Daniel Dougherty, Senior Planner

ATTACHMENTS:

Attachment A	**Conditions of Approval & Recommendation**
Attachment B	**Public Notifications of Application and Appeal Hearing**
Attachment C	**Maps**
Attachment D	**Staff Report**
Attachment E	**Comments Submitted for Appeal**
Attachment F	**Preliminary Copy of Road Maintenance Agreement**
Attachment G	**Subsection 21.310.B Final Subdivision Plat Approval Standards**
Attachment H	**Unrecorded & Recorded 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County"**
Attachment I	**Land Sales Contract and Deeds**
Attachment J	**Appeal Application**
Attachment K	**PC Notice of Decision & Attachments**
Attachment L	**Appeal Application**

The full staff recommendation (Staff Report) with proposed findings of fact addressing issues raised within the appeal application is enclosed as Attachment A, and was available at the Wasco County Planning Department for review one week (7-days) prior to the September 20, 2023, hearing. The full staff recommendation is made as part of the record. This summary does not supersede or alter any of the findings or conclusions in the staff report, but provides a summary of the appeal and overall request.

- The Planning Commission Hearing was held on August 1, 2023, where the Planning Commission voted 6-0 to approve the request with conditions. The Planning Commission Decision was noticed on August 3, 2023, with a 15-day appeal period ending on August 18, 2023.

- An appeal from Friends of the Columbia Gorge was properly received and filed on August 18, 2023.

- The two issues raised on appeal include:

  (1) The decision violates the NSA-LUDO, including sections 3.160.D.13, 3.160.G, 21.030.C & D, because it unlawfully approves new parcels that violate the applicable minimum lot size for the land use designation; and

  (2) The decision contains erroneous findings and conclusions regarding the current number of legally existing parcels.

- <u>Based on the Wasco County National Scenic Area Land Use and Development Ordinance, Section 2.170 Review by the County Governing Body, the issues raised on appeal shall be reviewed by the County Governing Body as a "de novo" hearing, but the review shall be limited to the grounds relied upon in the petition request</u>.

ATTACHMENT A - RECOMMENDED CONDITIONS OF APPROVAL & RECOMMENDATION

RECCOMENDED 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.

B. Land Division Related Conditions:

1. Based on the provided commentary, the fact that fee ownership of the existing park space has not been properly established, and that there are other public recreation options that do not require the dedication of public park space, staff does not recommend public open park space be required for this subdivision replat. In lieu of the 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.

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 approved 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 recommended conditions of approval are proposed 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.

(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 recommended 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 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. Prior to final subdivision plat approval and pubic 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).

10. 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.

11. 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.

12. 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.

13. 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.

14. If at the completeion of the project, the Wasco County Public Works Director (The County Roadmaster) determines that “As Constructed Plans” shall be furnished, the consultant engineer 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).

15. 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.

16. 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.

17. Staff recommends the subject road not be included into the Wasco County road system for public maintenance.

18. 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.

19. 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)".

20. 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" and "Local Street" classifications indicated in Table 21-1 (Rural Public Roadway Design Standards) & 21-2 (Urban 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.

21. 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.

22. 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 complies with Subsection 21.420.E.1.c.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

ATTACHMENT A - RECOMMENDED CONDITIONS OF APPROVAL & RECOMMENDATION

PLANNING COMMISSION OPTIONS

A. Approve the request with conditions as approved by the Planning Commission;

B. Remand the request to the Planning Commission for review;

C. Deny the request with amended Conditions and Findings; or

D. If additional information is needed, continue the hearing to a date and time certain to allow the submittal of additional information.

STAFF RECOMMENDATION

Option A: Approve the request with conditions as approved by the Planning Commission

PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

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AFFIDAVIT OF MAILING

APPLICANT: Smilekel Group

FILE NUMBER(S): 921-23-000023-PLNG

I, **Daniel Dougherty**, do hereby swear that on September 20, 2023 I was the Associate Planner for the Wasco County Planning Department, County of Wasco, State of Oregon, and I caused to be mailed to the attached list on the above mentioned date a copy of the referenced Notice of Public Hearing for September 20, 2023, dated August 31, 2022.

Digitally signed by Daniel Dougherty
DN: cn=Daniel Dougherty, o=Planning Department, ou=Wasco County, email=danield@co.wasco.or.us, c=US

Signature

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WASCO COUNTY BOARD OF COMMISSIONERS
Notice of Public Hearing for September 20, 2023

HEARING DATE & LOCATION INFORMATION: NOTICE IS HEREBY GIVEN that the WASCO COUNTY BOARD OF COMMISSIONERS will conduct a public meeting on Wednesday, September 20, 2023, beginning at 9:30 am in the Wasco County Courthouse, Room 302, 511 Washington St., The Dalles, Oregon 97058, and will also be available for attendance on Zoom: You can join the meeting at https://wascocounty-org.zoom.us/j/3957734524 or call in to 1-253-215-8782 Meeting ID: 3957734524#. The meeting facility is handicapped accessible, and language interpreters are available with one week notice. Please call (541) 506-2520, Monday through Friday, from 10:00 a.m. to 4:00 p.m., if you need special accommodations to attend the meeting. Hearings before the Wasco County Board of Commissioners are governed by ORS 197.797 and ORS 215.402 to 215.431, Chapter 2 of the Wasco County National Scenic Area Land Use and Development Ordinance, and the Rules of Procedure of the Wasco County Board of Commissioners. The meeting agenda includes the following public hearing:

September 20, 2023 HEARING DETAILS: File #921-23-000023-PLNG. Applicant/Owner: Smilekel Group. Appellant: Friends of the Columbia Gorge. An appeal hearing of a Wasco County Planning Commission approval of a Scenic Area request that included the following:

Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). The replat subdivision is named the Prince Heights Subdivision. Vacation of unused Right of Way (ROW) and easements plus dedication of ROW 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

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:

Map/Tax Lot	Acct. #	Acres	Zone
1N 13E 5 AD 300	8347	2.28	(GMA) R-5
1N 13E 5 AD 1000	8355	2.74	(GMA) R-5
1N 13E 5 AD 1100	15570	3.76	(GMA) R-5
1N 13E 5 AD 1200	8350	1.90	(GMA) R-5
1N 13E 4 BC 2600	15569	4.27	(GMA) R-5

REVIEW AUTHORITY: Wasco County National Scenic Area Land Use and Development Ordinance Chapter 2 Section 2.160 and Section 2.170.

REVIEW CRITERIA: Wasco County National Scenic Area Land Use and Development Ordinance Chapter 3 Section 3.160 "R-R" Rural Residential Zone (GMA & SMA); Section 4.040 Off-Street Parking; Chapter 11 – Fire Safety Standards; Chapter 14 – Scenic Area Review; Chapter 21 – Land Divisions; Chapter 23 – Sign Provisions

AVAILABILITY OF INFORMATION: Any staff report used at the hearing shall be available for inspection at no cost at least seven (7) days prior to the hearing. Copies of the application(s) and all documents and evidence relied upon by the applicant(s), all applicable criteria, and any staff reports are available for inspection at no cost and will be provided at reasonable cost at 2705 East Second Street, The Dalles, OR 97058. **Documents will be available online at:** http://www.co.wasco.or.us/departments/planning/active_landuse_applications.php. **The actions table is sorted alphabetically by the name of the applicant/owner. The information will be available until the end of the appeal period.**

QUESTIONS/COMMENTS: Comments may be submitted in writing, up to the date of the hearing, to the Wasco County Planning and Development Office, at 2705 East Second St., The Dalles, Oregon 97058, by email to danield@co.wasco.or.us, or in person at the hearing. Written testimony and evidence must be directed toward the listed review criteria or other criteria in the plan or land use regulation which the person believes to apply to that decision. Questions about the appeal should be directed to: Daniel Dougherty, Senior Planner, at 541-506-2560 or danield@co.wasco.or.us.

APPEAL INFORMATION: This will be a de novo hearing, conducted as a new hearing before the public. The request for a de novo hearing for appeal of a quasi-judicial land use decision to be heard before the Wasco County Board of Commissioners as a public hearing. The Board of County Commissioners may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised.

PUBLICATION DATE: September 6, 2023

PLANNING DEPARTMENT

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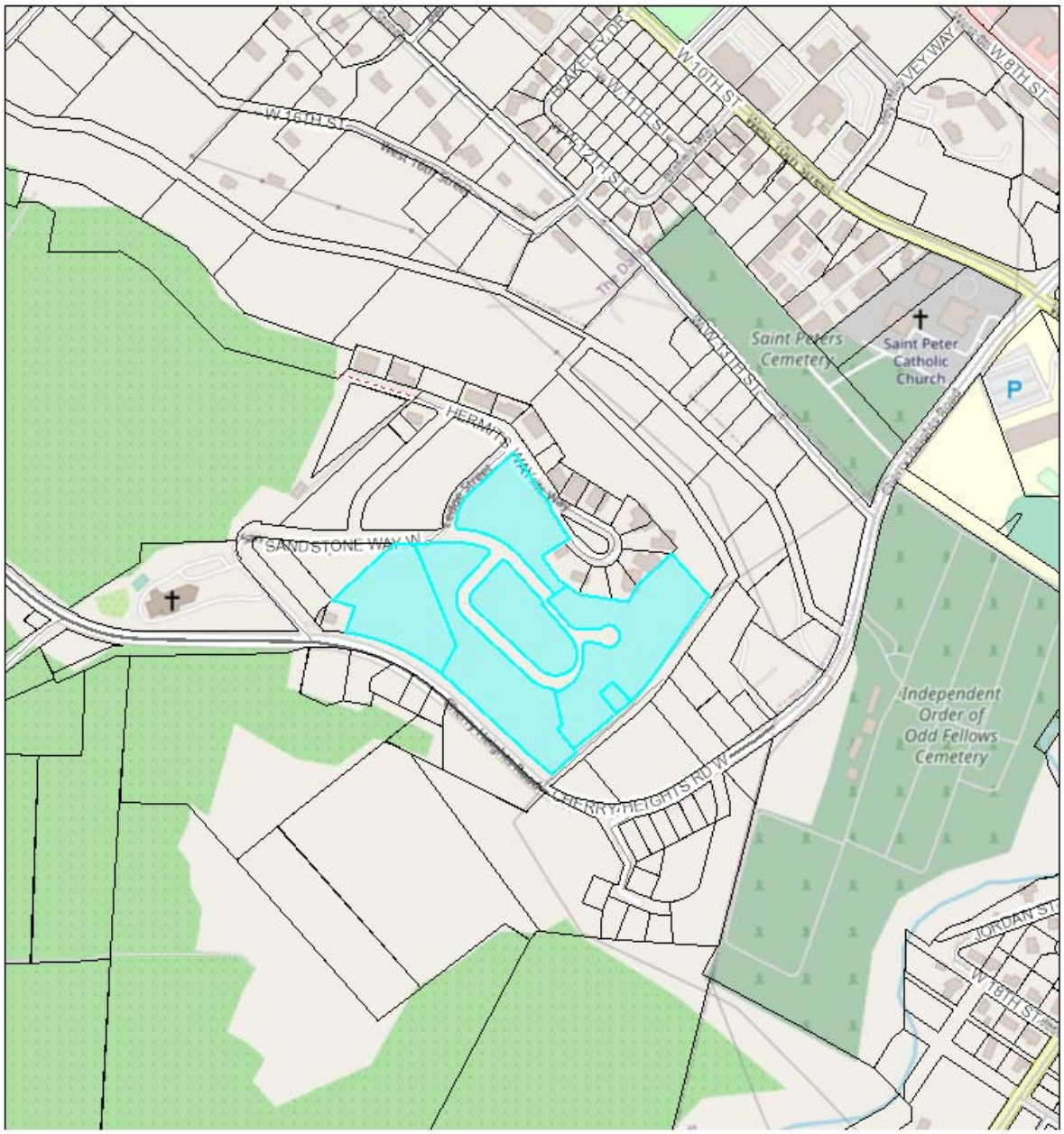
Location Map
Appellant: Friends of the Columbia Gorge
Applicant/Owner: Smilekel Group

Location Map



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0 0.07 0.15 0.3 km

Legend

- Subject Taxlot
- Taxlots

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This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

N

	NAME	STREET	CITY, STATE ZIP
8266	MOUNTS TERESA E	345 E BOARDMAN AVE	BOARDMAN, Oregon, 97818
8352	SMILEKEL GROUP LLC	1309 SE 195TH AVE	CAMAS, Washington, 98607
8361	GARNER VERONICA J & JONATHAN D	1930 CHERRY HGTS RD	THE DALLES, Oregon, 97058
8279	WYNN ELWYN T & MARCIA	1709 CHERRY HGHTS RD	THE DALLES, Oregon, 97058
16982	PHIPPS JEFF & KAREN	1844 CHERRY HGTS RD	THE DALLES, Oregon, 97058
8344	HOWE FAMILY TRUST	1301 HERMITS WAY	THE DALLES, Oregon, 97058
8327	BALIOLA LINDE E & JULIUS L	1976 CHERRY HGT RD	THE DALLES, Oregon, 97058
15569	SMILEKEL GROUP LLC	1309 SE 195TH AVE	CAMAS, Washington, 98607
8281	COLUMBIA LODGE #5 IOOF	1100 W 18TH ST	THE DALLES, Oregon, 97058
8360	MAHAN JOHNNIE L & CHARITY A	1952 CHERRY HGTS RD	THE DALLES, Oregon, 97058
13901	THE PUBLIC	UNDETERMINED PARTY_ADDRESS	AUBURN, Oregon, 97058
8334	JOHNSON JAMES Q & MARION M	1415 HERMITS WAY	THE DALLES, Oregon, 97058
13902	THE PUBLIC	UNDETERMINED PARTY_ADDRESS	AUBURN, Oregon, 97058
8338	LEIGH MARVIN D & JEANNE B	1331 HERMITS WAY	THE DALLES, Oregon, 97058
8337	LEIGH MARVIN D & DOROTHY	1331 HERMITS WAY	THE DALLES, Oregon, 97058
8345	HEITKEMPER REVOCABLE LIVING TRUST	1302 HERMITS WAY	THE DALLES, Oregon, 97058
14634	STROUD RONALD J & DEBORAH A	1729 CHERRY HGTS RD	THE DALLES, Oregon, 97058
8348	ELTON TERRY J & SUZANNE M	1306 HERMITS WAY	THE DALLES, Oregon, 97058
8342	RAMSEY JAMES A & NANCY K	1305 HERMITS WAY	THE DALLES, Oregon, 97058
8336	CRAZY CAT LLC	4595 HWY 30W	THE DALLES, Oregon, 97058
8357	JOHNSON CHERYL L	1987 CHERRY HGTS RD	THE DALLES, Oregon, 97058
8275	DAHLBERG CALVIN & LAURA	1701 CHERRY HGTS RD	THE DALLES, Oregon, 97058
8282	GRAVES CATHY	2521 E 10TH ST	THE DALLES, Oregon, 97058
15570	SMILEKEL GROUP LLC	1309 SE 195TH AVE	CAMAS, Washington, 98607
8358	POLLARD ANTHONY L & ANGELA	1966 CHERRY HGTS RD	THE DALLES, Oregon, 97058
8317	HARRISON RICHARD D & VIRGINIA	1420 W 13TH ST	THE DALLES, Oregon, 97058
8276	WYNN ELWYN T & MARCIA H	1709 CHERRY HGTS RD	THE DALLES, Oregon, 97058
8335	WENDT FREDERICK W & LINDA D	1407 HERMITS WAY	THE DALLES, Oregon, 97058
8343	SAWYER JARED & CORA	1303 HERMITS WAY	THE DALLES, Oregon, 97058
8324	BYERS JOHN W & L MARILYN	90 W 23RD ST	THE DALLES, Oregon, 97058
8340	BONHAM RICHARD R & SHARLENE L	1315 HERMITS WAY	THE DALLES, Oregon, 97058
8265	GRAVES RONALD M & CATHERINE	2521 E 10TH ST	THE DALLES, Oregon, 97058
8264	HOLGATE TERESA & STUART	2733 SE 38TH AVE	PORTLAND, Oregon, 97202-1605
8351	SMILEKEL GROUP LLC	1309 SE 195TH AVE	CAMAS, Washington, 98607

8350	SMILEKEL GROUP LLC	1309 SE 195TH AVE	CAMAS, Washington, 98607
8346	HEITKEMPER REVOCABLE LIVING TRUST	1302 HERMITS WAY	THE DALLES, Oregon, 97058
8354	SMILEKEL GROUP LLC	1309 SE 195TH AVE	CAMAS, Washington, 98607
8359	HAMM KARISSA W	PO BOX 1294	HOOD RIVER, Oregon, 97031
8341	RAMSEY JAMES A & NANCY K	1305 HERMITS WAY	THE DALLES, Oregon, 97058
8269	SMILEKEL GROUP LLC	1309 SE 195TH AVE	CAMAS, Washington, 98607
8347	SMILEKEL GROUP LLC	1309 SE 195TH AVE	CAMAS, Washington, 98607
8349	COLUMBIA LODGE #5 IOOF	1100 W 18TH ST	THE DALLES, Oregon, 97058
8339	WORTHY THOMAS M & SALLY	2869 NE KELLY PL	GRESHAM, Oregon, 97030
8319	LIFE IN CHRIST CENTER	3095 CHERRY HGTS RD	THE DALLES, Oregon, 97058
8355	SMILEKEL GROUP LLC	1309 SE 195TH AVE	CAMAS, Washington, 98607
8325	GILLETTE STEVEN G & PATRICIA A	1988 CHERRY HGTS RD	THE DALLES, Oregon, 97058
8356	JOHNSON CHERYL L	1987 CHERRY HGTS RD	THE DALLES, Oregon, 97058

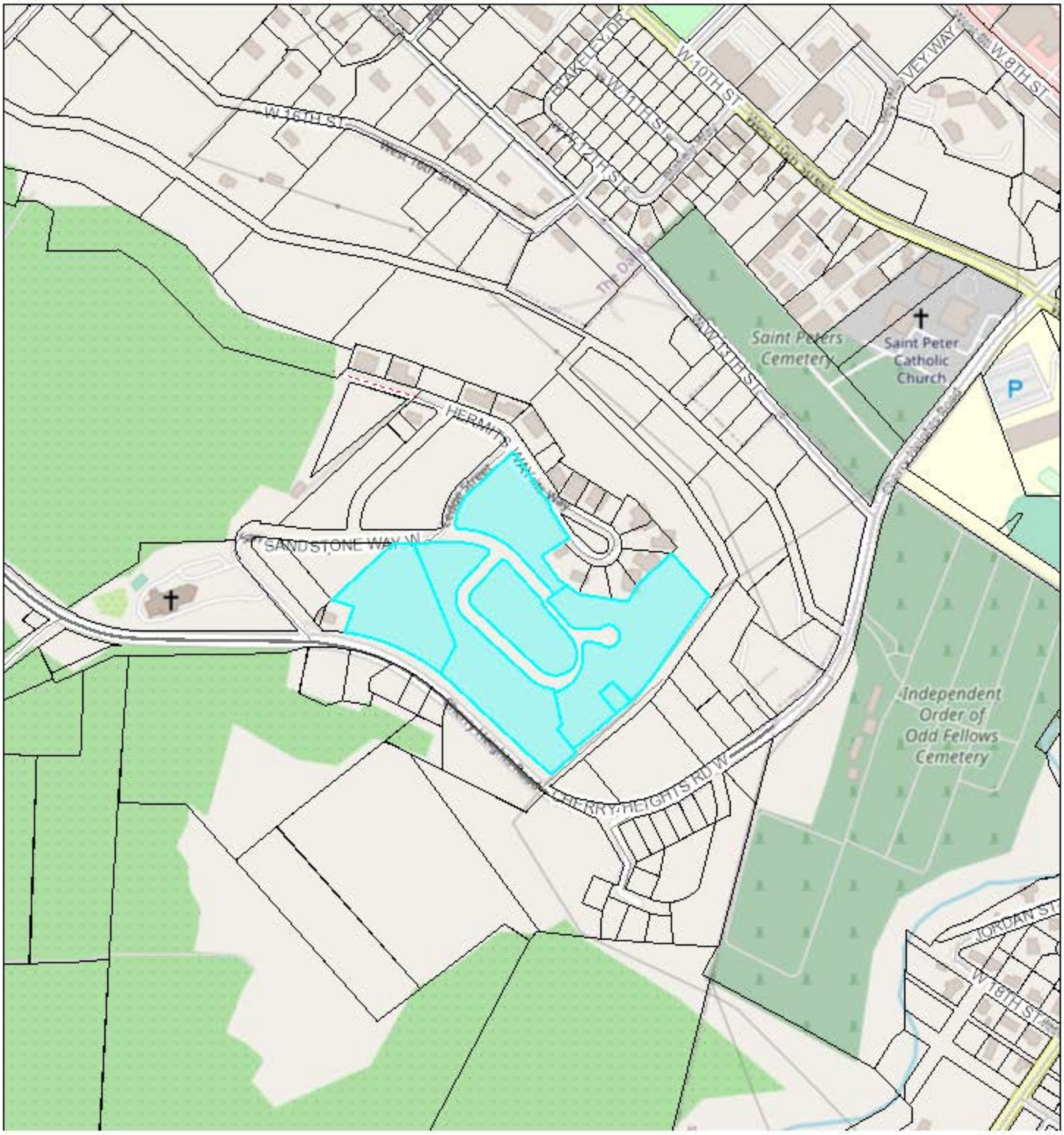
Confederated Tribes of Warm Springs ATTN: Raymond Tsumpti, Sr., Director of Govt Affairs	1233 Veterans St, PO Box C	Warm Springs, OR 97761

Confederated Tribes of Warm Springs ATTN: Tribal Council / Jonathan W. Smith	1233 Veterans St, PO Box 1299	Warm Springs, OR 97761
Elizabeth Betts	1411 13th Street	HOOD RIVER, Oregon, 97031

Agency	Care_of	Mail_ad	Mail_ city	Mail_state	Zip_code	Distribution	Email_recipients
On Master Email Notification List:							
County Sanitarian	Jessie Elias	See Email					jesuse@ncphd.org
County Health Dept	Shellie Campbell	See Email					shelliec@ncphd.org
	Eric Grendel	See Email					ericg@ncphd.org
	Paula Grendel	See Email					paulag@ncphd.org
Wasco County Building Codes	Building Codes	See Email					buildingcodes@co.wasco.or.us
Wasco County Assessor	Jill Amery	See Email					jilla@co.wasco.or.us
	Brenna La Vigne	See Email					brennal@co.wasco.or.us
	Melanie Brown	See Email					melanieb@co.wasco.or.us
	Brandon Jones	See Email					brandonj@co.wasco.or.us
Wasco County Emergency Manager	Sheridan McClellan	See Email					sheridanm@co.wasco.or.us
Wasco County Public Works Director	Arthur Smith	See Email					arthurs@co.wasco.or.us
Wasco County District Attorney	Kara Davis	See Email					karad@co.wasco.or.us
Wasco County Watermaster	Bob Wood	See Email					Robert.L.Wood@oregon.gov
Qlife	Stephanie Krell	See Email					stephaniek@co.wasco.or.us
Qlife	Tyler Stone	See Email					tylers@co.wasco.or.us
GIS / Jaime Rathmell	Jaime Rathmell	See Email					jaimes@co.wasco.or.us
Fair Housing Council of Oregon	Samuel Goldberg	See Email					sgoldberg@fhco.org
NRCS	Shilah Olson	See Email					shilah.olson@or.nacdnet.ne
Bonneville Power Admin		See Email					rowapplications@bpa.gov
Oregon Biodiversity Information Center	General Mailbox	See Email					inrdata@pdx.edu
Oregon Statue University Extension	Jacob Powell	See Email					jacob.powell@oregonstate.edu
Oregon Division State Lands	Jevra Brown	See Email					Jevra.Brown@DSL.Oregon.gov
Oregon Division State Lands		951 SW Simpson Avenue, Suite #104	Bend	OR	97702		
Oregon Dept of Fish & Wildlife		See Email					
Oregon Dept of Fish & Wildlife	Andrew Meyers	See Email					Andrew.r.meyers@odfw.oregon.gov
Oregon Dept. of Fish & Wildlife	Jason Seals	See Email					Jason.T.SEALS@odfw.oregon.gov
Oregon Dept. of Fish & Wildlife	Lindsay Powell	See Email					Lindsay.J.POWELL.@odfw.oregon.gov
Oregon Dept. of Forestry	Kristin Dodd	See Email					Kristin.dodd@oregon.gov
ODOT Region 4 Planning		63055 N Highway 97, Bldg M	Bend	OR	97703		ODOTR4PLANMGR@odot.state.or.us
OR State Highway Division, The Dalles	Patrick Cimmiyotti	See Email					Patrick.M.Cimmiyotti@odot.state.or.us
OR State Highway Division, The Dalles	Brad DeHart	See Email					bradley.k.dehart@odot.state.or.us
OR State Highway Division, The Dalles	Scott Peters	See Email					scott.peters@odot.state.or.us
ODOT Hist. Columbia River Highway	Kristin Stallman	See Email					kristen.stallman@odot.state.or.us
OR State Highway Division, Bend	Donald Morehouse	See Email					Donald.MOREHOUSE@odot.state.or.us
Oregon State Fire Marshal's Office	Wade Gibson	See Email					Wade.Gibson@osp.oregon.gov
USFS Nat'l Scenic Area Office	Sarah Callaghan	See Email					sacallaghan@usda.gov
USFS Archaeologist	Chris Donnermeyer	See Email					Christopher.donnermeyer@usda.gov
USFS	Casey Gatz	See Email					cgatz@usda.gov
Lewis and Clark National Historic Trails		See Email					
Columbia River Gorge Commission	Connie Acker	See Email					connie.acker@gorgecommission.org
Friends of the Columbia Gorge	Jeff Thompson	See Email					jthomps9999@yahoo.com
Friends of the Columbia Gorge	Steven McCoy	See Email					steve@gorgefriends.org
1000 Friends of Oregon	Andrew Mulkey	See Email					permits@friends.org
Columba Gorge News	General contact	See Email					News@GorgeNews.com
Nez Perce Tribe	Nakia Williamson	See Email					nakiaw@NezPerce.org
Nez Perce Tribe	Patrick Baird	PO Box 365	Lapwai	ID	83540		keithb@nezperce.org
Confed. Tribes of Warm Springs	Raymond Tsumpti	PO Box C	Warm Springs	OR	97761		raymond.tsumpti@wstribes.org
Confed. Tribes of Warm Springs							THPO@ctwsbnr.org
Confed. Tribes of Warm Springs	Mars Galloway	PO Box 460	Warm Springs	OR	97761		mars.galloway@ctwsbnr.org
Confed. Tribes of Warm Springs	Brad Houslet	See Email					brad.houslet@ctwsbnr.org
Confeder. Tribes of Umatilla	Planning	See Email					pattyperry@ctuir.org
Confeder. Tribes of Umatilla	Cultural Res. Prog.	46411 Timine Way	Pendleton	OR	97801		TearaFarrowFerman@ctuir.org
Umatilla Cultural Resource Protection Program	Bambi Rodriguez	See Email					BambiRodriguez@ctuir.org
Yakama Nation	Troy Watlamet	PO Box 151	Toppenish	WA	98948		troy_watlamet@yakama.com
Yakama Nation	Jessica Lally	PO Box 151	Toppenish	WA	98948		jessica_lally@yakama.com
Yakama Nation	Casey Barney	PO Box 151	Toppenish	WA	98948		casey_barney@yakama.com
Kathleen Fitzpatrick		See Email					kfitzz77@gmail.com
Sheila Dooley		See Email					sdooley3300@yahoo.com
Reviewing Planner to Notify:							
SHPO	See Digital Submit	Go Digital Instructions	OR SHPO Submittal Form				
Mid-Columbia Fire & Rescue	Jay Wood	See Email					jwood@mcfr.org
Columbia Volunteer Rural Protection District	Mike Kelly	6536 Freebridge Rd	The Dalles	OR	97058		
The Dalles Irrigation District		3503 Olney Road	The Dalles	OR	97058		
Northern Wasco County PUD		See Email					
Northern Wasco County PUD	Steve Horzynek	See Email					steven-horzynek@nwascopud.org
Wasco Electric Cooperative	Ned Ratterman	P.O. Box 1700	The Dalles	OR	97058		nedr@wascoelectric.com
Chenowith Water PUD	Jeb Miller	See Email					jebm@chenowithwaterpud.com
Chenowith Water PUD	Darrin Eckman	See Email					eckmand@aks-eng.com
Wasco County Sheriff	Lane Magill	See Email					lanem@co.wasco.or.us
Wasco County Sheriff Chief Deputy	Scott Williams	See Email					scottw@co.wasco.or.us
Confederated Tribes of Warm Springs	Director of Govt Affairs						
	Raymond Tsumpti, Sr.	1233 Veterans St, PO Box C	Warm Springs	OR	97761		
Confederated Tribes of Warm Springs	Jonathan W. Smith, Tribal	1233 Veterans St, PO Box 1299	Warm Springs	OR	97761		
Confederated Tribes of Warm Springs	Director of Govt Affairs						
	Raymond Tsumpti, Sr.	1233 Veterans St, PO Box C	Warm Springs	OR	97761		
Confed. Tribes of Warm Springs	Jonathan W. Smith, Tribal	1233 Veterans St, PO Box 1299	Warm Springs	OR	97761		

Don't Forget the additional PUD folks
josh-smith@nwascopud.org
garrett-mauritson@nwascopud.org

Location Map



8/30/2023, 11:09:21 AM

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Legend

- Subject Taxlot
- Taxlots

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This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

N

PROPERTY DESCRIPTION

Beginning at the northeast corner of the Wentz Reserve in the Fruitland Park Addition in Wasco County, Oregon; thence S33° 25'E 224.46 ft; thence S58° 25'E 314.3ft; thence S41° 42'E 484.30ft; thence S34° 05'W 441.1ft; thence S49° 53'W 493.78ft to the northerly right of way of the relocated brickyard road; thence northwesterly on a 447.5ft. radius curve to the right (the long chord of which bears N52° 01'W 86.54 ft.) along said right of way; thence N46° 28'W 444.3ft.; thence on a 746.25ft. radius curve to the left 552.46ft. (the long chord of which bears N67° 40'W 539.92ft.) thence N88° 53'W 53.15ft; thence N39° 46'W 359 ft; thence on a 77.1ft. radius curve to the right 184.76ft. (the long chord of which bears N28° 53'E 143.46ft.) thence S82° 28'E 67ft; thence N47° 31'E 836.45ft; thence S69° 18'E 355.08ft. to the point of beginning.

The annexed plat of Columbia Crest Addition in Wasco County, Oregon was examined and approved this 1st day of June 1953.

W. R. Webber
Wasco County Judge

Vernon Clark
County Commissioner

County Commissioner

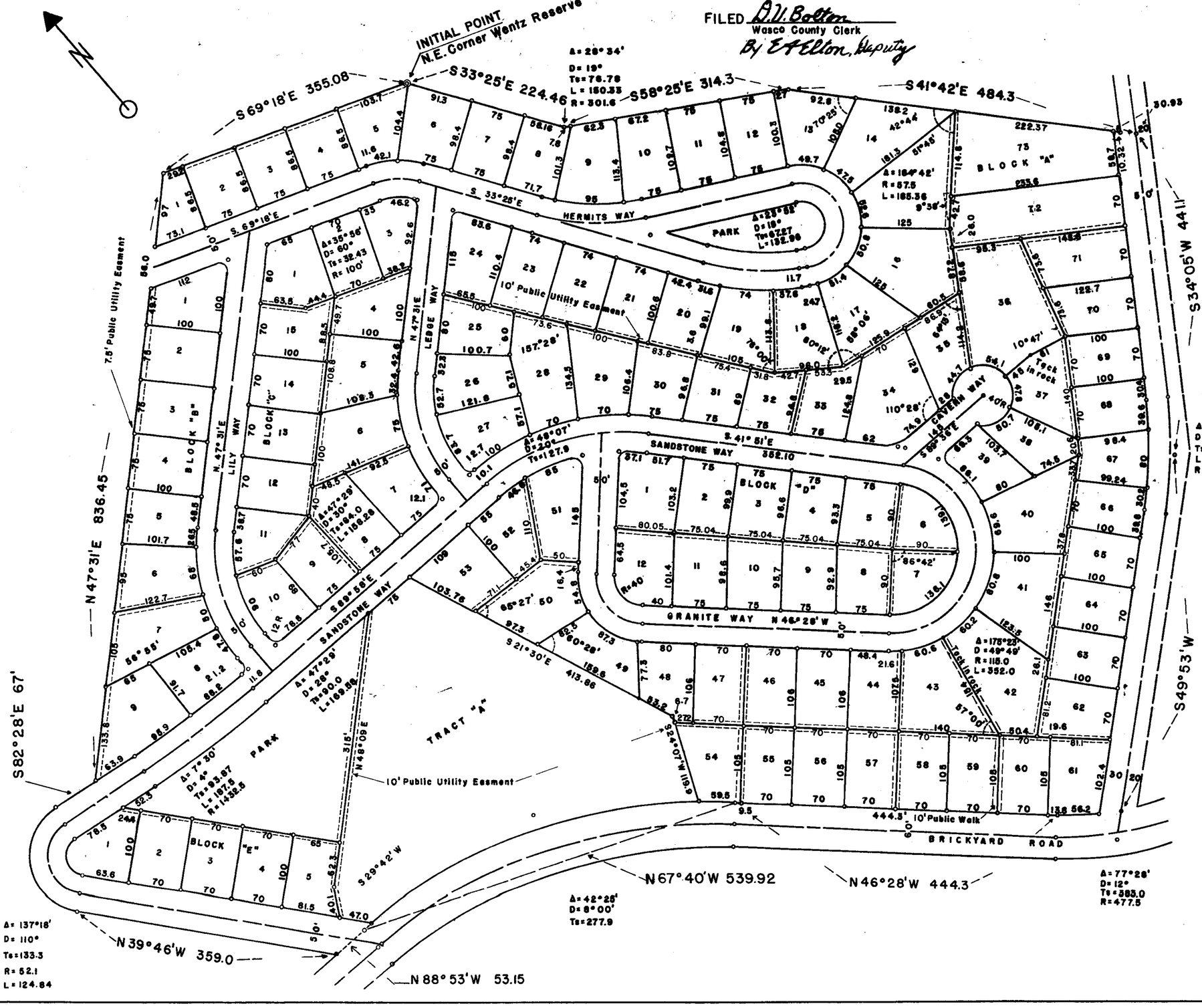
June 5, 1953

FILED D. V. Bolton
Wasco County Clerk
By E. A. Elton, Deputy

MAP OF COLUMBIA CREST ADDITION IN WASCO COUNTY, OREGON

SECTIONS 4 & 5, T. 1N, R13EWM

SCALE 1" = 100'



DEDICATION

We, T.F. Jones and Mary E. Jones, husband and wife, Joe J. Fleck and Ruby L. Fleck, husband and wife, and R.E. Mitchell and Betty L. Mitchell, husband and wife, as the owners in fee simple of the land shown on the annexed Plat, hereby dedicate to the public forever all the streets, alleys, and easments as shown on such plat, and that we declare the attached plat to be a correct plat of the Subdivision of the Columbia Crest Addition in Wasco County, Oregon.

By R.E. Mitchell
By Betty L. Mitchell
By T.F. Jones
By Mary E. Jones
By Joe J. Fleck
By Ruby L. Fleck

On this 1st day of June 1953, before me a Notary Public for Oregon, personally appeared T.F. Jones and Mary L. Jones, husband and wife, Joe J. Fleck and Ruby L. Fleck, husband and wife, and R.E. Mitchell and Betty L. Mitchell husband and wife, known to me, who first being duly sworn, say that they sign this instrument as their free and voluntary act.

Vernon B. Tennison
Notary Public for Oregon
My commission expires Sept. 17, 1956

ENGINEERS CERTIFICATE

I, Homer S. Wall, being first duly sworn, depose and say that the survey of Columbia Crest Addition in Wasco County, Oregon was made under my supervision and the land represented by said plat was accurately surveyed and marked with proper monuments as required by law, and that a 3" x 36" galvanized iron pipe was planted at the N.E. corner of the Wentz Reserve in Fruitland Park Addition in Wasco County, Oregon, which point is the Initial Point of this survey.

Homer S. Wall
Registered Engineer for Oregon

Subscribed and sworn before me this 1st day of June 1953.

Vernon B. Tennison
Notary Public for Oregon
My Commission expires Sept. 17, 1953

I, Harry E. Greene, Assessor of Wasco County and State of Oregon, hereby certify that I have examined the annexed plat of the Columbia Crest Addition, Wasco County Oregon, that the name adopted for said Addition is a proper name and not included in any other Addition of Wasco County, and that all taxes and assessments, due thereon, have been fully paid and I hereby approve said plat.

Harry E. Greene
Wasco County Assessor

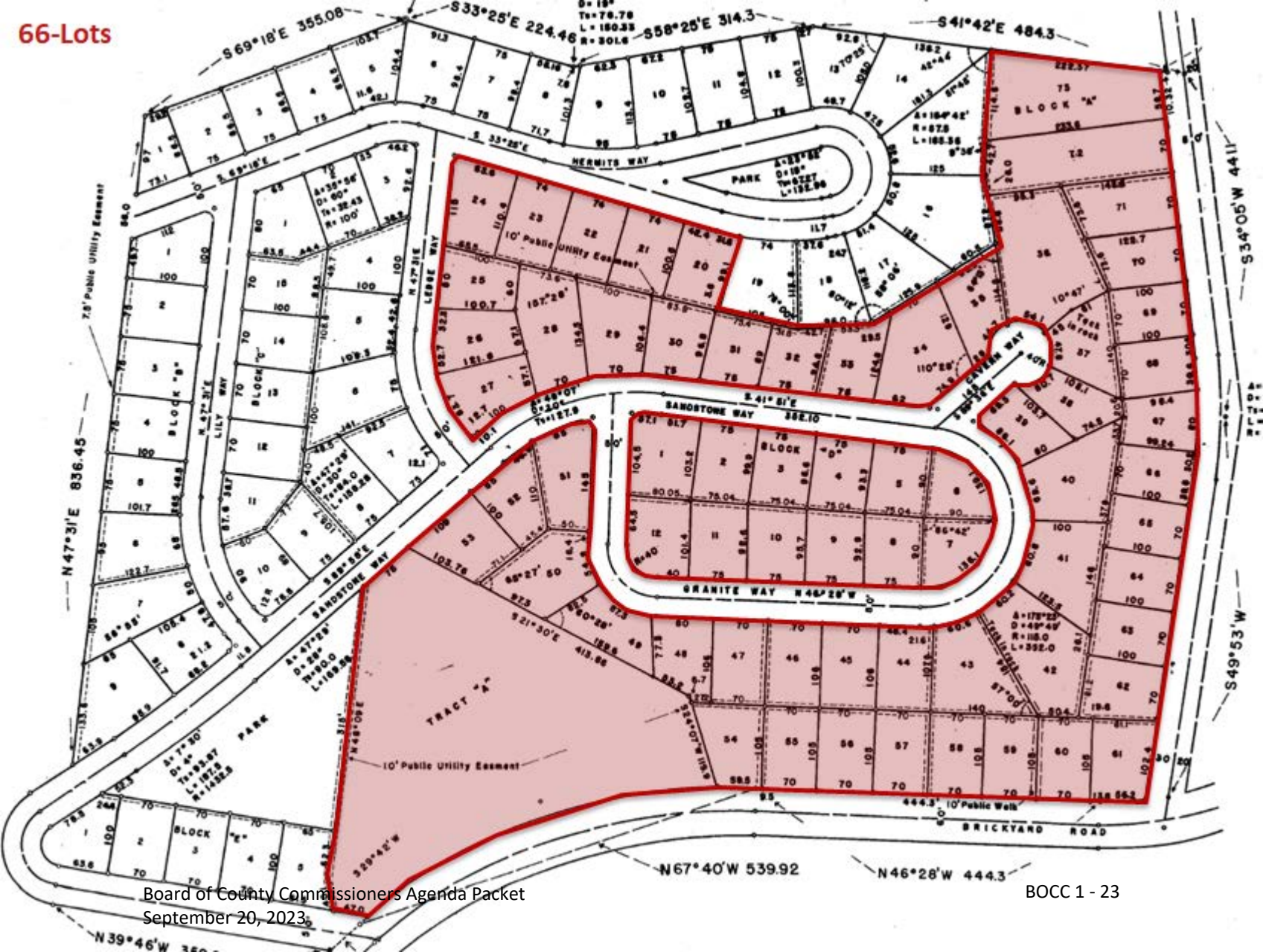
The annexed plat of Columbia Crest Addition in Wasco County, Oregon was examined and approved this 1st day of June 1953.

Roger J. Wilhelm
Wasco County Surveyor

The annexed plat of Columbia Crest Addition in Wasco County, Oregon was examined and approved this 2nd day of June 1953.

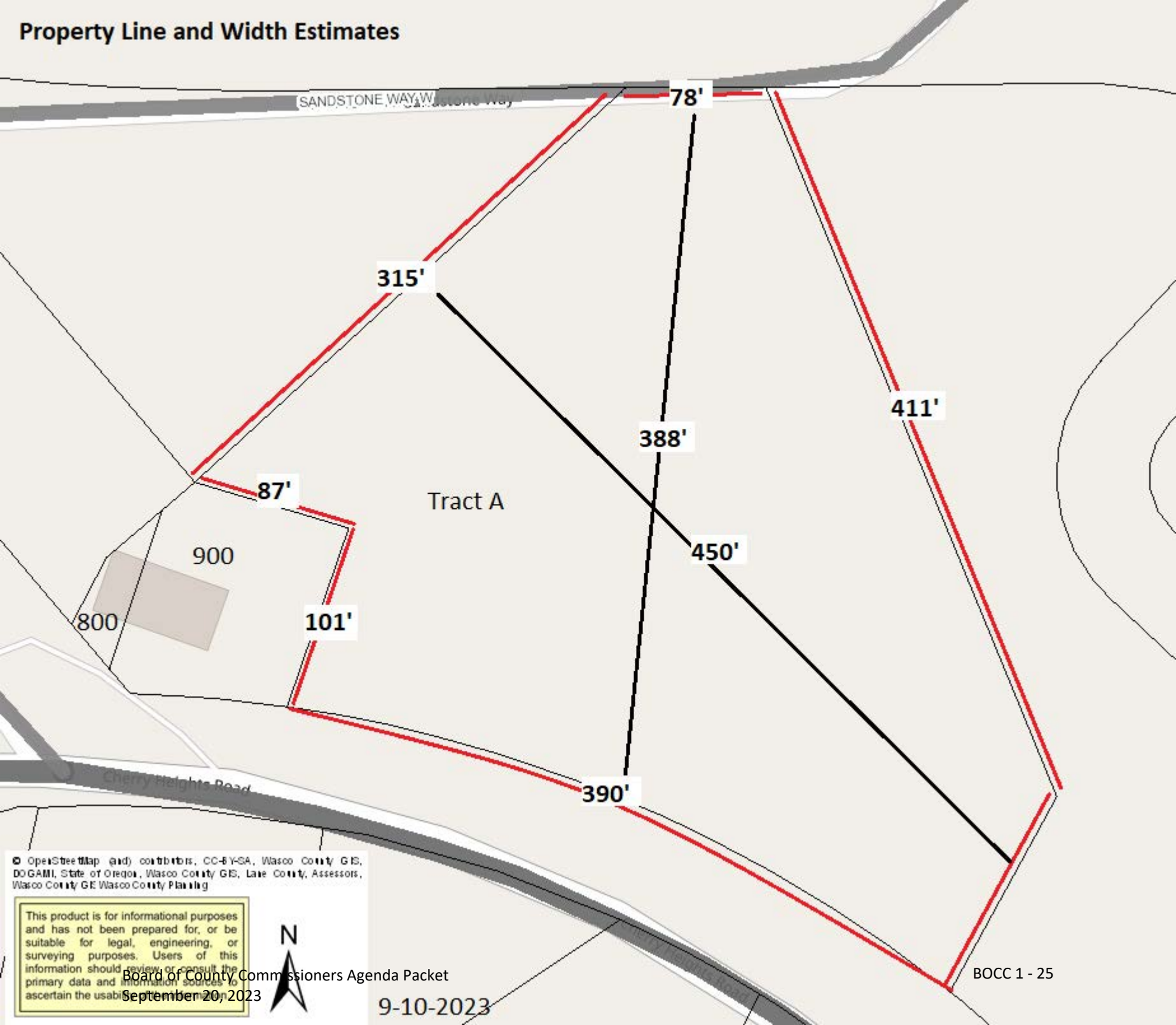
A. O. DeFrate
Chairman, Dalles City Planning Commission

66-Lots


S 69°18'E 355.08
S 33°25'E 224.46
S 58°25'E 314.3
S 41°42'E 484.3
S 34°05'W 441
S 49°53'W
N 47°31'E 836.45
N 67°40'W 539.92
N 46°28'W 444.3
N 39°46'W
HERMITS WAY
PARK
BLOCK "A"
BLOCK "B"
BLOCK "C"
BLOCK "D"
BLOCK "E"
LEDGE WAY
LILY WAY
SANDSTONE WAY
GRANITE WAY
CAVERN WAY
TRACT "A"
10' Public Utility Easement
7.8' Public Utility Easement
10' Public Walk
BRICKYARD ROAD

SE 1/4 NE 1/4 Sec. 5 T.1N. R.13 E.W.M.
WASCO COUNTY
1"=100'
IN 13 5AD
SEE MAP IN 13 5
All zoned R-2/EPD-6
Effective Date 5/4/82 - 12/17/96
CANCELLED Nº
T.L. 500
2202
3300
201
SEE MAP IN 13 4
SEE MAP IN 13 5
HERMITS
LILY STREET WEST
LEDGE ST. W.
STREET WEST
FRUITLAND PARK ADDITION
SANDSTONE WAY
PARK
COLUMBIA
12-5
Tract "A"
CREST
ADDITION
GRANITE WAY WEST
CAVERN WAY
CHERRY HEIGHTS ROAD
(BRICKYARD ROAD)
ROAD "D"
SEE MAP IN 13 4BC
SEE MAP IN 13 5
SEE MAP IN 13 4
E. 1/4 COR.
IN 13 5AD

Property Line and Width Estimates



PRINCE HEIGHTS SUBDIVISION

APPROVALS AND NOTES

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20-65, 67-73, BLOCK "A", LOTS 3-9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1-5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9-16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

SURVEYOR'S NOTES

PLAT REPRESENTS A BOUNDARY SURVEY OF PARCELS DESCRIBED IN QUIT CLAIM DEED, RECORDED SEPTEMBER 8, 2000, IN INSTRUMENT NO. 20003828 WASCO COUNTY RECORDS.

WASCO COUNTY GEOLOGIC HAZARD ZONE " "

ZONING IS

MONUMENTS STARTED XXXX, 2017 AND COMPLETED XXXX, 2017

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION.

REFERENCED SURVEYS

R1. LOT LINE ADJUSTMENT PLAT PERFORMED BY TENNESON ENGINEERING CORP. FOR JOHN W.& L. MARILYN BYERS, FILED 04/23/1993 COUNTY SURVEY NO. 08-187.

R2. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR JEAN HOCKMAN, DATED 11/29/2000, COUNTY SURVEY NO. 11-176.

R3. PARTITION PLAT P.P105, PERFORMED BY TENNESON ENG., COUNTY SURVEY NO. XXXX.

R4. REPLAT OF LOT 18 & 19 COLUMBIA CREST., PERFORMED BY KLEIN AND ASSOCIATES, INC. FOR ERIC BLUMENTHAL, FILED 05/25/2007 COUNTY SURVEY NO. 15-022

R5. PARTITION PLAT 2012-0012 PERFORMED BY TENNESON ENGINEERING CORP. FOR JOHN H.& SANDRA BYERS, AND JOHN W.& L. MARILYN BYERS, FILED 10/26/2012 COUNTY SURVEY NO. 17-119A.

R6. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR PONICHTERA, MORIKAWA, JOHNSON, HARRISON, AND BYERS, FILED 08/20/2013 COUNTY SURVEY NO. 18-010.

R7. MAP OF COLUMBIA CREST ADDITION, PEFORMED BY HOMER S. WALL FOR T.F.& MARY E. JONES, JOE J.& RUBY L. FLECK, AND R.E.& BETTY MITCHHELL, FILED 06/05/1953, BOOK 5, PAGE 8 OF COUNTY SURVEYS.

R8. PLAT OF FRUITLAND PARK ADDITION, PERFORMED BY WALTER M. OBER. FILED 12/14/1910, VOLUME 2, PAGE 14 OF PLATS

R9. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR RICHARD HARRISON, DATED 02/12/198, COUNTY SURVEY NO. 10-167.

R10. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR CHARLES PHIPPS, DATED 04/16/79, COUNTY SURVEY NO. 4-72.

REFERENCED DEEDS

WARRANTY DEED, INSTRUMENT NO. 68-1498
WARRANTY DEED, INSTRUMENT NO. 71-2489
WARRANTY DEED, INSTRUMENT NO. 72-0138
WARRANTY DEED, INSTRUMENT NO. 72-0539
WARRANTY DEED, INSTRUMENT NO. 77-0226
QUITCLAIM DEED, INSTRUMENT NO. 2016-004055
WARRANTY DEED, BOOK 149, PAGE 115

SHEET INDEX

SHEET 1: APPROVALS AND NOTES
SHEET 2: EXISTING LOT LAYOUT
SHEET 3: EXISTING EASEMENTS
SHEET 4: NEW LOT LAYOUT
SHEET 5: NEW EASEMENTS

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO COMPLETE A 8 LOT SUBDIVISION OF TAX LOTS 1N-13E-04BC 1500, 2600 AND 1N 13E 05AD 300, 400, 500, 700, 1000, 1100, 1200. THE SUBJECT PROPERTY LIES WITHIN IN A PORTION OF COLUMBIA CREST ADDITION AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35, LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, WASCO COUNTY, STATE OF OREGON. PRIOR TO COMPLETING THE FIELD WORK, MAPPING AND CALCULATION NECESSARY FOR THIS PLAT. RESEARCH WAS OBTAINED AND A PRELIMINARY TITLE REPORT FURNISHED BY OUR CLIENT WAS USED TO ESTABLISH THE EXTERIOR BOUNDARY. PRIOR SURVEY SURVEYS UTILIZED ARE LISTED IN REFERENCE SURVEY.

RESEARCH INTO FRUITLAND PARK ADDITION YIELDED VERY LITTLE IN THE WAY OF PRIOR SURVEY INFORMATION TO WORK WITH FOR THIS SURVEY. SURVEYS THAT WERE AVAILABLE WERE VAGUE AT BEST ON HOW TO THEY RESOLVE FRUITLAND PARK ADDITION. THE ORIGINAL PLAT OF FRUITLAND PARK ADDITION WAS FOUND TO BE ESSENTIALLY INDECIPHERABLE AND PROVIDED LITTLE MORE THAN A GRAPHICAL REPRESENTATION. THE PLAT WAS LACKING DISTANCES, ANGLES OR BEARINGS AND IT WAS ALSO FOUND THAT NO ROAD OR LOT CLOSURES COULD BE COMPUTED FROM THE PLAT. GIVEN THE SITUATION OF POOR AND INACCURATE INFORMATION OF THE ORIGINAL PLAT TO WORK FROM, SEVERAL ASSUMPTION WERE MADE ALONG WITH HONORING PAST SURVEY OF RECORD. IN PARTICULARLY TWO SURVEYS PERFORMED BY TENNESON ENGINEERING CORPORATION, FILED AS COUNTY SURVEY NO. 10-167 AND 11-176 WHICH WERE USED TO ESTABLISH LOTS 9 THROUGH 16, TRACT 35 AND ROADS "D" AND "H". LOTS 9 THROUGH 16, TRACT 35 AND ROAD "D" WERE COMPUTED AS A BEST FIT BETWEEN EXISTING MONUMENT RECOVERED FROM BOTH TENNESON ENGINEERING AFORESAID SURVEYS. BY UTILIZING MONUMENTS RECOVERED ALONG THE NORTH RIGHT-OF-WAY OF ROAD "H" PER COUNTY SURVEY NO. 10-167 AND HOLDING THE COMPUTED POSITION OF THE NORTHWEST CORNER OF TAX LOT 100, BEING A 5/8" REBAR SET BY TENNESON ENGINEERING, FOR A SURVEY JEAN HOCKMAN, FILED IN COUNTY SURVEY NO. 11-176 WERE USED TO ESTABLISHED ROAD "H". LOTS 4 THROUGH 9, TRACT 34 WERE COMPUTED AT PLAT DISTANCE FROM THE SOUTHEAST CORNER OF LOT 17 AS ESTABLISHED BY AFORESAID TENNESON ENGINEERING ALONG WITH APPLYING THE PLAT ANGLE OF 91°54'.

SURVEYOR'S CERTIFICATE

I, JAMES M. KLEIN, REGISTERED LAND SURVEYOR NO. 59002 IN THE STATE OF OREGON, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS, ACCORDING TO ORS CHAPTER 92 AND WASCO COUNTY LAND USE DEVELOPMENT ORDINANCE, THE LANDS REPRESENTED ON THIS PLAT OF "PRINCE HEIGHTS SUBDIVISION" LYING IN A PORTION OF COLUMBIA CREST ADDITION AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35, LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, WASCO COUNTY, STATE OF OREGON, THE INITIAL PONT FOR SAID PLAT IS A 3" IRON PIPE LOCATED AT THE NORTHEAST CORNER OF LOT 5 OF COLUMBIA CREST ADDITION, LAST SAID POINT ALSO BEING THE NORTHEAST CORNER OF WENTZ RESERVE IN THE PLAT OF FRUITLAND PARK ADDITION. THE PLATTED PROPERTY IS DESCRIBED AS FOLLOWS:

_____
JAMES M. KLEIN PLS. 59002

APPROVALS:

I HEREBY CERTIFY THAT I HAVE EXAMINED THE SURVEY DATA, LAYOUT OF ROADS, MONUMENTS AND EASEMENTS AND THAT THE PLAT CONFORMS TO THE APPROVED PRELIMINARY PLAN OF "PRINCE HEIGHTS SUBDIVISION" IN WASCO COUNTY, STATE OF OREGON AND HEREBY APPROVE SAID PLAT.

WASCO COUNTY SURVEYOR _____ DATED _____

I HEREBY CERTIFY THAT THIS PLAT OF "PRINCE HEIGHTS SUBDIVISION" IN WASCO COUNTY, STATE OF OREGON, CONFORMS TO THE APPROVED PRELIMINARY PLAN AND, BY DIRECTION OF THE PLANNING COMMISSION, I HEREBY APPROVE THIS FINAL PLAT.

WASCO COUNTY PLANNING DIRECTOR _____ DATED _____

APPROVALS:

THIS PLAT OF PRINCE HEIGHTS SUBDIVISION IN THE COUNTY OF WASCO, STATE OF OREGON WAS EXAMINED AND APPROVED BY:

WASCO COUNTY COMMISSIONER _____ DATED _____

WASCO COUNTY COMMISSIONER _____ DATED _____

WASCO COUNTY COMMISSIONER _____ DATED _____

WASCO COUNTY ENGINEER _____ DATED _____

WASCO COUNTY PLANNING DIRECTOR _____ DATED _____

APPROVALS:

I HEREBY CERTIFY THAT I HAVE EXAMINED THE PLAT OF "PRINCE HEIGHTS SUBDIVISION" IN THE COUNTY OF WASCO, STATE OF OREGON, AND THAT THE NAME ADOPTED FOR SAID PLAT IS A PROPER NAME AND NOT INCLUDED IN ANY OTHER SUBDIVISION IN WASCO COUNTY AND FURTHER CERTIFY THAT ALL TAXES AND ASSESSMENTS DUE OR WILL BECOME DUE THEREON DURING THE CALENDER YEAR HAVE BEEN FULLY PAID AS REQUIRED BY LAW AND I HEREBY APPROVE SAID PLAT.

WASCO COUNTY ASSESSOR _____ DATED _____

WASCO COUNTY TAX COLLECTOR _____ DATED _____

COVENANTS, CONDITIONS AND RESTRICTIONS:

ALL LOTS WITHIN THE PLAT OF PRINCE HEIGHTS SUBDIVISION ARE SUBJECT TO A DOCUMENT TITLED "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" SAID DOCUMENT IS RECORDED ON A SEPARATE DOCUMENT BEING RECORDED IN INSTRUMENT NUMBER _____, WASCO COUNTY RECORDS. SAID DOCUMENTS SHALL BE CONSIDERED AS A PART OF THIS PLAT. IT IS THE RESPONSIBILITY OF ALL PARTIES TO BE AWARE OF AND TO CONFORM TO SAID DOCUMENT.

DECLARATION:

I _____, THE OWNER OF THE LAND SHOWN ON THE PLAT HEREUNTO ATTACHED AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE ALSO HEREUNTO ATTACHED, DEDICATE TO THE PUBLIC FOREVER ALL STREETS AND EASEMENTS SHOWN ON SUCH PLAT AND DECLARE THE PLAT OF "PRINCE HEIGHTS SUBDIVISION" TO BE A CORRECT PLAT AS LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION 4 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF WASCO, STATE OF OREGON, AND IN ACCORDANCE WITH MY DESIRES AND THE PROVISIONS OF ORS CHAPTER 92.

_____
NAME

ACKNOWLEDGMENTS:

ON THE ____ DAY OF _____, 2023 BEFORE ME A NOTARY PUBLIC FOR THE STATE OF OREGON, APPEARED _____, KNOWN TO ME PERSONALLY, WHO BEING DULY SWORN, SAID THAT HE DID ACKNOWLEDGE THIS INSTRUMENT OF HIS FREE AND VOLUNTARY ACT.

_____
NOTARY SIGNATURE

_____
NOTARY PUBLIC-(NAME)

STATE OF _____

COUNTY OF _____

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

OWNER

SMILEKEL GROUP, LLC

SURVEY PERFORMED FOR:
LKM REAL ESTATE
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, GD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

Klein & Associates, Inc.
ENGINEERING•SURVEYING•PLANNING
1411 13th Street•Hood River, OR 97031
TEL: 541-386-3322•FAX: 541-386-2515

SHEET 1 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
NE	4	1N.	13E.
SE	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

EXISTING LOT LAYOUTS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B",
ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

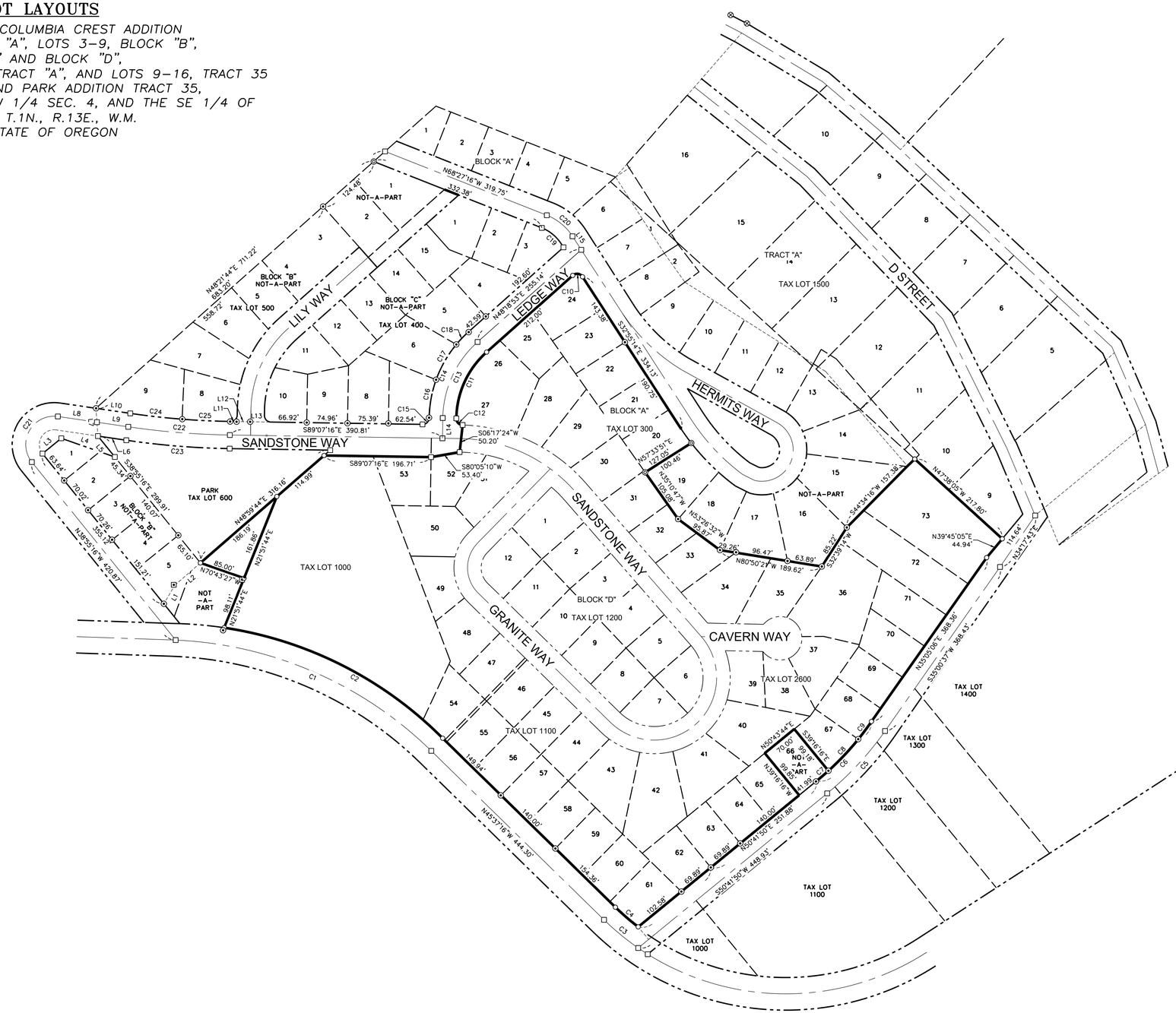
SLIDE NO. _____

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	523.76'	716.20'	41°54'01"	N66°33'41"W	512.16'
C2	457.94'	716.30'	36°37'49"	N63°09'12"W	450.18'
C3	81.57'	477.50'	9°47'17"	S50°30'54"E	81.47'
C4	55.42'	447.50'	7°05'46"	S49°10'09"E	55.39'
C5	156.88'	573.00'	15°41'13"	S42°51'13"W	156.39'
C6	120.70'	513.17'	13°28'34"	N41°06'05"E	120.42'
C7	28.02'	513.08'	3°07'46"	N49°24'18"E	28.02'
C8	80.03'	513.17'	8°56'09"	N43°22'18"E	79.95'
C9	40.64'	513.89'	4°31'53"	N36°37'58"E	40.63'
C10	20.69'	12.00'	98°45'53"	S82°18'11"E	18.22'
C11	137.95'	165.99'	47°37'00"	S24°30'23"W	134.01'
C12	18.66'	12.00'	89°06'25"	S43°51'20"E	16.84'
C13	158.28'	190.99'	47°29'00"	S24°34'23"W	153.79'
C14	179.00'	215.99'	47°29'00"	S24°34'23"W	173.92'
C15	18.86'	12.00'	90°02'51"	N45°51'18"E	16.98'
C16	71.46'	215.99'	18°57'20"	S10°18'33"W	71.13'
C17	75.20'	215.99'	19°56'58"	S29°45'42"W	74.82'
C18	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C19	46.51'	75.00'	35°32'02"	N50°41'15"W	45.77'
C20	62.02'	100.00'	35°32'02"	N50°41'15"W	61.03'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S30°30'05"W	39.65'
L2	S48°59'44"W	62.49'
L3	N50°51'36"E	44.58'
L4	S70°45'16"E	104.26'
L5	N38°55'16"W	49.40'
L6	S81°37'16"E	52.67'
L7	N4°11'02"W	51.23'
L8	S81°37'16"E	72.56'
L9	S81°37'16"E	58.24'
L10	N81°37'16"W	63.81'
L11	S89°07'16"E	12.00'
L12	S89°07'16"E	24.99'
L13	S89°07'16"E	37.01'
L14	S0°49'53"W	37.10'
L15	N32°55'14"W	29.71'
L16	N0°52'44"E	22.73'
L17	N48°18'53"E	21.04'
L18	N61°38'16"W	48.90'
L19	N30°51'02"W	67.81'
L20	N16°36'46"W	85.42'
L21	N16°36'46"W	16.68'
L22	S68°27'16"E	28.01'



SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

- ○ SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- ⊙ FOUND 1/2 " IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION. VISITED 2017.
- ◎ FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15–022. VISITED 2017.
- ◕ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11–176. VISITED 2017.
- ⊗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10–167. VISITED 2017.
- ⊡ FOUND 3/4" IRON PIPE; UNKNOWN ORIGIN. VISITED 2017.
- □ COMPUTED ANGLE POINT, NOT MONUMENTED
- RM REFERENCE MONUMENT
- CS NO COUNTY SURVEY NUMBER
- INST INSTRUMENT
- R1 RECORD DATA PER RECORD OF SURVEY NO.
- FD FOUND DATA
- P.U.E. PUBLIC UTILITY EASEMENT
- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
- {XXX.XX'} DISTANCE PER FRUITLAND PLAT

EXISTING TAX LOT AREA

PARCEL	AREA
TAX LOT 300 (TRUST)	2.41 ACRES
TAX LOT 1000 (TRUST)	2.76 ACRES
TAX LOT 1100 (TRUST)	4.00 ACRES
TAX LOT 1200 (TRUST)	1.99 ACRES
TAX LOT 2600 (TRUST)	4.35 ACRES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

SURVEY PERFORMED FOR:
~~LKM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17–01–05 DRAFT: BTB, GD
FILE: 170105–PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

OWNER

SMILEKEL GROUP, LLC

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

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SHEET 2 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
☒	4	1N.	13E.
☒	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

EXISTING EASEMENTS/ ROAD VACATION EXHIBITS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

100' 0 100' 200'
SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

- ○ SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- ⊙ FOUND 1/2 " IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION. VISITED 2017.
- ◎ FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15–022. VISITED 2017.
- ◗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11–176. VISITED 2017.
- ⊗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10–167. VISITED 2017.
- ⊡ FOUND 3/4" IRON PIPE; UNKNOWN ORIGIN. VISITED 2017.
- □ COMPUTED ANGLE POINT, NOT MONUMENTED
- RM REFERENCE MONUMENT
- CS NO COUNTY SURVEY NUMBER
- INST INSTRUMENT
- R1 RECORD DATA PER RECORD OF SURVEY NO.
- FD FOUND DATA
- P.U.E. PUBLIC UTILITY EASEMENT
- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
- {XXX.XX'} DISTANCE PER FRUITLAND PLAT
- ▒ PROPOSED AREA TO BE VACATED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

OWNER
SMILEKEL GROUP, LLC

SURVEY PERFORMED FOR:
~~LKM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, GD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

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SHEET 3 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
☒	4	1N.	13E.
☒	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

PROPOSED LOT LAYOUTS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

150 0 150 300
SCALE – FEET
1" = 150'

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

- ○ SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- ⊙ FOUND 1/2 " IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION. VISITED 2017.
- ◎ FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15–022. VISITED 2017.
- ◗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11–176. VISITED 2017.
- ⊗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10–167. VISITED 2017.
- ▣ FOUND 3/4" IRON PIPE; UNKNOWN ORIGIN. VISITED 2017.
- □ COMPUTED ANGLE POINT, NOT MONUMENTED
- RM REFERENCE MONUMENT
- CS NO COUNTY SURVEY NUMBER
- INST INSTRUMENT
- R1 RECORD DATA PER RECORD OF SURVEY NO.
- FD FOUND DATA
- P.U.E. PUBLIC UTILITY EASEMENT
- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
- {XXX.XX'} DISTANCE PER FRUITLAND PLAT

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	523.76'	716.20'	41°54'01"	N66°33'41"W	512.16'
C2	457.94'	716.30'	36°37'49"	N63°09'12"W	450.18'
C3	81.57'	477.50'	9°47'17"	S50°30'54"E	81.47'
C4	55.42'	447.50'	7°05'46"	S49°10'09"E	55.39'
C5	156.88'	573.00'	15°41'13"	S42°51'13"W	156.39'
C6	120.70'	513.17'	13°28'34"	N41°06'05"E	120.42'
C7	28.02'	513.08'	3°07'46"	N49°24'18"E	28.02'
C8	80.03'	513.17'	8°56'09"	N43°22'18"E	79.95'
C9	40.64'	513.89'	4°31'53"	N36°37'58"E	40.63'
C10	20.69'	12.00'	98°45'53"	S82°18'11"E	18.22'
C11	137.95'	165.99'	47°37'00"	S24°30'23"W	134.01'
C12	18.66'	12.00'	89°06'25"	S43°51'20"E	16.84'
C13	158.28'	190.99'	47°29'00"	S24°34'23"W	153.79'
C14	179.00'	215.99'	47°29'00"	S24°34'23"W	173.92'
C15	18.86'	12.00'	90°02'51"	N45°51'18"E	16.98'
C16	71.46'	215.99'	18°57'20"	S10°18'33"W	71.13'
C17	75.20'	215.99'	19°56'58"	S29°45'42"W	74.82'
C18	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C19	46.51'	75.00'	35°32'02"	N50°41'15"W	45.77'
C20	62.02'	100.00'	35°32'02"	N50°41'15"W	61.03'
C21	123.63'	52.10'	135°57'26"	S29°42'16"W	96.60'
C22	187.50'	1432.50'	7°29'58"	S85°22'15"E	187.37'
C23	190.77'	1457.50'	7°29'58"	S85°22'15"E	190.64'
C24	95.92'	1407.50'	3°54'17"	S83°34'24"E	95.90'
C25	89.35'	1407.50'	3°38'13"	S87°20'39"E	89.33'
C26	87.60'	95.00'	52°49'58"	N34°27'25"E	84.53'
C27	101.21'	70.00'	82°50'18"	N49°27'35"E	92.62'
C28	65.06'	45.00'	82°50'18"	N49°27'35"E	59.54'
C29	44.29'	215.99'	11°44'54"	S13°54'46"W	44.21'
C30	75.20'	215.99'	19°56'58"	S29°45'42"W	74.82'
C31	151.83'	215.99'	40°16'34"	S28°10'36"W	148.72'
C32	134.25'	190.99'	40°16'27"	S28°10'39"W	131.50'
C33	120.67'	165.99'	41°39'03"	S27°29'21"W	118.03'
C34	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C35	12.23'	10.00'	70°02'51"	N83°20'18"E	11.48'
C36	38.69'	75.00'	29°33'15"	N46°51'38"W	38.26'
C37	51.58'	100.00'	29°33'15"	N46°51'38"W	51.01'
C38	19.19'	10.00'	109°57'09"	N6°39'42"W	16.38'
C39	63.44'	125.00'	29°04'40"	N46°37'20"W	62.76'
C40	3.77'	175.00'	1°13'59"	S31°28'01"E	3.77'
C41	4.30'	200.00'	1°13'59"	N31°28'01"W	4.30'
C42	4.84'	225.00'	1°13'59"	S31°28'01"E	4.84'
C43	31.06'	125.00'	14°14'16"	S23°43'54"E	30.98'
C44	24.85'	100.00'	14°14'16"	N23°43'54"W	24.79'
C45	18.64'	75.00'	14°14'16"	N23°43'54"W	18.59'
C46	23.55'	25.00'	53°58'05"	N10°22'17"E	22.69'
C47	65.02'	60.00'	62°05'21"	S6°18'39"W	61.88'
C48	60.09'	60.00'	57°22'54"	S53°25'29"E	57.61'
C49	66.75'	60.00'	63°44'30"	N66°00'49"E	63.36'
C50	109.67'	60.00'	104°43'25"	N18°13'09"W	95.03'
C51	23.55'	25.00'	53°58'05"	S43°35'48"E	22.69'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S30°30'05"W	39.65'
L2	S48°59'44"W	62.49'
L3	N50°51'36"E	44.58'
L4	S70°45'16"E	104.26'
L5	N38°55'16"W	49.40'
L6	S81°37'16"E	52.67'
L7	N4°11'02"W	51.23'
L8	S81°37'16"E	72.56'
L9	S81°37'16"E	58.24'
L10	N81°37'16"W	63.81'
L11	S89°07'16"E	12.00'
L12	S89°07'16"E	24.99'
L13	S89°07'16"E	37.01'
L14	S0°49'53"W	37.10'
L15	N32°55'14"W	29.71'
L16	N0°52'44"E	22.73'
L17	N48°18'53"E	21.04'
L18	N61°38'16"W	48.90'
L19	N30°51'02"W	67.81'
L20	N16°36'46"W	85.42'
L21	N16°36'46"W	16.68'
L22	S68°27'16"E	28.01'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

SURVEY PERFORMED FOR:
~~LKM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, GD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

OWNER
SMILEKEL GROUP, LLC

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

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SHEET 4 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
☒	4	1N.	13E.
☒	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

PROPOSED EASEMENTS & DRAIN FIELD LAYOUT

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

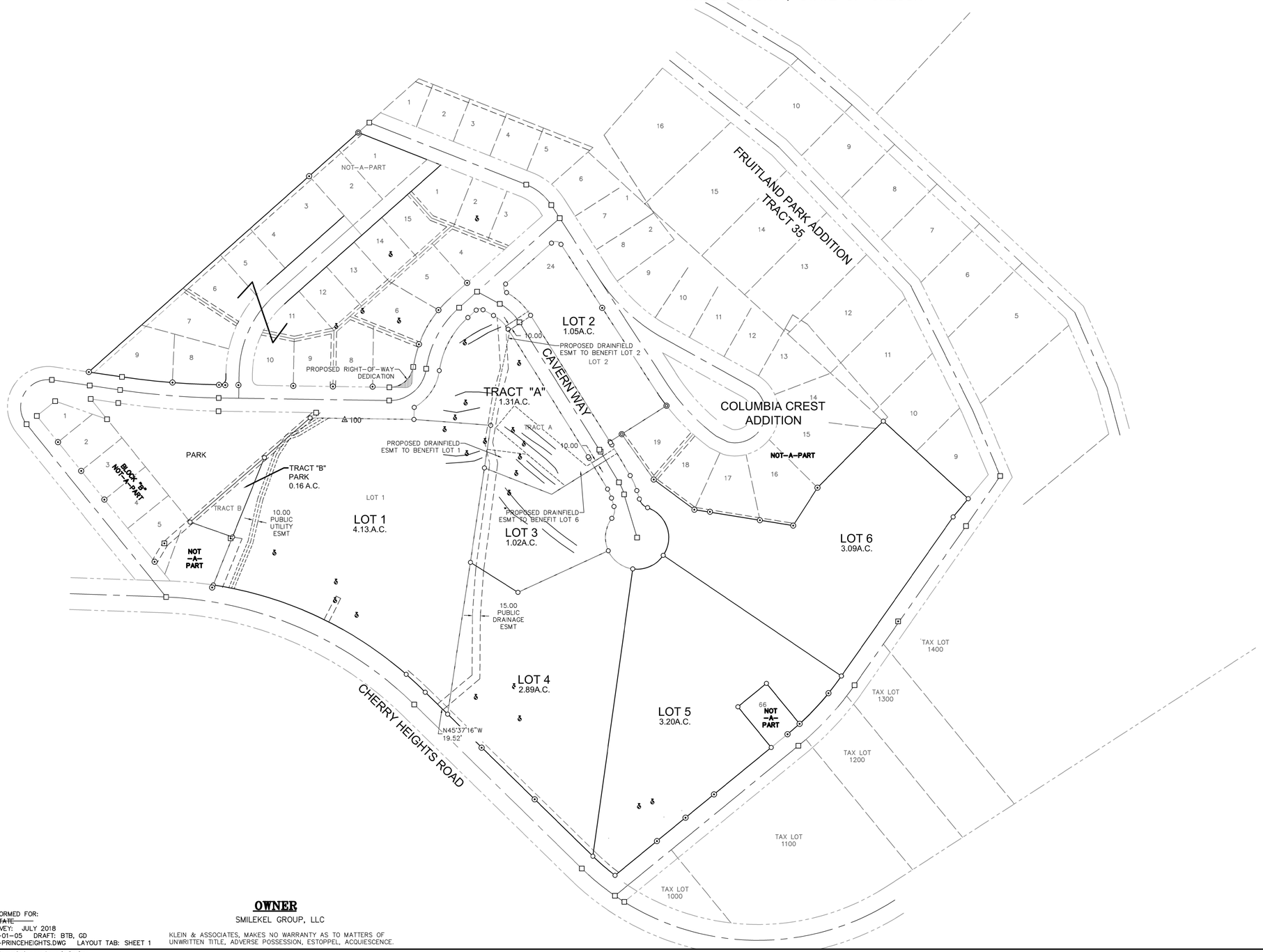
FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____



100' 0 100' 200'

SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

○	SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
⊙	FOUND 1/2 " IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION. VISITED 2017.
◎	FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15–022. VISITED 2017.
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⊡	FOUND 3/4" IRON PIPE; UNKNOWN ORIGIN. VISITED 2017.
□	COMPUTED ANGLE POINT, NOT MONUMENTED
RM	REFERENCE MONUMENT
CS NO	COUNTY SURVEY NUMBER
INST	INSTRUMENT
R1	RECORD DATA PER RECORD OF SURVEY NO.
FD	FOUND DATA
P.U.E.	PUBLIC UTILITY EASEMENT
(XXX.XX')	DISTANCE PER COLUMBIA CREST PLAT
{XXX.XX'}	DISTANCE PER FRUITLAND PLAT
⌐ s ¬ | s |	PROPOSED DRAINFIELD AREA

EASEMENT NOTES:

A NEW SEPTIC AND ACCESS EASEMENT, OVER, UNDER, AND ACROSS THAT PORTION OF TRACT "A" FOR THE BENEFIT OF LOTS 1, 2, AND 6.

A NEW 10.00' WIDE PUBLIC UTILITY EASEMENT OVER THE EXISTING WATER MAIN TO BENEFIT CHENOWITH PUD.

A NEW 15.00' PUBLIC DRAINAGE EASEMENT OVER THE EXISTING DRY CHANNEL.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

Klein & Associates, Inc.
ENGINEERING•SURVEYING•PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

SHEET 5 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
☒	4	1N.	13E.
☒	5	1N.	13E.

SURVEY PERFORMED FOR:
~~LKM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17–01–05 DRAFT: BTB, GD
FILE: 170105–PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

OWNER

SMILEKEL GROUP, LLC

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

PRINCE HEIGHTS SUBDIVISION

PROPOSED EASEMENTS & DRAIN FIELD LAYOUT

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
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WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

100' 0 100' 200'
SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
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- P.U.E. PUBLIC UTILITY EASEMENT
- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
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- — — S — PROPOSED DRAINFIELD AREA

EASEMENT NOTE

A NEW SEPTIC AND ACCESS EASEMENT, OVER, UNDER, AND ACROSS THAT PORTION OF TRACT "B" FOR THE BENEFIT OF LOTS 3, 4, 5, 6, 7, 8.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002
Expires 6-30-2023

SURVEY PERFORMED FOR:
~~LKM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
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SHEET 5 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
☒	4	1N.	13E.
☐	5	1N.	13E.

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

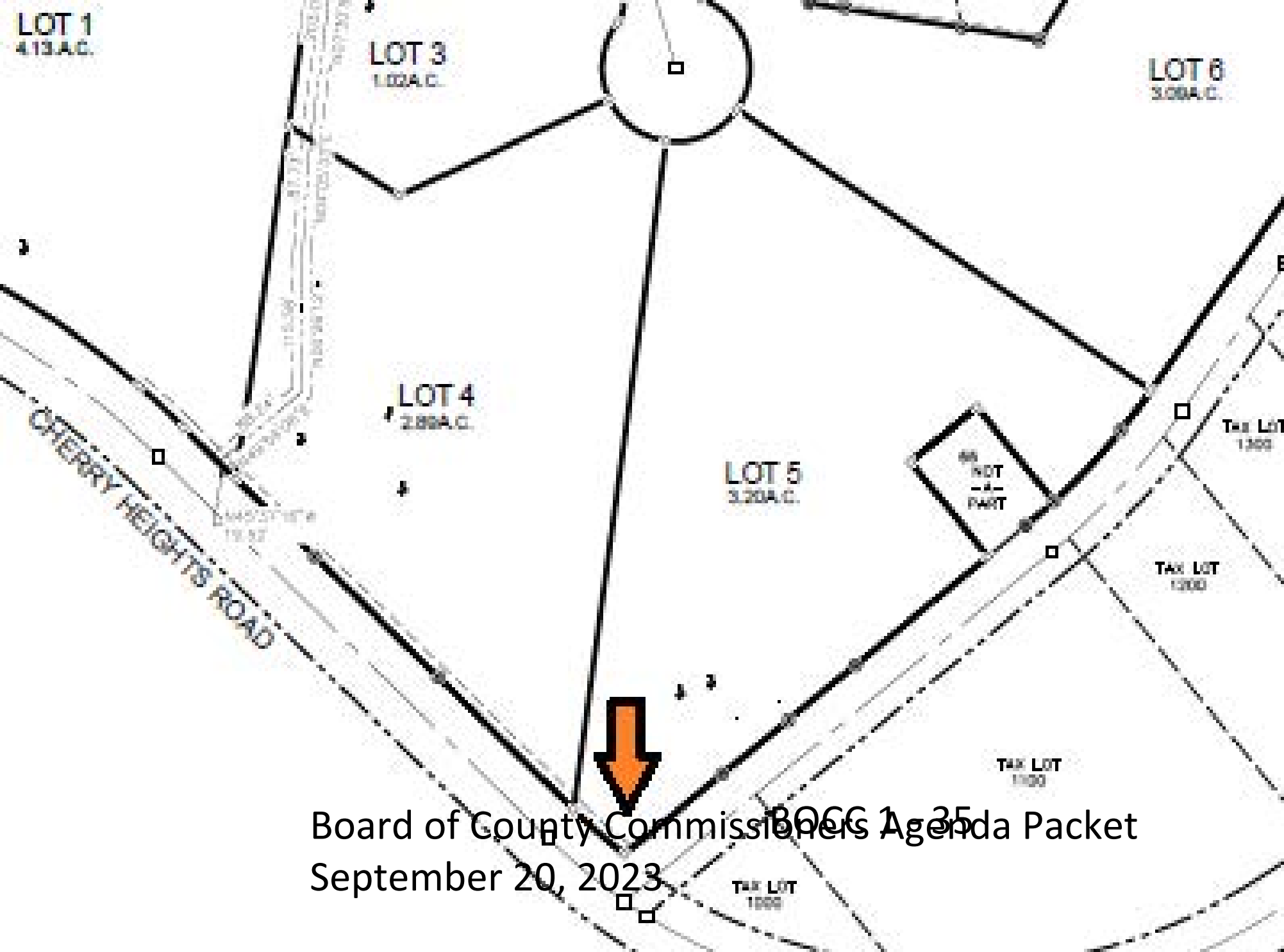
Proposed Vacated Roads

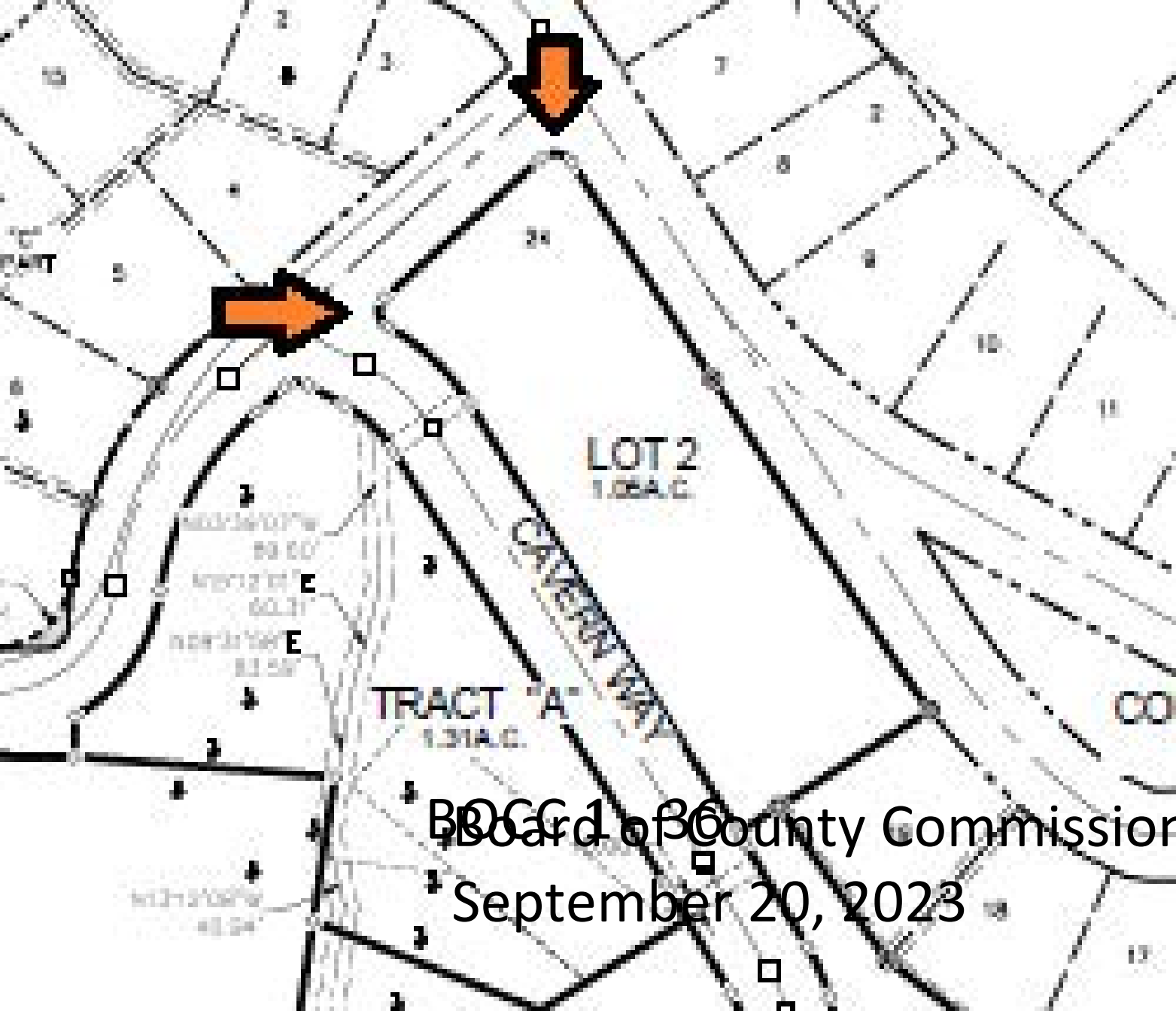
Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Road


LOT 1
4.13A.C.
LOT 3
1.02A.C.
LOT 6
3.08A.C.
LOT 4
2.89A.C.
LOT 5
3.20A.C.
NOT PART
TAX LOT
TAX LOT
TAX LOT
TAX LOT
CHERRY HEIGHTS ROAD



BOCC 1 of 36
Board of County Commission
September 20, 2023

PRINCE HEIGHTS SUBDIVISION

EXISTING LOT LAYOUTS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B",
ALL OF BLOCK "C" AND BLOCK "D",
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WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	523.76'	716.20'	41°54'01"	N66°33'41"W	512.16'
C2	457.94'	716.30'	36°37'49"	N63°09'12"W	450.18'
C3	81.57'	477.50'	9°47'17"	S50°30'54"E	81.47'
C4	55.42'	447.50'	7°05'46"	S49°10'09"E	55.39'
C5	156.88'	573.00'	15°41'13"	S42°51'13"W	156.39'
C6	120.70'	513.17'	13°28'34"	N41°06'05"E	120.42'
C7	28.02'	513.08'	3°07'46"	N49°24'18"E	28.02'
C8	80.03'	513.17'	8°56'09"	N43°22'18"E	79.95'
C9	40.64'	513.89'	4°31'53"	N36°37'58"E	40.63'
C10	20.69'	12.00'	98°45'53"	S82°18'11"E	18.22'
C11	137.95'	165.99'	47°37'00"	S24°30'23"W	134.01'
C12	18.66'	12.00'	89°06'25"	S43°51'20"E	16.84'
C13	158.28'	190.99'	47°29'00"	S24°34'23"W	153.79'
C14	179.00'	215.99'	47°29'00"	S24°34'23"W	173.92'
C15	18.86'	12.00'	90°02'51"	N45°51'18"E	16.98'
C16	71.46'	215.99'	18°57'20"	S10°18'33"W	71.13'
C17	75.20'	215.99'	19°56'58"	S29°45'42"W	74.82'
C18	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C19	46.51'	75.00'	35°32'02"	N50°41'15"W	45.77'
C20	62.02'	100.00'	35°32'02"	N50°41'15"W	61.03'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S30°30'05"W	39.65'
L2	S48°59'44"W	62.49'
L3	N50°51'36"E	44.58'
L4	S70°45'16"E	104.26'
L5	N38°55'16"W	49.40'
L6	S81°37'16"E	52.67'
L7	N4°11'02"W	51.23'
L8	S81°37'16"E	72.56'
L9	S81°37'16"E	58.24'
L10	N81°37'16"W	63.81'
L11	S89°07'16"E	12.00'
L12	S89°07'16"E	24.99'
L13	S89°07'16"E	37.01'
L14	S0°49'53"W	37.10'
L15	N32°55'14"W	29.71'
L16	N0°52'44"E	22.73'
L17	N48°18'53"E	21.04'
L18	N61°38'16"W	48.90'
L19	N30°51'02"W	67.81'
L20	N16°36'46"W	85.42'
L21	N16°36'46"W	16.68'
L22	S68°27'16"E	28.01'

100' 0 100' 200'
SCALE – FEET
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BASIS OF BEARINGS

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- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
- {XXX.XX'} DISTANCE PER FRUITLAND PLAT

EXISTING TAX LOT AREA

PARCEL	AREA
TAX LOT 300 (TRUST)	2.41 ACRES
TAX LOT 1000 (TRUST)	2.76 ACRES
TAX LOT 1100 (TRUST)	4.00 ACRES
TAX LOT 1200 (TRUST)	1.99 ACRES
TAX LOT 2600 (TRUST)	4.35 ACRES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

SURVEY PERFORMED FOR:
~~KLM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, GD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

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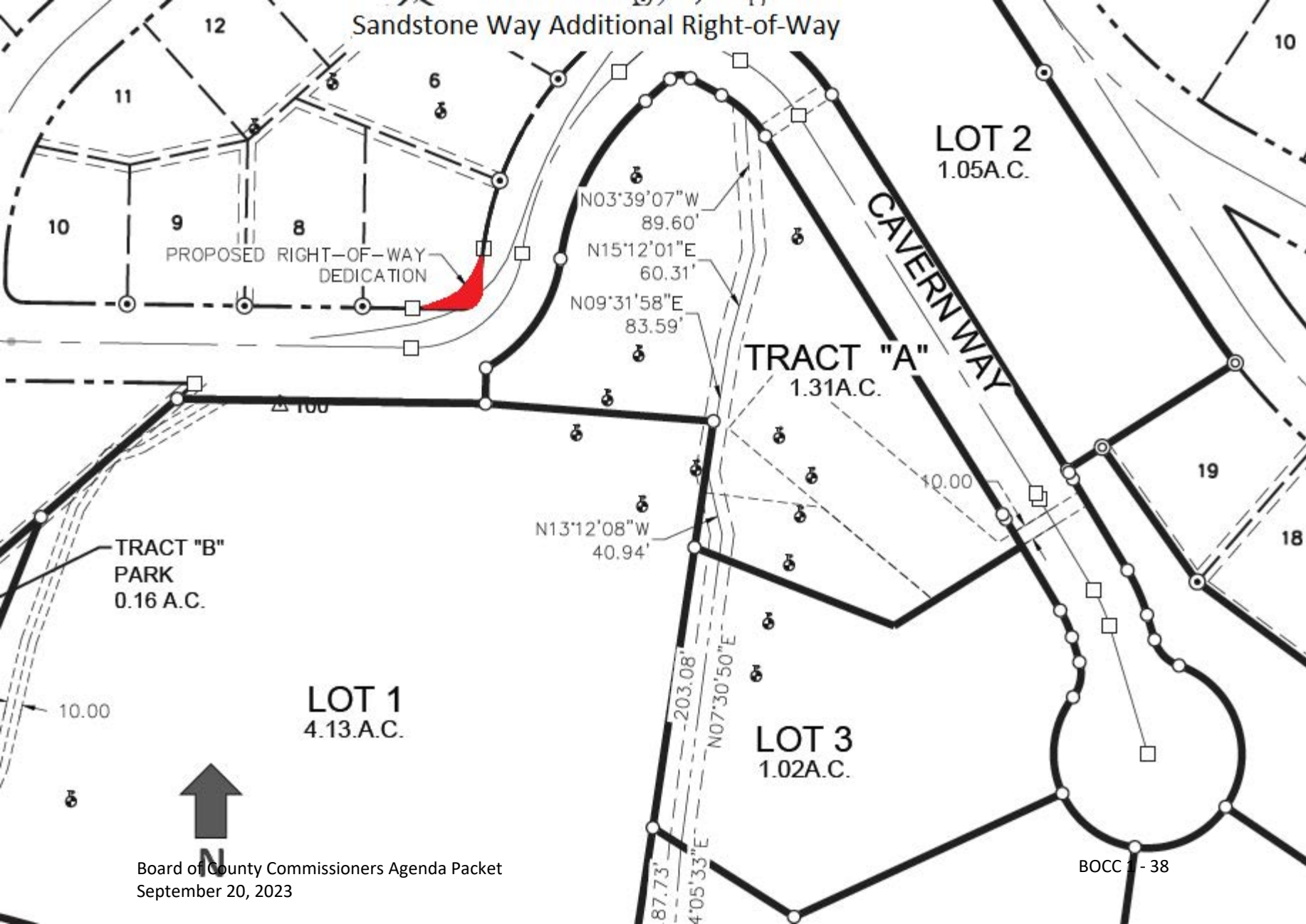
SHEET 2 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
NE	4	1N.	13E.
SE	5	1N.	13E.


Sandstone Way Additional Right-of-Way
12
11
6
10
9
8
PROPOSED RIGHT-OF-WAY DEDICATION
N03°39'07"W
89.60'
N15°12'01"E
60.31'
N09°31'58"E
83.59'
LOT 2
1.05A.C.
CAVERN WAY
TRACT "A"
1.31A.C.
10.00
19
18
N13°12'08"W
40.94'
TRACT "B"
PARK
0.16 A.C.
10.00
LOT 1
4.13.A.C.
203.08'
N07°30'50"E
LOT 3
1.02A.C.
N

ATTACHMENT D – STAFF REPORT

File Number: 921-23-000023-PLNG

Applicant: Elizabeth Betts

Owner: Smilekel Group

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 six residential lots, one private open space lot, and one public park lot). Vacation of unused Rights of Way (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

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:

Map/Tax Lot	Acct. #	Acres
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

Past Actions: 921-PLAPRE-17-01-0001 (Pre-Application Conference for Replat)
921-20-000155-PLNG (Pre-Application Conference for Replat)

Procedure Type: Quasi-Judicial Hearing

Planning Commission Decision: **Approved** with amended conditions and findings

Planning Commission Hearing Date: August 1, 2023

ATTACHMENT D – STAFF REPORT

Planning Commission Decision Notice:	August 3, 2023
Decision Appealed:	August 18, 2023
Appellant:	Friends of the Columbia Gorge
Appeal Grounds:	**(1)** The decision violates the NSA-LUDO, including sections 3.160.D.13, 3.160.G, 21.030.C & D, because it unlawfully approves new parcels that violate the applicable minimum lot size for the land use designation. **(2)** The decision contains erroneous findings and conclusions regarding the current number of legally existing parcels.
Additional Notes:	Issues on appeal shall be reviewed by the County Governing Body as a "de novo" hearing, but the review shall be limited to the grounds relied upon in the petition request. The staff report with findings and conditions approved by the Wasco County Planning Commission is provided below. The issues raised on appeal with updated staff findings, conclusions, and recommendations are provided in Sections II.A., III.B and III.F of this report. Appeal Ground #1 is addressed for each of the relevant Subsections 3.160.D.13, 3.160.G., 21.030.C. and 21.030.D. Appeal grounds and recommendations are **bolded** and highlighted for ease of review.
Board of Commissioners Hearing Date:	September 20, 2023
Prepared By:	Daniel Dougherty, Senior Planner

ATTACHMENT D – STAFF REPORT

I. APPLICABLE STANDARDS

Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)

A. Chapter 2 – Development Approval Procedures

Section 2.050	Wasco County Application Authority
Section 2.160	Review of a Decision of the Planning Commission
Section 2.170	Review by the County Governing Body

B. Chapter 3 – Basic Provisions

Section 3.160	"R-R" Rural Residential Zone (GMA & SMA)
Section 3.160.D.13	Land Divisions and Replats
Section 3.160.G.	Property Development Standards

C. Chapter 4 – Supplemental Provisions

Section 4.040	Off-Street Parking

D. Chapter 11 – Fire Safety Standards

Section 11.110	Siting Standards
Section 11.120	Defensible Space
Section 11.130	Construction Standards for Dwellings and Structures
Section 11.140	Access Standards
Section 11.150	Fire Protection or On-Site Water Required

E. Chapter 14 – Scenic Area Review

Section 14.100	Provisions for all new development
Section 14.200	Key Viewing Areas
Section 14.300	Scenic Travel Corridors
Section 14.400	Landscape Settings
Section 14.500	Cultural Resources – GMA
Section 14.600	Natural Resources – GMA
Section 14.700	Recreation Resources - GMA
Section 14.800	Indian Tribal Treaty Rights and Consultation – GMA

F. Chapter 21 – Scenic Area Review

Section 21.030	Basic Provisions and Design Standards
Section 21.200	Property Line Adjustments & Replats
Section 21.300	Preliminary Subdivision Plan Approval
Section 21.310	Final Subdivision Plat Approval
Section 21.400	Private Road Approval and Public Road or Street Dedications
Section 21.410	Improvements
Section 21.420	Public Streets and Roads
Section 21.440	Roadway Improvement Standards
Section 21.450	Access Control
Section 21.460	Pedestrian Access and Circulation
Section 21.470	Penalty and Enforcement on Violation

G. Chapter 23 – Sign Provisions

II. BACKGROUND

GROUNDS FOR APPEAL #2: "The decision contains erroneous findings and conclusions regarding the current number of legally existing parcels."

A. Legal Parcel: The Friends of the Columbia Gorge submitted the following comment on July 20, 2023:

"The County must apply both the Management Plan and NSA-LUDO definitions, and where one of these definitions is more restrictive, that definition controls. NSA-LUDO § 1.070. All available GIS data only identifies 5 parcels rather than 66 in the proposed area. In addition, it is not clear from the application materials if subdivision or partition plats were ever recorded for the Columbia Crest Subdivision and the Fruitland Park Addition. The County must verify that the lots are legally existing before approving any replat. NSA-LUDO § 3.160.D. The Applicant bears the burden of establishing legality of the parcels." (Emphasis added).

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG, and in Attachment E.

Comments were also provided by the Wasco County Surveyor Bradley Cross on September 12, 2023:

"I have reviewed the plat of Columbia Crest Addition, including looking at any files and the hard copy of the surveyor's copy of the plat that would typically indicate any vacations or corrections. I don't see anything that indicates any changes to the original plat.

There are some conveyances noted in the attached 2020 vesting deed from 1968 to the County that appear to be an acquisition of small portions of additional right of way taken in fee title, but these would typically be recognized as public dedications.

I've attached a copy of the 1968 deed, it has a map that clearly shows the location of the county acquisition.

Tract A also has some additional deed exceptions from 1977 & 2016."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG, and in Attachment E. A copy of the referenced deeds is provided in Attachment I.

Oregon Administrative Rules (OAR) Chapter 350 Columbia River Gorge Commission, the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan) and the Wasco County National Scenic Area Land Use and Development Ordinance (NSA-LUDO) provide the applicable criteria to determine the legal parcel status of property located in the National Scenic Area.

Staff findings and conclusions for the applicable criteria are provided below. Relevant case law and public comments are also provided.

Management Plan
Glossary (definition of "Parcel")

Parcel:

1. *Any unit of land legally created by a short division, partition, or subdivision that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.*

2. *Any unit of land legally created and separately described by deed, sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.*

3. *A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the Forest Service prior to the Final Interim Guidelines.*

4. *A unit of land shall not be considered a separate parcel simply because the subject tract of land:*

   A. *Is a unit of land solely created to establish a separate tax account;*
   B. *Lies in different counties;*
   C. *Lies in different sections or government lots;*
   D. *Lies in different land use or zoning designations; or*
   E. *Is dissected by a public or private road.*

Management Plan, Pages 433-434.

FINDING: Parcel: Subsection 1. provides:

1. *Any unit of land legally created by a short division, partition, or subdivision that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.*

The criterion contains two essential requirements for properties to be considered "Parcels" under the Management Plan: (1) the unit of land must be "legally created by a…subdivision…that was legally recognized under all state laws and local ordinances in effect on November 17, 1986;" and (2) the unit of land cannot be "eligible for consolidation as provided in the Management Plan." Management Plan Glossary, Parcel subsection 1. P. 433.

Parcel: Subsection 1. (Requirement #1)

The Columbia Crest Addition Subdivision was duly recorded by the Wasco County Clerk on June 5, 1953 (Book 5, Page 8). The subdivision created the subject 66 lots. The 66 lots include the following: Block D: Lots 1-12; Block A: Lots 20-73 (minus Lot 66); and Tract A.

See the below recorded Columbia Crest Addition Subdivision plat; the Clerk File Date and Signature; and a highlighted subdivision map of the subject 66 lots. The Columbia Crest Addition Subdivision plat and highlighted 66-lots map are also found within Attachment C: Maps.

BOOK 5 PAGE 8

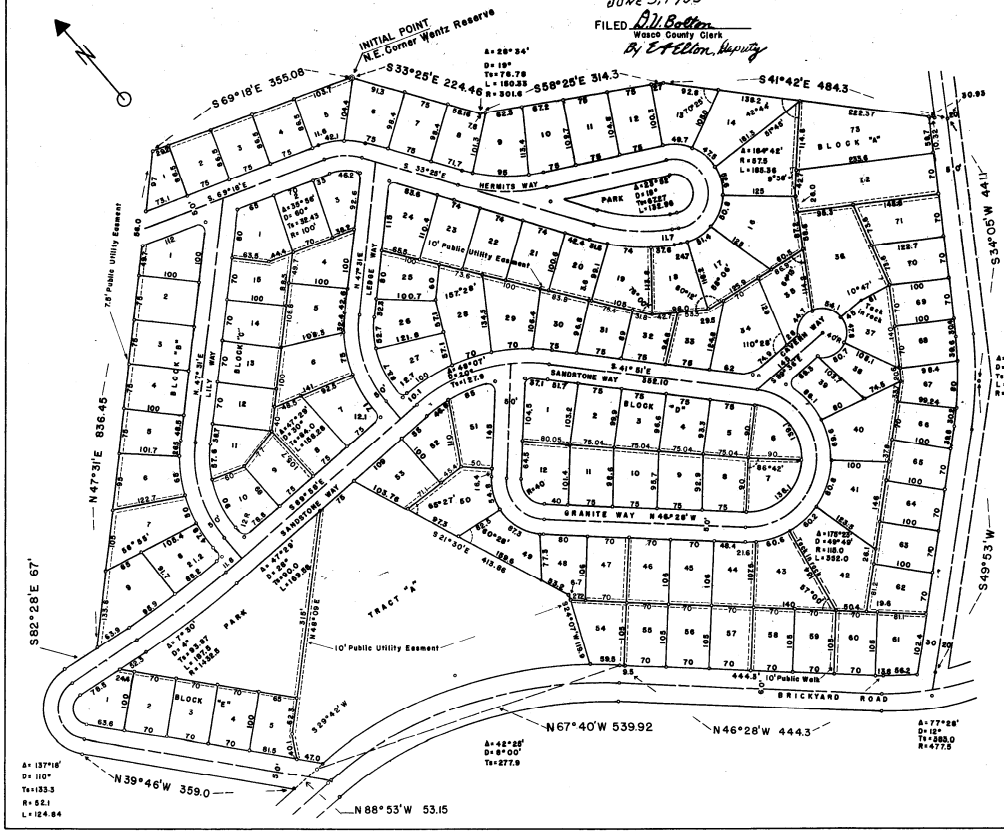
PROPERTY DESCRIPTION

Beginning of the northeast corner of the Wentz Reserve in the Fruitland Park Addition in Wasco County, Oregon, thence S33°25'E 224.46 ft; thence S58°25'E 314.3ft; thence S41°42'E 484.3ft; thence S34°05'W 441.1ft; thence S49°53'W 493.78ft to the northerly right of way of the relocated brickyard road; thence northwesterly on a 447.8ft. radius curve to the right (the long chord of which bears N52°01'W 86.54 ft.) along said right of way; thence N46°28'W 444.3ft.; thence on a 746.25ft. radius curve to the left 552.46ft. (the long chord of which bears N67°40'W 539.92ft.) thence N88°53'W 53.15ft; thence N39°46'W 359 ft; thence on a 77.1 ft. radius curve to the right 164.76ft. (the long chord of which bears N28°53'E 143.46ft.) thence S82°28'E 67ft; thence N47°31'E -836.45ft; thence S69°18'E 355.08ft. to the point of beginning

The annexed plat of Columbia Crest Addition in Wasco County, Oregon was examined and approved this 1st day of June 1953.

W. R. Kramer — Wasco County Judge
Verna Clark — County Commissioner
County Commissioner

JUNE 5, 1953
FILED A.V. Bolton
Wasco County Clerk
By E. F. Elton, Deputy



MAP OF
COLUMBIA CREST ADDITION
IN
WASCO COUNTY, OREGON
SECTIONS 4 & 5, T. 1N, R13EWM
SCALE 1" = 100'

DEDICATION

We, T.F. Jones and Mary E. Jones, husband and wife, Joe J. Fleck and Ruby L. Fleck, husband and wife, and R.E Mitchell and Betty L. Mitchell, husband and wife, as the owners in fee simple of the land shown on the annexed Plat, hereby dedicate to the public forever all the streets, alleys, and easments as shown on such plat, and that we declare the attached plat to be a correct plat of the Subdivision of the Columbia Crest Addition in Wasco County, Oregon.

By R.E. Mitchell — By T.F. Jones
By Betty L. Mitchell — By Mary E. Jones
By Joe J. Fleck
By Ruby L. Fleck

On this 1st day of June 1953, before me a Notary Public for Oregon, personally appeared T.F. Jones and Mary L. Jones, husband and wife, Joe J. Fleck and Ruby L. Fleck, husband and wife, and R.E. Mitchell and Betty L. Mitchell husband and wife, known to me, who first being duly sworn, say that they sign this instrument as their free and voluntary act.

Verna C. Jensen
Notary Public for Oregon
My commission expires Sept. 17, 1956

ENGINEERS CERTIFICATE

I, Homer S. Wall, being first duly sworn, depose and say that the survey of Columbia Crest Addition in Wasco County, Oregon was made under my supervision and the land represented by said plat was accurately surveyed and marked with proper monuments as required by law, and that a 3" x 36" galvanized iron pipe was planted at the N.E. corner of the Wentz Reserve in Fruitland Park Addition in Wasco County, Oregon, which point is the Initial Point of this survey.

Homer S. Wall
Registered Engineer for Oregon

Subscribed and sworn before me this 1st day of June 1953.

Verna C. Jensen
Notary Public for Oregon
My Commission expires Sept. 17, 1953

I, Harry E. Greene, Assessor of Wasco County and State of Oregon, hereby certify that I have examined the annexed plat of the Columbia Crest Addition, Wasco County, Oregon, that the name adopted for said Addition is a proper name and not included in any other Addition of Wasco County, and that all taxes and assessments, due thereon, have been fully paid and I hereby approve said plat

Harry E. Greene
Wasco County Assessor

The annexed plat of Columbia Crest Addition in Wasco County, Oregon was examined and approved this 1st day of June 1953.

Wasco County Surveyor

The annexed plat of Columbia Crest Addition in Wasco County, Oregon was examined and approved this 2nd day of June 1953.

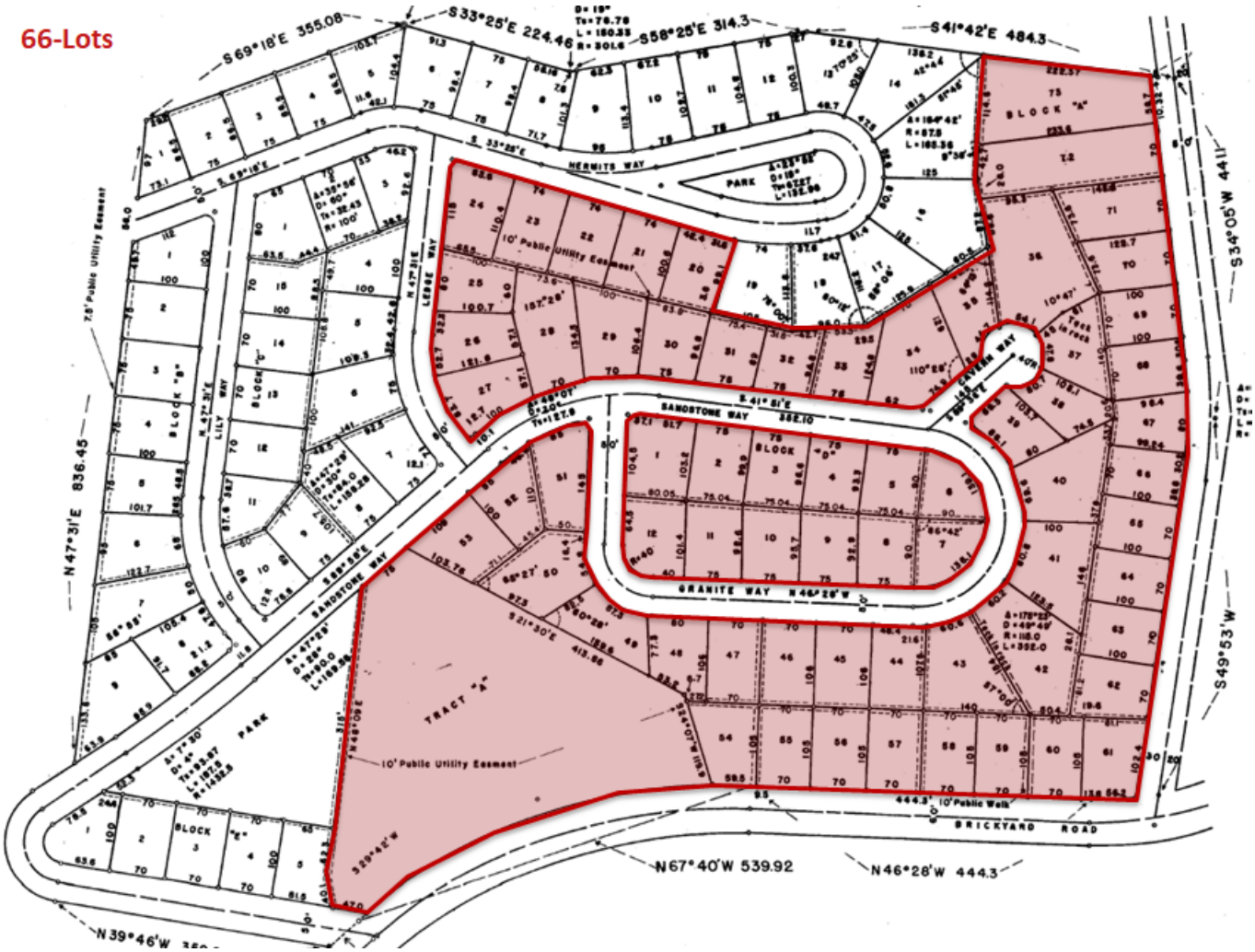
A.O. Detrate
Chairman, Dalles City Planning Commission

The annexed plat of Columbia Crest Addition in Wasco County, Oregon was examined and approved this 1st day of JUNE 1953.

W. R. Kramer — Wasco County Judge
Verna Clark — County Commissioner
County Commissioner

JUNE 5, 1953

FILED A.V. Bolton
Wasco County Clerk
By E. F. Elton, Deputy



The subdivision pre-dates Oregon Statewide Land Use and Planning Goals as well as the National Scenic Area Act. There is no clear indication that the approval of the Columbia Crest Addition Subdivision required review from a controlling subdivision or land use ordinance in 1953. However, staff located a recorded copy of a 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County" in the Planning Department ordinance archives. Ordinance No. 3 was approved by the affirmative vote of a majority of the Wasco County Planning Commission on May 4, 1953. Ordinance No. 3 Subdivision Regulations of Wasco County, Page 14.

Ordinance No. 3 Subdivision Regulations of Wasco County was passed and adopted by the Wasco County Court on May 13, 1953, and recorded with the Wasco County Clerk under Book: P, Pages: 221-238, on May 13, 1953.

Based on the June 2, 1953 recordation of the Columbia Crest Addition Subdivision, it is unclear that Ordinance No. 3, governed the review and approval of the subdivision. However, the ordinance is a significant persuasive indicator of the procedural and substantive law, which may have provided standards for final approval and recordation of the Columbia Crest Subdivision. Ordinance No. 3 Section IV Preliminary Plat, in part, provides the standards for preliminary subdivision plans:

5. INFORMATION REQUIRED: The preliminary plan should include the following information:

a. Proposed name of subdivision, (This name must not duplicate or resemble the name of another subdivision in Wasco County).
b. Date, north point, scale of drawing and sufficient description to define the location and boundaries of the proposed tract.
c. Names and addresses of owner, subdivider and engineer or surveyor.
d. Location of official plan lines or projected streets or highways.
e. Location, names and present width of roads, streets, highways, or ways.
f. The location, names, widths, typical improvements cross sections and approximate existing and finished grades of all roads, streets, highways and ways in the proposed subdivisions. In cases in which street grades exceed six (6%) per cent, such grades shall be shown by center line profiles.
g. The approximate width and location of all easements for drainage or public utilities.
h. Approximate dimensions of all lots.
i. Approximate location of areas subject to inundation or storm water overflow, or all areas covered by water, and the location, width, and direction of flow of all water courses.
j. Existing use or uses of the property, including the location of all existing structures to remain on property.
k. Proposed use of the property and outline of deed restrictions.
l. Statement of the subdivision improvements proposed to be made or completed.
m. Statement regarding water system to be installed, including source, quality and quantity of water.
n. Provisions for sewage disposal, drainage, and flood control which are proposed.
o. Public areas proposed.
p. Such of the foregoing information as may not practicably be shown on the map shall be shown on separate sheets of paper or contained in written statements accompanying the preliminary plan.
q. Submission of drainage plan if necessary, showing profiles of drainage ways.

1953 "Ordinance No. 3 Subdivision Regulations of Wasco County" Page. 2.

Furthermore, Ordinance No. 3 provides that the Planning Commission must review and approve the preliminary plat prior to the final plat's recordation. A copy of the unrecorded and recorded microfilm "Ordinance No. 3 Subdivision Regulations of Wasco County" is provided in Attachment H.

To date, the appellant has provided no information demonstrating that the recorded Columbia Crest Addition Subdivision failed to meet the applicable requirements for duly recorded subdivisions in 1953. Because the plat was signed and duly recorded, there is no indication that the subdivision did not meet the applicable subdivision standards of the era, including Ordinance No. 3.

Additionally, in *Koo v. Polk County*, the Land Use Board of Appeals (LUBA) held:

> Unless a specific process is followed to eliminate lot lines, under ORS 92.107 lots remain discrete lots. *Koo v. Polk County*, 33 Or LUBA 487 (1997).

Pertaining to Block D: Lots 1-12 and Block A: Lots 20-73 (minus Lot 66), staff has found no recorded record that demonstrates Block D: Lots 1-12 and Block A: Lots 20-73 (minus Lot 66) have been reconfigured, vacated, or combined through a specific process such as by deed, sales contract, record of survey, subdivision, partition, or replat.

Based on the aforementioned evidence, staff finds that Block D: Lots 1-12 and Block A: Lots 20-73 (minus Lot 66) were created by a duly recorded subdivision prior to November 17, 1986, and further finds that the lots meet Parcel: Subsection 1. (Requirement #1).

Parcel: Subsection 1. Requirement #2

This requirement mandates that a legally created "Parcel", cannot be eligible for consolidation as provided in the Management Plan. The Management Plan only addresses consolidation of lots in Chapter 7 - General Policies and Guidelines, Consolidation of Lots.

OAR 350-081-0120 and the Management Plan Chapter 7; provide the same criteria for the consolidation of lots. Both require consolidation of lots only if the following criteria are met:

> **Management Plan**
> **Chapter 7 - General Policies and Guidelines**
> *CONSOLIDATION OF LOTS*
> *GMA/SMA Guidelines*
> 1. *A unit of land shall be consolidated with adjacent lands in the same ownership if:*
>
> A. *In Oregon, the subdivision within which the unit of land is located is undeveloped pursuant to ORS chapter 92;*
>
> 2. *No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.*
> 3. *Section 1 shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.*
> 4. *To carry out this section, counties shall develop their own procedures for consolidating units of land pursuant to this provision, including amending plats, vacating plats, replatting, or other similar legal action.*
>
> Management Plan, Pages 273-274.

Chapter 7, Consolidation of Lots, Subsection 1.A., requires subdivision lots be consolidated with adjacent property in the same ownership if the subdivision is "undeveloped" pursuant to ORS 92. Further, Subsection 4. Requires counties to develop their own procedures for consolidating units of land. In Wasco County, consolidation and reconfiguration of land is accomplished through the replat process.

The express language within Chapter 7, Consolidation of Lots creates a conflict for land use decisions involving property that "is" eligible for consolidation. If the property "is" eligible, the Management Plan's definition of Parcel: Subsection 1, provides that the property "shall not be considered a parcel", but if the property is not considered a "Parcel", it cannot be a "legal parcel", thus, the property is ineligible for consolidation through a land use decision (e.g., preliminary replat approval).

ORS 92.205 through 92.245 provides relevant law regarding "Undeveloped Subdivisions". ORS 92.205 through 92.225 are provided below:

Chapter 92 — Subdivisions and Partitions
UNDEVELOPED SUBDIVISIONS

ORS 92.205 Policy.

(1) The Legislative Assembly finds that many subdivisions for which plats have been approved and recorded have not been developed and that many such subdivisions were approved prior to the adoption of a comprehensive plan, zoning regulations and ordinances and modern subdivision control standards by the jurisdiction within which the lands described in the subdivision plats are situated.

(2) The Legislative Assembly finds, therefore, that it is necessary for the protection of the public health, safety and welfare to provide for the review of undeveloped subdivisions for the purpose of modifying such subdivisions, if necessary, to comply with the current comprehensive plan, zoning ordinances and regulations and modern subdivision control standards, or, if such modification is not feasible, of vacating the nonconforming, undeveloped subdivisions and to vacate any lands dedicated for public use that are described in the plat of each such vacated subdivision. [1973 c.569 §1]

ORS 92.215 Review authorized; manner.

(1) Each agency or body authorized to approve subdivision plats under ORS 92.040 may:
  (a) Review each subdivision approved on or after October 5, 1973, after the expiration of 10 years after the date of such approval.
  (b) Review each subdivision plat approved more than 10 years prior to October 5, 1973.

(2) Each review conducted pursuant to subsection (1) of this section shall be conducted in the manner and subject to the conditions prescribed in ORS 92.225. [1973 c.569 §2]

ORS 92.225 Review of undeveloped or developed subdivision plat lands.

(1) The agency or body required to conduct the review under ORS 92.215 shall investigate the status of the lands included within a subdivision to determine whether the subdivision is undeveloped.

(2) For the purposes of this section, the lands described in the plat of any subdivision under review shall be considered to be developed if any of the following conditions are found by the agency or body conducting the review to exist on such lands:
  (a) Roadways providing access into and travel within the subdivision have been or are being constructed to meet the specifications prescribed therefor by the agency or body that approved the plat of the subdivision;
  (b) Facilities for the supply of domestic or industrial water to lots created by the subdivision have been or are being constructed;
  (c) Sanitary sewerage disposal facilities have been or are being constructed for lots created by the subdivision, or septic tanks have been or are being installed on the land or permits have been issued for their installation on the land;
  (d) Buildings have been or are being constructed upon the land or permits have been issued for the construction of buildings upon the land; and
  (e) One or more lots described in the plat of the subdivision have been sold or otherwise transferred prior to the date of the initiation of such review.

(3) If the agency or body determines that a subdivision is undeveloped after its investigation of the subdivision under subsection (1) of this section, it shall also determine:
  (a) If the undeveloped subdivision complies with the comprehensive plan, zoning regulations and ordinances and subdivision ordinances and regulations then in effect with respect to lands in the subdivision; and

(b) If the undeveloped subdivision does not comply with such plan and ordinances and regulations, whether the subdivision may be revised to comply with such plan and ordinances and regulations.

(4) If the agency or body determines that a subdivision is undeveloped after its investigation of the subdivision under subsection (1) of this section, it shall hold a hearing to determine whether the undeveloped subdivision should be revised and the subdivision replatted or vacated and all lands within the subdivision that have been dedicated for public use vacated. Not later than 30 days before the date of a hearing held by an agency or body under this section, the agency or body shall notify, in writing, each owner of record of land described in the plat of the subdivision under review of the date, place, time and purpose of such hearing. [1973 c.569 §3]

The ORS does not require agencies and local jurisdictions to investigate eligible subdivision plats, nor does it require eligible subdivisions be replatted or vacated. The ORS provides authority to investigate and revise undeveloped subdivisions, but it is not prescriptive.

Because the Columbia Crest Addition Subdivision was duly recorded in 1953, 10 years prior to October 5, 1973, it meets the requirements of ORS 92.215(1)(b). However, the Columbia Crest Addition is a "developed" subdivision according to ORS 92.225(2)(a), (b) (c), (d), and (e). The express language within ORS 92.215 provides "the lands described in the plat of any subdivision under review…" In this case, the undeveloped subject lots are part of the Columbia Crest Addition Subdivision. However, other lots within the subdivision have been developed and contain roadways, water service, septic facilities, dwellings and other accessory structures. Furthermore, multiple lots within the subdivision have been sold or transferred since its recordation in 1953.

The Wasco County Geographic Information System (GIS) provides for 12 registered addresses and 12 existing dwelling units that are within the subdivision on Block B: Lot 1; Block A: Lots 3-7, Lots 9-11, and Lots 13-16; and Block E: Lot 5. Additionally, there is no indication that the dwelling units are not served by septic systems, and Chenowith Water Public Utility District provides water service to the area. Lastly, there are three publicly dedicated roads that include Sandstone Way & Ledge Street (collectively Sandstone Way) and Hermits Way that provide public access to the subdivision.

Based on the aforementioned evidence, staff finds that the Columbia Crest Addition Subdivision is a "developed" subdivision, and thus, the subject lots are not within an "undeveloped" subdivision pursuant to ORS chapter 92. Because the subject lots are eligible for consolidation under Chapter 7, Consolidation of Lots, the lots meet Parcel: Subsection 1. (Requirement #2).

Based on the above findings, staff concludes that Block D: Lots 1-12 and Block A: Lots 20-73 (minus Lot 66) <u>meet the Management Plan's definition of Parcel: Subsection 1.</u>

Parcel: Subsection 2. provides:

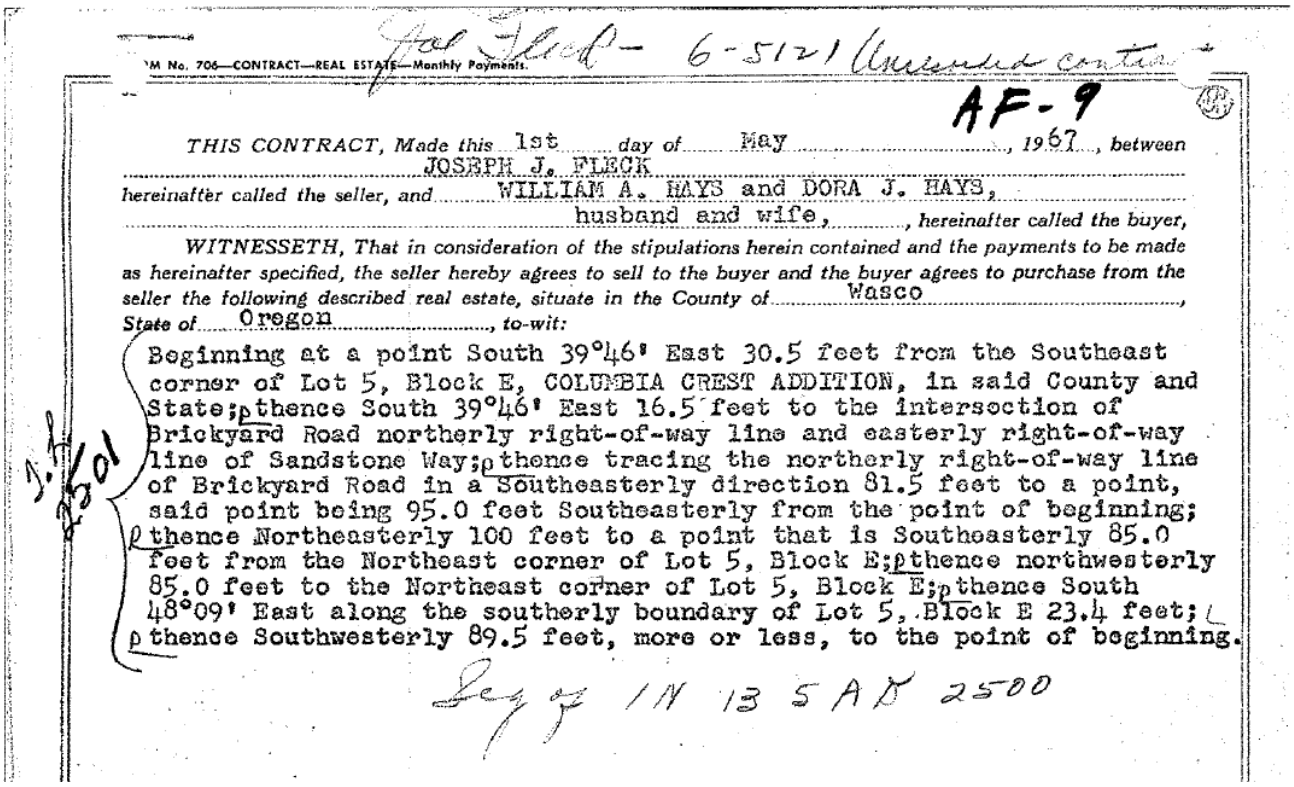
2. Any unit of land legally created and separately described by deed, sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.

Like Subsection 1., this criterion contains two essential requirements for properties to be considered "Parcels" under the Management Plan: (1) the unit of land must be described "by deed, sales contract, or record of survey prior to November 17, 1986; and (2) "the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986." Management Plan Glossary, Parcel subsection 2. P. 433.

Parcel: Subsection 2. Requirement #1

The unit of land described as "Tract A" was created by the Columbia Crest Addition Subdivision in 1953. Tract A was divided by a land sales contract (AF-9) that was executed on May 1, 1967, between Joseph J. Fleck as seller and William A. and Dora J. Hays, husband and wife, as buyers. The contract (AF-9) was obtained by staff from the Wasco County Assessor's Office. A copy of the land sales contract (AF-9) is provided in Attachment I.

The land sales contract described the following property:



Joe Fleck – 6-5121 Unrecorded contract

M No. 706—CONTRACT—REAL ESTATE—Monthly Payments.

AF-9

THIS CONTRACT, Made this 1st day of May, 1967, between JOSEPH J. FLECK hereinafter called the seller, and WILLIAM A. HAYS and DORA J. HAYS, husband and wife, hereinafter called the buyer,

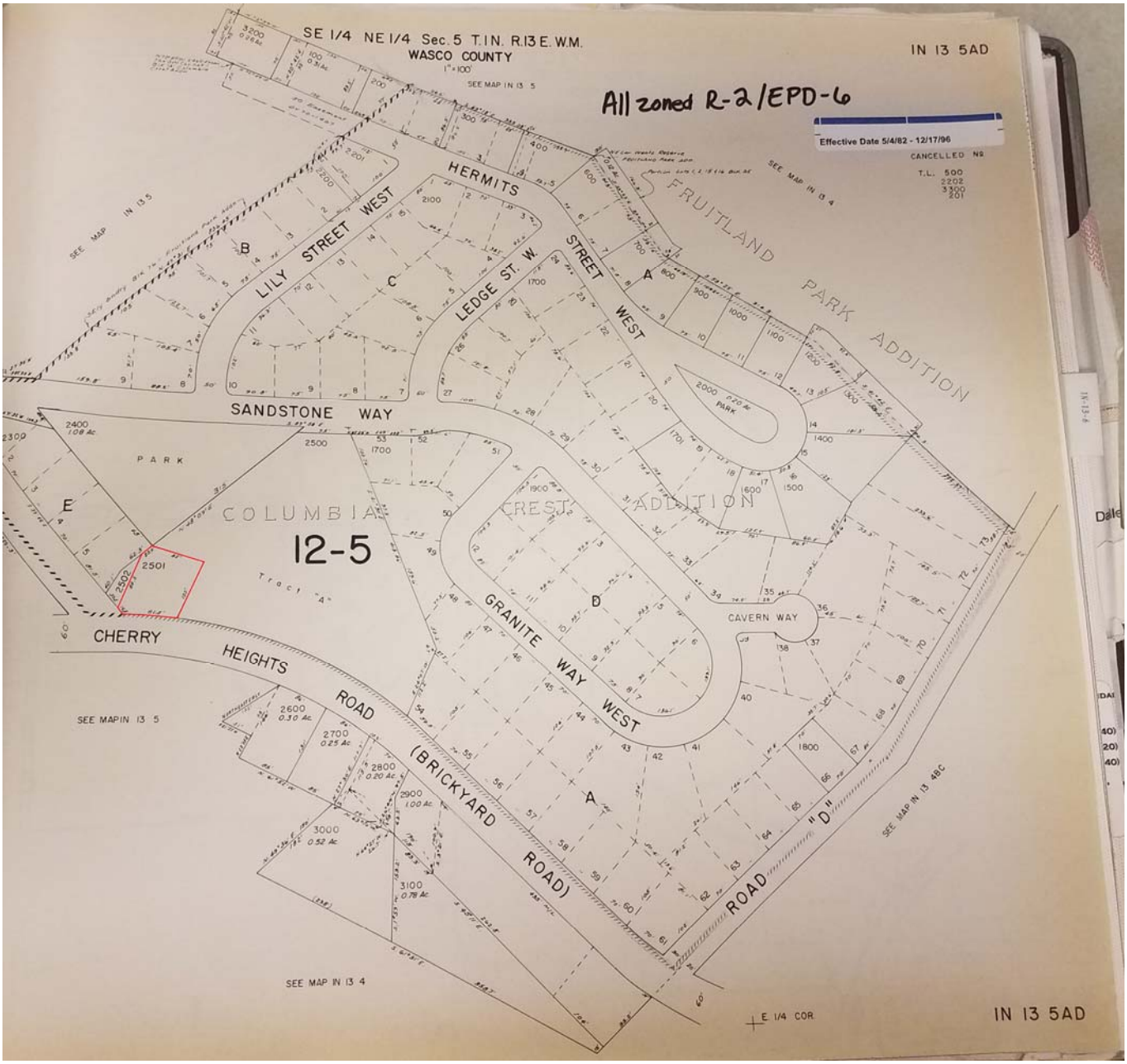
WITNESSETH, That in consideration of the stipulations herein contained and the payments to be made as hereinafter specified, the seller hereby agrees to sell to the buyer and the buyer agrees to purchase from the seller the following described real estate, situate in the County of Wasco, State of Oregon, to-wit:

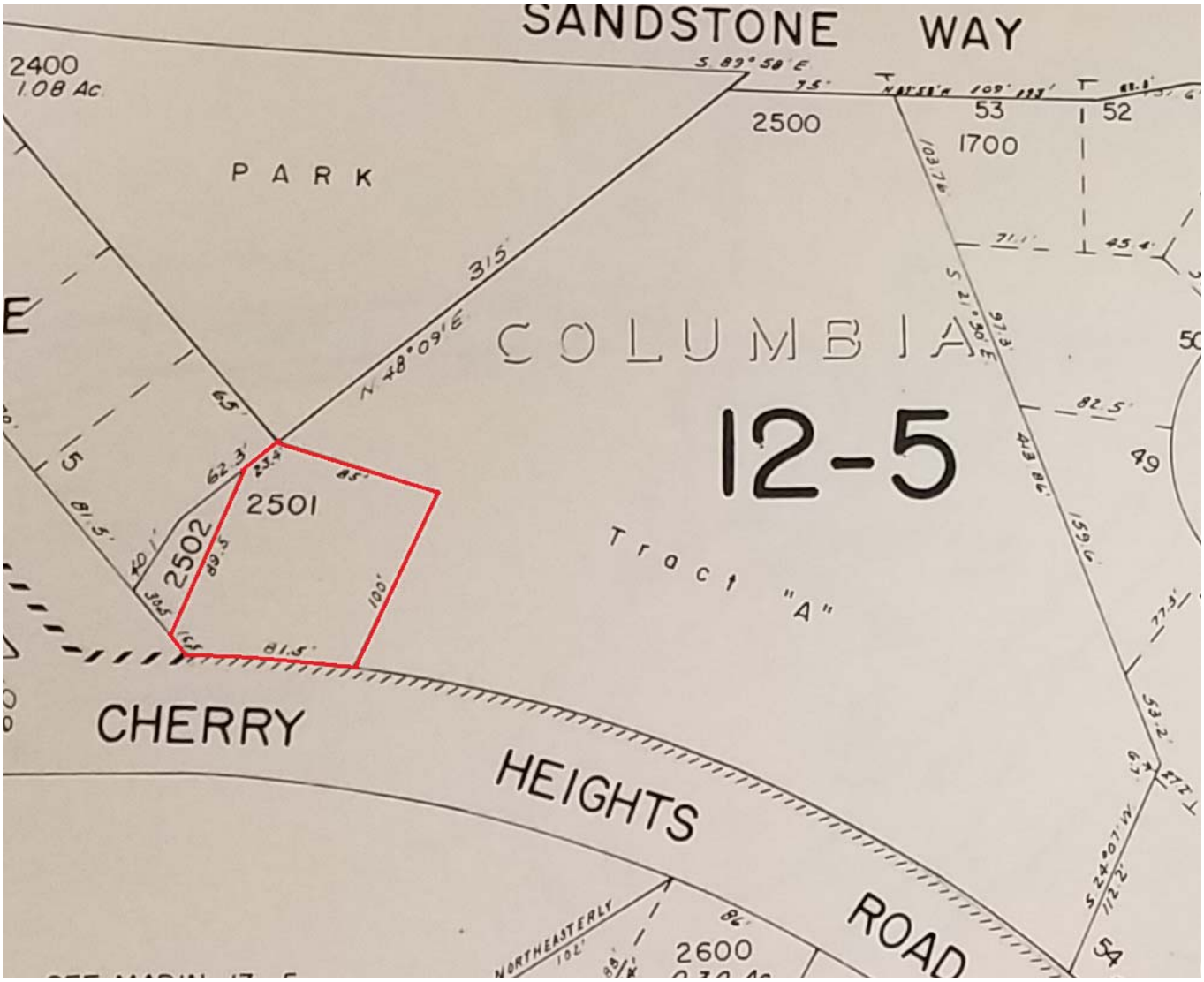
Beginning at a point South 39°46' East 30.5 feet from the Southeast corner of Lot 5, Block E, COLUMBIA CREST ADDITION, in said County and State; thence South 39°46' East 16.5 feet to the intersection of Brickyard Road northerly right-of-way line and easterly right-of-way line of Sandstone Way; thence tracing the northerly right-of-way line of Brickyard Road in a Southeasterly direction 81.5 feet to a point, said point being 95.0 feet Southeasterly from the point of beginning; thence Northeasterly 100 feet to a point that is Southeasterly 85.0 feet from the Northeast corner of Lot 5, Block E; thence northwesterly 85.0 feet to the Northeast corner of Lot 5, Block E; thence South 48°09' East along the southerly boundary of Lot 5, Block E 23.4 feet; thence Southwesterly 89.5 feet, more or less, to the point of beginning.

Leg of IN 13 5 AD 2500

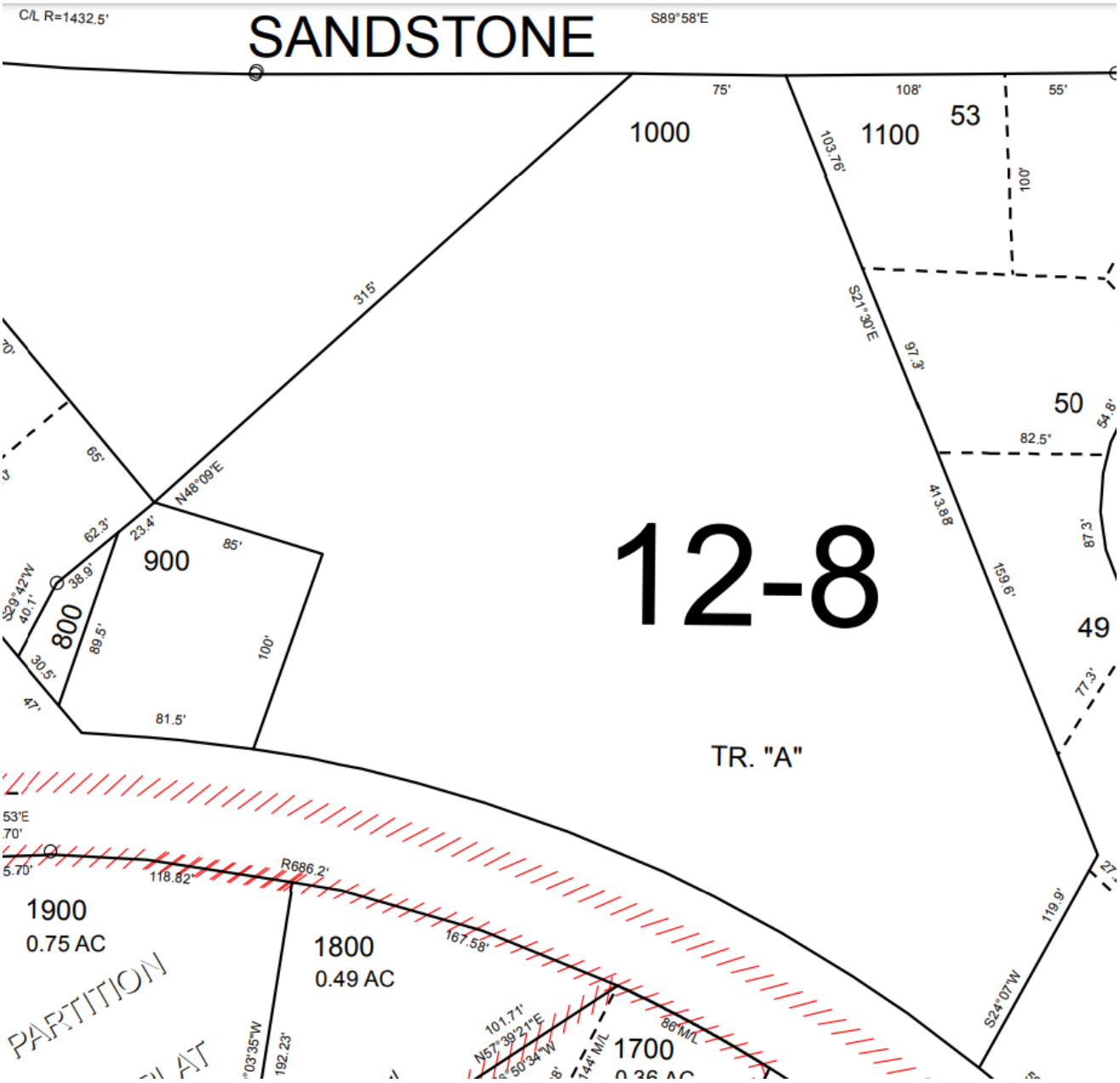
AF-9 Page 1.

The parcel described in (AF-9) is illustrated in red below. The below tax lot map is the effective tax lot map from May 4, 1982:


SE 1/4 NE 1/4 Sec. 5 T.1N. R.13E. W.M.
WASCO COUNTY
1" = 100'
IN 13 5AD
All zoned R-2/EPD-6
Effective Date 5/4/82 - 12/17/96
CANCELLED
T.L. 500
2202
3300
201
SEE MAP IN 13 5
SEE MAP IN 13 4
HERMITS
LILY STREET WEST
LEDGE ST. W.
STREET WEST
FRUITLAND PARK ADDITION
SANDSTONE WAY
PARK
COLUMBIA CREST ADDITION
12-5
Tract "A"
CAVERN WAY
GRANITE WAY WEST
CHERRY HEIGHTS ROAD
(BRICKYARD ROAD)
ROAD "D"
SEE MAP IN 13 4B
SEE MAP IN 13 5
E 1/4 COR
IN 13 5AD



The land sales contract describes a unit of land that according to Planning archive records was described as Tax Lot 2501. Currently, the unit of land is described as tax lot 900, located at 1 North, 13 East, Section 5 AD, Tax Lot 900.



The property described in the land sales contract was later conveyed through a Warranty Deed recorded on January 28, 1977 (Warranty Deed 1977-226), which describes the following property:

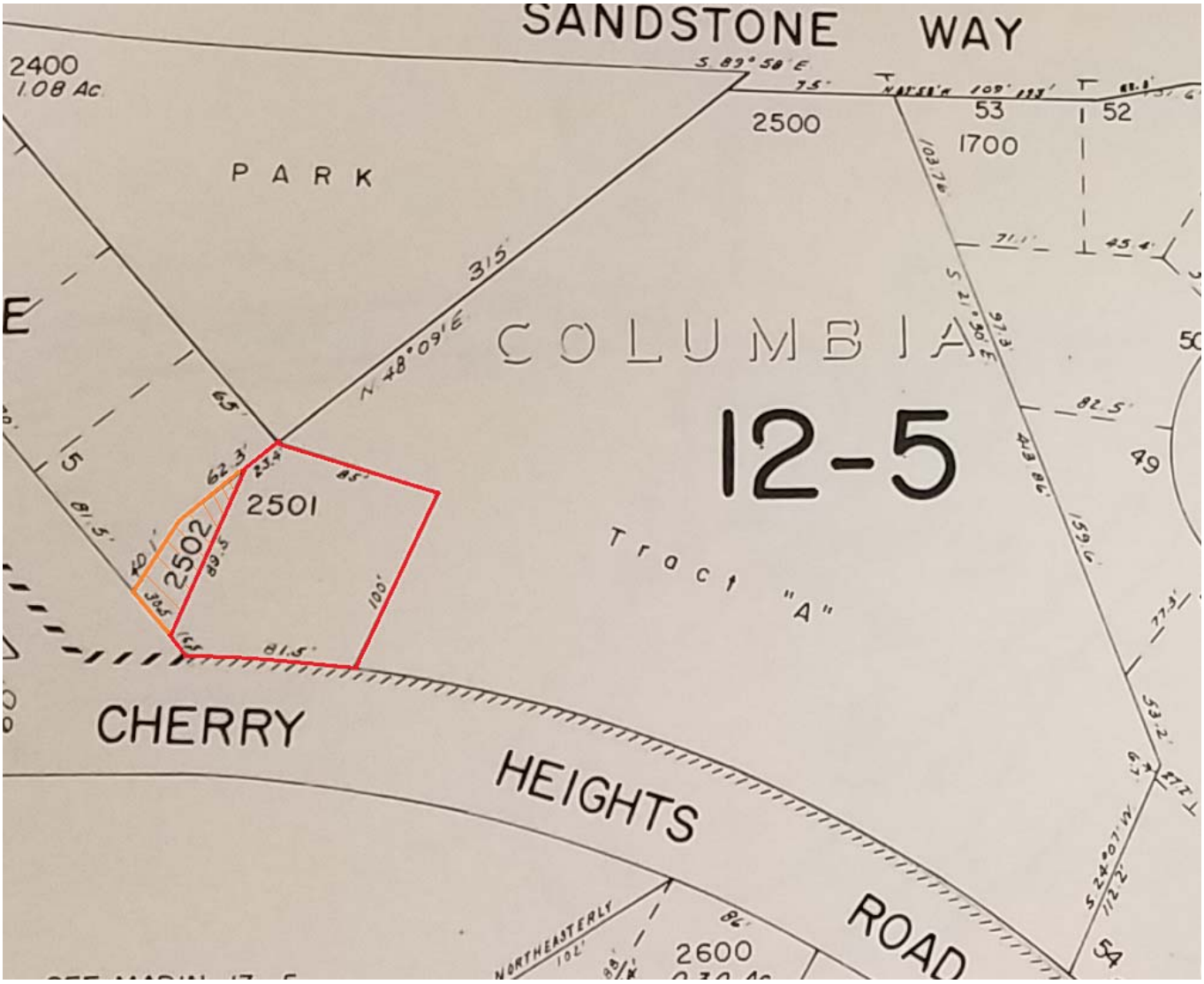
WARRANTY DEED

FLECK INC., an Oregon corporation, Grantor, conveys and warrants to WILLIAM A. HAYS and DORA J. HAYS, husband and wife, Grantee, the following described real property in the County of Wasco and State of Oregon, free of encumbrances except as specifically set forth herein:

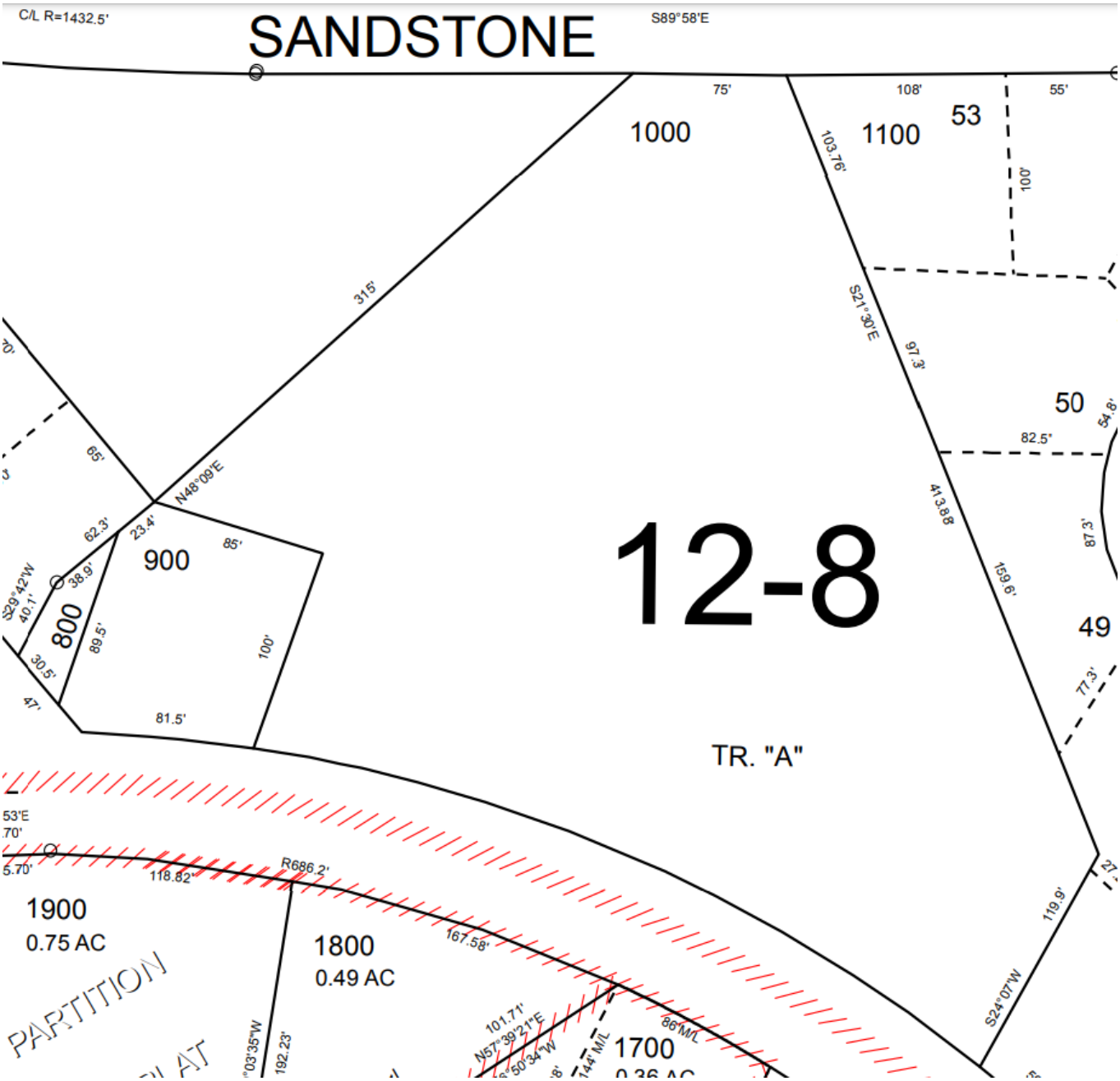
> Beginning at a point South 39° 46' East 30.5 feet from The Southeast corner of Lot 5, Block E, COLUMBIA CREST ADDITION, in said County and State; thence South 39° 46' East 16.5 feet to the intersection of Brickyard Road northerly right-of-way line and easterly right-of-way line of Sandstone Way; thence tracing the northerly right-of-way line of Brickyard Road in a Southeasterly direction 81.5 feet to a point, said point being 95.0 feet Southeasterly from the point of beginning; thence Northeasterly 100 feet to a point that is Southeasterly 85.0 feet from the Northeast corner of Lot 5, Block E; thence northwesterly 85.0 feet to the Northeast corner of Lot 5, Block E; thence South 48° 09' East along the southerly boundary of Lot 5, Block E 23.4 feet; thence Southwesterly 89.5 feet, more or less, to the point of beginning.

Warranty Deed 1977-226, Page 1.

The land sales contract lawfully created Tax Lot 900 (formerly Tax Lot 2501). The creation of Tax Lot 900 had the consequence of creating a separate and distinct unit of land described in the May 4, 1982 Tax Lot Map as Tax Lot 2502 (See 1982 map below). A copy of Warranty Deed 1977-226 is provided in Attachment I.



Tax Lot 2502 is currently described as Tax Lot 800 (See current tax lot map). Currently, the unit of land is described as tax lot 800, located at 1 North, 13 East, Section 5 AD, Tax Lot 800. Tax Lot 800 was separated (Orphan Parcel) from Tract A (Parent Parcel) as a separate and distinct unit of land.



The first deed on record describing Tax Lot 800 is Quitclaim Deed 2016-4055, recorded October 31, 2016:

Exhibit "A"

Columbia Crest Addn
BG at most SLy Cor of Lot 5, BLK E
Columbia Crest Addn. SD PT Being
ON NELy R/W BNDRY of Sandstone way:
TH S 39° 46' E 30.5 FT ALg SD R/W:
TH NELY 89.5 FT TAP ON BNDRY LI of
Lot 5 of SD Columbia Crest ADDN WH
PT IS S48° 09' W 23.4 FT Fm most ELY
Cor of SD Lot 5;
TH S 48° 09' W 38.9 FT ALG BNDRY LI of
SD LOT 5;
TH SWLY 40.1 FT ALG SD BNDRY LI TO
POB.

Tax Lot 800
Acct - 8357 - legal

Quitclaim Deed 2016-4055, Pdf Page 6.

A copy of Quitclaim Deed 2016-4055 is provided in Attachment I.

Pertaining to undescribed units of land, LUBA will affirm a governing body's interpretation of its legal parcel provisions regarding undescribed remainders of a parent parcel divided by deed if the deed was executed prior to when county approval was required to create, reconfigure, or divide land. *Oregon Landwatch v. Deschutes County*, 75 Or LUBA 328 (2017). Wasco County Planning has consistently found undescribed remainders (orphan property) as lawfully created property.

Tract A is then described in Bargain and Sale Deed 1968-0588, recorded April 18, 1968:

Lots 18 through 65 inclusive, and Lots 67 through 73 inclusive, in Block A, COLUMBIA CREST ADDITION.

Lots 1 through 9 inclusive, Block B, COLUMBIA CREST ADDITION.

Lots 1 through 15 inclusive, Block C, COLUMBIA CREST ADDITION.

Lots 1 through 12 inclusive, Block D, COLUMBIA CREST ADDITION.

Lots 1 through 5 inclusive, Block E, COLUMBIA CREST ADDITION.

All of Tract "A", COLUMBIA CREST ADDITION.

Bargain and Sale Deed 1968-0588, Pdf Page 4.

Bargain and Sale Deed 1968-0588 was recorded after the May 1, 1967 execution of the land sales contract (AF-9).

It is unclear whether the intent of Bargain and Sale Deed 1968-0588 was to describe the pre-land sales contract "Tract A" or to describe the post land sales contract "Tract A". In either case, LUBA has consistently held that circuit courts have the final say in the interpretation of ambiguous deeds and determining the grantor's intent. *Oregon Landwatch v. Deschutes County*, 75 Or LUBA 328 (2017). It is clear that according to current land use law, "Tract A" as it exists today was lawfully divided from both Tax Lots 900 and 800 in the 1967 land sales contract (AF-9), and meets Parcel: Subsection 2. (Requirement #1).

Based on the above findings, staff concludes that Tract A <u>meets the Management Plan's definition of Parcel: Subsection 1.</u>

<u>Parcel: Subsection 2. Requirement #2</u>

The second requirement under Subsection 2. is to demonstrate that the unit of land complied with all planning, zoning, and land division ordinances or regulations at the time of creation. Tract A, as it exists today, was created on May 1, 1967 via the land sales contract (AF-9). The governing land use ordinance was the 1956 Ordinance No. 7. Zoning Ordinance for an Unincorporated Portion of Wasco County Adjacent to the City of the Dalles. Ordinance No. 7 was adopted by the Wasco County Court on February 8, 1956, and recorded with the Wasco County Clerk on February 8, 1956. A copy of Ordinance No. 7 is provided in Attachment H.

Ordinance No. 7 had 11 Districts:

SECTION 4. DISTRICTS

A. Establishment of Districts

For the purpose of this ordinance and to carry out these regulations, the unincorporated portions of Wasco County, herein after designated are hereby divided into eleven (11) Districts, known as:

A-1 - AGRICULTURAL DISTRICT
R-1 - ONE-FAMILY DWELLING DISTRICT
R-2 - ONE-FAMILY DWELLING DISTRICT
R-3 - TWO-FAMILY DWELLING DISTRICT
R-4 - MULTIPLE-FAMILY DWELLING DISTRICT
C-1 - COMMERCIAL DISTRICT
C-2 - COMMERCIAL DISTRICT
C-3 - COMMERCIAL DISTRICT
M-1 - LIGHT INDUSTRIAL DISTRICT
M-2 - HEAVY INDUSTRIAL DISTRICT
M-3 - HEAVY INDUSTRIAL DISTRICT

The aforesaid districts and their boundaries are shown on maps attached hereto and made a part of this ordinance. These maps are entitled "ZONING DISTRICT MAPS" and these maps and all of the notations, references and other information shown thereon are as much a part of this ordinance as if the matters and information set forth by said maps were all fully described herein.

Ordinance No. 7, Page 7 (Pdf Page 9).

Each of the 11 Districts provided in Ordinance No. 7 contain Yard and Lot Area minimum requirements. Staff has been unable to locate a 1967 district or zone map for Wasco County. The Wasco County 2040 Comprehensive Plan provides that zoning maps in the county were adopted in the 1970s:

> "February 3, 1970 the first Countywide zoning maps were adopted, adding zoning for residential, commercial and industrial uses. In addition to agricultural, residential, commercial and industrial zones, the new ordinance saw the creation of the F-1 and F-2 zones for forest uses. The agricultural recreational zone also was part of the new 1970 zoning."
>
> Wasco County 2040 Comprehensive Plan, Pdf. Page 10.

Historic records, which include the Columbia Crest Addition Subdivision, and the May 4, 1982 Tax Lot Map indicate a high likeliness that the area where Tract A is located was used or intended to be used for Residential use. The three Residential Districts (R-1, R-2, and R-3) provided in Ordinance No. 7 detail the following Yard and Lot Area minimum requirements:

C. AREA

1. Front Yard: There shall be a front yard having a depth of not less than thirty-five (35) feet from the front lot line.

2. Side Yard: There shall be a side yard on each side of the main building and each side yard shall have a width of not less than fifteen (15) feet.

3. Rear Yard: There shall be a rear yard of not less than thirty-five (35) feet in depth.

4. Lot Area: Every lot shall have a minimum average width of not less than one hundred (100) feet and an area of not less than sixteen thousand (16,000) square feet. A lot having a width of less than one hundred (100) feet and an area of less than sixteen thousand (16,000) square feet of record at the time of the passage of this ordinance may be occupied by a one-family dwelling, provided all yard requirements are complied with,

Ordinance No. 7, R-1 District, Page 14 (Pdf Page 16).

C. AREA

1. Front Yard: There shall be a front yard of not less than twenty-five (25) per cent of the depth of the lot but in any case shall be not less than twenty-five (25) feet in depth; provided, however, that where forty (40) per cent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depths shall establish the front yard depth of the entire frontage.

2. Side Yard: On interior lots there shall be a side yard on each side of the main building, and each side yard shall have a width of not less than ten (10) per cent of the width of the lot but in any case shall be not less than seven (7) feet in width.

   On corner lots the interior side yard shall have a width of not less than ten (10) per cent of the width of the lot and not less than seven (7) feet in width but the side yard on the street side of such corner lot shall not be less than ten (10) feet in width.

3. Rear Yard: There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot but in any case shall not be less than twenty-five (25) feet in depth.

4. Lot Area: Every lot shall have a minimum average width of not less than seventy (70) feet and an area of not less than eight thousand (8,000) square feet. A lot having a width of less than seventy (70) feet or an area of less than eight thousand (8,000) square feet, of record at the time of the passage of this ordinance, may be occupied by a one-family dwelling, provided all yard requirements are complied with.

Ordinance No. 7, R-2 District, Page 15 (Pdf Page 17).

C. AREA

1. Front Yard: Same as required in the "R-2" ONE-FAMILY DWELLING DISTRICT.

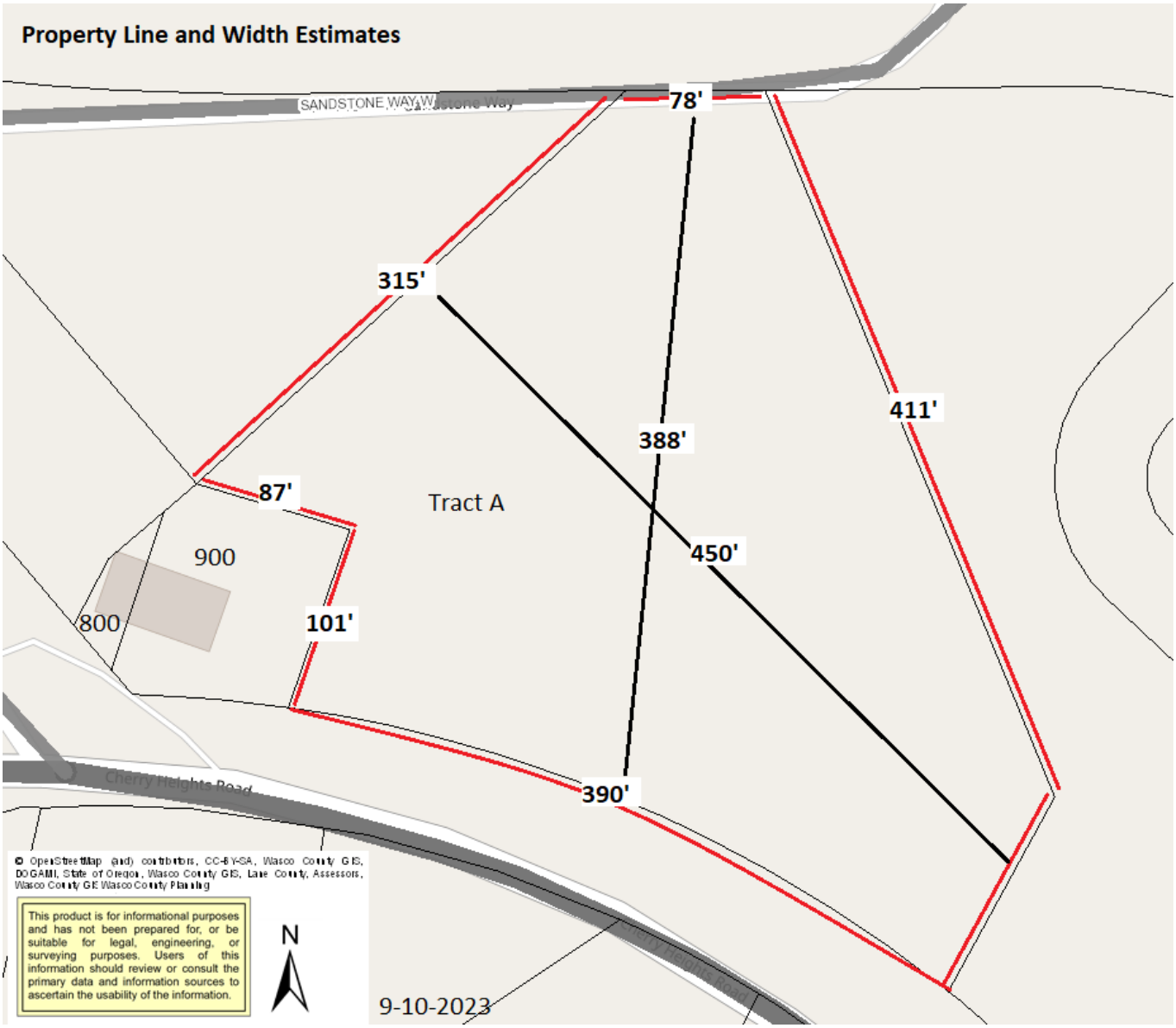
2. Side Yard: Same as required in the "R-2" ONE-FAMILY DWELLING DISTRICT.

3. Rear Yard: Same as required in the "R-2" ONE-FAMILY DWELLING DISTRICT.

4. Lot Area: Every lot for a one-family dwelling shall have a minimum average width of not less than seventy (70) feet and an area of not less than eight thousand (8,000) square feet. Every lot for a two-family dwelling shall have a minimum average width of not less than ninety (90) feet and an area of not less than five thousand (5,000) square feet for each dwelling unit. A lot having a width of less than seventy (70) feet and an area of less than eight thousand (8,000) square feet, of record at the time of the passage of this ordinance may be occupied by a one-family dwelling, provided all yard requirements are complied with.

Ordinance No. 7, R-3 District, Page 16 (Pdf Page 18).

Tract A, as created in 1967 is approximately 2.74 acres (119,354 Square Feet). Property Line and Width Estimates were obtained using Wasco County GIS map and measurement tools:



Based on staff estimates, Tract A would have met the R-1, R-2, and R-3 District Yard and Lot Area size requirements. The creation of Tract A by land sales contract in 1967, meets Parcel: Subsection 2. (Requirement #2).

Based on the above findings, staff concludes that Tract A <u>meets the Management Plan's definition of Parcel: Subsection 2.</u>

The NSA-LUDO provides a separate and distinct definition of Legal Parcel:

NSA-LUDO
Chapter 1.200 Definitions
Parcel (Legal)/Lot of Record - A unit of land created as follows:

a. *A lot in an existing, duly recorded subdivision; or*

b. *A parcel in an existing, duly recorded partition (including major or minor land partitions); or*

c. *By deed or land sales contract prior to 4 September 1974. A unit of land shall not be considered a separate parcel (legal)/lot of record simply because the subject tract of land:*

   a. *Is a unit of land created solely to establish a separate tax account;*
   b. *Lies in different counties;*
   c. *Lies in different sections or government lots;*
   d. *Lies in different land use or zoning designations; or*
   e. *Is dissected by a public or private road.*

Consolidation: See Section 13.200 for "Consolidation of Undeveloped Subdivisions.

FINDING: Addressing the appellant's comment pertaining to the subject property being identified as "5 parcels rather than 66 in the proposed area."

As provided during the Planning Commission hearing, the subject 66 lots are comprised of five separate tax lots. The tax lots are assigned by the Wasco County Assessment and Taxation Office and do not represent the actual delineation of the subdivision lots. Additionally, *South v. City of Portland*, provides that under ORS 92.017, a lawfully created lot or parcel remains a discrete lot or parcel, unless the lot lines are vacated or the lot or parcel is further divided. *Consolidation of several lots into one tax lot does not consolidate or affect the discrete existence of those lots. South v. City of Portland*, 48 Or LUBA 555 (2005). (Emphasis added).

Furthermore, LUBA provided in *Jackson v. City of Portland*, 54 Or LUBA 138 (2007), that unless some expression of intent is provided within a deed that separately lists that lots or parcels are to be merged into a single unit of land, the listing of multiple lots or parcels in a single paragraph or a single sentence does not operate to merge those lots or parcels into a single unit of land.

The NSA-LUDO's "Parcel (Legal)/Lot of Record" provides three methods of property creation that allow a unit of land to qualify as a legal parcel. In this case, Subsections a and c. are relevant because lots within a duly recorded subdivision and properties created by deed or land sales contract prior to September 4, 1974, shall be considered legal parcels. However, according to the Parcel (Legal)/Lot of Record definition, even if subdivision lots are within a duly recorded subdivision, consolidation may be required under Section 13.200 if it is deemed "undeveloped".

The Management Plan's definition of "Parcel" was addressed in the previous finding. Regarding the NSA-LUDO's definition of "Parcel (Legal)/Lot of Record", the Columbia Crest Addition Subdivision was duly recorded by the Wasco County Clerk on June 5, 1953 (Book 5, Page 8). The subdivision created the subject 66 lots..

The subdivision pre-dates Oregon Statewide Land Use and Planning Goals as well as the National Scenic Area Act. Because the plat was signed and duly recorded, there is no objective indication the subdivision did not meet the 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County". Based on the aforementioned evidence, staff finds that the subject lots within Block D: Lots 1-12 and Block A: Lots 20-73 (minus Lot 66) were lawfully created by a duly recorded subdivision and have never been lawfully altered or vacated since the subdivision was recorded.

As provided within the findings for the Management Plan's definition of "Parcel", Tract A was created by the Columbia Crest Addition Subdivision and then lawfully divided by a land sales contract (AF-9) that was executed on May 1, 1967, between Joseph J. Fleck as seller and William A. and Dora J. Hays, husband and wife, as buyers. The contract (AF-9) was obtained by staff from the Wasco County Assessor's Office. A copy of the land sales contract (AF-9) is provided in Attachment I.

Based on the findings provided for the Management Plan's definition of "Parcel" and the above findings, staff concludes that the subject 66 lots which include: Block D: Lots 1-12 and Block A: Lots 20-73 (minus Lot 66) and Tract A are legal parcels under Subsections a and c.

Finally, the NSA-LUDO Chapter 13, Section 13.200 provides the following:

> **NSA-LUDO**
> ***Chapter 13 Nonconforming Uses, Buildings and Lots & Consolidation of Undeveloped Subdivisions and Legal Parcels***
> *Section 13.200 Consolidation of Undeveloped Subdivisions*
> *A. Consolidation of Undeveloped Subdivisions*
>
> *i. A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which the unit of land is located is undeveloped pursuant to ORS 92, Undeveloped Subdivisions.*
>
> *ii. No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.*
>
> *iii. Criterion A shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.*
>
> *iv. Lots shall be consolidated through the process outlined in ORS 92, Undeveloped Subdivisions, or through a Replat process as outlined in Chapter 21.*

Subsection 13.200.A.1., requires subdivision lots to be consolidated with adjacent property in the same ownership if the subdivision is "undeveloped" pursuant to ORS 92. ORS 92.205 through 92.245 provides relevant law regarding "Undeveloped Subdivisions". The issue of required consolidation was addressed in the previous finding, where staff concluded that the Columbia Crest Addition Subdivision is not an "undeveloped" subdivision.

The Wasco County Planning Department does reconfigure and consolidate property through a Replat process outlined in Chapter 21. Based on the aforementioned evidence, staff finds that required consolidation under Section 13.200 is not required.

Based on the aforementioned findings, staff concludes that the subject 66 lots meet the definition of "Parcel" as provided in the Management Plan, and the definition of "Parcel (Legal)/Lot of Record" in the NSA-LUDO.

STAFF RECCOMENDATION GROUNDS FOR APPEAL #2: Based on the aforementioned findings and conclusions, staff recommends the Wasco County Board of Commissioners dismiss Grounds for Appeal #2.

B. Site Description: The slope and general parcel data were identified through Wasco County GIS (Slope and Imagery Data Layers) analysis and a June 29, 2023, staff site visit. The total area is approximately 16+/-

acres. The Wasco County GIS Slope Layer provides that the proposed area contains between 5-30% slopes. The terrain is rocky, and vegetation is sparse with few trees and mostly natural grasses. The land is within the Mid-Columbia Fire and Rescue for structural fire protection and within Chenowith Water Public Utility District.

C. Surrounding Land Use: The slope and general parcel data were identified through Wasco County GIS (Slope and Imagery Data Layers) analysis and a June 29, 2023, staff site visit. All surrounding properties are within the "R-R" Rural Residential Zone (GMA & SMA), (GMA) R-5. Slopes are similar to the subject properties, between 5-30%; however, slopes north of Hermits Way road can range from 31-74%. Vegetation is also similar to the subject properties. The density of the developed portions of the Columbia Crest Addition and the Fruitland Park Addition Subdivision is low with approximately 30 residential addresses within 200'.

D. Public Comment: The Public Notice of Hearing was mailed on March 16, 2023 for general public notification and comment and June 29, 2023, to all owners of property within 200' of the subject lot, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, the four tribal governments, State Historic Preservation Office, and other interested parties registered with Wasco County. The initial March 16, 2023 notification provided a 15-day pre-notice for public comment (ending March 31, 2023). Comments received are included as Attachment E at the end of this report.

Notification of this appeal was provided on August 31, 2022, and published in the local newspaper on September 6, 2023. Comments received are included as Attachment E at the end of this report.

III. FINDINGS:

Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)

A. Chapter 2 – Development Approval Procedures

(***)

Section 2.050 – Wasco County Application Authority

The Following includes only the Wasco County Application Authority. All quasi – judicial appeals and legislative actions decided upon by the Columbia River Gorge Commission shall be governed by the Management Plan for the Columbia River Gorge National Scenic Area.

A. The Director shall have the authority to review the following applications for Type II Administrative Actions, and shall follow the procedure provided by this Ordinance to accomplish such review.

(***)

3. Uses permitted Subject to Additional or Referenced Standards (Chapter 3)

(***)

8. Scenic Area Reviews (Chapter 14)

FINDING: The requested subdivision replat also involves a request for the development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), lot preparation and placement of necessary utilities.

(***)

10. Partition Approvals, except as provided for in 2.050(B), re-plats and property line adjustments. (Chapter 21)

FINDING: The requested subdivision replat meets the following definition as provided within Chapter 1 Section 1.200 Definitions:

Replat - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, to increase or decrease the number of lots in a subdivision, or to correct an error or irregularity in the original plat.

Staff finds that the request is a subdivision replat, and complies with Subsection 2.050.A.10.

B. The following applications for Type III and Type IV Quasi-Judicial and Legislative Actions shall be heard by the Planning Commission, pursuant to Sections 2.100, 2.180, 2.190, 2.200, 2.210, and 2.220 of this Ordinance:

Type III Actions

(***)

7. Subdivisions (Chapter 21)

FINDING: The requested subdivision replat meets the following definitions as provided within Chapter 1 Section 1.200 Definitions:

Subdivide - To effect a subdivision, as applied to this Ordinance

Subdivision - Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

Staff finds that the request is a subdivision replat, and complies with Subsection 2.050.B.7, which requires the application be heard and decided by the Wasco County Planning Commission.

The Planning Commission conducted a hearing on August 1, 2023, and approved the request with amended conditions. The decision was noticed on August 3, 2023, and was properly appealed on August 18, 2023.

(***)

Section 2.160 Review of a Decision of the Planning Commission

Fifteen (15) days from the date of a final decision of the Planning Commission, the decision shall become effective unless review is sought pursuant to this Section.

A. Review of the decision of the Planning Commission:

(***)

4. *Shall be made by the County Governing Body, pursuant to Section 2.170, upon any party filing a Notice of Review with the Director within fifteen (15) days from the date of the final decision sought to be reviewed; or*

FINDING: The Planning Commission Hearing was held on August 1, 2023, where the Planning Commission voted 6-0 to approve the request. The Planning Commission Decision was noticed on August 3, 2023, with a 15-day appeal period ending on August 18, 2023. The appeal was properly received and filed on August 18, 2023. Staff finds that Section 2.160.A.2 has been met.

Section 2.170 Review by the County Governing Body

A. *The review of the decision of the Planning Commission by the County Governing Body shall be conducted as a "de novo" hearing, including but not limited to the record established at the Planning Commission level.*

B. *Review by the County Governing Body upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.*

FINDING: The appeal grounds provided in the appeal forms submitted are the following:

(1) The decision violates the NSA-LUDO, including sections 3.160.D.13, 3.160.G, 21.030.C & D, because it unlawfully approves new parcels that violate the applicable minimum lot size for the land use designation.

(2) The decision contains erroneous findings and conclusions regarding the current number of legally existing parcels.

Issues on appeal shall be reviewed by the County Governing Body as a “de novo” hearing, but the review shall be limited to the grounds relied upon in the petition request.

B. Chapter 3 – Basic Provisions

Section 3.160 "R-R" Rural Residential Zone (GMA & SMA)

D. *Uses Permitted Subject to Review*
The following uses and activities may be allowed on a legal parcel designated Residential subject to Subsection G - Property Development Standards, Chapter 11 – Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as any other listed or referenced standards.

(***)

2. *Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 3 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of Chapter 19. (GMA & SMA)*

FINDING: The request is a Scenic Area Review for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to six residential lots, one private open space lot, and one public park lot). Vacation of unused ROW and easements plus dedication and construction of Cavern Way cul-de-sac ROW and lot preparation and utilities (fire hydrants and other structures necessary for development), and to place existing Sandstone Way centered in ROW (was constructed outside of ROW in original development). Required street signage and fire hydrants will not be visible from KVAs and are discussed in Chapter 14 of this report. Based on the request, and conditions found throughout this report, the Planning Commission found that the request complies with Subsection 3.160.D.2.

(***)

10. *Construction, reconstruction or modification of roads if designated in the Adopted Wasco County Transportation System Plan or designed and constructed as part of an approved, active development order (GMA & SMA) and railroads (SMA Only).*

FINDING: The request is a Scenic Area Review for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to six residential lots, one private open space lot, and one public park lot). Vacation of unused ROW and easements plus dedication and construction of Cavern Way cul-de-sac ROW and lot preparation and utilities, and to place existing Sandstone Way centered in ROW (was constructed outside of ROW in original development). Required street signage and fire hydrants will not be visible from KVAs and are discussed in Chapter 14 of this report. Based on the request, and recommended conditions found throughout this report, the Planning Commission found that the request complies with Subsection 3.160.D.10.

(***)

GROUNDS FOR APPEAL #1: "The decision violates the NSA-LUDO, including sections 3.160.D.13, 3.160.G…because it unlawfully approves new parcels that violate the applicable minimum lot size for the land use designation."

13. *Land Divisions and Replats subject to the property development standards listed in G below, Section 21.100 and all other applicable provisions of Chapter 21. (GMA & SMA)*

FINDING: Findings for Subsection 3.160.D.13., are provided below in Section 3.160.G., where staff has found the request to comply with Subsection 3.160.D.13.

G. Property Development Standards

1. Property Size

a. The creation or alteration of a parcel shall be subject to the following standards:

Zone	*Minimum Parcel Size*	*Minimum Parcel Width*
R-R(5)	*Five (5) Acres*	*300'*

(***)

FINDING: The NSA-LUDO Chapter 1, Section 1.200, provides the following definitions:

Land Division - The division or re-division of contiguous land(s) into tracts, parcels, sites or divisions,

regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to short subdivisions, partitions and subdivisions. Land division does not include the creation of cemetery plots while used for that purpose.

Nonconforming lot or parcel - A lot or parcel lawfully created which does not conform to the current requirements of the zone in which it is located.

Replat - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, to increase or decrease the number of lots in a subdivision, or to correct an error or irregularity in the original plat.

The proposed replat will consolidate 66 nonconforming lots into six residential lots, one private open space lot, and one public park lot:

Table 2 - Proposed Lots

Lots	Use	Min Width (feet)	Max Width (feet)	Average Width (feet)	Area (acres)
1	Single Family Res.	342	458	400	4.12
2	Single Family Res.	358	378	368	1.05
3	Single Family Res.	142	240	191	1.02
4	Single Family Res.	57	303	180	2.89
5	Single Family Res.	63	546	304	3.20
6	Single Family Res.	104	424	264	3.09
TOTAL	**SFR Lots**			**284**	**15.37**
Tract "A"	Open Space "Tract A"				1.31
	Park Space Dedication				0.16
TOTAL	**6 SFR Lots + Park + Open Space**				**16.84**
ROW	Cavern Way (50' ROW)				0.82
TOTAL	**TOTAL project area**				**17.66**

As proposed, the 66 nonconforming lots will become more conforming to existing size and width standards, but <u>will not</u> be replatted to meet the existing minimum parcel size of five acres or width of 300 feet.

Friends of the Columbia Gorge provided the following comment on July 20, 2023:

"Replats
Even if there were 66 legally existing lots of record, they could not lawfully be replatted to lots that are below the 5-acre minimum lot size for the area. NSA-LUDO § 3.160.D.13 requires replats to comply with NSA-LUDO § 3.160.G. That provision requires that "[t]he creation or alteration of a parcel shall be subject to" the minimum lot size and parcel width for the zone and variances from minimum parcel sizes may not be granted. NSA-LUDO §§ 3.160.G (emphasis added), 21.030.C & D. Here, the Applicant proposes 8 lots, each below the minimum lot size for the zone. This application cannot be lawfully approved as proposed.

In addition, replats can only be done for recorded plats. ORS §§ 92.185(1), 92.010(13). As

discussed above, it is not clear from the application materials whether the Columbia Crest Subdivision and the Fruitland Park Addition were lawfully approved and recorded. The Applicant bears the burden of establishing that the criteria are met and that burden has not been met.

Based on the evidence available in the application materials and in County parcel data, it is likely that the subject property is only eligible for 3 to 5 residential lots, depending on the criteria and factors discussed above. The applicant proposes 6 residential lots, which cannot be approved."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The comment pertains to the (GMA) R-5 zone's minimum size and width standards provided in the NSA-LUDO Chapter 3, Section 3.160.G. To summarize, the comment asserts that because the proposed lots do not meet the minimum size and width criteria of the zone, the proposed replat must be denied.

As previously discussed, the existing subdivision lots are lawfully created non-conforming and do not meet the current minimum parcel size and width requirements.

One acre, two acre, five acre, and ten acre minimum zone sizes have been established within the Management Plan. The Management Plan requires that residential development does not adversely affect scenic, cultural, natural, and recreation resources. In addition, the Plan provides that minimum parcel sizes for land divisions are established based upon the following factors:

Management Plan
Chapter 4 Residential Land
Land Use Policies

1. *Minimum parcel sizes for land divisions shall be established, based upon the following factors:*
   A. *Avoidance of hazards, including, but not limited to, steep slopes, fire danger, and groundwater pollution.*

   B. *Adequacy of services, including, but not limited to, transportation, fire protection, police protection, schools, sewage disposal and water.*

   C. *Protection of the following:*
      (1) *Existing landscape setting.*
      (2) *Wildlife habitat.*
      (3) *Plant habitat.*
      (4) *Scenic sensitivity.*
      (5) *Cultural resources.*
      (6) *Wetlands.*
      (7) *Scenic travel corridors.*

   D. *Potential for conflict with nearby agricultural and forest uses.*

   E. *Proximity to existing and planned recreation uses.*

Management Plan, Pages 229-230.

The aforementioned factors are for land divisions; however, the Management Plan does not define “Replat” or “Nonconforming lot or parcel”, and does not govern the local jurisdiction’s policies or procedures pertaining to the replatting of nonconforming lots or parcels.

The NSA-LUDO provides the purpose of the "R-R" Rural Residential Zone (GMA & SMA) as:

> *Residential development may locate outside Urban Areas so long as it does not adversely affect the scenic, cultural, natural and recreation resources. In addition to consideration of these factors, lands may be designated as residential if deemed suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities.*

The requested replat of an existing nonconforming subdivision will maximize residential development in an area with significant soil issues that precludes development within the 66 nonconforming lots.. Additionally, the replat avoids steep slopes, decreases available density of development, and increases room for fire fuel breaks around potential development. As provided in this report, the proposed replat also meets the scenic, cultural, natural, and recreation resource criteria within Chapter 14.

The Management Plan only addresses the reconfiguration and consolidation of existing subdivision plats in Chapter 7 - General Policies and Guidelines, Consolidation of Lots.

> **Management Plan**
> **Chapter 7 - General Policies and Guidelines**
> *CONSOLIDATION OF LOTS*
> *GMA/SMA Guidelines*
> 1. *A unit of land shall be consolidated with adjacent lands in the same ownership if:*
> A. *In Oregon, the subdivision within which the unit of land is located is undeveloped pursuant to ORS chapter 92;*
> 2. *No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.*
> 3. *Section 1 shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.*
> 4. *To carry out this section, counties shall develop their own procedures for consolidating units of land pursuant to this provision, including amending plats, vacating plats, replatting, or other similar legal action.*
>
> Management Plan, Pages 273-274.

Chapter 7, Consolidation of Lots, Subsection 1.A., requires that lots be consolidated with adjacent lands in the same ownership if the subdivision is “undeveloped” pursuant to ORS 92. ORS 92.205 through 92.245 provides relevant law regarding “Undeveloped Subdivisions”. As provided above in staff findings for Legal Parcel Status, the Columbia Crest Addition Subdivision is a “developed” subdivision, and is not required to consolidate under Chapter 7, Consolidation of Lots.

Interestingly, Chapter 7, Consolidation of Lots Subsection 4 provides that “counties shall develop their own procedures for consolidating units of land…including amending plats, vacating plats, replatting, or other similar legal action.” It is clear from Subsection 4, that the Management Plan defers to County procedures regarding

consolidation under ORS 92. In this case, total subdivision consolidation under Chapter 7 is not required, but consolidation of the 66 nonconforming lots into eight larger lots through a replat is requested.

In addition to the Management Plan, the NSA-LUDO Chapter 13, Section 13.200 provides the following regarding consolidation of property:

> **NSA-LUDO**
> ***Chapter 13 Nonconforming Uses, Buildings and Lots & Consolidation of Undeveloped Subdivisions and Legal Parcels***
> *Section 13.200 Consolidation of Undeveloped Subdivisions*
> *C. Consolidation of Undeveloped Subdivisions*
>
> *i. A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which the unit of land is located is undeveloped pursuant to ORS 92, Undeveloped Subdivisions.*
>
> *ii. No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.*
>
> *iii. Criterion A shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.*
>
> *iv. Lots shall be consolidated through the process outlined in ORS 92, Undeveloped Subdivisions, or through a Replat process as outlined in Chapter 21.*

Subsection iv., requires that the consolidation of units of land either follow the process pursuant to ORS 92 or utilize the county's Replat process as provided in the NSA-LUDO Chapter 21 Land Divisions. Wasco County utilizes its own replat process and has its own replat standards for approval in Chapter 21, Section 21.200. Findings pertaining to this replat request are provided in Chapter 21, Section 21.200, where the request is found to comply.

Pertaining to the reconfiguration or consolidation of nonconforming units of land, Wasco County allows replats of nonconforming property that will be altered to become more conforming without explicitly meeting the current size and width standards of the zone. This means that a proposed land use request to reconfigure or consolidate nonconforming property to make it more conforming will not be outright denied on grounds that the resulting replat will not meet minimum standards. Wasco County's replat process encourages the continued use of nonconforming property and conforms with the NSA-LUDO Chapter 13 Nonconforming Uses, Buildings and Lots & Consolidation of Undeveloped Subdivisions and Legal Parcels.

> **NSA-LUDO**
> ***Chapter 13 Nonconforming Uses, Buildings and Lots & Consolidation of Undeveloped Subdivisions and Legal Parcels***
> *Section 13.040 Construction on and Conveyance of Nonconforming Legal Parcels*
> *Nothing in this Ordinance shall be deemed to prohibit construction or reconstruction of conforming uses on nonconforming legal parcels or limit the sale, transfer or conveyance of said legal parcels approved prior to the adoption of this Ordinance, so long as the construction, reconstruction, sale, transfer or conveyance is consistent with all applicable provisions of this Ordinance.*

Wasco County's replat process ensures that nonconforming lands may be consolidated in such a way that enables continued use and future development. Wasco County contains several nonconforming lots within duly recorded subdivisions. Along with the Columbia Crest Addition Subdivision, the Scenic Area contains numerous nonconforming subdivisions that are within the Residential Zone; examples include: Murrays Addition, Murray's Second Addition, West Hi-Land, Hoge's Addition and Terrace Trailer Homes Subdivisions. These subdivisions are developed, and many, if not all of the lots do not conform to existing acreage or width standards.

Furthermore, LUBA provides that local governments may impose land use regulations requiring that two or more nonconforming lots be combined for development purposes. *Campbell v. Multnomah County*, 25 Or LUBA 479 (1993). Wasco County does not require nonconforming property to be combined, but its replat process allows eligible property to be consolidated to become more conforming without meeting the minimum property size standards of the zone. This replat process allows development on properties that would otherwise be precluded from development due to small size.

If the property size standards under Subsection 3.160.G. are strictly administered to include all property regardless of existing nonconformance, nonconforming property can never be reconfigured or consolidated unless the replat can meet the acreage and width standards of the zone. If this is the case, many non-conforming lots within Wasco County will lose an important land alteration remedy that allow continued or future residential use. In addition, other units of land in agriculture or forest zones will be precluded from growing in size unless they can explicitly meet the minimum size requirement.

Based on the aforementioned findings, policy, and procedures, staff finds that the proposal meets the replat criteria within Chapter 21 Land Divisions Section 21.200 Property Line Adjustments & Replats, and further finds that the proposal meets the intended residential purpose of the land use designation and zone. Staff concludes that the request complies with Subsection 3.160.D.13.

In addition, staff finds that Subsection 3.160.G.1.a., is not strictly applicable to this request, and that the requested consolidation through replat is allowed through Chapter 21.

STAFF RECCOMENDATION GROUNDS FOR APPEAL #1 (SECTIONS 3.160.D.13. & 3.160.G: Based on the aforementioned findings and conclusions, staff recommends the Wasco County Board of Commissioners dismiss Grounds for Appeal #1 (SECTIONS 3.160.D.13. & 3.160.G.).

2. *General Setbacks - All structures other than approved signs and fences shall comply with the following general setback standards:*

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All future applicable development on the proposed lots must abide by the above setbacks at the time of application. The Planning Commission found that Subsection 3.160.G.2. is not applicable to this request.

3. *<u>Agricultural Setbacks</u> - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:*

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot berm or terrain barrier
Orchards	250’	100’	75’
Row crops/ vegetables	300’	100’	75’
Livestock grazing, pasture, haying	100’	15’	20’
Grains	200’	75’	50’
Berries, vineyards	150’	50’	30’
Other	100’	50’	30’

<u>FINDING:</u> The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. Although lands designated Large-Scale Agriculture are located on the northwest side of Sandstone Way road, all of the proposed lots are not directly adjacent to those agricultural designated lands. Application materials provide the following:

> <u>“Residential Evaluation</u>
> Setbacks from Agricultural Use
> For the proposed Lots 1 and 2, the 50' of Sandstone Road ROW and the 25' front setback add up to 75', which is adequate for all adjacent farm uses as long as there is an 8-foot berm with vegetation that achieves a total berm/vegetation height of at least 15 feet. Material that is excavated for the road and utilities that is unsuitable for structural fill will be utilized to form the required berms along Lots 1 and 2, as shown in the Ag Setback Exhibit EX2. However, if the TL400 and 500 have become residential usage as described above before the replatting of these six lots, then berms would not be necessary since the potential agricultural use would then be over 300 feet away from the proposed lots.”
>
> (Residential Evaluation, Page 2).

Based on these facts, the Planning Commission found that Subsection 3.160.G.3. is not applicable to this request.

4. *<u>Height</u> - Maximum height for all structures shall be thirty-five feet (35’) unless further restricted in accordance with Chapter 14 - Scenic Area Review.*

<u>FINDING:</u> FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential

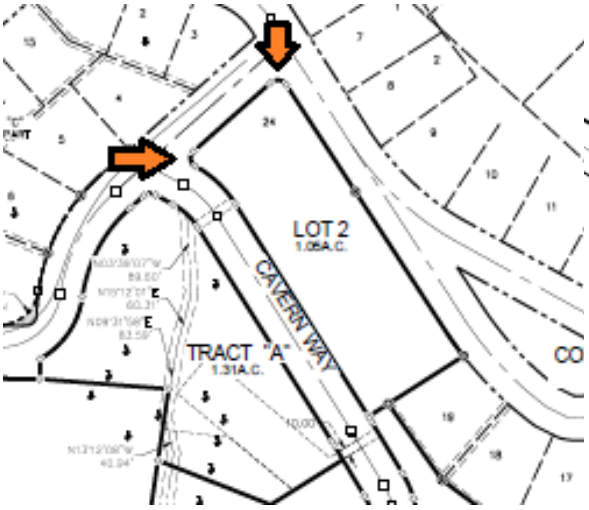
development is requested. All future structures on the proposed lots will need to abide by the height restrictions. The Planning Commission found that Subsection 3.160.G.4 is not applicable to this request.

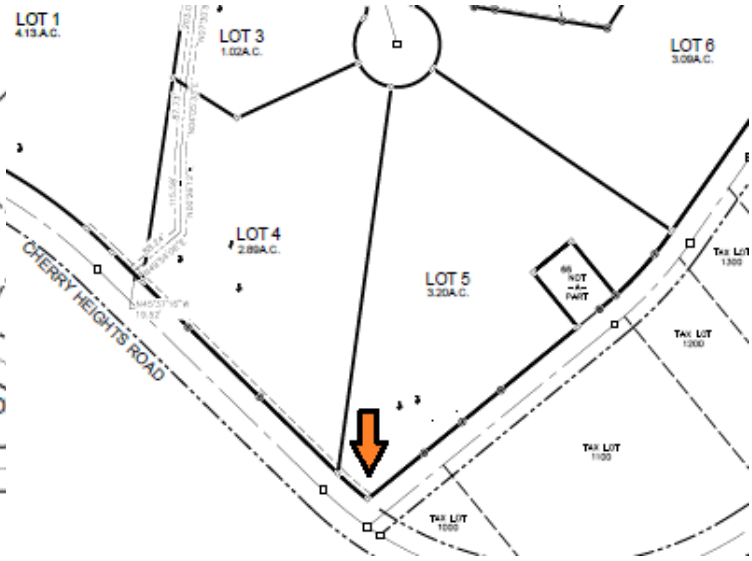
5. *<u>Floodplain</u>: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.240, Flood Hazard Overlay.*

<u>FINDING:</u> The FEMA Flood Map Service Center is the official public source for flood hazard information produced in support of the National Flood Insurance Program. FEMA flood map data are shared with the Wasco County GIS Division. FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. According to the Wasco County GIS Flood Hazard Overlay (OZ-1) data layer, the area being replatted is not within a delineated floodplain. The Planning Commission found that Subsection 3.160.G.5 is not applicable to this request.

6. *<u>Vision Clearance</u> - Vision clearance on corner properties shall be a minimum of thirty (30) feet.*

<u>FINDING:</u> The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. Of the six proposed lots, Lots 2 & 5 will qualify as corner properties and all future development will have to abide by vision clearance setback standards. (See Lot 2 and Lot 5 diagrams below).





Lots 1, 3, 4, and 6 are not considered corner properties. The Planning Commission found that the request complies with Subsection 3.160.G.6.

7. *Parking - Off street parking shall be provided in accordance with Chapter 4.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All future development on the proposed lots shall abide by the criteria for off street parking is found in Chapter 4, Section 4.040 The Planning Commission found that the request complies with Subsection 3.160.G.7.

C. Chapter 4 – Supplemental Provisions

Section 4.040 Off-Street Parking
At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

The following are the uses and minimum standards provided for off-street parking unless specified otherwise:

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. Concerning off-street parking, application materials provide the following:

> "Grading Plan Narrative
> Proposed Soil Conditions
> Future grading for each home shall provide a building pad along with parking and access."
> (Grading Plan Narrative, Page 6).

Building pockets are identified in the application, which take into consideration future potential off-street parking areas. The Planning Commission found that the request complies with Section 4.040.

D. Chapter 11 – Fire Safety Standards

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. 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.

Section 11.110 Siting Standards – Locating Structures for Good Defensibility

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. The submitted preliminary subdivision replat plan, and Wasco County GIS (Slope & Imagery Data), identify building envelopes on the lots for future development that allow for development sites that avoid slopes steeper than 40%, and are set back from the top of slopes greater than 30% by at least 30 feet. All future development on the proposed lots shall abide by all Chapter 11 – Fire Safety Standards, Siting Standards criteria. The Planning Commission found that the request complies with Subsection 11.110.

Section 11.120 Defensible Space – Clearing and Maintaining a Fire Fuel Break

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. The submitted preliminary subdivision replat plan, and Wasco County GIS (Slope & Imagery Data), identify building envelopes on the lots for future development that allow for development sites with a fire fuel break of at least 50 feet. All future development on the proposed lots shall abide by the Chapter 11 – Fire Safety Standards, Defensible Space criteria. The Planning Commission found that the request complies with Subsection 11.120.

Section 11.130 Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All future development on the proposed lots shall abide by the criteria outlined in Chapter 11 – Fire Safety Standards, Construction Standards for Dwellings and Structures, and that the final structural designs shall meet all applicable building code standards. The Planning Commission found that the request complies with Subsection 11.130.

Section 11.140 Access Standards – Providing Safe Access to and Escape From Your Home

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All of the proposed lots will be accessed by a local road of public access (publicly dedicated road). The existing

Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. Lot 1 and Lot 2 will have access from the existing Sandstone Way and/or Hermits Way and will require road approach permits. Access provided for all future proposed residential development shall be subject to the criteria discussed in this section.

Additional findings and conditions of approval pertaining to access and fire safety are provided in Chapter 21 within this report. The Planning Commission found that the request complies with Subsection 11.140.

Section 11.150 Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. The proposed lots are located within the Mid-Columbia Fire & Rescue structural protection district. All future development on the proposed lots shall abide by the criteria outlined in Chapter 11 – Fire Protection or On-Site Water Requirements. The Planning Commission found that Subsection 11.150 is not applicable to the request.

Section 11.210 Fire Safety Standard Review Process

A. Compliance with applicable fire safety standards is required by the ordinance for new, replacement, and modified structures in all rural zones.

1. *Fire standards shall be made a part of the conditions of approval when a conditional use permit, site plan or subject to standards review, partition, subdivision, or other land use action is required prior to construction.*

2. *Structures or alterations to structures that are subject to ministerial review must also comply with all applicable fire standards prior to receiving zoning approval on a building permit application.*

3. *In all cases compliance with applicable fire standards shall be self-certified prior to receiving zoning approval on a building permit.*

4. *Certifications shall be verified within one year of approval and may be verified by staff site visits at any time.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. 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. The Planning Commission found that the request complies with Section 11.210.

Section 11.230 - Fire Safety Mitigation Plan
A fire safety mitigation plan is required when an applicant needs to request a modification to one or more fire safety standards listed on the self-certification check list. A fire safety mitigation plan is also required for any land division creating lots that can accommodate dwellings. A fire mitigation plan shall include the following:

A. One or more maps and accompanying narrative statement addressing the following:

1. *Site description.*
2. *Documentation of fire protection service or proposed plan for on-site fire protection.*
3. *Documentation of on-site water supply where required.*
4. *Driveway construction plan including gate features, size and locations of bridges or culverts and proposed signage.*
5. *Documentation of fuel break areas if land on adjoining properties is relied on to meet fuel break requirements.*
6. *Public or private road plans for new roads to serve proposed land divisions (including location, size, and type of bridges and culverts).*
7. *Other information deemed necessary to allow adequate review of the request for modification.*

B. Statement of need
A clear statement of why the fire safety standards cannot feasibly be met.

C. Risk Assessment
An assessment of increased risk of wildfire damage if standard is modified. Risk assessments shall consider the purpose of the standard that cannot be met, the specific proposal, and site conditions to determine what, if any, additional exposure to wild land fire risks could be created by approval of the modification to fire safety standards. The consideration shall include increased risk of the proposed structure becoming a source of ignition and risks to the proposed structure from a wild land fire ignited elsewhere and traveling through the site.

D. Statement of Additional Action Proposed to Eliminate or Minimize Increased Risks
A clear list of additional measures proposed by the applicant to address any increased risks identified in the risk assessment.

FINDING: All land divisions are required to submit a Fire Mitigation Plan identifying all home sites, building envelopes, and access as necessary to demonstrate compliance with all applicable fire standards on proposed lots. The mitigation plan included a site description describing the area around the proposed lots. Fire protection services in the area that will respond to the proposed subdivision is Mid-Columbia Fire & Rescue for structural protection. Water sources for the proposed lots will come from Chenowith Water District. The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. Lot 1 and Lot 2 will have access from the existing Sandstone Way and/or Hermits Way and will require road approach permits. Required signage will be placed in accordance with state fire and county standards, at the direction of the Wasco County Public Works Director. All fire fuel breaks on the proposed subdivision lots will not rely on neighboring properties to meet the fuel break requirements. A statement of need is not required since the proposal can feasibly meet the fire safety

standards. Additional findings and conditions of approval pertaining to access and fire safety are provided in Chapter 21 within this report. Lastly, additional findings and conditions of approval are provided in Chapter 21 where the proposal has been found to be able to comply with state fire code. With the aforementioned, the proposal can meet the fire safety standards, and a risk assessment is not required, eliminating the need for a statement of additional action.

The Planning Commission found that the request complies with Section 11.230.

E. Chapter 14 – Scenic Area Review

Section 14.020 Complete Application Submittal Requirements for a Scenic Area Review

FINDING: On February 7, 2023, applicants submitted an application for a National Scenic Area review for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

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

The applicant provided the required information and the application was declared complete by staff on March 8, 2023. The applicant submitted the required forms.

The Planning Commission found that the application complies with Section 14.020.

(***)

Section 14.100, Provisions For All New Development (GMA & SMA)

A. All new development, except uses allowed through the expedited review process, shall be reviewed under the applicable sections of Key Viewing Areas, Scenic Travel Corridors, Landscape Settings, Natural Resources, Cultural Resources, and Recreation Resources.

FINDING: The following applicable sections of Chapter 14 are addressed below: Section 14.200, Key Viewing Areas, Section 14.300, Scenic Travel Corridors, Section 14.400, Landscape Settings, Section 14.500, Cultural Resources – GMA, Section 14.600, Natural Resources – GMA, Section 14.700, Recreation Resources – GMA, and Section 14.800, Indian Tribal Treaty Rights and Consultation – GMA.

B. New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

The applicants submitted a grading plan that included the following:

> "Grading Plan Narrative
> The project site is located off Sandstone Way and Cherry Heights Road, near the crest of the hill outside of the Urban Growth Boundary. It is zoned Scenic Area General Management Rural Residential. The site currently has no structures and consists of approximately 15 acres of vacant grassy land. There are sparse mature Oregon white oak and Ponderosa pine trees, mostly clustered on the site in a few areas that will be primarily protected within open space and outside of building envelopes. The site is hilly with steeper slopes across the southern end. Parcels to the north contain single family homes on small lots, to the west is GMA Agriculture, with an orchard west of vacant lots.
>
> The proposed scope of work involves construction of a local access road with a culdesac for emergency turnaround. The project is a replat of 66 existing non-conforming lots into 6 larger more conforming lots. Average lot size before replat is about 7,000 sf. Average lot size after replat is 112,748 sf (2.59 acres). The access road and culdesac will require cutting and filling to create a level enough area for the access. Cuts will be along the north side of the access road, so will not be visible from KVA's (hidden by the bluff and homes on the bluff). Fill slopes will primarily be along the south side of the access road, so will also be screened from view since the KVA's are only visible along the east end of the site. At the east end ofthe culdesac, the cut and fill are minimized to reduce visibility from the KVA's.
>
> The future homesites on Lots 1-4 are not visible from KVA's, and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on lots 5 and 6 should be reviewed at the time of building permit to ensure that they are properly screened, which may require careful siting and additional vegetation for screening. Lots 1 and 2 may require vegetation or berms to reduce agricultural setbacks, depending on when neighboring lots under the developer's ownership are built on. See the Residential Evaluation memorandum for further information on berming for setbacks. Berms for Lots 1 and 2 will not be visible from KVA's."
>
> (Grading Plan Narrative, Pages 1-2).
>
> "Grading Plan Narrative
> Proposed Soil Conditions
> The proposed project will require approximately 1650 CY of cut and 1200 CY of fill for the access road improvements. Grading for the access with cause minimal disturbance, and will be stabilized by structural fill, the gravel surfacing material and paving. Any cut/fill slopes shall have permanent seeding applied in the spring or fall. Future grading for each home shall provide a building pad along with parking and access. Unless otherwise directed by a Geotechnical Engineer, grading shall be done per Chapter 18 of the Oregon Structural Specialty Code, and as follows:
> • Cut/fill slopes to not exceed 2:1
> • Fill on existing slopes shall be constructed with benching
> • The ground adjacent to the foundation shall be sloped away from the building at a minimum of 5% slope for a minimum distance of 10 feet from the foundation wall. Impervious surfaces may be sloped a minimum of 2% away from the building and may be less than 2% at a door or landing for ADA access.

• Onsite soil is unlikely to be suitable for structural fill under buildings due to the gradation variability and expected cobbles, though it may be used if approved by a Geotechnical Engineer or other qualified inspector. Structural fill shall be placed in horizontal lifts on subgrade that has been cleared of all organic material. The structural fill shall consist of well-graded angular
material placed in compacted lifts at 95% of the maximum dry density as follows:
o For fill 2" or less diameter, lifts shall have a compacted maximum depth of 6"
o For fill 2"to 6" diameter, lifts shall have a compacted maximum depth of 8"
• The new road shall be constructed to serve as a fire access road, with a minimum paved width of 22 feet. Cut slopes shall have a ditch, a minimum of 1 foot deep. Side slopes of the road shall have a maximum slope of 3:1"

(Grading Plan Narrative, Page 6).

No substantive commentary has been submitted that indicates non-conformance of the proposed dedication and construction of Cavern Way cul-de-sac right-of-way (ROW) and necessary utilities, and to place existing Sandstone Way centered in ROW (was constructed outside of ROW in original development). Staff finds that the proposed development is designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

All future development on the proposed lots will be subject to criteria described in this section. The Planning Commission found that Subsection 14.100.B is not applicable to the request.

C. New buildings and expansions of existing development shall be compatible with the general scale of existing nearby development. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include but are not limited to:

1. Application of the landscape setting design guidelines, if applicable.

2. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

3. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

a. All finished above ground square footage;

b. Total area of covered decks and porches;

c. Attached garages

d. Daylight basements

e. Breezeways, if the breezeway shares a wall with an adjacent building

f. Dimensions, based on information from the application or on Assessor's records

4. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All future buildings on the proposed lots may be subject to criteria described in this criterion. The Planning Commission found that Subsection 14.100.C is not applicable to the request.

D. *Unless expressly exempted by other provisions, colors of all exterior surfaces of structures on sites not visible from Key Viewing Areas shall be earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. As discussed below in Section 14.200, portions of proposed Lots 2, 5, & 6 are visible from Key Viewing Areas (KVA). Exterior colors of future development not visible from KVAs shall be dark earth tones found at the specific site or in the surrounding landscape, and the specific colors approved by the reviewing agency shall be included as a condition of approval. The Planning Commission found that the request complies with Subsection 14.100.D.

E. *Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. The Planning Commission found that Subsection 14.100.E is not applicable to this request.

F. *Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. No street lighting is proposed. All future development on the proposed lots will be subject to criteria described in this section. The Planning Commission found that the request complies with Subsection 14.100.F.

G. All ground disturbance as a result of site development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation, and replacement of such vegetation that does not survive.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. Regarding the proposed road dedication, Sandstone Way realignment, utility placement, and lot preparation, the application provides the following:

"Grading Plan Narrative
Proposed Soil Conditions
The proposed project will require approximately 1650 CY of cut and 1200 CY of fill for the access road improvements. Grading for the access with cause minimal disturbance, and will be stabilized by structural fill, the gravel surfacing material and paving. Any cut/fill slopes shall have permanent seeding applied in the spring or fall. Future grading for each home shall provide a building pad along with parking and access. Unless otherwise directed by a Geotechnical Engineer, grading shall be done per Chapter 18 of the Oregon Structural Specialty Code, and as follows:
• Cut/fill slopes to not exceed 2:1
• Fill on existing slopes shall be constructed with benching
• The ground adjacent to the foundation shall be sloped away from the building at a minimum of 5% slope for a minimum distance of 10 feet from the foundation wall. Impervious surfaces may be sloped a minimum of 2% away from the building and may be less than 2% at a door or landing for ADA access.
• Onsite soil is unlikely to be suitable for structural fill under buildings due to the gradation variability and expected cobbles, though it may be used if approved by a Geotechnical Engineer or other qualified inspector. Structural fill shall be placed in horizontal lifts on subgrade that has been cleared of all organic material. The structural fill shall consist of well-graded angular
material placed in compacted lifts at 95% of the maximum dry density as follows:
o For fill 2" or less diameter, lifts shall have a compacted maximum depth of 6"
o For fill 2"to 6" diameter, lifts shall have a compacted maximum depth of 8"
• The new road shall be constructed to serve as a fire access road, with a minimum paved width of 22 feet. Cut slopes shall have a ditch, a minimum of 1 foot deep. Side slopes of the road shall have a maximum slope of 3:1"

(Grading Plan Narrative, Page 6).

There is no anticipated permanent ground or vegetation disturbance outside of the areas designated for construction. A **condition** of approval requires that 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. With this condition, the Planning Commission found that the request complies with Subsection 14.100.G.

H. Except as is necessary for site development or fire safety purposes, the existing tree cover screening the development area on the subject parcel from Key Viewing Areas and trees that provide a back drop on the subject parcel which help the development area achieve visual subordinance, shall be

retained. Additionally, unless allowed to be removed as part of the review use, all trees and vegetation within buffer zones for wetlands, streams, lakes, ponds and riparian areas shall be retained in their natural condition. Any of these trees or other trees required to be planted as a condition of approval that die for any reason shall be replaced by the current property owner or successors in interest no later than the next planting season (Oct-April) after their death with trees of the same species or from the list in the landscape setting for the property.

To ensure survival, new trees and replacement trees shall meet the following requirements

1. *All trees shall be at least 4 feet tall at planting, well branched, and formed.*

2. *Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.*

3. *The trees must be irrigated until they are well established.*

4. *Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. Regarding the proposed road dedication, Sandstone Way realignment, utility placement, and lot preparation, the application provides that "grading for the access with [sic] cause minimal disturbance." (Grading Plan Narrative, Page 6). No applicable residential development is requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Based on these facts, only vegetation necessary for site development will be impacted. The Planning Commission found that the request complies with Subsection 14.100.H.

Section 14.200, Key Viewing Areas

The following is required for all development that occurs on parcels/lots topographically visible from Key Viewing Areas.

A. *Each development and land use shall be visually subordinate to its setting in the GMA as seen from Key Viewing Areas. The extent and type of conditions applied to a proposed development to achieve visual subordinance shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.*

   1. *Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to:*

      a. *The number of Key Viewing Areas it is visible from;*
      b. *The distance from the building site to the Key Viewing Areas it is visible from;*
      c. *The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads and the Columbia River);*
      d. *The difference in elevation between the building site and Key Viewing Areas;*
      e. *The nature and extent of topographic and vegetative back screening behind the building site as seen from Key Viewing Areas;*

f. The amount of area of the building site exposed to Key Viewing Areas; and
g. The degree of existing vegetation providing screening.

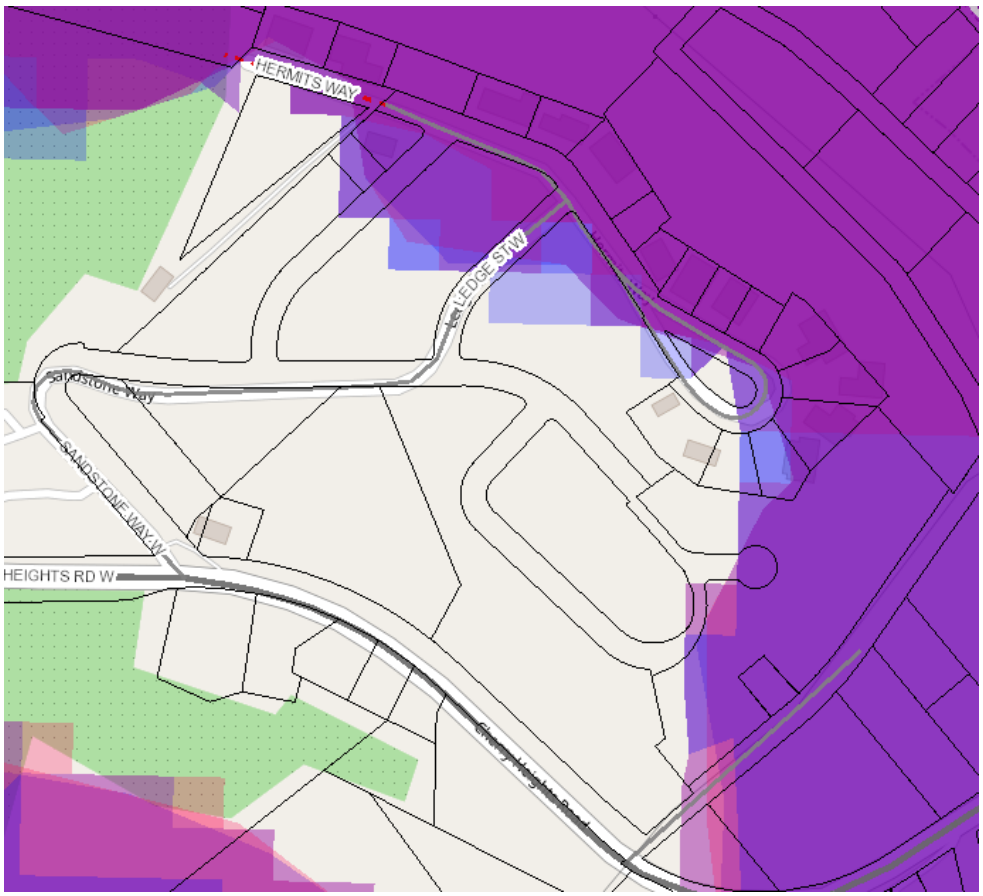
2. Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as seen from key viewing areas, including but not limited to:

a. screening by topography
b. siting (location of development on the subject property, building orientation, and other elements);
c. retention of existing vegetation on the applicant's property
d. design (color, reflectivity, size, shape, height, architectural and design details and other elements); and
e. new landscaping on the applicant's property.
f. new berms or other recontouring on the applicant's property, where consistent with other applicable provisions.

FINDING: Visual subordinance is defined in Chapter 1 as "*…the relative visibility of a structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings…"*

The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

The National Scenic Area Seen Areas Composite Overlay available through the Wasco County GIS provides:



According to this map layer, the portions of the following lots will be visible from KVAs, and future development will be subject to the criterion discussed in the section:

<u>Lot 2</u>
Columbia River (Background, middleground)
Interstate 84 (Background, middleground)
Historical Columbia River Highway (Middleground)
Washington State Route 14 (Background)

<u>Lot 5</u>
Columbia River (Background, middleground)
Interstate 84 (Background, middleground)
Washington State Route 14 (Background)

<u>Lot 6</u>
Columbia River (Background, middleground)
Interstate 84 (Background, middleground)
Washington State Route 14 (Background)

Pertaining to applicable KVAs, the application provides the following:

> "Residential Evaluation
> Key Viewing Areas
> KA surveyors evaluated the sightlines to the proposed homesites from Highway 14, 1-84, and The Dalles
> Bridge/Columbia River. The future homesites on Lots 1-4 are not visible from KVA's and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on Lots 5 and 6 should be
> reviewed at the time of building permit to ensure that they are properly screened, which may require
> careful siting and additional vegetation for screening."
>
> (Residential Evaluation, Page 1).

The application materials and the National Scenic Area Seen Areas Composite Overlay provide that the proposed Cavern Way cul-de-sac road is not visible from an applicable KVA. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. All future development may be subject to this criterion. Based on these facts, the Planning Commission found that the request complies with Subsection 14.200.A.

> B. *New development shall be sited to achieve visual subordinance from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)*

FINDING: Visual subordinance is defined in Chapter 1 as "*…the relative visibility of a structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings…"*

No identified wetlands are identified on the subject properties. The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

Pertaining to applicable KVAs, the application provides the following:

> "Residential Evaluation
> Key Viewing Areas
> KA surveyors evaluated the sightlines to the proposed homesites from Highway 14, 1-84, and The Dalles
> Bridge/Columbia River. The future homesites on Lots 1-4 are not visible from KVA's and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on Lots 5 and 6 should be

reviewed at the time of building permit to ensure that they are properly screened, which may require
careful siting and additional vegetation for screening."

(Residential Evaluation, Page 1).

The application materials and the National Scenic Area Seen Areas Composite Overlay provide that the proposed Cavern Way cul-de-sac road is not visible from an applicable KVA. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. All future development may be subject to this criterion. Based on these facts, the Planning Commission found that the request complies with Subsection 14.200.B.

C. New development shall be sited to achieve visual subordinance utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.

FINDING: Visual subordinance is defined in Chapter 1 as "*…the relative visibility of a structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings…"*

The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

Pertaining to applicable KVAs, the application provides the following:

"Residential Evaluation
Key Viewing Areas
KA surveyors evaluated the sightlines to the proposed homesites from Highway 14, 1-84, and The Dalles
Bridge/Columbia River. The future homesites on Lots 1-4 are not visible from KVA's and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on Lots 5 and 6 should be
reviewed at the time of building permit to ensure that they are properly screened, which may require
careful siting and additional vegetation for screening."

(Residential Evaluation, Page 1).

The application materials and the National Scenic Area Seen Areas Composite Overlay provide that the proposed Cavern Way cul-de-sac road is not visible from an applicable KVA. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. All future development may be subject to this criterion. Required street signage and fire hydrants will not be visible from KVAs.

Based on these facts, the Planning Commission found that the request complies with Subsection 14.200.C.

> *D. Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested.

Pertaining to driveways for anticipated lot preparation and development, the application provides the following:

> "Grading Plan Narrative
> Proposed Stormwater Management
> Grading on the site shall be minimized to only that necessary for the building pads and vehicle-related areas such as driveways, parking areas, and turnarounds. By minimizing ground disturbance and vegetation removal, stormwater runoff will be confined to the disturbed areas. On large parcels, roof and foundation drains may be released at least 10' from the foundation onto rock dispersion pads or into rain gardens. Hard surfacing and driveways will utilize sheet flow dispersion through at least 20' of
> vegetation. No concentrated flows shall be released on or within 30' of the top of slopes exceeding 20% unless approved by a Geotechnical Engineer. Additionally, care shall be taken to not introduce runoff uphill of the septic drainfields. Drainage should be diverted around drainfields using ditches, berms, or french drains if needed to divert runoff around the drainfield."
>
> (Grading Plan Narrative, Page 6).

The application materials and the National Scenic Area Seen Areas Composite Overlay provide that the proposed Cavern Way cul-de-sac road is not visible from an applicable KVA. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. All future development may be subject to this criterion. Based on these facts, the Planning Commission found that the request complies with Subsection 14.200.D.

> *E. The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as visible from Key Viewing Areas.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested.

The elevation of the subject area is approximately 400' Above Sea Level (ASL). Elevations approximately 0.5 miles to the northwest rise to 572' (ASL). Elevations approximately 0.6 miles south-southwest of the subject area are approximately 600' (ASL). Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. All future development may be subject to this criterion. Based on these facts, the Planning Commission found that the request complies with Subsection 14.200.E.

F. *New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. Variances to this guideline may be authorized according to Chapter 6 of this Ordinance if its application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building footprint shall be utilized.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. The proposed building pockets appear to avoid slopes in excess of 30 percent. All future development may be subject to this criterion. Based on these facts, the Planning Commission found that the request complies with Subsection 14.200.F.

Design/Color

G. *Unless expressly exempted by other provisions in this chapter, colors of all exterior surfaces of structures visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility was discussed above in Section 14.200.A. Required street signage and fire hydrants will not be visible from KVAs. The Planning Commission found that the request complies with Subsection 14.200.G.

H. *The exterior of buildings in the GMA and structures in the SMA on lands visible from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordinance. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility was discussed above in Section 14.200.A. Required street signage and fire hydrants will not be visible from KVAs. The Planning Commission found that the request complies with Subsection 14.200.H.

Landscaping

I. The following criteria shall apply to new landscaping used to screen development from Key Viewing Areas:

1. New landscaping (including new earth berms) shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development visually Page 14-11 Chapter 14 – Scenic Area Review Key Viewing Area subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

2. If new landscaping is required to make a proposed development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this criterion shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by the local government to make the development visually subordinate.

3. Unless as specified otherwise by provisions in this chapter, landscaping shall be installed as soon as practicable, and prior to project completion. 4. Conditions regarding new landscaping or retention of existing vegetation for new developments shall meet both scenic guidelines and the fuel break guidelines listed in the fire protection standards for each zone.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility was discussed above in Section 14.200.A.

Required street signage and fire hydrants will not be visible from KVAs. The Planning Commission found that the request complies with Subsection 14.200.I.

J. Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.

FINDING: The subject and adjacent properties are within the the "R-R" Rural Residential Zone (GMA & SMA). The purpose of the zone is the following:

> "Residential development may locate outside Urban Areas so long as it does not adversely affect the scenic, cultural, natural and recreation resources. In addition to consideration of these factors, lands may be designated as residential if deemed suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities." (NSA-LUDO, Chapter 3, Section 3.16, Page 3-58).

The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility was discussed above in Section 14.200.A. Required street signage and fire hydrants will not be visible from KVAs. The Planning Commission found that the request complies with Subsection 14.200.J.

(***)

Section 14.300, Scenic Travel Corridors
The Historic Columbia River Highway (Highway 30) and Interstate 84 (I-84) are designated as Scenic Travel Corridors, and development along a Scenic Travel Corridor must be set back at least 100' from the edge of pavement of the Scenic Travel Corridor roadway.

FINDING: According to Wasco County GIS data, the land in questions if over 0.55 miles southwest of the applicable travel corridors. The Planning Commission found that the request complies with Subsection 14.300.

Section 14.400, Landscape Settings (GMA & SMA)
Landscape settings are the combination of land uses, landforms and vegetation patterns which distinguish an area in appearance and character from other portions of the National Scenic Area. (***)

E. Rural Residential Landscape Setting

GMA Only

1. In portions of this setting visible from Key Viewing Areas(except those areas described in the "Developed Settings and Visual Subordinance Policies" of the Management Plan or in J below) the following standards shall be employed to achieve visual subordinance for

new development:

a. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Examples of native species are identified in the Scenic Implementation Handbook.

b. *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility was discussed above in Section 14.200.A. Required street signage and fire hydrants will not be visible from KVAs.

Pertaining to applicable KVAs, the application provides the following:

> "Residential Evaluation
> Key Viewing Areas
> KA surveyors evaluated the sightlines to the proposed homesites from Highway 14, 1-84, and The Dalles
> Bridge/Columbia River. The future homesites on Lots 1-4 are not visible from KVA's and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on Lots 5 and 6 should be
> reviewed at the time of building permit to ensure that they are properly screened, which may require
> careful siting and additional vegetation for screening."
>
> (Residential Evaluation, Page 1).

Future applicable development may be subject this criteria. The Planning Commission found that the request complies with Subsection 14.200.J.

Section 14.500, Cultural Resources – GMA
The purpose of this section is to protect and enhance cultural resources, and ensure that proposed development does not have an adverse effect on significant cultural resources.

(***)

B. Applicability of the Cultural Resource Reconnaissance and Historic Survey Requirements

1. The reconnaissance survey standards of C, Cultural Resource Reconnaissance and Historic Survey, apply until a cultural resource survey of the General Management Areas is complete.

a. Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling

b. A reconnaissance survey shall be required for all proposed uses, except:

(1) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

FINDING: A cultural resources survey determination dated June 1, 2023, was submitted to the Planning Department by Chris Donnermeyer, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area. According to the determination, the proposed use does not require a cultural resource reconnaissance survey and the use will occur on a site that has been determined to be located within a low probability zone, is not within 100 feet of a high probability zone, and does not occur within 500 feet of a known archaeological site. Mr. Donnermeyer's comments are in Attachment E. The Planning Commission found that the request complies with Subsection 14.500.B.1.b.(1).

1. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

FINDING: A cultural resources survey determination dated June 1, 2023, was submitted to the Planning Department by Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area. According to the determination, the proposed use does not require a historic survey because the request will not alter the exterior architectural appearance of significant buildings and structures on the property that are 50 years old or older. Development will not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older. The Planning Commission found that the request complies with Subsection 14.500.B.1.b.(2).

(***)

C. Cultural Resource Reconnaissance and Historic Surveys

1. Gorge Commission/Tribal Government Notice

a. In addition to other public notice requirements that may exist, the County shall notify the Indian tribal governments when:

(1) a reconnaissance survey is required;

FINDING: A cultural resources survey determination dated June 1, 2023, was submitted to the Planning Department by Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area. According to the determination, the proposed use does not require a cultural resource reconnaissance survey. The Planning Commission found that the request complies with Section 14.500.C.1.a.(1).

(***)

4. *Conclusion of the Cultural Resource Protection Process*

(***)

c. *The cultural resource protection process may conclude when one of the following conditions exist:*

(1) *The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 20 calendar days of the date that a notice was mailed.*

FINDING: A June 1, 2023, Cultural Resources Survey Determination from Chris Donnermeyer, Heritage Program Resources Program Manager, Columbia River Gorge National Scenic Area found that a reconnaissance survey and historic survey are not required to be completed for the subject parcel. No concerns regarding cultural resources were received by the Planning Department within 20 calendar days of the mailing date (March 16, 2023) of the pre-notice to Indian tribal governments or the State Historic Preservation Office (SHPO). The Planning Commission found that the request complies with Subsection 14.500.C.4.c.(1).

(***)

G. *Discovery During Construction:*

1. *Halt Construction: All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.*

2. *Notification: The project applicant shall notify the County Planning Office and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.*

3. *Survey and Evaluation: The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Office (see, ORS 358.905 to 358.955).*

FINDING: If cultural resources are found during construction, all construction within 100' of the discovered cultural resource shall cease and the resource shall remain as found; further disturbance is prohibited. In addition, the owner shall notify the Wasco County Planning Department, Gorge Commission and four Indian tribal governments within 24 hours of discovery. **Conditions** of approval require compliance with these requirements. With these conditions, the Planning Commission found that the request complies with Subsection 14.500.G.1-3.

H. *Discovery of Human Remains*
The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

FINDING: If human remains (human skeletal remains, bones, or teeth, with or without attendant burial artifacts) are discovered during construction, all survey, excavation and construction activities shall cease, and the human remains shall not be further disturbed. The owner shall notify the Wasco County Planning Department, the Wasco County Sheriff the Gorge Commission, the four Indian tribal governments, and Washington State Physical Anthropologist, Dr. Guy Tasa, must also be notified within 24 hours of discovery. **Conditions** of approval are provided requiring the owner to comply with the requirements in H. With these conditions the Planning Commission found that the request complies with Subsection 14.500.H.

Section 14.600, Natural Resources – GMA

A. Wetlands

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3. Wetlands Buffer Zones

a. The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.

b. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

(1) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(2) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(3) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grass like plants, forbs, ferns, and non-woody vines.

c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.

(1) Forest communities: 75 feet

(2) Shrub communities: 100 feet

(3) Herbaceous communities: 150 feet

(***)

FINDING: The purpose of this section is to protect water quality, natural drainage, and fish and wildlife. According to State Wetlands Inventory, National Hydrography Dataset maps and digital data from the Gorge Commission available on the Wasco County GIS Map, there are no waterbodies located on subject properties or adjacent properties. The nearest is a freshwater forested/shrub wetland which includes a freshwater intermittent stream, which is located over 300' southwest from the proposed lots. No comments or requests for additional field survey data were received from the Department of State Lands or United States Forest Service. A **condition** of approval requires that the applicant obtain necessary federal, state, and local permits pertinent to the development. The Planning Commission found that the request complies with Subsection 14.600.A.

B. Streams, Ponds, Lakes, and Riparian Areas

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2. Stream, Pond, and Lake Buffer Zones:

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(c) Buffer zones shall be measured outward from a pond or lake boundary on a horizontal scale that is perpendicular to the pond or lake boundary. The following buffer zone widths shall be required.

(i) Forest communities: 75 feet

(ii) Shrub communities: 100 feet

(iii) Herbaceous communities: 150 feet

FINDING: The purpose of this section is to protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas, and enhance aquatic and riparian areas. According to State Wetlands Inventory, National Hydrography Dataset maps and digital data from the Gorge Commission available on the Wasco County GIS Map, there are no waterbodies located on subject properties or adjacent properties. The nearest is a freshwater forested/shrub wetland which includes a freshwater intermittent stream, which is located over 300' southwest from the proposed lots. No comments or requests for additional field survey data were received from the Department of State Lands or United States Forest Service. A **condition** of approval requires that the applicant obtain necessary federal, state, and local permits pertinent to the development. The Planning Commission found that the request complies with Subsection 14.600.B.

C. Wildlife Habitat

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3. Uses and Activities Permitted within 1,000 feet of a Sensitive Wildlife Area or Site.

Except for uses permitted without review in Section 3.100 and 3.180(B) (Open Space), uses and activities authorized by the applicable designation may be allowed within 1,000

feet of a sensitive wildlife area or site subject to (4) below, Site Plans and Field Surveys, the remaining applicable sections this Chapter and the following criteria:

(***)

d. The wildlife protection process may terminate if the County, in consultation with the state wildlife agency, determines:

(1) The sensitive wildlife area or site is not active, or

(2) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

FINDING: According to Wasco County GIS data, the proposals are within 50' feet of a designated White Oak habitat. The habitat is located wholly on the north adjacent property. The purpose of this section is to ensure that new uses do not adversely affect sensitive wildlife areas and sites. The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to six residential lots, one private open space lot, and one public park lot). No comments or requests for additional field survey data were received from the Oregon Department of Fish and Wildlife or the Untied States Forest Service (USFS). A **condition** of approval requires that the applicant obtain necessary federal, state, and local permits pertinent to the development. The Planning Commission found that the request complies with Subsection 14.600.C.

C. Rare Plants

FINDING: The purpose of this section is to ensure that new uses do not adversely affect plant species listed on an inventory kept by the Gorge Commission, encourage the protection of plant species that are classified "Review" {list 3}, or "Watch" {list 4} by the Oregon Biodiversity Information Center, and enhance the natural habitat of rare plant species. Project notice and opportunity to comment was provided to the Oregon Biodiversity Information Center and the United States Forest Service. No comments or requests for additional field survey data were received from ORBIC or USFS. A **condition** of approval requires that the applicant obtain necessary federal, state, and local permits pertinent to the development. The Planning Commission found that the request complies with Subsection 14.600.D.

Section 14.700, Recreation Resources – GMA

FINDING: The purpose of this section is to protect and enhance recreation resources consistent with Indian treaty rights, and to protect scenic, natural, cultural and recreation resources when providing new recreation opportunities. The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to six residential lots, one private open space lot, and one public park lot). No development is proposed. There are no recreational sites on the subject properties and no new recreational use is proposed. The closest recreational site is the Columbia River, which is more than 0.95 miles from the subject properties. The request will have no impact on the recreational use due to distance. The Planning Commission found that the request complies with Subsection 14.700.

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

The purpose of this section is to ensure that the Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian

tribe. It requires notification to the four tribal governments when new uses are proposed.

FINDING: Section 14.800 provides protection of Indian Tribal Treaty Rights from new development in the National Scenic Area. Section 14.800.B.3. lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or e-mailed to the four tribal governments Notice of Administrative Action was mailed on March 16, 2023, and a 20-day comment period was provided. No comments were received during the comment period.

Section 14.800.C. lists guidelines for tribal government consultation when those governments submit substantive written comments. No comments were received. The Planning Commission found that the proposed development is consistent with Section 14.800.C.

Section 14.800.D. states that the treaty rights protection process may conclude if the Executive Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

The subject property does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Subsection 14.800.D.

F. Chapter 21 – Scenic Area Review

Section 21.030 - Basic Provisions and Design Standards

A. Compliance required: No land within the unincorporated territory of the Columbia River Gorge National Scenic Area portion of Wasco County shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted to and approved by the Approving Authority in accordance with ORS Chapter 92.

B. Minimum Standards: The requirements and standards set forth in this chapter are the minimum ones to Page 21-2 Chapter 21-Land Divisions which a subdivision, partition, or boundary adjustment must conform before approval by the Approving Authority. Scenic, Natural, Cultural and Recreational resource buffers set forth in Chapter 14 - Scenic Area Review shall not be altered or varied to allow design standards to be met.

GROUNDS FOR APPEAL #1: "The decision violates the NSA-LUDO, including sections…21.030.C & D, because it unlawfully approves new parcels that violate the applicable minimum lot size for the land use designation."

C. Conformity with the plan: All divisions of land and boundary adjustments shall conform to and be in harmony with the Wasco County Comprehensive Plan and National Scenic Area Land Use Designation Map and the Management Plan for the Columbia River Gorge National Scenic Area and map of that portion of the Columbia River Gorge National Scenic Area within which the subdivision and partition lies.

FINDING: Findings and conclusions addressing conformity with the Management Plan are provided in Section III.B of this report under Subsections 3.160.D.13. and 3.160.G. Based on the findings and conclusion made in Section III.B of this report, staff finds that the request conforms to the Management Plan, and Subsection 21.030.C.

D. *Conformity with zoning chapter: All divisions of land and boundary adjustments, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 3 of this Ordinance. All lots created shall conform in all respects with the applicable regulations of Chapter 3, including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth. Variances from minimum parcel sizes shall not be granted.*

   Land divisions shall also be made only in full compliance with standards set in Chapter 14 - Scenic Area Review.

FINDING: Findings and conclusions addressing conformity with Chapter 3, Section 3.160, particularly Subsections 3.160.D.13. and 3.160.G, are provided in Section III.B of this report. Based on the findings and conclusion made in Section III.B of this report, staff finds that the request conforms to the applicable zoning chapter, and Subsection 21.030.D.

STAFF RECCOMENDATION GROUNDS FOR APPEAL #1 (SECTIONS 3.160.D.13. & 3.160.G: Based on the aforementioned findings and conclusions, staff recommends the Wasco County Board of Commissioners dismiss Grounds for Appeal #1 (SECTIONS 21.030C. and 21.030.D.).

E. *Relation to Adjoining Street System: A subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivisions or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations.*

FINDING: The proposed replat Prince Heights Subdivision of the Columbia Crest Addition Subdivision will replat 66 lots to six lots. The remainder of the Columbia Crest Addition Subdivision will be located north and northwest of the proposed replat area. The Fruitland Park Addition Subdivision "Track 35" is also located north and northwest of the proposed replat area. The proposed replat subdivision will vacate three undeveloped Columbia Crest Addition Subdivision platted roads (Sandstone Way (portion), Cavern Way, and Granite Way), and replace them with one dedicated cul-de-sac road (Cavern Way). The proposed cul-de-sac road will not interfere with the continuation of principle streets in the adjoining subdivisions or other adjacent non-platted properties.

The Prince Heights Subdivision replat, the Columbia Crest Addition Subdivision, and the Fruitland Park Addition Subdivision "Track 35" are located north of Cherry Heights Road (a public dedicated and maintained road) and south of West 13th Street (a public dedicated and maintained road). The proposed replat provides for the continuation of all principle streets. The Planning Commission found that the request complies with Subsection 21.030.E.

See the "Columbia Crest Subdivision Road Map" and "Prince Heights Subdivision Road Map" in Attachment C.

F. Redevelopment Plan:

1. In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that blocks and lots shall be of such size and shape, be so divided into lots, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of a smaller size which shall have the minimum lot frontage on a street.

FINDING: The request is for a replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The subject property is within the "R-R" Rural Residential Zone (GMA)/ (GMA) R-5 (Five-acre minimum parcel size). The proposed lots will be:

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

None of the proposed lots may be further divided. The Planning Commission found that the request complies with Subsection 21.030.F.1.

2. No lot in a platted subdivision shall be reduced in size from that shown on the recorded plat if the newly created lot will have less than the minimum lot area for the zone in which it is located.

FINDING: The request is for a replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The subject property is within the "R-R" Rural Residential Zone (GMA)/ (GMA) R-5 (Five-acre minimum parcel size). None of the proposed lots will be reduced in size. The Planning Commission found that the request complies with Subsection 21.030.F.2.

3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.

FINDING: The request is for a replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The subject property is within the "R-R" Rural Residential Zone (GMA)/ (GMA) R-5 (Five-acre minimum parcel size). The proposed lots will be:

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

The Smilekel Group owns all 66 lots within the designated replat area of the Columbia Crest Addition Subdivision. The Smilekel Group also owns the following properties within the Columbia Crest Addition that are not a part of this subdivision replat. They are identified by tax lot:

Tax Lot	Account No.
1N 13E 5 AD 500	8352
1N 13E 5 AD 400	8351

The two tax lots consist of 22 independent lots. The lots were created by the Columbia Crest Addition Subdivision and recorded by the Wasco County Clerk on June 5, 1953. The lots are legal-nonconforming in size, but are below the current zone size of 5-acres.

Concerning "Tract A" the applicant provided the following statement on June 26, 2023:

> "We will have CCR's that protect the open space. I don't have CCR's yet for this subdivision – they are usually put together by the developer's lawyer, but here's a sample of one I've used in the past.
>
> *Open Space Tract:*
> a. *The designated open space tract within the subdivision shall be preserved in perpetuity and shall not be developed or altered for any purpose."*

A copy of the this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Additionally, the applicant provides that "Tract A" will be reconfigured from existing lots and be owned by the Home Owner's Association. According to the preliminary plan, there are no "leftover lot areas" that will be less than the minimum lot area for the zone. The Planning Commission found that the request complies with Subsection 21.030.F.3.

> 4. *Any person dividing tracts of land into large lots which at some future time could be further divided and still meet the minimum lot size requirement of the zone in which the land is located shall provide suitable road access to each created parcel so that the future development of each parcel will provide access for redevelopment parcels or lots.*

FINDING: The request is for a replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to six residential lots, one private open space lot, and one public park lot). The subject property is within the "R-R" Rural Residential Zone (GMA)/ (GMA) R-5 (Five-acre minimum parcel size). The proposed lots will be:

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

None of the proposed lots can be further divided at some future time. Suitable road access will be provided by the existing Sandstone and Ledge Ways (public dedicated roads), and by the proposed public right of way road Cavern Way cul-de-sac road. The Planning Commission found that the request complies with Subsection 21.030.F.4.

G. Access: A unit of land shall be considered to have access by way of a public road or street, private road, or private easement road, if the following criteria are satisfied:

1. The unit of land abuts on the road or street.

2. There is a legal right appurtenant to the unit of land to use the road or street for ingress and egress. A legal right to use a private road or private easement road may be evidenced by: (a) an express grant or reservation of an easement in a document recorded with the County Clerk; (b) a decree or judgment issued by a court of competent jurisdiction; (c) an order of the County Governing Body; or, (d) an express easement set forth in a duly recorded plat.

3. The road or street provides actual physical access for the unit of land.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and/or Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "We received a petition to vacate several roads within the Columbia Crest Addition back in May, 2022. The Smilekel Group made that request. I would need an updated road vacation petition, clearly showing what roads or sections of road are proposed for vacation. Then, depending on the Planning Commission decision, we could move forward with the BOC on the vacations, pending approval of the new road dedications / subdivision plat."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

A **condition** of approval requires the applicant, upon approval of the preliminary subdivision request by the Planning Commission, apply with the Wasco County Public Works Department for a road vacation petition to vacate those roads identified within the preliminary subdivision plat in order that they be replaced with the proposed publicly dedicated Cavern Way cul-de-sac road. Staff also finds 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 approved because the road vacation would leave numerous lots within the Columbia Crest Addition without public access. Staff has determined that 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 final plat of the Prince Heights Subdivision, including the public dedication of the proposed Cavern Way cul-de-sac road.

With this **condition** and vacation/dedication timing, the Planning Commission found that the request complies with Subsection 21.030.G.3.

H. Access Requirements for Land Divisions: Each unit of land shall be provided with access by a public road meeting standards noted in Table 1 (Rural Public Roadway Design Standards) & 2 (Urban Public Roadway Design Standards), except as provided below and in Table 3 (Private Access Standards):

1. Private Easement Road In all zones a unit of land may have access by way of a private easement road upon a finding that such road provides access for not more than three (3) units of land, serves not more than three (3) units of land, and that the easement is a minimum 30' in width;

The requirements of Section 21.300 are not applicable to a Private Easement Road.

If the private easement road could provide access for more than three (3) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public or private road and not the right of way of the private easement road.

FINDING: The proposed subdivision is not within a resource zone, and the proposed lots will be accessed by dedicated public roads. Subsection 21.030.H.1 is not applicable to the request.

2. Private Road - In resource areas only (areas zoned F-1, F-3, A-1 and A-2), a unit of land may have access by way of a private road upon findings of the Approving Authority that:

a. Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land;

b. Private road approval is obtained pursuant to Section 21.400;

c. Private road is constructed to standards of Section 21.430 when more than three (3) units of land use roadway;

d. The primary use of the road is to provide access for resource activities. Conflicting uses shall be minimized;

e. When service to more than ten (10) units of land is possible, provision shall be made to serve the area by public road, including but not limited to: (a) dedication of right

of way; (b) extension and improvement of the roadway to public road standards such that not more than ten (10) units of land may be served.

If the private road could provide access for more than ten (10) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public road and not the right of way of the private road.

FINDING: The proposed subdivision is not within a resource zone, and the proposed lots will be accessed by dedicated public roads. Subsection 21.030.H.2 is not applicable to the request.

I. Alignment: As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty five (125) feet.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. On June 26, 2023, the applicant provided additional details as to why a cul-de-sac road is being proposed:

> "[The] primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on the proposal, Subsection 21.030.I is not applicable to the request.

J. Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.

FINDING: The NSA-LUDO Chapter 1 Section 1.200, provides the following definition for "Half Street":

Half Street - One-half of the right-of-way of a public way equally divided by the property or border line, dedicated to the public together with the total width, here, of the public way by all owners, at the time of the recording of any plat including such half street or way.

The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way, Granite Way, and Cavern Way roads (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way road that will provide access to the newly created Lots 3, 4, 5, and 6. The current looped road(s) (Sandstone Way, Granite Way, and Cavern Way) have never been constructed and are considered "paper roads". There is no need or request in this preliminary subdivision for a half-street.

Based on the proposal, Subsection 21.030.J is not applicable to the request.

K. Streets Adjacent to Railroads, Freeways and Parkways: When a subdivision or partition contains or is adjacent to a railroad, a parallel street may be required on each side of such railroad. A land strip of not less than twenty five (25) feet in width shall be provided along a railroad right of way for screen planting or park purposes between the railroad and residential lots. Parallel, local service streets shall be provided on each side of a freeway or parkway either within or abutting their right of way. When such parallel streets are less than eighty (80) feet from such freeway or parkway the intervening property shall be used for only park or thoroughfare purposes. Streets paralleling railroads, at those cross streets where grade separations are proposed, shall be located at a distance from the railroad that provides for such grade separation structure.

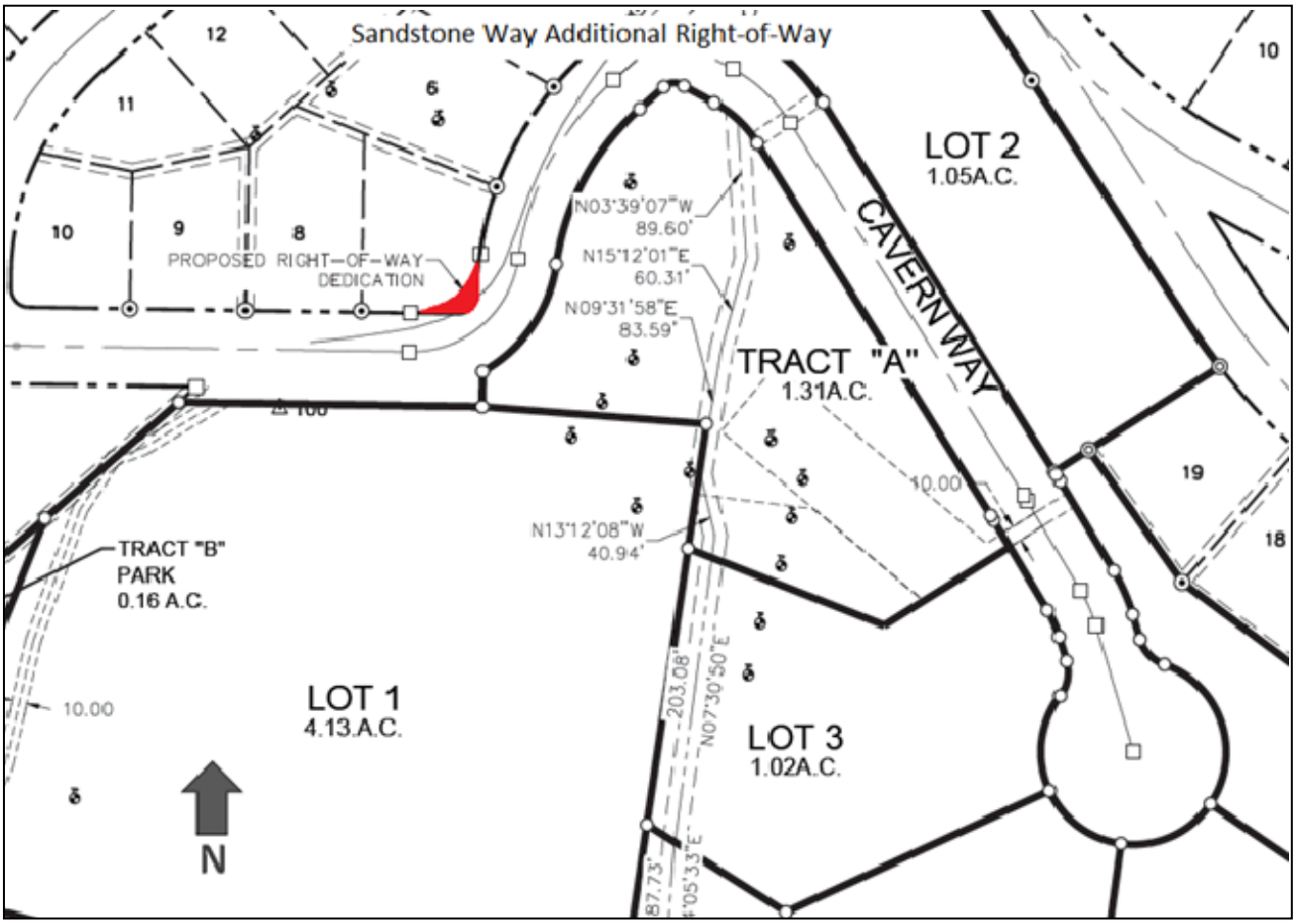
FINDING: None of the existing or proposed streets are adjacent to railroads, freeways, or parkways. Based on the proposal, Subsection 21.030.K is not applicable to the request.

L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. Lot 1 and Lot 2 will have access from the existing Sandstone Way and/or Hermits Way and will require road approach permits. A **condition** of approval requires the owner obtain Road Approach Permits for all of the proposed lots, if required by the Wasco County Public Works Department.

Additionally, the applicant proposes to dedicate additional right-of way over the existing Sandstone Way and utilities (portions of which were constructed outside of the original dedicated right-of-way). This will center the right-of-way over the existing Sandstone Road. (See "Sandstone Way Additional Right-of-Way Dedication" Map).



The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Staff has confirmed that the county does perform maintenance on Sandstone Way up to the first curve in the road (approximately 450' north of Cherry Heights Road). The 1953 approved Columbia Crest Subdivision platted the roads at 50' wide. Examination of the 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County" provides the following standards:

MINIMUM AND PREFERRED RIGHT-OF-WAYS AND WIDTHS FOR ROAD SURFACING

Type of Street	Right-of-Ways Minimum	Right-of-Ways Preferred	Road Surfacing Minimum	Road Surfacing Preferred
Arterials	80	100	26	36
Secondary Arterials	60	80	26	36
Business & Industrial Streets	66	80	36	42
Local Streets	50	60	20	34
Dead-end Streets (not more than 400' long and serving a maximum of 18 single family dwellings)	50	50	20	20
Turn-arounds for dead-end streets	40' radius		30' radius	
Alley				
Residential	14	20		
Business or Industrial	20	20		

It is unclear when Sandstone Way and Hermits Way were actually constructed. A June 29, 2023, staff site visit confirmed that the paved (road surfaced) widths of both roads range from 35' to 25', which appears to be consistent with the "Road Surfacing" minimum standards for Local Streets and Dead-end Streets in the 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County". On July 3, 2023, the Director of the Wasco County Public Works Department Arthur Smith provided comment concerning the estimated road conditions and adequacy of width for Sandstone Way and Hermits Way:

> "The existing roadway widths are adequate to serve the additional lots and appear to have been built to meet our minimum road standards. I would not require any road widening. My only request would be for a Road Maintenance Agreement or Homeowners Agreement to ensure that the public roads are maintained after development."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Staff sought additional comment from Mid-Columbia Fire and Rescue Division Chief Jay Wood concerning the existing width of Sandstone Way and Hermits Way. Chief Wood did not provided additional comment.

Based on technical commentary, and the underlying facts, the Planning Commission found that the request complies with Subsection 21.030.L.

> *M. Future Extension of Streets: Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*

FINDING: The NSA-LUDO Chapter 1 Section 1.200, provides the following definition for "Reserve Street":

Street Plug or Reserve Strip - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.

The proposed replat Prince Heights Subdivision of the Columbia Crest Addition Subdivision will replat 66 lots to six lots. The remainder of the Columbia Crest Addition Subdivision will be located north and northwest of the proposed replat area. The Fruitland Park Addition Subdivision "Track 35" is also located north and northwest of the proposed replat area.

The proposed subdivision replat lots obtain primary access from Cherry Heights Road, which is a publicly maintained County Road. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way. The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Due to the geography and existing developed surrounding subdivision lots, the proposed cul-de-sac road is not proposed in a way that will require the continuation of the street or a future street extension.

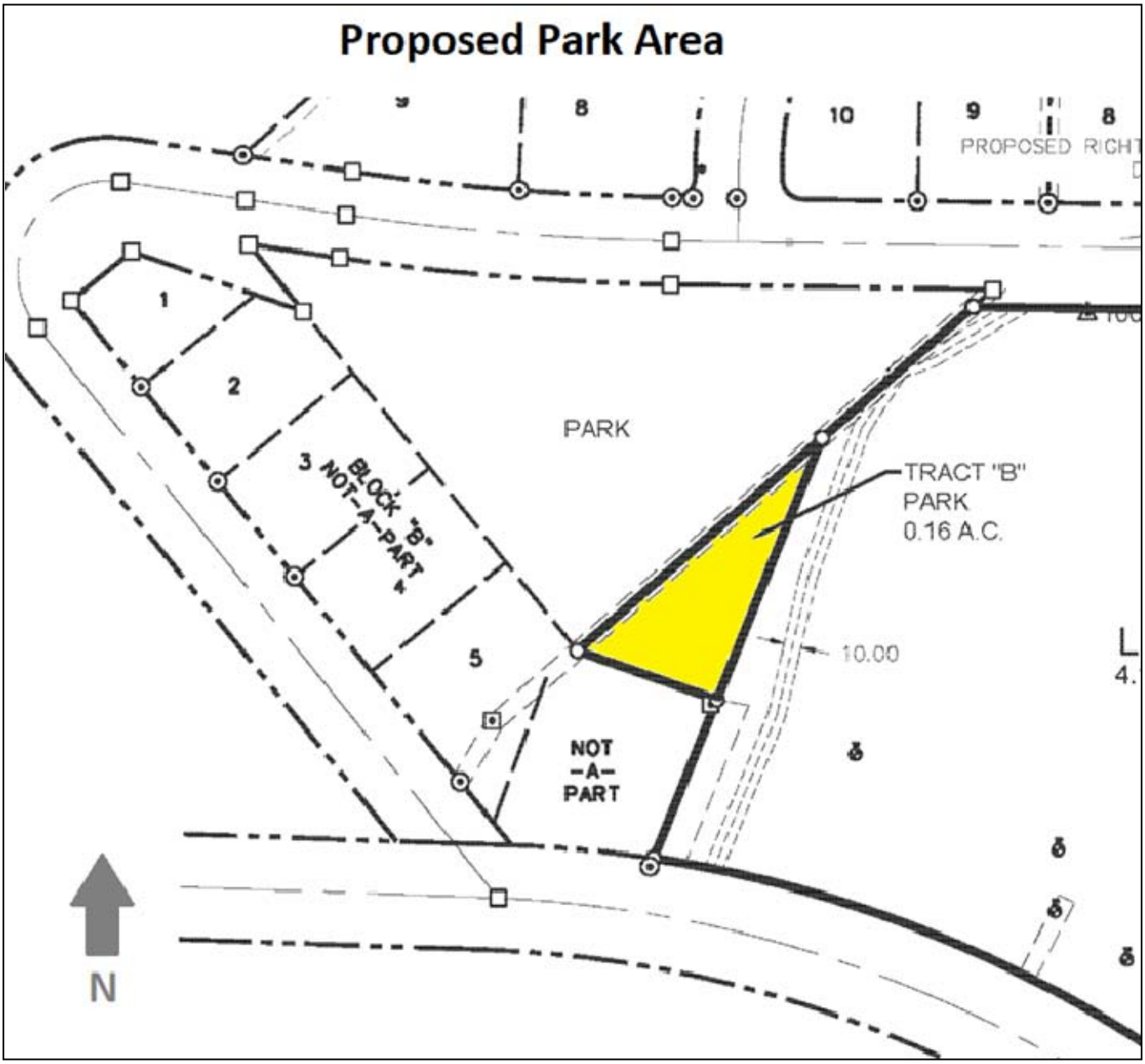
Based on these findings, the Planning Commission found that the request with Subsection 21.030.M.

N. Alleys: The minimum width of alleys, when provided in residential blocks, shall be twenty (20) feet. Alleys shall be provided in commercial and industrial districts and shall not be less than twenty (20) feet in width. The corners of all alleys at their intersection with streets and other alleys shall be rounded and have a radius of not less than ten (10) feet.

FINDING: No blocks or alleys have been proposed through the subdivision request. Subsection 21.030.N is not applicable to the request.

O. Pedestrian Ways: When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

FINDING: All of the proposed Lots will have frontage along publicly dedicated roads and no blocks are proposed. However, a 0.16-acre unit of land "Tract B" is proposed to be dedicated as public park space. "Tract B" is proposed to serve the proposed subdivision, and the surrounding residentially zoned properties. The park is planned on the west side of an existing area designated as a park, and on the east side of the proposed Lot 1 (See "Proposed Park Area" below). The proposed park area is land locked and does not have public street frontage.



Concerning the proposed park space, comments were received from the Executive Director of the northern Wasco County Parks & Recreation District Scott Baker on July 6, 2023:

> "As we discussed, 1N 13E 5 AD 600 Account Number: 13902 is not currently owned or maintained by NWCPRD. It has little or no recreational value and increasing its size .16 acre does not make it a better fit for public recreation. My opinion is that Wasco County would be better served by a cash payment in lieu of the property. If Wasco county is the owner of the adjacent "publicly owned" property, I would encourage them to surplus the property and acquire much needed park space on the westside."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Additional comments pertaining to the proposed park dedication were received from the Wasco County Assessor Jill Amery and Wasco County Administrator Tyler Stone on July 12, 2023:

Jill Amery wrote:

> "The current park lot as you have seen from the previous correspondence has been very problematic. Though it isn't my decision on which path to take, my opinion for this subdivision is to not add another park space. Let the developer pay into the fund. If my initial calculation of the lots impacted are correct, the developer could pay an approximate $6,480.51 into the fund and forego the park."

Tyler Stone wrote:

> "Wasco County currently does not have a dedicated program to support the continued management of dedicated public space. I encourage you to recommend, in lieu of dedication of land…a payment to the County that will be held in a special fund for acquisition and the development and support of nearby public parks and facilities."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The NSA-LUDO Chapter 21 Land Divisions provides the following options pertaining to final subdivision plat approval:

Section 21.310 Final Subdivision Plat Approval

E. Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Plan for the area in which the subdivision is located.

F. Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, 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 plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.

Based on the provided commentary, the fact that fee ownership of the existing park space has not been properly established, and that there are other public recreation options that do not require the dedication of public park space, <u>the Planning Commission determined that public open park space not be required for this subdivision replat.</u> In lieu of the park dedication, the Planning Commission has provided a **condition** of approval requiring the subdivider 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.

With the condition of approval, the Planning Commission found that the request with Subsection 21.030.O.

P. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 11 and the local fire department.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Application materials provide that the proposed Cavern Way cul-de-sac road will be "[a] 22' wide paved road with 2' wide gravel shoulders (in a 50' wide road tract)…approximately 590' in length, with a 48' radius (96' diameter) culdesac for fire turnaround at the end." (Project# 170105 Replat narrative, Page 13-14). Furthermore, the application provides that road maintenance for Cavern Way "will be provided by the homeowners and will be managed with a road maintenance agreement." (Project# 170105 Replat narrative, Page 10). A preliminary copy of the road maintenance agreement is provided in Attachment F and available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

On June 26, 2023, the applicant provided additional details as to why a cul-de-sac road is being proposed:

> "[The] primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Concerning road maintenance, the Director of the Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Concerning applicable state fire laws, Mid-Columbia Fire and Rescue Division Chief Jay Wood provided comment on June 28, 2023:

> "To be clear, page 4 of the PDF you sent over is the proposed, and if so here are the requirements for access and water supply as per Oregon Fire Codes (OFC). All these requirements would come into play upon building.

Fire Apparatus Access:

- The fact that this is over 2 residential lots/buildings, these requirements come into play, again upon building. Access roads need to extend to within 150 feet of each structure on each lot. The 150 feet is from where we park the fire apparatus and then around the exterior of the building (where we would potentially pull the hose for fire attack). See note below regarding individual driveways on the lots.
- The rest of the access specifications come from Appendix D of the OFC
  - The height of the access needs to be at least 13'6" along the entire access road. Trees will need to be maintained at that height throughout and any overhead signs, etc as well.
  - The driving surface needs to be "all weather" though there is no good interpretation of what this really means. Generally accepted is concrete and/or asphalt. For a one or two lot development, a gravel driveway suffices. See note below about driveways on individual lots.
  - The access road must support an imposed load of 85,000, the gross weight of our heaviest fire apparatus including driveways.
  - Minimum width of the access road is 26' driving surface for two reasons;
    - Access roads great than 500 feet require 26' width
    - Hydrants will be required so the road must be 26' (see water supply below).
  - Grade shall be 10 percent of slope or less. There is the short pitch of greater than 10 percent allowed if necessary and by approval of the Fire District.
  - Dead end roads greater than 150 feet must have a turnaround. The cul-de-sac works as a turnaround; however, the minimum dimension of the cul-de-sac is 96 feet. Alternatives could be a hammer head "T", a "Y" or other arrangement that has at least 2 legs that are at a minimum of 60 feet in length.
  - No Parking Signs will be required unless the access road is greater than 32' in width.
    - At exactly 26' width, signs on both sides are required.
    - Greater than 26' width only requires on side to be signed.
    - Signs have to be a minimum of 12" wide by 18" high with red letters with white reflective background. Wording of "No Parking" and "Fire Lane" are required. Arrows can be used if a portion of the roadway is greater than 32' then necks down to less than 32'.
  - Probably not an issue with this as it's residential, but if the building heights are 30' or three stories, two roads to access the buildings are required (access for ladder truck)
- Structures on the lots must be within the 150' from the access road OR they must have access roads/driveways that meet the height, weight, grade and turnaround requirements. Width can be reduced to 12' drivable surface on individual lots with one or two dwellings (such as an ADU)
- There is the possibility of exceptions to some of these requirements if the dwellings (not garages, outbuildings) have an approved automatic fire sprinkler system installed in the residences. Typically, we see this with grades greater than 10 percent of slope or hydrant placement issues due to underground issues (rock usually), however, we can discuss further with you and/or the developer.

Water supply

- Because there is a water system in that area (Chen. Water PUD), one or more hydrants will be required. The hydrant/hydrant system will need to flow 1,000 Gallons per minute with a 20 pounds per square inch residual pressure.

  - If all of the homes will have sprinklers, that can be dropped to 500 gallons per minute at 20 psi residual.
  - If 1,000 gallons, the flow has to have the capacity to be maintained for 1-hour. If 500 gallons, then the duration is ½-hour.
  - The developer may be required to provide the available fire flow as noted if the water system cannot support the requirements. That can be in the form of:
    - their own water system of reservoirs and hydrant(s)
    - supplementing the current water system by paying for upgrades to the public system.
- Maximum distance from a dwelling to a hydrant is 200 feet. In other words, a hydrant will need to be installed within 200' of the center of the cul-de-sac (after being redrawn with the correct diameter requirement). This will need to be discussed if the dwellings are not near the cul-de-sac end of the lots (set back from the cul-de-sac with a driveway). If dwellings/buildings are set back from the street, it may be best to install the hydrant at the cul-de-sac.
  - This can be increased to 250' if sprinklers installed.
- Another hydrant would need to be installed within 500 feet of the one servicing the cul-de-sac. This can be increased to 625' if sprinklers are installed in all dwellings on each of the subject lots.
- Lot 1, if accessed by Sandstone Way will have to be situated so it is within that 500'/625' or an additional hydrant will need to be installed."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

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 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:

(1) To ensure access roads extend to within 150 feet of each structure on each lot, a **condition** of approval requires that 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.

(2) To ensure that no obstacles exist for fire apparatus access, a **condition** of approval requires that 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.

(3) To ensure the public is notified of restricted parking areas for fire apparatus, a **condition** of approval requires that the subdivder 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.

(4) To ensure that all fire apparatus have access to the proposed Lots 3-6 along the Cavern Way cul-de-sac road, a **condition** of approval requires that 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.

(5) A **condition** of approval for road maintenance for Cavern Way cul-de-sac road shall be provided by the homeowners and will be managed with a road maintenance agreement.

According to Chief Wood, the subdivision area is within the Chenowith Water District. The Wasco County Geographic Information System "Water Districts" map layer provides that the water district is the Columbia Crest Water District. In any case, in consideration of water supply for fire apparatus, the following recommended 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:

(1) To ensure on-site water is available for structural fire protection, a **condition** of approval requires that fire hydrants shall be provided at least 200 feet from all designated development areas for the proposed Lots 1-6; or

(2) 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, a **condition** of approval requires that fire hydrants shall be provided at least 250 feet from all designated development areas for the proposed Lots 1-6.

(3) A **condition** of approval requires that a fire hydrant shall be provided within 500 feet of the fire hydrant servicing the cul-de-sac; or

(4) 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, a **condition** of approval requires that the fire hydrant shall be provided within 625 feet of the fire hydrant servicing the cul-de-sac.

(5) If Lot 1 is accessed by Sandstone Way, a a **condition** of approval requires that 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

(6) 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, a **condition** of approval requires 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.

(7) 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

(8) 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, a **condition** of approval requires that 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.

(9) To ensure the proposed fire hydrants can meet required flow rate conditions, a **condition** of approval requires that prior to public dedication of the proposed Cavern Way cul-de-sac, the subdivider shall provide objective substantial evidence from the local fire district that the proposed fire hydrants will have the required flow rates; or

(10) 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.

To ensure adequate and safe access is provided to the area, a **condition** of approval requires that prior to submittal of the final subdivision plat and public road dedication, all conditions required under this criterion shall be illustrated with dimensions on the plat, and, or, practically demonstrated to have been achieved. With the recommended conditions, the Planning Commission found that the request with Subsection 21.030.P.

Q. Street Intersections:

1. All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at ninety (90) degrees cannot be secured by reason of physical conditions of the site an angular intersection of not less than sixty (60) degrees may be permitted.

2. Property corners at street intersections shall be rounded and with a radius of not less than ten (10) feet.

3. Major thoroughfares intersections shall have roadway curb radii of not less than twenty five (25) feet; all other street intersections shall have roadway curb radii of not less than twenty (20) feet.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. As evidenced on the preliminary subdivision plat plan, the Cavern Way cul-de-sac road joins the existing Sandstone Way at or near a right angle (90 degrees). No major thoroughfare intersections are planned.

The west side of the proposed Tract A and Lot 2 contain property corners at the Cavern Way cul-de-sac road and Sandstone Way intersection. The preliminary subdivision plat provides for rounded property corners, but does not explicitly provide that the radius of the corners are at least 10 feet or greater. A **condition** of approval requires that the final subdivision plat detail applicable property corners at street intersections that are rounded and with a radius of not less than ten (10) feet.

With these conditions of approval, the Planning Commission found that the request complies with Subsection 21.030.Q.

> *R. Reserve Strips: Reserve strips or street plugs dedicated to the County and controlling the access to a street may be approved or required when necessary to:*
>
> *1. Prevent access to the street on a side where additional width is required to meet the minimum right of way standards;*
>
> *2. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or*
>
> *3. Prevent the uncontrolled development of land.*

FINDING: The NSA-LUDO Chapter 1 Section 1.200, provides the following definition for "Reserve Street":

> *Street Plug or Reserve Strip - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.*

The proposed replat Prince Heights Subdivision of the Columbia Crest Addition Subdivision will replat 66 lots to six lots. The remainder of the Columbia Crest Addition Subdivision will be located north and northwest of the proposed replat area. The Fruitland Park Addition Subdivision "Track 35" is also located north and northwest of the proposed replat area.

The proposed subdivision replat lots obtain primary access from Cherry Heights Road, which is a publicly maintained County Road. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way. The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Due to the geography and existing developed surrounding subdivision lots, the proposed cul-de-sac road is not proposed in a way that will require the continuation of the street or a future street extension for the purposes of preventing access to the street on a side where additional width is required to meet the minimum right of way standards; prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern; or prevent the uncontrolled development of land.

Based on these findings, the Planning Commission found that the request with Subsection 21.030.R.

> *S. Marginal Access Streets: Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Approving Authority may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

FINDING: The proposed subdivision does not abut any arterial streets, and none are proposed. Subsection 21.030.S is not applicable.

T. Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (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.

FINDING: Application materials provides the following concerning existing and proposed easements:

"In addition, the previously platted subdivision contains public utility easements as per the plat of Columbia Crest that are (and will not be) utilized. This re-p/at proposes extinguishment of the unnecessary easements. See attached Existing Easements/Road Vacation Exhibit for details of easements and ROW to be extinguished." (Project# 170105 Replat narrative, Page 6)

"Sanitary
Homes will be on septic/drainfield systems. Primary and Replacement drainfield locations have been evaluated and approved for each lot. Drain fields for Lots 1 (reserve), 2 and 6 have been evaluated and approved to be within easements in the open space tract. The open space tract contains remote set asides for individual drainfields and their associated backup drainfields. The developer also had Aqua Resource Design and Consulting (septic design consultant) review the pits for design of the systems prior to the sanitarian's review. Their memo is attached to this narrative, as are the sanitarian's approved drainfield locations (note that lot numbering and configuration has changed since original soil evaluation). Subsequently, in 2022, the developer contracted with EMS Environmental Consultants to stake the drain fields and conduct a hydrology study for drain fields located along the central drainage area as requested by the previous sanitarian. The drainfields as staked in the field caused a slight shift in the access road and lot lines from the pre-app layout, which is reflected in the current plans. Note that we have also adjusted the lot lines since the original sanitary approval to include as many of the drainfields as possible on the lots. Drainfields are located in the open space tract where there is not sufficient soil on the lot for a drainfield." (Project# 170105 Replat narrative, Page 13)

A **condition** requires that existing easements to be extinguished shall be illustrated on the final subdivision plat, and that 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. With the recommended condition, the Planning Commission found that the request with Subsection 21.030.T.

U. Water Courses: If a subdivision or partition is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

FINDING: The Wasco County GIS "State Wetlands Inventory" layer provides that no delineated waterways exist on the proposed subdivision replat area. A Freshwater Forested/Shrub Wetland is delineated running in an east-west direction approximately 400 feet south of the proposed subdivision area.

Concerning watercourses and drainage, application materials provide the following:

> **"**Stream and Floodplain
> No development is proposed within a designated flood zone or stream setback. FEMA maps do not show
> any flood zones mapped on this property, and it is unlikely there would be flooding since these lots are on a hill and without a water source (creek, river, etc)." (Project# 170105 Replat narrative, Page 8).
>
> **"**Drainage
> This project will create little impervious area since most of the roads are already in place. The homes,
> driveways, and access road will utilize dispersion and infiltration. Care will be taken to not release
> storm water on or near the tops of the steep slopes or directly above drainfields. An 18" culvert will be
> installed under the new road where there is an apparent seasonal drainage. This drainage has not been
> observed by the developer or engineer to flow but will be accommodated as a precaution."
> (Project# 170105 Replat narrative, Page 13).

Additional comment pertaining to drainage was provided on June 30, 2023 and July 10, 2023, respectively:

> "The westernmost easement is for the existing water main. The other one is for the dry drainage channel that runs down the hill."
>
> "Yes, that is the apparent drainage. I've never seen water in it, but it is there, so we are accommodating it. Our surveyors tied it so that we could add the easement."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

A staff site visit was conducted on June 29, 2023. While taking photographs along Sandstone Way, staff was approached by Roger Howe, a resident who lives at (Map: 1N 13E 4 BC 2100, Account Number: 8344). Among other issues discussed, Mr. Howe explained that a seasonal drainage stream exists on or near where the proposed Tract A, Lot 2, and Cavern Way cul-de-sac road are proposed. Mr. Howe expressed concern that the seasonal drainage should be preserved. The preliminary plat provides for a "dry drainage channel" easement running north-south across Tract A, Lot 3, and Lot 4 to accommodate for the apparent seasonal drainage. The applicant has indicated that "

This criterion provides that the affected property must be "traversed by a water course such as a drainage way, channel, or stream" in order for a "storm water easement or drainage right of way" be required. The applicant has made note that a drainage way exists and neighbors have also mentioned it during a staff site visit. The federal hydrology and state wetlands inventory GIS layers do not illustrate a waterway of any type on the subject property. Based on local knowledge of the seasonal drainage and the applicant's willingness to accommodate the <u>unconfirmed</u> seasonal drainage, a **condition** of approval requires an 18" culvert 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" be provided for in the final subdivision plat.

Given the aforementioned information and recommended condition of approval, the Planning Commission found that the request with Subsection 21.030.U.

> V. *Environmental Hazards: If a subdivision or partition contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.*

FINDING: According to the Wasco County GIS Overlay Zone (OZ) FEMA Flood Zone layer, OZ Geologic Hazards layer, no identified flood or geologic hazard has been mapped on the subject property.

From the application materials provided, it is clear that soil conditions on the subject property outright prohibit or at the very least, significantly restrict the construction of septic systems on the existing 66 smaller lots. Concerning soil quality and septic system expertise, staff requested comment from Eric Grendel Environmental Health, REHS North Central Public Health District. Mr. Grendel provided the following comments on June 28, 2023:

> "I appreciate you reaching out to seek input from the Environmental Health Department.
>
> I've reviewed this proposed replat a few times since taking over the onsite septic program for NCPHD and have also met with my predecessor John Zalaznik who conducted the site evaluation back in 2017, to discuss his interpretation of the proposed replat and development.
>
> Prior to John's evaluation, this proposal went through a Preliminary Feasibility Study by Aqua Resource Design & Consulting and was most notably finalized by REHS Brannon Lamp who is a highly regarded consultant for environmental health services. In Brannon's results, he suggested that the Re-Plat include a series of easements and some help from a designer to adequately demonstrate that the design could support both primary and secondary drainfield areas for 7-8 lots.
>
> Klein Associates was then hired in July of 2017 to create a schematic for the proposed development and replat for the individual lots, which included Aqua Resources sampled soil pit sites. This was provided to John Zalaznik for his site evaluation which was conducted on 9/28/17.
>
> John's evaluated 8 lots for onsite septic suitability and proposed that the area have an Engineered hydrologic Study be conducted due to his concerns over the loading capacity of the site and landslide potential.
>
> Environmental Management Services, INC. (EMS) was then hired to determine whether or not the site was stable to accept the projected daily flow for wastewater.
>
> EMS determined that there were some factors that would indicate there be a cautious approach with the designing of the septic systems and determined that a pressurized distribution system be considered to prevent the uneven distribution of effluent to avoid instability of localized saturated soils. EMS also recommended that Erosion Control Measures be implemented to further prevent any destabilization that could occur.

> From my standpoint, working with small lots (Murray's Addition, Sportsman's Park, Pine Hollow) is a major challenge once they've been developed because finding a suitable replacement site can be limited. Since these lots have not been developed yet, NCPHD can require certain criteria to be met before approving a structural permit for sanitation, or a construction permit for onsite wastewater disposal however, larger lots such as the ones proposed do provide more room for adjustments (even if they're on easements). Many times, people may build something in an area that doesn't require a permit and don't think about that space being the only suitable replacement area which can compound an already difficult situation.
>
> While the hypothetical situations are endless as to what could occur in any development, I do believe that expanding the footprint of these lots would be more suitable than trying to squeeze in several ATT systems on smaller lots if they were found to be approved for onsite wastewater treatment.
>
> This replat has had several environmental specialists provide insight into the proposed development, in which I cannot see anything that would keep this from moving forward as long as it's designed and installed appropriately."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Mentioned in Mr. Grendel's comments was the Environmental Management Systems, Inc. Hydrology Study that was submitted with the subdivision application. The Engineering Hydrologic Study that was published as Job: 22-0073 on December 12, 2022 by Environmental Management Systems, Inc. provides the following regarding erosion, and recommends a number of construction standards for septic and drainfield placement:

> **"**EXISTING CONDITIONS & POTENTIAL IMPACTS
> • Site Conditions did not present obvious active indicators of erosion or soil movement, but the County Feasibility Evaluator, John Zalaznik, REHS expressed concerns about site stability and required an Engineering Study of the Hydrologic impact of installation of drainfields on the common area to be used for drainfields." (Engineering Hydrologic Study Job: 22-0073, Page 2).

The Engineering Hydrologic Study report provides a list of findings regarding septic and drainfield installation as well as erosion control measures.

> "FINDINGS:
> • Use of traditional gravity trenches was not considered because of limited space and because gravity dispersal would result in localized saturated flow, with potential for destabilizing the site. Void spaces would be larger with gravity piping, but since this is not being considered, is moot.
>
> • Use of traditional Gravel trenches would add significant weight that could be destabilizing to the site.
>
> • Use of EZFiow Polystyrene Gravel Substitute would result in significantly less weight on the sloped site than gravel, so actually be considered to stabilize the site.

• Use of pressurized piping reduces uneven distribution of effluent thereby avoiding instability caused by localized saturation. 1 inch diameter PVC piping would be used in either gravel or EZFiow configurations, and present negligible weigh on the site.

• Erosion Control Measures should be implemented to prevent destabilization.

EMS performed the following project tasks to support this project:

• Designed & Staked the Initial and Reserve Drainfield lines to serve Alternative Treatment Technology (ATT) systems located in each respective lot and which will pump treated effluent to their respective easement areas located in Tract A.

• Prepared septic designs modified as needed based on hydrologic evaluation and County requirements.

• Consulted with the manufacturer of EZFiow Polystyrene Gravel Substitute for concurrence with the proposed use of their products.

• Prepared this report and design for review by the project engineer and County DEQ Agent.

EMS designed the drainfield components to receive highly treated effluent from the ATT System located at each of the 4 sites. The design has the following mitigating factors to further reduce instability:

1. Use of lightweight EZ Flow Polystyrene Substitute Drain Media instead of gravel.

2. Pressure Distribution to equalize the effluent flow over each active drainfield trench.

3. Spacing of>= 20 feet between installed drainfield lines, spreading effluent out across the site. Reserve lines are designated for future installation planned, but not installed. If ever used, these lines would replace the initially installed lines.

4. Removal of Excess Soil would also slightly reduce the amount of weight on the overall drainfield area. This step is considered optional to provide additional stability. If kept on the drainfield site, excess soil must be spread out over the total initial and reserve area.

5. Site gravel substitute to be covered in the trench excavation, and seeded for stability, immediately following approved inspection by EMS and authorized NCPHD Personnel." (Engineering Hydrologic Study Job: 22-0073, pp. 2-4).

Considering public comment, prior evaluations conducted by North Central Public Health, and the Engineering Hydrologic Study (Environmental Management Systems, Inc. Job: 22-0073), staff believes that the report's numerated findings should be viewed in a coalesced manner with regards to overall erosion control within the proposed subdivision area. However, the findings within the report are oriented towards the construction of the drainfield and septic systems, and provide for no specific area where a protective easements would be required for erosion control.

The subject area is not located within an area mapped or known to contain environmental hazards with potential for flooding, land movement, high water tables, erosion, or similar natural phenomena. The Planning Commission found that Subsection 21.030.V is not applicable to this request.

W. Blocks: No block shall exceed twelve hundred (1200) feet in length between streets. In blocks over eight hundred (800) feet in length there shall be a cross walkway of not less than ten (10) feet in width, near the middle of the block. The width of blocks shall be such as to allow two tiers of lots, except where in the opinion of the Approving Authority a relatively short length of double frontage lots are unavoidable.

FINDING: No blocks have been proposed for the subdivision, Subsection 21.030.W is not applicable to the request.

X. Lots:

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted. Lot dimensions shall not include part of existing or proposed streets. All lots shall be buildable, except a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zone in which the lot is proposed.

FINDING: The proposed subdivision will be located in "R-R" Rural Residential Zone (GMA & SMA), GMA R-5. The proposed replat of existing subdivision lots within the Columbia Crest Addition Subdivision will make the lots more conforming with current zoning (66 lots replatted to six residential lots, one private open space lot, and one public park lot). Regarding property size, the application provides the following:

"Property size
As shown in the attached plan sheets, these five taxlots are currently platted as 66 lots plus right-of-way in an undeveloped subdivision_ but the lack of public sewer and limited suitable drainfield area prevents such dense residential development to take place. Since the original platting of this subdivision, zoning has changed to GMA R-R-5, a rural residential zoning in the Scenic Area's General Management Area,
with minimum lot sizes of 5 acres.

This property is currently zoned GMA R-5 but was platted as a part of a subdivision in 1953 with average lot size of approximately 7,000 sf (measured in CAD). The goal of this application is to re-p/at from 66 small lots to 6 larger residential lots, one open space tract and one road ROW. By increasing the average residential lot size from about 7,ooo+/- sf to 112,748 sf (2.59 acres), the proposed lots will be much closer to conformance with the current zoning code." (Project# 170105 Replat narrative, Page 6).

Table 2 - Proposed Lots

Lots	Use	Min Width (feet)	Max Width (feet)	Average Width (feet)	Area (acres)
1	Single Family Res.	342	458	400	4.12
2	Single Family Res.	358	378	368	1.05
3	Single Family Res.	142	240	191	1.02
4	Single Family Res.	57	303	180	2.89
5	Single Family Res.	63	546	304	3.20
6	Single Family Res.	104	424	264	3.09
TOTAL	**SFR Lots**			**284**	**15.37**
Tract "A"	Open Space "Tract A"				1.31
	Park Space Dedication				0.16
TOTAL	**6 SFR Lots + Park + Open Space**				**16.84**
ROW	Cavern Way (50' ROW)				0.82
TOTAL	**TOTAL project area**				**17.66**

(Project# 170105 Replat narrative, Page 7).

The proposed subdivision has been reviewed in accordance with the property development standards for the applicable zoning, where the proposal was found to comply. The purpose of the zoning and intent of a subdivision is to allow for residential development. The lot dimensions do not include existing or proposed streets. No public utility lots are proposed; however, Tract A is proposed to be an open space tract that will contain remote set aside easement areas for individual drain fields and their associated backup drain fields for Lots 1, 2, and 6. The Planning Commission found that the request complies with Subsection 21.030.X.1.

2. *Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Approving Authority determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.*

FINDING: As illustrated in the preliminary subdivision plan, all of the proposed side lot lines will either be at right angles to its adjacent street (Lots 1, 2, 3, and Tract A), and radial to a curved street (Lots 4, 5, and 6). The Planning Commission found that the request complies with Subsection 21.030.X.2.

3. *Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.*

FINDING: 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. A **condition** of approval requires that at least a (10) feet wide planting screen easement, across which there shall be no right of vehicle access 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).

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. A **condition** of approval requires that at least a (10) feet wide planting screen easement, across which there shall be no right of vehicle access be shown on the final plat for Cherry Heights Road.

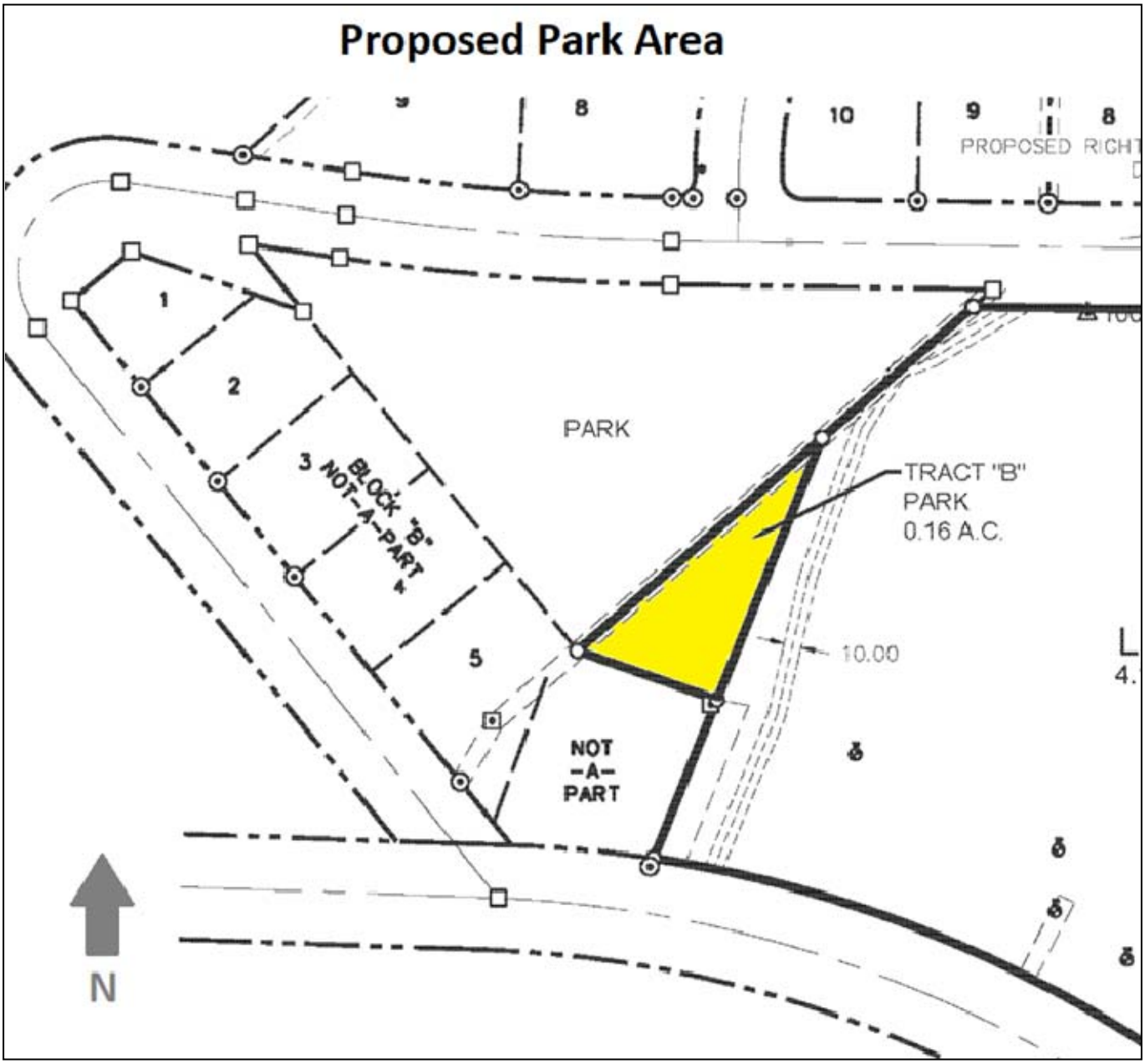
No other proposed lot has double frontage. With the recommended condition of approval, the Planning Commission found that the request with Subsection 21.030.X.3.

> 4. *Flag lots shall not be permitted, except when unusual circumstances exist. Such circumstances may include characteristics of topography and site which affect construction on the property or access to the property. Approval of the creation of flag lots by the Approving Authority shall be based on specific findings indicating what unusual circumstances exist.*

FINDING: None of the proposed lots are designed in such a manner to be defined as a flag lot. The Planning Commission found that the request complies with Subsection 21.030.X.4.

> *Y. Public Open Space:*
> *Elementary and high school sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.*

FINDING: All of the proposed Lots will have frontage along publicly dedicated roads and no blocks are proposed. However, a 0.16-acre unit of land "Tract B" is proposed to be dedicated as public park space. "Tract B" is proposed to serve the proposed subdivision, and the surrounding residentially zoned properties. The park is planned on the west side of an existing area designated as a park, and on the east side of the proposed Lot 1 (See "Proposed Park Area" below). The proposed park area is land locked and does not have public street frontage.



Concerning the proposed park space, comments were received from the Executive Director of the northern Wasco County Parks & Recreation District Scott Baker on July 6, 2023:

> "As we discussed, 1N 13E 5 AD 600 Account Number: 13902 is not currently owned or maintained by NWCPRD. It has little or no recreational value and increasing its size .16 acre does not make it a better fit for public recreation. My opinion is that Wasco County would be better served by a cash payment in lieu of the property. If Wasco county is the owner of the adjacent "publicly owned" property, I would encourage them to surplus the property and acquire much needed park space on the westside."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Additional comments pertaining to the proposed park dedication were received from the Wasco County Assessor Jill Amery and Wasco County Administrator Tyler Stone on July 12, 2023:
Jill Amery wrote:

> "The current park lot as you have seen from the previous correspondence has been very problematic. Though it isn't my decision on which path to take, my opinion for this subdivision is to not add another park space. Let the developer pay into the fund. If my initial calculation of the lots impacted are correct, the developer could pay an approximate $6,480.51 into the fund and forego the park."

Tyler Stone wrote:

> "Wasco County currently does not have a dedicated program to support the continued management of dedicated public space. I encourage you to recommend, in lieu of dedication of land, you to require a payment to the County that will be held in a special fund for acquisition and the development and support of nearby public parks and facilities."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The NSA-LUDO Chapter 21 Land Divisions provides the following options pertaining to final subdivision plat approval:

Section 21.310 Final Subdivision Plat Approval

G. Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Plan for the area in which the subdivision is located.

H. Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, 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 plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.

Based on the provided commentary, the fact that fee ownership of the existing park space has not been properly established, and that there are other public recreation options that do not require the dedication of public park space, <u>the Planning Commission determined that public open park space not be required for this subdivision replat.</u> In lieu of the park dedication, the Planning Commission has provided a **condition** of approval requiring the subdivider 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.

With the condition of approval, the Planning Commission found that the request with Subsection 21.030.Y.

Z. Subdivision Name: The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the County.

FINDING: To ensure that the name of the proposed subdivision would not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the county, staff contacted Bradley Cross, the Wasco County Surveyor by email for confirmation. Staff received a response on July 10, 2023, stating: "This name is not in use and there is nothing similar. We have a Highland Heights, but I believe there is enough difference to allow the use of Prince's Heights."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Since the subdivision name will not be a duplicate, or be similar enough to be confused with the name of an existing subdivision or parcel or area within the county, the Planning Commission found that the request complies with Subsection 21.030.Z.

AA. Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Approving Authority.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Since the proposed street name will not be a duplicate, or be similar enough to be confused with the name of another existing street name within the county, the Planning Commission found that the request complies with Subsection 21.030.AA.

BB. Street Signs: All street and highway signs shall meet the County standards for such signs.

FINDING: To ensure compliance with the criterion, a **condition** of approval requires that 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. With the recommended condition, the Planning Commission found that the request with Subsection 21.030.BB.

Section 21.200 Property Line Adjustments & Replats

A. Property Line Adjustments

1. Application - The decision on a request for a Property Line Adjustment shall be under Chapter 2. A completed application, as prescribed by the Director, shall be filed prior to any action on a Property Line Adjustment. A completed application shall contain the same information required for preliminary partition plans in Section 21.100(A).

FINDING: The request is 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 six residential lots, one private open space lot, and one public park lot).

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

The requested subdivision replat meets the following definition as provided within Chapter 1 Section 1.200 Definitions:

> *Replat - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, to increase or decrease the number of lots in a subdivision, or to correct an error or irregularity in the original plat.*

The request will decrease the number lots within the Columbia Crest Addition Subdivision. Staff finds that the replat request complies with Subsection 21.200.B.1., and shall be reviewed according to Subsection 21.200.A Property Line Adjustments.

The replat application was processed on February 8, 2023, and deemed complete on March 8, 2023. Staff finds that the request complies with Subsection 21.200.A.1.

> 2. *Approval Standards for all zones except Agriculture Special, Open Space and Public Recreation: The request for a property line adjustment shall be approved by the Director if the following criteria are met;*
>
> a. *The adjustment will not result in the creation of any new parcel(s).*

FINDING: The request is for a 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 six residential lots, one private open space lot, and one public park lot).

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

The request seeks to consolidate existing lawfully created property, and will not result in added new parcels. Staff finds that the request complies with Subsection 21.200.A.2.a.

> *b. GMA Only: The adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the maximum density allowed by the land use designation(s) for the affected parcels. Adjustments that would result in the potential to create additional parcels through subsequent land divisions, shall be subject to the full provisions of Chapter 14 Scenic Area Review.*

FINDING: The subject lots are within the "R-R" Rural Residential Zone (GMA & SMA), GMA R-5. The Management Plan provides the following regarding maximum density allowed by the land use designation:

> **Management Plan**
> ***Chapter 4 Residential Land***
> *Land Use Policies*
> *2. The following minimum parcel sizes shall be established:*
> *C. A 5- or 10-acre minimum for those lands designated Residential that are situated in areas where a higher density would conflict with the factors listed in Policy 1, above. A 10-acre minimum shall be established where a 5-acre minimum would result in an adverse cumulative impact on one or more of the factors listed in Policy 1, above.*

The request is for a 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 six residential lots, one private open space lot, and one public park lot).

<u>Six residential lots total</u>
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

The proposed replat will reduce density of lots within the existing subdivision and will not result in the potential to create additional parcels through subsequent land divisions. Staff finds that the request complies with Subsection 21.200.A.2.b.

> *c. The proposal will not render any property unusable, nor shall the usefulness, utility or viability of the property be reduced from the designated purpose statement of the zoning district in which the property is located.*

FINDING: The NSA-LUDO provides the purpose of the "R-R" Rural Residential Zone (GMA & SMA) as:

> *Residential development may locate outside Urban Areas so long as it does not adversely affect the scenic, cultural, natural and recreation resources. In addition to consideration of these factors, lands may be designated as residential if deemed suitable for residential development,*

taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities.

The request is for a 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 six residential lots, one private open space lot, and one public park lot).

<u>Six residential lots total</u>
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

None of the proposed lots will create an unusable property. The Private Open Space Tract A will be used for primary septic drain fields for Lots 2 and 6 and as a reserve drain field for Lot 1. Tract A will facilitate residential use of the six proposed lots. The Planning Commission has determined that the Public Park space Tract B will not be required for the proposed replat. Instead the Planning Commission has provided a condition of approval requiring the subdivider 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. The proposed park space will be enveloped into Lot 1. The Planning Commission found that the request complies with Subsection 21.200.A.2.c.

d. GMA Only: Property which presently conforms to the lot size requirements of the zoning district in which it is located shall not become nonconforming as a result of the property line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

SMA Only: The adjustment shall not result in a parcel greater than or equal to 40 acres becoming less than 40 acres.

<u>FINDING:</u> The existing 66 nonconforming lots do not conform to the lot size requirement of the zone. However, the proposed replat seeks to consolidate the 66 lots into to six residential lots, one private open space lot, and one public park lot). Staff finds that the request complies with Subsection 21.200.A.2.d.

e. SMA Only: The adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

<u>FINDING:</u> The request is within the "R-R" Rural Residential Zone (GMA & SMA), GMA R-5. Staff finds that Subsection 21.200.A.2.e. is not applicable to this request.

f. Property line adjustments shall result in greater conformity where it can be achieved. Property line adjustments to nonconforming property (less than the current

minimum lot size in the GMA and less than 40 acres in the SMA) shall not result in greater nonconformity, except to accomplish one of the following purposes:

(1) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:
a. in the GMA, the parcel to be enlarged would not become eligible for a subsequent land division and in the SMA the parcel to be enlarged would not become 40 acres or greater, and
b. the amount of land transferred would be the minimum necessary to resolve the issue.

FINDING: The request is for a 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 six residential lots, one private open space lot, and one public park lot).

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

The request will not result in greater nonconformity. Staff finds that the request complies with Subsection 21.200.A.2.f.

g. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions (in the GMA) and residential development.

FINDING: The request does not involve a public or non-profit entity. Staff finds that Subsection 21.200.A.2.g. is not applicable to this request.

B. Replats shall be reviewed according to 1 or 2 below with the exception that the requirements of ORS 92.180 - 92.190 shall apply.

1. Replats which result in a reconfiguration between lots or parcels in a recorded subdivision or partition, a decrease of lots in a recorded subdivision, or a correction of an error or irregularity in the original plat shall be reviewed according to A above.

FINDING: The request is for a 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 six residential lots, one private open space lot, and one public park lot).

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

The requested subdivision replat meets the following definition as provided within Chapter 1 Section 1.200 Definitions:

> *Replat - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, to increase or decrease the number of lots in a subdivision, or to correct an error or irregularity in the original plat.*

The request will decrease the number lots within the Columbia Crest Addition Subdivision. Staff finds that the replat request complies with Subsection 21.200.B.1., and shall be reviewed according to Subsection 21.200.A Property Line Adjustments.

Section 21.300 - Preliminary Subdivision Plan Approval

The approval of a preliminary subdivision plan is reviewed by the Planning Commission subject to the provisions of Chapter 2.

A. Application for Preliminary Subdivision Plan Approval:

1. *An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 2 of this Ordinance.*

2. *In addition to the complete application requirements for Chapter 14 - Scenic Area Review the applicant shall file with the Director a preliminary subdivision plan, together with improvement plans and other supplementary information required by B below to demonstrate the design and objectives of the subdivision.*

3. *The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.*

FINDING: An application for a subdivision was submitted to the Planning Department on February 7, 2023, to be decided upon by the Planning Commission. A preliminary notification was issued on March 16, 2023. A Cultural and Historical Survey Determination was made by Chris Donnermeyer Heritage Resources Program Manager
Columbia River Gorge National Scenic on June 6, 2023. Any other improvement plans or supplementary information required is addressed in subsection B below. The preliminary subdivision plan that was received was legibly drawn and all information located on it was to scale so that the approving authority would have

an adequate understanding of what was proposed. The scale of the preliminary subdivision plan submitted was 1" = 100'. The Planning Commission found that the request complies with Subsection 21.300.A.

B. Information Required in the Preliminary Subdivision Plan:

1. All existing and proposed means of utilities for each tract including but not limited to water, sewer, telephone lines, and electrical lines.

FINDING: Application materials provide the following:

"Residential Evaluation
Power and communications
Power will be provided by Northern Wasco PUD from the existing power poles along Sandstone Way. Underground power and transformers will be placed at their direction. Communications will follow the power in a joint utility trench."

(Residential Evaluation, Page 3).

Utility easements and proposed means of utilities are illustrated on the preliminary subdivision maps and the application forms have provided the information required by this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.1.

2. Any existing permanent structures and their setbacks to existing and proposed subdivision lot lines.

FINDING: The preliminary subdivision maps, application forms, and Wasco County GIS provide the information necessary for this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.2.

3. Predominant topographical features such as bluffs and rock outcroppings.

FINDING: The Septic Site Evaluations within the application contain maps of the subject area with contour lines. Additionally, the Wasco County GIS provides staff with topographic and slope percentage maps for reference and preliminary evaluation. The Planning Commission found that the request complies with Subsection 21.300.B.3.

4. Typical cross-sections of proposed streets, showing all improvements proposed within the street right of way at such scale to clearly show the details thereof.

FINDING: The preliminary subdivision maps and application forms provide the information necessary for this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.4.

5. Contour lines may be required at intervals to be determined by the Director.

FINDING: The Septic Site Evaluations within the application contain maps of the subject area with contour lines. Additionally, the Wasco County GIS provides staff with topographic and slope percentage maps for reference and preliminary evaluation. The Planning Commission found that the request complies with Subsection 21.300.B.5.

6. *The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.*

FINDING: The names of adjacent subdivisions is provided illustrating the the Columbia Crest Addition Subdivision and the Fruitland Park Addition Subdivision. The Planning Commission found that the request complies with Subsection 21.300.B.6.

7. *The location, width and names of all existing or plotted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights of way and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.*

FINDING: The preliminary subdivision maps, application forms, and Wasco County GIS provides the information necessary for this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.7.

8. *Vicinity sketch showing how the proposed streets and alleys may connect with existing streets in neighboring subdivisions or undeveloped property.*

FINDING: The preliminary subdivision maps and application forms provide the information necessary for this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.8.

9. *Zoning classification and plan map designation of the land.*

FINDING: The preliminary subdivision maps and application forms provide the information necessary for this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.9.

10. *The location of any environmental hazard; area unsuitable for building purposes; or land subject to mass movement, excessive erosion, or similar natural phenomena.*

FINDING: According to the Wasco County GIS Overlay Zone (OZ) FEMA Flood Zone layer, OZ Geologic Hazards layer, no identified flood or geologic hazard has been mapped on the subject property. Findings provided within subsection 21.030.V. address environmental hazards. Accordingly, the preliminary subdivision maps and application forms provides the information necessary for this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.10.

11. *The proposed name of the subdivision or major partition.*

FINDING: The proposed name of the subdivision is the “Prince Heights Subdivision”. The Planning Commission found that the request complies with Subsection 21.300.B.11.

12. *North point, scale, date of application, and basis of bearing.*

FINDING: The preliminary subdivision maps and application forms contain a north point, a scale, a date of applilcation, and a basis of bearing, which reads “OREGON STATE PLANE COORDINATES SYSTEM NORTH ZONE, GRID NORTH, GROUND DISTANCE ESTABLISHED BY G.PS. OBSERVATION ALONG THE WEST LINE OF BLOCK "B" COLUMBIA CREST ADDITION”. The Planning Commission found that the request complies with Subsection 21.300.B.12.

13. *Areas subject to flooding, storm water overflow and all water courses and their directional flows, including marshes and wetlands;*

FINDING: According to the Wasco County GIS Overlay Zone (OZ) FEMA Flood Zone layer, OZ Geologic Hazards layer, no identified flood or geologic hazard has been mapped on the subject property. The federal hydrology and state wetlands inventory GIS layers do not illustrate a waterway of any type on the subject property. The preliminary subdivision maps and application forms provide the following regarding storm water and drainage management:

"Grading Plan Narrative
Proposed Stormwater Management
Grading on the site shall be minimized to only that necessary for the building pads and vehicle-related areas such as driveways, parking areas, and turnarounds. By minimizing ground disturbance and vegetation removal, stormwater runoff will be confined to the disturbed areas. On large parcels, roof and foundation drains may be released at least 10' from the foundation onto rock dispersion pads or into rain gardens. Hard surfacing and driveways will utilize sheet flow dispersion through at least 20' of vegetation. No concentrated flows shall be released on or within 30' of the top of slopes exceeding 20% unless approved by a Geotechnical Engineer. Additionally, care shall be taken to not introduce runoff uphill of the septic drainfields. Drainage should be diverted around drainfields using ditches, berms, or french drains if needed to divert runoff around the drainfield."

(Grading Plan Narrative, Page 6).

"Residential Evaluation
Drainage
This project will create little impervious area since most ofthe roads are already in place. The homes, driveways, and access road will utilize sheetflow and downspout dispersion. Care will be taken to not release stormwater on or near the tops of the steep slopes or directly above drainfields. Erosion control measures during construction, such as sediment fence, will be utilized to prevent construction
stormwater from leaving the site."
(Residential Evaluation, Page 3).

"Stream and Floodplain
No development is proposed within a designated flood zone or stream setback. FEMA maps do not show
any flood zones mapped on this property, and it is unlikely there would be flooding since these lots are on a hill and without a water source (creek, river, etc)."

(Project# 170105 Replat narrative, Page 8).

"Drainage
This project will create little impervious area since most of the roads are already in place. The homes,
driveways, and access road will utilize dispersion and infiltration. Care will be taken to not release
storm water on or near the tops of the steep slopes or directly above drainfields. An 18" culvert will be

installed under the new road where there is an apparent seasonal drainage. This drainage has not been
observed by the developer or engineer to flow but will be accommodated as a precaution."

(Project# 170105 Replat narrative, Page 13).

Based on application materials submitted, the Planning Commission found that the request complies with Subsection 21.300.B.13.

14. Names and addresses of the subdivider, engineer, surveyor, land planner or landscape architect.

FINDING: The preliminary subdivision maps and application forms provide the names and addresses of the subdivider, engineer and surveyor. The subdivider/owner is the Smilikel Group and the engineer/surveyor is Klein & Associates. The Planning Commission found that the request complies with Subsection 21.300.B.14.

15. The tract description according to the real estate records of Wasco County.

FINDING: The preliminary subdivision maps and application forms provide the tract description according to the real estate records of Wasco County. The Planning Commission found that the request complies with Subsection 21.300.B.15.

16. The boundary lines (accurate in scale) of the tract to be subdivided.

FINDING: The preliminary subdivision maps and application forms provide the boundary lines of the subject tract. The Planning Commission found that the request complies with Subsection 21.300.B.16.

17. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.

FINDING: The preliminary subdivision maps indicate a public park "Tract B" and private open space area "Tract A". The Planning Commission found that the request complies with Subsection 21.300.B.17.

18. All existing and proposed public and private easements, restrictions, and covenants providing for, or affecting all services, utilities, or access must be shown on the face of the map along with the legal description. If it is a pre-existing easement or 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; and

FINDING: The preliminary subdivision maps indicate the locations of public and private easements. A **condition** of approval requires that the final plat 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.

FINDING: During the August 1, 2023, Planning Commission Hearing, commissioners requested that assurances be provided that "Tract A" shall never be further divided or developed. The proposed use of "Tract A" contains remote set asides for individual drainfields and their associated backup drainfields (for

drain fields for Lots 1 (reserve), 2 and 6). Based on the Planning Commission's inquires and statements made during the hearing, a **condition** of approval requires that all necessary easements, restrictions, and covenants be provided for Tract A to ensure the lot is used for the purpose provided within the application and approved by the Planning Commission on August 1, 2023.]

As proposed and with the recommended condition of approval, the Planning Commission found that the request complies with Subsection 21.300.B.18.

19. *Proposed lots, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots.*

FINDING: The preliminary subdivision maps and application forms provide the information necessary for this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.19.

20. *Parks, playgrounds, recreation areas, parkways, and other open space for public use.*

FINDING: The preliminary subdivision maps indicate a public park "Tract B" and private open space area "Tract A". The Planning Commission found that the request complies with Subsection 21.300.B.20.

21. *Locations of proposed tree plantings or other plantings. Appropriate information clearly stating the map is a tentative plan.*

FINDING: Application materials provide the following regarding proposed landscaping:

"Residential Evaluation
Proposed Landscaping
The disturbed areas shall be revegetated with native grasses such as Koeleria macrantha (Prairie Junegrass) by seed. Seeding in non-irrigated areas (roadside slopes) shall be done during spring or fall, when they will be irrigated by rain. Irrigation shall be provided by the owner to ensure growth of plants for any areas planted during dry weather and through dry seasons, until established. If berms are placed to reduce setbacks for Lots 1 and 2 shall be planted per the guidance in the Wasco County and National Scenic Area (NSA) Land Use and Development Code to create a combined height of 15' (8' berm plus 7' planting)."

(Residential Evaluation, Page 3).

The preliminary subdivision maps and application forms have provided the information required by this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.21.

22. *Proposed source of water supply, if any; 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.*

FINDING: Application materials provide the following regarding proposed source of water supply:

"Residential Evaluation
Utilities
Lots 1 and 2 will obtain water service from existing water mains in the existing roads. The developer proposes to install a 4" looped water main from the existing water mains in

> Sandstone Way and deadend main in Hermit's Way to serve lots 3-6. This plan has been discussed with Chenowith Water District, and they indicate that there is plenty of water plan for the proposed homes and they will let us know if they will require looping to Hermit's Way."
>
> (Residential Evaluation, Page 3).

Additional water requirements are included in Section 21.030.P., regarding state fire safety standards. Staff contacted Chenowith Water district by email on July 9, 2023, for comments. Darrin Eckman provided the following comments on July 17, 2023:

> "As the Engineer of Record for the Chenowith Water PUD I wanted to go on record regarding the development proposed by the Smilekel Group (921-23-000023-PLNG).
>
> > The proposed subdivision is within the Chenowith Water PUD service area and we are willing to provide domestic water service to the six residential lots.
> >
> > We have been in communication with the developers engineer, Ms. Elizabeth Betts (Klein & Associates, Inc.), and are in general agreement that the developer will:
> >
> > - Connect to the existing 6" line at the intersection of Ledge Way and Hermits Way;
> > - Replace the existing 4" water main in Ledge Way with 6" from Hermits Way to the proposed Cavern Way;
> > - Install new 6" water main in Cavern Way from Ledge Way to its southerly terminus;
> > - Install a fire hydrant assembly at the southerly terminus in the cul-de-sac;
> > - Install typical residential water services to each lot with the meter to be placed in and at the edge of the Cavern Way ROW; and
> > - Provide a 20-foot wide public utility easement across Lot 1 where the existing CWPUD watermain is located.
>
> All materials and work to conform to CWPUD standards. The developer is to enter into an Agreement to Reimburse for CWPUD contracted fees and pay the Subdivision Plan Review fee ($750).
>
> Each lot owner will be required to pay the Meter Drop-in Fee ($500) and System Development Charge ($3,100) at the time service is requested. Fees are subject to change."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

A **condition** of approval requires that the final subdivision review 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.

Based on the aforementioned information, commentary, the preliminary subdivision maps and application forms, and the recommended condition of approval, the Planning Commission found that the request complies with Subsection 21.300.B.22.

> 23. *If domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.*

FINDING: Application materials provide the following regarding proposed source of water supply:

> "Residential Evaluation
> Utilities
> Lots 1 and 2 will obtain water service from existing water mains in the existing roads. The developer proposes to install a 4" looped water main from the existing water mains in Sandstone Way and deadend main in Hermit's Way to serve lots 3-6. This plan has been discussed with Chenowith Water District, and they indicate that there is plenty of water plan for the proposed homes and they will let us know if they will require looping to Hermit's Way."
>
> (Residential Evaluation, Page 3).

Based on the aforementioned information, the preliminary subdivision maps and application forms, and the recommended condition of approval, the Planning Commission found that the request complies with Subsection 21.300.B.23.

24. The proposed method of sewage disposal.

a. If to be served by a community sewer system, data regarding the location, type, size, approximate grade, and capacity of all collection lines, feeder lines, trunk lines, pumping stations, storage facilities, backflow prevention devices, and gate valves. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.

b. If to be served by a community collection and storage system, data regarding the location, type, size, approximate grade, and capacity of all lines, holding tanks, storage facilities, pumping facilities, and valves.

c. If to be served by subsurface sewage disposal, 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.

FINDING: Sanitation for the proposed six lots will be provided by subsurface sewage disposal (septic and drain field). Subsection 21.300.B.23.c is applicable.

From the application materials provided, it is clear that soil conditions on the subject property outright prohibit or at the very least, significantly restrict the construction of septic systems on the existing 66 smaller lots. Concerning soil quality and septic system expertise, staff requested comment from Eric Grendel Environmental Health, REHS North Central Public Health District. Mr. Grendel provided the following comments on June 28, 2023:

> "I appreciate you reaching out to seek input from the Environmental Health Department.

I've reviewed this proposed replat a few times since taking over the onsite septic program for NCPHD and have also met with my predecessor John Zalaznik who conducted the site evaluation back in 2017, to discuss his interpretation of the proposed replat and development.

Prior to John's evaluation, this proposal went through a Preliminary Feasibility Study by Aqua Resource Design & Consulting and was most notably finalized by REHS Brannon Lamp who is a highly regarded consultant for environmental health services. In Brannon's results, he suggested that the Re-Plat include a series of easements and some help from a designer to adequately demonstrate that the design could support both primary and secondary drainfield areas for 7-8 lots.

Klein Associates was then hired in July of 2017 to create a schematic for the proposed development and replat for the individual lots, which included Aqua Resources sampled soil pit sites. This was provided to John Zalaznik for his site evaluation which was conducted on 9/28/17.

John's evaluated 8 lots for onsite septic suitability and proposed that the area have an Engineered hydrologic Study be conducted due to his concerns over the loading capacity of the site and landslide potential.

Environmental Management Services, INC. (EMS) was then hired to determine whether or not the site was stable to accept the projected daily flow for wastewater.

EMS determined that there were some factors that would indicate there be a cautious approach with the designing of the septic systems and determined that a pressurized distribution system be considered to prevent the uneven distribution of effluent to avoid instability of localized saturated soils. EMS also recommended that Erosion Control Measures be implemented to further prevent any destabilization that could occur.

From my standpoint, working with small lots (Murray's Addition, Sportsman's Park, Pine Hollow) is a major challenge once they've been developed because finding a suitable replacement site can be limited. Since these lots have not been developed yet, NCPHD can require certain criteria to be met before approving a structural permit for sanitation, or a construction permit for onsite wastewater disposal however, larger lots such as the ones proposed do provide more room for adjustments (even if they're on easements). Many times, people may build something in an area that doesn't require a permit and don't think about that space being the only suitable replacement area which can compound an already difficult situation.

While the hypothetical situations are endless as to what could occur in any development, I do believe that expanding the footprint of these lots would be more suitable than trying to squeeze in several ATT systems on smaller lots if they were found to be approved for onsite wastewater treatment.

This replat has had several environmental specialists provide insight into the proposed development, in which I cannot see anything that would keep this from moving forward as long as it's designed and installed appropriately."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Mentioned in Mr. Grendel's comments was the Environmental Management Systems, Inc. Hydrology Study that was submitted with the subdivision application. The Engineering Hydrologic Study that was published as Job: 22-0073 on December 12, 2022 by Environmental Management Systems, Inc. provides the following regarding erosion, and recommends a number of construction standards for septic and drainfield placement:

> "EXISTING CONDITIONS & POTENTIAL IMPACTS
> • Site Conditions did not present obvious active indicators of erosion or soil movement, but the County Feasibility Evaluator, John Zalaznik, REHS expressed concerns about site stability and required an Engineering Study of the Hydrologic impact of installation of drainfields on the common area to be used for drainfields." (Engineering Hydrologic Study Job: 22-0073, Page 2).

The Engineering Hydrologic Study report provides a list of findings regarding septic and drainfield installation as well as erosion control measures.

> "FINDINGS:
> • Use of traditional gravity trenches was not considered because of limited space and because gravity dispersal would result in localized saturated flow, with potential for destabilizing the site. Void spaces would be larger with gravity piping, but since this is not being considered, is moot.
>
> • Use of traditional Gravel trenches would add significant weight that could be destabilizing to the site.
>
> • Use of EZFiow Polystyrene Gravel Substitute would result in significantly less weight on the sloped site than gravel, so actually be considered to stabilize the site.
>
> • Use of pressurized piping reduces uneven distribution of effluent thereby avoiding instability caused by localized saturation. 1 inch diameter PVC piping would be used in either gravel or EZFiow configurations, and present negligible weigh on the site.
>
> • Erosion Control Measures should be implemented to prevent destabilization.
>
> EMS performed the following project tasks to support this project:
>
> • Designed & Staked the Initial and Reserve Drainfield lines to serve Alternative Treatment Technology (ATT) systems located in each respective lot and which will pump treated effluent to their respective easement areas located in Tract A.
>
> • Prepared septic designs modified as needed based on hydrologic evaluation and County requirements.
>
> • Consulted with the manufacturer of EZFiow Polystyrene Gravel Substitute for concurrence with the proposed use of their products.
>
> • Prepared this report and design for review by the project engineer and County DEQ Agent.
>
> EMS designed the drainfield components to receive highly treated effluent from the ATT System located at each of the 4 sites. The design has the following mitigating factors to further reduce instability:

1. Use of lightweight EZ Flow Polystyrene Substitute Drain Media instead of gravel.

2. Pressure Distribution to equalize the effluent flow over each active drainfield trench.

3. Spacing of>= 20 feet between installed drainfield lines, spreading effluent out across the site. Reserve lines are designated for future installation planned, but not installed. If ever used, these lines would replace the initially installed lines.

4. Removal of Excess Soil would also slightly reduce the amount of weight on the overall drainfield area. This step is considered optional to provide additional stability. If kept on the drainfield site, excess soil must be spread out over the total initial and reserve area.

5. Site gravel substitute to be covered in the trench excavation, and seeded for stability, immediately following approved inspection by EMS and authorized NCPHD Personnel." (Engineering Hydrologic Study Job: 22-0073, pp. 2-4).

The preliminary plat provides the location of the proposed septic system drainfields (See Preliminary Plat Sheet 5 of 5). Drain fields for Lots 1 (reserve), 2 and 6 have been evaluated and approved to be within easements in the open space tract (Tract A). Lots 4, 5, and 3 will contain their own primary and reserve drain fields.

FINDING: A **condition** of approval requires the final plat 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. The preliminary subdivision maps, application forms, commentary, and recommended condition of approval, the Planning Commission found that the request complies with Subsection 21.300.B.24.c.

25. Proposed building setback lines

FINDING: The preliminary subdivision maps and application forms provide staff with the information required within this criterion. The Planning Commission found that the request complies with Subsection 21.300.B.25.

C. Development Phasing:

1. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.

2. Time limitations for the various phases must meet the following requirements:

a. Phase 1 final plat shall be approved within twelve (12) months of preliminary approval.

b. Phase 2 final plat shall be approved within twenty four (24) months of preliminary approval.

c. Phase 3 final plat shall be approved within thirty six (36) months of preliminary approval.

FINDING: The applicant has not proposed phasing the development of the subdivision, therefore the timeline criterion in Subsection E below will apply, and Subsection 21.300.C is not applicable to the request.

D. Criteria for Approval of Preliminary Subdivision Plan:

1. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.

2. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:

a. The information required by this Chapter has been provided;

b. The design and development standards of Section 21.030 of this Chapter have been met; and

c. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

FINDING: As identified in Chapter 2, the decision on the preliminary subdivision plan will be determined by the Planning Commission. The Planning Commission hearing will be held on August 1, 2023. Staff has recommended approval of the preliminary subdivision plan since the information required by Chapter 21 was provided, and the proposal was found to comply with the development standards of Section 21.030. The development of the subdivision will not be phased. The Planning Commission found that the request complies with Subsection 21.300.D.

E. Duration of Preliminary Subdivision Plan Approval:

1. Approval of a preliminary subdivision plan shall be valid for twenty-four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Section 21.200 C 2 of this Ordinance.

2. If any time limitation is exceeded, approval of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require a new development request.

F. Granting of Extensions

1. An applicant may request an extension of the validity of a preliminary subdivision plan approval, or, if the preliminary plan provides for phased development, an extension of the validity of preliminary approval with respect to the phase the applicant is then

developing. Such request shall be considered an Administrative Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.

2. *The Director may grant one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval or, if the preliminary plan provides for phased development, one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.*

FINDING: 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, a **condition** of approval requires that approval of 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. With the recommended condition, the Planning Commission found that the request complies with Subsections 21.300.E and 21.300.F.

Section 21.310 Final Subdivision Plat Approval

Approval of a final subdivision plat is reviewed by the Planning Commission and subject to the provision of Chapter 2.

A. *Application for Final Subdivision Approval:*

1. *Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to 21.300, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.*

2. *The applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in B, Final Subdivision Plat Requirements through D, Performance Bond, below, and the appropriate fees as established by the County Governing Body.*

FINDING: Prior to the expiration of the preliminary subdivision approval, the applicant, per the requirements of Section 21.300, requires that the applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in B, Final Subdivision Plat Requirements through D, Performance Bond, and the appropriate fees as established by the County Governing Body.

The Wasco County Planning Department shall review the final subdivision plat for conformance, and schedule a public hearing before the available decision making authority for final review and approval.

B. Final Subdivision Plat Requirements:

1. The final plat shall be prepared in conformance with all provisions of this Section.

FINDING: A copy of Subsection 21.310.B. is provided in Attachment G. A **condition** of approval requires the final plat shall be prepared in conformance with all applicable provisions of Subsection 21.310.B.

(***)

C. Agreement for Improvements

1. Before approval of the final subdivision plat, 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.

2. An 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).

FINDING: A **condition** of approval requires that prior to final subdivision plat approval and pubic 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).

D. Performance Bond

1. To assure full performance of the improvement agreement, an applicant shall provide one of the following:

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.

2. Such assurance 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

3. 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.

FINDING: If the applicant elects to execute and file with the County Governing Body an agreement for improvement as specified in Subsection 21.310.C.1., to ensure full performance of said agreement, a **condition** of approval requires the applicant 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.

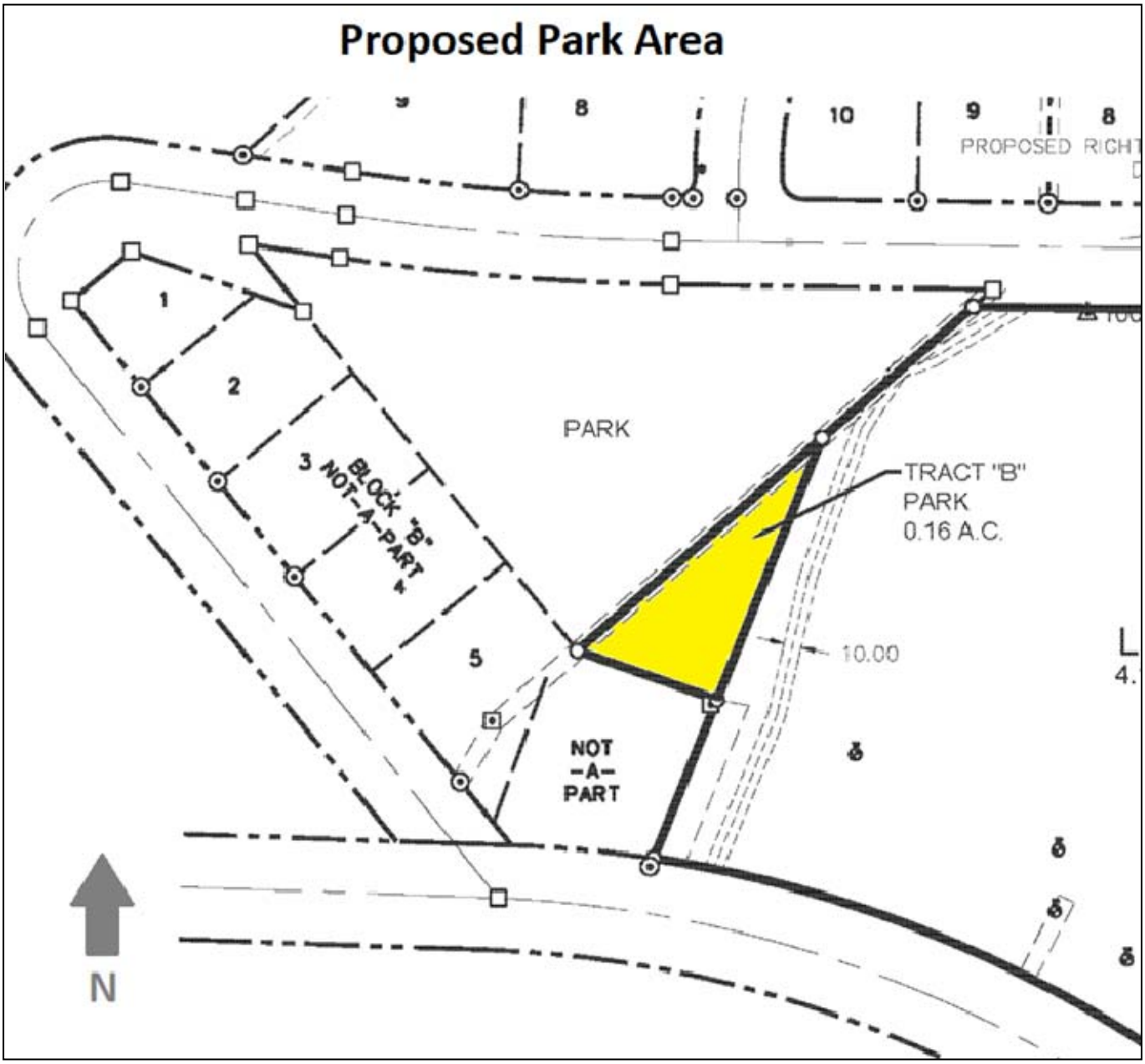
Additionally, a **condition** of approval requires that the assured amount shall be for a sum determined by a qualified licensed engineer or in the case of survey monuments, a licensed land surveyor as sufficient to cover the costs of included improvements and repairs or monuments and including related 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.

E. *Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Plan for the area in which the subdivision is located.*

F. *Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, 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 plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.*

FINDING: All of the proposed Lots will have frontage along publicly dedicated roads and no blocks are proposed. However, a 0.16-acre unit of land will be dedicated to public park space. “Tract B” will serve the proposed subdivision, and the surrounding residentially zoned properties. The park will be situated on the west side of an existing area designated as a park, and on the east side of the proposed Lot 1 (See “Proposed Park Area” below). The proposed park area is land locked and does not have public street frontage.



Concerning the proposed park space, comments were received from the Executive Director of the northern Wasco County Parks & Recreation District Scott Baker on July 6, 2023:

> "As we discussed, 1N 13E 5 AD 600 Account Number: 13902 is not currently owned or maintained by NWCPRD. It has little or no recreational value and increasing its size .16 acre does not make it a better fit for public recreation. My opinion is that Wasco County would be better served by a cash payment in lieu of the property. If Wasco county is the owner of the adjacent "publicly owned" property, I would encourage them to surplus the property and acquire much needed park space on the westside."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Additional comments pertaining to the proposed park dedication were received from the Wasco County Assessor Jill Amery and Wasco County Administrator Tyler Stone on July 12, 2023:
Jill Amery wrote:

> "The current park lot as you have seen from the previous correspondence has been very problematic. Though it isn't my decision on which path to take, my opinion for this subdivision is to not add another park space. Let the developer pay into the fund. If my initial calculation of the lots impacted are correct, the developer could pay an approximate $6,480.51 into the fund and forego the park."

Tyler Stone wrote:

> "Wasco County currently does not have a dedicated program to support the continued management of dedicated public space. I encourage you to recommend, in lieu of dedication of land, you to require a payment to the County that will be held in a special fund for acquisition and the development and support of nearby public parks and facilities."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

None of the proposed lots will create an unusable property. The Private Open Space Tract A will be used for primary septic drain fields for Lots 2 and 6 and as a reserve drain field for Lot 1. Tract A will facilitate residential use of the six proposed lots. The Planning Commission has determined that the Public Park space Tract B will not be required for the proposed replat. Instead the Planning Commission has provided a condition of approval requiring the subdivider 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. The proposed park space will be enveloped into Lot 1.

Based on commentary, the fact that fee ownership of the existing park space has not been properly established, and that there are public recreation options that do not include the dedication of public park space, the Planning Commission determined that the Public Park space Tract B will not be required for the proposed replat. Instead the Planning Commission provided a **condition** of approval requiring the subdivider 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. The proposed park space will be enveloped into Lot 1.

With recommended conditions, the Planning Commission found that the request with Subsection 21.310.B

(***)

H. Standards for Final Subdivision Plat Approval

1. The Planning Commission shall grant final subdivision plat approval if they determine that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences

between the preliminary and final plans are "minor amendments", as defined in 21.110(A)(1).

2. *The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.*

3. *Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the County Governing Body for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.*

I. *Filing and Recording of Final Plat*

1. *After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials, in the order listed:*

   a. *Planning Commission Chairman;*

   b. *County Surveyor;*

   c. *County Assessor/Tax Collector;*

   d. *An authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian;*

   e. *County Sheriff;*

   f. *County Commissioners;*

   g. *County Clerk.*

2. *The final plat shall be recorded within thirty (30) days of the date that the approvals and signatures required by H, Standards and Recording of Final Plat and (1) above were obtained.*

***Section* 21.400 Private Road Approval and Public Road or Street Dedications**

Any person desiring to create a public street or private road not part of a subdivision or land division shall
make written application to the Director. Approval of a public or private road is reviewed by the County Governing Body. Public or private roads being created as part of a subdivision or land division shall be reviewed by the Planning Commission subject to the provisions of Chapter 2.

A. *Application for Tentative Plan*

1. *An application for tentative plan approval for road or street dedication or private road approval shall be initiated as provided in Chapter 2 of this Ordinance.*

2. *The applicant shall submit to the Director a written application and of a Tentative Plan prepared in accordance with B below, Information Required on Tentative Plan*

3. *The Director shall distribute a copy of the Tentative Plan to the County Road Master and obtain their recommendation on the proposed action.*

FINDING: The property owner submitted a written subdivision and road dedication application to the Wasco County Planning Department and a digital copy of a preliminary subdivision plan map which also serves as the tentative public road dedication map to the Planning Department on February 7, 2023.

The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

The tentative plan contained all of the information provided in Subsection 21.300.B, and a copy of the tentative plan was distributed to the Wasco County Public Works Director for recommendation on March 16, 2023 and June 26, 2023.

The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "We received a petition to vacate several roads within the Columbia Crest Addition back in May, 2022. The Smilekel Group made that request. I would need an updated road vacation petition, clearly showing what roads or sections of road are proposed for vacation. Then, depending on the Planning Commission decision, we could move forward with the BOC on the vacations, pending approval of the new road dedications / subdivision plat."

Additional comments concerning the existing Sandstone Way and Hermits Way, and the proposed Cavern Way cul-de-sac Road were received on July 3, 2023:

> "The existing roadway widths are adequate to serve the additional lots and appear to have been built to meet our minimum road standards. I would not require any road widening. My only request would be for a Road Maintenance Agreement or Homeowners Agreement to ensure that the public roads are maintained after development."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The application provides that road maintenance for Cavern Way "will be provided by the homeowners and will be managed with a road maintenance agreement." (Project# 170105 Replat narrative, Page 10). A preliminary copy of the road maintenance agreement is provided in Attachment F and available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The Planning Commission found that the request complies with Subsection 21.300.A.

B. Information Required on Tentative Plan: Tentative Plans shall include the following information presented in the following form:

1. The Tentative Plan shall be clearly and legibly drawn to an appropriate scale so that the Approving Authority may have an adequate understanding of what is proposed.

2. A vicinity map showing the proposal in relationship to other existing or proposed streets.

3. Date, north point and scale

4. Name and address of applicant and the person preparing the Tentative Plan.

5. Appropriate identification of the drawing as a Tentative Plan.

6. Location of the proposed dedication or private road abutting the unit of land proposed to be approved by the Section, Township and Range sufficient to define its location and, if available, a centerline description or right of way boundary description.

7. Zoning classification and Comprehensive Plan Map designation.

8. The names of adjacent subdivisions and the names of recorded owners of adjoining lots, parcels or units of land and the amount of frontage each owner has on the proposed dedication or on the private road.

9. Existing roads or street(s) intersecting or meeting the proposed dedication or private road.

FINDING: The tentative plan was professionally drawn by Klein & Associates Inc., and is clearly and legibly drawn to an appropriate scale. A vicinity map demonstrates the proposed road, Cavern Way, a cul-de-sac road to be dedicated in relation to the Prince Heighs Subdivision replat site. (See Preliminary Subdivision Replat Sheet 4 of 5). Staff confirms that the tentative plan conforms to all applicable criteria listed in the Wasco County LUDO Subsection 21.300.B. The Planning Commission found that the request with Subsection 21.400.B.

C. Approval of Road or Street Dedication

1. After considering the recommendation by the County Roadmaster, the Approving Authority shall approve the Tentative Plan for road or street dedication and recommend to the County Governing Body the dedication of a public road if it determines that:

a. the information required by this section has been provided;

b. the road or street is or will be improved to meet all applicable standards of these regulations; and

c. dedication of the road or street to the public is consistent with the goals, policies and map of the Comprehensive Plan.

FINDING: The Management Plan for the Columbia River Gorge National Scenic Area provides little guidance regarding road and street dedications or transportation networks; however, Oregon statewide Planning

Goal 12 provides that a Transportation Plan shall "provide and encourage a safe, convenient, and economic transportation system." In order to achieve the planning goal's overall vision, the Wasco County 2040 Comprehensive Plan (See also policies and goals provided in the 2009 Wasco County Transportation Systems Plan (TSP) plan), sets forth several policies and implementation strategies.

Two specific transportation policies relevant to this request are the following:

> **12.1.1** Plan for and maintain an interconnected system of roads that will link communities for all users and that will provide for the existing and future needs for transportation of goods and people in the region. (Wasco County 2040 Comprehensive Plan, Page 259).
>
> **12.1.6** Ensure transparency of infrastructure requirements and ongoing costs for future development.
>
> **Implementation for Policy 12.1.6:**
>
> a. A waiver of remonstrance for future road improvements may be required to be recorded with the County Clerk's office at the time of partition, subdivision or planned unit development application approval.
>
> b. A restrictive covenant agreement requiring acknowledgment of improvement and maintenance costs for local access roads will be required to be recorded with the County Clerk's office at the time of partition, subdivision or planned unit development application approval. (Wasco County 2040 Comprehensive Plan, Page 261).

The proposed road dedication will provide public access to residentially developable properties. Based on the request and expert commentary, the public dedication of the proposed Cavern Way cul-de-sac road will be classified as a public road of local access that will <u>not be added into Wasco County's publicly maintained road system</u>.

Based on Mr. Smith's commentary and the implementation policies within the Wasco County Comprehensive Plan, the following **condition** of approval shall be achieved prior to final subdivision plat approval:

> (1) A waiver of remonstrance for future publicly funded road improvements for the proposed Cavern Way road be recorded with the Wasco County Clerk; and
>
> (2) 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.

With the recommended conditions, the Planning Commission found that the request is consistent with the goals and policies of the Comprehensive Plan and Subsection 21.300.C.1.

> 2. *If Tentative Plan to dedicate a road or street is recommended to the County Governing Body, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the road or street to the improvement standards recommended by the County Roadmaster.*

FINDING: The property owner submitted a written subdivision and road dedication application to the Wasco County Planning Department and a digital copy of a preliminary subdivision plan map which also serves as the tentative public road dedication map to the Planning Department on February 7, 2023.

The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "We received a petition to vacate several roads within the Columbia Crest Addition back in May, 2022. The Smilekel Group made that request. I would need an updated road vacation petition, clearly showing what roads or sections of road are proposed for vacation. Then, depending on the Planning Commission decision, we could move forward with the BOC on the vacations, pending approval of the new road dedications / subdivision plat."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The proposed Cavern Way cul-de-sac road has not been constructed, and cannot be dedicated until the existing dedicated roads have been properly vacated. However, the existing dedicated Sandstone Way (portion), Cavern Way, and Granite Way roads cannot be vacated before the proposed subdivision and road dedication are approved because the existing lots within the Columbia Crest Addition Subdivision would be left without public access. A **condition** of approval requires the proposed Cavern Way cul-de-sac road conform with applicable criteria contained within Sections 21.410 through 21.440.

With the recommended conditions, the Planning Commission found that the request is consistent with the goals and policies of the Comprehensive Plan and Subsection 21.300.C.2.

D. Acceptance of Dedication by the County Governing Body

1. Before the County Governing Body may accept the dedication, the applicant must have completed any improvements required as a condition of the approval of the dedication or have complied with 21.310(D).

FINDING: 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), a **condition** of approval requires that the Wasco County Public Works Director review and approve the completed road improvements prior to the final subdivision and road dedication application being submitted. With the recommended condition, the Planning Commission found that the request is consistent with the goals and policies of the Comprehensive Plan and Subsection 21.300.D.1.

2. *Prior to acceptance by the County Governing Body, the owner of the land to be dedicated shall submit a preliminary title report issued by a title insurance company in the name of the owner of the interest in the land.*

FINDING: A **condition** of approval requires the property owner to 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. With the recommended condition, the Planning Commission found that the request is consistent with the goals and policies of the Comprehensive Plan and Subsection 21.300.D.2.

3. *Upon acceptance of the dedication by the County Governing Body, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public.*

4. *The County Governing Body shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.*

FINDING: A **condition** of approval requires the owner of the property 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. With this condition, the Planning Commission found that the request with Subsections 21.300.D.3-4.

5. *No road or street will be accepted for maintenance as part of the county road system unless it meets the standards of subsection (B) and (C) of this Section and is ordered accepted by the County Governing Body pursuant to law.*

FINDING: Based on the application, expert commentary from the Wasco County Public Works Director, staff recommends the subject road **not be included** into the Wasco County road system for public maintenance, and that based on that recommendation, Subsection 21.300.D.5, is not applicable to this request.

E. *Approval of a Private Road*

1. *The County Roadmaster shall determine if the private road meets the improvement standards and shall submit his findings as a written recommendation to the Approving Authority.*

2. *The Approving Authority shall approve a private road if it finds that the private road meets the basic provisions and design standards of Section 21.030 and also the improvement standards for private roads.*

3. *Upon approval of such private road, the applicant shall submit a boundary line or centerline survey of the road, unless the location of the road is already established by existing property line surveys recorded with the County Surveyor. The boundary line survey shall be submitted to the Director and the Wasco County Surveyor.*

FINDING: The proposed Cavern Way cul-de-sac road will be a public dedicated road, not a private road. The Planning Commission found that the request that Subsection 21.300.E is not applicable to this request.

Section 21.410 - Improvements
The improvement standards contained in Sections 21.410 through 21.440 shall apply to all subdivisions, street dedications and private road approvals in Wasco County.

A. Improvement Requirements: The following improvements shall be installed at the expense of the subdivider partitioner, or person(s) creating the road:

1. Roadways in all cases shall conform with the improvement standards set forth herein.

FINDING: A **condition** of approval requires that all roadway construction shall conform with applicable criteria contained within Sections 21.410 through 21.440. With the recommended condition of approval, the Planning Commission found that the request complies with Subsection 21.410.A.1.

2. Sidewalks shall be constructed in dedicated pedestrian ways along streets where determined necessary by the Approving Authority for pedestrian safety.

FINDING: Staff has conferred with the Wasco County Public Works Director Arthur Smith on July 13, 2023 concerning sidewalks. Mr. Smith provided comment on July 17, 2023:

> "Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on provided commentary, sidewalks shall not be required for this request. The Planning Commission found that the request complies with Subsection 21.410.A.2.

3. The applicant shall undertake on site grading and construction or installation of drainage facilities necessary for the purpose of proper drainage of the subdivision, partition, or properties adjacent to the dedicated road.

FINDING: Concerning watercourses, drainage, and grading, application materials provide the following:

> "Grading Plan Narrative
> The proposed scope of work involves construction of a local access road with a culdesac for emergency turnaround. The project is a replat of 66 existing non-conforming lots into 6 larger more conforming lots. Average lot size before replat is about 7,000 sf. Average lot size after replat is 112,748 sf (2.59 acres). The access road and culdesac will require cutting and filling to create a level enough area for the access. Cuts will be along the north side of the access road, so will not be visible from KVA's (hidden by the bluff and homes on the bluff). Fill slopes will primarily be along the south side of the access road, so will also be screened from view since the KVA's are only visible along the east end of the site. At the east end ofthe culdesac, the cut and fill are minimized to reduce visibility from the KVA's." (Grading Plan Narrative, Page 1).
>
> **"**Stream and Floodplain
> No development is proposed within a designated flood zone or stream setback. FEMA maps do not show

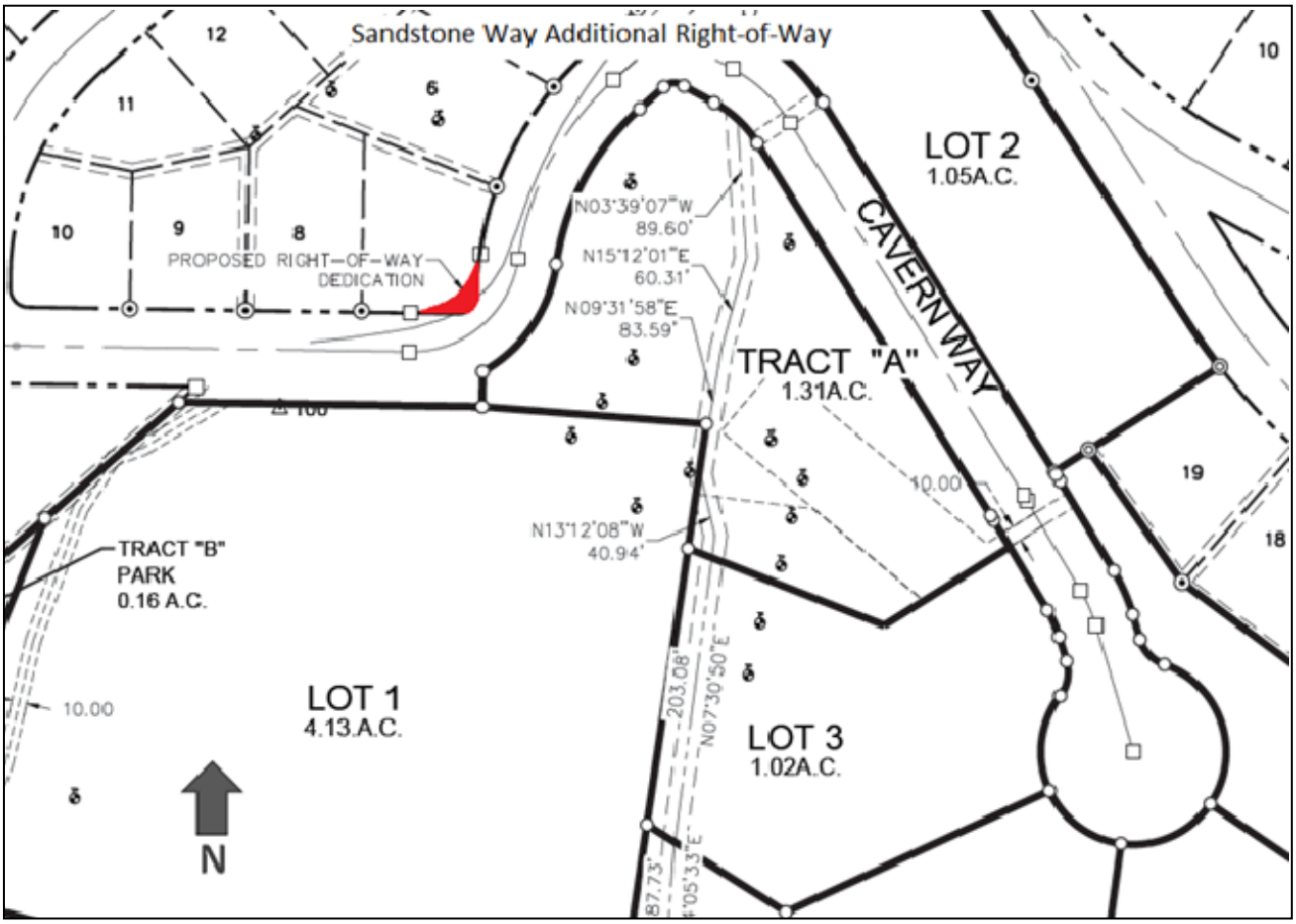
any flood zones mapped on this property, and it is unlikely there would be flooding since these lots are on a hill and without a water source (creek, river, etc)." (Project# 170105 Replat narrative, Page 8).

"Drainage
This project will create little impervious area since most of the roads are already in place. The homes,
driveways, and access road will utilize dispersion and infiltration. Care will be taken to not release
storm water on or near the tops of the steep slopes or directly above drainfields. An 18" culvert will be
installed under the new road where there is an apparent seasonal drainage. This drainage has not been
observed by the developer or engineer to flow but will be accommodated as a precaution." (Project# 170105 Replat narrative, Page 13).

As provided above in Subsection 21.030.U, a **condition** of approval requires an 18" culvert be installed under the proposed Cavern Way cul-de-sac road in the area where the seasonal drainage way is purported to be located. A **condition** of approval requires that all proposed construction on Sandstone Way and the proposed construction of the Cavern Way cul-de-sac road ensure that 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. With recommended conditions, the Planning Commission found that the request complies with Subsection 21.410.A.3.

4. *The applicant shall make improvements to existing County or public roads determined necessary by the Approving Authority at connections and intersections with subdivision streets and at locations where additional subdivision lots or partition parcels are created which front on County maintained roads.*

FINDING: The applicant proposes to dedicate additional right-of way over the existing Sandstone Way and utilities (portions of which were constructed outside of the original dedicated right-of-way). This will center the right-of-way over the existing Sandstone Road. (See "Sandstone Way Additional Right-of-Way Dedication" Map).



The development of the proposed Cavern Way cul-de-sac, additional right-of-way for Sandstone Way, and other preparatory work on the replatted lots may have deleterious effects on the existing Sandstone Way and Hermits Way access roads. A **condition** of approval requires that all roadway construction shall conform with applicable criteria contained within Sections 21.410 through 21.440. With the recommended condition, the Planning Commission found that the request with Subsection 21.410.A.3.

5. *Road signs shall be required as an improvement in a subdivision or partition. Wasco County shall install and maintain such road or street signs, provided the person(s) creating the road pays the expense of the initial improvement.*

FINDING: Concerning signage, application materials provide the following:

> "Signs
> Signs are not proposed with this project other than the stop/street sign at the new intersection." (Project# 170105 Replat narrative, Page 13).

The Wasco County Public Works Director Arthur Smith has not provided additional commentary regarding signage.

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, and a **condition** of approval requires that the subdivder 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.

A **condition** of approval requires of approval requiring the subdivider 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.

6. *When necessary, and consistent with Wasco County's standards, sidewalks shall be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:*

    a. *The subject property is located within one-quarter mile of a school, shopping center, recreation area, or other use likely to create pedestrian traffic; or*

    b. *The surrounding area is developed with sidewalks or is zoned for commercial, industrial or urban residential uses.*

7. *Sidewalk(s) shall be constructed to applicable standards (see Table 2 Urban Wasco County Roadway Design Standards in the Wasco County Transportation System Plan). Sidewalk requirements may be waived, or may be deferred through a road improvement agreement when, in the opinion of the County, sidewalks would not be immediately necessary to accommodate pedestrian traffic.*

8. *Bicycle facilities shall be required along new roads when necessary to extend an existing bicycle route, or when a bicycle route or way is proposed within an adopted Transportation System Plan.*

FINDING: Staff has conferred with the Wasco County Public Works Director Arthur Smith on July 13, 2023 concerning sidewalks and bicycle facilities. Mr. Smith provided comment on July 17, 2023:

> "Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on provided commentary, sidewalks and bicycle facilities shall not be required for this request. The Planning Commission found that the request complies with Subsections 21.410.A.6-8.

B. *Improvement Policies and Standards: The improvement policies and standards contained herein shall apply to development conducted under provisions of this Ordinance. They are primarily intended to govern the design and construction of streets and roads which are to be accepted into the Wasco County maintained road system. These policies and standards also apply to other roads, both public and private, as determined appropriate by the Approving Authority.*

It shall be the duty of the Wasco County Roadmaster to interpret the provisions and requirements of these standards in such a way as to carry out their intent and purposes.

FINDING: The Wasco County Public Works Department Director Arthur Smith has provided commentary and recommendations throughout this report. The Planning Commission found that the request complies with Subsection 21.410.B.

Section 21.420 - Public Streets and Roads

A. General Design Policies: The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO):

1. "A Policy on Geometric Design on Highways and Streets".

2. "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)"

FINDING: A **condition** of approval requires 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)". With this condition, the Planning Commission found that the request complies with Subsection 21.420.A

B. Design Criteria

1. Improvement of public streets and roads shall conform to the design standards designated for the particular classifications indicated in Table 21-1(Rural Public Roadway Design Standards) & 21-2 (Urban Public Roadway Design Standards) of this Chapter.

2. Roadway sections shall conform to the sections designated for the particular classifications.

3. The design of structural sections of all roadways required by this Ordinance, including arterials, collectors, local access roads and principal highways shall conform with the General Design Policies under Section 21.410 A and the standard specifications which are applicable to construction of improvements under Section 21.410 E 2 of this Chapter. Any deviation from these standards shall be approved by the County Roadmaster.

FINDING: Figure 21-3 – Hierarchy of Property Access "#4" (Page 21-49) provides that the proposed road must be a public road. Table 21-1 (Rural Public Roadway Design Standards) & 21-2 (Urban Public Roadway Design Standards) are provided below:

Table 21-1 – Rural Wasco County Public Roadway Design Standards

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain[1]	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	[2]	[2]	1,470	[2]	[2]	1,835	[2]	[2]	2,135	[2]	[2]
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing[3]	75			100			100			150			300			500		

[1] L= Level, R=Rolling, M=Mountainous
[2] See AASHTO manual for guidance.
[3] Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

FINDING: Aside from additional construction standards recommended as conditions of approval for fire safety within subsection 21.030.P, a **condition** of approval requires that 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). Additionally, a **condition** of approval requires the applicant 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. With these recommended conditions, the Planning Commission found that the request with Subsection 21.420.B.1-3.

C. Drawings

1. The County Road Master shall have the authority to publish "Standard Drawings" for the design of public streets and roads. These drawings may be included in the separately adopted document listed in B(1) above.

2. The applicant's design shall conform to the "Standard Drawings".

FINDING: Staff has conferred with the Wasco County Public Works Director Arthur Smith on July 17, 2023 concerning sidewalks and bicycle facilities. Mr. Smith provided comment on July 17, 2023:

"We may have some drawings for typical road cross sections in our TSP (from 2009). That was done before I became Director. However, we defer to the ODOT / APWA standard drawings and specifications."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on Mr. Smith's commentary, the Planning Commission found that the request complies with Subsection 21.420.C.

D. General Considerations

1. The County Roadmaster may impose additional design requirements as are reasonably necessary to provide safe and adequate access.

FINDING: The Wasco County Public Works Director Arthur Smith provided the following commentary on July 17, 2023:

> "Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane."

Considering Mr. Smith's comments, the Planning Commission found that the request complies with Subsection 21.420.D.1.

2. There shall be provided a cul-de-sac at the end of each street or road that ends within the confines of a proposed subdivision or partition. Any proposed street or road that terminates at a proposed subdivision or development boundary will be provided with a temporary cul-de-sac or turnaround which may be discontinued at such time as the road or street is extended.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Application materials provide that the proposed Cavern Way cul-de-sac road will be "[a] 22' wide paved road with 2' wide gravel shoulders (in a 50' wide road tract)…approximately 590' in length, with a 48' radius (96' diameter) culdesac for fire turnaround at the end." (Project# 170105 Replat narrative, Page 13-14). Furthermore, the application provides that road maintenance for Cavern Way "will be provided by the homeowners and will be managed with a road maintenance agreement." (Project# 170105 Replat narrative, Page 10). A preliminary copy of the road maintenance agreement is provided in Attachment F and available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

On June 26, 2023, the applicant provided additional details as to why a cul-de-sac road is being proposed:

> "[The] primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the

> east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Concerning road maintenance, the Director of the Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Concerning applicable state fire laws, Mid-Columbia Fire and Rescue Division Chief Jay Wood provided comment on June 28, 2023. Chief Wood's full commentary is provided within the "Section 21.030.P Finding", where additional conditions of approval are provided regarding fire safety.

Considering the application proposal, commentary, and recommended conditions of approval throughout this report, the Planning Commission found that the request complies with Subsection 21.420.D.2.

> 3. *Any road or street which does not connect directly to a County maintained road, city maintained street or state highway shall not be accepted for maintenance by the County. No other road or street shall be accepted for maintenance as a part of the County road system unless it is ordered accepted by the County Governing Body pursuant to law.*

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. The proposed Cavern Way cul-de-sac road will be connected to the existing non-county maintained Sandstone Way road.

The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

Concerning road maintenance, the Director of the Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on the request, the proposed Cavern Way cul-de-sac road will not be publicly maintained; however, application materials provide that road maintenance for Cavern Way "will be provided by the homeowners and will be managed with a road maintenance agreement." (Project# 170105 Replat narrative, Page 10). A preliminary copy of the road maintenance agreement is provided in Attachment F and available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The Planning Commission found that Subsection 21.420.D.3. is not applicable to this request.

E. Development Requirements

1. Engineering:

a. <u>Plans</u> Construction plans may be required for improvements governed by these standards. Such 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 County Roadmaster and shall include the following information:

(1) Widths of all proposed road right-of-way dedication.

(2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearing of tangents.

(3) Original ground line and grade line profile on the centerline of the proposed road.

(4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.

(5) Proposed drainage structures, showing both size and type of structure.

(6) Toe of fill and top of cut lines.

(7) Typical structural section of roads to be constructed.

(8) Section lines, fractional section lines and/or Donation Land Claim lines. Also, bearing and distance from which the centerline description is prepared, and basis of bearings.

(9) A vicinity map in the upper left hand corner of the first plan sheet showing the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.

(10) Proposed utilities, showing location and type. Also, a written statement that locations have been approved by affected utility companies. A composite map shall be furnished by the consultant engineer to all affected utilities.

(11) The plans shall contain a standard symbol sheet approved by the County Road Master.

(12) The stamp and signature of a consultant engineer preparing the plans.

(13) The location and dimensions of the pedestrian circulation system.

(14) The location and dimensions of bicycle parking, when required.

FINDING: A **condition** of approval requires that 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).

With the recommended condition, the Planning Commission found that the request complies with Subsection 21.420.E.1.a.

b. Cost Estimates The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related road work and affected utility installation and/or relocation.

FINDING: A **condition** of approval requires that 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.

With the recommended condition, the Planning Commission found that the request complies with Subsection 21.420.E.1.b.

c. Monumentation All horizontal curve points shall be referenced with a 5/8" x 30" steel rod set perpendicular to the tangents at the right of way line and witnessed by a white 4" x 4" x 4' cedar post or a four foot section of steel fence post painted white. In the case of a curbed street, the witness posts may be omitted.

FINDING: A **condition** of approval requires requiring that a survey be filed with the Wasco County Surveyor and meet the monumentation requirements provided for in this subsection. With the recommended condition, the Planning Commission found that the request complies with Subsection 21.420.E.1.c.

2. Construction:

a. Standard Specifications The Standard Specifications which are applicable to the construction of improvements governed by these standards are the following (except as they may be modified, supplemented or superseded by provisions contained herein):

(1) "Standard Specifications for Highway Construction", most recent edition, published by the Oregon Department of Transportation, Highway Division, except for the General Provisions contained in Sections 102 through 109.

(2) "Oregon Standard Specifications for Construction", most recent edition, published by the Oregon Chapter of the American Public Works Association (APWA) and the Oregon Department of Transportation (ODOT).

References to "State and Highway Commission" shall be construed to mean Wasco County and the Wasco County Governing Body, respectively. "Engineer" and "Director" shall be construed to mean the County Roadmaster, or his properly authorized agent(s) acting within the scope of his (their) particular duties.

b. Permits A permit to occupy and perform operations shall be obtained from the County Roadmaster prior to commencing construction within the right of way of any County maintained road.

c. Bond Requirements Before the dedication or deed to the public for street or road right of way is accepted by the County Governing Body, the applicant shall provide a performance bond or other security, as set forth in Section 21.210 F of this Ordinance.

d. Inspection Schedule After financial assurance is received by the County, the applicant shall arrange for periodic inspection by his consultant engineer. At a minimum, such inspection shall occur at the following stages of construction:

(1) After clearing and grubbing is completed.

(2) After grading and drainage is completed.

(3) After rock surface is completed.

(4) After paving is completed.

FINDING: A **condition** of approval requires that the construction of the proposed road shall be built according to criteria provided for within Subsection 21.410.E.2.a.-d. With the recommended condition, the Planning Commission found that the request will comply with Subsections 21.420.E.2.a-d.

e. Certification and Warranty Requirements

(1) When the project is completed, the consultant engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance with the plans and specifications. The certification shall include a copy of the results of all conformance tests performed in conjunction with the design and construction of the project.

(2) Upon receiving said certification, the County will accept the project for normal and routine maintenance, provided the applicant posts a warranty bond equal to twenty percent (20%) of the performance bond required in Section E 2 c of this

Section for the correction of any deficiencies that may arise within a period of one (1) year.

(3) Upon receiving the warranty bond for the correction of deficiencies and upon certification by the County Roadmaster that the provisions of the improvement agreement are complete, the performance bond required by Section E 2 c of this Section shall be released to the applicant.

(4) The County Roadmaster shall inspect the project at the end of one (1) year and list the deficiencies to be corrected and shall notify the applicant of such deficiencies. In the event no deficiencies are found, the warranty bond will be released to the applicant at that time.

(5) Upon notification of the deficiencies, the applicant shall commence corrective work within thirty (30) days and shall complete such work at the earliest possible date. Upon satisfactory completion, the warranty bond shall be released to the applicant.

(6) In the event the applicant fails to commence corrective work within thirty (30) days of notification of deficiencies, the County shall cause the corrective work to be accomplished and call on the warranty bond for reimbursement. If the amount of the warranty bond exceeds cost and expenses incurred by the County, the County shall release the remainder; and if the amount of the warranty bond is less than the cost and expenses incurred by the County, the applicant shall be liable to the County for the difference.

FINDING: A **condition** of approval requires that the final construction of the proposed road shall be certified and obtain the warranty requirements as required by subsections 21.410.E.2.e. With the recommended condition the Planning Commission found that the request will comply with Subsection 21.420.E.2.e.

f. As Constructed Plans The County Roadmaster, at the completion of the project, may require the consultant engineer to furnish permanent reproducible plans of the work or an "as constructed" modification of the original permanent reproducible plans previously submitted, as may be required under Section E 1 a of this Section.

(1) The title sheet shall contain the consultant engineer's signed P.E. stamp and a certification signed by the engineer "that the project has been constructed in substantial conformance with the plans and specifications".

(2) The title sheet shall contain in the title block the name of the street or road; the name of the subdivision; the names of the applicant and consultant engineer preparing the plan; the location of the street or road according to Section, Township and Range; a typical section showing surfacing, thickness and types, side slopes and cut and fill slopes; and, a vicinity map of approximately 1"= 1 mile showing where the street or road is located in relation to Sections, Townships and Ranges and surrounding topographical features and its connections to existing County or State highways.

(3) The plans shall show the centerline alignment and all curve data, and direction of tangents, the location and monumentation of the street or road, right of way widths, drainage easements, section lines, lot lines of the subdivision, and all drainage structures, their sizes, lengths and locations, and underground utilities, their types, sizes and locations.

(4) The plans shall show the original ground line and the finish grade on the centerline, all P.I. elevations and stations, elevations of vertical curves and tangent grades.

(5) The plans shall have a title block in the lower right hand corner giving the name of the street or road, the subdivision, the name of the consultant engineer preparing the plans and the name of the applicant.

(6) The consultant engineer will provide accurate "as constructed" plans to all affected utility companies.

FINDING: A **condition** of approval requires that 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 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). With the recommended condition, the Planning Commission found that the request will comply with Subsection 21.420.E.2.f.

g. Signing Permanent traffic control and street or road identification signs will be required for all subdivisions.

(1) The applicant shall deposit (in cash) with the County Roadmaster, an amount determined by the Roadmaster adequate for the construction and installation of permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.

(2) Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

FINDING: Findings and conditions of approval regarding signage are found in Subsections 21.030.P and 21.030.BB. For reference those conditions are provided below:

To ensure the public is notified of restricted parking areas for fire apparatus, a **condition** of approval requires that the subdivder 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.

To ensure compliance with the criterion, a **condition** of approval requires that 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.

A **condition** of approval requires: (1) The developer consult with the Wasco County Road Department and Mid-Columbia Fire and Rescue to determine the amount and type of signage required; (2) the developer furnish required permanent road signs to the Wasco County Public Works Department for installation; or (3) pay the cost of the signage, which estimated cost will be provided for by the Wasco County Public Works Director. The County will prepare, place and maintain required permanent signing.

Staff also recommends that all temporary construction signing required shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

With recommended conditions, the Planning Commission found that the request will comply with Subsection 21.420.E.2.g.

Section 21.440 Roadway Improvement Standards

A. Roadway Requirements: No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:

1. A development may be approved if the adjacent roadway does not meet the standards but halfstreet improvements meeting the standards of this title are constructed adjacent to the development.

2. Roadways under the jurisdiction of the Oregon Department of Transportation shall be improved to state standards.

B. Minimum Right-of-Way Width - The width of street right-of-way provided in Table 1 shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets. Unless otherwise indicated on the official roadway map, the width of all rights-of-way and roadway improvements shall be in compliance with the following:

1. Arterials: A minimum right-of-way width of sixty (60) feet.

2. Collectors: A minimum right-of-way width of sixty (60) feet.

3. Local Roads: A minimum right-of-way width of fifty (50) feet.

C. Partial street improvements - Partial street improvements resulting in a pavement width of less than 16 feet; while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.

D. Improvements Guarantee in Lieu of Improvements - If the County could and would otherwise require the applicant to provide street improvements, the County Road Master may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:

1. A partial improvement is not feasible due to the inability to achieve proper design standards;

2. A partial improvement may create a potential safety hazard to motorists or pedestrians;

3. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity; Page 21-40 Chapter 21-Land Divisions

4. The improvement would be in conflict with an adopted capital improvement plan;

5. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or

6. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

E. Off-site Improvements - Off-site improvements, such as pavement construction or re-construction of existing street(s) proposed for access to the subdivision or partition, which are inadequate or in failing condition, may be required. Off-site transportation improvements will include bicycle and pedestrian improvements, as identified in the adopted Wasco County Transportation System Plan.

FINDING: The proposed Prince Heights replat subdivision will vacate three undeveloped Columbia Crest Addition Subdivision platted roads (Sandstone Way (portion), Cavern Way, and Granite Way), and replace them with one dedicated cul-de-sac road (Cavern Way). The proposed cul-de-sac road will not interfere with the continuation of principle streets in the adjoining subdivisions or other adjacent non-platted properties.

The Columbia Crest Addition Subdivision was approved in 1953. There are several “paper roads” within the subdivision that were planned, but never built. (See below maps “Columbia Crest Vacated Road Map” and “Prince Heights Road Map”) (See Maps in Attachment C)

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Vacated Roads

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Road

Concerning the condition of built adjacent roadways, the Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not

> maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The adjacent Sandstone Way Road and Hermits Way road are "Local Roads". Staff has confirmed that the county does perform maintenance on Sandstone Way up to the first curve in the road (approximately 450' north of Cherry Heights Road). The 1953 approved Columbia Crest Subdivision platted the roads at 50' wide. Examination of the 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County" provides the following standards:

MINIMUM AND PREFERRED RIGHT-OF-WAYS AND WIDTHS FOR ROAD SURFACING

Type of Street	Right-of-Ways		Road Surfacing	
	Minimum	Preferred	Minimum	Preferred
Arterials	80	100	26	36
Secondary Arterials	60	80	26	36
Business & Industrial Streets	66	80	36	42
Local Streets	50	60	20	34
Dead-end Streets (not more than 400' long and serving a maximum of 18 single family dwellings)	50	50	20	20
Turn-arounds for dead-end streets	40' radius		30' radius	
Alley				
Residential	14	20		
Business or Industrial	20	20		

It is unclear when Sandstone Way and Hermits Way were actually constructed. A June 29, 2023, staff site visit confirmed that the paved (road surfaced) widths of both roads range from 35' to 25', which appears to be consistent with the "Road Surfacing" minimum standards for Local Streets and Dead-end Streets in the 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County". On July 3, 2023, the Director of the Wasco County Public Works Department Arthur Smith provided comment concerning the estimated road conditions and adequacy of width for Sandstone Way and Hermits Way:

> "The existing roadway widths are adequate to serve the additional lots and appear to have been built to meet our minimum road standards. I would not require any road widening. My only request would be for a Road Maintenance Agreement or Homeowners Agreement to ensure that the public roads are maintained after development."

Mr. Smith provided additional comments on July 18, 2023:

> "Based on my recent inspections, the adjacent public roadways - Sandstone Way and Hermits Way meet our rural road standards. The first portion of Sandstone Way is county maintained,

and both roadways are paved surface roads, with adequate width and drainage. I would not recommend any road improvements on these adjacent roads."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Sandstone Way and Hermits Way roads provide primary access to existing developed lots within the Columbia Crest Addition Subdivision, and via the proposed Cavern Way cul-de-sac road, will provide access to the six replatted lots. Technical commentary has not indicated that any adjacent roadway must be improved or widened in order to accommodate the planned replatted six lots. However, development of the proposed Cavern Way cul-de-sac road, additional right-of-way for Sandstone Way, and other preparatory work on the replatted lots may have deleterious effects on the existing Sandstone Way and Hermits Way access roads. A **condition** of approval requires the owner 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.

Accordingly, the Planning Commission found that the request Subsections 21.440.A-E are not applicable to this request.

Section 21.450 Access Control

A. Purpose. The following access control standards apply to industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the Wasco County Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the county. Access management is a primary concern on these roads. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision or partitioning of land.

B. Access Control Standards.

1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)

2. The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

3. *Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required).*

    a. *Option 1. Access to the lower order roadway.*

    b. *Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*

    c. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection e., below.*

4. *Subdivisions and Partitions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide secondary (local or collector) streets for access to individual lots.*

5. *Access Spacing. Minimum access spacing standards apply to newly established public street intersections, private drives, and non-traversable medians.*

    a. *Standards are found in Table 7.2, Rural Wasco County Roadway Design Standards and Table 7-3 Urban Wasco County Roadway Design Standards, in the Wasco County Transportation System Plan.*

    b. *Access to State Highways and Interchanges. Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to the applicable standards and policies contained in the Oregon Highway Plan and the requirements of OAR 734-051.*

6. *Number of Access Points. For single-family housing types, one street access point is permitted per lot, when secondary (local or collector) street access cannot otherwise be provided. The number of street access points for commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection (g) below, in order to maintain the required access spacing, and minimize the number of access points.*

7. *Shared Driveways. The number of driveway and the frequency with which private streets intersect with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:*

    a. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension.*

"Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

C. Notwithstanding Section 21.450, upon the recommendation of the County Road Master the County may reduce access spacing standards if the following conditions are met:

1. Joint access (shared) driveways and cross access easements are provided in accordance with the standards;

2. The site plan incorporates an integrated access and circulation system in accordance with the standards;

3. The property owner enters into a written agreement with the County that pre-existing connections on the site will be closed and eliminated after construction of each side of the shared driveway;

4. The proposed access plan for redevelopment properties moves in the direction of the spacing standards; and

5. The reduced access spacing is consistent with all applicable provisions of Chapter 14.

D. The County Road Master may modify or waive the access spacing standards for roadways under County jurisdiction where the physical site characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical and would make meeting the access standards infeasible, subject to the following:

1. The application of the location of access standard will result in the degradation of operational and safety integrity of the transportation system.

2. The granting of the modification or waiver shall meet the purpose and intent of these standards and shall not be considered until every feasible option for meeting access standards is explored.

3. Applicants for modification or waivers from these standards must provide proof of unique or special conditions that make strict application of the standards impractical. Applicants shall include proof that:

a. Indirect or restricted access cannot be obtained;

b. No engineering or construction solutions can be applied to mitigate the condition;

c. No alternative access is available from a road with a lower functional classification than the primary roadway;

d. The hardship is not self-created; and e. The modification or waiver is necessary to protect scenic, natural, cultural or recreation resources in Chapter 14 or is at a minimum consistent with the standards to project them.

E. Street/roadway Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private roads, in accordance with AASHTO design standards. For residential and commercial developments, the maximum block length shall not exceed 600 feet, with the maximum perimeter not to exceed 1,400 feet.

FINDING: The proposed Prince Heights replat subdivision will vacate three undeveloped Columbia Crest Addition Subdivision platted roads (Sandstone Way (portion), Cavern Way, and Granite Way), and replace them with one dedicated cul-de-sac road (Cavern Way). The proposed cul-de-sac road will not interfere with the continuation of principle streets in the adjoining subdivisions or other adjacent non-platted properties.

The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

The Prince Heights Subdivision replat, the Columbia Crest Addition Subdivision, and the Fruitland Park Addition Subdivision "Track 35" are located north of Cherry Heights Road (a public dedicated and maintained road) and south of West 13th Street (a public dedicated and maintained road).

Concerning public access and existing road conditions, the Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

Mr. Smith provided additional comments on July 18, 2023:

> "I have reviewed the existing average daily traffic volumes for Cherry Heights Road and Sandstone Way - I have no data for the public roads. These roads can easily absorb the additional traffic generated by the proposed development and will not cause any increased maintenance. I do not foresee any access control issues resulting from this development."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Sandstone Way and Hermits Way roads provide primary access to existing developed lots within the Columbia Crest Addition Subdivision, and, with access from the proposed Cavern Way cul-de-sac road, will provide access to the six replatted lots. Technical commentary has not indicated that additional access control standards are required for approval of this subdivision replat. Accordingly, the Planning Commission found that the request that Subsections 21.450.A-E are not applicable to this request.

Section 21.460 Pedestrian Access and Circulation

A. Site Layout and Design - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-4, below:

1. Continuous Walkway System - The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets or roads and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 21.030(E) (Relation to Adjoining Street System).

2. Safe, Direct, and Convenient - Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets/roadways, based on the following definitions:

a. Reasonably direct - A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

b. Safe and convenient - Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

c. "Primary entrance" for commercial, mixed use, and office buildings is the main public entrance to the building. In the case where no public entrance exists, street/roadway connections shall be provided to the main employee entrance.

d. "Primary entrance" for residential buildings is the front door (i.e., facing the street or road). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

3. Connections Within Development - Connections within developments shall be provided as required in subsections a-c, below:

a. Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 21-1;

b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and

c. *Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres or the space required for the maximum number of cars allowed by the applicable provisions of this ordinance. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets/roadways, or driveways with street-like features, Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. The parking areas shall be designed consistent with all applicable provisions of this ordinance including but not limited to Section 14.200 (Key Viewing Areas), 14.600 (Natural Resources) and 14.700 (Recreation Resources).*

B. *Walkway Design and Construction - Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 21-2:*

1. *Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the Approving Authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.*

2. *Crosswalks - Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.*

3. *Walkway Width and Surface - Walkway and access way surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least six (6) feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide.*

4. *Accessible Routes - Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.*

FINDING: Concerning pedestrian access and circulation, the Director of Wasco County Public Works Department Arthur Smith provided comment on July 17 and July 18, 2023:

> "Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane."
>
> "As I stated before, most rural county roads are shared use roads - drivers, bicyclists and pedestrians all have the same right to travel the public roadway. Our rural road standards do

provide for a shoulder area outside the paved road and that shoulder is adequate for the expected pedestrian use to be generated by this development (pedestrians can obviously walk along the main roadway, when not in conflict with vehicular traffic). I would not recommend any additional pedestrian path or pedestrian system."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Application materials, and technical commentary has not indicated that pedestrian access is required for approval of this subdivision replat. Accordingly, The Planning Commission found that Subsections 21.460.A-B are not applicable to this request.

G. Chapter 23 Sign Provisions

Section 23.010 Purpose

A. Protect and enhance scenic resources by minimizing visual impacts of signage, while authorizing signage necessary for commerce, recreation, safety and public information.

B. Encourage the use of the Columbia River Gorge National Scenic Area Graphic Signing System for public signs in and adjacent to public rights-of-way.

Section 23.020 Signs (GMA Only)

A. Except for signs allowed without review pursuant to Sections 3.100 and 3.180(B), all new signs must meet the following standards unless these guidelines conflict with the Manual on Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these guidelines.

FINDING: Concerning signage, application materials provide the following:

"Signs
Signs are not proposed with this project other than the stop/street sign at the new intersection."
(Project# 170105 Replat narrative, Page 13).

The Wasco County Public Works Director Arthur Smith has not provided additional commentary regarding signage.

Findings and conditions of approval for signage are provided for in Chapter 21 of this report. The signage is required by local and state law and are allowed without review pursuant to Sections 3.100 and 3.180(B). The Planning Commission found that Chapter 23 is not applicable to this request.

ATTACHMENT E – PUBLIC COMMENTS

Comments submitted during review.

03162023: Wasco County Sheriff Lane Magill Comments

03222023-07202023: Friends of the Columbia River Gorge Comments

06012023: Heritage Resources Program Manager Survey Determination

06262023-07112023: Applicant Elizabeth Betts Comments

06262023-07182023: Wasco County Public Works Department Arthur Smith Comments

06282023: North Central Public Health District Eric Grendel Comments

06282023: Mid-Columbia Fire & Rescue Chief Jay Wood Comments

06302023-07062023: North Wasco County Parks & Recreation District Scott Baker Comments

06302023-07122023: Wasco County Assessor Jill Amery & Brenna La Vigne Comments

07102023: Wasco County Surveyor Brad Cross Comments

07122023: Wasco County Administrator Tyler Stone Comments

07142023: Kristin Campbell & Chris Crean Comments

07172023: Chenowith Water Darrin Eckmann Comments

09122023: Wasco County Surveyor Bradley Cross

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07142023: Kristin Campbell & Chris Crean Comments

07172023: Chenowith Water Darrin Eckmann Comments

09122023: Wasco County Surveyor Bradley Cross

Daniel Dougherty <danield@co.wasco.or.us>

Request for Comments: APPEAL [921-23-000023-PLNG_SMILEKEL]

Bradley Cross <bradleyc@co.wasco.or.us> Tue, Sep 12, 2023 at 7:34 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Dan,
I have reviewed the plat of Columbia Crest Addition, including looking at any files and the hard copy of the surveyor's copy of the plat that would typically indicate any vacations or corrections. I don't see anything that indicates any changes to the original plat.
There are some conveyances noted in the attached 2020 vesting deed from 1968 to the County that appear to be an acquisition of small portions of additional right of way taken in fee title, but these would typically be recognised as public dedications.
I've attached a copy of the 1968 deed, it has a map that clearly shows the location of the county acquisition.
Tract A also has some additional deed exceptions from 1977 & 2016.

Bradley Cross | ***County Surveyor***
PUBLIC WORKS

bradleyc@co.wasco.or.us | www.co.wasco.or.us
541-506-2644 | Fax 541-506-2641
2705 East Second Street | The Dalles, OR 97058

[Quoted text hidden]

2 attachments

Document 1968-1498.pdf
215K

Document 2020-1795.pdf
152K

Daniel Dougherty <danield@co.wasco.or.us>

Subdivision Comments Requested [File No. 921-23-000023-PLNG]

3 messages

Daniel Dougherty <danield@co.wasco.or.us> Sun, Jul 9, 2023 at 3:34 PM
To: districtmanager@chenowithwater.com, Ben Beseda <BBeseda@tennesoneng.com>

Good afternoon,

The Wasco County Planning Department recieved a subdivision to replat 66 lots to 6 lots within the Columbia Crest Addition Subdivision Scenic Area:
.

Map/Tax Lot	Acct. #	Acres
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

The proposal seeks to vacate "paper roads" in the Columbia Crest Subdivision and dedicate a single point of access (see Cavern Way Cu-De-Sac in maps below). The subdivision replat proposes a new publicly dedicated road “Cavern Way” (Cul-De-Sac) which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated “Sandstone Way” and/or "Hermits Way".

The proposed Cul-De-Sac will be 22' wide paved with 2' wide gravel shoulders (50' wide road tract). I've provided a couple of maps I created and the actual subdivision Pdf. Maps. The entire application is located: https://www.co.wasco.or.us/departments/planning/active_landuse_applications.php.

I'm hoping to get your professional opinion concerning water usage impacts or other related commentary. A pre-notice was sent on March 16, 2023 for comments, and a Planning Commission hearing for the decision will be heard on August 1.

Thanks for your help.

Respectfully,

Daniel

Map 1

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

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Office Notice about COVID-19

Welcome back! We have resumed in-person customer service. Office hours are Tuesday and Thursday, 10am to 4pm with a lunchtime closure. Appointments can be accommodated on Fridays.

Email is still the best way to reach me!

This correspondence does not constitute a Land Use Decision per ORS 197.015.
It is informational only and a matter of public record.

Prince Hts Plans - Prelim Plat and Survey Exhibits (1).pdf
2810K

Ben Beseda <BBeseda@tennesoneng.com> Mon, Jul 10, 2023 at 6:10 AM
To: Daniel Dougherty <danield@co.wasco.or.us>, "districtmanager@chenowithwater.com" <districtmanager@chenowithwater.com>

Good morning Daniel. My partner Darrin Eckman has taken over as engineer for Chenowith Water PUD. I have forwarded your email to him for comments.

Thanks, Ben

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Sunday, July 9, 2023 3:34 PM
To: districtmanager@chenowithwater.com; Ben Beseda <BBeseda@tennesoneng.com>
Subject: Subdivision Comments Requested [File No. 921-23-000023-PLNG]

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Thanks for your help.

Respectfully,

Daniel

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Developed Roads

Undeveloped Roads "Paper Roads"

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

[Quoted text hidden]

Darrin Eckman <eckmand@aks-eng.com> Mon, Jul 17, 2023 at 10:46 AM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: "jebm@chenowithwaterpud.com" <jebm@chenowithwaterpud.com>

Good morning Daniel,

As the Engineer of Record for the Chenowith Water PUD I wanted to go on record regarding the development proposed by the Smilekel Group (921-23-000023-PLNG).

The proposed subdivision is within the Chenowith Water PUD service area and we are willing to provide domestic water service to the six residential lots.

We have been in communication with the developers engineer, Ms. Elizabeth Betts (Klein & Associates, Inc.), and are in general agreement that the developer will:

- ***Connect to the existing 6" line at the intersection of Ledge Way and Hermits Way;***
- ***Replace the existing 4" water main in Ledge Way with 6" from Hermits Way to the proposed Cavern Way;***
- ***Install new 6" water main in Cavern Way from Ledge Way to its southerly terminus;***
- ***Install a fire hydrant assembly at the southerly terminus in the cul-de-sac;***
- ***Install typical residential water services to each lot with the meter to be placed in and at the edge of the Cavern Way ROW; and***
- ***Provide a 20-foot wide public utility easement across Lot 1 where the existing CWPUD watermain is located.***

All materials and work to conform to CWPUD standards. The developer is to enter into an Agreement to Reimburse for CWPUD contracted fees and pay the Subdivision Plan Review fee ($750).

Each lot owner will be required to pay the Meter Drop-in Fee ($500) and System Development Charge ($3,100) at the time service is requested. Fees are subject to change.

Please let me know if you have any questions…

Please note that I have taken over for Ben Beseda as the Chenowith Water PUD Engineer-of-Record and you can remove him from the email list and add me.

Also the CWPUD Manager's (Jeb) email address has changed to: jebm@chenowithwaterpud.com

Finally – Tenneson Engineering has merged with AKS Engineering & Forestry so my email has changed from what you had in the past.

We are still getting the old …tennesoneng.com emails forwarded to us but at some point that may end.

Thanks Daniel!

Darrin Eckman, PE, CWRE

TENNESON ENGINEERING | AN AKS COMPANY

P: 541.296.9177 | www.aks-eng.com | eckmand@aks-eng.com

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Sunday, July 9, 2023 3:34 PM
To: districtmanager@chenowithwater.com; Ben Beseda <BBeseda@tennesoneng.com>
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I'm hoping to get your professional opinion concerning water usage impacts or other related commentary. A pre-notice was sent on March 16, 2023 for comments, and a Planning Commission hearing for the decision will be heard on August 1.

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Respectfully,

Daniel

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Developed Roads

Undeveloped Roads "Paper Roads"

Prince Heights Subdivision Road Map

Developed Roads

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[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Road Vacation & Dedication Question

3 messages

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jul 13, 2023 at 3:22 PM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>

Hi Kristen,

We've got a preliminary subdivision replat (Prince Heights Subdivision) request that involves a replat of 66 lots into six lots within the Columbia Crest Subdivision, a road vacation and a public road dedication (I've attached maps below).

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Vacated Roads

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

The issue is the timing of the vacation and dedication. The BOCC can't technically vacate Sandstone (portion), Cavern Way, and Granite Way before the new dedication and subdivision replat are approved because the vacation would leave numerous lots within the Columbia Crest Addition without public access. My solution is that the vacation order contains a condition that final vacation of Sandstone (portion), Cavern Way, and Granite Way occur on the final approval of the Prince Heights Subdivision plat and dedication of Cavern Way cul-de-sac Road. I suppose the vacation, approval of the subdivision, and dedication can occur simultaneously at the same hearing.

My proposed condition is provided below:

Staff has conferred with the Wasco County Public Works Director Arthur Smith and the Wasco County Surveyor Brad Cross, and recommends the following **condition** of approval: The final road vacation for Sandstone Way (portion), Cavern Way, and Granite Way roads shall be conditioned to take effect only upon the final approval of the proposed Prince Heights Subdivision plat and the approved public dedication of the proposed Cavern Way cul-de-sac road.

Please let me know what you think. Thanks for your assistance.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Email is still the best way to reach me!

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It is informational only and a matter of public record.

Kristen Campbell <kcampbell@campbellphillipslaw.com> Fri, Jul 14, 2023 at 11:33 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

I did the initial once over and punted to Chris.

Let me know if you have any additional questions!

Kristen

From: Christopher Crean <chris@gov-law.com>
Sent: Friday, July 14, 2023 11:17 AM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>

Cc: Kristen Ketchel-Bain <kristen@gov-law.com>
Subject: RE: Road Vacation & Dedication Question

It's a good plan. My only comment is to tweak the condition of approval, which is not really a "condition of approval" since it doesn't require the applicant to do anything. It's really just a delayed effective date. Here's my suggestion:

> "The final road vacation for Sandstone Way (portion), Cavern Way, and Granite Way roads shall take effect only upon the [final approval???] [recording???] of the final plat of the Prince Heights Subdivision, including the public dedication of the proposed Cavern Way cul-de-sac road."

I'm not entirely clear whether a final plat is "approved" or just "recorded." I know it has to be recorded (ORS 92.025), but it also may be "approved." Dan and/or the surveyor will know.

Chris

Christopher D. Crean
Beery Elsner & Hammond LLP

1804 NE 45th Avenue

PORTLAND, OR 97213

t (503) 226-7191 | c (503) 347-9863

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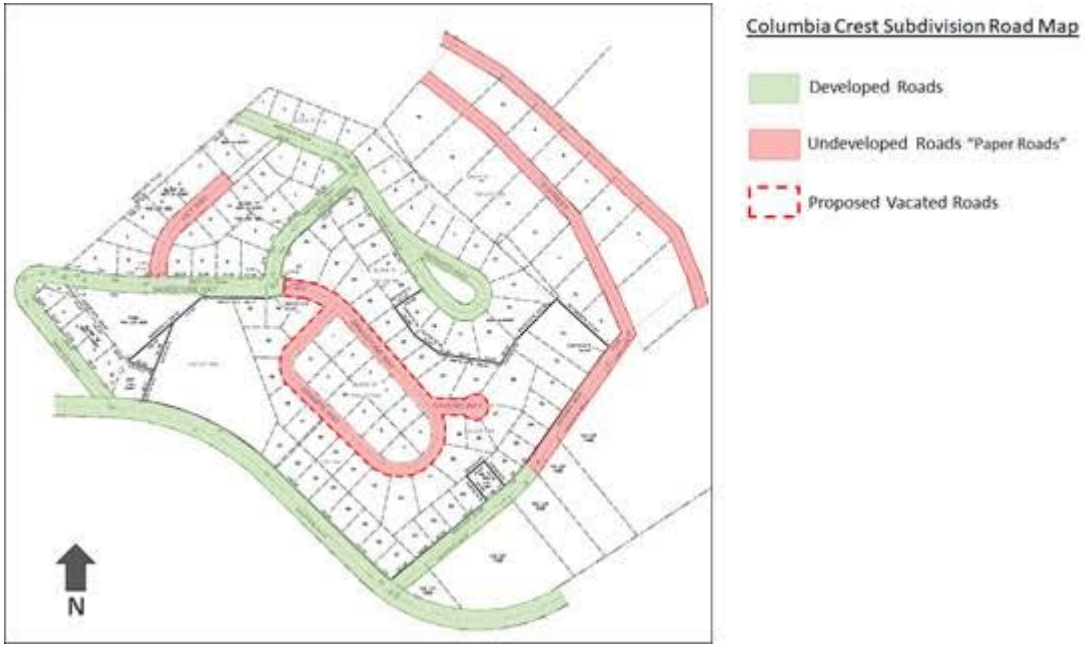
From: Kristen Campbell [mailto:kcampbell@campbellphillipslaw.com]
Sent: Thursday, July 13, 2023 3:58 PM
To: Christopher Crean
Subject: FW: Road Vacation & Dedication Question

I don't see an obvious problem with this approach. What say you?!? Thanks for any input.

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Thursday, July 13, 2023 3:23 PM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>
Subject: Road Vacation & Dedication Question

Hi Kristen,

We've got a preliminary subdivision replat (Prince Heights Subdivision) request that involves a replat of 66 lots into six lots within the Columbia Crest Subdivision, a road vacation and a public road dedication (I've attached maps below).



The issue is the timing of the vacation and dedication. The BOCC can't technically vacate Sandstone (portion), Cavern Way, and Granite Way before the new dedication and subdivision replat are approved because the vacation would leave numerous lots within the Columbia Crest Addition without public access. My solution is that the vacation order contains a condition that final vacation of Sandstone (portion), Cavern Way, and Granite Way occur on the final approval of the Prince Heights Subdivision plat and dedication of Cavern Way cul-de-sac Road. I suppose the vacation, approval of the subdivision, and dedication can occur simultaneously at the same hearing.

My proposed condition is provided below:

Staff has conferred with the Wasco County Public Works Director Arthur Smith and the Wasco County Surveyor Brad Cross, and recommends the following **condition** of approval: The final road vacation for Sandstone Way (portion), Cavern Way, and Granite Way roads shall be conditioned to take effect only upon the final approval of the proposed Prince Heights Subdivision plat and the approved public dedication of the proposed Cavern Way cul-de-sac road.

Please let me know what you think. Thanks for your assistance.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***

PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

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Daniel Dougherty <danield@co.wasco.or.us> Fri, Jul 14, 2023 at 11:42 AM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>

Many thanks to you and Chis.

Have a great weekend.

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Daniel Dougherty <danield@co.wasco.or.us>

Replat Letter

2 messages

Kathy Clark <kathyc@co.wasco.or.us> Wed, Jul 12, 2023 at 4:33 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good Afternoon, Daniel-

Tyler asked that I send this to you. :-)

Kathy Clark | ***Executive Assistant***
ADMINISTRATIVE SERVICES

kathyc@co.wasco.or.us | www.co.wasco.or.us
541-506-2520 | Fax 541-506-2551
511 Washington Street, Suite 101 | The Dalles, OR 97058

Email is the best way to reach me! In an effort to prevent, slow, and stop the spread of COVID-19 to our citizens and staff, our office will be limiting business to phone, email and online service. Please keep in mind that response time may vary. Thank you for your patience during this time.

WCCommentSmekelRePlat.docx.pdf
540K

Daniel Dougherty <danield@co.wasco.or.us> Wed, Jul 12, 2023 at 4:43 PM
To: Kathy Clark <kathyc@co.wasco.or.us>

Hi Kathy,

Many thanks! Please tell Tyler thanks:)

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Dear Planning Commission,

I am writing to provide comment on subdivision replat File 921-23-000023-PLNG related to the requirement for parks, playgrounds or recreational lands to be dedicated to Wasco County.

Wasco County currently does not have a dedicated program to support the continued management of dedicated public space. I encourage you to recommend, in lieu of dedication of land, you to require a payment to the County that will be held in a special fund for acquisition and the development and support of nearby public parks and facilities.

Sincerely,

Tyler Stone
Wasco County Administrator

Daniel Dougherty <danield@co.wasco.or.us>
to Bradley

Jul 10, 2023, 7:36 AM (13 days ago) Reply

Good morning Brad,

I hope your weekend went well. Can you tell me if the Prince Heights Subdivision name is already in use in Wasco County? I'm sure it's not, but would appreciate your comment for the record.

Respectfully,

Daniel

...

...

[Message clipped] View entire message

Bradley Cross
to me

Jul 10, 2023, 7:55 AM (13 days ago) Reply

This name is not in use and there is nothing similar. We have a Highland Heights, but I believe there is enough difference to allow the use of Prince's Heights.

Bradley Cross | *County Surveyor*
PUBLIC WORKS

bradleyc@co.wasco.or.us | www.co.wasco.or.us
541-506-2644 | Fax 541-506-2641
2705 East Second Street | The Dalles, OR 97058

Daniel Dougherty <danield@co.wasco.or.us>

Inquiry: Who Owns this Property

4 messages

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 7:32 AM
To: Brenna La Vigne <brennal@co.wasco.or.us>

Hi Brenna,

I'm trying to figure out who owns the following property. I'm guessing Wasco County.

Map: 1N 13E 5 AD 600
Account Number: 13902
Taxpayer: THE PUBLIC
Mailing Address: UNDETERMINED

The unit of land was created by the Columbia Crest Addition subdivision in 1953.

Thanks for your help.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Brenna La Vigne <brennal@co.wasco.or.us> Fri, Jun 30, 2023 at 7:58 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

From what Mel and I understand is that when the subdivision was created they designated that lot as a park. No one really owns it. Typically parks will be deeded over to the HOA but since this is an older subdivision I can not speak for why they did this the way it is. So no, Wasco County does not own it.

Thank you,

Brenna La Vigne | ***Deeds Clerk***
ASSESSMENT & TAX

brennal@co.wasco.or.us | www.co.wasco.or.us
541-506-2510 | Fax 541-506-2511
511 Washington Street, Suite #208 | The Dalles, OR 97058

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 8:03 AM
To: Brenna La Vigne <brennal@co.wasco.or.us>

Hi Brenna,

That's interesting. Can I put my name crest flag in the soil and obtain it for myself by right of conquest? :) Thanks for your help.

Respectfully,

Daniel
[Quoted text hidden]

Brenna La Vigne <brennal@co.wasco.or.us> Fri, Jun 30, 2023 at 8:10 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Yeah it had us stumped too. But it is also not the only parcel that is owned by "The Public".

Haha yes, please do that! And sorry I couldn't be anymore help. I swear the way things were done in the past gives me heartburn sometimes lol.

Brenna La Vigne | ***Deeds Clerk***
ASSESSMENT & TAX

brennal@co.wasco.or.us | www.co.wasco.or.us
541-506-2510 | Fax 541-506-2511
511 Washington Street, Suite #208 | The Dalles, OR 97058

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Comments Requested: Scenic Area Subdivision Replat [File No. 921-23-000023-PLNG]

Jill Amery <jilla@co.wasco.or.us> Wed, Jul 12, 2023 at 1:46 PM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: Kelly Howsley - Glover <kellyg@co.wasco.or.us>

Hi Daniel,

Doing some catch up today. The current park lot as you have seen from the previous correspondence has been very problematic. Though it isn't my decision on which path to take, my opinion for this subdivision is to not add another park space. Let the developer pay into the fund. If my initial calculation of the lots impacted are correct, the developer could pay an approximate $6,480.51 into the fund and forego the park.

I hope this is helpful to you. Please let me know if you have any additional questions.
Jill

[Quoted text hidden]
--

Jill Amery | ***Assessor/Tax Collector***
ASSESSMENT & TAX

jilla@co.wasco.or.us | www.co.wasco.or.us
541-506-2512 | Fax 541-506-2511
511 Washington St. Suite 208 | The Dalles, OR 97058

Daniel Dougherty <danield@co.wasco.or.us>

Seeking Public Comment: [Planning File No. 921-23-000023-PLNG]

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 10:03 AM
To: todd@nwprd.org

Good morning,

Wasco County Planning has received a subdivision replat application (see details below) that's within the North Wasco County Park and Recreation District, and we are hoping you can provide feedback pertaining to a criterion related to parks and recreation.

An application for a Scenic Area Review for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). The replat subdivision is named the Prince Heights Subdivision. Vacation of unused ROW and easements plus dedication of ROW 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

The National Scenic Area Land Use and Development Ordinance (NSA-LUDO) Section 21.030.Y provides the following:
Y. Public Open Space: Elementary and high school sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.

Wasco County Planning is looking for feedback, comments or advice pertaining to the fulfillment of this criterion. Are you concerned about long-term maintenance/ability to be adequately maintained? Would a sum paid to Wasco County be preferred instead of a public land dedication. I'm slightly concerned considering the proposed 0.16-acre park is adjacent to a long ago platted park (located at Map: 1N 13E 5 AD 600 Account Number: 13902) that I cannot locate the fee owner or figure out if the platted park is actively maintained.

I've attached the Notice of Hearing for your reference and provided maps of the existing and replatted subdivisions. The link to the application is here: https://www.co.wasco.or.us/departments/planning/active_landuse_applications.php. (You can find the application materials via file number 921-23-000023-PLNG).

Your comments/feedback are greatly appreciated.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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2 attachments

06272023_PCHearing_Notice_921-23-000023-PLNG.pdf
845K

Prince Hts Plans - Prelim Plat and Survey Exhibits (1).pdf
2810K

Daniel Dougherty <danield@co.wasco.or.us>

Sandstone Way property

Scott Baker <scottb@nwprd.org> Fri, Jun 30, 2023 at 2:49 PM
To: danield@co.wasco.or.us

Hello Daniel,

I have some, but limited information about the Sandstone way "park" property you emailed Todd about. 1N 13E 5 AD 600 Account Number: 13902 Please give me a call and I'll share what I know and my thoughts about additional park property at that location. I'm out of the office until July 5th.

Best regards,
Scott Baker
(541) 296-9533

Daniel Dougherty <danield@co.wasco.or.us>

Sandstone properties

1 message

Scott Baker <scottb@nwprd.org> Thu, Jul 6, 2023 at 4:06 PM
To: danield@co.wasco.or.us

Hello Daniel,

It was nice to talk with you today. As we discussed, 1N 13E 5 AD 600 Account Number: 13902 is not currently owned or maintained by NWCPRD. It has little or no recreational value and increasing its size .16 acre does not make it a better fit for public recreation. My opinion is that Wasco County would be better served by a cash payment in lieu of the property. If Wasco county is the owner of the adjacent "publicly owned" property, I would encourage them to surplus the property and acquire much needed park space on the westside.

Please let me know if I can be of further assistance,

Scott Baker

Daniel Dougherty <danield@co.wasco.or.us>

Comment Request: Scenic Area Subdivision (Replat) [File No. 921-23-000023-PLNG]

2 messages

Daniel Dougherty <danield@co.wasco.or.us> Fri, May 12, 2023 at 1:34 PM
To: Eric Grendel <ericg@ncphd.org>

Hi Eric,

I'm reaching out for feedback concerning this proposed subdivision (replat request). The request involves the following tax lots:

Map/Tax Lot
1N 13E 5 AD 300
1N 13E 5 AD 1000
1N 13E 5 AD 1100
1N 13E 5 AD 1200
1N 13E 4 BC 2600

The request is a Scenic Area Review for a Replat 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 of ROW 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

I attached the original Pre-Notice for reference, and the application's submitted Septic Evaluations that were conducted a few years ago. I've also provided the application link: https://cms5.revize.com/revize/wascocounty/document_center/Planning/Actions/Smilekel_Group_921-23-000023-PLNG/APP_921-23-000023-PLNG_SMILEKEL_GROUP.pdf

I've recieved several comments (none written yet, but several phone calls and a meeting) with neighbors who are all concerned about the soil quality in the area and the proposed areas of septic system. If there is contention with this replat, it's likely to center around septic feasibility in the area and the proposed sites for septic systems.

Any feedback for the record would be of great help.

If you need additional information or have questions please let me know.

Have a great weekend sir.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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2 attachments

Signed_PreNotice_for_Comments_NSA_921-23-000023-PLNG_Smilekel.pdf
349K

Septic_Eval_&_Soils.pdf
13185K

Eric Grendel <ericg@ncphd.org> Wed, Jun 28, 2023 at 11:17 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hey Daniel,

I appreciate you reaching out to seek input from the Environmental Health Department.

I've reviewed this proposed replat a few times since taking over the onsite septic program for NCPHD and have also met with my predecessor John Zalaznik who conducted the site evaluation back in 2017, to discuss his interpretation of the proposed replat and development.

Prior to John's evaluation, this proposal went through a Preliminary Feasibility Study by Aqua Resource Design & Consulting and was most notably finalized by REHS Brannon Lamp who is a highly regarded consultant for environmental health services. In Brannon's results, he suggested that the Re-Plat include a series of easements and some help from a designer to adequately demonstrate that the design could support both primary and secondary drainfield areas for 7-8 lots.

Klein Associates was then hired in July of 2017 to create a schematic for the proposed development and replat for the individual lots, which included Aqua Resources sampled soil pit sites. This was provided to John Zalaznik for his site evaluation which was conducted on 9/28/17.

John's evaluated 8 lots for onsite septic suitability and proposed that the area have an Engineered hydrologic Study be conducted due to his concerns over the loading capacity of the site and landslide potential.

Environmental Management Services, INC. (EMS) was then hired to determine whether or not the site was stable to accept the projected daily flow for wastewater.

EMS determined that there were some factors that would indicate there be a cautious approach with the designing of the septic systems and determined that a pressurized distribution system be considered to prevent the uneven distribution of effluent to avoid instability of localized saturated soils. EMS also recommended that Erosion Control Measures be implemented to further prevent any destabilization that could occur.

From my standpoint, working with small lots (Murray's Addition, Sportsman's Park, Pine Hollow) is a major challenge once they've been developed because finding a suitable replacement site can be limited. Since these lots have not been developed yet, NCPHD can require certain criteria to be met before approving a structural permit for sanitation, or a construction permit for onsite wastewater disposal however, larger lots such as the ones proposed do provide more room for adjustments (even if they're on easements). Many times, people may build something in an area that doesn't require a permit and don't think about that space being the only suitable replacement area which can compound an already difficult situation.

While the hypothetical situations are endless as to what could occur in any development, I do believe that expanding the footprint of these lots would be more suitable than trying to squeeze in several ATT systems on smaller lots if they were found to be approved for onsite wastewater treatment.

This replat has had several environmental specialists provide insight into the proposed development, in which I cannot see anything that would keep this from moving forward as long as it's designed and installed appropriately.

Sorry for the late response and feedback to your inquiry Daniel. This development has a few layers that I really wanted to feel confident with my input when addressing your questions.

I hope this helps. Feel free to reach out anytime if you have questions.

Eric Grendel
Environmental Health, REHS
North Central Public Health District
419 E. 7th St. The Dalles, OR 97058
ericg@ncphd.org
Ph:(541)506-2622
Cell:(541)993-0021
(He/Him)

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Subdivision Comments [File No. 921-23-000023-PLNG]

7 messages

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 11:19 AM
To: jwood@mcfr.org

Good morning Chief Wood,

We recieved a subdivision to replat 66 lots to 6 lots within the Columbia Crest Addition Subdivision Scenic Area:
.

Map/Tax Lot	Acct. #	Acres
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

The proposal seeks to vacate "paper roads" in the Columbia Crest Subdivision and dedicate a single point of access (see Cavern Way Cu-De-Sac in maps below). The subdivision replat proposes a new publicly dedicated road “Cavern Way” (Cul-De-Sac) which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated “Sandstone Way” and/or "Hermits Way".

The proposed Cul-De-Sac will be 22' wide paved with 2' wide gravel shoulders (50' wide road tract). I've provided a couple of maps I've created and the actual subdivision Pdf. Maps. The entire application is located

I'm hoping to get your professional opinion concerning fire safety. A pre-notice was sent on March 16, 2023 for comments, and a Planning Commission hearing for the decision will be heard on August 1.

Thanks for your help.

Respectfully,

Daniel

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Vacated Roads

Map 2

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Road

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Prince Hts Plans - Prelim Plat and Survey Exhibits (1).pdf
2810K

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 11:41 AM
To: jwood@mcfr.org

Hi Chief Wood,

I forgot to mention that the cul-de-sac proposes a 590' Length and will have a 48' radius turnaround.

Thanks for your assistance.

Respectfully,

Daniel
[Quoted text hidden]

Jay Wood <jwood@mcfr.org> Wed, Jun 28, 2023 at 9:17 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good morning,

I was out of the office Monday and worked on this yesterday. To be clear, page 4 of the PDF you sent over is the proposed, and if so here are the requirements for access and water supply as per Oregon Fire Codes (OFC). All these requirements would come into play upon building.

Fire Apparatus Access:

- The fact that this is over 2 residential lots/buildings, these requirements come into play, again upon building. Access roads need to extend to within 150 feet of each structure on each lot. The 150 feet is from where we park the fire apparatus and then around the exterior of the building (where we would potentially pull the hose for fire attack). See note below regarding individual driveways on the lots.
- The rest of the access specifications come from Appendix D of the OFC
  - The height of the access needs to be at least 13’6” along the entire access road. Trees will need to be maintained at that height throughout and any overhead signs, etc as well.
  - The driving surface needs to be “all weather” though there is no good interpretation of what this really means. Generally accepted is concrete and/or asphalt. For a one or two lot development, a gravel driveway suffices. See note below about driveways on individual lots.
  - The access road must support an imposed load of 85,000, the gross weight of our heaviest fire apparatus including driveways.
  - Minimum width of the access road is 26’ driving surface for two reasons;
    - Access roads great than 500 feet require 26’ width
    - Hydrants will be required so the road must be 26’ (see water supply below).
  - Grade shall be 10 percent of slope or less. There is the short pitch of greater than 10 percent allowed if necessary and by approval of the Fire District.
  - Dead end roads greater than 150 feet must have a turnaround. The cul-de-sac works as a turnaround; however, the minimum dimension of the cul-de-sac is 96 feet. Alternatives could be a hammer head “T”, a “Y” or other arrangement that has at least 2 legs that are at a minimum of 60 feet in length.
  - No Parking Signs will be required unless the access road is greater than 32’ in width.
    - At exactly 26’ width, signs on both sides are required.
    - Greater than 26’ width only requires on side to be signed.
    - Signs have to be a minimum of 12” wide by 18” high with red letters with white reflective background. Wording of “No Parking” and “Fire Lane” are required. Arrows can be used if a portion of the roadway is greater than 32’ then necks down to less than 32’.
  - Probably not an issue with this as it’s residential, but if the building heights are 30’ or three stories, two roads to access the buildings are required (access for ladder truck)
- Structures on the lots must be within the 150’ from the access road OR they must have access roads/driveways that meet the height, weight, grade and turnaround requirements. Width can be reduced to 12’ drivable surface on individual lots with one or two dwellings (such as an ADU)
- There is the possibility of exceptions to some of these requirements if the dwellings (not garages, outbuildings) have an approved automatic fire sprinkler system installed in the residences. Typically, we see this with grades greater than 10 percent of slope or hydrant placement issues due to underground issues (rock usually), however, we can discuss further with you and/or the developer.

Water supply

- Because there is a water system in that area (Chen. Water PUD), one or more hydrants will be required. The hydrant/hydrant system will need to flow 1,000 Gallons per minute with a 20 pounds per square inch residual pressure.
  - If all of the homes will have sprinklers, that can be dropped to 500 gallons per minute at 20 psi residual.
  - If 1,000 gallons, the flow has to have the capacity to be maintained for 1-hour. If 500 gallons, then the duration is ½-hour.
  - The developer may be required to provide the available fire flow as noted if the water system cannot support the requirements. That can be in the form of:
    - their own water system of reservoirs and hydrant(s)
    - supplementing the current water system by paying for upgrades to the public system.
- Maximum distance from a dwelling to a hydrant is 200 feet. In other words, a hydrant will need to be installed within 200' of the center of the cul-de-sac (after being redrawn with the correct diameter requirement). This will need to be discussed if the dwellings are not near the cul-de-sac end of the lots (set back from the cul-de-sac with a driveway). If dwellings/buildings are set back from the street, it may be best to install the hydrant at the cul-de-sac.
  - This can be increased to 250' if sprinklers installed.
- Another hydrant would need to be installed within 500 feet of the one servicing the cul-de-sac. This can be increased to 625' if sprinklers are installed in all dwellings on each of the subject lots.
- Lot 1, if accessed by Sandstone Way will have to be situated so it is within that 500'/625' or an additional hydrant will need to be installed.

Please let me know if you have any questions. I'd be happy to get out of the office and meet with you and/or the developer as needed.

Thank you for reaching out on this one. I didn't see the earlier notice (but did get the email). Not sure how I missed this one.

Jay

Jay Wood, Division Chief

Prevention/Public Education

Mid-Columbia Fire and Rescue

1400 W. 8th Street

The Dalles, Oregon 97058

jwood@mcfr.org

Office: 541-296-9445

Cell: 541-993-1677

Educate, Serve and Protect

[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

> Good morning Chief Wood,
>
> [Quoted text hidden]

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Vacated Roads

Map 2

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Road

--

Daniel Dougherty | ***Senior Planner***

PLANNING DEPARTMENT

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Office Notice about COVID-19

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Email is still the best way to reach me!

This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Wed, Jun 28, 2023 at 4:26 PM
To: Sean Bailey <seanb@co.wasco.or.us>

Hi Sean,

I've forwarded you Chief Woods' comments.

Respectfully,

Daniel
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jun 29, 2023 at 3:50 PM
To: Jay Wood <jwood@mcfr.org>

Chief Wood,

Many thanks for your comments. I've got an additional item I'd like your feedback on as it's discretionary.

There's a criterion in our Land Divisions Chapter 21:

L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Concerning "Sandstone Way" that will provide primary access from Cherry Heights to the proposed Cavern Way cul-de-sac: I measured Sandstone to be approximately 35' wide at Cherry Heights, roughly 30' w at the first eastward turn, and approximately 25' w at Hermits Way. This is a public road of local access, and I'm not sure when it was actually built, or to what standards it was built to. The original subdivision plat has Sandstone at 50' w. I'm trying to determine if the replat warrants the widening of Sandstone. Do you believe the request warrants Sandstone to be widened based on potential fire safety standards? Truthfully, if the developer could figure out how to make the septic system work, they could sell the existing 66 small lots and not necessarily have to deal with Sandstone Way at all...they might have to build out the platted paper roads approved under the original plat, but there'd be no mechanism under Planning to require additional right of way.

Thanks for the help! I'll likely have additional questions as we proceed.

Respectfully,

Daniel

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Sun, Jul 9, 2023 at 4:41 PM
To: Jay Wood <jwood@mcfr.org>

Good afternoon Chief Wood,

I've provided your comments in the staff report and relied upon them for findings and conditions of approval regarding our cul-de-sac criterion:

Chapter 21 Land Divisions Section 21.030.G

G. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 11 and the local fire department.

I'm hoping to get your feedback concerning the following findings/conditions, so that I can square them away prior to the hearing (It's quite a process to alter them after a decision is made).

In general, dead end (cul-de-sac) roads are not desirable, but considering the geography of the area and limited suitable spaces to locate septic drain fields, the following recommended 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 fire apparatus access:

(1) To ensure access roads extend to within 150 feet of each structure on each lot, a **condition** of approval is recommended requiring that 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.

(2) To ensure that no obstacles exist for fire apparatus access, a **condition** of approval is recommended requiring that 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.

(3) To ensure the public is notified of restricted parking areas for fire apparatus, a **condition** of approval is recommended requiring that signage be provided on both sides of the Cavern Way cul-de-sac road, and that the signage must be a minimum of 12" wide x 18" high with red letters with white reflective background with wording of "No Parking" and "Fire Lane".

(4) To ensure that all fire apparatus have access to the proposed Lots 3-6 along the Cavern Way cul-de-sac road, a **condition** of approval is recommended requiring that 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, and that the grade shall be 10 percent of slope or less. 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.

According to Chief Wood, the subdivision area is within the Chenowith Water District. The Wasco County Geographic Information System "Water Districts" map layer provides that the water district is the Columbia Crest Water District. In any case, in consideration of water supply for fire apparatus, the following recommended 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:

(1) To ensure on-site water is available for structural fire protection, a **condition** of approval is recommended that fire hydrants shall be provided at least 200 feet from all designated development areas for the proposed Lots 1-6; or

(2) 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, a **condition** of approval is recommended that fire hydrants shall be provided at least 250 feet from all designated development areas for the proposed Lots 1-6.

(3) A **condition** of approval is recommended that a fire hydrant shall be provided within 500 feet of the fire hydrant servicing the cul-de-sac; or

(4) 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, a **condition** of approval is recommended that the fire hydrant shall be provided within 625 feet of the fire hydrant servicing the cul-de-sac.

(5) If Lot 1 is accessed by Sandstone Way, a **condition** of approval is recommended requiring that 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

(6) 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, a **condition** of approval is recommended 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.

(7) 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

(8) 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, a **condition** of approval is recommended that 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.

(9) To ensure the proposed fire hydrants can meet required flow rate conditions, a **condition** of approval is recommended that prior to public dedication of the proposed Cavern Way cul-de-sac, the subdivider shall provide objective substantial evidence from the local fire district that the proposed fire hydrants will have the required flow rates; or

(10)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.

Thanks for your feedback.

Respectfully,

Daniel

On Wed, Jun 28, 2023 at 9:17 AM Jay Wood <jwood@mcfr.org> wrote:

[Quoted text hidden]

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Sun, Jul 9, 2023 at 4:48 PM
To: Jay Wood <jwood@mcfr.org>

I missed the cul-de-sac requirement, and added it into Access Condition 4:

(4) To ensure that all fire apparatus have access to the proposed Lots 3-6 along the Cavern Way cul-de-sac road, a **condition** of approval is recommended requiring that 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.

Respectfully,

Daniel

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Subdivision Comments [File No. 921-23-000023-PLNG]

8 messages

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 10:13 AM
To: Arthur Smith <arthurs@co.wasco.or.us>, Bradley Cross <bradleyc@co.wasco.or.us>

Good morning,

We recieved a subdivision to replat 66 lots to 6 lots within the Columbia Crest Addition Subdivision Scenic Area:
.

Map/Tax Lot	Acct. #	Acres
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

I know the proposal has been tossed around since at least 2018, and we've discussed the process on road vacation and road dedications.

Correct me if I'm wrong, but from my understanding, the BOCC can't vacate the existing Cavern Way, Sandstone Way, and Granite Way roads before it dedicates the new Cavern Way. The Planning Commission will make a decision in the matter (Preliminary Plan) on August 1. I'm trying to figure out how to condition the dedication and vacation so it works with any requirements you folks might have for the final plat. I'm also looking for any technical feedback you might have. I'll send additional questions in this thread as they arise.

I've attached a couple of maps, the Pdf. subdivision plan and linked the online location of the application (See File No. 921-23-000023-PLNG): https://www.co.wasco.or.us/departments/planning/active_landuse_applications.php.

Thanks for the help.

Respectfully,

Daniel

See maps below:

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Vacated Roads

Map 2

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Road

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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It is informational only and a matter of public record.

Prince Hts Plans - Prelim Plat and Survey Exhibits (1).pdf
2810K

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jun 26, 2023 at 10:47 AM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: Bradley Cross <bradleyc@co.wasco.or.us>

We received a petition to vacate several roads within the Columbia Crest Addition back in May, 2022. The Smilekel Group made that request. I would need an updated road vacation petition, clearly showing what roads or sections of road are proposed for vacation. Then, depending on the Planning Commission decision, we could move forward with the BOC on the vacations, pending approval of the new road dedications / subdivision plat. Brad and I have discussed this issue before. Thanks

Arthur
[Quoted text hidden]
--

Arthur Smith | ***Director***
PUBLIC WORKS

arthurs@co.wasco.or.us | www.co.wasco.or.us
541-506-2645 | Fax 541-506-2641
2705 East 2nd Street | The Dalles, OR 97058

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 11:48 AM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

Thanks for the update. Do you have opinions of the potential impact this proposal will have on Cherry Heights Road or Sandstone Way/Hermits Way?

Anticipated ADT impacts to existing roads?

The proposed Cul-De-Sac will be 22' wide paved with 2' wide gravel shoulders (50' wide road tract), will be 590' in length, and have a 48' radius (96' diameter) turnaround. The application provides that the road will be maintained by the homeowners with a maintenance agreement.

Respectfully,

Daniel

[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jun 26, 2023 at 1:38 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Daniel,

Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or

road maintenance agreement is a requirement of the subdivision approval. Thanks

Arthur
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jun 29, 2023 at 3:44 PM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

Thanks for the comments. There's a criterion in our Land Divisions Chapter 21:

L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Concerning "Sandstone Way" that will provide primary access from Cherry Heights to the proposed Cavern Way cul-de-sac: I measured Sandstone to be approximately 35' wide at Cherry Heights, roughly 30' w at the first eastward turn, and approximately 25' w at Hermits Way. This is a public road of local access, and I'm not sure when it was actually built, or to what standards it was built to. The original subdivision plat has Sandstone at 50' w. I'm trying to determine if the replat warrants the widening of Sandstone. Do you believe the request warrants Sandstone to be widened based on the proposed replat and potential traffic. Truthfully, if the developer could figure out how to make the septic system work, they could sell the 66 small lots and not necessarily have to deal with Sandstone Way at all...they might have to build out the platted paper roads, but there'd be no mechanism under Planning to require additional right of way.

Thanks for the help! I'll likely have additional questions as we proceed.

Respectfully,

Daniel
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jun 29, 2023 at 3:47 PM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

Accidentally sent my email to you before it was ready. See below:

Thanks for the comments. There's a criterion in our Land Divisions Chapter 21:

L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Concerning "Sandstone Way" that will provide primary access from Cherry Heights to the proposed Cavern Way cul-de-sac: I measured Sandstone to be approximately 35' wide at Cherry Heights, roughly 30' w at the first eastward turn, and approximately 25' w at Hermits Way. This is a public road of local access, and I'm not sure when it was actually built, or to what standards it was built to. The original subdivision plat has Sandstone at 50' w. I'm trying to determine if the replat warrants the widening of Sandstone? Do you believe the request warrants Sandstone to be widened based on the proposed replat and potential traffic? Truthfully, if the developer could figure out how to make the septic system work, they could sell the 66 small lots and not necessarily have to deal with Sandstone Way at all...they might have to build out the platted paper roads, but there'd be no mechanism under Planning to require additional right of way.

Thanks for the help! I'll likely have additional questions as we proceed.

Respectfully,

Daniel
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jul 3, 2023 at 8:37 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good morning,

The existing roadway widths are adequate to serve the additional lots and appear to have been built to meet our minimum road standards. I would not require any road widening. My only request would be for a Road Maintenance Agreement or Homeowners Agreement to ensure that the public roads are maintained after development. Thanks

Arthur
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Wed, Jul 12, 2023 at 11:20 AM
To: Arthur Smith <arthurs@co.wasco.or.us>, Bradley Cross <bradleyc@co.wasco.or.us>

Gentleman,

I'm looking for feedback pertaining to the following conditions of approval concerning the proposed Prince Heights Subdivision Caver Way cul-de-sac road dedication and the necessary road vacations for Sandston Way (portion), Caver Way, and Granite Way roads in the existing Columbia Crest Addition Subdivision.

Pertaining to Road Maintenance:

Based on Mr. Smith's commentary and the implementation policies within the Wasco County Comprehensive Plan, staff recommends the following **conditions** of approval be achieved prior to final subdivision plat approval:

(1) A waiver of remonstrance for future publicly funded road improvements for the proposed Cavern Way road be recorded with the Wasco County Clerk; and

(2) 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.

With the recommended conditions, staff finds the request is consistent with the goals and policies of the Comprehensive Plan and Section 21.300.C.1.

Pertaining to the Road Vacation and Dedication:

The proposed Cavern Way cul-de-sac road has not been constructed, and cannot be dedicated until the existing dedicated roads have been properly vacated. However, the existing dedicated Sandstone Way (portion), Cavern Way, and Granite Way roads cannot be vacated before the proposed subdivision and road dedication are approved because the existing lots within the Columbia Crest Addition Subdivision would be left without public access. Staff has conferred with the Wasco County Public Works Director Arthur Smith and the Wasco County Surveyor Brad Cross, and recommends the following **condition** of approval: The final road vacation for Sandstone Way (portion), Cavern Way, and Granite Way roads shall be conditioned to take effect only upon the final approval of the proposed Prince Heights Subdivision plat and the approved public dedication of the proposed Cavern Way cul-de-sac road.

Please let me know what you think. Thanks for your assistance.

Respectfully,

Daniel

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Subdivision Sidewalks

8 messages

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jul 13, 2023 at 11:09 AM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

I'm looking for feedback pertaining to sidewalk and bike lane criteria for the proposed subdivision. Do you think that the request needs sidewalks or bicycle lanes? The area currently lacks sidewalks, bicycle lanes and has a low residential density.

> *1. When necessary, and consistent with Wasco County's standards, sidewalks shall be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:*
>
> > *a. The subject property is located within one-quarter mile of a school, shopping center, recreation area, or other use likely to create pedestrian traffic; or*
> >
> > *b. The surrounding area is developed with sidewalks or is zoned for commercial, industrial or urban residential uses.*
>
> *2. Sidewalk(s) shall be constructed to applicable standards (see Table 2 Urban Wasco County Roadway Design Standards in the Wasco County Transportation System Plan). Sidewalk requirements may be waived, or may be deferred through a road improvement agreement when, in the opinion of the County, sidewalks would not be immediately necessary to accommodate pedestrian traffic.*
>
> *3. Bicycle facilities shall be required along new roads when necessary to extend an existing bicycle route, or when a bicycle route or way is proposed within an adopted Transportation System Plan.*

Thanks for the help.

Respectfully,

Daniel
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Arthur Smith <arthurs@co.wasco.or.us> Mon, Jul 17, 2023 at 8:50 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Daniel,

Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane.

Arthur
[Quoted text hidden]
--

Arthur Smith | ***Director***
PUBLIC WORKS

arthurs@co.wasco.or.us | www.co.wasco.or.us
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Daniel Dougherty <danield@co.wasco.or.us> Mon, Jul 17, 2023 at 2:32 PM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

I don't believe the City is interested. Thanks for the feedback.

Another question:

Have you published:

A. Drawings

1. The County Road Master shall have the authority to publish "Standard Drawings" for the design of public streets and roads. These drawings may be included in the separately adopted document listed in B(1) above.

Respectfully,

Daniel
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jul 17, 2023 at 2:36 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

We may have some drawings for typical road cross sections in our TSP (from 2009). That was done before I became Director. However, we defer to the ODOT / APWA standard drawings and specifications. Thanks

Arthur
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jul 17, 2023 at 2:45 PM
To: Arthur Smith <arthurs@co.wasco.or.us>

Excellent. Thank you for your comments. I think that's about it. I should have the Staff Report and recommended Conditions of Approval finished by tomorrow. Can I shoot the road related conditions your way for a quick once over?

Respectfully,

Daniel
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jul 17, 2023 at 2:52 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Yes, no problem.
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Tue, Jul 18, 2023 at 9:25 AM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

I've got three more questions for you if you have the time. There's three more sections that need findings, concerning adjacent roadway improvements, access improvements (traffic study, and pedestrian access). In the case of ublic, agency, or interest group comments, I want to make sure I've buttoned up or covered any possible concerns. I know we've addressed these issues in prior sections, but comments specific to the sections would be extremely helpful.

First
Section 21.440 Roadway Improvement Standards
A. Roadway Requirements: No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:
1. A development may be approved if the adjacent roadway does not meet the standards but halfstreet improvements meeting the standards of this title are constructed adjacent to the development.

Based on the application materials and your previous statements, I don't believe that adjacent roadways (primarily Sandstone and Hermits Way) need to be improved, and meet the standards, but additional comments would be helpful.

Second
Section 21.450 Access Control Standards.
1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)

This entire section is concerned with access to the subdivision. Primary public access comes from Cherry Heights via Sandstone Way (and/or Hermits for Lots 1 &2) and for Lots 3, 4, 5, and 6, the proposed Cavern Way cul-de-sac road. Based on the application materials and your previous statements, I don't believe that access control will be an issue, but additional comments would be helpful.

Third
Section 21.460 Pedestrian Access and Circulation
A. Site Layout and Design - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system.

You've made comment that considering the rural nature of the subdivision area, sidewalks will not be required. The overall application, density of the area, and history of the developed lots within the existing Columbia Crest Addition do not support requiring pedestrian access for the 6 proposed replatted lots, but additional comments would be helpful.

Thanks for your help.

Respectfully,

Daniel
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Tue, Jul 18, 2023 at 10:51 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Daniel,

Thank you for the opportunity to comment - see below:

First

Section 21.440 Roadway Improvement Standards

A. Roadway Requirements: No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:

1. A development may be approved if the adjacent roadway does not meet the standards but half street improvements meeting the standards of this title are constructed adjacent to the development.

Based on the application materials and your previous statements, I don't believe that adjacent roadways (primarily Sandstone and Hermits Way) need to be improved, and meet the standards, but additional comments would be helpful.

Based on my recent inspections, the adjacent public roadways - Sandstone Way and Hermits Way meet our rural road standards. The first portion of Sandstone Way is county maintained, and both roadways are paved surface roads, with adequate width and drainage. I would not recommend any road improvements on these adjacent roads.

Second

Section 21.450 Access Control Standards.

1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)

This entire section is concerned with access to the subdivision. Primary public access comes from Cherry Heights via Sandstone Way (and/or Hermits for Lots 1 &2) and for Lots 3, 4, 5, and 6, the proposed Cavern Way cul-de-sac road. Based on the application materials and your previous statements, I don't believe that access control will be an issue, but additional comments would be helpful.

I have reviewed the existing average daily traffic volumes for Cherry Heights Road and Sandstone Way - I have no data for the public roads. These roads can easily absorb the additional traffic generated by the proposed development and will not cause any increased maintenance. I do not foresee any access control issues resulting from this development.

Third

Section 21.460 Pedestrian Access and Circulation

A. Site Layout and Design - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system.

You've made comment that considering the rural nature of the subdivision area, sidewalks will not be required. The overall application, density of the area, and history of the developed lots within the existing Columbia Crest Addition do not support requiring pedestrian access for the 6 proposed replatted lots, but additional comments would be helpful.

As I stated before, most rural county roads are shared use roads - drivers, bicyclists and pedestrians all have the same right to travel the public roadway. Our rural road standards do provide for a shoulder area outside the paved road and that shoulder is adequate for the expected pedestrian use to be generated by this development (pedestrians can obviously walk along the main roadway, when not in conflict with vehicular traffic). I would not recommend any additional pedestrian path or pedestrian system.

Thank you,

Arthur

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Inquiry [File No. 921-23-000023-PLNG]

21 messages

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 8:47 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

I hope your weekend went well. As I dive deeper into the staff report, I'll likely submit questions to you.

Question 1: The leftover TRACT "A" (1.31 Acres). Who will own it, maintain it (HOA?)

Section 21.030.F

> *3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.*

"Leftover lot areas" aren't necessarily defined, but Tract A as a leftover private open space tract might fall within that definition if pressed. The lots within the subdivision are being enlarged to approximate the minimum zone size, but more information about Tract A will help address this criterion.

Respectfully,

Daniel
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

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It is informational only and a matter of public record.

Elizabeth Betts <elizabeth@kleinassocinc.com> Mon, Jun 26, 2023 at 9:14 AM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: Jim Klein <jimk@kleinassocinc.com>

Hi Daniel,

Tract A will be owned by the HOA. It is open space and will also contain easements for some of the septic drainfields. I'm curious whether a Tract considered a leftover lot area since it will never be proposed to be built on?

Best,

Elizabeth Betts, PE

Klein & Associates, Inc

Office: 541-386-3322

Web: kleinassocinc.com

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Monday, June 26, 2023 8:47 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

I hope your weekend went well. As I dive deeper into the staff report, I'll likely submit questions to you.

Question 1: The leftover TRACT "A" (1.31 Acres). Who will own it, maintain it (HOA?)

Section 21.030.F

> *3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.*

"Leftover lot areas" aren't necessarily defined, but Tract A as a leftover private open space tract might fall within that definition if pressed. The lots within the subdivision are being enlarged to approximate the minimum zone size, but more information about Tract A will help address this criterion.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***

PLANNING DEPARTMENT

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Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 11:23 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Is a covenant proposed for Tract A keeping it open-space?

Also,

Section 21.030.
P. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 11 and the local fire department.

Can you provide additional details as to why the Cul-de-sac is being proposed as opposed to a through street? I'm guessing slope and elimination of developable land to be used for septic fields, but if you can provide additional details that would be great.

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Elizabeth Betts <elizabeth@kleinassocinc.com> Mon, Jun 26, 2023 at 1:42 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

We will have CCR's that protect the open space. I don't have CCR's yet for this subdivision – they are usually put together by the developer's lawyer, but here's a sample of one I've used in the past.

Open Space Tract:

a. *The designated open space tract within the subdivision shall be preserved in perpetuity and shall not be developed or altered for any purpose.*

For the cul-de-sac, you are correct in your thoughts. My primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations.

Best,

Elizabeth

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Tue, Jun 27, 2023 at 11:20 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Thanks for the additional information.

Pertaining to 21.030.L
L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Arthur Smith provided that Sandstone and Hermits Way are local roads of public access that are not maintained by the County. Per application materials, the newly proposed Cavern Way cul-de-sac will be publicly dedicated (local road of public access) and maintained by the HOA (a condition of approval will be added to the decision ensuring this occurs). Two questions:

(1) Are there plans to provide for the maintenance of the existing Sandstone and Hermits Way roads?
(2) What is current condition of Sandstone and Hermits Way roads? Every indication I have is that they are paved, at least 30' wide (maybe wider), and meet existing Fire Safety Standards.

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
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It is informational only and a matter of public record.

Elizabeth Betts <elizabeth@kleinassocinc.com> Wed, Jun 28, 2023 at 12:39 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

For your questions below:

1. There is normally a road maintenance agreement for privately maintained roads. I do not know how the road maintenance agreement (if there is one) is set up for the existing Sandstone or Hermit's Way. If these parcels were part of that agreement, then they would need to participate in the maintenance. Does Arthur have that documentation? I don't believe that Hermit's Way would be impacted or accessed by this subdivision other than the sawcuts for water and dry utility trench, which will be restored/paved; therefore maintenance of Hermit's Way does not seem to be something that would be indicated for this project.

The existing ROW on both roads is 50'. We are also revising and dedicating ROW on Sandstone in the curve so that the existing road will actually be in ROW (it was constructed outside of ROW).

2. The streets are paved and appear to be in decent condition. The pavement in our limited survey area on Sandstone exceeds 20' width (varies up to 24') and gravel shoulders are about 2' wide. I've attached a photo of Sandstone taken during surveying a few years ago as well as one of the intersection of Sandstone and Hermit's looking east on Hermit's. Again, I don't believe that Hermits Way would be impacted or used by this subdivision other than the sawcuts for water and dry utility trench, which will be restored/paved, so width of Hermit's would not be pertinent to this project since access will be from Sandstone.

Hope that helps – let me know if you have additional questions.

Best regards,

[Quoted text hidden]

2 attachments

IMG_4489.JPG
6874K

20211117_121310.jpg
4491K

Daniel Dougherty <danield@co.wasco.or.us> Wed, Jun 28, 2023 at 4:25 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good afternoon,

I've provided Chief Woods (Mid Col. Fire Dept.) comments for your reference:

Good morning,

I was out of the office Monday and worked on this yesterday. To be clear, page 4 of the PDF you sent over is the proposed, and if so here are the requirements for access and water supply as per Oregon Fire Codes (OFC). All these requirements would come into play upon building.

Fire Apparatus Access:

- The fact that this is over 2 residential lots/buildings, these requirements come into play, again upon building. Access roads need to extend to within 150 feet of each structure on each lot. The 150 feet is from where we park the fire apparatus and then around the exterior of the building (where we would potentially pull the hose for fire attack). See note below regarding individual driveways on the lots.
- The rest of the access specifications come from Appendix D of the OFC

  - The height of the access needs to be at least 13’6” along the entire access road. Trees will need to be maintained at that height throughout and any overhead signs, etc as well.
  - The driving surface needs to be “all weather” though there is no good interpretation of what this really means. Generally accepted is concrete and/or asphalt. For a one or two lot development, a gravel driveway suffices. See note below about driveways on individual lots.
  - The access road must support an imposed load of 85,000, the gross weight of our heaviest fire apparatus including driveways.
  - Minimum width of the access road is 26’ driving surface for two reasons;
    - Access roads great than 500 feet require 26’ width
    - Hydrants will be required so the road must be 26’ (see water supply below).
  - Grade shall be 10 percent of slope or less. There is the short pitch of greater than 10 percent allowed if necessary and by approval of the Fire District.
  - Dead end roads greater than 150 feet must have a turnaround. The cul-de-sac works as a turnaround; however, the minimum dimension of the cul-de-sac is 96 feet. Alternatives could be a hammer head “T”, a “Y” or other arrangement that has at least 2 legs that are at a minimum of 60 feet in length.
  - No Parking Signs will be required unless the access road is greater than 32’ in width.
    - At exactly 26’ width, signs on both sides are required.
    - Greater than 26’ width only requires on side to be signed.
    - Signs have to be a minimum of 12” wide by 18” high with red letters with white reflective background. Wording of “No Parking” and “Fire Lane” are required. Arrows can be used if a portion of the roadway is greater than 32’ then necks down to less than 32’.
  - Probably not an issue with this as it’s residential, but if the building heights are 30’ or three stories, two roads to access the buildings are required (access for ladder truck)
- Structures on the lots must be within the 150’ from the access road OR they must have access roads/driveways that meet the height, weight, grade and turnaround requirements. Width can be reduced to 12’ drivable surface on individual lots with one or two dwellings (such as an ADU)
- There is the possibility of exceptions to some of these requirements if the dwellings (not garages, outbuildings) have an approved automatic fire sprinkler system installed in the residences. Typically, we see this with grades greater than 10 percent of slope or hydrant placement issues due to underground issues (rock usually), however, we can discuss further with you and/or the developer.

Water supply

- Because there is a water system in that area (Chen. Water PUD), one or more hydrants will be required. The hydrant/hydrant system will need to flow 1,000 Gallons per minute with a 20 pounds per square inch residual pressure.
  - If all of the homes will have sprinklers, that can be dropped to 500 gallons per minute at 20 psi residual.
  - If 1,000 gallons, the flow has to have the capacity to be maintained for 1-hour. If 500 gallons, then the duration is ½-hour.
  - The developer may be required to provide the available fire flow as noted if the water system cannot support the requirements. That can be in the form of:
    - their own water system of reservoirs and hydrant(s)
    - supplementing the current water system by paying for upgrades to the public system.
- Maximum distance from a dwelling to a hydrant is 200 feet. In other words, a hydrant will need to be installed within 200’ of the center of the cul-de-sac (after being redrawn with the correct diameter requirement). This will need to be discussed if the dwellings are not near the cul-de-sac end of the lots (set back from the cul-de-sac with a driveway). If dwellings/buildings are set back from the street, it may be best to install the hydrant at the cul-de-sac.

  - This can be increased to 250’ if sprinklers installed.
- Another hydrant would need to be installed within 500 feet of the one servicing the cul-de-sac. This can be increased to 625’ if sprinklers are installed in all dwellings on each of the subject lots.
- Lot 1, if accessed by Sandstone Way will have to be situated so it is within that 500’/625’ or an additional hydrant will need to be installed.

Please let me know if you have any questions. I’d be happy to get out of the office and meet with you and/or the developer as needed.

Thank you for reaching out on this one. I didn’t see the earlier notice (but did get the email). Not sure how I missed this one.

Jay

Jay Wood, Division Chief

Prevention/Public Education

Mid-Columbia Fire and Rescue

1400 W. 8th Street

The Dalles, Oregon 97058

jwood@mcfr.org

Office: 541-296-9445

Cell: 541-993-1677

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--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Daniel Dougherty <danield@co.wasco.or.us> Wed, Jun 28, 2023 at 4:51 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good afternoon,

(1) The application materials provided Lots 1 & 2 will access "from existing public roads (existing Sandstone Way or Hermits Way)". Negating Hermits Way, my concern is making sure that Sandstone (at the very least) meets the current conditions of a "Rural Local Road" in accordance with Table 21-1 – Rural Wasco County Public Roadway Design Standards, located in Chapter 21 of the NSA-LUDO. Arthur's didn't express any concern with the proposed replat subdivision concerning Average Daily Trips. His primary concern was to make it clear that the county doesn't maintain Sandstone Way, Hermits Way, ect..., and that the new Cavern Way should contain a road maintenance agreement. I'm not sure when Sandstone & Hermits Way were constructed, what the standards were in 1953, or when they were constructed, but since this is a current land use application seeking preliminary approval of a new subdivision where primary access will come from Sandstone Way, we'll have to ensure that at the very least the existing access way meets or will meet current standards. I've also forwarded you Chief Woods' comments.

Respectfully,

Daniel

Table 21-1 – Rural Wasco County Public Roadway Design Standards

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain[1]	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	[2]	[2]	1,470	[2]	[2]	1,835	[2]	[2]	2,135	[2]	[2]
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing[3]	75			100			100			150			300			500		

[1] L= Level, R=Rolling, M=Mountainous
[2] See AASHTO manual for guidance.
[3] Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

[Quoted text hidden]

--

Daniel Dougherty | ***Senior Planner***
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Elizabeth Betts <elizabeth@kleinassocinc.com> Wed, Jun 28, 2023 at 4:56 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Thank you, Daniel,

I'll take a look at the info in you email and Chief Woods' email tomorrow and get back to you. If I recall correctly, our proposed cul-de-sac road width was based on the pre-app meeting, during which nothing was indicated to be done to Sandstone or Hermit's Way, so that is why we are not proposing any improvements to those roads. Anyway, I'll go through each comment from Chief Woods to make sure those are addressed.

Best,
Elizabeth

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From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Wednesday, June 28, 2023 4:51:09 PM
[Quoted text hidden]

[Quoted text hidden]

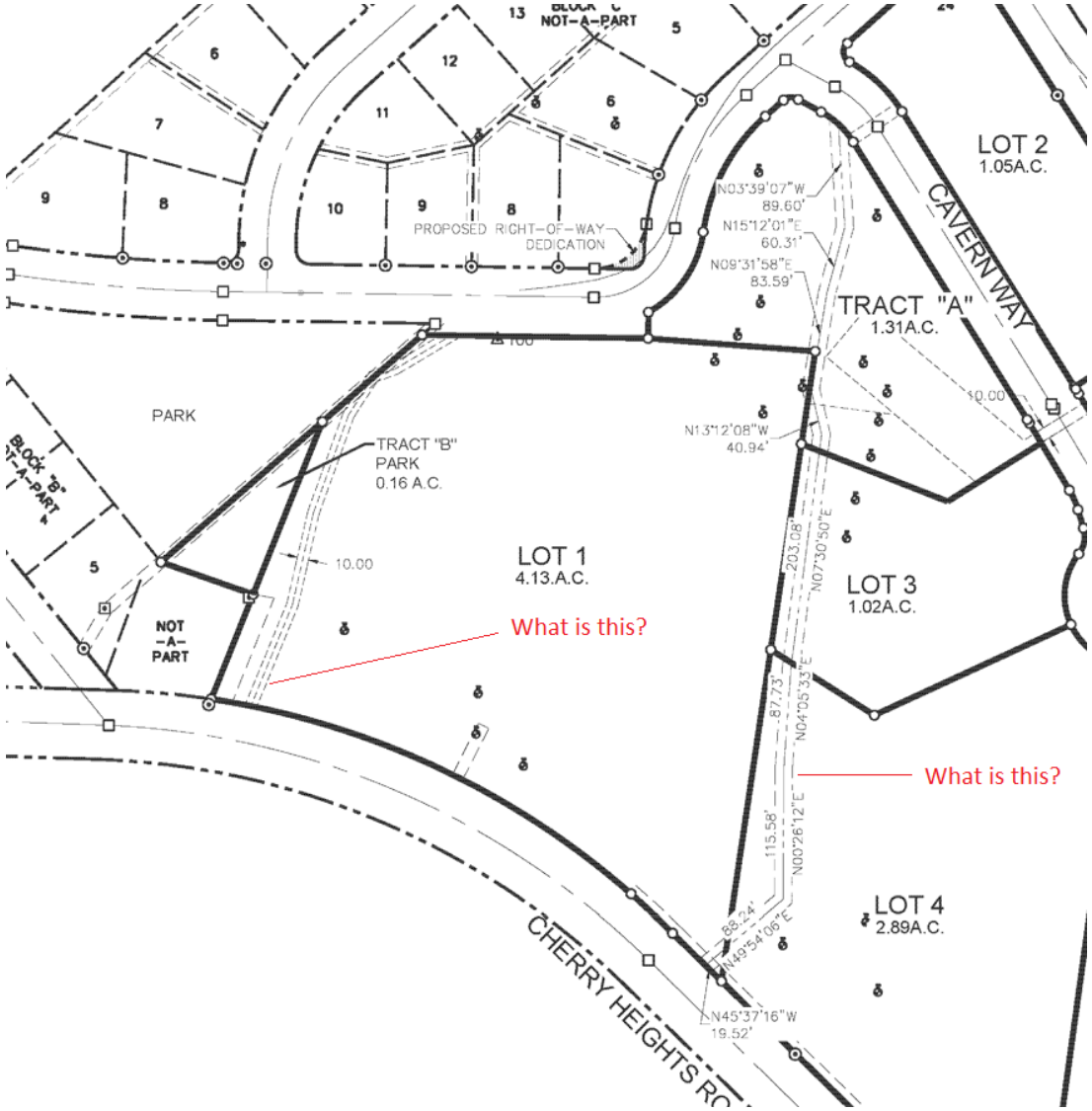
Daniel Dougherty <danield@co.wasco.or.us> Thu, Jun 29, 2023 at 4:55 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Hi Elizabeth,

Looking at the plat Sheet 5:

(1) Under Easement Note: "A new septic and access easement, over, under, and across that portion of Tract "B" for the benefit of Lots 3, 4, 5, 6, 7, and 8. I'm guessing this was for the original plan of 8 lots. Can you point me in the right direction of where this easement is on Sheet 5?

(2) I'm guessing the below are access/utility/stormwater easements.



Thanks for the help.

Respectfully,

Daniel

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 7:21 AM

To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

I want to confirm that Tract A is proposed to be used for the primary drain fields for Lots 1, 2, and 6.

Respectfully,

Daniel
[Quoted text hidden]

Elizabeth Betts <elizabeth@kleinassocinc.com> Fri, Jun 30, 2023 at 8:58 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

You are correct, that note should be updated for the current layout. The drainfields contained in Tract A are shown on the preliminary site plan, sheet C1.0: Lot 1 reserve, Lot 2 primary and reserve, Lot 6 primary and reserve. I will have our surveyor revise the Preliminary Plat sheet 5 with the correct note as well as turn on the drainfield easements for each of those drainfields and label the two easements you are pointing out below. The westernmost easement is for the existing water main. The other one is for the dry drainage channel that runs down the hill.

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Friday, June 30, 2023 7:22 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

I want to confirm that Tract A is proposed to be used for the primary drain fields for Lots 1, 2, and 6.

Respectfully,

Daniel

On Thu, Jun 29, 2023 at 4:55 PM Daniel Dougherty <danield@co.wasco.or.us> wrote:

> Hi Elizabeth,
>
> Looking at the plat Sheet 5:
>
> (1) Under Easement Note: "A new septic and access easement, over, under, and across that portion of Tract "B" for the benefit of Lots 3, 4, 5, 6, 7, and 8. I'm guessing this was for the original plan of 8 lots. Can you point me in the right direction of where this easement is on Sheet 5?
>
> (2) I'm guessing the below are access/utility/stormwater easements.

Thanks for the help.

Respectfully,

Daniel

On Wed, Jun 28, 2023 at 4:56 PM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

Thank you, Daniel,

I'll take a look at the info in you email and Chief Woods' email tomorrow and get back to you. If I recall correctly, our proposed cul-de-sac road width was based on the pre-app meeting, during which nothing was indicated to be done to Sandstone or Hermit's Way, so that is why we are not proposing any improvements to those roads. Anyway, I'll go through each comment from Chief Woods to make sure those are addressed.

Best,

Elizabeth

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From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Wednesday, June 28, 2023 4:51:09 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good afternoon,

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Respectfully,

Daniel

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Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain[1]	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	[2]	[2]	1,470	[2]	[2]	1,835	[2]	[2]	2,135	[2]	[2]
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing[3]	75			100			100			150			300			500		

[1] L= Level, R=Rolling, M=Mountainous
[2] See AASHTO manual for guidance.
[3] Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 9:52 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Last question/issue for today.

The proposed Tract B (Public Park). Since the proposed park is adjacent to an existing platted park I'm interested to know who actually owns the existing park at:

Map: 1N 13E 5 AD 600
Account Number: 13902
Taxpayer: THE PUBLIC

Mailing Address: UNDETERMINED

I can't seem to locate the owner in fee for the property indicated as "Park" on the Col. Crest Addn. Subdivision. Do you know who owns the park (an HOA)? I've reached out to the Assessor's Office for assistance. I assume that Wasco County owns the property, but no one has indicated that is the case. Considering long term maintenance of public parks is/has been an issue in prior subdivision applications, I think it's important to (1) figure out who owns/maintains the existing park; and (2) look at long term maintenance solutions for the proposed park.

Respectfully,

Daniel

[Quoted text hidden]

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Email is still the best way to reach me!

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It is informational only and a matter of public record.

Elizabeth Betts <elizabeth@kleinassocinc.com> Fri, Jun 30, 2023 at 1:08 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel –

Great question! Our client spent a lot of time researching the owner of the park, as they originally thought to incorporate it into their replat and dedicate park in another location on the project. They finally gave it up, and I don't think they found the owner. If I remember correctly, it may be the heirs and descendants of the original owners of the lots in the original subdivision. The subdivision requirements require the developer to dedicate park or pay the equivalent, so we dedicated park adjoining the existing park, thinking that was the best option.

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jul 10, 2023 at 6:59 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Is the dry drainage channel for the "apparent" seasonal water drainage? The Wasco County GIS does not delineate a waterway on the property, but a neighbor has made mention of a seasonal waterway near the same dry drainage channel illustrated on the plat (he wants the drainage way preserved). The application provides for a culvert under the road for the drainage. Satellite imagery doesn't really provide much regarding the usual vegetation along watercourses (seasonal or otherwise).

Thanks for your help.

Respectfully,

Daniel
[Quoted text hidden]
--

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Elizabeth Betts <elizabeth@kleinassocinc.com> Mon, Jul 10, 2023 at 8:17 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good morning, Daniel,

Yes, that is the apparent drainage. I’ve never seen water in it, but it is there, so we are accommodating it. Our surveyors tied it so that we could add the easement.

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jul 10, 2023 at 1:00 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Hi Elizabeth,

Regarding Section 21.030.X.3:

3. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.

Lot 2 will have triple road frontage. Have your clients decided which road will provide primary access to Lot 2? If not, I think we might be able to craft a condition of approval that the final plat contain the vegetation easement and vehicle access restriction on the selected roads. We've done it before; however, we're now dealing with the developer who changed their mind post subdivision recording. Considering the issue, I'm not too sure if the Director would like to see that type of condition.

Respectfully,

Daniel
[Quoted text hidden]
--

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Elizabeth Betts <elizabeth@kleinassocinc.com> Mon, Jul 10, 2023 at 1:35 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

I'd see the access being along either Hermits or Cavern, rather than Sandstone. If the neighbors on Hermits appear opposed to access on Hermits, then it seems like access from Cavern would be appropriate so that we aren't impacting Hermits Way.

I've attached the revised preliminary plat with the easements and drainfields better noted.

[Quoted text hidden]

17-01-05-Prince Heights Sub 5 - rev.pdf
4544K

Daniel Dougherty <danield@co.wasco.or.us> Tue, Jul 11, 2023 at 9:22 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Thanks for the updated plat. Regarding Section 21.200.B.17.,

17. Proposed source of water supply, if any; 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.

Do you have the estimated volume to be available, or any specific data concerning water supply? I think the response given in the application:

> "Residential Evaluation
> Utilities
> Lots 1 and 2 will obtain water service from existing water mains in the existing roads. The developer proposes to install a 4" looped water main from the existing water mains in Sandstone Way and deadend main in Hermit's Way to serve lots 3-6. This plan has been discussed with Chenowith Water District, and they indicate that there is plenty of water plan for the proposed homes and they will let us know if they will require looping to Hermit's Way."

along with other recommended conditions of approval (specifically those provided for by Chief Wood) covers down on this requirement, and I will find the preliminary plan meets the criterion; however, if the public requests specific data at the hearing, it might be wise to have it available. I have reached out to Chenowith Water District for comment, but have not heard back from them.

Respectfully,

Daniel

[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
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Daniel Dougherty <danield@co.wasco.or.us> Tue, Jul 11, 2023 at 9:34 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Sorry about that, it's actually, 21.200.B.22

22. Proposed source of water supply, if any; 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.
[Quoted text hidden]

Elizabeth Betts <elizabeth@kleinassocinc.com> Tue, Jul 11, 2023 at 9:42 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good morning, Daniel,

We have been in discussion with Tenneson (consulting engineer for Chenowith). Chenowith PUD said they have good supply up there, but I can ask them for specifics on the flow and pressure, if needed. As for gate valves, assuming we hot tap the main in Hermits Way, there will be a 6” gate valve there, a cluster of (2) 6” gate valves and 4” gate valve (to tie existing Sandstone/Ledge main south of Cavern) at the intersection of Sandstone/Ledge and our new Cavern Way, plus a 6” gate valve for the hydrant. Darrin sent me the following summary of what Chenowith will require:

The proposed subdivision is within the Chenowith Water PUD service area and we are willing to provide domestic water service to the six residential lots.

We have been in communication with the developers engineer, Ms. Elizabeth Betts (Klein & Associates, Inc.), and are in general agreement that the developer will:

- *Connect to the existing 6” line at the intersection of Ledge Way and Hermits Way;*
- *Replace the existing 4” water main in Ledge Way with 6” from Hermits Way to the proposed Cavern Way;*
- *Install new 6” water main in Cavern Way from Ledge Way to its southerly terminus;*
- *Install a fire hydrant assembly at the southerly terminus in the cul-de-sac;*
- *Install typical residential water services to each lot with the meter to be placed in and at the edge of the Cavern Way ROW; and*
- *Provide a 20-foot wide public utility easement across Lot 1 where the existing CWPUD watermain is located.*

All materials and work to conform to CWPUD standards. The developer is to enter into an Agreement to Reimburse for CWPUD contracted fees and pay the Subdivision Plan Review fee ($750).

Each lot owner will be required to pay the Meter Drop-in Fee ($500) and System Development Charge ($3,100) at the time service is requested. Fees are subject to change.

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Tuesday, July 11, 2023 9:34 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

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> "Residential Evaluation

Utilities

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Respectfully,

Daniel

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Hi Daniel,

I'd see the access being along either Hermits or Cavern, rather than Sandstone. If the neighbors on Hermits appear opposed to access on Hermits, then it seems like access from Cavern would be appropriate so that we aren't impacting Hermits Way.

I've attached the revised preliminary plat with the easements and drainfields better noted.

Best,

Elizabeth

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Monday, July 10, 2023 1:01 PM

To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Hi Elizabeth,

Regarding Section 21.030.X.3:

3. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.

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Respectfully,

Daniel

On Mon, Jul 10, 2023 at 8:17 AM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

> Good morning, Daniel,
>
> Yes, that is the apparent drainage. I’ve never seen water in it, but it is there, so we are accommodating it. Our surveyors tied it so that we could add the easement.
>
> Best,

Elizabeth

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Monday, July 10, 2023 6:59 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

Is the dry drainage channel for the "apparent" seasonal water drainage? The Wasco County GIS does not delineate a waterway on the property, but a neighbor has made mention of a seasonal waterway near the same dry drainage channel illustrated on the plat (he wants the drainage way preserved). The application provides for a culvert under the road for the drainage. Satellite imagery doesn't really provide much regarding the usual vegetation along watercourses (seasonal or otherwise).

Thanks for your help.

Respectfully,

Daniel

On Fri, Jun 30, 2023 at 8:58 AM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

> Hi Daniel,
>
> You are correct, that note should be updated for the current layout. The drainfields contained in Tract A are shown on the preliminary site plan, sheet C1.0: Lot 1 reserve, Lot 2 primary and reserve, Lot 6 primary and reserve. I will have our surveyor revise the Preliminary Plat sheet 5 with the correct note as well as turn on the drainfield easements for each of those drainfields and label the two easements you are pointing out below. The westernmost easement is for the existing water main. The other one is for the dry drainage channel that runs down the hill.

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Friday, June 30, 2023 7:22 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

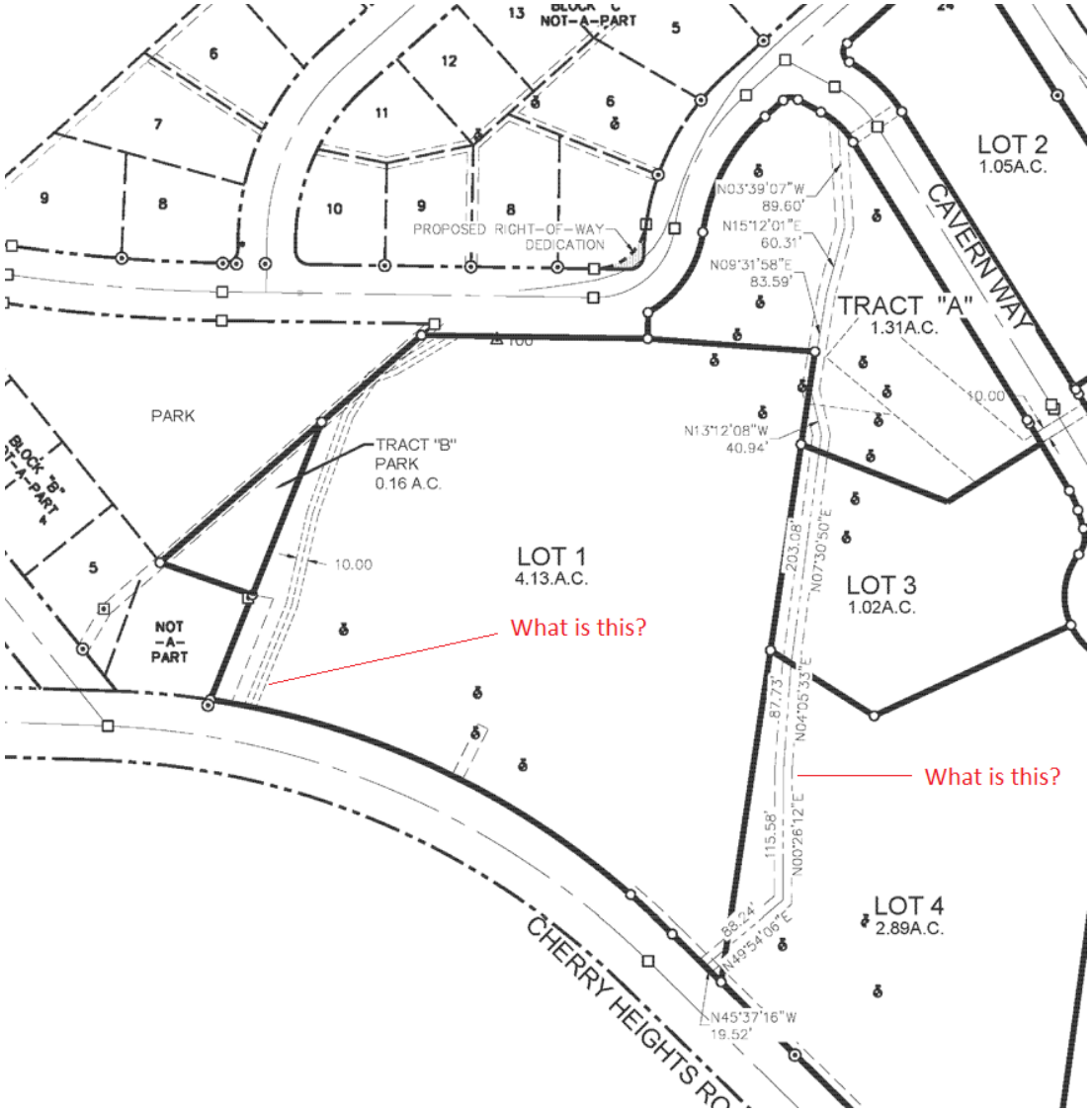
I want to confirm that Tract A is proposed to be used for the primary drain fields for Lots 1, 2, and 6.

Respectfully,

Daniel

On Thu, Jun 29, 2023 at 4:55 PM Daniel Dougherty <danield@co.wasco.or.us> wrote:

> Hi Elizabeth,
>
> Looking at the plat Sheet 5:
>
> (1) Under Easement Note: "A new septic and access easement, over, under, and across that portion of Tract "B" for the benefit of Lots 3, 4, 5, 6, 7, and 8. I'm guessing this was for the original plan of 8 lots. Can you point me in the right direction of where this easement is on Sheet 5?
>
> (2) I'm guessing the below are access/utility/stormwater easements.



Thanks for the help.

Respectfully,

Daniel

On Wed, Jun 28, 2023 at 4:56 PM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

> Thank you, Daniel,
>
> I'll take a look at the info in you email and Chief Woods' email tomorrow and get back to you. If I recall correctly, our proposed cul-de-sac road width was based on the pre-app meeting, during which nothing was indicated to be done to Sandstone or Hermit's Way, so that is why we are not proposing any improvements to those roads. Anyway, I'll go through each comment from Chief Woods to make sure those are addressed.
>
> Best,
>
> Elizabeth
>
> Get Outlook for Android
>
> ---
>
> **From:** Daniel Dougherty <danield@co.wasco.or.us>
> **Sent:** Wednesday, June 28, 2023 4:51:09 PM
> **To:** Elizabeth Betts <elizabeth@kleinassocinc.com>
> **Subject:** Re: Inquiry [File No. 921-23-000023-PLNG]
>
> Good afternoon,
>
> (1) The application materials provided Lots 1 & 2 will access "from existing public roads (existing Sandstone Way or Hermits Way)". Negating Hermits Way, my concern is making sure that Sandstone (at the very least) meets the current conditions of a "Rural Local Road" in accordance with Table 21-1 – Rural Wasco County Public Roadway Design Standards, located in Chapter 21 of the NSA-LUDO. Arthur's didn't express any concern with the proposed replat subdivision concerning Average Daily Trips. His primary concern was to make it clear that the county doesn't maintain Sandstone Way, Hermits Way, ect..., and that the new Cavern Way should contain a road maintenance agreement. I'm not sure when Sandstone & Hermits Way were constructed, what the standards were in 1953, or when they were constructed, but since this is a current land use application seeking preliminary approval of a new subdivision where primary access will come from Sandstone Way, we'll have to ensure that at the very least the existing access way meets or will meet current standards. I've also forwarded you Chief Woods' comments.
>
> Respectfully,

Daniel

Table 21-1 – Rural Wasco County Public Roadway Design Standards

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain[1]	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	[2]	[2]	1,470	[2]	[2]	1,835	[2]	[2]	2,135	[2]	[2]
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing[3]	75			100			100			150			300			500		

[1] L= Level, R=Rolling, M=Mountainous
[2] See AASHTO manual for guidance.
[3] Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

On Wed, Jun 28, 2023 at 12:39 PM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

Hi Daniel,

For your questions below:

1. There is normally a road maintenance agreement for privately maintained roads. I do not know how the road maintenance agreement (if there is one) is set up for the existing Sandstone or Hermit's Way. If these parcels were part of that agreement, then they would need to participate in the maintenance. Does Arthur have that documentation? I don't believe that Hermit's Way would be impacted or accessed by this subdivision other than the sawcuts for water and dry utility trench, which will be restored/paved; therefore maintenance of Hermit's Way does not seem to be something that would be indicated for this project.

The existing ROW on both roads is 50'. We are also revising and dedicating ROW on Sandstone in the curve so that the existing road will actually be in ROW (it was constructed outside of ROW).

2. The streets are paved and appear to be in decent condition. The pavement in our limited survey area on Sandstone exceeds 20' width (varies up to 24') and gravel shoulders are about 2' wide. I've attached a photo of Sandstone taken during surveying a few years ago as well as one of the intersection of Sandstone and Hermit's looking east on Hermit's. Again, I don't believe that Hermits Way would be impacted or used by this subdivision other than the sawcuts for water and dry utility trench, which will be restored/paved, so width of Hermit's would not be pertinent to this project since access will be from Sandstone.

Hope that helps – let me know if you have additional questions.

Best regards,

Elizabeth Betts, PE

Klein & Associates, Inc

Office: 541-386-3322

Web: kleinassocinc.com

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Tuesday, June 27, 2023 11:20 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

Thanks for the additional information.

Pertaining to 21.030.L

L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Arthur Smith provided that Sandstone and Hermits Way are local roads of public access that are not maintained by the County. Per application materials, the newly proposed Cavern Way cul-de-sac will be publicly dedicated (local road of public access) and maintained by the HOA (a condition of approval will be added to the decision ensuring this occurs). Two questions:

(1) Are there plans to provide for the maintenance of the existing Sandstone and Hermits Way roads?

(2) What is current condition of Sandstone and Hermits Way roads? Every indication I have is that they are paved, at least 30' wide (maybe wider), and meet existing Fire Safety Standards.

Respectfully,

Daniel

On Mon, Jun 26, 2023 at 1:42 PM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

> Hi Daniel,
>
> We will have CCR's that protect the open space. I don't have CCR's yet for this subdivision – they are usually put together by the developer's lawyer, but here's a sample of one I've used in the past.
>
> *Open Space Tract:*
>
> a. *The designated open space tract within the subdivision shall be preserved in perpetuity and shall not be developed or altered for any purpose.*
>
> For the cul-de-sac, you are correct in your thoughts. My primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations.

Best,

Elizabeth

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Monday, June 26, 2023 11:24 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

Is a covenant proposed for Tract A keeping it open-space?

Also,

Section 21.030.

P. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 11 and the local fire department.

Can you provide additional details as to why the Cul-de-sac is being proposed as opposed to a through street? I'm guessing slope and elimination of developable land to be used for septic fields, but if you can provide additional details that would be great.

Respectfully,

Daniel

On Mon, Jun 26, 2023 at 9:14 AM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

Hi Daniel,

Tract A will be owned by the HOA. It is open space and will also contain easements for some of the septic drainfields. I'm curious whether a Tract considered a leftover lot area since it will never be proposed to be built on?

Best,

Elizabeth Betts, PE

Klein & Associates, Inc

Office: 541-386-3322

Web: kleinassocinc.com

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Monday, June 26, 2023 8:47 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

I hope your weekend went well. As I dive deeper into the staff report, I'll likely submit questions to you.

Question 1: The leftover TRACT "A" (1.31 Acres). Who will own it, maintain it (HOA?)

Section 21.030.F

3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.

"Leftover lot areas" aren't necessarily defined, but Tract A as a leftover private open space tract might fall within that definition if pressed. The lots within the subdivision are being enlarged to approximate the minimum zone size, but more information about Tract A will help address this criterion.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***

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It is informational only and a matter of public record.

--

Daniel Dougherty | ***Senior Planner***

PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

Office Notice about COVID-19

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March, 22 2023

Daniel Dougherty, Senior Planner
Wasco County Planning Department
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Elizabeth Bett's application # 921-23-000023 to replat 5 tax lots to 8 total lots

Dear Mr. Dougherty:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 5,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing.

Burden of Proof

The Wasco County National Scenic Area Land Use and Development Ordinance ("NSA-LUDO") places the burden of proof on the applicant. NSA-LUDO § 2.120.A.1. Unless otherwise provided for in the NSA-LUDO, the applicant must prove that:

- The proposed action fully complies with the applicable criteria of the NSA-LUDO; and
- The proposed action fully complies with all of the applicable elements of the relevant Comprehensive Plan, the Management Plan for the Columbia River Gorge National Scenic Area ("Management Plan"), and the Columbia River Gorge National Scenic Area Act ("National Scenic Area Act").

Application Requirements

Under section 2.080.A of the NSA-LUDO, a complete application is required prior to review. Approval of a land use proposal not accompanied by a complete and adequate application violates the county's scenic area ordinance, denies the public any meaningful opportunity to comment on the proposed development, and results in a decision not based on substantial evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions

of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

Site Plan Map

Each site plan must contain a map of the project area. NSA-LUDO § 14.020.B contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
- Location, size and dimension of all yards and setbacks and all spaces between buildings
- Bodies of water and watercourses
- Location and width and methods of improvement for all existing and proposed roads, driveways, trails, and parking areas with individual parking spaces and internal circulation patterns
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- The location of the pond, stream, tank, or sump with storage of not less than 1,000 gallons if the well or water system is not capable of delivering twenty (20) gallons per minute
- The location of a standpipe (water spigot) a minimum of fifty (50) feet from each flammable structure if the development includes a plumbed water system
- Outdoor storage and activities, if permitted in the zone, showing type, location, and height of screening devices, including trash and recycling storage locations and their pick up locations
- Either a Grading Plan or the location and depth of all proposed grading, filling, ditching, and excavating
- An indication of all existing and proposed point of ingress and egress and whether they are public or private
- Significant terrain features and landforms

Landscaping Plan

Pursuant to NSA-LUDO § 14.020.D, all applications must contain a detailed landscaping plan that must clearly illustrate the following elements:

- The location, height, and species of all existing trees and vegetation, with an indication of any vegetation that would be removed including detailed information to the level of individual trees and groupings of vegetation for the proposed development area and all topographically visible corridors between the proposed development area and key viewing areas.
- The location, height, and species of individually proposed trees and vegetation groupings.
- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

- The fuel break surrounding each new building and how this area will meet hazardous fuels reduction standards.

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Review for Legality of Lots

Legality of Lot

The NSA-LUDO definition of "Parcel (Legal)/Lot of Record" is very different from the Management Plan definition of "Parcel." In some respects, the NSA-LUDO definition is more restrictive than the Management Plan definition, and in others, it is less restrictive. *Compare* NSA-LUDO § 1.200 (definition of "Parcel (Legal)/Lot of Record") *with* Management Plan at Glossary-14 (definition of "Parcel"). When Wasco County evaluates whether units of land in the National Scenic Area are legal parcels, the County must apply both definitions, and where one is more restrictive than the other, the more restrictive portion of that definition controls. *See, e.g.*, NSA-LUDO § 1.070 ("When conditions herein imposed are less restrictive than comparative provisions imposed by . . . Management Plan Guidelines, then the more restrictive shall govern.").

For example, pursuant to the NSA-LUDO, any unit of land created **solely** by a record of survey is **not** a legal parcel, regardless of the date of the record of survey. In addition, pursuant to the NSA-LUDO, any unit of land created **after** September 4, 1974 and **solely** by deed or land sales contract is **not** a legal parcel. For a unit of land created **before** September 4, 1974 and **solely** by deed or land sales contract, it is not a legal parcel under the Management Plan unless it was "legally created and separately described" by a deed or a land sales contract and unless the creation of the unit of land "complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986." Finally, pursuant to the Management Plan, any unit of land created **after** November 16, 1986 by deed or sales contract is not a legal parcel unless it was "legally created and separately described" by a deed or sales contract and unless the creation of the unit of land "was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the Forest Service prior to the Final Interim Guidelines."

The County must apply both the Management Plan and NSA-LUDO definitions, and where one of these definitions is more restrictive, that definition controls. NSA-LUDO § 1.070. The County must verify that the lots are legally existing before approving a replat. All available GIS data only identifies 5 parcels rather than 66 in the proposed area. The County must ensure that the lots are legal lots of record before allowing a replat.

Contiguous units of land created by deed or land sales contract prior to September 4, 1974, under common ownership, and not conforming to the minimum lot size requirement of this ordinance must be considered one lot of record unless specific conditions are satisfied. NSA-LUDO § 13.200.

The landowners apparently own multiple contiguous tax lots. If any of the tax lots were created only by deed or land sales contract and are below the minimum lot size, then they are not separate legal lots of record. The applicants bear the burden of establishing legality of the parcels.

Allowed Uses

Land Divisions
The County must review any proposed land division for all potential adverse effects to scenic, natural, cultural, and recreational resources that may occur as a result of the proposed land division **including cumulative adverse effects**. NSA-LUDO §§ 1.200 (definition of "development"), 21.030.D. Applications for divisions into two or three parcels must include the information specified at NSA-LUDO § 21.100.A.2. Applications for divisions into four or more parcels must include the information specified at NSA-LUDO § 21.300.B. In addition, the following rules apply to land divisions:

- All parcels resulting from the division must meet the minimum lot size requirements for the area.
- If the subject property contains environmental hazards such as a potential for flooding, land movement, high water tables, or erosion, then the County may require the dedication of protective easements. NSA-LUDO §§ 21.030.D & V.

Residential Zone
The proposed project is located in a Residential zone in the General Management Area. NSA-LUDO § 3.160 specifies which uses are allowed in GMA Residential zones.

Resource Impact Review

Scenic Resource Protection
NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area.

Key Viewing Areas
According to the Gorge Commission's Seen Areas Composite GIS data layer, the subject parcel may be visible from key viewing areas such as the Columbia River, I84, and SR14. If so, then the following rules apply:

- The County's determination of the potential visual impact of a new development must include written findings addressing the following factors:
  - The number of key viewing areas it is visible from;
  - The distance from the building site to the KVAs it is visible from;
  - The linear distance along the KVAs from which the building site is visible (for linear KVAs, such as roads and the Columbia River);
  - The difference in elevation between the building site and KVAs;
  - The nature and extent of topographic and vegetative back screening behind the building site as visible from KVAs;
  - The amount of area of the building site exposed to KVAs; and
  - The degree of existing vegetation providing screening. NSA-LUDO § 14.200.A.1.

- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200.J. This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3). **Since the visually subordinate standard allows some visibility of the development, simply achieving the standard does not guarantee that there will not be cumulative adverse effects.**

Landscape Setting
NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity. This development is proposed in a Rural Residential landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. NSA-LUDO § 14.400.E.

Natural Resource Protection

Cumulative Adverse Effects
The County must determine if there would be "[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area" considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to "more than moderate adverse consequences," and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of "Adversely affect or Adversely affecting"). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600.A.5.f, A.6.g, A.8, B.4.g, B.6. In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600.C.3.i, D.3.h.

Water Resources
NSA-LUDO § 14.600 contain the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary and the County must verify the accuracy of the applicant's determination. NSA-LUDO §§ 14.600.A.2.b, B.2.b.

Sensitive Wildlife Resources
NSA-LUDO § 14.600.C contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site including aspen stands, caves, old-growth forest, Oregon white oak woodlands, prairies and steppe, riparian areas, wetlands, snags and logs, talus, cliffs, dunes, winter range, and locations used by the following species for nesting roosting, denning or other life cycle needs:

- Listed as endangered or threatened pursuant to federal or state endangered species acts; or
- Listed as sensitive by the Oregon Fish and Wildlife Commission, or

- Considered to be of special interest to wildlife management authorities and the public, including great blue heron, osprey, mountain goat, golden eagle, peregrine falcon, and prairie falcon.

NSA-LUDO §§ 14.600.C.1.a, B.2.d. Other areas may be designated by the United States Forest Service or the Oregon Department of Fish and Wildlife. NSA-LUDO § 14.600.C.1.a. Oregon white oak may not be removed if practicable alternatives exist. Management Plan at p. 104 (Approval Criteria for Review Uses Near Priority Habitat and Sensitive Wildlife Sites, criterion 2); NSA-LUDO § 1.070.

Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a Priority Habitat or sensitive wildlife site, subject to compliance with NSA-LUDO § 14.600.B. If the proposed project is within 1,000 feet of one of these areas, the County must transmit the site map to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites.

If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife management/mitigation plan. NSA-LUDO § 14.600.C.3.f. The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area or buffer zone. NSA-LUDO § 14.600.C.5. A wildlife management plan must be prepared by a professional biologist hired by the applicant and must include the following:

- relevant background, such as biology of the species, characteristics of the subject parcel and regulatory protection and management guidelines;
- delineation of core habitat;
- wildlife buffer zones;
- an indication of the size, scope, configuration or density, and timing of all new uses within core habitat;
- rehabilitation and enhancement actions; and
- a three-year monitoring plan for federal- or state-listed species.

NSA-LUDO § 14.600.C.5.

Rare Plants

NSA-LUDO § 14.600.D contains the standards for projects in the GMA that may affect sensitive plant resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive plant species. This includes the following plant species:

- species endemic to the Columbia River Gorge and vicinity;
- species listed as endangered or threatened by federal or state authorities, including the Oregon Biodiversity Information Center; and
- designated global or state status ranks 1, 2, or 3 by the Oregon Biodiversity Information Center, including designated native plant communities

NSA-LUDO § 14.600.D.1.a.

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200). NSA-

LUDO § 14.600.D.4.a. The County must transmit the more detailed map to the Oregon Biodiversity Information Center, which will review the application to determine if the project could affect sensitive plants. NSA-LUDO § 14.600.D.3.f. Proposed uses within 1,000 feet of a rare plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited. NSA-LUDO § 14.600.D.3.h.

If the proposed project is within 1,000 feet of such a species, the County must transmit the site map to the State Natural Heritage Program, which will review the application to determine whether the project could affect sensitive plants and will identify the precise location of the affected plants and delineate a 200 foot buffer zone on the project applicant's site plan. NSA-LUDO § 14.600.D.3.b. A 200 foot buffer zone remaining in an undisturbed, natural condition must be maintained around rare plants. NSA-LUDO § 14.600.D.2.

Cultural Resource Protection
NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area.

County land use decisions must protect against cumulative adverse effects to cultural resources. NSA-LUDO § 14.500.B.6. The County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present, and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.

Significant Cultural Resource
If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500.D.1. If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500.E. If an adverse effect is likely, then a mitigation plan must be prepared pursuant to NSA-LUDO § 14.500.E.3.c.

Conditions of Approval

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county. NSA-LUDO § 2.140.

Conclusion

Thank you for this opportunity to comment.

Sincerely,

Steven D. McCoy
Staff Attorney

July 20, 2023

Daniel Dougherty, Senior Planner
Wasco County Planning Department
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Elizabeth Bett's application # 921-23-000023 to replat 5 existing tax lots to 8 total lots

Dear Mr. Dougherty:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these additional comments on the above-referenced application. Friends is a non-profit organization with approximately 5,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing. **In addition, Friends requests party status for this matter.**

<u>Burden of Proof</u>

The Wasco County National Scenic Area Land Use and Development Ordinance ("NSA-LUDO") places the burden of proof on the applicant. NSA-LUDO § 2.120.A.1. Unless otherwise provided for in the NSA-LUDO, the applicant must prove that:

- The proposed action fully complies with the applicable criteria of the NSA-LUDO; and
- The proposed action fully complies with all of the applicable elements of the relevant Comprehensive Plan, the Management Plan for the Columbia River Gorge National Scenic Area ("Management Plan"), and the Columbia River Gorge National Scenic Area Act ("National Scenic Area Act").

<u>Review for Legality of Lots</u>

Legality of Lots

The Applicant bears the burden of establishing legality of the parcels. The NSA-LUDO definition of "Parcel (Legal)/Lot of Record" is very different from the Management Plan definition of "Parcel." In some respects, the NSA-LUDO definition is more restrictive than the Management Plan definition, and in others, it is less restrictive. *Compare* NSA-LUDO § 1.200 (definition of "Parcel

(Legal)/Lot of Record") *with* Management Plan at Glossary-14 (definition of "Parcel"). When Wasco County evaluates whether units of land in the National Scenic Area are legal parcels, the County must apply both definitions, and where one is more restrictive than the other, the more restrictive portion of that definition controls. *See, e.g.*, NSA-LUDO § 1.070 ("When conditions herein imposed are less restrictive than comparative provisions imposed by . . . Management Plan Guidelines, then the more restrictive shall govern.").

For example, pursuant to the NSA-LUDO, any unit of land created solely by a record of survey is not a legal parcel, regardless of the date of the record of survey. In addition, pursuant to the NSA-LUDO, any unit of land created after September 4, 1974 and solely by deed or land sales contract is not a legal parcel. For a unit of land created before September 4, 1974 and solely by deed or land sales contract, it is not a legal parcel under the Management Plan unless it was "legally created and separately described" by a deed or a land sales contract and unless the creation of the unit of land "complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986." Finally, pursuant to the Management Plan, any unit of land created after November 16, 1986 by deed or sales contract is not a legal parcel unless it was "legally created and separately described" by a deed or sales contract and unless the creation of the unit of land "was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the Forest Service prior to the Final Interim Guidelines."

The County must apply both the Management Plan and NSA-LUDO definitions, and where one of these definitions is more restrictive, that definition controls. NSA-LUDO § 1.070. <u>All available GIS data only identifies 5 parcels rather than 66 in the proposed area.</u> In addition, it is not clear from the application materials if subdivision or partition plats were ever recorded for the Columbia Crest Subdivision and the Fruitland Park Addition. <u>The County must verify that the lots are legally existing before approving any replat.</u> NSA-LUDO § 3.160.D. The Applicant bears the burden of establishing legality of the parcels.

Consolidation of Parcels

Contiguous units of land created by deed or land sales contract prior to September 4, 1974, under common ownership, and not conforming to the minimum lot size requirement of the NSA-LUDO ordinance must be considered one lot of record unless specific conditions are satisfied. NSA-LUDO § 13.200. **The landowners apparently own multiple contiguous tax lots. If any of the tax lots were created only by deed or land sales contract and are below the minimum lot size, then they are not separate legal lots of record.**

Furthermore, under Oregon case law, a partition map that does not indicate the continued existence of the lots that were previously partitioned can have the effect of vacating previous lot lines. *Weyerhaeuser Real Estate Development Co. v. Polk Cnty*, 246 Or. App. 548, 558, 267 P.3d 855 (2011); *Kine v. Deschutes Cnty.*, 313 Or App 370, 496 P.3d 1136 (2021). **Again, it is not clear from the application materials if subdivision or partition plats were ever recorded for the Columbia Crest Subdivision and the Fruitland Park Addition. In addition, even if such a plat had been recorded, it is not clear whether such a plat would have met the applicable standards at the time, and also whether the Columbia Crest Subdivision and Fruitland Park Addition might have been vacated by a later partition map. The Applicant bears the burden**

of establishing legality of the parcels. Based on the evidence available in the circulated application materials, that burden has not been met.

Replats

Even if there were 66 legally existing lots of record, they could not lawfully be replatted to lots that are below the 5-acre minimum lot size for the area. NSA-LUDO § 3.160.D.13 requires replats to comply with NSA-LUDO § 3.160.G. That provision requires that "[t]he creation or **alteration** of a parcel shall be subject to" the minimum lot size and parcel width for the zone and variances from minimum parcel sizes may not be granted. NSA-LUDO §§ 3.160.G (emphasis added), 21.030.C & D. **Here, the Applicant proposes 8 lots, each below the minimum lot size for the zone. This application cannot be lawfully approved as proposed.**

In addition, replats can only be done for recorded plats. ORS §§ 92.185(1), 92.010(13). As discussed above, it is not clear from the application materials whether the Columbia Crest Subdivision and the Fruitland Park Addition were lawfully approved and recorded. **The Applicant bears the burden of establishing that the criteria are met and that burden has not been met.**

Based on the evidence available in the application materials and in County parcel data, it is likely that the subject property is only eligible for 3 to 5 residential lots, depending on the criteria and factors discussed above. The applicant proposes 6 residential lots, which cannot be approved.

Also, if, as the application states, the subject property contains environmental hazards such as a potential for flooding, land movement, high water tables, or erosion, then the County may require the dedication of protective easements. NSA-LUDO § 21.030.V.

The applicant proposes to create two non-developable parcels for open space and park purposes. Any parcel approved to be created for such purposes should be restricted from development by conditions of approval and permanent deed restrictions or covenants.

Finally, the County must review any proposed replat for all potential adverse effects to scenic, natural, cultural, and recreation resources that may occur as a result of the proposed replat including cumulative adverse effects. NSA-LUDO §§ 1.200 (definition of "development"), 21.030.A & D.

<u>Conclusion</u>

Thank you for this opportunity to comment.

Sincerely,

Steven D. McCoy
Staff Attorney

Daniel Dougherty <danield@co.wasco.or.us>

Notice of Land Use Action - Smilekel Group

Lane Magill <lanem@co.wasco.or.us> Thu, Mar 16, 2023 at 2:53 PM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: flathk@nwasco.k12.or.us, jwood@mcfr.org, Steven Horzynek <steven-horzynek@nwascopud.org>, nedr@wascoelectric.com, BrewsterW@wascoelectric.com, districtmanager@chenowithwater.com, Ben Beseda <BBeseda@tennesoneng.com>, Scott Williams <scottw@co.wasco.or.us>

No issues with law enforcement.

Lane
[Quoted text hidden]
--

Lane Magill | ***Wasco County Sheriff***
SHERIFF'S OFFICE

lanem@co.wasco.or.us | www.co.wasco.or.us
541-506-2592 | Fax 541-506-2581
511 Washington St. Suite 102 | The Dalles, OR 97058

ROAD MAINTENANCE AGREEMENT

The undersigned, being the owner of all the following described real property located in the County of Wasco, State of Oregon:

The Southeast quarter of the Northeast quarter of Section 5, Township 1 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon. Being Lots 2-6 of Prince Heights Subdivision.

which property has access rights over, across, and through the roadway described as "Cavern Way" and shown in attached Exhibit "A", does hereby make the following Road Maintenance Agreement concerning the above described real property, specifying that this Agreement shall constitute a covenant to run with all the land and shall be binding on all persons claiming under them: and that these conditions and restrictions shall be for the benefit and limitations upon all future owners of said real property.

Recitals:

A. It is essential to the value of the lots and for the safety of persons living thereon that the above-described roadway be properly maintained, in good condition.
B. The undersigned has agreed to share in the cost of maintaining the roadway serving the lots according to the formula set forth herein.

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12/16/2022 11:09:07 AM

Agreement:

The undersigned agrees to the following:

1. When repairs and/or maintenance appear to be necessary, the parties to this agreement may undertake such repair or maintenance anywhere along the roadway upon the affirmative vote of a majority of all property owners participating in this agreement, as follows:

   a. One meeting shall be held each year to negotiate and vote on a need for maintenance and repair on said described road. The annual meeting shall be held on or before March 1st of each year and at such additional times as may be necessary in the case of an emergency. Each participating property owner shall be allowed one (1) vote per lot to approve any maintenance or repair to be performed on said road.

2. Following the vote approving maintenance and repair, a bid must be presented to each property owner before any maintenance or repair can be performed. A majority of all property owners participating in this agreement must agree with the bid prior to the work being performed on the road. Each property owner participating in this agreement must sign a copy of the bid acknowledging that they have received and voted on the bid.

3. Repairs and maintenance to be performed on the road under this agreement shall include, but not be limited to the following: grading, patching, and snow removal. Capitol improvements (such as asphalting) may be undertaken only on the affirmative vote of all (100%) of the property owners participating in this agreement.

4. The property owner who makes the arrangements for repair and maintenance according to the property owner's decision shall send copies of all the bills to the property owners participating in this agreement.

5. All property owners participating in this agreement shall share equally the cost of approved maintenance or repair within ten (10) days of receiving the bill. If a property owner fails to pay his or her respective share within thirty (30) days after receipt of a statement, the amount of the statement, together with interest at 9% per annum from the date of the statement, plus any attorney fees necessary to collection, shall automatically become a continuing lien against the lot of the defaulting lot owner. Each lot owner's obligation to pay his or her share of the cost will be an enforceable personal obligation of the lot owner.

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6. The lot owners shall work together to coordinate their repair and maintenance activities to make the repairs and maintenance as economical as possible and to minimize interference with the lot owner's use of the roadway. To the extent reasonably possible, any repairs, maintenance or capital improvements will be obtained through competitive bidding for the purpose of cost comparison.

7. The property owners will exercise reasonable care in their use of the roadway so as not to cause more than normal wear and tear.

8. The rights and responsibilities set forth in this agreement shall be perpetual and shall run with the land and shall be binding on the successors and assigns of the property owners.

9. The provisions of this agreement may only be amended in writing and with the consent of all (100%) of the property owners participating in this agreement.

10. If the lot is owned by more than one person, all the owners of the lot will collectively be referred to as the lot owner, and will be entitled to only one collective vote, i.e., each lot represents one vote in the matters covered by this agreement.

11. The undersigned hereby agrees that this document may be recorded as an appurtenance to the above-described property.

_____

(_____, _____ of _____, LLC)
Property Owner

STATE OF OREGON
ss.
County Of Wasco

On the _____ day of _____, 2022, the above-named _____, _____ of _____, LLC personally appeared and acknowledged the foregoing instrument to be his/her/their voluntary act and deed.

Before me _____
Notary Public of Oregon

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My Commission expires:_____

SECTION 21.310 Final Subdivision Plat Approval

Approval of a final subdivision plat is reviewed by the Planning Commission and subject to the provision of Chapter 2.

A. Application for Final Subdivision Approval:

1. Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to 21.300, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.

2. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in B, Final Subdivision Plat Requirements through D, Performance Bond, below, and the appropriate fees as established by the County Governing Body.

B. Final Subdivision Plat Requirements:

1. The final plat shall be prepared in conformance with all provisions of this Section.

2. Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision and the mortgagees, or by their authorized representatives or any title-holder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with black ink.

3. Conformance to preliminary plan. The plat map shall substantially conform to the preliminary plan as approved.

4. Preparation. All plat maps shall be prepared by a professional land surveyor registered with the State of Oregon.

5. Format. The plats shall be drawn with an archival quality black permanent ink, approved by the County Surveyor, on 4 mil (minimum) thick polyester based transparent drafting film, or an

equivalent, matted on both sides, eighteen inches by twenty-four inches (18"x24") in size. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used.

6. Scale. The plat shall be drawn to a standard engineering scale sufficient to depict the subdivision of land approved by the County Surveyor.

7. Survey Accuracy. The survey for the plat shall be done in such a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.

8. Measurements. The subdivision plat shall contain the following measurements:

a. The boundary lines with distance and bearing of the exact location and width of existing or recorded streets intersecting the boundary.

b. The arc, length, chord length, chord bearing, radii, and central angles of curves.

c. Block indications, lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines.

d. The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet.

e. All measured bearings or angles and distances separately indicated from those of record.

f. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

9. Monuments. The subdivision plat shall contain the location, material, and size of all monuments which have been set. A monument shall be set at each of the following locations.

a. The Initial Point, which must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS 92.060(1). The location of the monument shall be with reference by survey to a known corner per ORS 92.060.

b. The exterior boundary including every angle point or curve point along the boundary lines. Any exceptions shall be allowed only with approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval.

c. All lot corners, except lot corners of a cemetery. All monuments for the interior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval, unless the surveyor certifies the remaining monuments will be set. If the interior monuments

are not set prior to the approval of the plat:

(1) The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by him, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director.

(2) The subdivider shall furnish to the Wasco County Surveyor's Office a bond or cash deposit, at the option of the Wasco County Surveyor's Office in the amount equal to not more than 120 percent of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.

(3) Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.

(4) Upon completion of the interior monumentation, the person performing the survey shall indicate upon a copy of the plat that monumentation has been completed.

(5) The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the plat copy and file it with the County Clerk.

(6) The County Clerk shall file the plat copy and reference the filing number on the original plat. The County Clerk shall advise the County Surveyor of such number for notation on the plat previously filed with him.

d. Flood Plain Monumentation for Subdivisions and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:

(1) A standard Bench Mark shall be a minimum of thirty-six inches (36") in depth and eight inches (8") in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least thirty inches (30") in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher.

(2) The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based.

(3) The level notes or a copy thereof shall be filed with the final map. Any exceptions shall be allowed only with the approval of the County Surveyor.

(4) Field notes and closure copies to County Surveyor:

(a) Copies of all lot closures, block closures and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.

(b) If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.

10. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes or bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

11. Declaration

a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.

b. Any dedication of land to public purposes or any public or private easements created, or any other restrictions made, shall be included in the Declaration.

c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.

d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration.

e. Notwithstanding the provisions of subsections a. to d., the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075 (4).

12. General Information. The map shall comply with ORS 209.250 and contain the following information in addition to the preliminary plan information except that 21.3 00(B)(1) – (8) shall not be required to be on the face of the plat:

a. Table indicating the approximate acreages of all existing and newly created parcels and lots.

b. Assessor Account Number for each existing property.

c. Planning Department File Number.

d. Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one-fourth section and Donation Land Claim, Township and Range.

e. Subdivision block and lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.

f Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

g. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, a certified copy of the easement shall be provided. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's declaration.

h. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.

i. Numbering of blocks and lots, as follows:

(1) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.

(2) Lot numbers beginning with the number "1" and numbered consecutively in each block.

j. Ties to any city, county, or adjacent subdivision boundary lines.

k. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-sixteenth corner or Donation Land Claim corner in Township and Range.

l. Space for date and signature of the County officials specified in I below.

m. Any conditions specified by the Approving Authority upon granting preliminary approval.

n. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Wasco County.

o. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Wasco

County.

p. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval.

q. A declaration signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.

r. A declaration signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems the donation of which was made a condition of the approval of the tentative plan.

s. A narrative per ORS 209.250(2).

t. All subdivisions outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision, the statement of water right and a copy of the subdivision plan must be submitted to the Oregon Water Resources Department. A copy of the acknowledgment from the Water Resources Department must be submitted with the final subdivision plat.

u. Any additional information made a condition of approval of the tentative plan.

13. Supplemental Information with Final Plat. The following data shall accompany the final plat if requested by the Director or County Surveyor:

a. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

b. Sheets and drawings showing the following:

(1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.

(2) The computation of all distances, angles, and courses shown on the final map.

(3) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.

c. A copy of any dedication requiring separate documents.

d. A Plan and Profile showing the following:

(1) Widths of the proposed dedication throughout the length of the proposal.

(2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.

(3) Ground line and grade line profile on the centerline of the proposed street or road.

(4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.

(5) Proposed drainage structures, showing both size and type of structure.

(6) Earthwork distribution, i.e., volume of cuts and fills shown in appropriate haul distribution brackets.

(7) Provisions for waste or borrow areas if widened cuts or fills do not provide the desired balance of material.

(8) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.

(9) Typical section of roadbed to be constructed.

(10) Sections lines, fractional section lines and/or Donation Land Claim lines tied to corner from which dedication description is prepared.

(11) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.

(12) The stamp and signature of the registered Professional Engineer or qualified land surveyor preparing the plans.

e. Cross Sections

(1) Shall be platted on standard 10-square inch or CAD cross-section print-outs.

(2) Shall show proposed widened cuts or fill if these are needed for material balance.

f. If sewer and/or water facilities are required as the condition of approval of the Final Plat, the following may be required to be submitted with the Final Plat:

(1) Plans and profiles of proposed sanitary, and storm-water sewers, with grades, pipe sizes and the location of manholes indicated.

(2) Plans and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.

(3) Specification for the construction of all proposed sewer and water lines and other utilities.

(4) Grading plans and specifications as required for areas other than streets and ways.

(5) Planting plans and specifications for street trees and other plantings in public areas.

14. County Surveyor Fees: The subdivider shall pay a subdivision review fee to the County Surveyor as provided in ORS 92.100(2) which is included in the cost at the time of application. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

Joe Fleck — 6-5121 Unsigned contract

M No. 706—CONTRACT—REAL ESTATE—Monthly Payments.

AF-9

THIS CONTRACT, Made this 1st day of May, 1967, between JOSEPH J. FLECK hereinafter called the seller, and WILLIAM A. HAYS and DORA J. HAYS, husband and wife, hereinafter called the buyer,

WITNESSETH, That in consideration of the stipulations herein contained and the payments to be made as hereinafter specified, the seller hereby agrees to sell to the buyer and the buyer agrees to purchase from the seller the following described real estate, situate in the County of Wasco, State of Oregon, to-wit:

Beginning at a point South 39°46' East 30.5 feet from the Southeast corner of Lot 5, Block E, COLUMBIA CREST ADDITION, in said County and State; thence South 39°46' East 16.5 feet to the intersection of Brickyard Road northerly right-of-way line and easterly right-of-way line of Sandstone Way; thence tracing the northerly right-of-way line of Brickyard Road in a Southeasterly direction 81.5 feet to a point, said point being 95.0 feet Southeasterly from the point of beginning; thence Northeasterly 100 feet to a point that is Southeasterly 85.0 feet from the Northeast corner of Lot 5, Block E; thence northwesterly 85.0 feet to the Northeast corner of Lot 5, Block E; thence South 48°09' East along the southerly boundary of Lot 5, Block E 23.4 feet; thence Southwesterly 89.5 feet, more or less, to the point of beginning.

3.7 2501

Leg of 1N 13 5AD 2500

for the sum of SIX THOUSAND and 00/100---------- Dollars ($6,000.00) (hereinafter called the purchase price), on account of which ..... Dollars ($ 0.0.0.0) is paid on the execution hereof (the receipt of which is hereby acknowledged by the seller); the buyer agrees to pay the remainder of said purchase price (to-wit: $.....) to the order of the seller in monthly payments of not less than ---SIXTY and 00/100 Dollars ($60.00) each,

payable on the 1st day of each month hereafter beginning with the month of May, 1967, and continuing until said purchase price is fully paid. All of said purchase price may be paid at any time; all deferred balances of said purchase price shall bear interest at the rate of 6 per cent per annum from May 1st, 1967 until paid, interest to be paid monthly and * {~~in addition to~~ being included in the minimum monthly payments above required. Taxes on said premises for the current tax year shall be prorated between the parties hereto as of the date of this contract.

The buyer shall be entitled to possession of said lands on May 1st, 1967, and may retain such possession so long as he is not in default under the terms of this contract. The buyer agrees that at all times he will keep the buildings on said premises, now or hereafter erected, in good condition and repair and will not suffer or permit any waste or strip thereof; that he will keep said premises free from mechanic's and all other liens and save the seller harmless therefrom and reimburse seller for all costs and attorney's fees incurred by him in defending against any such liens; that he will pay all taxes hereafter levied against said property, as well as all water rents, public charges and municipal liens which hereafter lawfully may be imposed upon said premises, all promptly before the same or any part thereof become past due; that at buyer's expense, he will insure and keep insured all buildings now or hereafter erected on said premises against loss or damage by fire (with extended coverage) in an amount not less than $ 6,000.00 in a company or companies satisfactory to the seller, with loss payable first to the seller and then to the buyer as their respective interests may appear and all policies of insurance to be delivered to the seller as soon as insured. Now if the buyer shall fail to pay any such liens, costs, water rents, taxes, or charges or to procure and pay for such insurance, the seller may do so and any payment so made shall be added to and become a part of the debt secured by this contract and shall bear interest at the rate aforesaid, without waiver, however, of any right arising to the seller for buyer's breach of contract.

The seller agrees that at his expense and ~~within ..... days from the date hereof~~ when purchase price is paid, he will furnish unto buyer a title insurance policy insuring (in an amount equal to said purchase price) marketable title in and to said premises in the seller on or subsequent to the date of this agreement, save and except the usual printed exceptions and the building and other restrictions and easements now of record, if any. Seller also agrees that when said purchase price is fully paid and upon request and upon surrender of this agreement, he will deliver a good and sufficient deed conveying said premises in fee simple unto the buyer, his heirs and assigns, free and clear of encumbrances as of the date hereof and free and clear of all encumbrances since said date placed, permitted or arising by, through or under seller, excepting, however, the said easements and restrictions and the taxes, municipal liens, water rents and public charges so assumed by the buyer and further excepting all liens and encumbrances created by the buyer or his assigns.

And it is understood and agreed between said parties that time is of the essence of this contract, and in case the buyer shall fail to make the payments above required, or any of them, punctually within ten days of the time limited therefor, or fail to keep any agreement herein contained, then the seller at his option shall have the following rights: (1) to declare this contract null and void, (2) to declare the whole unpaid principal balance of said purchase price with the interest thereon at once due and payable and/or (3) to foreclose this contract by suit in equity, and in any of such cases, all rights and interest created or then existing in favor of the buyer as against the seller hereunder shall utterly cease and determine and the right to the possession of the premises above described and all other rights acquired by the buyer hereunder shall revert to and revest in said seller without any act of re-entry, or any other act of said seller to be performed and without any right of the buyer of return, reclamation or compensation for moneys paid on account of the purchase of said property as absolutely, fully and perfectly as if this contract and such payments had never been made; and in case of such default all payments theretofore made on this contract are to be retained by and belong to said seller as the agreed and reasonable rent of said premises up to the time of such default. And the said seller, in case of such default, shall have the right immediately, or at any time thereafter, to enter upon the land aforesaid, without any process of law, and take immediate possession thereof, together with all the improvements and appurtenances thereon or thereto belonging.

The buyer further agrees that failure by the seller at any time to require performance by the buyer of any provision hereof shall in no way affect his right hereunder to enforce the same, nor shall any waiver by said seller of any breach of any provision hereof be held to be a waiver of any succeeding breach of any such provision, or as a waiver of the provision itself.

In case suit or action is instituted to foreclose this contract or to enforce any of the provisions hereof, the buyer agrees to pay such sum as the trial court may adjudge reasonable as attorney's fees to be allowed plaintiff in said suit or action and if an appeal is taken from any judgment or decree of such trial court, the buyer further promises to pay such sum as the appellate court shall ajudge reasonable as plaintiff's attorney's fees on such appeal.

In construing this contract, it is understood that the seller or the buyer may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all gramatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals in duplicate on this, the day and year first above written.

Joseph J. Fleck (SEAL)

William A. Hays (SEAL)

Dora J. Hays (SEAL)

(SEAL)

*Strike whichever phrase not applicable.
[For notarial acknowledgment, see reverse]

AF-9

RECEIVED PAYMENTS ON WITHIN CONTRACT, AS FOLLOWS:

DATE	INSURANCE OR TAXES	INTEREST	INTEREST PAID TO	PRINCIPAL	PRINCIPAL BALANCE	DATE	INSURANCE OR TAXES	INTEREST	INTEREST PAID TO	PRINCIPAL	PRINCIPAL BALANCE
May 1-67				66 00	5940 00						
June 8-67		29 70	6-1-67	30 30	5910 70						
July 8-67		29 55	7-1-67	30 45	5879 25						
Aug 8-67		29 39	8-1-67	30 61	5848 64						
Sept 8-67		29 24	9-1-67	30 76	5817 88						
Oct 11-67		29 10	10-1-67	30 90	5786 98						

CONTRACT

(FORM No. 705)

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BETWEEN

.....

Address.....

AND

[illegible]

Address.....

Dated May 1, 1967

Lot..... Block.....

Addition.....

STATE OF OREGON,
County of..... } ss.

I certify that the within instrument was received for record on the .....day of....., 19....., at.....o'clock.....M., and recorded in book.....on page..... Record of Deeds of said County.

Witness my hand and seal of County affixed.

.....County Clerk—Recorder.

By.....Deputy.

AFTER RECORDING RETURN TO

STATE OF OREGON,
County of Wasco } ss.

On this 3rd day of May, 1967, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named JOSEPH J. FLECK

known to me to be the identical individual..... described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

.....

Notary Public for Oregon.

My commission expires.....

9

BARGAIN AND SALE DEED

JOSEPH J. FLECK, a single man, conveys to FLECK, INC., all that real property situated in Wasco County, State of Oregon, described as:

All that property described in "Schedule A" attached hereto and by this reference made a part hereof.

The true and actual consideration for this transfer is $140,000.00.

DATED this 1st day of March, 1968.

Joseph J. Fleck

STATE OF OREGON)
) ss.
County of Wasco)

April 15, 1968.

Personally appeared the above named JOSEPH J. FLECK, a single man, and acknowledged the foregoing instrument to be his voluntary act.

Before me:

Chester Thomas
Notary Public for Oregon
My Commission expires: 3/28/70

680588 (4)

SCHEDULE "A"

Tract 35 of FRUITLAND PARK ADDITION to The Dalles, EXCEPTING THEREFROM all that portion lying within the boundaries of Columbia Crest Addition to The Dalles. ALSO EXCEPTING a tract described as beginning at the northeast corner of Wentz Reserve in Fruitland Park Addition, which point is also the iron pipe of Columbia Crest Addition; thence South 33° 25' East along the northeasterly line of Lots 6 and 7, Block A, Columbia Crest Addition 166.3 feet to the northeast corner of said Lot 7; thence North 56° 33' East 30.0 feet; thence North 33° 25' West 166.3 feet; thence South 56° 35' West 30.0 feet to the point of beginning. EXCEPTING county road.

Tracts 75, 76 and 77 of FRUITLAND PARK ADDITION to The Dalles; ALSO:

Tract 1: Beginning 1626.24 feet North and 1049.40 feet East of the Southeast corner of the Northwest quarter of Section 5, Township 1 North, Range 13 East of the Willamette Meridian; thence North 21° 59' East 403.26 feet; thence North 58° 47' West 462.00 feet; thence North 76° 50' West 347.16 feet; thence North 79° 20' West 435.60 feet; thence North 76° 20' West 213.84 feet; thence North 81° 40' West 213.84 feet; thence South 31° 18' East 1029.60 feet; thence South 17° 23' East 17.82 feet; thence North 87° 20' East 891.00 feet to the point of beginning.

Tract 2: Beginning at 1201.20 feet North and 1259.94 feet East of the Southeast corner of the Northwest quarter of Section 5, Township 1 North, Range 13 East of the Willamette Meridian, said point being a marked stone from which an oak 10 inches in diameter bears South 6° East 93.06 feet; thence North 25° 44' West 137.28 feet to point of beginning; thence North 25° 44' West 334.62 feet; thence North 21° 59' East 442.20 feet; thence South 41° 46' East 330.00 feet; thence South 71° 15' East 163.02 feet; thence South 42° 47' West 567.60 feet to beginning.

Tract 3: Beginning 1201.2 feet North and 1259.94 feet East of the Southeast corner of the Northwest quarter of Section 5, Township 1 North, Range 13 East of the Willamette Meridian, said point being marked by a stone from which an oak 10 inches in diameter bears South 6° East 93.06 feet; thence North 25° 44' West 137.28 feet; thence North 42° 47' East 567.60 feet; thence South 71° 15' East 100.98 feet; thence South 72° 40' East 336.60 feet; thence South 73° 58' East 172.92 feet; thence South 42° 47' West 967.56 feet; thence North 40' West 281.82 feet; thence North 31° 21' West 155.10 feet to beginning.

EXCEPTING THEREFROM dedicated public road, existing county road, and EXCEPTING the following:

Beginning at a point on the center line of an existing county road, said point being 613 feet North and 592 feet East of the center of Section 5, in Township 1 North, Range 13 East, Willamette Meridian, and located in Wasco County, Oregon, running thence North 48° 43' East along said center of said county road, a distance of 90 feet to the center line of an adjoining county road; thence North 47° 42' West, along the last

680588 (c)

mentioned center line of said adjoining county road, 90 feet; thence South 49° 09' West 90 feet; thence South 47° 36' East, 90 feet to the point of beginning. ALSO,

That part of Lot 75, of Fruitland Park Addition to The Dalles, Wasco County, Oregon, lying South and East of the center line of Cherry Heights Road as presently laid out over and across said property. Subject to the rights of the public in the use of Cherry Heights Road. ALSO,

Commencing at an iron pipe driven in the ground, said pipe being North 73.73 feet, and West 448.54 feet from the Northeast corner of Wentz Reserve, according to the plat of Fruitland Park Addition; thence North 72° 59' West 100.00 feet to an iron pipe driven in the ground; thence North 20° 42' East 95.00 feet to a boat spike driven in a fence line; thence on a straight line Northeasterly 100.00 feet to an iron spike driven in the ground, said point is North 20° 42' East 89.5 feet from the point of beginning; thence South 20° 42' West 89.5 feet to the point of beginning. TOGETHER WITH an easement for road purposes over a 50 foot strip extending westerly from Hermits Way as shown upon the plat of Columbia Crest Addition, and said easement being adjacent to a line extending North 72° 59' West 146.9 feet from the southwest corner of Lot 1, Block A, Columbia Crest Addition, the same to be used in common with others.

Tracts 72, 73, 74, of FRUITLAND PARK ADDITION to The Dalles; ALSO beginning at a point North 40° West 1071.38 feet from the most Southerly corner of Brickyard Reserve of Fruitland Park Addition; thence Westerly 276.4 feet; thence North 1° 40' East to intersection with the Southwesterly line of said Fruitland Park Addition; thence South 40° East along said Southwesterly line to point of beginning, in Section 5, Township 1 North, Range 13 East of the Willamette Meridian.

EXCEPTING county road; and ALSO EXCEPTING the following:

Commencing at an iron pipe driven in the ground, that is North 108.72 feet and West 155.10 feet from the most southerly corner of Lot 3, Tract 40, Fruitland Park Addition; thence North 27° 30' East 117.7 feet on a line parallel and 10.0 feet westerly of the certain tract conveyed by

680588 (2)

Joseph J. Fleck, et ux. to Steve E. Bailey and Eleanor F. Bailey, husband and wife, by deed recorded November 13, 1957 in Book 136, Page 10, Deed Records; thence in a northwesterly direction along the county road southerly right of way line 86.0 feet to a point; thence South 28° 08' West 131.0 feet to an iron pipe; thence South 61° 52' East 85.0 feet to the point of beginning.

Beginning at a point 108.72 feet North and 155.10 feet West from the Southwest corner of Lot 2, Block 40, FRUITLAND PARK ADDITION to The Dalles; thence North 61° 52' West 85.0 feet, the true point of beginning; thence North 61° 52' West 85.0 feet; thence North 28° 08' East 144.0 feet, more or less, to the Southerly right of way line of Cherry Heights County Road; thence Southeasterly along said right of way line 86.0 feet, more or less; thence South 28° 08' West 131.0 feet to point of beginning, and being a portion of Tract 74. EXCEPTING county road.

Lot 1, and the West 65.0 feet of Lot 2, Block A, COLUMBIA CREST ADDITION; ALSO in FRUITLAND PARK ADDITION to The Dalles, a tract in the northeast portion of Wentz Reserve described as beginning at the Southwest corner of Lot 1, Block A, said Columbia Crest Addition; thence North 69° 18' West 46.9 feet; thence North 20° 42' East 89.5 feet; thence South 69° 18' West 89.2 feet to the Northwest corner of said Lot 1, Block A; thence South 47° 31' West 97.0 feet to the point of beginning.

Lots 18 through 65 inclusive, and Lots 67 through 73 inclusive, in Block A, COLUMBIA CREST ADDITION.

Lots 1 through 9 inclusive, Block B, COLUMBIA CREST ADDITION.

Lots 1 through 15 inclusive, Block C, COLUMBIA CREST ADDITION.

Lots 1 through 12 inclusive, Block D, COLUMBIA CREST ADDITION.

Lots 1 through 5 inclusive, Block E, COLUMBIA CREST ADDITION.

All of Tract "A", COLUMBIA CREST ADDITION.

ALSO beginning at a point North 45° 11' West 83.3 feet from the most southerly southwest corner of Lot 2, Tract 40, Fruitland Park Addition to The Dalles; thence South 1° 59' West 153.2 feet; thence North 61° 31' West 288.0 feet, more or less, to the Northerly boundary of Brickyard Reserve of said Fruitland Park Addition; thence North 49° 36' East along said Northerly boundary of Brickyard Reserve 150.0 feet more or less to a point; thence South 61° 52' East 10.0 feet; thence South 63° 16' East 70.0 feet; thence South 64° 27' East 26.7 feet to the point of beginning, in Section 5, Township 1 North, Range 13 East of the Willamette Meridian.

The westerly 10 feet of the easterly 30 feet of Lot 4, Block A, COLUMBIA CREST ADDITION, was sold to Paul W. Walsh and Verna C. Walsh, husband and wife, by contract of sale dated November 15, 1960 and recorded November 9, 1965, Micro-Film Image No. 65-2364.

680588 (c)

EXCEPTING the following described property sold to William J. Henson and Iva J. Henson, by contract of sale dated February 21, 1963:

Beginning at the northwest corner of Lot 1, Block "A" Columbia Crest Addition in Wasco County, Oregon. Plat in sections 4 and 5, Township 1 North, Range 13 East of the Willamette Meridian; thence South 69° 18' East 94.20 feet to a point that is North 69° 18' West 10.0 feet from the northeast corner of Lot 2 of Columbia Crest Addition; thence South 20° 42' West 86.50 feet to the southerly boundary of Lot 2; thence tracing the southerly boundary North 69° 18' West 95.00 feet; thence North 20° 42' East 86.50 feet; thence South 69° 18' East 0.80 feet to the point of beginning; AND

Beginning at the southwest corner of Lot 1, Block "A" Columbia Crest Addition in Wasco County, Oregon. Plat in sections 4 and 5, Township 1 North, Range 13 East of the Willamette Meridian; thence South 69° 18' East 43.10 feet; thence North 20° 42' East 86.50 feet; thence North 69° 18' West 89.20 feet to the northeast corner of Henson property; thence South 20° 42' West 89.50 feet to an iron pipe, said point being North 73.73 feet and West 448.54 feet from the northeast corner of Wentz Reserve; thence South 72° 59' East 46.90 feet to point of beginning.

ALSO EXCEPTING the following described property sold to Danny Owen Jones and Arlene Rae Jones, by contract of sale dated January 31, 1964:

Commencing at the quarter section corner on the South boundary of Section 32, Township 2 North, Range 13 East of the Willamette Meridian, thence South 53° 08' East 384.5 feet; thence South 77° 55' East 75.0 feet to the true point of beginning; thence South 10° 24' West 91.0 feet; thence South 79° 36' East 85.0 feet; thence North 10° 24' East 105.04 feet; thence North 75° 51' West 30.0 feet; thence North 79° 36' West 55.0 feet; thence South 10° 24' West 16.0 feet to the point of beginning. Edmunds Reserve northerly line being the North line of the above described property, all in Fruitland Park Addition in Section 5, Township 1 North, Range 13 East of the Willamette Meridian.

680588 (6)

ALSO EXCEPTING the following described property conveyed to Steve E. Bailey and Eleanor F. Bailey by Contract of Sale dated May 20, 1964:

Beginning at a point 108.72 feet North and 155.10 feet West from the Southwest corner of Lot 2, Block 40, FRUITLAND PARK ADDITION to The Dalles; thence North 61° 52' West 85.0 feet, the true point of beginning; thence North 61° 52' West 85.0 feet; thence North 28° 08' East 144.0 feet, more or less, to the Southerly right of way line of Cherry Heights County Road; thence Southeasterly along said right of way line 86.0 feet, more or less; thence South 28° 08' West 131.0 feet to point of beginning, and being a portion of Tract 74. EXCEPTING county road.

ALSO EXCEPTING Tract 74 of FRUITLAND PARK ADDITION to The Dalles.

STATE OF OREGON,
County of Wasco, } ss

I, H. A. HOWARD, County Clerk and ex officio Recorder of Conveyances, in and for said county, do hereby certify that the within instrument of writing was received for record —

APR 18 10 36 AM '68

and recorded in the —

records of said County under Micro Film NUMBER: 680588 (6)

Witness my hand & seal affixed at The Dalles
H. A. HOWARD, County Clerk
By _____ Deputy
Return to _____
Address _____

-5-

680588 (6)

WARRANTY DEED

FLECK, INC., hereinafter called "Grantor", conveys to Wasco County, a municipal corporation and political subdivision of the State of Oregon, all that real property situate in Wasco County, State of Oregon, described as:

PARCEL "A"

Being a portion of Lot 1 and Lot 2 Block "E" of Columbia Crest Addition to the City of The Dalles, Wasco County, Oregon and being more particularly described as follows:

Beginning at a point which lies N.39° 46' W. 63.6 feet from the most Southerly corner of Lot one (1) Block "E" of said Columbia Crest Addition, Thence Northerly and Easterly along the arc of the platted right-of-way line of Sandstone Way on a curve right a distance of 64.9 feet to the point of tangent; Thence continuing along the Southerly right-of-way line of Sandstone Way S. 82°28' E.78.5 feet; Thence leaving the right-of-way and going along the Northerly lot lines of Lots 1 and 2 Block "E" a distance of 49.4 feet; thence leaving said Northerly lot line and going N. 71° 36' W. a distance of 104.3 feet; Thence S. 48° 09' W. 45.0 feet to the point of beginning. (Containing .05 acres.)

PARCEL "B"

Being a portion of Lots 52 and 53 Block "A" and a portion of Tract "A" all in Columbia Crest Addition to the City of The Dalles and being more particularly described as follows:

Beginning at the Northeast corner of Lot 53 Block "A" Columbia Crest Addition to the City of The Dalles; Thence S. 89° 58' E. 55.0 feet along the Southerly right-of-way line of Sandstone Way; Thence leaving Sandstone Way and going S. 61° 13' W. a distance of 62.8 feet to a point which lies 10' Southerly from the Northeast corner of said Lot 53 (said point being on the line between Lots 52 and 53); Thence going N. 89° 58' W. on a line that is 10' from and parallel to the Southerly right-of-way line of Sandstone Way a distance of 193.0 feet to the intersection of the westerly line of Tract "A"; Thence N. 48° 09' E. 13.4 feet to the Southerly right-of-way line of Sandstone Way; Thence S. 89° 58' E. along the Southerly right-of-way line of Sandstone Way a distance of 184.0 feet to the point of beginning. Containing .05 acres more or less.

Attached hereto and by this reference made a part thereof is a map showing in detail the descriptions of Parcel "A" and Parcel "B".

And covenant that Grantor is the owner of the above described real property, free of all encumbrances, and will warrant and defend the same against all persons who may lawfully claim the same.

DATED this 23 day of Aug, 1968.

FLECK, INC.

By Joe Fleck

Page 1 - WARRANTY DEED

681498 INDEXED COMPARED

STATE OF OREGON)
) ss.
County of Wasco)

The above named Grantor, Joe Fleck, personally appeared before me on this 23 day of Aug., 1968 and acknowledged the foregoing instrument to be his voluntary act.

Rex Kniestedt
Notary Public for Oregon
My Commission Expires: April 30, 1971

REX KNIESTEDT NOTARY PUBLIC STATE OF OREGON

Page 2 - WARRANTY DEED

STATE OF OREGON, }
County of Wasco, } ss

I, H. A. HOWARD, County Clerk and ex officio Recorder of Conveyances, in and for said county, do hereby certify that the within instrument of writing was received for record —

AUG 26 10 24 AM '68

and recorded in the —

Deed

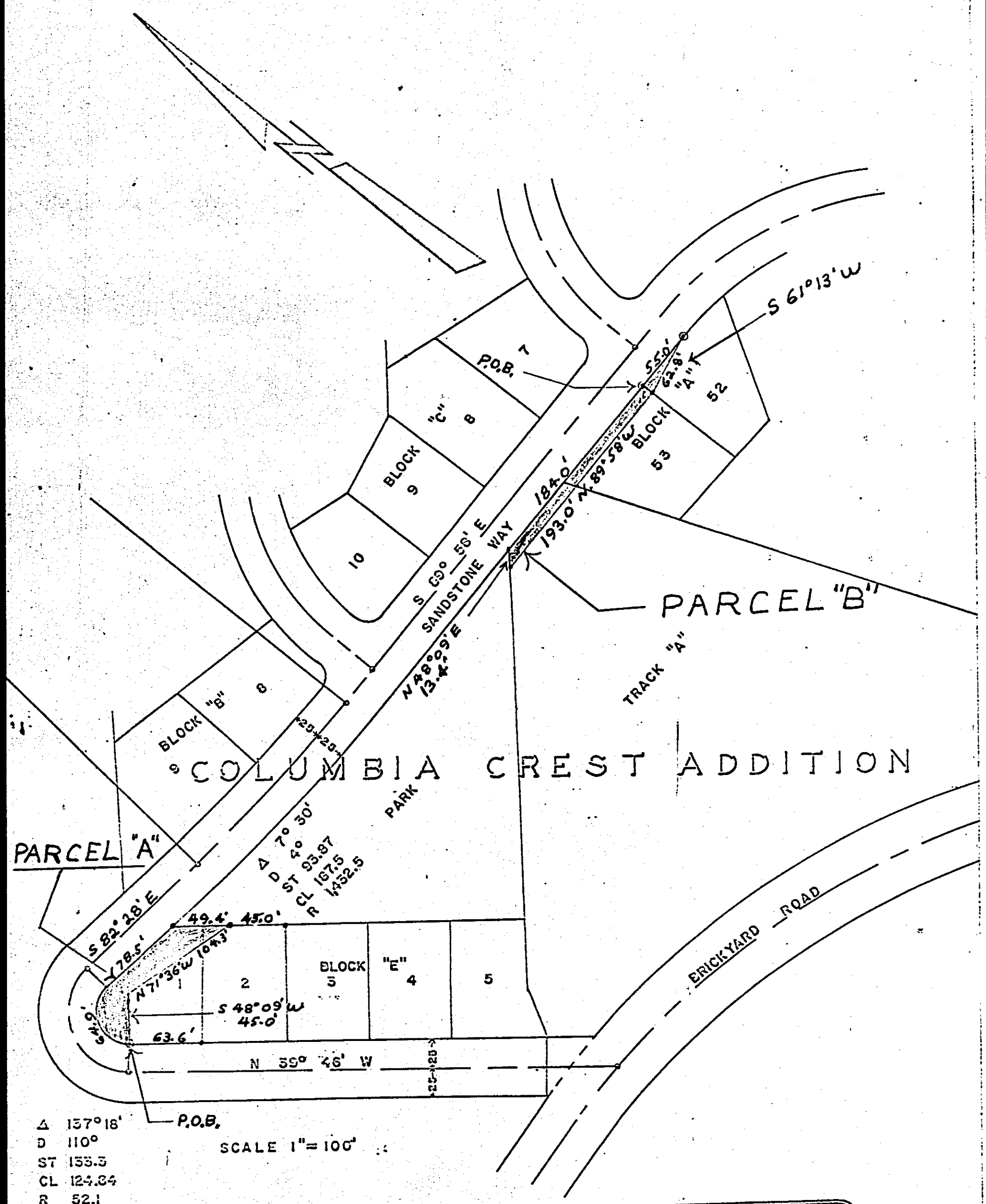
records of said County under Micro Film

NUMBER: 681498

Witness my hand & seal affixed at The Dalles
H. A. HOWARD, County Clerk
By Deputy

Return to

Address



REGISTERED
OREGON
LAND SURVEYOR

C. Dennis Kramer

JULY 12, 1968
C. DENNIS KRAMER
856

681498

FORM No. 761—WARRANTY DEED—CORPORATION. STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

1967

KNOW ALL MEN BY THESE PRESENTS, That FLECK, INC., an Oregon corporation *a corporation duly organized and existing under the laws of the State of* Oregon *, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto* WILBUR E. GRIFFITHS and BARBARA A. GRIFFITHS, Husband and wife. *, hereinafter called grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of* Wasco *, and State of Oregon, described as follows, to-wit:*

Lots 18 and 19, Block A, COLUMBIA CREST ADDITION, in the County of Wasco and State of Oregon.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances EXCEPTING Restictive and protective covenants and easements of record in Book 126 Page 338, Deed Records of Wasco County, Oregon and public utility easements as delineated upon the recorded plat.

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 3,600.00

①However, the actual consideration consists of or includes other property or value given or promised which is part of the / the whole consideration (indicate which).①

In construing this deed and where the context so requires, the singular includes the plural.

Done by order of the grantor's board of directors, with its corporate seal affixed, this 29 *day of* December *, 19* 71

(SEAL) FOR SEAL

Fleck Inc.

By J. J. Fleck *President*
(J. J. Fleck)

By Ellen Horn *Secretary*

STATE OF OREGON, County of Wasco *) ss:* December 29 *, 19* 71

Personally appeared *and*

who, being duly sworn, each for himself and not one for the other, did say that the former is the *president and that the latter is the* *secretary of* Fleck, Inc. *, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.*

Before me: Patrick McLoughlin

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires: 12-4-74

NOTE—The sentence between the symbols ①, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 special Session.

WARRANTY DEED
CORPORATION

Fleck Inc.,
to
Wilbur E. Griffiths
Barbara A. Griffiths

AFTER RECORDING RETURN TO

No.

STATE OF OREGON, County of Wasco, } ss

I, H. A. HOWARD, County Clerk and ex officio Recorder of Conveyances, in and for said county, do hereby certify that the within instrument of writing was received for record — JAN 17 1 53 PM '72

and recorded in the — records of said County under Micro Film

NUMBER: 720125 (1)

Witness my hand and seal affixed at The Dalles
H. A. HOWARD, County Clerk
By [signature] Deputy
Return to Wasco Title
Address

Deputy

761

720125 INDEXED

520 RV-2

WARRANTY DEED

FLECK INC., an Oregon corporation, Grantor, conveys and warrants to WILLIAM A. HAYS and DORA J. HAYS, husband and wife, Grantee, the following described real property in the County of Wasco and State of Oregon, free of encumbrances except as specifically set forth herein:

> Beginning at a point South 39° 46' East 30.5 feet from The Southeast corner of Lot 5, Block E, COLUMBIA CREST ADDITION, in said County and State; thence South 39° 46' East 16.5 feet to the intersection of Brickyard Road northerly right-of-way line and easterly right-of-way line of Sandstone Way; thence tracing the northerly right-of-way line of Brickyard Road in a Southeasterly direction 81.5 feet to a point, said point being 95.0 feet Southeasterly from the point of beginning; thence Northeasterly 100 feet to a point that is Southeasterly 85.0 feet from the Northeast corner of Lot 5, Block E; thence northwesterly 85.0 feet to the Northeast corner of Lot 5, Block E; thence South 48° 09' East along the southerly boundary of Lot 5, Block E 23.4 feet; thence Southwesterly 89.5 feet, more or less, to the point of beginning.

SUBJECT TO: -- See Following Page below Acknowledgment--

The true consideration for this transfer is $6,000.

Until a change is requested, all tax statements shall be sent to the following address: Mr. and Mrs. William A. Hays, 1987 Cherry Heights Road, The Dalles, Oregon 97058.

January 27, 1977.

FLECK INC., an Oregon corporation

By Ellen Horn
ELLEN HORN, PRESIDENT

ATTEST:

Kenneth A. Fleck
Assistant Secretary

770226 (3)

--Acknowledgement Next Page--

620 RV-2

Board of County Commissioners Agenda Packet

STATE OF OREGON)
)ss
County of Wasco)

January 27, 1977.

Personally appeared ELLEN HORN and KENNETH FLECK, who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the assistant secretary of FLECK INC., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

KATHLEEN ANN MILLER NOTARY PUBLIC STATE OF OREGON

Kathleen Ann Miller
Notary Public for Oregon
My Commission expires: 2/25/80

SUBJECT TO:

1. Public utility easements as delineated upon the recorded plat.

2. Protective and restrictive covenants as contained in instrument recorded in Book 126, Page 338, Deed Records of Wasco County, Oregon.

3. Any liens or encumbrances created subsequent to May 1, 1967, the date of the contract between the above named Grantor and Grantees.

770226 (3)

620 RV-2

Board of County Commissioners Agenda Packets

Return to:

William A. Hays
1987 Cherry Heights Road
The Dalles, Or. 97058

STATE OF OREGON, }
County of Wasco, } ss

I, SUE A. PROFFITT, County Clerk and ex officio Recorder of Conveyances, in and for said county, do hereby certify that the within instrument of writing was received for record —

JAN 28 3 56 PM '77

and recorded in the —

COMPARED [illegible]

records of said County under Micro Film

NUMBER: 770226

INDEXED

Witness my hand & seal affixed at The Dalles
SUE A. PROFFITT, County Clerk
By [illegible] Deputy
Return to
Address

770226

620 RV-2

BARGAIN AND SALE DEED

KENNETH J. FLECK, ELLEN M. HORN, JEAN E. DICKSON, JOAN PATRICK and DORIS FLECK, Grantor, conveys to FLECK PROPERTIES, a partnership consisting of Kenneth J. Fleck, Ellen M. Horn, Jean E. Dickson, Joan Patrick and Doris Fleck, Grantee, the real property described in Exhibit "A," which is attached hereto and by this reference made a part hereof.

The true consideration for this conveyance stated in terms of dollars is zero (0) dollars.

Until a change is requested, all tax statements shall be sent to the following address: Ellen M. Horn, 4701 Portland Drive, Hood River, OR 97031.

DATED this 2 day of September, 1983.

Kenneth J. Fleck
KENNETH J. FLECK

Ellen M. Horn
ELLEN M. HORN

Jean E. Dickson
JEAN E. DICKSON

Joan Patrick
JOAN PATRICK

Doris Fleck
DORIS FLECK

STATE OF OREGON)
) ss:
County of Wasco)

The foregoing instrument was acknowledged before me September 7, 1983, by KENNETH J. FLECK.

Claude Phipps
Notary Public for Oregon
My commission expires: 3/13/86

832419

1 - DEED

832419 (6)

STATE OF OREGON)
) ss:
County of Wasco)

The foregoing instrument was acknowledged before me September 16, 1983, by ELLEN M. HORN.

Notary Public for Oregon
My commission expires: 3/23/86

STATE OF OREGON)
) ss:
County of Wasco)

The foregoing instrument was acknowledged before me Sept. 7, 1983, by JEAN E. DICKSON.

Notary Public for Oregon
My commission expires: 9/18/83

STATE OF ~~OREGON~~ Washington)
) ss:
County of ~~Wasco~~ Klickitat)

The foregoing instrument was acknowledged before me Sept. 19, 1983, by JOAN PATRICK.

Notary Public for ~~Oregon~~ Washington
My commission expires: 4-20-84

STATE OF WASHINGTON)
) ss:
County of YAKIMA)

The foregoing instrument was acknowledged before me Sept. 12, 1983, by DORIS FLECK.

Notary Public for Washington
My commission expires: 9-1-86

After recording return to:

PHIPPS & DUNN
112 West Fourth
The Dalles, Oregon 97058

832419 (6)

2 - DEED

Microfilm No. 832419 (6)
INDEXED COMPARED
FILED WASCO COUNTY
AT DALLES OR
OCT 25 4 23 PM '83
SUE A. PROFFITT
COUNTY CLERK
STATE OF OREGON, } ss
County of Wasco,
I certify that this document was received and recorded in the records.
Sue A. Proffitt, County Clerk
by KB Deputy
Return to

Description Sheet

PARCEL I:

A tract of land in Fruitland Park Addition, Wasco County, Oregon, lying in Section 5, Township 1 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon, more particularly described as follows:

Commencing at the Northeast corner of Wentz Reserve of the plat of Fruitland Park Addition, said point being the initial point of Columbia Crest Addition;

thence N. 68°28'06" W. along the North line of said Columbia Crest Addition 354.69 feet to the Northwesterly corner of Lot 1, Block "A", Columbia Crest Addition.

thence S. 48°20'54" W. along the Northwesterly line of Columbia Crest Addition 152.37 feet to the Northwesterly corner of Lot 1, Block "B" of said Columbia Crest Addition;

thence N. 72°09'06" W. along the Southerly line and Westerly projection of an easement for a fifty foot road extending Westerly from Hermit's Way as described in Instrument No. 70-1467, Microfilm Records of Wasco County 290.30 feet to the true point of beginning of this description;

thence N. 73°17'20" W. 445.84 feet;
thence N. 42°25'25" W. 410.71 feet;
thence N. 56°10'33" W. 229.24 feet;
thence N. 68°24'21" W. 17.4 feet;
thence N. 21°35'39" E. 143.83 feet;
thence S. 57°51'49" E. 359.63 feet;
thence S. 39°34'49" E. 328.00 feet;
thence S. 69°02'49" E. 264.00 feet;
thence S. 70°25'49" E. 169.07 feet;
thence S. 21°31'54" W. 69.49 feet;
thence S. 42°31'59" W. 53.39 feet to the true point of beginning.

PARCEL II:

A tract of land in Fruitland Park Addition, Wasco County, Oregon, lying in Section 5, Township 1 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon, more particularly described as follows:

Commencing at the Northeast corner of Wentz Reserve of the plat of Fruitland Park Addition, said point being the initial point of Columbia Crest Addition;

thence N. 68°28'06" W. along the North line of said Columbia Crest Addition 354.69 feet to the Northwesterly corner of Lot 1, Block "A", Columbia Crest Addition.

thence S. 48°20'54" W. along the Northwesterly line of Columbia Crest Addition 152.37 feet to the Northwesterly corner of Lot 1, Block "B" of said Columbia Crest Addition;

thence N. 72°09'06" W. along the Southerly line and Westerly projection of an easement for a fifty foot road extending Westerly from Hermit's Way as described in Instrument No.70-1467 Microfilm Records of Wasco County 290.30 feet;

thence N. 73°17'20" W. 445.84 feet;
thence N. 42°25'25" W. 410.71 feet;
thence N. 56°10'33" W. 229.24 feet;

832419 (6)

EXHIBIT A.

thence N. 68°24'21" W. 245.00 feet;
thence N. 71°55'41" W. 61.17 feet to the true point of beginning of this description.
thence continuing N. 71°55'41" W. 350 feet;
thence N. 10°08'09" E. 107.14 feet;
thence S. 76°30'49" E. 221.90 feet;
thence S. 76°47'49" E. 144.13 feet;
thence S. 18°04'19" W. 136.09 feet to the true point of beginning.

PARCEL III:

A tract of land in Fruitland Park Addition, Wasco County, Oregon, lying in Section 5, Township 1 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon, more particularly described as follows:

Commencing at the Northeast corner of Wentz Reserve of the plat of Fruitland Park Addition, said point being the initial point of Columbia Crest Addition;
thence N. 68°28'06" W. along the North line of said Columbia Crest Addition 354.69 feet to the Northwesterly corner of Lot 1, Block "A", Columbia Crest Addition.
thence S. 48°20'54" W. along the North westerly line of Columbia Crest Addition 152.37 feet to the Northwesterly corner of Lot 1, Block "B" of said Columbia Crest Addition and the true point of beginning of this description;
thence N. 72°09'06" W. along the Southerly line and Westerly projection of an easement for a fifty foot road extending Westerly from Hermit's Way as described in Instrument No. 70-1467 Microfilm Records of Wasco County 290.30 feet;
thence S. 24°04'54" W. 385.00 feet;
thence S. 21°54'47" W. 206.45 feet to the Southwesterly corner of Lot 9, Block "B" of Columbia Crest Addition;
thence N. 48°20'54" E. along the Westerly boundary of said Columbia Crest Addition 683.18 feet to the true point of beginning.
EXCEPTING THEREFROM the following described tract:
Beginning at the Northwesterly corner of said Lot 1, Block "B" of Columbia Crest Addition;
thence N. 72°09'06" W. 14 feet (deed N. 72°59' W. 13.93 feet) to the true point of beginning;
thence continuing N. 72°09'06" W. 226.00 feet;
thence S. 24°04'54" W. (deed S. 23°15'W.) 385.00 feet;
thence N. 52°00'09" E. 467.17 feet to the true point of beginning.

EXHIBIT A

832419 (6)

PARCEL IV:

Tract 35 of FRUITLAND PARK ADDITION to The Dalles, Wasco County, Oregon, EXCEPTING THEREFROM all that portion lying within the boundaries of Columbia Crest Addition to The Dalles. ALSO EXCEPTING THEREFROM a tract described as:

Beginning at the Northeast corner of Wentz Reserve in Fruitland Park Addition, which point is also the iron pipe of Columbia Crest Addition;
thence South 33°25' East along the Northeasterly line of Lots 6 and 7, Block A, Columbia Crest Addition 166.3 feet to the Northeast corner of said Lot 7;
thence North 56°33' East 30.0 feet;
thence North 33°25' West 166.3 feet;
thence South 56°35' West 30.0 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that part described in deed recorded December 29, 1971, as MF No. 71-2489, Microfilm Records for Wasco County, Oregon.
ALSO EXCEPTING THEREFROM that part described in deed recorded January 19, 1972, as MF No. 72-0138, Microfilm Records for Wasco County, Oregon.
ALSO EXCEPTING THEREFROM that part described in deed recorded March 20, 1972, as MF No. 72-0539, Microfilm Records for Wasco County, Oregon.

PARCEL V:

Lots 20 through 65 and Lots 67 through 73, Block "A" of COLUMBIA CREST ADDITION, Wasco County, Oregon.

PARCEL VI:

Lots 1 through 12, Block "D" of COLUMBIA CREST ADDITION, Wasco County, Oregon.

PARCEL VII:

Lots 1 through 5, Block "E" of COLUMBIA CREST ADDITION, Wasco County, Oregon.

PARCEL VIII:

Tract "A" of COLUMBIA CREST ADDITION, Wasco County, Oregon, EXCEPTING THEREFROM that tract conveyed by deed recorded January 28, 1977, as MF No. 77-0226, Microfilm Records for Wasco County, Oregon.

EXHIBIT A 832419 (6)

EXHIBIT A

It is the intention of the grantor to convey all of the above-described real property and the real property described in that certain Bargain and Sale Deed dated the 22nd day of July, 1983, with FLECK, INC., an Oregon corporation as Grantor, and the ESTATE OF JOSEPH J. FLECK, Deceased, KENNETH J. FLECK, ELLEN M. HORN, JEAN E. DICKSON, JOAN PATRICK, and DORIS FLECK as Grantees, and recorded on July 28, 1983, Microfilm No. 831774, official records of Wasco County, Oregon, EXCEPT FOR that part of the above-described real property described in that certain Bargain and Sale Deed dated the 22nd day of September, 1983, with KENNETH J. FLECK, ELLEN M. HORN, JEAN E.DICKSON, JOAN PATRICK AND DORIS FLECK, as Grantors, and KENNETH J. FLECK and W. ANNA FLECK, as Grantees, and recorded on September 30, 1983, Microfilm No. 832242, official records of Wasco County, Oregon.

Exhibit A 832419(16)

AmeriTitle

THIS SPACE

Wasco County Official Records **2020-001795**
DEED-D
Stn=3 PAULB **05/22/2020 12:08:00 PM**
$10.00 $11.00 $10.00 $60.00 $19.00 **$110.00**

I, Lisa Gambee, County Clerk for Wasco County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

After recording return to:
Smillekel Group, LLC, a Washington Limited Liability Company
1309 SE 195th Avenue
Camas, WA 98607

Until a change is requested all tax statements shall be sent to the following address:
Smillekel Group, LLC, a Washington Limited Liability Company
1309 SE 195th Avenue
Camas, WA 98607
File No. 373504AM

STATUTORY WARRANTY DEED

Marie's Meadow, LLC, an Oregon limited liability company,

Grantor(s), hereby convey and warrant to

Smillekel Group, LLC, a Washington Limited Liability Company,

Grantee(s), the following described real property in the County of Wasco and State of Oregon free of encumbrances except as specifically set forth herein:

Parcel 1
Lots 20 through 65 and Lots 67 through 73, Block A;
Lots 1 through 12, Block D;
Lots 1 through 5, Block E, COLUMBIA CREST ADDITION, in the County of Wasco and State of Oregon, EXCEPTING THEREFROM that portion of Lots 52 and 53, Block A, a of Lots 1 and 2, Block E, conveyed to Wasco County by deed recorded August 26, 1968, as Microfilm No. 681498, Wasco County Microfilm Records.

Parcel 2
Tract A, COLUMBIA CREST ADDITION, in the County of Wasco and State of Oregon,
EXCEPTING THEREFROM, that portion conveyed to William A. Hays et ux., by deed recorded January 28, 1977, as Microfilm No. 770226, Wasco County Microfilm Records,
ALSO EXCEPTING THEREFROM, that portion conveyed to Wasco County by deed recorded August 26, 1968, as Microfilm No. 681498, Wasco County Microfilm Records,
ALSO EXCEPTING THEREFROM, that portion described in Quitclaim Deed recorded October 31, 2016, as Instrument No. 2016-004055, Wasco County Deed Records.

Parcel 3
Lots 9 through 16, Tract 35, FRUITLAND PARK ADDITION, in the County of Wasco and State of Oregon,
EXCEPTING THEREFROM, that portion conveyed to Vernon L. Burda et ux., by deed recorded January 25, 1963, in Book 149, page 119, Wasco County Deed Records,
ALSO EXCEPTING THEREFROM, that portion of Lots 12 and 13 conveyed to Charles E. Dunlap by deed recorded December 29, 1971, as Microfilm No. 712489, Wasco County Microfilm Records,
ALSO EXCEPTING THEREFROM, that portion of Lot 15, conveyed to Leonard R. Smith et ux., by deed recorded January 19, 1972, as Microfilm No. 720138, Wasco County Microfilm Records,
ALSO EXCEPTING THEREFROM, that portion conveyed to Donald Carpenter et ux., by deed recorded March 20, 1972, as Microfilm No. 720539, Wasco County Microfilm Records.

Parcel 4
Lots 3 through 9, Block B, and Lots 1 through 15, Block C, COLUMBIA CREST ADDITION, in the County of Wasco and State of Oregon.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

01N13E04BC-2600
01N13E04BC-1500
01N13E05AD-300
01N13E05AD 400
01N13E05AD 500
01N13E05AD 700
01N13E05AD-1000
01N13E05AD-1100
01N13E05AD-1200

The true and actual consideration for this conveyance is $265,000.00.
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

AmeriTitle 373504AM

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 19th day of May 2020.

Marie's Meadow, LLC, an Oregon limited liability company

BY: Lewis K. Moller MM
Lewis K. Moller, Manager/Member

State of OREGON} ss
County of HOOD RIVER}

On this 19th day of MAY, 2020, before me, THE UNDERSIGNED a Notary Public in and for said state, personally appeared LEWIS K. MOLLER known or identified to me to be the Managing Member in the Limited Liability Company known as MARIE'S MEADOW, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Beverly G Nanez
Notary Public for the State of OREGON
Residing at: OREGON
Commission Expires: 10/1/2022

OFFICIAL STAMP
BEVERLY GAYLE NANEZ
NOTARY PUBLIC-OREGON
COMMISSION NO. 979505
MY COMMISSION EXPIRES OCTOBER 01, 2022

Wasco County Official Records 2016-004055
DEED-D
Cnt=1 Stn=1 WASCO COUNTY 10/31/2016 03:58 PM
$30.00 $11.00 $20.00 $10.00 $15.00 $86.00

00078543201600040550060066

I, Lisa Gambee, County Clerk for Wasco County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

RECORDING COVER SHEET ***(Please Print or Type)***
This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:
Cheryl Lynn Johnson
1987 Cherry Heights Rd
The Dalles OR 97058

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)
Quitclaim Deed

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160
Ruth L Johnson, by Karen A Hedges POA
Karl Johnson

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160
Cheryl Lynn Johnson

4) TRUE AND ACTUAL CONSIDERATION
ORS 93.030(5) – Amount in dollars or other
$ 1000.00 ☐ Other

5) SEND TAX STATEMENTS TO:
Cheryl Lynn Johnson
1987 Cherry Heights Rd
The Dalles OR 97058

6) SATISFACTION of ORDER or WARRANT
ORS 205.125(1)(e)
CHECK ONE: (If applicable) ☒ FULL ☐ PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)
$ 1000.00

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF _____ ~~Cheryl Johnson~~ TO CORRECT _____
PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____."

Quitclaim Deed

RECORDING REQUESTED BY Gerald Duane Johnson
AND WHEN RECORDED MAIL TO:
Cheryl Johnson, Grantee(s)
1987 Cherry Heights Rd
The Dalles OR 97058
Consideration: $ 1,000.00
Property Transfer Tax: $ -0-
Assessor's Parcel No.: 800
PREPARED BY: Gerald Duane Johnson certifies herein that he or she has prepared this Deed.

Gerald Duane Johnson
Signature of Preparer

9-16-16
Date of Preparation

Gerald Duane Johnson
Printed Name of Preparer

THIS QUITCLAIM DEED, executed on 9-30-2016 in the County of PIERCE, State of WASHINGTON by Grantor(s), RUTH L. JOHNSON, by KAREN A. HEDGES POA, whose post office address is PO BOX 65788, UNIVERSITY PLACE, WA 98464, to Grantee(s), Cheryl Lynn Johnson, whose post office address is 1987 Cherry Heights Rd The Dalles OR 97058,

WITNESSETH, that the said Grantor(s), _____, for good consideration and for the sum of one thousand dollars and NO/100 ($ 1,000.00) paid by the said Grantee(s), the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said Grantee(s) forever, all the right, title

interest and claim which the said Grantor(s) have in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Wasco, State of Oregon and more specifically described as set forth in EXHIBIT "A" to this Quitclaim Deed, which is attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Grantor(s) has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

GRANTOR(S):

Karen A. Hedges POA for RUTH L. JOHNSON

Signature of Grantor | Signature of Second Grantor (if applicable)

KAREN A HEDGES

Print Name of Grantor | Print Name of Second Grantor (if applicable)

Signature of First Witness to Grantor(s) | Signature of Second Witness to Grantor(s)

Print Name of First Witness to Grantor(s) | Print Name of Second Witness to Grantor(s)

GRANTEE(S):

Cheryl Johnson

Signature of Grantee | Signature of Second Grantee (if applicable)

Cheryl Johnson

Print Name of Grantee | Print Name of Second Grantee (if applicable)

Gerald Duane John

Signature of First Witness to Grantee(s) | Signature of Second Witness to Grantee(s)

Gerald Duane Johnson

Print Name of First Witness to Grantee(s) | Print Name of Second Witness to Grantee(s)

NOTARY ACKNOWLEDGMENT

State of WASHINGTON

County of PIERCE

On 9/30/2016, before me, LAURA L. MINHINNETT, a notary public in and for said state, personally appeared, KAREN A. HEDGES

who are known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

Affiant Known _____ Produced ID X

Type of ID WA DL

Notary Public
State of Washington
LAURA L MINHINNETT
(Seal)
MY COMMISSION EXPIRES
February 27, 2020

We no longer wish to serve as trustees for the KARL A. JOHNSON and RUTH L. JOHNSON TRUST, UA DTD October 31, 1994. We hereby appoint KAREN A. HEDGES, our daughter, of University Place, Washington, as successor Trustee.

Executed this 9-29, 2015

Karl A. Johnson, Trustor

On 9-29, 2015, personally appeared before me the above named Trustor, proven to me onthe basis of satisfactory evidence to be the person whose name is subscribed to the above insturment in said capacity, and acknowledged that such person executed the same.

Notary Public for Washington

My Commission Expires: 1-31-16

Executed this 9-29, 2015

Ruth L. Johnson, Trustor

On 9-29, 2015, personally appeared before me the above named Trustor, proven to me on the basis of satisfactory evidence to be ther person whose name is subscribed to the avove instrument in said capacity, and acknowledged that such person executed the same.

Notary Public for Washington

My Commission Expires: 1-31-16

Exhibit "A"

Columbia Crest Addn
BG at most SLy Cor of Lot 5, BLK E
Columbia Crest Addn. SD PT Being
ON NEly R/W BNDRY of Sandstone way:
TH S 39* 46'E 30.5 FT ALg SD R/W:
TH NELY 89.5 FT TAP ON BNDRY LI of
Lot 5 of SD Columbia Crest ADDN WH
PT IS S48* 09' W 23.4 FT Fm most ELY
Cor of SD Lot 5;
TH S 48* 09' W 38.9 FT ALG BNDRY LI of
SD LOT 5;
TH SWLY 40.1 FT ALG SD BNDRY LI TO
POB.

TAX Lot 800
Acct - 8357 - legal

PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

FILE NUMBER: 921-23-000023-PLNG___APPEAL

FEE: 1412.64

APPEAL OF LAND USE DECISION

ORIGINAL PLANNING DEPARTMENT FILE NUMBER: 921-23-000023 (dated 8/3/2023)

Date Received: 8-18-23 **Planner Initials:** **Date Complete:** **Planner Initials:**

APPELLANT INFORMATION

Name: Friends of the Columbia Gorge

Mailing Address: 123 NE 3rd Ave, Ste 108

City/State/Zip: *Portland, OR 97232*

Phone: 971-634-2032 **Email:** steve@gorgefriends.org

APPEAL INFORMATION

1. Appeal Type

☐ Administrative Decision to the Planning Commission: Fee = $250

☑ Planning Commission Decision to the Board of County Commissioners: Fee = $ 1412.64

If appellant prevails at Planning Commission or a subsequent appeal, the $250 fee for the initial appeal shall be refunded per ORS 215.416(11)(b). This is not applicable for any subsequent appeal costs.

2. Appeal Deadline: August 18, 2023

Date Submitted: August 18, 2023

All appeal documents filed with Wasco County must be delivered to the Wasco County Planning Department Office by email, postal service or in person. Documents faxed are not considered filed. An appeal will not be considered timely unless received no later than 4:00 p.m. on the deadline stated on the Notice of Decision or Resolution. AN APPEAL IS NOT CONSIDERED COMPLETE UNTIL BOTH THE SIGNED NOTICE OF APPEAL AND FILING FEE ARE RECEIVED.

3. Party Status: State how the petitioner(s) qualifies as a party to this matter:

Friends of the Columbia Gorge (Friends) is a party of record to the Planning Commission decision, and participated in the proceedings below through written comments, which are discussed extensively in the decision. Since Friends timely submitted written comments to the Planning Commission prior to the close of the quasi-judicial hearing that was held under NSA-LUDO § 2.050 B, under NSA-LUDO § 2.190 D, Friends automatically has party status. In addition, Friends is adversely affected by the decision.

Party includes the following:

- The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- Any affected unit of local government or public district or state or federal agency.
- Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

4. Grounds for appeal: List the **specific** grounds relied upon in the petition request for review (e.g. ordinance criteria not met, procedural error, etc.) Additional pages may be attached.

(1) The decision violates the NSA-LUDO, including sections 3.160 D.13, 3.160 G, 21.030 C & D, because it unlawfully approves new parcels that violate the applicable minimum lot size for the land use designation.

(2) The decision contains erroneous findings and conclusions regarding the current number of legally existing parcels.

5. De Novo vs. On The Record: All appeals to Planning Commission are De Novo meaning new information can be entered into the record. All appeals to the Board of Commissioners are on the record unless a request is made as part of this request by party filing the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired.

The appeal is to the Board of Commissioners? ☐ NO ☑ YES

I request the hearing to be De Novo or partial De Novo? ☐ NO ☑ YES

State the reasons you are requesting a De Novo or partial De Novo without addressing the merits of the land use action:

A de novo hearing is required by NSA-LUDO 2.170.A: "The review of the decision of the Planning Commission by the County Governing Body shall be conducted as a 'de novo' hearing, including but not limited to the record established at the Planning Commission level." Failure to hold a de novo hearing would be a procedural error that would prejudice Friends' substantial rights.

Indicate any persons known to be opposed to a request for a De Novo hearing.

N/A

When practicable, the requesting party shall advise the other parties and attempt to gain their consent.

I have attempted to gain the consent of the other parties associated with this file? ☑ NO ☐ YES

APPEAL OF LAND USE DECISION

If you answered no, indicate why this is not practicable. If you answered yes, list the parties who have consented for this to be a De Novo or partial De Novo hearing.

The consent of parties for a de novo hearing is not required for this type of appeal. Rather, as discussed above, a de novo hearing is required by NSA-LUDO 2.170.A.

The request for a De Novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Board of Commissioners as a nonpublic hearing item, except that the Board may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Board of Commissioners shall grant the request only upon findings that:

- A De Novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;
- The substantial rights of the parties will not be significantly prejudiced; and
- The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

5. Outstanding Appeal Fees: Any person wishing to appeal any decision shall be required to pay all outstanding appeal fees prior to their appeal application being considered complete.

List prior appeals filed:

I have paid all outstanding fees associated with prior appeals: ☐ NO ☑ YES

SIGNATURES

Name, Title — Date 8-18-2023

Steven D. McCoy — Date 8-18-2023

Name, Title

Additional petitioner(s):

Name — Address

Name — Address

Name — Address

Name — Address

P:\Development Applications\Appeal_Decision._fillable_01.18.22 — Last updated 1/18/2022

APPEAL OF LAND USE DECISION

Wasco County Planning Department

Office: Not Applicable
2705 East 2nd Street
The Dalles, OR 97058
541-506-2560
Fax: 541-506-2651
wcplanning@co.wasco.or.us

Transaction Receipt

Record ID: 921-23-000125-PLNG

IVR Number: 921045326164

Receipt Number: 71374

Receipt Date: 8/18/23

www.co.wasco.or.us/departments/planning/index.php

Worksite address: 0 TEMP ADDRESS

Parcel: 1N 13E 4 BC 2600

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
8/18/23	1.00 Ea	Type IV - BOC - Appeal to BOC	1010.21.5124.10.411.411 175.	$1,296.64	$1,296.64
8/18/23	1.00 Ea	Clerk Recording fees - general	1010.21.5124.10.411.411 310.	$116.00	$116.00

Payment Method: Check number: 9252 Payer: Friends Of The Columbia Gorge Payment Amount: $1,412.64

Cashier: Dustin Williams **Receipt Total:** **$1,412.64**

PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

FILE NUMBER: 921-23-000023-PLNG___APPEAL

FEE: 1412.64

APPEAL OF LAND USE DECISION

ORIGINAL PLANNING DEPARTMENT FILE NUMBER: 921-23-000023 (dated 8/3/2023)

Date Received: 8-18-23 **Planner Initials:** **Date Complete:** **Planner Initials:**

APPELLANT INFORMATION

Name: Friends of the Columbia Gorge

Mailing Address: 123 NE 3rd Ave, Ste 108

City/State/Zip: *Portland, OR 97232*

Phone: 971-634-2032 **Email:** steve@gorgefriends.org

APPEAL INFORMATION

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☑ Planning Commission Decision to the Board of County Commissioners: Fee = $ 1412.64

If appellant prevails at Planning Commission or a subsequent appeal, the $250 fee for the initial appeal shall be refunded per ORS 215.416(11)(b). This is not applicable for any subsequent appeal costs.

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Date Submitted: August 18, 2023

All appeal documents filed with Wasco County must be delivered to the Wasco County Planning Department Office by email, postal service or in person. Documents faxed are not considered filed. An appeal will not be considered timely unless received no later than 4:00 p.m. on the deadline stated on the Notice of Decision or Resolution. AN APPEAL IS NOT CONSIDERED COMPLETE UNTIL BOTH THE SIGNED NOTICE OF APPEAL AND FILING FEE ARE RECEIVED.

3. Party Status: State how the petitioner(s) qualifies as a party to this matter:

Friends of the Columbia Gorge (Friends) is a party of record to the Planning Commission decision, and participated in the proceedings below through written comments, which are discussed extensively in the decision. Since Friends timely submitted written comments to the Planning Commission prior to the close of the quasi-judicial hearing that was held under NSA-LUDO § 2.050 B, under NSA-LUDO § 2.190 D, Friends automatically has party status. In addition, Friends is adversely affected by the decision.

Party includes the following:

- The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- Any affected unit of local government or public district or state or federal agency.
- Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

4. Grounds for appeal: List the **specific** grounds relied upon in the petition request for review (e.g. ordinance criteria not met, procedural error, etc.) Additional pages may be attached.

(1) The decision violates the NSA-LUDO, including sections 3.160 D.13, 3.160 G, 21.030 C & D, because it unlawfully approves new parcels that violate the applicable minimum lot size for the land use designation.

(2) The decision contains erroneous findings and conclusions regarding the current number of legally existing parcels.

5. De Novo vs. On The Record: All appeals to Planning Commission are De Novo meaning new information can be entered into the record. All appeals to the Board of Commissioners are on the record unless a request is made as part of this request by party filing the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired.

The appeal is to the Board of Commissioners? ☐ NO ☑ YES

I request the hearing to be De Novo or partial De Novo? ☐ NO ☑ YES

State the reasons you are requesting a De Novo or partial De Novo without addressing the merits of the land use action:

A de novo hearing is required by NSA-LUDO 2.170.A: "The review of the decision of the Planning Commission by the County Governing Body shall be conducted as a 'de novo' hearing, including but not limited to the record established at the Planning Commission level." Failure to hold a de novo hearing would be a procedural error that would prejudice Friends' substantial rights.

Indicate any persons known to be opposed to a request for a De Novo hearing.

N/A

When practicable, the requesting party shall advise the other parties and attempt to gain their consent.

I have attempted to gain the consent of the other parties associated with this file? ☑ NO ☐ YES

APPEAL OF LAND USE DECISION

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- The substantial rights of the parties will not be significantly prejudiced; and
- The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

5. Outstanding Appeal Fees: Any person wishing to appeal any decision shall be required to pay all outstanding appeal fees prior to their appeal application being considered complete.

List prior appeals filed:

I have paid all outstanding fees associated with prior appeals: ☐ NO ☑ YES

SIGNATURES

Name, Title — Date 8-18-2023

Steven D. McCoy — Date 8-18-2023

Name, Title

Additional petitioner(s):

Name — Address

Name — Address

Name — Address

Name — Address

P:\Development Applications\Appeal_Decision._fillable_01.18.22 — Last updated 1/18/2022

APPEAL OF LAND USE DECISION

Wasco County Planning Department

Office: Not Applicable
2705 East 2nd Street
The Dalles, OR 97058
541-506-2560
Fax: 541-506-2651
wcplanning@co.wasco.or.us

Transaction Receipt

Record ID: 921-23-000125-PLNG

IVR Number: 921045326164

Receipt Number: 71374

Receipt Date: 8/18/23

www.co.wasco.or.us/departments/planning/index.php

Worksite address: 0 TEMP ADDRESS

Parcel: 1N 13E 4 BC 2600

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
8/18/23	1.00 Ea	Type IV - BOC - Appeal to BOC	1010.21.5124.10.411.411 175.	$1,296.64	$1,296.64
8/18/23	1.00 Ea	Clerk Recording fees - general	1010.21.5124.10.411.411 310.	$116.00	$116.00

Payment Method: Check number: 9252 Payer: Friends Of The Columbia Gorge Payment Amount: $1,412.64

Cashier: Dustin Williams **Receipt Total:** **$1,412.64**

PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

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:

Map/Tax Lot	*Acct. #*	*Acres*
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

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • **f:** [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

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**

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.

ATTACHMENT A - CONDITIONS OF APPROVAL

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.

ATTACHMENT A - CONDITIONS OF APPROVAL

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 approved 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.

(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

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 pubic 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).

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 completeion of the project, the Wasco County Public Works Director (The County Roadmaster) determines that “As Constructed Plans” shall be furnished, the consultant engineer

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

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.

Digitally signed by Daniel Dougherty
DN: cn=Daniel Dougherty, o=Planning Department,
ou=Wasco County, email=danield@co.wasco.or.us, c=US

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.

PRINCE HEIGHTS SUBDIVISION

APPROVALS AND NOTES

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20-65, 67-73, BLOCK "A", LOTS 3-9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1-5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9-16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

SURVEYOR'S NOTES

PLAT REPRESENTS A BOUNDARY SURVEY OF PARCELS DESCRIBED IN QUIT CLAIM DEED, RECORDED SEPTEMBER 8, 2000, IN INSTRUMENT NO. 20003828 WASCO COUNTY RECORDS.

WASCO COUNTY GEOLOGIC HAZARD ZONE " "

ZONING IS

MONUMENTS STARTED XXXX, 2017 AND COMPLETED XXXX, 2017

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION.

REFERENCED SURVEYS

R1. LOT LINE ADJUSTMENT PLAT PERFORMED BY TENNESON ENGINEERING CORP. FOR JOHN W.& L. MARILYN BYERS, FILED 04/23/1993 COUNTY SURVEY NO. 08-187.

R2. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR JEAN HOCKMAN, DATED 11/29/2000, COUNTY SURVEY NO. 11-176.

R3. PARTITION PLAT P.P105, PERFORMED BY TENNESON ENG., COUNTY SURVEY NO. XXXX.

R4. REPLAT OF LOT 18 & 19 COLUMBIA CREST., PERFORMED BY KLEIN AND ASSOCIATES, INC. FOR ERIC BLUMENTHAL, FILED 05/25/2007 COUNTY SURVEY NO. 15-022

R5. PARTITION PLAT 2012-0012 PERFORMED BY TENNESON ENGINEERING CORP. FOR JOHN H.& SANDRA BYERS, AND JOHN W.& L. MARILYN BYERS, FILED 10/26/2012 COUNTY SURVEY NO. 17-119A.

R6. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR PONICHTERA, MORIKAWA, JOHNSON, HARRISON, AND BYERS, FILED 08/20/2013 COUNTY SURVEY NO. 18-010.

R7. MAP OF COLUMBIA CREST ADDITION, PEFORMED BY HOMER S. WALL FOR T.F.& MARY E. JONES, JOE J.& RUBY L. FLECK, AND R.E.& BETTY MITCHHELL, FILED 06/05/1953, BOOK 5, PAGE 8 OF COUNTY SURVEYS.

R8. PLAT OF FRUITLAND PARK ADDITION, PERFORMED BY WALTER M. OBER. FILED 12/14/1910, VOLUME 2, PAGE 14 OF PLATS

R9. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR RICHARD HARRISON, DATED 02/12/198, COUNTY SURVEY NO. 10-167.

R10. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR CHARLES PHIPPS, DATED 04/16/79, COUNTY SURVEY NO. 4-72.

REFERENCED DEEDS

WARRANTY DEED, INSTRUMENT NO. 68-1498
WARRANTY DEED, INSTRUMENT NO. 71-2489
WARRANTY DEED, INSTRUMENT NO. 72-0138
WARRANTY DEED, INSTRUMENT NO. 72-0539
WARRANTY DEED, INSTRUMENT NO. 77-0226
QUITCLAIM DEED, INSTRUMENT NO. 2016-004055
WARRANTY DEED, BOOK 149, PAGE 115

SHEET INDEX

SHEET 1: APPROVALS AND NOTES
SHEET 2: EXISTING LOT LAYOUT
SHEET 3: EXISTING EASEMENTS
SHEET 4: NEW LOT LAYOUT
SHEET 5: NEW EASEMENTS

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO COMPLETE A 8 LOT SUBDIVISION OF TAX LOTS 1N-13E-04BC 1500, 2600 AND 1N 13E 05AD 300, 400, 500, 700, 1000, 1100, 1200. THE SUBJECT PROPERTY LIES WITHIN IN A PORTION OF COLUMBIA CREST ADDITION AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35, LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, WASCO COUNTY, STATE OF OREGON. PRIOR TO COMPLETING THE FIELD WORK, MAPPING AND CALCULATION NECESSARY FOR THIS PLAT. RESEARCH WAS OBTAINED AND A PRELIMINARY TITLE REPORT FURNISHED BY OUR CLIENT WAS USED TO ESTABLISH THE EXTERIOR BOUNDARY. PRIOR SURVEY SURVEYS UTILIZED ARE LISTED IN REFERENCE SURVEY.

RESEARCH INTO FRUITLAND PARK ADDITION YIELDED VERY LITTLE IN THE WAY OF PRIOR SURVEY INFORMATION TO WORK WITH FOR THIS SURVEY. SURVEYS THAT WERE AVAILABLE WERE VAGUE AT BEST ON HOW TO THEY RESOLVE FRUITLAND PARK ADDITION. THE ORIGINAL PLAT OF FRUITLAND PARK ADDITION WAS FOUND TO BE ESSENTIALLY INDECIPHERABLE AND PROVIDED LITTLE MORE THAN A GRAPHICAL REPRESENTATION. THE PLAT WAS LACKING DISTANCES, ANGLES OR BEARINGS AND IT WAS ALSO FOUND THAT NO ROAD OR LOT CLOSURES COULD BE COMPUTED FROM THE PLAT. GIVEN THE SITUATION OF POOR AND INACCURATE INFORMATION OF THE ORIGINAL PLAT TO WORK FROM, SEVERAL ASSUMPTION WERE MADE ALONG WITH HONORING PAST SURVEY OF RECORD. IN PARTICULARLY TWO SURVEYS PERFORMED BY TENNESON ENGINEERING CORPORATION, FILED AS COUNTY SURVEY NO. 10-167 AND 11-176 WHICH WERE USED TO ESTABLISH LOTS 9 THROUGH 16, TRACT 35 AND ROADS "D" AND "H". LOTS 9 THROUGH 16, TRACT 35 AND ROAD "D" WERE COMPUTED AS A BEST FIT BETWEEN EXISTING MONUMENT RECOVERED FROM BOTH TENNESON ENGINEERING AFORESAID SURVEYS. BY UTILIZING MONUMENTS RECOVERED ALONG THE NORTH RIGHT-OF-WAY OF ROAD "H" PER COUNTY SURVEY NO. 10-167 AND HOLDING THE COMPUTED POSITION OF THE NORTHWEST CORNER OF TAX LOT 100, BEING A 5/8" REBAR SET BY TENNESON ENGINEERING, FOR A SURVEY JEAN HOCKMAN, FILED IN COUNTY SURVEY NO. 11-176 WERE USED TO ESTABLISHED ROAD "H". LOTS 4 THROUGH 9, TRACT 34 WERE COMPUTED AT PLAT DISTANCE FROM THE SOUTHEAST CORNER OF LOT 17 AS ESTABLISHED BY AFORESAID TENNESON ENGINEERING ALONG WITH APPLYING THE PLAT ANGLE OF 91°54'.

SURVEYOR'S CERTIFICATE

I, JAMES M. KLEIN, REGISTERED LAND SURVEYOR NO. 59002 IN THE STATE OF OREGON, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS, ACCORDING TO ORS CHAPTER 92 AND WASCO COUNTY LAND USE DEVELOPMENT ORDINANCE, THE LANDS REPRESENTED ON THIS PLAT OF "PRINCE HEIGHTS SUBDIVISION" LYING IN A PORTION OF COLUMBIA CREST ADDITION AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35, LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, WASCO COUNTY, STATE OF OREGON, THE INITIAL PONT FOR SAID PLAT IS A 3" IRON PIPE LOCATED AT THE NORTHEAST CORNER OF LOT 5 OF COLUMBIA CREST ADDITION, LAST SAID POINT ALSO BEING THE NORTHEAST CORNER OF WENTZ RESERVE IN THE PLAT OF FRUITLAND PARK ADDITION. THE PLATTED PROPERTY IS DESCRIBED AS FOLLOWS:

_____
JAMES M. KLEIN PLS. 59002

APPROVALS:

I HEREBY CERTIFY THAT I HAVE EXAMINED THE SURVEY DATA, LAYOUT OF ROADS, MONUMENTS AND EASEMENTS AND THAT THE PLAT CONFORMS TO THE APPROVED PRELIMINARY PLAN OF "PRINCE HEIGHTS SUBDIVISION" IN WASCO COUNTY, STATE OF OREGON AND HEREBY APPROVE SAID PLAT.

WASCO COUNTY SURVEYOR _____ DATED _____

I HEREBY CERTIFY THAT THIS PLAT OF "PRINCE HEIGHTS SUBDIVISION" IN WASCO COUNTY, STATE OF OREGON, CONFORMS TO THE APPROVED PRELIMINARY PLAN AND, BY DIRECTION OF THE PLANNING COMMISSION, I HEREBY APPROVE THIS FINAL PLAT.

WASCO COUNTY PLANNING DIRECTOR _____ DATED _____

APPROVALS:

THIS PLAT OF PRINCE HEIGHTS SUBDIVISION IN THE COUNTY OF WASCO, STATE OF OREGON WAS EXAMINED AND APPROVED BY:

WASCO COUNTY COMMISSIONER _____ DATED _____

WASCO COUNTY COMMISSIONER _____ DATED _____

WASCO COUNTY COMMISSIONER _____ DATED _____

WASCO COUNTY ENGINEER _____ DATED _____

WASCO COUNTY PLANNING DIRECTOR _____ DATED _____

APPROVALS:

I HEREBY CERTIFY THAT I HAVE EXAMINED THE PLAT OF "PRINCE HEIGHTS SUBDIVISION" IN THE COUNTY OF WASCO, STATE OF OREGON, AND THAT THE NAME ADOPTED FOR SAID PLAT IS A PROPER NAME AND NOT INCLUDED IN ANY OTHER SUBDIVISION IN WASCO COUNTY AND FURTHER CERTIFY THAT ALL TAXES AND ASSESSMENTS DUE OR WILL BECOME DUE THEREON DURING THE CALENDER YEAR HAVE BEEN FULLY PAID AS REQUIRED BY LAW AND I HEREBY APPROVE SAID PLAT.

WASCO COUNTY ASSESSOR _____ DATED _____

WASCO COUNTY TAX COLLECTOR _____ DATED _____

DECLARATION:

I _____, THE OWNER OF THE LAND SHOWN ON THE PLAT HEREUNTO ATTACHED AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE ALSO HEREUNTO ATTACHED, DEDICATE TO THE PUBLIC FOREVER ALL STREETS AND EASEMENTS SHOWN ON SUCH PLAT AND DECLARE THE PLAT OF "PRINCE HEIGHTS SUBDIVISION" TO BE A CORRECT PLAT AS LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION 4 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF WASCO, STATE OF OREGON, AND IN ACCORDANCE WITH MY DESIRES AND THE PROVISIONS OF ORS CHAPTER 92.

_____
NAME

ACKNOWLEDGMENTS:

ON THE ____ DAY OF _____, 2023 BEFORE ME A NOTARY PUBLIC FOR THE STATE OF OREGON, APPEARED _____, KNOWN TO ME PERSONALLY, WHO BEING DULY SWORN, SAID THAT HE DID ACKNOWLEDGE THIS INSTRUMENT OF HIS FREE AND VOLUNTARY ACT.

_____
NOTARY SIGNATURE

_____
NOTARY PUBLIC-(NAME)

STATE OF _____

COUNTY OF _____

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

COVENANTS, CONDITIONS AND RESTRICTIONS:

ALL LOTS WITHIN THE PLAT OF PRINCE HEIGHTS SUBDIVISION ARE SUBJECT TO A DOCUMENT TITLED "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" SAID DOCUMENT IS RECORDED ON A SEPARATE DOCUMENT BEING RECORDED IN INSTRUMENT NUMBER _____, WASCO COUNTY RECORDS. SAID DOCUMENTS SHALL BE CONSIDERED AS A PART OF THIS PLAT. IT IS THE RESPONSIBILITY OF ALL PARTIES TO BE AWARE OF AND TO CONFORM TO SAID DOCUMENT.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

OWNER

SMILEKEL GROUP, LLC

SURVEY PERFORMED FOR:
LKM REAL ESTATE
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, GD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

Klein & Associates, Inc.
ENGINEERING•SURVEYING•PLANNING
1411 13th Street•Hood River, OR 97031
TEL: 541-386-3322•FAX: 541-386-2515

SHEET 1 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
NE	4	1N.	13E.
SE	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

EXISTING LOT LAYOUTS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B",
ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

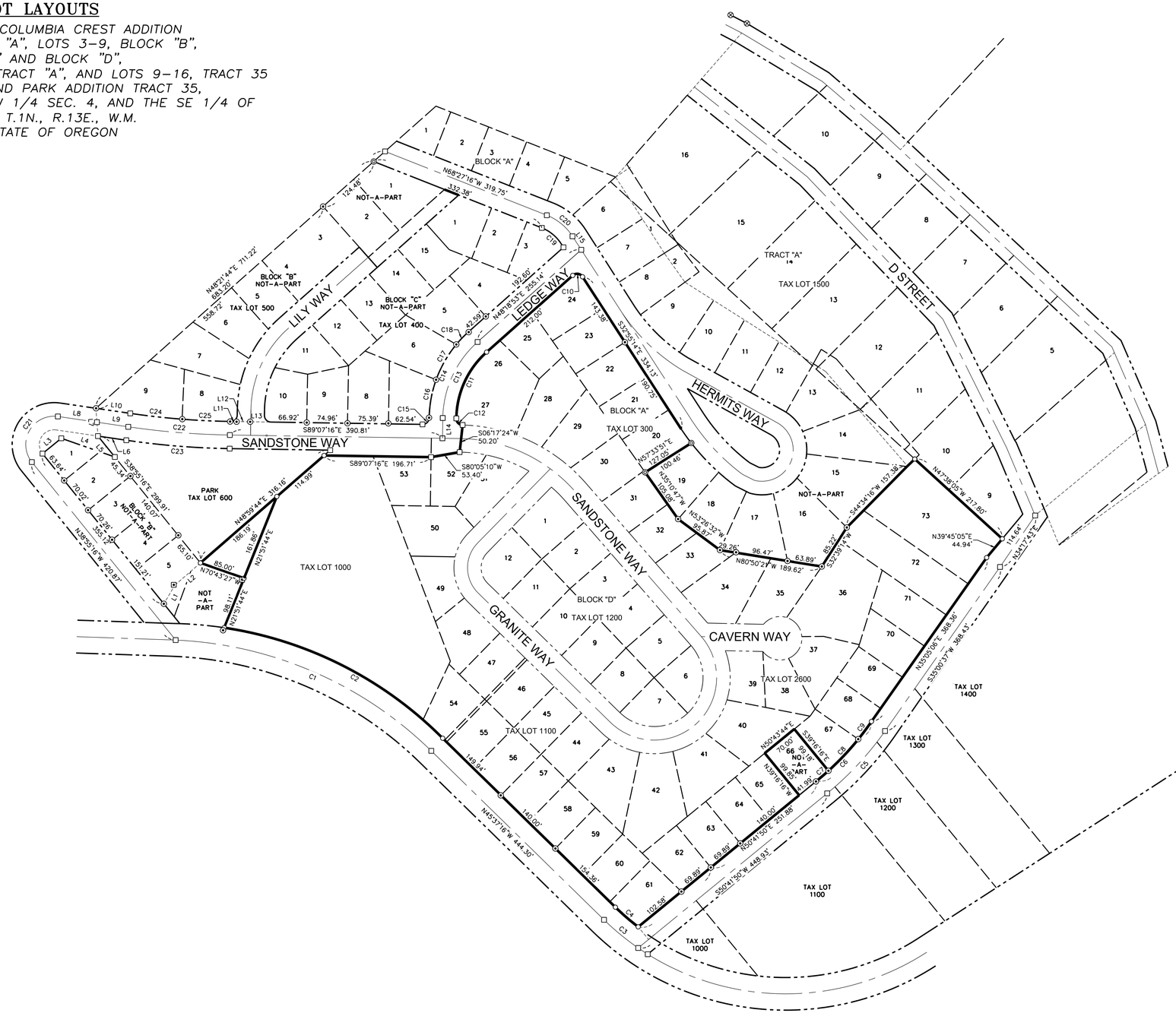
SLIDE NO. _____

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	523.76'	716.20'	41°54'01"	N66°33'41"W	512.16'
C2	457.94'	716.30'	36°37'49"	N63°09'12"W	450.18'
C3	81.57'	477.50'	9°47'17"	S50°30'54"E	81.47'
C4	55.42'	447.50'	7°05'46"	S49°10'09"E	55.39'
C5	156.88'	573.00'	15°41'13"	S42°51'13"W	156.39'
C6	120.70'	513.17'	13°28'34"	N41°06'05"E	120.42'
C7	28.02'	513.08'	3°07'46"	N49°24'18"E	28.02'
C8	80.03'	513.17'	8°56'09"	N43°22'18"E	79.95'
C9	40.64'	513.89'	4°31'53"	N36°37'58"E	40.63'
C10	20.69'	12.00'	98°45'53"	S82°18'11"E	18.22'
C11	137.95'	165.99'	47°37'00"	S24°30'23"W	134.01'
C12	18.66'	12.00'	89°06'25"	S43°51'20"E	16.84'
C13	158.28'	190.99'	47°29'00"	S24°34'23"W	153.79'
C14	179.00'	215.99'	47°29'00"	S24°34'23"W	173.92'
C15	18.86'	12.00'	90°02'51"	N45°51'18"E	16.98'
C16	71.46'	215.99'	18°57'20"	S10°18'33"W	71.13'
C17	75.20'	215.99'	19°56'58"	S29°45'42"W	74.82'
C18	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C19	46.51'	75.00'	35°32'02"	N50°41'15"W	45.77'
C20	62.02'	100.00'	35°32'02"	N50°41'15"W	61.03'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S30°30'05"W	39.65'
L2	S48°59'44"W	62.49'
L3	N50°51'36"E	44.58'
L4	S70°45'16"E	104.26'
L5	N38°55'16"W	49.40'
L6	S81°37'16"E	52.67'
L7	N4°11'02"W	51.23'
L8	S81°37'16"E	72.56'
L9	S81°37'16"E	58.24'
L10	N81°37'16"W	63.81'
L11	S89°07'16"E	12.00'
L12	S89°07'16"E	24.99'
L13	S89°07'16"E	37.01'
L14	S0°49'53"W	37.10'
L15	N32°55'14"W	29.71'
L16	N0°52'44"E	22.73'
L17	N48°18'53"E	21.04'
L18	N61°38'16"W	48.90'
L19	N30°51'02"W	67.81'
L20	N16°36'46"W	85.42'
L21	N16°36'46"W	16.68'
L22	S68°27'16"E	28.01'



100' 0 100' 200'
SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

- ○ SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- ⊙ FOUND 1/2 " IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION. VISITED 2017.
- ◎ FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15–022. VISITED 2017.
- ◕ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11–176. VISITED 2017.
- ⊗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10–167. VISITED 2017.
- ⊡ FOUND 3/4" IRON PIPE; UNKNOWN ORIGIN. VISITED 2017.
- □ COMPUTED ANGLE POINT, NOT MONUMENTED
- RM REFERENCE MONUMENT
- CS NO COUNTY SURVEY NUMBER
- INST INSTRUMENT
- R1 RECORD DATA PER RECORD OF SURVEY NO.
- FD FOUND DATA
- P.U.E. PUBLIC UTILITY EASEMENT
- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
- {XXX.XX'} DISTANCE PER FRUITLAND PLAT

EXISTING TAX LOT AREA

PARCEL	AREA
TAX LOT 300 (TRUST)	2.41 ACRES
TAX LOT 1000 (TRUST)	2.76 ACRES
TAX LOT 1100 (TRUST)	4.00 ACRES
TAX LOT 1200 (TRUST)	1.99 ACRES
TAX LOT 2600 (TRUST)	4.35 ACRES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

SURVEY PERFORMED FOR:
~~LKM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17–01–05 DRAFT: BTB, GD
FILE: 170105–PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

OWNER
SMILEKEL GROUP, LLC

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

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SHEET 2 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
☒	4	1N.	13E.
☒	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

EXISTING EASEMENTS/ ROAD VACATION EXHIBITS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

100' 0 100' 200'
SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

- ○ SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- ⊙ FOUND 1/2 " IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION. VISITED 2017.
- ◎ FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15–022. VISITED 2017.
- ◗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11–176. VISITED 2017.
- ⊗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10–167. VISITED 2017.
- ⊡ FOUND 3/4" IRON PIPE; UNKNOWN ORIGIN. VISITED 2017.
- □ COMPUTED ANGLE POINT, NOT MONUMENTED
- RM REFERENCE MONUMENT
- CS NO COUNTY SURVEY NUMBER
- INST INSTRUMENT
- R1 RECORD DATA PER RECORD OF SURVEY NO.
- FD FOUND DATA
- P.U.E. PUBLIC UTILITY EASEMENT
- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
- {XXX.XX'} DISTANCE PER FRUITLAND PLAT
- ▒ PROPOSED AREA TO BE VACATED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

OWNER
SMILEKEL GROUP, LLC

SURVEY PERFORMED FOR:
~~LKM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17–01–05 DRAFT: BTB, GD
FILE: 170105–PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

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SHEET 3 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
☒	4	1N.	13E.
☒	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

PROPOSED LOT LAYOUTS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

150 0 150 300
SCALE – FEET
1" = 150'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

- ○ SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- ⊙ FOUND 1/2 " IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION. VISITED 2017.
- ◎ FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15–022. VISITED 2017.
- ◗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11–176. VISITED 2017.
- ⊗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10–167. VISITED 2017.
- ▣ FOUND 3/4" IRON PIPE; UNKNOWN ORIGIN. VISITED 2017.
- □ COMPUTED ANGLE POINT, NOT MONUMENTED
- RM REFERENCE MONUMENT
- CS NO COUNTY SURVEY NUMBER
- INST INSTRUMENT
- R1 RECORD DATA PER RECORD OF SURVEY NO.
- FD FOUND DATA
- P.U.E. PUBLIC UTILITY EASEMENT
- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
- {XXX.XX'} DISTANCE PER FRUITLAND PLAT

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	523.76'	716.20'	41°54'01"	N66°33'41"W	512.16'
C2	457.94'	716.30'	36°37'49"	N63°09'12"W	450.18'
C3	81.57'	477.50'	9°47'17"	S50°30'54"E	81.47'
C4	55.42'	447.50'	7°05'46"	S49°10'09"E	55.39'
C5	156.88'	573.00'	15°41'13"	S42°51'13"W	156.39'
C6	120.70'	513.17'	13°28'34"	N41°06'05"E	120.42'
C7	28.02'	513.08'	3°07'46"	N49°24'18"E	28.02'
C8	80.03'	513.17'	8°56'09"	N43°22'18"E	79.95'
C9	40.64'	513.89'	4°31'53"	N36°37'58"E	40.63'
C10	20.69'	12.00'	98°45'53"	S82°18'11"E	18.22'
C11	137.95'	165.99'	47°37'00"	S24°30'23"W	134.01'
C12	18.66'	12.00'	89°06'25"	S43°51'20"E	16.84'
C13	158.28'	190.99'	47°29'00"	S24°34'23"W	153.79'
C14	179.00'	215.99'	47°29'00"	S24°34'23"W	173.92'
C15	18.86'	12.00'	90°02'51"	N45°51'18"E	16.98'
C16	71.46'	215.99'	18°57'20"	S10°18'33"W	71.13'
C17	75.20'	215.99'	19°56'58"	S29°45'42"W	74.82'
C18	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C19	46.51'	75.00'	35°32'02"	N50°41'15"W	45.77'
C20	62.02'	100.00'	35°32'02"	N50°41'15"W	61.03'
C21	123.63'	52.10'	135°57'26"	S29°42'16"W	96.60'
C22	187.50'	1432.50'	7°29'58"	S85°22'15"E	187.37'
C23	190.77'	1457.50'	7°29'58"	S85°22'15"E	190.64'
C24	95.92'	1407.50'	3°54'17"	S83°34'24"E	95.90'
C25	89.35'	1407.50'	3°38'13"	S87°20'39"E	89.33'
C26	87.60'	95.00'	52°49'58"	N34°27'25"E	84.53'
C27	101.21'	70.00'	82°50'18"	N49°27'35"E	92.62'
C28	65.06'	45.00'	82°50'18"	N49°27'35"E	59.54'
C29	44.29'	215.99'	11°44'54"	S13°54'46"W	44.21'
C30	75.20'	215.99'	19°56'58"	S29°45'42"W	74.82'
C31	151.83'	215.99'	40°16'34"	S28°10'36"W	148.72'
C32	134.25'	190.99'	40°16'27"	S28°10'39"W	131.50'
C33	120.67'	165.99'	41°39'03"	S27°29'21"W	118.03'
C34	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C35	12.23'	10.00'	70°02'51"	N83°20'18"E	11.48'
C36	38.69'	75.00'	29°33'15"	N46°51'38"W	38.26'
C37	51.58'	100.00'	29°33'15"	N46°51'38"W	51.01'
C38	19.19'	10.00'	109°57'09"	N6°39'42"W	16.38'
C39	63.44'	125.00'	29°04'40"	N46°37'20"W	62.76'
C40	3.77'	175.00'	1°13'59"	S31°28'01"E	3.77'
C41	4.30'	200.00'	1°13'59"	N31°28'01"W	4.30'
C42	4.84'	225.00'	1°13'59"	S31°28'01"E	4.84'
C43	31.06'	125.00'	14°14'16"	S23°43'54"E	30.98'
C44	24.85'	100.00'	14°14'16"	N23°43'54"W	24.79'
C45	18.64'	75.00'	14°14'16"	N23°43'54"W	18.59'
C46	23.55'	25.00'	53°58'05"	N10°22'17"E	22.69'
C47	65.02'	60.00'	62°05'21"	S6°18'39"W	61.88'
C48	60.09'	60.00'	57°22'54"	S53°25'29"E	57.61'
C49	66.75'	60.00'	63°44'30"	N66°00'49"E	63.36'
C50	109.67'	60.00'	104°43'25"	N18°13'09"W	95.03'
C51	23.55'	25.00'	53°58'05"	S43°35'48"E	22.69'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S30°30'05"W	39.65'
L2	S48°59'44"W	62.49'
L3	N50°51'36"E	44.58'
L4	S70°45'16"E	104.26'
L5	N38°55'16"W	49.40'
L6	S81°37'16"E	52.67'
L7	N4°11'02"W	51.23'
L8	S81°37'16"E	72.56'
L9	S81°37'16"E	58.24'
L10	N81°37'16"W	63.81'
L11	S89°07'16"E	12.00'
L12	S89°07'16"E	24.99'
L13	S89°07'16"E	37.01'
L14	S0°49'53"W	37.10'
L15	N32°55'14"W	29.71'
L16	N0°52'44"E	22.73'
L17	N48°18'53"E	21.04'
L18	N61°38'16"W	48.90'
L19	N30°51'02"W	67.81'
L20	N16°36'46"W	85.42'
L21	N16°36'46"W	16.68'
L22	S68°27'16"E	28.01'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

SURVEY PERFORMED FOR:
~~LKM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, GD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

OWNER
SMILEKEL GROUP, LLC

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

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TEL: 541-386-3322•FAX: 541-386-2515

SHEET 4 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
☒	4	1N.	13E.
☒	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

PROPOSED EASEMENTS & DRAIN FIELD LAYOUT

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

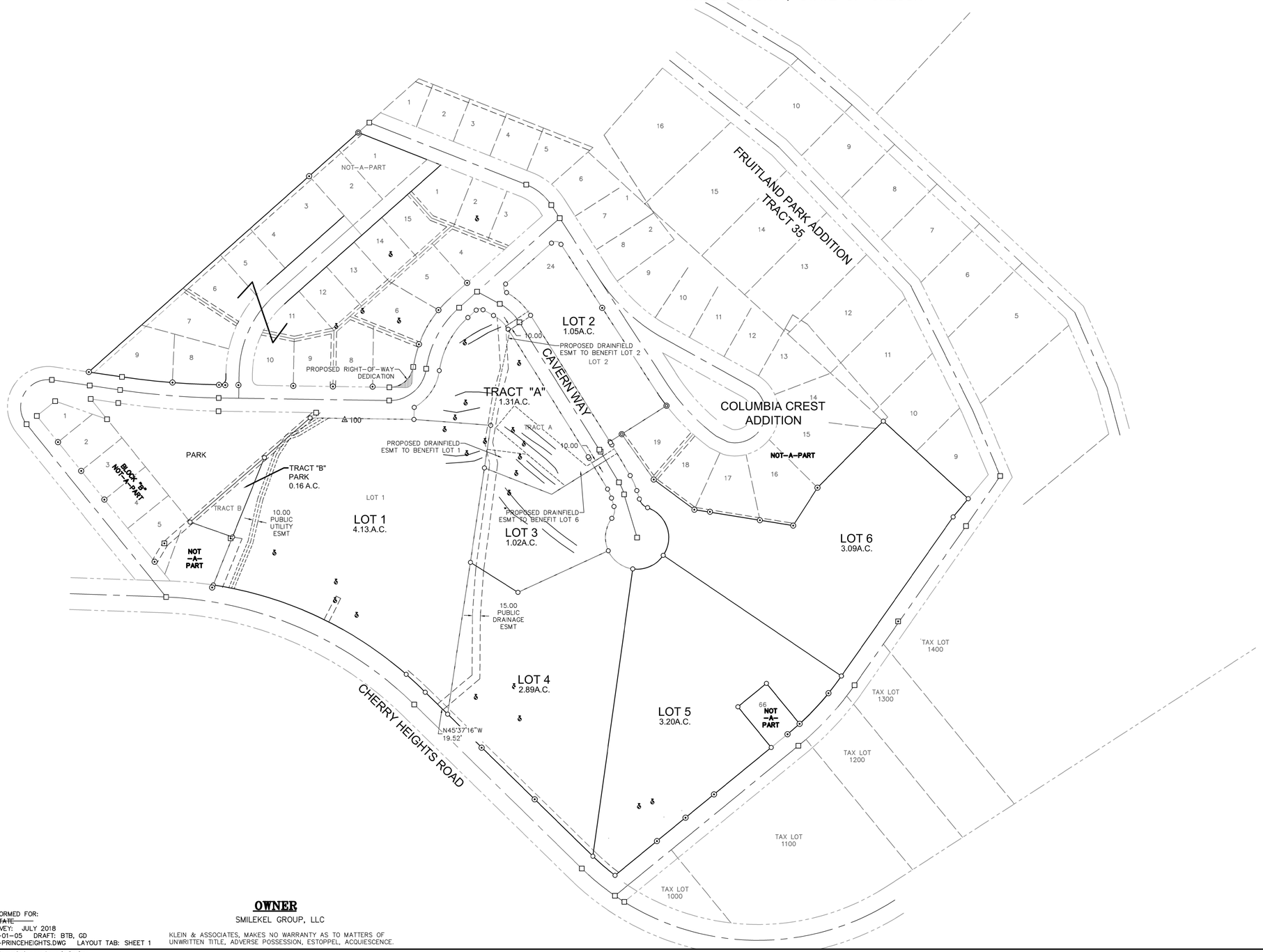
FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____



100' 0 100' 200'

SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

○	SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
⊙	FOUND 1/2 " IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION. VISITED 2017.
◎	FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15–022. VISITED 2017.
◕	FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11–176. VISITED 2017.
⊗	FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10–167. VISITED 2017.
⊡	FOUND 3/4" IRON PIPE; UNKNOWN ORIGIN. VISITED 2017.
□	COMPUTED ANGLE POINT, NOT MONUMENTED
RM	REFERENCE MONUMENT
CS NO	COUNTY SURVEY NUMBER
INST	INSTRUMENT
R1	RECORD DATA PER RECORD OF SURVEY NO.
FD	FOUND DATA
P.U.E.	PUBLIC UTILITY EASEMENT
(XXX.XX')	DISTANCE PER COLUMBIA CREST PLAT
{XXX.XX'}	DISTANCE PER FRUITLAND PLAT
S	PROPOSED DRAINFIELD AREA

EASEMENT NOTES:

A NEW SEPTIC AND ACCESS EASEMENT, OVER, UNDER, AND ACROSS THAT PORTION OF TRACT "A" FOR THE BENEFIT OF LOTS 1, 2, AND 6.

A NEW 10.00' WIDE PUBLIC UTILITY EASEMENT OVER THE EXISTING WATER MAIN TO BENEFIT CHENOWITH PUD.

A NEW 15.00' PUBLIC DRAINAGE EASEMENT OVER THE EXISTING DRY CHANNEL.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

SURVEY PERFORMED FOR:
~~LKM REAL ESTATE~~
DATE OF SURVEY: JULY 2018
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SHEET 5 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
☒	4	1N.	13E.
☒	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

PROPOSED EASEMENTS & DRAIN FIELD LAYOUT

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LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
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WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

100' 0 100' 200'
SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
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RM REFERENCE MONUMENT
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R1 RECORD DATA PER RECORD OF SURVEY NO.
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P.U.E. PUBLIC UTILITY EASEMENT
(XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
{XXX.XX'} DISTANCE PER FRUITLAND PLAT
PROPOSED DRAINFIELD AREA

EASEMENT NOTE

A NEW SEPTIC AND ACCESS EASEMENT, OVER, UNDER, AND ACROSS THAT PORTION OF TRACT "B" FOR THE BENEFIT OF LOTS 3, 4, 5, 6, 7, 8.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
59002

Expires 6-30-2023

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SHEET 5 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
	4	1N.	13E.
	5	1N.	13E.

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

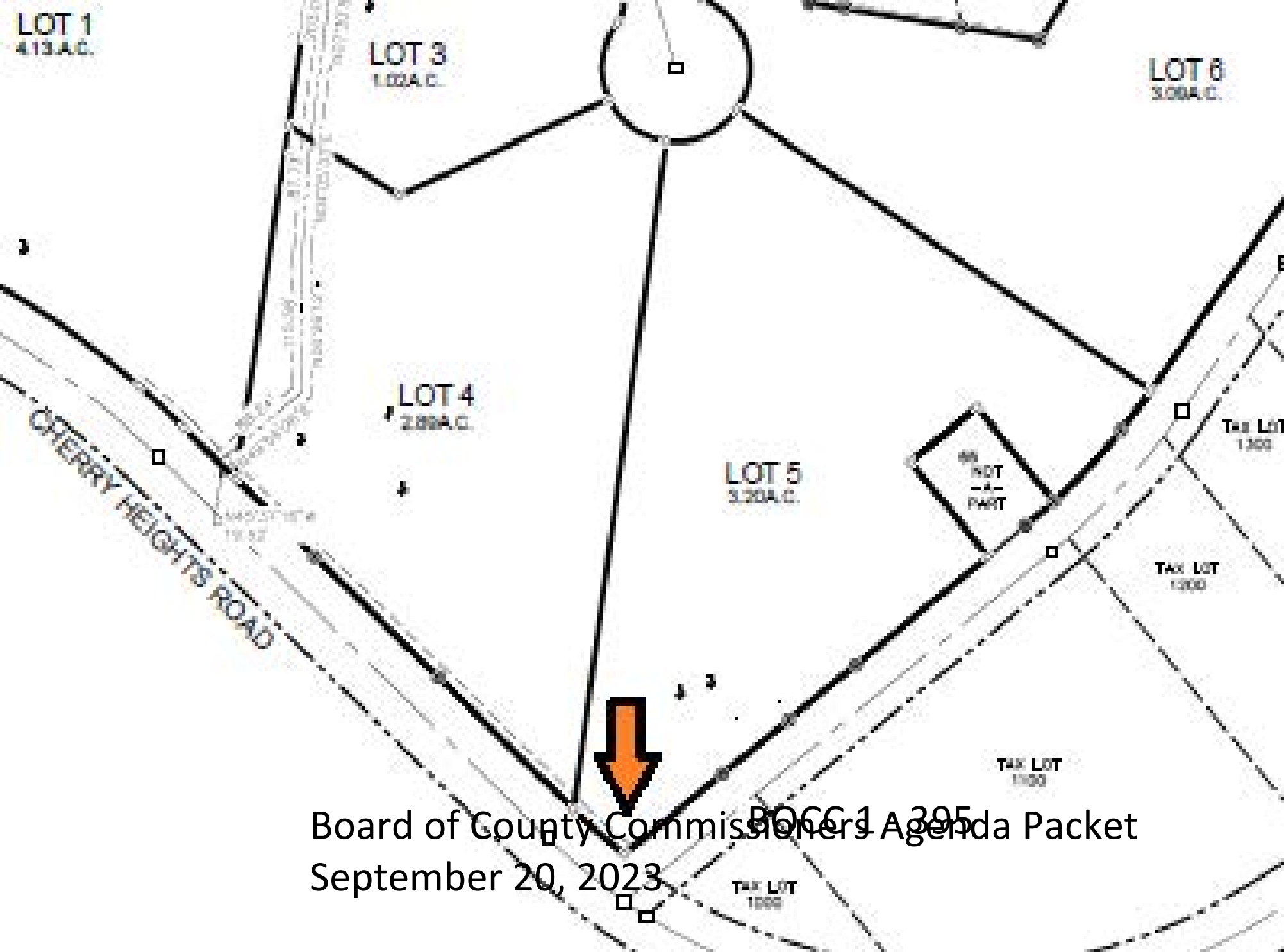
Proposed Vacated Roads

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Road


LOT 1
4.13A.C.
LOT 3
1.02A.C.
LOT 6
3.08A.C.
LOT 4
2.89A.C.
LOT 5
3.20A.C.
NOT PART
TAX LOT
TAX LOT
TAX LOT
TAX LOT
CHERRY HEIGHTS ROAD

BOCC 1-396
Board of County Commission
September 20, 2023

PRINCE HEIGHTS SUBDIVISION

EXISTING LOT LAYOUTS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B",
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AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
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WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	523.76'	716.20'	41°54'01"	N66°33'41"W	512.16'
C2	457.94'	716.30'	36°37'49"	N63°09'12"W	450.18'
C3	81.57'	477.50'	9°47'17"	S50°30'54"E	81.47'
C4	55.42'	447.50'	7°05'46"	S49°10'09"E	55.39'
C5	156.88'	573.00'	15°41'13"	S42°51'13"W	156.39'
C6	120.70'	513.17'	13°28'34"	N41°06'05"E	120.42'
C7	28.02'	513.08'	3°07'46"	N49°24'18"E	28.02'
C8	80.03'	513.17'	8°56'09"	N43°22'18"E	79.95'
C9	40.64'	513.89'	4°31'53"	N36°37'58"E	40.63'
C10	20.69'	12.00'	98°45'53"	S82°18'11"E	18.22'
C11	137.95'	165.99'	47°37'00"	S24°30'23"W	134.01'
C12	18.66'	12.00'	89°06'25"	S43°51'20"E	16.84'
C13	158.28'	190.99'	47°29'00"	S24°34'23"W	153.79'
C14	179.00'	215.99'	47°29'00"	S24°34'23"W	173.92'
C15	18.86'	12.00'	90°02'51"	N45°51'18"E	16.98'
C16	71.46'	215.99'	18°57'20"	S10°18'33"W	71.13'
C17	75.20'	215.99'	19°56'58"	S29°45'42"W	74.82'
C18	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C19	46.51'	75.00'	35°32'02"	N50°41'15"W	45.77'
C20	62.02'	100.00'	35°32'02"	N50°41'15"W	61.03'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S30°30'05"W	39.65'
L2	S48°59'44"W	62.49'
L3	N50°51'36"E	44.58'
L4	S70°45'16"E	104.26'
L5	N38°55'16"W	49.40'
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L9	S81°37'16"E	58.24'
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100' 0 100' 200'
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BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
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- CS NO COUNTY SURVEY NUMBER
- INST INSTRUMENT
- R1 RECORD DATA PER RECORD OF SURVEY NO.
- FD FOUND DATA
- P.U.E. PUBLIC UTILITY EASEMENT
- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
- {XXX.XX'} DISTANCE PER FRUITLAND PLAT

EXISTING TAX LOT AREA

PARCEL	AREA
TAX LOT 300 (TRUST)	2.41 ACRES
TAX LOT 1000 (TRUST)	2.76 ACRES
TAX LOT 1100 (TRUST)	4.00 ACRES
TAX LOT 1200 (TRUST)	1.99 ACRES
TAX LOT 2600 (TRUST)	4.35 ACRES

REGISTERED
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LAND SURVEYOR

OREGON
JULY 12, 2005
JAMES M. KLEIN
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SHEET 2 OF 5
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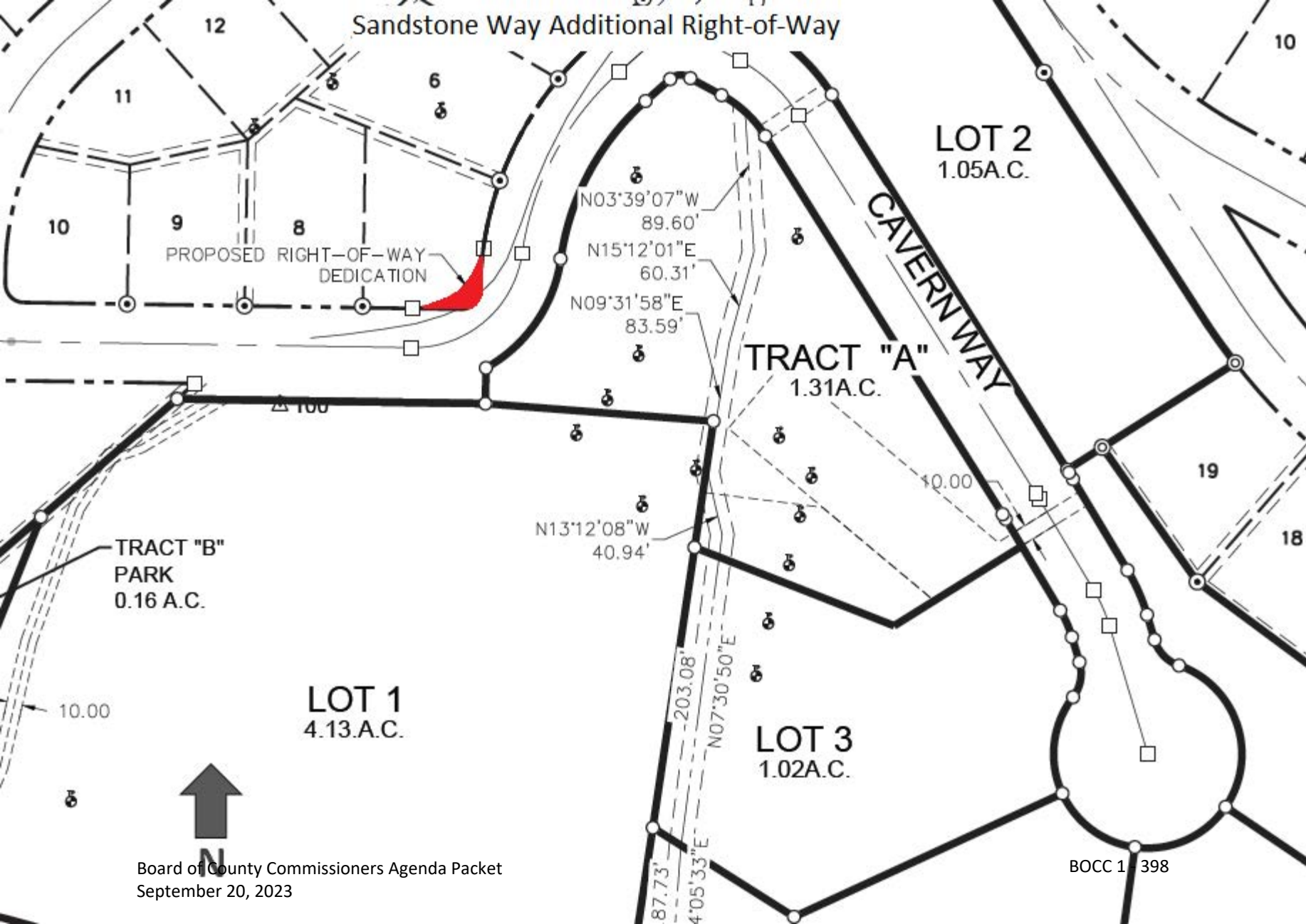
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
NE	4	1N.	13E.
SE	5	1N.	13E.


Sandstone Way Additional Right-of-Way
12
11
6
10
9
8
PROPOSED RIGHT-OF-WAY DEDICATION
N03°39'07"W
89.60'
N15°12'01"E
60.31'
N09°31'58"E
83.59'
LOT 2
1.05A.C.
CAVERN WAY
TRACT "A"
1.31A.C.
10.00
19
18
N13°12'08"W
40.94'
TRACT "B"
PARK
0.16 A.C.
10.00
LOT 1
4.13.A.C.
203.08'
N07°30'50"E
LOT 3
1.02A.C.
N

ATTACHMENT D – STAFF REPORT

File Number: 921-23-000023-PLNG

Applicant: Elizabeth Betts

Owner: Smilekel Group

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

Recommendation: **Approval** with Conditions

Planning Commission Decision: **Approval,** with Amended Findings and Conditions.

Hearing Date: August 1, 2023

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:

Map/Tax Lot	Acct. #	Acres
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

Past Actions: 921-PLAPRE-17-01-0001 (Pre-Application Conference for Replat)
921-20-000155-PLNG (Pre-Application Conference for Replat)

Procedure Type: Quasi-Judicial Hearing

Prepared By: Daniel Dougherty, Senior Planner

ATTACHMENT D – STAFF REPORT

Sean Bailey, Associate Planner

I. APPLICABLE STANDARDS

Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)

A. Chapter 2 – Development Approval Procedures

Section 2.050	Wasco County Application Authority

B. Chapter 3 – Basic Provisions

Section 3.160	"R-R" Rural Residential Zone (GMA & SMA)
Section 3.160.D.13	Land Divisions and Replats
Section 3.160.G.	Property Development Standards

C. Chapter 4 – Supplemental Provisions

Section 4.040	Off-Street Parking

D. Chapter 11 – Fire Safety Standards

Section 11.110	Siting Standards
Section 11.120	Defensible Space
Section 11.130	Construction Standards for Dwellings and Structures
Section 11.140	Access Standards
Section 11.150	Fire Protection or On-Site Water Required

E. Chapter 14 – Scenic Area Review

Section 14.100	Provisions for all new development
Section 14.200	Key Viewing Areas
Section 14.300	Scenic Travel Corridors
Section 14.400	Landscape Settings
Section 14.500	Cultural Resources – GMA
Section 14.600	Natural Resources – GMA
Section 14.700	Recreation Resources - GMA
Section 14.800	Indian Tribal Treaty Rights and Consultation – GMA

F. Chapter 21 – Scenic Area Review

Section 21.030	Basic Provisions and Design Standards
Section 21.200	Property Line Adjustments & Replats
Section 21.300	Preliminary Subdivision Plan Approval
Section 21.310	Final Subdivision Plat Approval
Section 21.400	Private Road Approval and Public Road or Street Dedications
Section 21.410	Improvements
Section 21.420	Public Streets and Roads
Section 21.440	Roadway Improvement Standards
Section 21.450	Access Control
Section 21.460	Pedestrian Access and Circulation
Section 21.470	Penalty and Enforcement on Violation

G. Chapter 23 – Sign Provisions

II. BACKGROUND

A. Legal Parcel: In accordance with the Wasco County Land Use and Development Ordinance, a legal parcel is defined as:

(Legal) ***Parcel*** *- A unit of land created as follows:*

a. A lot in an existing, duly recorded subdivision; or

b. A parcel in an existing, duly recorded major or minor land partition; or

c. By deed or land sales contract prior to September 4, 1974.

B. Site Description: The slope and general parcel data were identified through Wasco County GIS (Slope and Imagery Data Layers) analysis and a June 29, 2023, staff site visit. The total area is approximately 16+/- acres. The Wasco County GIS Slope Layer provides that the proposed area contains between 5-30% slopes. The terrain is rocky, and vegetation is sparse with few trees and mostly natural grasses. The land is within the Mid-Columbia Fire and Rescue for structural fire protection and within Chenowith Water Public Utility District.

C. Surrounding Land Use: The slope and general parcel data were identified through Wasco County GIS (Slope and Imagery Data Layers) analysis and a June 29, 2023, staff site visit. All surrounding properties are within the "R-R" Rural Residential Zone (GMA & SMA), (GMA) R-5. Slopes are similar to the subject properties, between 5-30%; however, slopes north of Hermits Way road can range from 31-74%. Vegetation is also similar to the subject properties. The density of the developed portions of the Columbia Crest Addition and the Fruitland Park Addition Subdivision is low with approximately 30 residential addresses within 200'.

D. Public Comment: The Public Notice of Hearing was mailed on March 16, 2023 for general public notification and comment and June 29, 2023, to all owners of property within 200' of the subject lot, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, the four tribal governments, State Historic Preservation Office, and other interested parties registered with Wasco County. The initial March 16, 2023 notification provided a 15-day pre-notice for public comment (ending March 31, 2023). Comments received are included as Attachment E at the end of this report.

III. FINDINGS:

Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)

A. Chapter 2 – Development Approval Procedures

(***)

Section 2.050 – Wasco County Application Authority

The Following includes only the Wasco County Application Authority. All quasi – judicial appeals and legislative actions decided upon by the Columbia River Gorge Commission shall be governed by the Management Plan for the Columbia River Gorge National Scenic Area.

A. The Director shall have the authority to review the following applications for Type II Administrative Actions, and shall follow the procedure provided by this Ordinance to accomplish such review.

(***)

3. Uses permitted Subject to Additional or Referenced Standards (Chapter 3)

(***)

8. Scenic Area Reviews (Chapter 14)

FINDING: The requested subdivision replat also involves a request for the development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), lot preparation and placement of necessary utilities.

B. The following applications for Type III and Type IV Quasi-Judicial and Legislative Actions shall be heard by the Planning Commission, pursuant to Sections 2.100, 2.180, 2.190, 2.200, 2.210, and 2.220 of this Ordinance:

Type III Actions

7. Subdivisions (Chapter 21)

FINDING: The requested subdivision replat meets the following definitions as provided within Chapter 1 Section 1.200 Definitions:

Replat *- The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, to increase or decrease the number of lots in a subdivision, or to correct an error or irregularity in the original plat.*

Subdivide *- To effect a subdivision, as applied to this Ordinance*

Subdivision *- Either an act of subdividing land or an area or tract of land subdivided as defined in this section.*

Staff finds that the request is a subdivision replat, and complies with Subsection 2.050.B.7, which requires the application be heard and decided by the Wasco County Planning Commission.

B. Chapter 3 – Basic Provisions

Section 3.160 "R-R" Rural Residential Zone (GMA & SMA)

D. Uses Permitted Subject to Review
The following uses and activities may be allowed on a legal parcel designated Residential subject to Subsection G - Property Development Standards, Chapter 11 – Fire Safety Standards & Chapter 14 -

Scenic Area Review, as well as any other listed or referenced standards.

(***)

2. *Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 3 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of Chapter 19. (GMA & SMA)*

FINDING: The request is a Scenic Area Review for a Replat 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 lot preparation and utilities (fire hydrants and other structures necessary for development), and to place existing Sandstone Way centered in ROW (was constructed outside of ROW in original development). Required street signage and fire hydrants will not be visible from KVAs and are discussed in Chapter 14 of this report. Based on the request, and recommended conditions found throughout this report, staff finds the request complies with Subsection 3.130.D.2.

(***)

10. *Construction, reconstruction or modification of roads if designated in the Adopted Wasco County Transportation System Plan or designed and constructed as part of an approved, active development order (GMA & SMA) and railroads (SMA Only).*

FINDING: The request is a Scenic Area Review for a Replat 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 lot preparation and utilities, and to place existing Sandstone Way centered in ROW (was constructed outside of ROW in original development). Required street signage and fire hydrants will not be visible from KVAs and are discussed in Chapter 14 of this report. Based on the request, and recommended conditions found throughout this report, staff finds the request complies with Subsection 3.130.D.10.

13. *Land Divisions and Replats subject to the property development standards listed in G below, Section 21.100 and all other applicable provisions of Chapter 21. (GMA & SMA)*

FINDING: Scenic Area Review for a Replat 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 of ROW 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

As discussed above in Chapter 2 findings, staff finds that the request is a subdivision replat subject to Chapter 21 and must be heard and decided upon by the Wasco County Planning Commission. Staff finds the request complies with Subsection 3.130.D.13.

G. Property Development Standards

1. Property Size

a. The creation or alteration of a parcel shall be subject to the following standards:

Zone	*Minimum Parcel Size*	*Minimum Parcel Width*
R-R(5)	*Five (5) Acres*	*300'*

(***)

FINDING: The 66 lots were created in 1953 by the Columbia Crest Addition Subdivision. The existing lots are pre-existing legally non-conforming to current five acre lot size requirements. The 66 lots are approximately 0.23 acres in size.

The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). The request involves reconfiguring 66 lots into 6 lots, which will in effect increase the overall size of the existing legal non-conforming parcels to the following sizes:

Table 2 - Proposed Lots

Lots	Use	Min Width (feet)	Max Width (feet)	Average Width (feet)	Area (acres)
1	Single Family Res.	342	458	400	4.12
2	Single Family Res.	358	378	368	1.05
3	Single Family Res.	142	240	191	1.02
4	Single Family Res.	57	303	180	2.89
5	Single Family Res.	63	546	304	3.20
6	Single Family Res.	104	424	264	3.09
TOTAL	**SFR Lots**			**284**	**15.37**
Tract "A"	Open Space "Tract A"				1.31
	Park Space Dedication				0.16
TOTAL	**6 SFR Lots + Park + Open Space**				**16.84**
ROW	Cavern Way (50' ROW)				0.82
TOTAL	**TOTAL project area**				**17.66**

[**AMENDED FINDING:** Friends of the Columbia Gorge provided the following comment on July 20, 2023. The comment pertains to the R-R (5) zone's minimum size and width standards. To summarize, the comment asserts that the proposed lot size alteration is not meeting the minimum zone size and width and should be denied as proposed.

As previously discussed, the existing subdivision is lawfully created non-conforming and the existing lots do not meet the current minimum parcel size and width requirements. The proposal is for a replat, which is generally an administrative decision under Section 2.050.A.10; however, because the replat seeks to significantly alter an existing subdivision, vacate publicly dedicated roads, and to dedicate a road, Chapter 21's subdivision and road criteria is addressed and conditions of approval are provided where applicable.

Lawfully created currently conforming units of land must meet the existing standards for creation and alteration; however, Wasco County has historically approved lawfully created non-conforming units of land to be modified in order to become more conforming with existing standards.

Wasco County contains several lawfully created non-conforming subdivisions within existing NSA R-R Zones (Along with the Columbia Crest Addition Subdivision, this list, in part, includes Murrays Addition, Murray's Second Addition, West Hi-Land, Hoge's Addition and Terrace Trailer Homes Subdivisions. These duly recorded subdivisions are non-conforming and are within the National Scenic Area).
In many cases, the non-conforming subdivisions created small lots that do NOT conform to existing parcel size or width standards. Furthermore, many of these lots cannot conform to existing septic system or property line setback standards. Replats within these subdivisions have historically been approved to allow for acreage growth without necessarily meeting the express acreage or width requirements of the zone.

Per Friends of the Columbia Gorge comments, any lawfully created non-conforming unit of land in Wasco County cannot be altered to become more conforming unless it meets the existing stated standards. If this is the case, then many lawfully created non-conforming lots will likely not have a land alteration remedy that can effectuate residential use because the creation and/or alteration of the lot cannot meet existing size and width standards. In addition, other units of land in agriculture or forest zones will be precluded from growing in size unless they can explicitly meet the minimum size requirement.

Based on the findings within the staff report and this presentation, staff finds that the proposal to alter 66 lots to six lots within a lawfully created non-conforming subdivision meets the intended residential purpose of the land use designation and zone, and further finds that subsection 3.160.G.1.a is not strictly applicable to this request, and that the current proposed enlarged lot sizes should be allowed with **conditions**.]

2. *<u>General Setbacks</u> - All structures other than approved signs and fences shall comply with the following general setback standards:*

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All future applicable development on the proposed lots must abide by the above setbacks at the time of application. Staff finds that Subsection 3.160.G.2. is not applicable to this request.

3. *Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:*

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot berm or terrain barrier
Orchards	250’	100’	75’
Row crops/ vegetables	300’	100’	75’
Livestock grazing, pasture, haying	100’	15’	20’
Grains	200’	75’	50’
Berries, vineyards	150’	50’	30’
Other	100’	50’	30’

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. Although lands designated Large-Scale Agriculture are located on the northwest side of Sandstone Way road, all of the proposed lots are not directly adjacent to those agricultural designated lands. Application materials provide the following:

> “Residential Evaluation
> Setbacks from Agricultural Use
> For the proposed Lots 1 and 2, the 50' of Sandstone Road ROW and the 25' front setback add up to 75', which is adequate for all adjacent farm uses as long as there is an 8-foot berm with vegetation that achieves a total berm/vegetation height of at least 15 feet. Material that is excavated for the road and utilities that is unsuitable for structural fill will be utilized to form the required berms along Lots 1 and 2, as shown in the Ag Setback Exhibit EX2. However, if the TL400 and 500 have become residential usage as described above before the replatting of these six lots, then berms would not be necessary since the potential agricultural use would then be over 300 feet away from the proposed lots.”
>
> (Residential Evaluation, Page 2).

Based on these facts, staff finds that Subsection 3.160.G.3. is not applicable to this request.

4. *Height - Maximum height for all structures shall be thirty-five feet (35’) unless further restricted in accordance with Chapter 14 - Scenic Area Review.*

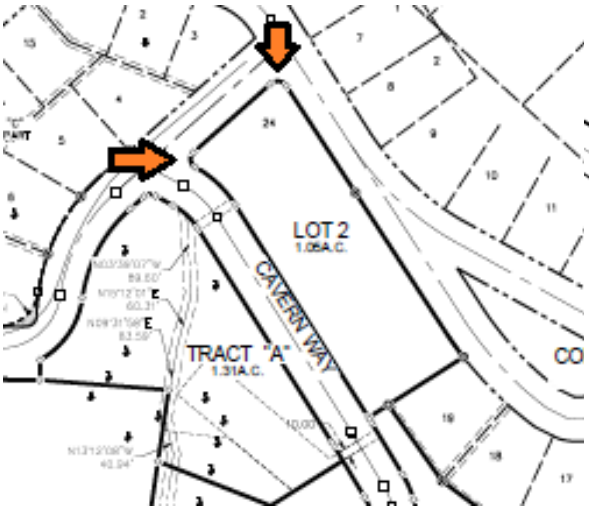
FINDING: FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All future structures on the proposed lots will need to abide by the height restrictions. Staff finds that Subsection 3.160.G.4 is not applicable to this request.

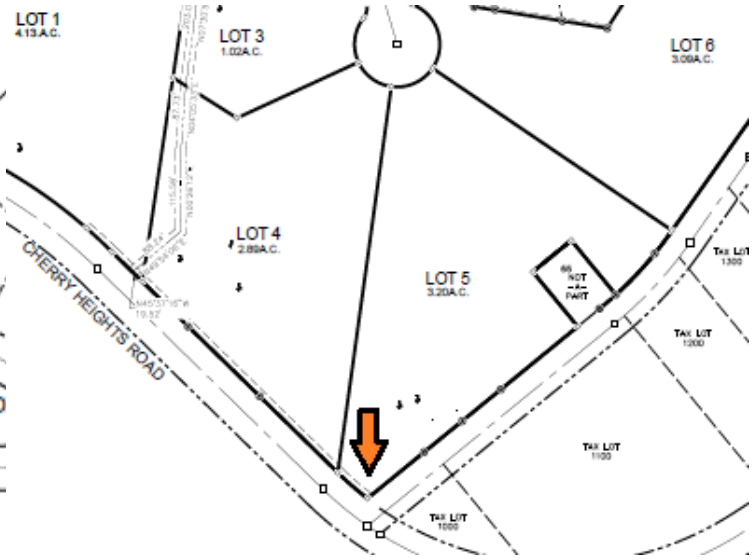
5. *Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.240, Flood Hazard Overlay.*

FINDING: The FEMA Flood Map Service Center is the official public source for flood hazard information produced in support of the National Flood Insurance Program. FEMA flood map data are shared with the Wasco County GIS Division. FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. According to the Wasco County GIS Flood Hazard Overlay (OZ-1) data layer, the area being replatted is not within a delineated floodplain. Staff finds that Subsection 3.160.G.5 is not applicable to this request.

6. *Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. Of the six proposed lots, Lots 2 & 5 will qualify as corner properties and all future development will have to abide by vision clearance setback standards. (See Lot 2 and Lot 5 diagrams below).





Lots 1, 3, 4, and 6 are not considered corner properties. Staff finds the request complies with Subsection 3.160.G.6.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All future development on the proposed lots shall abide by the criteria for off street parking is found in Chapter 4, Section 4.040. Staff finds that the request complies with Subsection 3.160.G.7.

C. Chapter 4 – Supplemental Provisions

Section 4.040 Off-Street Parking
At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

The following are the uses and minimum standards provided for off-street parking unless specified otherwise:

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. Concerning off-street parking, application materials provide the following:

"Grading Plan Narrative
Proposed Soil Conditions
Future grading for each home shall provide a building pad along with parking and access."
(Grading Plan Narrative, Page 6).

Building pockets are identified in the application, which take into consideration future potential off-street parking areas. Staff finds that the request complies with Section 4.040.

D. Chapter 11 – Fire Safety Standards

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. 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.

Section 11.110 Siting Standards – Locating Structures for Good Defensibility

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. The submitted preliminary subdivision replat plan, and Wasco County GIS (Slope & Imagery Data), identify building envelopes on the lots for future development that allow for development sites that avoid slopes steeper than 40%, and are set back from the top of slopes greater than 30% by at least 30 feet. All future development on the proposed lots shall abide by all Chapter 11 – Fire Safety Standards, Siting Standards criteria. Staff finds that the request complies with Subsection 11.110.

Section 11.120 Defensible Space – Clearing and Maintaining a Fire Fuel Break

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. The submitted preliminary subdivision replat plan, and Wasco County GIS (Slope & Imagery Data), identify building envelopes on the lots for future development that allow for development sites with a fire fuel break of at least 50 feet. All future development on the proposed lots shall abide by the Chapter 11 – Fire Safety Standards, Defensible Space criteria. Staff finds the request complies with Subsection 11.120.

Section 11.130 Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All future development on the proposed lots shall abide by the criteria outlined in Chapter 11 – Fire Safety Standards, Construction Standards for Dwellings and Structures, and that the final structural designs shall meet all applicable building code standards. Staff finds the request complies with Subsection 11.130.

Section 11.140 Access Standards – Providing Safe Access to and Escape From Your Home

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All of the proposed lots will be accessed by a local road of public access (publicly dedicated road). The existing Sandstone Way (portion), Cavern Way, and Granite Way (A

looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. Lot 1 and Lot 2 will have access from the existing Sandstone Way and/or Hermits Way and will require road approach permits. Access provided for all future proposed residential development shall be subject to the criteria discussed in this section.

Additional findings and conditions of approval pertaining to access and fire safety are provided in Chapter 21 within this report. Staff finds the request complies with Subsection 11.140.

Section 11.150 Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. The proposed lots are located within the Mid-Columbia Fire & Rescue structural protection district. All future development on the proposed lots shall abide by the criteria outlined in Chapter 11 – Fire Protection or On-Site Water Requirements. Staff finds that Subsection 11.150 is not applicable to the request.

Section 11.210 Fire Safety Standard Review Process

A. Compliance with applicable fire safety standards is required by the ordinance for new, replacement, and modified structures in all rural zones.

1. *Fire standards shall be made a part of the conditions of approval when a conditional use permit, site plan or subject to standards review, partition, subdivision, or other land use action is required prior to construction.*

2. *Structures or alterations to structures that are subject to ministerial review must also comply with all applicable fire standards prior to receiving zoning approval on a building permit application.*

3. *In all cases compliance with applicable fire standards shall be self-certified prior to receiving zoning approval on a building permit.*

4. *Certifications shall be verified within one year of approval and may be verified by staff site visits at any time.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. 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.

Section 11.230 - Fire Safety Mitigation Plan
A fire safety mitigation plan is required when an applicant needs to request a modification to one or more fire safety standards listed on the self-certification check list. A fire safety mitigation plan is also required for any land division creating lots that can accommodate dwellings. A fire mitigation plan shall include the following:

A. One or more maps and accompanying narrative statement addressing the following:

1. *Site description.*
2. *Documentation of fire protection service or proposed plan for on-site fire protection.*
3. *Documentation of on-site water supply where required.*
4. *Driveway construction plan including gate features, size and locations of bridges or culverts and proposed signage.*
5. *Documentation of fuel break areas if land on adjoining properties is relied on to meet fuel break requirements.*
6. *Public or private road plans for new roads to serve proposed land divisions (including location, size, and type of bridges and culverts).*
7. *Other information deemed necessary to allow adequate review of the request for modification.*

B. Statement of need
A clear statement of why the fire safety standards cannot feasibly be met.

C. Risk Assessment
An assessment of increased risk of wildfire damage if standard is modified. Risk assessments shall consider the purpose of the standard that cannot be met, the specific proposal, and site conditions to determine what, if any, additional exposure to wild land fire risks could be created by approval of the modification to fire safety standards. The consideration shall include increased risk of the proposed structure becoming a source of ignition and risks to the proposed structure from a wild land fire ignited elsewhere and traveling through the site.

D. Statement of Additional Action Proposed to Eliminate or Minimize Increased Risks
A clear list of additional measures proposed by the applicant to address any increased risks identified in the risk assessment.

FINDING: All land divisions are required to submit a Fire Mitigation Plan identifying all home sites, building envelopes, and access as necessary to demonstrate compliance with all applicable fire standards on proposed lots. The mitigation plan included a site description describing the area around the proposed lots. Fire protection services in the area that will respond to the proposed subdivision is Mid-Columbia Fire & Rescue for structural protection. Water sources for the proposed lots will come from Chenowith Water District. The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. Lot 1 and Lot 2 will have access from the existing Sandstone Way and/or Hermits Way and will require road approach permits. Required signage will be placed in accordance with state fire and county standards, at the direction of the Wasco County Public Works Director. All fire fuel breaks on the proposed subdivision lots will not rely on neighboring properties to meet the fuel break requirements. A statement of need is not required since the proposal can feasibly meet the fire safety standards. Additional findings and conditions of approval pertaining to access and fire safety are provided in Chapter 21 within this report. Lastly, additional findings and conditions of approval are provided in Chapter 21

where the proposal has been found to be able to comply with state fire code. With the aforementioned, the proposal can meet the fire safety standards, and a risk assessment is not required, eliminating the need for a statement of additional action.

Staff finds the request complies with Section 11.230.

E. Chapter 14 – Scenic Area Review

Section 14.020 Complete Application Submittal Requirements for a Scenic Area Review

FINDING: On February 7, 2023, applicants submitted an application for a National Scenic Area review for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

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

The applicant provided the required information and the application was declared complete by staff on March 8, 2023. The applicant submitted the required forms.

Staff finds the application complies with Section 14.020.

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Section 14.100, Provisions For All New Development (GMA & SMA)

A. All new development, except uses allowed through the expedited review process, shall be reviewed under the applicable sections of Key Viewing Areas, Scenic Travel Corridors, Landscape Settings, Natural Resources, Cultural Resources, and Recreation Resources.

FINDING: The following applicable sections of Chapter 14 are addressed below: Section 14.200, Key Viewing Areas, Section 14.300, Scenic Travel Corridors, Section 14.400, Landscape Settings, Section 14.500, Cultural Resources – GMA, Section 14.600, Natural Resources – GMA, Section 14.700, Recreation Resources – GMA, and Section 14.800, Indian Tribal Treaty Rights and Consultation – GMA.

B. New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for

development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

The applicants submitted a grading plan that included the following:

> "Grading Plan Narrative
> The project site is located off Sandstone Way and Cherry Heights Road, near the crest of the hill outside of the Urban Growth Boundary. It is zoned Scenic Area General Management Rural Residential. The site currently has no structures and consists of approximately 15 acres of vacant grassy land. There are sparse mature Oregon white oak and Ponderosa pine trees, mostly clustered on the site in a few areas that will be primarily protected within open space and outside of building envelopes. The site is hilly with steeper slopes across the southern end. Parcels to the north contain single family homes on small lots, to the west is GMA Agriculture, with an orchard west of vacant lots.
>
> The proposed scope of work involves construction of a local access road with a culdesac for emergency turnaround. The project is a replat of 66 existing non-conforming lots into 6 larger more conforming lots. Average lot size before replat is about 7,000 sf. Average lot size after replat is 112,748 sf (2.59 acres). The access road and culdesac will require cutting and filling to create a level enough area for the access. Cuts will be along the north side of the access road, so will not be visible from KVA's (hidden by the bluff and homes on the bluff). Fill slopes will primarily be along the south side of the access road, so will also be screened from view since the KVA's are only visible along the east end of the site. At the east end ofthe culdesac, the cut and fill are minimized to reduce visibility from the KVA's.
>
> The future homesites on Lots 1-4 are not visible from KVA's, and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on lots 5 and 6 should be reviewed at the time of building permit to ensure that they are properly screened, which may require careful siting and additional vegetation for screening. Lots 1 and 2 may require vegetation or berms to reduce agricultural setbacks, depending on when neighboring lots under the developer's ownership are built on. See the Residential Evaluation memorandum for further information on berming for setbacks. Berms for Lots 1 and 2 will not be visible from KVA's."
>
> (Grading Plan Narrative, Pages 1-2).

> "Grading Plan Narrative
> Proposed Soil Conditions
> The proposed project will require approximately 1650 CY of cut and 1200 CY of fill for the access road improvements. Grading for the access with cause minimal disturbance, and will be stabilized by structural fill, the gravel surfacing material and paving. Any cut/fill slopes shall have permanent seeding applied in the spring or fall. Future grading for each home shall provide a building pad along with parking and access. Unless otherwise directed by a Geotechnical Engineer, grading shall be done per Chapter 18 of the Oregon Structural Specialty Code, and as follows:
> • Cut/fill slopes to not exceed 2:1
> • Fill on existing slopes shall be constructed with benching
> • The ground adjacent to the foundation shall be sloped away from the building at a minimum of 5% slope for a minimum distance of 10 feet from the foundation wall. Impervious surfaces may be sloped a minimum of 2% away from the building and may be less than 2% at a door or landing for ADA access.
> • Onsite soil is unlikely to be suitable for structural fill under buildings due to the gradation variability and expected cobbles, though it may be used if approved by a Geotechnical Engineer or other qualified

inspector. Structural fill shall be placed in horizontal lifts on subgrade that has been cleared of all organic material. The structural fill shall consist of well-graded angular
material placed in compacted lifts at 95% of the maximum dry density as follows:
o For fill 2" or less diameter, lifts shall have a compacted maximum depth of 6"
o For fill 2"to 6" diameter, lifts shall have a compacted maximum depth of 8"
• The new road shall be constructed to serve as a fire access road, with a minimum paved width of 22 feet. Cut slopes shall have a ditch, a minimum of 1 foot deep. Side slopes of the road shall have a maximum slope of 3:1"

(Grading Plan Narrative, Page 6).

No substantive commentary has been submitted that indicates non-conformance of the proposed dedication and construction of Cavern Way cul-de-sac right-of-way (ROW) and necessary utilities, and to place existing Sandstone Way centered in ROW (was constructed outside of ROW in original development). Staff finds that the proposed development is designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

All future development on the proposed lots will be subject to criteria described in this section. Staff finds that Subsection 14.100.B is not applicable to the request.

C. New buildings and expansions of existing development shall be compatible with the general scale of existing nearby development. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include but are not limited to:

1. Application of the landscape setting design guidelines, if applicable.

2. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

3. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

a. All finished above ground square footage;

b. Total area of covered decks and porches;

c. Attached garages

d. Daylight basements

e. Breezeways, if the breezeway shares a wall with an adjacent building

f. Dimensions, based on information from the application or on Assessor's records

4. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for

development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. All future buildings on the proposed lots may be subject to criteria described in this criterion. Staff finds that Subsection 14.100.C is not applicable to the request.

D. Unless expressly exempted by other provisions, colors of all exterior surfaces of structures on sites not visible from Key Viewing Areas shall be earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. As discussed below in Section 14.200, portions of proposed Lots 2, 5, & 6 are visible from Key Viewing Areas (KVA). Exterior colors of future development not visible from KVAs shall be dark earth tones found at the specific site or in the surrounding landscape, and the specific colors approved by the reviewing agency shall be included as a condition of approval. Staff finds the request complies with Subsection 14.100.D.

E. Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. Staff finds that Subsection 14.100.E is not applicable to this request.

F. Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. No street lighting is proposed. All future development on the proposed lots will be subject to criteria described in this section. Staff finds that the request complies with Subsection 14.100.F.

G. All ground disturbance as a result of site development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest

shall be responsible for survival of planted vegetation, and replacement of such vegetation that does not survive.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested. Regarding the proposed road dedication, Sandstone Way realignment, utility placement, and lot preparation, the application provides the following:

"Grading Plan Narrative
Proposed Soil Conditions
The proposed project will require approximately 1650 CY of cut and 1200 CY of fill for the access road improvements. Grading for the access with cause minimal disturbance, and will be stabilized by structural fill, the gravel surfacing material and paving. Any cut/fill slopes shall have permanent seeding applied in the spring or fall. Future grading for each home shall provide a building pad along with parking and access. Unless otherwise directed by a Geotechnical Engineer, grading shall be done per Chapter 18 of the Oregon Structural Specialty Code, and as follows:
• Cut/fill slopes to not exceed 2:1
• Fill on existing slopes shall be constructed with benching
• The ground adjacent to the foundation shall be sloped away from the building at a minimum of 5% slope for a minimum distance of 10 feet from the foundation wall. Impervious surfaces may be sloped a minimum of 2% away from the building and may be less than 2% at a door or landing for ADA access.
• Onsite soil is unlikely to be suitable for structural fill under buildings due to the gradation variability and expected cobbles, though it may be used if approved by a Geotechnical Engineer or other qualified inspector. Structural fill shall be placed in horizontal lifts on subgrade that has been cleared of all organic material. The structural fill shall consist of well-graded angular
material placed in compacted lifts at 95% of the maximum dry density as follows:
o For fill 2" or less diameter, lifts shall have a compacted maximum depth of 6"
o For fill 2"to 6" diameter, lifts shall have a compacted maximum depth of 8"
• The new road shall be constructed to serve as a fire access road, with a minimum paved width of 22 feet. Cut slopes shall have a ditch, a minimum of 1 foot deep. Side slopes of the road shall have a maximum slope of 3:1"

(Grading Plan Narrative, Page 6).

There is no anticipated permanent ground or vegetation disturbance outside of the areas designated for construction. A **condition** is recommended requiring that 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. With the recommended condition, staff finds that the request complies with Subsection 14.100.G.

H. Except as is necessary for site development or fire safety purposes, the existing tree cover screening the development area on the subject parcel from Key Viewing Areas and trees that provide a back drop on the subject parcel which help the development area achieve visual subordinance, shall be retained. Additionally, unless allowed to be removed as part of the review use, all trees and vegetation within buffer zones for wetlands, streams, lakes, ponds and riparian areas shall be retained in their natural condition. Any of these trees or other trees required to be planted as a condition of approval that die for any reason shall be replaced by the current property owner or

successors in interest no later than the next planting season (Oct-April) after their death with trees of the same species or from the list in the landscape setting for the property.

To ensure survival, new trees and replacement trees shall meet the following requirements

1. *All trees shall be at least 4 feet tall at planting, well branched, and formed.*

2. *Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.*

3. *The trees must be irrigated until they are well established.*

4. *Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. Regarding the proposed road dedication, Sandstone Way realignment, utility placement, and lot preparation, the application provides that "grading for the access with [sic] cause minimal disturbance." (Grading Plan Narrative, Page 6). No applicable residential development is requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Based on these facts, only vegetation necessary for site development will be impacted. Staff finds that the request complies with Subsection 14.100.H.

Section 14.200, Key Viewing Areas

The following is required for all development that occurs on parcels/lots topographically visible from Key Viewing Areas.

A. *Each development and land use shall be visually subordinate to its setting in the GMA as seen from Key Viewing Areas. The extent and type of conditions applied to a proposed development to achieve visual subordinance shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.*

   1. *Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to:*

      a. *The number of Key Viewing Areas it is visible from;*
      b. *The distance from the building site to the Key Viewing Areas it is visible from;*
      c. *The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads and the Columbia River);*
      d. *The difference in elevation between the building site and Key Viewing Areas;*
      e. *The nature and extent of topographic and vegetative back screening behind the building site as seen from Key Viewing Areas;*
      f. *The amount of area of the building site exposed to Key Viewing Areas; and*
      g. *The degree of existing vegetation providing screening.*

   2. *Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting in the GMA and meet the required scenic standard (visually*

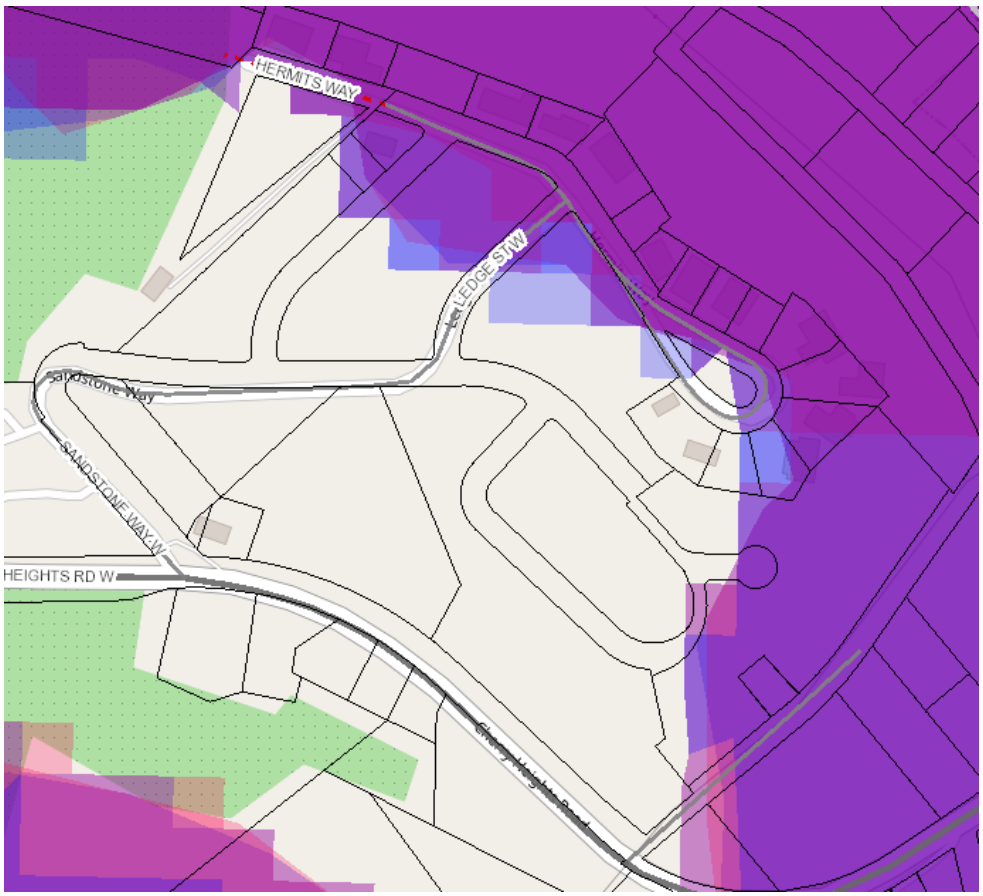
subordinate or visually not evident) in the SMA as seen from key viewing areas, including but not limited to:

a. screening by topography
b. siting (location of development on the subject property, building orientation, and other elements);
c. retention of existing vegetation on the applicant's property
d. design (color, reflectivity, size, shape, height, architectural and design details and other elements); and
e. new landscaping on the applicant's property.
f. new berms or other recontouring on the applicant's property, where consistent with other applicable provisions.

FINDING: Visual subordinance is defined in Chapter 1 as "*…the relative visibility of a structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings…"*

The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

The National Scenic Area Seen Areas Composite Overlay available through the Wasco County GIS provides:



According to this map layer, the portions of the following lots will be visible from KVAs, and future development will be subject to the criterion discussed in the section:

<u>Lot 2</u>
Columbia River (Background, middleground)
Interstate 84 (Background, middleground)
Historical Columbia River Highway (Middleground)
Washington State Route 14 (Background)

<u>Lot 5</u>
Columbia River (Background, middleground)
Interstate 84 (Background, middleground)
Washington State Route 14 (Background)

<u>Lot 6</u>
Columbia River (Background, middleground)
Interstate 84 (Background, middleground)
Washington State Route 14 (Background)

Pertaining to applicable KVAs, the application provides the following:

> "Residential Evaluation
> Key Viewing Areas
> KA surveyors evaluated the sightlines to the proposed homesites from Highway 14, 1-84, and The Dalles
> Bridge/Columbia River. The future homesites on Lots 1-4 are not visible from KVA's and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on Lots 5 and 6 should be
> reviewed at the time of building permit to ensure that they are properly screened, which may require
> careful siting and additional vegetation for screening."
>
> (Residential Evaluation, Page 1).

The application materials and the National Scenic Area Seen Areas Composite Overlay provide that the proposed Cavern Way cul-de-sac road is not visible from an applicable KVA. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. All future development may be subject to this criterion. Based on these facts, staff finds that the request complies with Subsection 14.200.A.

> B. *New development shall be sited to achieve visual subordinance from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)*

FINDING: Visual subordinance is defined in Chapter 1 as "*…the relative visibility of a structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings…"*

No identified wetlands are identified on the subject properties. The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

Pertaining to applicable KVAs, the application provides the following:

> "Residential Evaluation
> Key Viewing Areas
> KA surveyors evaluated the sightlines to the proposed homesites from Highway 14, 1-84, and The Dalles
> Bridge/Columbia River. The future homesites on Lots 1-4 are not visible from KVA's and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on Lots 5 and 6 should be

reviewed at the time of building permit to ensure that they are properly screened, which may require
careful siting and additional vegetation for screening."

(Residential Evaluation, Page 1).

The application materials and the National Scenic Area Seen Areas Composite Overlay provide that the proposed Cavern Way cul-de-sac road is not visible from an applicable KVA. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. All future development may be subject to this criterion. Based on these facts, staff finds that the request complies with Subsection 14.200.B.

C. New development shall be sited to achieve visual subordinance utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.

FINDING: Visual subordinance is defined in Chapter 1 as "…*the relative visibility of a structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings…"*

The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable residential development is requested.

Pertaining to applicable KVAs, the application provides the following:

"Residential Evaluation
Key Viewing Areas
KA surveyors evaluated the sightlines to the proposed homesites from Highway 14, 1-84, and The Dalles
Bridge/Columbia River. The future homesites on Lots 1-4 are not visible from KVA's and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on Lots 5 and 6 should be
reviewed at the time of building permit to ensure that they are properly screened, which may require
careful siting and additional vegetation for screening."

(Residential Evaluation, Page 1).

The application materials and the National Scenic Area Seen Areas Composite Overlay provide that the proposed Cavern Way cul-de-sac road is not visible from an applicable KVA. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. All future development may be subject to this criterion. Required street signage and fire hydrants will not be visible from KVAs. Based on these facts, staff finds that the request complies with Subsection 14.200.C.

D. Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested.

Pertaining to driveways for anticipated lot preparation and development, the application provides the following:

> "Grading Plan Narrative
> Proposed Stormwater Management
> Grading on the site shall be minimized to only that necessary for the building pads and vehicle-related areas such as driveways, parking areas, and turnarounds. By minimizing ground disturbance and vegetation removal, stormwater runoff will be confined to the disturbed areas. On large parcels, roof and foundation drains may be released at least 10' from the foundation onto rock dispersion pads or into rain gardens. Hard surfacing and driveways will utilize sheet flow dispersion through at least 20' of
> vegetation. No concentrated flows shall be released on or within 30' of the top of slopes exceeding 20% unless approved by a Geotechnical Engineer. Additionally, care shall be taken to not introduce runoff uphill of the septic drainfields. Drainage should be diverted around drainfields using ditches, berms, or french drains if needed to divert runoff around the drainfield."
>
> (Grading Plan Narrative, Page 6).

The application materials and the National Scenic Area Seen Areas Composite Overlay provide that the proposed Cavern Way cul-de-sac road is not visible from an applicable KVA. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. All future development may be subject to this criterion. Based on these facts, staff finds that the request complies with Subsection 14.200.D.

E. The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as visible from Key Viewing Areas.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested.

The elevation of the subject area is approximately 400' Above Sea Level (ASL). Elevations approximately 0.5 miles to the northwest rise to 572' (ASL). Elevations approximately 0.6 miles south-southwest of the subject area are approximately 600' (ASL). Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent

that affords subdivision lot approval. All future development may be subject to this criterion. Based on these facts, staff finds that the request complies with Subsection 14.200.E.

F. New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. Variances to this guideline may be authorized according to Chapter 6 of this Ordinance if its application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building footprint shall be utilized.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. The proposed building pockets appear to avoid slopes in excess of 30 percent. All future development may be subject to this criterion. Based on these facts, staff finds that the request complies with Subsection 14.200.F.

Design/Color

G. Unless expressly exempted by other provisions in this chapter, colors of all exterior surfaces of structures visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility was discussed above in Section 14.200.A. Required street signage and fire hydrants will not be visible from KVAs. Staff finds that the request complies with Subsection 14.200.G.

H. The exterior of buildings in the GMA and structures in the SMA on lands visible from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordinance. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility

was discussed above in Section 14.200.A. Required street signage and fire hydrants will not be visible from KVAs. Staff finds that the request complies with Subsection 14.200.H.

Landscaping

I. The following criteria shall apply to new landscaping used to screen development from Key Viewing Areas:

1. New landscaping (including new earth berms) shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development visually Page 14-11 Chapter 14 – Scenic Area Review Key Viewing Area subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

2. If new landscaping is required to make a proposed development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this criterion shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by the local government to make the development visually subordinate.

3. Unless as specified otherwise by provisions in this chapter, landscaping shall be installed as soon as practicable, and prior to project completion. 4. Conditions regarding new landscaping or retention of existing vegetation for new developments shall meet both scenic guidelines and the fuel break guidelines listed in the fire protection standards for each zone.

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility was discussed above in Section 14.200.A. Required street signage and fire hydrants will not be visible from KVAs. Staff finds that the request complies with Subsection 14.200.I.

J. Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.

FINDING: The subject and adjacent properties are within the the "R-R" Rural Residential Zone (GMA & SMA). The purpose of the zone is the following:

"Residential development may locate outside Urban Areas so long as it does not adversely affect the scenic, cultural, natural and recreation resources. In addition to consideration of these factors, lands may be designated as residential if deemed suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities." (NSA-LUDO, Chapter 3, Section 3.16, Page 3-58).

The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility was discussed above in Section 14.200.A. Required street signage and fire hydrants will not be visible from KVAs. Staff finds that the request complies with Subsection 14.200.J.

(***)

Section 14.300, Scenic Travel Corridors
The Historic Columbia River Highway (Highway 30) and Interstate 84 (I-84) are designated as Scenic Travel Corridors, and development along a Scenic Travel Corridor must be set back at least 100' from the edge of pavement of the Scenic Travel Corridor roadway.

FINDING: According to Wasco County GIS data, the land in questions if over 0.55 miles southwest of the applicable travel corridors. Staff finds that the request complies with Subsection 14.300.

Section 14.400, Landscape Settings (GMA & SMA)
Landscape settings are the combination of land uses, landforms and vegetation patterns which distinguish an area in appearance and character from other portions of the National Scenic Area. (***)

E. Rural Residential Landscape Setting

GMA Only

1. *In portions of this setting visible from Key Viewing Areas(except those areas described in the "Developed Settings and Visual Subordinance Policies" of the Management Plan or in J below) the following standards shall be employed to achieve visual subordinance for new development:*

    a. *At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Examples of native species are identified in the Scenic Implementation Handbook.*

    b. *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

FINDING: The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning standards (66 lots replatted to 6 lots). The request is also for development of a cul-de-sac access road to be publicly dedicated, the placement of existing Sandstone Way centered in ROW (was constructed outside of ROW in original development), and lot preparation and utilities. No applicable buildings are requested. Building pockets are identified in the application, which take into consideration visibility from KVAs and natural topography and preservation to the greatest extent that affords subdivision lot approval. Applicable KVAs and visibility was discussed above in Section 14.200.A. Required street signage and fire hydrants will not be visible from KVAs.

Pertaining to applicable KVAs, the application provides the following:

> "Residential Evaluation
> Key Viewing Areas
> KA surveyors evaluated the sightlines to the proposed homesites from Highway 14, 1-84, and The Dalles
> Bridge/Columbia River. The future homesites on Lots 1-4 are not visible from KVA's and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on Lots 5 and 6 should be
> reviewed at the time of building permit to ensure that they are properly screened, which may require
> careful siting and additional vegetation for screening."
>
> (Residential Evaluation, Page 1).

Future applicable development may be subject this criteria. Staff finds that the request complies with Subsection 14.200.J.

> ***Section 14.500, Cultural Resources – GMA***
> *The purpose of this section is to protect and enhance cultural resources, and ensure that proposed development does not have an adverse effect on significant cultural resources.*
>
> *(***)*
>
> *B. Applicability of the Cultural Resource Reconnaissance and Historic Survey Requirements*
>
> *1. The reconnaissance survey standards of C, Cultural Resource Reconnaissance and Historic Survey, apply until a cultural resource survey of the General Management Areas is complete.*
>
> *a. Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling*
>
> *b. A reconnaissance survey shall be required for all proposed uses, except:*
>
> *(1) The modification, expansion, replacement, or reconstruction of existing buildings and structures.*

FINDING: A cultural resources survey determination dated June 1, 2023, was submitted to the Planning Department by Chris Donnermeyer, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area. According to the determination, the proposed use does not require a cultural resource reconnaissance survey and the use will occur on a site that has been determined to be located within a low probability zone, is not within 100 feet of a high probability zone, and does not occur within 500 feet of a known archaeological site. Mr. Donnermeyer's comments are in Attachment E. Staff finds that the request complies with Subsection 14.500.B.1.b.(1).

1. *A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.*

FINDING: A cultural resources survey determination dated June 1, 2023, was submitted to the Planning Department by Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area. According to the determination, the proposed use does not require a historic survey because the request will not alter the exterior architectural appearance of significant buildings and structures on the property that are 50 years old or older. Development will not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older. Staff finds that the request complies with Subsection 14.500.B.1.b.(2).

(***)

C. Cultural Resource Reconnaissance and Historic Surveys

1. Gorge Commission/Tribal Government Notice

a. In addition to other public notice requirements that may exist, the County shall notify the Indian tribal governments when:

(1) a reconnaissance survey is required;

FINDING: A cultural resources survey determination dated June 1, 2023, was submitted to the Planning Department by Chris Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area. According to the determination, the proposed use does not require a cultural resource reconnaissance survey. Staff finds that the request complies with Section 14.500.C.1.a.(1).

(***)

4. Conclusion of the Cultural Resource Protection Process

(***)

c. The cultural resource protection process may conclude when one of the following conditions exist:

(1) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated

concerns were voiced by interested persons within 20 calendar days of the date that a notice was mailed.

FINDING: A June 1, 2023, Cultural Resources Survey Determination from Chris Donnermeyer, Heritage Program Resources Program Manager, Columbia River Gorge National Scenic Area found that a reconnaissance survey and historic survey are not required to be completed for the subject parcel. No concerns regarding cultural resources were received by the Planning Department within 20 calendar days of the mailing date (March 16, 2023) of the pre-notice to Indian tribal governments or the State Historic Preservation Office (SHPO). Staff finds that the request complies with Subsection 14.500.C.4.c.(1).

(***)

G. Discovery During Construction:

1. Halt Construction: All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

2. Notification: The project applicant shall notify the County Planning Office and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.

3. Survey and Evaluation: The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Office (see, ORS 358.905 to 358.955).

FINDING: If cultural resources are found during construction, all construction within 100' of the discovered cultural resource shall cease and the resource shall remain as found; further disturbance is prohibited. In addition, the owner shall notify the Wasco County Planning Department, Gorge Commission and four Indian tribal governments within 24 hours of discovery. **Conditions** of approval are recommended requiring compliance with these requirements. With these conditions, staff finds that the request complies with Subsection 14.500.G.1-3.

H. Discovery of Human Remains
The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

FINDING: If human remains (human skeletal remains, bones, or teeth, with or without attendant burial artifacts) are discovered during construction, all survey, excavation and construction activities shall cease, and the human remains shall not be further disturbed. The owner shall notify the Wasco County Planning Department, the Wasco County Sheriff the Gorge Commission, the four Indian tribal governments, and Washington State Physical Anthropologist, Dr. Guy Tasa, must also be notified within 24 hours of discovery. **Conditions** of approval are recommended requiring the owner to comply with the requirements in H. With the proposed conditions staff finds that the request complies with Subsection 14.500.H.

Section 14.600, Natural Resources – GMA

A. Wetlands

(***)

3. Wetlands Buffer Zones

a. The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.

b. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

(1) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(2) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(3) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grass like plants, forbs, ferns, and non-woody vines.

c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.

(1) Forest communities: 75 feet

(2) Shrub communities: 100 feet

(3) Herbaceous communities: 150 feet

(***)

FINDING: The purpose of this section is to protect water quality, natural drainage, and fish and wildlife. According to State Wetlands Inventory, National Hydrography Dataset maps and digital data from the Gorge Commission available on the Wasco County GIS Map, there are no waterbodies located on subject properties or adjacent properties. The nearest is a freshwater forested/shrub wetland which includes a freshwater intermittent stream, which is located over 300' southwest from the proposed lots. No comments or requests for additional field survey data were received from the Department of State Lands or United States Forest Service. A **condition** of approval is included in the Notice of Decision requiring that the applicant obtain necessary federal, state, and local permits pertinent to the

development. Staff finds that the request complies with Subsection 14.600.A.

B. Streams, Ponds, Lakes, and Riparian Areas

(***)

2. Stream, Pond, and Lake Buffer Zones:

(***)

(c) Buffer zones shall be measured outward from a pond or lake boundary on a horizontal scale that is perpendicular to the pond or lake boundary. The following buffer zone widths shall be required.

(i) Forest communities: 75 feet

(ii) Shrub communities: 100 feet

(iii) Herbaceous communities: 150 feet

FINDING: The purpose of this section is to protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas, and enhance aquatic and riparian areas. According to State Wetlands Inventory, National Hydrography Dataset maps and digital data from the Gorge Commission available on the Wasco County GIS Map, there are no waterbodies located on subject properties or adjacent properties. The nearest is a freshwater forested/shrub wetland which includes a freshwater intermittent stream, which is located over 300' southwest from the proposed lots. No comments or requests for additional field survey data were received from the Department of State Lands or United States Forest Service. A **condition** of approval is included in the Notice of Decision requiring that the applicant obtain necessary federal, state, and local permits pertinent to the development. Staff finds that the request complies with Subsection 14.600.B.

C. Wildlife Habitat

(***)

3. Uses and Activities Permitted within 1,000 feet of a Sensitive Wildlife Area or Site.

Except for uses permitted without review in Section 3.100 and 3.180(B) (Open Space), uses and activities authorized by the applicable designation may be allowed within 1,000 feet of a sensitive wildlife area or site subject to (4) below, Site Plans and Field Surveys, the remaining applicable sections this Chapter and the following criteria:

(***)

d. The wildlife protection process may terminate if the County, in consultation with the state wildlife agency, determines:

(1) The sensitive wildlife area or site is not active, or

(2) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

FINDING: According to Wasco County GIS data, the proposals are within 50' feet of a designated White Oak habitat. The habitat is located wholly on the north adjacent property. The purpose of this section is to ensure that new uses do not adversely affect sensitive wildlife areas and sites. The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). No comments or requests for additional field survey data were received from the Oregon Department of Fish and Wildlife or the Untied States Forest Service (USFS). A **condition** of approval is included in the Notice of Decision requiring that the applicant obtain necessary federal, state, and local permits pertinent to the development. Staff finds that the request complies with Subsection 14.600.C.

C. Rare Plants

FINDING: The purpose of this section is to ensure that new uses do not adversely affect plant species listed on an inventory kept by the Gorge Commission, encourage the protection of plant species that are classified "Review" {list 3}, or "Watch" {list 4} by the Oregon Biodiversity Information Center, and enhance the natural habitat of rare plant species. Project notice and opportunity to comment was provided to the Oregon Biodiversity Information Center and the United States Forest Service. No comments or requests for additional field survey data were received from ORBIC or USFS. A **condition** of approval is included in the Notice of Decision requiring that the applicant obtain necessary federal, state, and local permits pertinent to the development. Staff finds that the request complies with Subsection 14.600.D.

Section 14.700, Recreation Resources – GMA

FINDING: The purpose of this section is to protect and enhance recreation resources consistent with Indian treaty rights, and to protect scenic, natural, cultural and recreation resources when providing new recreation opportunities. The request is for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). No development is proposed. There are no recreational sites on the subject properties and no new recreational use is proposed. The closest recreational site is the Columbia River, which is more than 0.95 miles from the subject properties. The request will have no impact on the recreational use due to distance. Staff finds that the request complies with Subsection 14.700.

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA
The purpose of this section is to ensure that the Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian tribe. It requires notification to the four tribal governments when new uses are proposed.

FINDING: Section 14.800 provides protection of Indian Tribal Treaty Rights from new development in the National Scenic Area. Section 14.800.B.3. lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or e-mailed to the four tribal governments Notice of Administrative Action was mailed on March 16, 2023, and a 20-day comment period was provided. No comments were received during the comment period.

Section 14.800.C. lists guidelines for tribal government consultation when those governments submit substantive written comments. No comments were received. Staff finds that the proposed development is consistent with Section 14.800.C.

Section 14.800.D. states that the treaty rights protection process may conclude if the Executive Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

The subject property does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Subsection 14.800.D.

F. Chapter 21 – Scenic Area Review

Section 21.030 - Basic Provisions and Design Standards

A. Compliance required: No land within the unincorporated territory of the Columbia River Gorge National Scenic Area portion of Wasco County shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted to and approved by the Approving Authority in accordance with ORS Chapter 92.

B. Minimum Standards: The requirements and standards set forth in this chapter are the minimum ones to Page 21-2 Chapter 21-Land Divisions which a subdivision, partition, or boundary adjustment must conform before approval by the Approving Authority. Scenic, Natural, Cultural and Recreational resource buffers set forth in Chapter 14 - Scenic Area Review shall not be altered or varied to allow design standards to be met.

C. *Conformity* with the plan: All divisions of land and boundary adjustments shall conform to and be in harmony with the Wasco County Comprehensive Plan and National Scenic Area Land Use Designation Map and the Management Plan for the Columbia River Gorge National Scenic Area and map of that portion of the Columbia River Gorge National Scenic Area within which the subdivision and partition lies.

D. Conformity with zoning chapter: All divisions of land and boundary adjustments, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 3 of this Ordinance. All lots created shall conform in all respects with the applicable regulations of Chapter 3, including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth. Variances from minimum parcel sizes shall not be granted.

Land divisions shall also be made only in full compliance with standards set in Chapter 14 - Scenic Area Review.

FINDING: The request is a Scenic Area Review for a Replat 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 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

The request will enlarge existing lots to conform to the current minimum acreage standard of five-acres. The request will also allow for residential development in an area with significant soil issues that precludes development within the smaller platted lots of the Columbia Crest Addition Subdivision. Prior to approval of the final plat, the Wasco County Planning Commission shall approve a preliminary subdivision plan (being addressed in this report). After receiving approval on the preliminary subdivision plan, a final subdivision plat shall be submitted in a separate application for approval from the Wasco County Board of Commissioners.

The standards in Chapter 21 have been applied as the minimum ones necessary for approval of the preliminary subdivision plan, and are addressed throughout this report.

The subject properties are designated “Residential” and are within the "R-R" Rural Residential Zone (GMA & SMA). The Management Plan for the Columbia River Gorge National Scenic Area requires that most residential development occur in areas already committed to residential use, and that the “5- or 10-acre minimum for those lands designated Residential that areas where a higher density would conflict with” policies seeking to do the following:

(1) Avoid steep slope, fire danger, and groundwater pollution hazards;
(2) Ensure adequacy of public services (transportation, fire, protection, police protection, schools, sewage disposal and water; and
(3) Protect existing landscape, wildlife and plant habitat, scenic sensitivity, cultural resources, and wetlands.

The purpose of the "R-R" Rural Residential Zone (GMA & SMA) is the following:

Residential development may locate outside Urban Areas so long as it does not adversely affect the scenic, cultural, natural and recreation resources. In addition to consideration of these factors, lands may be designated as residential if deemed suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities.

The requested replat of an existing nonconforming subdivision will increase the lots to conform with current minimum lot size. Additionally, the replat avoids steep slopes, decreases available density of development, and increases room for fire fuel breaks around potential development. The zoning, scenic, cultural, natural and recreation resource standards are addressed in Section 3.160 and Chapter 14 of this report, where the proposal is found to comply. Staff finds the request complies with Subsection 21.030.A-D.

E. Relation to Adjoining Street System: A subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivisions or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations.

FINDING: The proposed replat Prince Heights Subdivision of the Columbia Crest Addition Subdivision will replat 66 lots to six lots. The remainder of the Columbia Crest Addition Subdivision will be located north and northwest of the proposed replat area. The Fruitland Park Addition Subdivision "Track 35" is also located north and northwest of the proposed replat area. The proposed replat subdivision will vacate three undeveloped Columbia Crest Addition Subdivision platted roads (Sandstone Way (portion), Cavern Way, and Granite Way), and replace them with one dedicated cul-de-sac road (Cavern Way). The proposed cul-de-sac road will not interfere with the continuation of principle streets in the adjoining subdivisions or other adjacent non-platted properties.

The Prince Heights Subdivision replat, the Columbia Crest Addition Subdivision, and the Fruitland Park Addition Subdivision "Track 35" are located north of Cherry Heights Road (a public dedicated and maintained road) and south of West 13th Street (a public dedicated and maintained road). The proposed replat provides for the continuation of all principle streets. Staff finds the request complies with Subsection 21.030.E.

See the "Columbia Crest Subdivision Road Map" and "Prince Heights Subdivision Road Map" in Attachment C.

F. Redevelopment Plan:

1. In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that blocks and lots shall be of such size and shape, be so divided into lots, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of a smaller size which shall have the minimum lot frontage on a street.

FINDING: The request is for a replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). The subject property is within the "R-R" Rural Residential Zone (GMA)/ (GMA) R-5 (Five-acre minimum parcel size). The proposed lots will be:

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

None of the proposed lots may be further divided. Staff finds the request complies with Subsection 21.030.F.1.

2. No lot in a platted subdivision shall be reduced in size from that shown on the recorded plat if the newly created lot will have less than the minimum lot area for the zone in which it is located.

FINDING: The request is for a replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). The subject property is within the "R-R" Rural Residential Zone (GMA)/ (GMA) R-5 (Five-acre minimum parcel size). None of the proposed lots will be reduced in size. Staff finds the request complies with Subsection 21.030.F.2.

3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.

FINDING: The request is for a replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). The subject property is within the "R-R" Rural Residential Zone (GMA)/ (GMA) R-5 (Five-acre minimum parcel size). The proposed lots will be:

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

The Smilekel Group owns all 66 lots within the designated replat area of the Columbia Crest Addition Subdivision. The Smilekel Group also owns the following properties within the Columbia Crest Addition that are not a part of this subdivision replat. They are identified by tax lot:

Tax Lot	Account No.
1N 13E 5 AD 500	8352
1N 13E 5 AD 400	8351

The two tax lots consist of 22 independent lots. The lots were created by the Columbia Crest Addition Subdivision and recorded by the Wasco County Clerk on June 5, 1953. The lots are legal-nonconforming in size, but are below the current zone size of 5-acres.

Concerning "Tract A" the applicant provided the following statement on June 26, 2023:

> "We will have CCR's that protect the open space. I don't have CCR's yet for this subdivision – they are usually put together by the developer's lawyer, but here's a sample of one I've used in the past.
>
> *Open Space Tract:*
> a. *The designated open space tract within the subdivision shall be preserved in perpetuity and shall not be developed or altered for any purpose.*"

A copy of the this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Additionally, the applicant provides that "Tract A" will be reconfigured from existing lots and be owned by the Home Owner's Association. According to the preliminary plan, there are no "leftover lot areas" that will be less than the minimum lot area for the zone. Staff finds the request complies with Subsection 21.030.F.3.

> 4. *Any person dividing tracts of land into large lots which at some future time could be further divided and still meet the minimum lot size requirement of the zone in which the land is located shall provide suitable road access to each created parcel so that the future development of each parcel will provide access for redevelopment parcels or lots.*

FINDING: The request is for a replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). The subject property is within the "R-R" Rural Residential Zone (GMA)/ (GMA) R-5 (Five-acre minimum parcel size). The proposed lots will be:

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

None of the proposed lots can be further divided at some future time. Suitable road access will be provided by the existing Sandstone and Ledge Ways (public dedicated roads), and by the proposed public right of way road Cavern Way cul-de-sac road. Staff finds the request complies with Subsection 21.030.F.4.

G. Access: A unit of land shall be considered to have access by way of a public road or street, private road, or private easement road, if the following criteria are satisfied:

1. The unit of land abuts on the road or street.

2. There is a legal right appurtenant to the unit of land to use the road or street for ingress and egress. A legal right to use a private road or private easement road may be evidenced by: (a) an express grant or reservation of an easement in a document recorded with the County Clerk; (b) a decree or judgment issued by a court of competent jurisdiction; (c) an order of the County Governing Body; or, (d) an express easement set forth in a duly recorded plat.

3. The road or street provides actual physical access for the unit of land.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and/or Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "We received a petition to vacate several roads within the Columbia Crest Addition back in May, 2022. The Smilekel Group made that request. I would need an updated road vacation petition, clearly showing what roads or sections of road are proposed for vacation. Then, depending on the Planning Commission decision, we could move forward with the BOC on the vacations, pending approval of the new road dedications / subdivision plat."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

A **condition** of approval is recommended requiring the applicant, upon approval of the preliminary subdivision request by the Planning Commission, apply with the Wasco County Public Works

Department for a road vacation petition to vacate those roads identified within the preliminary subdivision plat in order that they be replaced with the proposed publicly dedicated Cavern Way cul-de-sac road. Staff also finds 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 approved because the road vacation would leave numerous lots within the Columbia Crest Addition without public access. Staff has determined that 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 final plat of the Prince Heights Subdivision, including the public dedication of the proposed Cavern Way cul-de-sac road.

With the recommended condition and vacation/dedication timing, staff finds the request complies with Subsection 21.030.G.3.

H. Access Requirements for Land Divisions: Each unit of land shall be provided with access by a public road meeting standards noted in Table 1 (Rural Public Roadway Design Standards) & 2 (Urban Public Roadway Design Standards), except as provided below and in Table 3 (Private Access Standards):

1. Private Easement Road In all zones a unit of land may have access by way of a private easement road upon a finding that such road provides access for not more than three (3) units of land, serves not more than three (3) units of land, and that the easement is a minimum 30' in width;

The requirements of Section 21.300 are not applicable to a Private Easement Road.

If the private easement road could provide access for more than three (3) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public or private road and not the right of way of the private easement road.

FINDING: The proposed subdivision is not within a resource zone, and the proposed lots will be accessed by dedicated public roads. Subsection 21.030.H.1 is not applicable to the request.

2. Private Road - In resource areas only (areas zoned F-1, F-3, A-1 and A-2), a unit of land may have access by way of a private road upon findings of the Approving Authority that:

a. Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land;

b. Private road approval is obtained pursuant to Section 21.400;

c. Private road is constructed to standards of Section 21.430 when more than three (3) units of land use roadway;

d. The primary use of the road is to provide access for resource activities. Conflicting uses shall be minimized;

e. When service to more than ten (10) units of land is possible, provision shall be made to serve the area by public road, including but not limited to: (a) dedication of right of way; (b) extension and improvement of the roadway to public road standards such that not more than ten (10) units of land may be served.

If the private road could provide access for more than ten (10) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public road and not the right of way of the private road.

FINDING: The proposed subdivision is not within a resource zone, and the proposed lots will be accessed by dedicated public roads. Subsection 21.030.H.2 is not applicable to the request.

I. Alignment: As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty five (125) feet.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. On June 26, 2023, the applicant provided additional details as to why a cul-de-sac road is being proposed:

> "[The] primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on the proposal, Subsection 21.030.I is not applicable to the request.

J. Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.

FINDING: The NSA-LUDO Chapter 1 Section 1.200, provides the following definition for "Half Street":

> *Half Street - One-half of the right-of-way of a public way equally divided by the property or border line, dedicated to the public together with the total width, here, of the public way by all owners, at the time of the recording of any plat including such half street or way.*

The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way, Granite Way, and Cavern Way roads (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way road that will provide access to the newly created Lots 3, 4, 5, and 6. The current looped road(s) (Sandstone Way, Granite Way, and Cavern Way) have never been constructed and are considered "paper roads". There is no need or request in this preliminary subdivision for a half-street.

Based on the proposal, Subsection 21.030.J is not applicable to the request.

> *K. Streets Adjacent to Railroads, Freeways and Parkways: When a subdivision or partition contains or is adjacent to a railroad, a parallel street may be required on each side of such railroad. A land strip of not less than twenty five (25) feet in width shall be provided along a railroad right of way for screen planting or park purposes between the railroad and residential lots. Parallel, local service streets shall be provided on each side of a freeway or parkway either within or abutting their right of way. When such parallel streets are less than eighty (80) feet from such freeway or parkway the intervening property shall be used for only park or thoroughfare purposes. Streets paralleling railroads, at those cross streets where grade separations are proposed, shall be located at a distance from the railroad that provides for such grade separation structure.*

FINDING: None of the existing or proposed streets are adjacent to railroads, freeways, or parkways. Based on the proposal, Subsection 21.030.K is not applicable to the request.

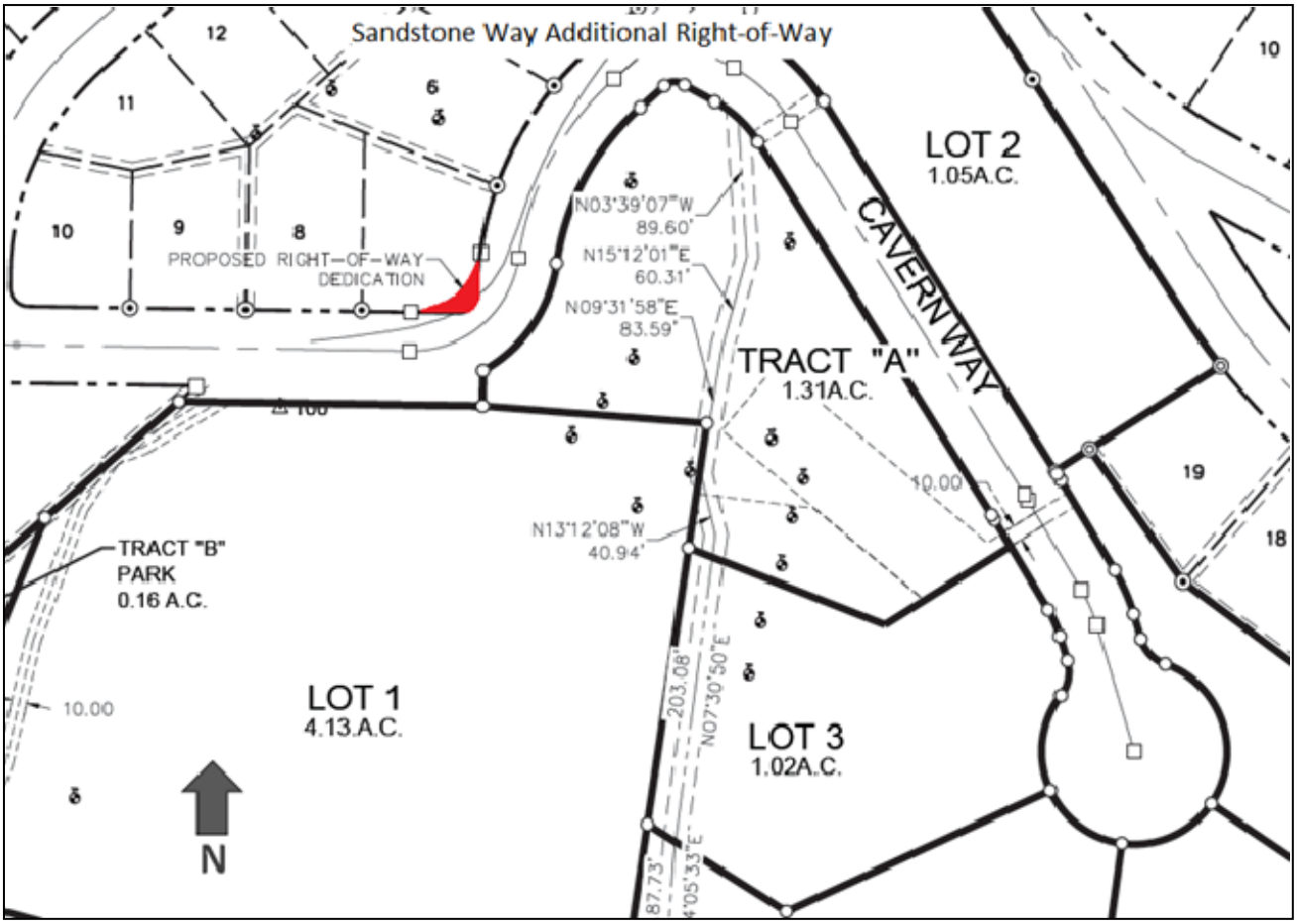
> *L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.*

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. Lot 1 and Lot 2 will have access from the existing Sandstone Way and/or Hermits Way and will require road approach permits. A **condition** of approval is recommended requiring the owner obtain Road Approach Permits for all of the proposed lots, if required by the Wasco County Public Works Department.

Additionally, the applicant proposes to dedicate additional right-of way over the existing Sandstone Way and utilities (portions of which were constructed outside of the original dedicated right-of-way). This will

center the right-of-way over the existing Sandstone Road. (See "Sandstone Way Additional Right-of-Way Dedication" Map).



The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Staff has confirmed that the county does perform maintenance on Sandstone Way up to the first curve in the road (approximately 450' north of Cherry Heights Road). The 1953 approved Columbia Crest Subdivision platted the roads at 50' wide. Examination of the 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County" provides the following standards:

MINIMUM AND PREFERRED RIGHT-OF-WAYS AND WIDTHS FOR ROAD SURFACING

Type of Street	Right-of-Ways Minimum	Right-of-Ways Preferred	Road Surfacing Minimum	Road Surfacing Preferred
Arterials	80	100	26	36
Secondary Arterials	60	80	26	36
Business & Industrial Streets	66	80	36	42
Local Streets	50	60	20	34
Dead-end Streets (not more than 400' long and serving a maximum of 18 single family dwellings)	50	50	20	20
Turn-arounds for dead-end streets	40' radius		30' radius	
Alley				
Residential	14	20		
Business or Industrial	20	20		

It is unclear when Sandstone Way and Hermits Way were actually constructed. A June 29, 2023, staff site visit confirmed that the paved (road surfaced) widths of both roads range from 35' to 25', which appears to be consistent with the "Road Surfacing" minimum standards for Local Streets and Dead-end Streets in the 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County". On July 3, 2023, the Director of the Wasco County Public Works Department Arthur Smith provided comment concerning the estimated road conditions and adequacy of width for Sandstone Way and Hermits Way:

> "The existing roadway widths are adequate to serve the additional lots and appear to have been built to meet our minimum road standards. I would not require any road widening. My only request would be for a Road Maintenance Agreement or Homeowners Agreement to ensure that the public roads are maintained after development."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Staff sought additional comment from Mid-Columbia Fire and Rescue Division Chief Jay Wood concerning the existing width of Sandstone Way and Hermits Way. Chief Wood did not provided additional comment.

Based on technical commentary, and the underlying facts, staff finds the request complies with Subsection 21.030.L.

> *M. Future Extension of Streets: Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*

FINDING: The NSA-LUDO Chapter 1 Section 1.200, provides the following definition for "Reserve Street":

Street Plug or Reserve Strip - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.

The proposed replat Prince Heights Subdivision of the Columbia Crest Addition Subdivision will replat 66 lots to six lots. The remainder of the Columbia Crest Addition Subdivision will be located north and northwest of the proposed replat area. The Fruitland Park Addition Subdivision "Track 35" is also located north and northwest of the proposed replat area.

The proposed subdivision replat lots obtain primary access from Cherry Heights Road, which is a publicly maintained County Road. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way. The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Due to the geography and existing developed surrounding subdivision lots, the proposed cul-de-sac road is not proposed in a way that will require the continuation of the street or a future street extension.

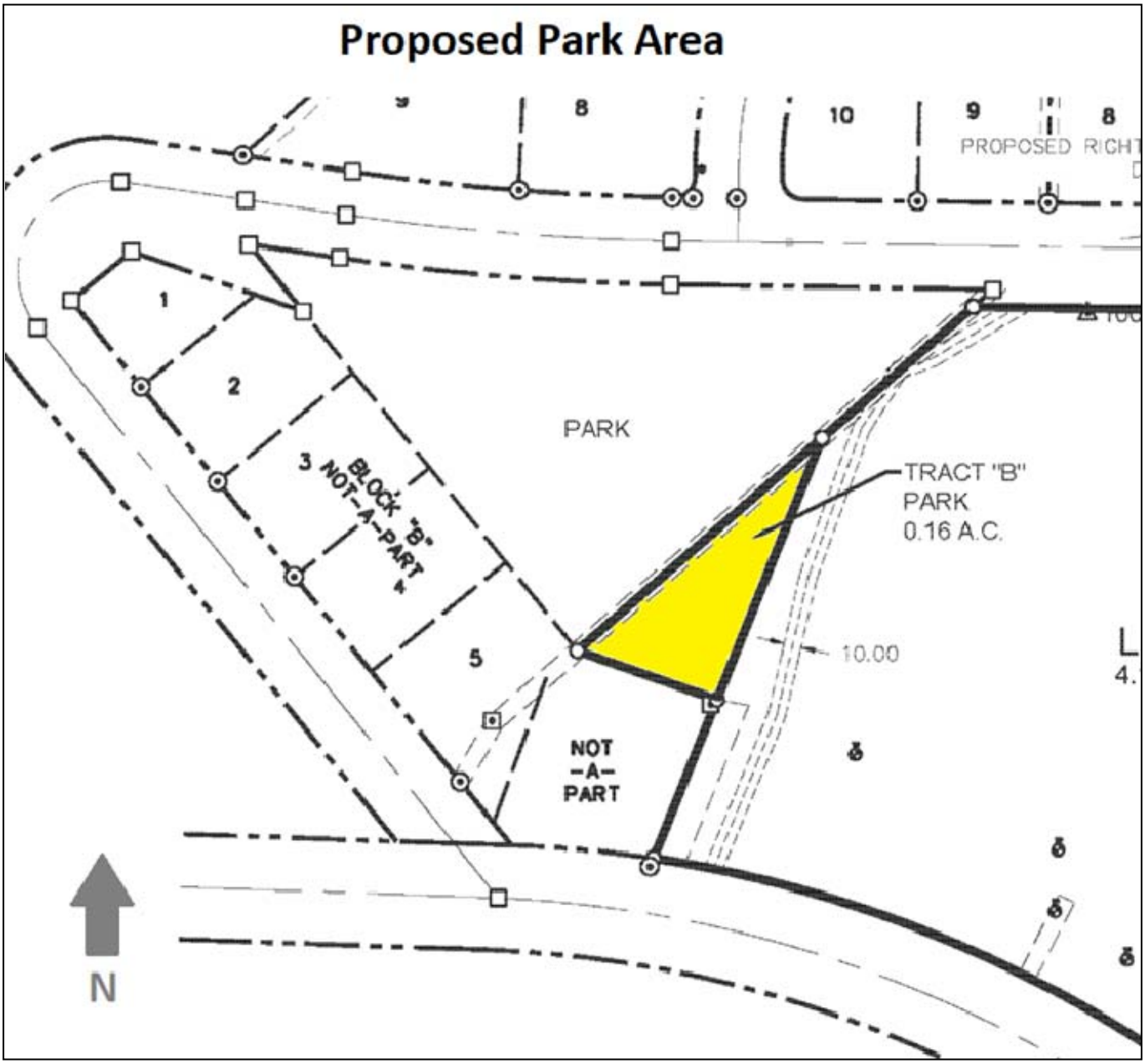
Based on these findings, staff finds the request complies with Subsection 21.030.M.

N. Alleys: The minimum width of alleys, when provided in residential blocks, shall be twenty (20) feet. Alleys shall be provided in commercial and industrial districts and shall not be less than twenty (20) feet in width. The corners of all alleys at their intersection with streets and other alleys shall be rounded and have a radius of not less than ten (10) feet.

FINDING: No blocks or alleys have been proposed through the subdivision request. Subsection 21.030.N is not applicable to the request.

O. Pedestrian Ways: When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

FINDING: All of the proposed Lots will have frontage along publicly dedicated roads and no blocks are proposed. However, a 0.16-acre unit of land "Tract B" is proposed to be dedicated as public park space. "Tract B" is proposed to serve the proposed subdivision, and the surrounding residentially zoned properties. The park is planned on the west side of an existing area designated as a park, and on the east side of the proposed Lot 1 (See "Proposed Park Area" below). The proposed park area is land locked and does not have public street frontage.



Concerning the proposed park space, comments were received from the Executive Director of the northern Wasco County Parks & Recreation District Scott Baker on July 6, 2023:

> "As we discussed, 1N 13E 5 AD 600 Account Number: 13902 is not currently owned or maintained by NWCPRD. It has little or no recreational value and increasing its size .16 acre does not make it a better fit for public recreation. My opinion is that Wasco County would be better served by a cash payment in lieu of the property. If Wasco county is the owner of the adjacent "publicly owned" property, I would encourage them to surplus the property and acquire much needed park space on the westside."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Additional comments pertaining to the proposed park dedication were received from the Wasco County Assessor Jill Amery and Wasco County Administrator Tyler Stone on July 12, 2023:
Jill Amery wrote:

> "The current park lot as you have seen from the previous correspondence has been very problematic. Though it isn't my decision on which path to take, my opinion for this subdivision is to not add another park space. Let the developer pay into the fund. If my initial calculation of the lots impacted are correct, the developer could pay an approximate $6,480.51 into the fund and forego the park."

Tyler Stone wrote:

> "Wasco County currently does not have a dedicated program to support the continued management of dedicated public space. I encourage you to recommend, in lieu of dedication of land…a payment to the County that will be held in a special fund for acquisition and the development and support of nearby public parks and facilities."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The NSA-LUDO Chapter 21 Land Divisions provides the following options pertaining to final subdivision plat approval:

Section 21.310 Final Subdivision Plat Approval

E. Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Plan for the area in which the subdivision is located.

F. Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, 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 plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.

Based on the provided commentary, the fact that fee ownership of the existing park space has not been properly established, and that there are other public recreation options that do not require the dedication of public park space, <u>staff does not recommend</u> public open park space be required for this subdivision replat. In lieu of the park dedication, staff recommends a **condition** of approval requiring the subdivider 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.

However, <u>if the Planning Commission determines that the subdivider shall dedicate to the public the 0.16-acre public park space "Tract B"</u>, staff recommends a **condition** of approval requiring the final plat provide a public pedestrian access easement for park access. With recommended conditions, staff finds the request complies with Subsection 21.030.O.

P. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 11 and the local fire department.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Application materials provide that the proposed Cavern Way cul-de-sac road will be "[a] 22' wide paved road with 2' wide gravel shoulders (in a 50' wide road tract)…approximately 590' in length, with a 48' radius (96' diameter) culdesac for fire turnaround at the end." (Project# 170105 Replat narrative, Page 13-14). Furthermore, the application provides that road maintenance for Cavern Way "will be provided by the homeowners and will be managed with a road maintenance agreement." (Project# 170105 Replat narrative, Page 10). A preliminary copy of the road maintenance agreement is provided in Attachment F and available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

On June 26, 2023, the applicant provided additional details as to why a cul-de-sac road is being proposed:

> "[The] primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Concerning road maintenance, the Director of the Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Concerning applicable state fire laws, Mid-Columbia Fire and Rescue Division Chief Jay Wood provided comment on June 28, 2023:

"To be clear, page 4 of the PDF you sent over is the proposed, and if so here are the requirements for access and water supply as per Oregon Fire Codes (OFC). All these requirements would come into play upon building.

Fire Apparatus Access:

- The fact that this is over 2 residential lots/buildings, these requirements come into play, again upon building. Access roads need to extend to within 150 feet of each structure on each lot. The 150 feet is from where we park the fire apparatus and then around the exterior of the building (where we would potentially pull the hose for fire attack). See note below regarding individual driveways on the lots.
- The rest of the access specifications come from Appendix D of the OFC
    - The height of the access needs to be at least 13'6" along the entire access road. Trees will need to be maintained at that height throughout and any overhead signs, etc as well.
    - The driving surface needs to be "all weather" though there is no good interpretation of what this really means. Generally accepted is concrete and/or asphalt. For a one or two lot development, a gravel driveway suffices. See note below about driveways on individual lots.
    - The access road must support an imposed load of 85,000, the gross weight of our heaviest fire apparatus including driveways.
    - Minimum width of the access road is 26' driving surface for two reasons;
        - Access roads great than 500 feet require 26' width
        - Hydrants will be required so the road must be 26' (see water supply below).
    - Grade shall be 10 percent of slope or less. There is the short pitch of greater than 10 percent allowed if necessary and by approval of the Fire District.
    - Dead end roads greater than 150 feet must have a turnaround. The cul-de-sac works as a turnaround; however, the minimum dimension of the cul-de-sac is 96 feet. Alternatives could be a hammer head "T", a "Y" or other arrangement that has at least 2 legs that are at a minimum of 60 feet in length.
    - No Parking Signs will be required unless the access road is greater than 32' in width.
        - At exactly 26' width, signs on both sides are required.
        - Greater than 26' width only requires on side to be signed.
        - Signs have to be a minimum of 12" wide by 18" high with red letters with white reflective background. Wording of "No Parking" and "Fire Lane" are required. Arrows can be used if a portion of the roadway is greater than 32' then necks down to less than 32'.
    - Probably not an issue with this as it's residential, but if the building heights are 30' or three stories, two roads to access the buildings are required (access for ladder truck)
- Structures on the lots must be within the 150' from the access road OR they must have access roads/driveways that meet the height, weight, grade and turnaround requirements. Width can be reduced to 12' drivable surface on individual lots with one or two dwellings (such as an ADU)
- There is the possibility of exceptions to some of these requirements if the dwellings (not garages, outbuildings) have an approved automatic fire sprinkler system installed in the residences. Typically, we see this with grades greater than 10 percent of slope or hydrant placement issues due to underground issues (rock usually), however, we can discuss further with you and/or the developer.

Water supply

- Because there is a water system in that area (Chen. Water PUD), one or more hydrants will be required. The hydrant/hydrant system will need to flow 1,000 Gallons per minute with a 20 pounds per square inch residual pressure.
  - If all of the homes will have sprinklers, that can be dropped to 500 gallons per minute at 20 psi residual.
  - If 1,000 gallons, the flow has to have the capacity to be maintained for 1-hour. If 500 gallons, then the duration is ½-hour.
  - The developer may be required to provide the available fire flow as noted if the water system cannot support the requirements. That can be in the form of:
    - their own water system of reservoirs and hydrant(s)
    - supplementing the current water system by paying for upgrades to the public system.
- Maximum distance from a dwelling to a hydrant is 200 feet. In other words, a hydrant will need to be installed within 200' of the center of the cul-de-sac (after being redrawn with the correct diameter requirement). This will need to be discussed if the dwellings are not near the cul-de-sac end of the lots (set back from the cul-de-sac with a driveway). If dwellings/buildings are set back from the street, it may be best to install the hydrant at the cul-de-sac.
  - This can be increased to 250' if sprinklers installed.
- Another hydrant would need to be installed within 500 feet of the one servicing the cul-de-sac. This can be increased to 625' if sprinklers are installed in all dwellings on each of the subject lots.
- Lot 1, if accessed by Sandstone Way will have to be situated so it is within that 500'/625' or an additional hydrant will need to be installed."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

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 recommended <u>conditions</u> of approval are proposed 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:

(1) To ensure access roads extend to within 150 feet of each structure on each lot, a **condition** of approval is recommended requiring that 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.

(2) To ensure that no obstacles exist for fire apparatus access, a **condition** of approval is recommended requiring that 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.

(3) To ensure the public is notified of restricted parking areas for fire apparatus, a **condition** of approval is recommended requiring that the subdivder 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.

(4) To ensure that all fire apparatus have access to the proposed Lots 3-6 along the Cavern Way cul-de-sac road, a **condition** of approval is recommended requiring that 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.

(5) A **condition** of approval for road maintenance for Cavern Way cul-de-sac road shall be provided by the homeowners and will be managed with a road maintenance agreement.

According to Chief Wood, the subdivision area is within the Chenowith Water District. The Wasco County Geographic Information System "Water Districts" map layer provides that the water district is the Columbia Crest Water District. In any case, in consideration of water supply for fire apparatus, the following recommended 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:

(1) To ensure on-site water is available for structural fire protection, a **condition** of approval is recommended that fire hydrants shall be provided at least 200 feet from all designated development areas for the proposed Lots 1-6; or

(2) 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, a **condition** of approval is recommended that fire hydrants shall be provided at least 250 feet from all designated development areas for the proposed Lots 1-6.

(3) A **condition** of approval is recommended that a fire hydrant shall be provided within 500 feet of the fire hydrant servicing the cul-de-sac; or

(4) 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, a **condition** of approval is recommended that the fire hydrant shall be provided within 625 feet of the fire hydrant servicing the cul-de-sac.

(5) If Lot 1 is accessed by Sandstone Way, a **condition** of approval is recommended requiring that 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

(6) 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, a **condition** of approval is recommended 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.

(7) 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

(8) 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, a **condition** of approval is recommended that 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.

(9) To ensure the proposed fire hydrants can meet required flow rate conditions, a **condition** of approval is recommended that prior to public dedication of the proposed Cavern Way cul-de-sac, the subdivider shall provide objective substantial evidence from the local fire district that the proposed fire hydrants will have the required flow rates; or

(10) 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.

To ensure adequate and safe access is provided to the area, a **condition** of approval is recommended requiring that prior to submittal of the final subdivision plat and public road dedication, all conditions required under this criterion shall be illustrated with dimensions on the plat, and, or, practically demonstrated to have been achieved. With the recommended conditions, staff finds the request complies with Subsection 21.030.P.

Q. Street Intersections:

1. *All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at ninety (90) degrees cannot be secured by reason of physical conditions of the site an angular intersection of not less than sixty (60) degrees may be permitted.*

2. *Property corners at street intersections shall be rounded and with a radius of not less than ten (10) feet.*

3. *Major thoroughfares intersections shall have roadway curb radii of not less than twenty five (25) feet; all other street intersections shall have roadway curb radii of not less than twenty (20) feet.*

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. As evidenced on the preliminary subdivision plat plan, the Cavern Way cul-de-sac road joins

the existing Sandstone Way at or near a right angle (90 degrees). No major thoroughfare intersections are planned.

The west side of the proposed Tract A and Lot 2 contain property corners at the Cavern Way cul-de-sac road and Sandstone Way intersection. The preliminary subdivision plat provides for rounded property corners, but does not explicitly provide that the radius of the corners are at least 10 feet or greater. A **condition** of approval is recommended that the final subdivision plat detail applicable property corners at street intersections that are rounded and with a radius of not less than ten (10) feet.

With recommended conditions of approval, staff finds the request complies with Subsection 21.030.Q.

R. Reserve Strips: Reserve strips or street plugs dedicated to the County and controlling the access to a street may be approved or required when necessary to:

1. Prevent access to the street on a side where additional width is required to meet the minimum right of way standards;

2. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or

3. Prevent the uncontrolled development of land.

FINDING: The NSA-LUDO Chapter 1 Section 1.200, provides the following definition for "Reserve Street":

> *Street Plug or Reserve Strip - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.*

The proposed replat Prince Heights Subdivision of the Columbia Crest Addition Subdivision will replat 66 lots to six lots. The remainder of the Columbia Crest Addition Subdivision will be located north and northwest of the proposed replat area. The Fruitland Park Addition Subdivision "Track 35" is also located north and northwest of the proposed replat area.

The proposed subdivision replat lots obtain primary access from Cherry Heights Road, which is a publicly maintained County Road. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way. The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Due to the geography and existing developed surrounding subdivision lots, the proposed cul-de-sac road is not proposed in a way that will require the continuation of the street or a future street extension for the purposes of preventing access to the street on a side where additional width is required to meet the minimum right of way standards; prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern; or prevent the uncontrolled development of land.

Based on these findings, staff finds the request complies with Subsection 21.030.R.

S. Marginal Access Streets: Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Approving Authority may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

FINDING: The proposed subdivision does not abut any arterial streets, and none are proposed. Subsection 21.030.S is not applicable.

T. Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (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.

FINDING: Application materials provides the following concerning existing and proposed easements:

> "In addition, the previously platted subdivision contains public utility easements as per the plat of Columbia Crest that are (and will not be) utilized. This re-p/at proposes extinguishment of the unnecessary easements. See attached Existing Easements/Road Vacation Exhibit for details of easements and ROW to be extinguished." (Project# 170105 Replat narrative, Page 6)

> "Sanitary
> Homes will be on septic/drainfield systems. Primary and Replacement drainfield locations have been evaluated and approved for each lot. Drain fields for Lots 1 (reserve), 2 and 6 have been evaluated and approved to be within easements in the open space tract. The open space tract contains remote set asides for individual drainfields and their associated backup drainfields. The developer also had Aqua Resource Design and Consulting (septic design consultant) review the pits for design of the systems prior to the sanitarian's review. Their memo is attached to this narrative, as are the sanitarian's approved drainfield locations (note that lot numbering and configuration has changed since original soil evaluation). Subsequently, in 2022, the developer contracted with EMS Environmental Consultants to stake the drain fields and conduct a hydrology study for drain fields located along the central drainage area as requested by the previous sanitarian. The drainfields as staked in the field caused a slight shift in the access road and lot lines from the pre-app layout, which is reflected in the current plans. Note that we have also adjusted the lot lines since the original sanitary approval to include as many of the drainfields as possible on the lots. Drainfields are located in the open space tract where there is not sufficient soil on the lot for a drainfield." (Project# 170105 Replat narrative, Page 13)

A **condition** is recommended requiring that existing easements to be extinguished shall be illustrated on the final subdivision plat, and that 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. With the recommended condition, staff finds the request complies with Subsection 21.030.T.

U. Water Courses: If a subdivision or partition is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

FINDING: The Wasco County GIS "State Wetlands Inventory" layer provides that no delineated waterways exist on the proposed subdivision replat area. A Freshwater Forested/Shrub Wetland is delineated running in an east-west direction approximately 400 feet south of the proposed subdivision area.

Concerning watercourses and drainage, application materials provide the following:

> **"**Stream and Floodplain
> No development is proposed within a designated flood zone or stream setback. FEMA maps do not show
> any flood zones mapped on this property, and it is unlikely there would be flooding since these lots are on a hill and without a water source (creek, river, etc)." (Project# 170105 Replat narrative, Page 8).
>
> **"**Drainage
> This project will create little impervious area since most of the roads are already in place. The homes,
> driveways, and access road will utilize dispersion and infiltration. Care will be taken to not release
> storm water on or near the tops of the steep slopes or directly above drainfields. An 18" culvert will be
> installed under the new road where there is an apparent seasonal drainage. This drainage has not been
> observed by the developer or engineer to flow but will be accommodated as a precaution."
> (Project# 170105 Replat narrative, Page 13).

Additional comment pertaining to drainage was provided on June 30, 2023 and July 10, 2023, respectively:

> "The westernmost easement is for the existing water main. The other one is for the dry drainage channel that runs down the hill."
>
> "Yes, that is the apparent drainage. I've never seen water in it, but it is there, so we are accommodating it. Our surveyors tied it so that we could add the easement."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

A staff site visit was conducted on June 29, 2023. While taking photographs along Sandstone Way, staff was approached by Roger Howe, a resident who lives at (Map: 1N 13E 4 BC 2100, Account Number: 8344). Among other issues discussed, Mr. Howe explained that a seasonal drainage stream exists on or near where the proposed Tract A, Lot 2, and Cavern Way cul-de-sac road are proposed. Mr. Howe expressed concern that the seasonal drainage should be preserved. The preliminary plat provides for a "dry drainage channel" easement running north-south across Tract A, Lot 3, and Lot 4 to accommodate for the apparent seasonal drainage. The applicant has indicated that "

This criterion provides that the affected property must be "traversed by a water course such as a drainage way, channel, or stream" in order for a "storm water easement or drainage right of way" be required. The applicant has made note that a drainage way exists and neighbors have also mentioned it

during a staff site visit. The federal hydrology and state wetlands inventory GIS layers do not illustrate a waterway of any type on the subject property. Based on local knowledge of the seasonal drainage and the applicant's willingness to accommodate the unconfirmed seasonal drainage, staff recommends a **condition** of approval requiring an 18" culvert 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" be provided for in the final subdivision plat.

Given the aforementioned information and recommended condition of approval, staff finds that the request complies with Subsection 21.030.U.

> V. *Environmental Hazards: If a subdivision or partition contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.*

FINDING: According to the Wasco County GIS Overlay Zone (OZ) FEMA Flood Zone layer, OZ Geologic Hazards layer, no identified flood or geologic hazard has been mapped on the subject property.

From the application materials provided, it is clear that soil conditions on the subject property outright prohibit or at the very least, significantly restrict the construction of septic systems on the existing 66 smaller lots. Concerning soil quality and septic system expertise, staff requested comment from Eric Grendel Environmental Health, REHS North Central Public Health District. Mr. Grendel provided the following comments on June 28, 2023:

> "I appreciate you reaching out to seek input from the Environmental Health Department.
>
> I've reviewed this proposed replat a few times since taking over the onsite septic program for NCPHD and have also met with my predecessor John Zalaznik who conducted the site evaluation back in 2017, to discuss his interpretation of the proposed replat and development.
>
> Prior to John's evaluation, this proposal went through a Preliminary Feasibility Study by Aqua Resource Design & Consulting and was most notably finalized by REHS Brannon Lamp who is a highly regarded consultant for environmental health services. In Brannon's results, he suggested that the Re-Plat include a series of easements and some help from a designer to adequately demonstrate that the design could support both primary and secondary drainfield areas for 7-8 lots.
>
> Klein Associates was then hired in July of 2017 to create a schematic for the proposed development and replat for the individual lots, which included Aqua Resources sampled soil pit sites. This was provided to John Zalaznik for his site evaluation which was conducted on 9/28/17.
>
> John's evaluated 8 lots for onsite septic suitability and proposed that the area have an Engineered hydrologic Study be conducted due to his concerns over the loading capacity of the site and landslide potential.
>
> Environmental Management Services, INC. (EMS) was then hired to determine whether or not the site was stable to accept the projected daily flow for wastewater.

EMS determined that there were some factors that would indicate there be a cautious approach with the designing of the septic systems and determined that a pressurized distribution system be considered to prevent the uneven distribution of effluent to avoid instability of localized saturated soils. EMS also recommended that Erosion Control Measures be implemented to further prevent any destabilization that could occur.

From my standpoint, working with small lots (Murray's Addition, Sportsman's Park, Pine Hollow) is a major challenge once they've been developed because finding a suitable replacement site can be limited. Since these lots have not been developed yet, NCPHD can require certain criteria to be met before approving a structural permit for sanitation, or a construction permit for onsite wastewater disposal however, larger lots such as the ones proposed do provide more room for adjustments (even if they're on easements). Many times, people may build something in an area that doesn't require a permit and don't think about that space being the only suitable replacement area which can compound an already difficult situation.

While the hypothetical situations are endless as to what could occur in any development, I do believe that expanding the footprint of these lots would be more suitable than trying to squeeze in several ATT systems on smaller lots if they were found to be approved for onsite wastewater treatment.

This replat has had several environmental specialists provide insight into the proposed development, in which I cannot see anything that would keep this from moving forward as long as it's designed and installed appropriately."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Mentioned in Mr. Grendel's comments was the Environmental Management Systems, Inc. Hydrology Study that was submitted with the subdivision application. The Engineering Hydrologic Study that was published as Job: 22-0073 on December 12, 2022 by Environmental Management Systems, Inc. provides the following regarding erosion, and recommends a number of construction standards for septic and drainfield placement:

"EXISTING CONDITIONS & POTENTIAL IMPACTS
• Site Conditions did not present obvious active indicators of erosion or soil movement, but the County Feasibility Evaluator, John Zalaznik, REHS expressed concerns about site stability and required an Engineering Study of the Hydrologic impact of installation of drainfields on the common area to be used for drainfields." (Engineering Hydrologic Study Job: 22-0073, Page 2).

The Engineering Hydrologic Study report provides a list of findings regarding septic and drainfield installation as well as erosion control measures.

"FINDINGS:
• Use of traditional gravity trenches was not considered because of limited space and because gravity dispersal would result in localized saturated flow, with potential for destabilizing the site. Void spaces would be larger with gravity piping, but since this is not being considered, is moot.

• Use of traditional Gravel trenches would add significant weight that could be destabilizing to the site.

• Use of EZFiow Polystyrene Gravel Substitute would result in significantly less weight on the sloped site than gravel, so actually be considered to stabilize the site.

• Use of pressurized piping reduces uneven distribution of effluent thereby avoiding instability caused by localized saturation. 1 inch diameter PVC piping would be used in either gravel or EZFiow configurations, and present negligible weigh on the site.

• Erosion Control Measures should be implemented to prevent destabilization.

EMS performed the following project tasks to support this project:

• Designed & Staked the Initial and Reserve Drainfield lines to serve Alternative Treatment Technology (ATT) systems located in each respective lot and which will pump treated effluent to their respective easement areas located in Tract A.

• Prepared septic designs modified as needed based on hydrologic evaluation and County requirements.

• Consulted with the manufacturer of EZFiow Polystyrene Gravel Substitute for concurrence with the proposed use of their products.

• Prepared this report and design for review by the project engineer and County DEQ Agent.

EMS designed the drainfield components to receive highly treated effluent from the ATT System located at each of the 4 sites. The design has the following mitigating factors to further reduce instability:

1. Use of lightweight EZ Flow Polystyrene Substitute Drain Media instead of gravel.

2. Pressure Distribution to equalize the effluent flow over each active drainfield trench.

3. Spacing of>= 20 feet between installed drainfield lines, spreading effluent out across the site. Reserve lines are designated for future installation planned, but not installed. If ever used, these lines would replace the initially installed lines.

4. Removal of Excess Soil would also slightly reduce the amount of weight on the overall drainfield area. This step is considered optional to provide additional stability. If kept on the drainfield site, excess soil must be spread out over the total initial and reserve area.

5. Site gravel substitute to be covered in the trench excavation, and seeded for stability, immediately following approved inspection by EMS and authorized NCPHD Personnel." (Engineering Hydrologic Study Job: 22-0073, pp. 2-4).

Considering public comment, prior evaluations conducted by North Central Public Health, and the Engineering Hydrologic Study (Environmental Management Systems, Inc. Job: 22-0073), staff believes that the report's numerated findings should be viewed in a coalesced manner with regards to overall erosion control within the proposed subdivision area. However, the findings within the report are oriented towards the construction of the drainfield and septic systems, and provide for no specific area where a protective easements would be required for erosion control.

The subject area is not located within an area mapped or known to contain environmental hazards with potential for flooding, land movement, high water tables, erosion, or similar natural phenomena. Staff finds that Subsection 21.030.V is not applicable to this request.

W. Blocks: No block shall exceed twelve hundred (1200) feet in length between streets. In blocks over eight hundred (800) feet in length there shall be a cross walkway of not less than ten (10) feet in width, near the middle of the block. The width of blocks shall be such as to allow two tiers of lots, except where in the opinion of the Approving Authority a relatively short length of double frontage lots are unavoidable.

FINDING: No blocks have been proposed for the subdivision, Subsection 21.030.W is not applicable to the request.

X. Lots:

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted. Lot dimensions shall not include part of existing or proposed streets. All lots shall be buildable, except a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zone in which the lot is proposed.

FINDING: The proposed subdivision will be located in "R-R" Rural Residential Zone (GMA & SMA), GMA R-5. The proposed replat of existing subdivision lots within the Columbia Crest Addition Subdivision will make the lots more conforming with current zoning (66 lots replatted to 6 lots). Regarding property size, the application provides the following:

> "Property size
> As shown in the attached plan sheets, these five taxlots are currently platted as 66 lots plus right-of-way in an undeveloped subdivision_ but the lack of public sewer and limited suitable drainfield area prevents such dense residential development to take place. Since the original platting of this subdivision, zoning has changed to GMA R-R-5, a rural residential zoning in the Scenic Area's General Management Area,
> with minimum lot sizes of 5 acres.
>
> This property is currently zoned GMA R-5 but was platted as a part of a subdivision in 1953 with average lot size of approximately 7,000 sf (measured in CAD). The goal of this application is to re-p/at from 66 small lots to 6 larger residential lots, one open space tract and one road ROW. By increasing the average residential lot size from about 7,ooo+/- sf to 112,748 sf (2.59 acres), the proposed lots will be much closer to conformance with the current zoning code." (Project# 170105 Replat narrative, Page 6).

Table 2 - Proposed Lots

Lots	Use	Min Width (feet)	Max Width (feet)	Average Width (feet)	Area (acres)
1	Single Family Res.	342	458	400	4.12
2	Single Family Res.	358	378	368	1.05
3	Single Family Res.	142	240	191	1.02
4	Single Family Res.	57	303	180	2.89
5	Single Family Res.	63	546	304	3.20
6	Single Family Res.	104	424	264	3.09
TOTAL	**SFR Lots**			**284**	**15.37**
Tract "A"	Open Space "Tract A"				1.31
	Park Space Dedication				0.16
TOTAL	**6 SFR Lots + Park + Open Space**				**16.84**
ROW	Cavern Way (50' ROW)				0.82
TOTAL	**TOTAL project area**				**17.66**

(Project# 170105 Replat narrative, Page 7).

The proposed subdivision has been reviewed in accordance with the property development standards for the applicable zoning, where the proposal was found to comply. The purpose of the zoning and intent of a subdivision is to allow for residential development. The lot dimensions do not include existing or proposed streets. No public utility lots are proposed; however, Tract A is proposed to be an open space tract that will contain remote set aside easement areas for individual drain fields and their associated backup drain fields for Lots 1, 2, and 6. Staff finds the request complies with Subsection 21.030.X.1.

2. *Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Approving Authority determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.*

FINDING: As illustrated in the preliminary subdivision plan, all of the proposed side lot lines will either be at right angles to its adjacent street (Lots 1, 2, 3, and Tract A), and radial to a curved street (Lots 4, 5, and 6). Staff finds the request complies with Subsection 21.030.X.2.

3. *Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.*

FINDING: 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. A **condition** of approval is recommended that at least a (10) feet wide planting screen easement, across which there shall be no right of vehicle access 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).

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. A **condition** of approval is recommended that at least a (10) feet wide planting screen easement, across which there shall be no right of vehicle access be shown on the final plat for Cherry Heights Road.

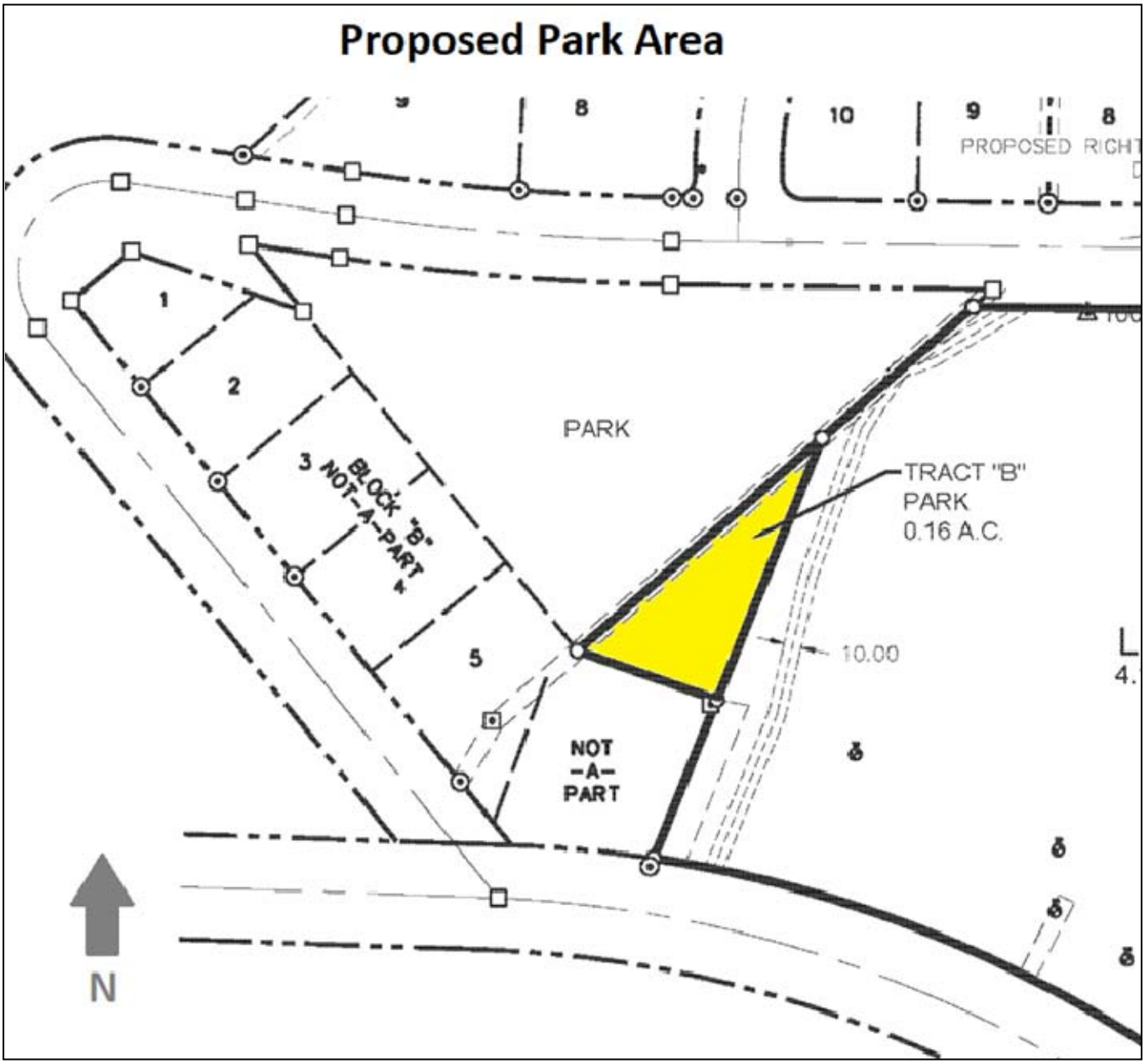
No other proposed lot has double frontage. With the recommended condition of approval, staff finds the request complies with Subsection 21.030.X.3.

> 4. *Flag lots shall not be permitted, except when unusual circumstances exist. Such circumstances may include characteristics of topography and site which affect construction on the property or access to the property. Approval of the creation of flag lots by the Approving Authority shall be based on specific findings indicating what unusual circumstances exist.*

FINDING: None of the proposed lots are designed in such a manner to be defined as a flag lot. Staff finds the request complies with Subsection 21.030.X.4.

> *Y. Public Open Space:*
> *Elementary and high school sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.*

FINDING: All of the proposed Lots will have frontage along publicly dedicated roads and no blocks are proposed. However, a 0.16-acre unit of land "Tract B" is proposed to be dedicated as public park space. "Tract B" is proposed to serve the proposed subdivision, and the surrounding residentially zoned properties. The park is planned on the west side of an existing area designated as a park, and on the east side of the proposed Lot 1 (See "Proposed Park Area" below). The proposed park area is land locked and does not have public street frontage.



Concerning the proposed park space, comments were received from the Executive Director of the northern Wasco County Parks & Recreation District Scott Baker on July 6, 2023:

> "As we discussed, 1N 13E 5 AD 600 Account Number: 13902 is not currently owned or maintained by NWCPRD. It has little or no recreational value and increasing its size .16 acre does not make it a better fit for public recreation. My opinion is that Wasco County would be better served by a cash payment in lieu of the property. If Wasco county is the owner of the adjacent "publicly owned" property, I would encourage them to surplus the property and acquire much needed park space on the westside."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Additional comments pertaining to the proposed park dedication were received from the Wasco County Assessor Jill Amery and Wasco County Administrator Tyler Stone on July 12, 2023:
Jill Amery wrote:

> "The current park lot as you have seen from the previous correspondence has been very problematic. Though it isn't my decision on which path to take, my opinion for this subdivision is to not add another park space. Let the developer pay into the fund. If my initial calculation of the lots impacted are correct, the developer could pay an approximate $6,480.51 into the fund and forego the park."

Tyler Stone wrote:

> "Wasco County currently does not have a dedicated program to support the continued management of dedicated public space. I encourage you to recommend, in lieu of dedication of land, you to require a payment to the County that will be held in a special fund for acquisition and the development and support of nearby public parks and facilities."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The NSA-LUDO Chapter 21 Land Divisions provides the following options pertaining to final subdivision plat approval:

Section 21.310 Final Subdivision Plat Approval

G. Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Plan for the area in which the subdivision is located.

H. Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, 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 plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.

Based on the provided commentary, the fact that fee ownership of the existing park space has not been properly established, and that there are other public recreation options that do not require the dedication of public park space, <u>staff does not recommend</u> public open park space be required for this subdivision replat. In lieu of the park dedication, staff recommends a **condition** of approval requiring the subdivider 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.

However, <u>if the Planning Commission determines that the subdivider shall dedicate to the public the 0.16-acre public park space "Tract B"</u>, staff recommends a **condition** of approval requiring the final plat

provide a public pedestrian access easement for park access. With recommended conditions, staff finds the request complies with Subsection 21.030.Y.

Z. Subdivision Name: The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the County.

FINDING: To ensure that the name of the proposed subdivision would not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the county, staff contacted Bradley Cross, the Wasco County Surveyor by email for confirmation. Staff received a response on July 10, 2023, stating: "This name is not in use and there is nothing similar. We have a Highland Heights, but I believe there is enough difference to allow the use of Prince's Heights."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Since the subdivision name will not be a duplicate, or be similar enough to be confused with the name of an existing subdivision or parcel or area within the county, staff finds the request complies with Subsection 21.030.Z.

AA. Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Approving Authority.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Since the proposed street name will not be a duplicate, or be similar enough to be confused with the name of another existing street name within the county, staff finds the request complies with Subsection 21.030.AA.

BB. Street Signs: All street and highway signs shall meet the County standards for such signs.

FINDING: To ensure compliance with the criterion, staff recommends a **condition** of approval requiring that 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. With the recommended condition, staff finds the request complies with Subsection 21.030.BB.

Section 21.200 Property Line Adjustments & Replats

B. Replats shall be reviewed according to 1 or 2 below with the exception that the requirements of ORS 92.180 - 92.190 shall apply.

1. *Replats which result in a reconfiguration between lots or parcels in a recorded subdivision or partition, a decrease of lots in a recorded subdivision, or a correction of an error or irregularity in the original plat shall be reviewed according to A above.*

2. *Replats which result in an increase in the number of lots in a recorded subdivision shall be reviewed according to Section 21.100, Land Partitioning Approval.*

FINDING: The NSA-LUDO Chapter 1 Section 1.200 provides the following definitions:

Partition - Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

Partition Land - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

Subdivision - Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

Subdivide Land - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

The proposed replat Prince Heights Subdivision of the Columbia Crest Addition Subdivision will replat 66 lots to six lots. The proposed replat will not increase the number of lots within the subdivision, but will result in the six lots. Staff finds that Subsection 21.200.B.1 applies to this request.

Section 21.300 - Preliminary Subdivision Plan Approval

The approval of a preliminary subdivision plan is reviewed by the Planning Commission subject to the provisions of Chapter 2.

A. Application for Preliminary Subdivision Plan Approval:

1. *An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 2 of this Ordinance.*

2. *In addition to the complete application requirements for Chapter 14 - Scenic Area Review the applicant shall file with the Director a preliminary subdivision plan, together with improvement plans and other supplementary information required by B below to demonstrate the design and objectives of the subdivision.*

3. *The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.*

FINDING: An application for a subdivision was submitted to the Planning Department on February 7, 2023, to be decided upon by the Planning Commission. A preliminary notification was issued on March 16, 2023. A Cultural and Historical Survey Determination was made by Chris Donnermeyer Heritage Resources Program Manager
Columbia River Gorge National Scenic on June 6, 2023. Any other improvement plans or supplementary information required is addressed in subsection B below. The preliminary subdivision plan that was received was legibly drawn and all information located on it was to scale so that the approving authority would have an adequate understanding of what was proposed. The scale of the preliminary subdivision plan submitted was 1" = 100'. Staff finds the request complies with Subsection 21.200.A.

B. Information Required in the Preliminary Subdivision Plan:

1. All existing and proposed means of utilities for each tract including but not limited to water, sewer, telephone lines, and electrical lines.

FINDING: Application materials provide the following:

"Residential Evaluation
Power and communications
Power will be provided by Northern Wasco PUD from the existing power poles along Sandstone Way. Underground power and transformers will be placed at their direction. Communications will follow the power in a joint utility trench."

(Residential Evaluation, Page 3).

Utility easements and proposed means of utilities are illustrated on the preliminary subdivision maps and the application forms have provided the information required by this criterion. Staff finds the request complies with Subsection 21.200.B.1.

2. Any existing permanent structures and their setbacks to existing and proposed subdivision lot lines.

FINDING: The preliminary subdivision maps, application forms, and Wasco County GIS provide the information necessary for this criterion. Staff finds the request complies with Subsection 21.200.B.2.

3. Predominant topographical features such as bluffs and rock outcroppings.

FINDING: The Septic Site Evaluations within the application contain maps of the subject area with contour lines. Additionally, the Wasco County GIS provides staff with topographic and slope percentage maps for reference and preliminary evaluation. Staff finds the request complies with Subsection 21.200.B.3.

4. Typical cross-sections of proposed streets, showing all improvements proposed within the street right of way at such scale to clearly show the details thereof.

FINDING: The preliminary subdivision maps and application forms provide the information necessary for this criterion. Staff finds the request complies with Subsection 21.200.B.4.

5. Contour lines may be required at intervals to be determined by the Director.

FINDING: The Septic Site Evaluations within the application contain maps of the subject area with contour lines. Additionally, the Wasco County GIS provides staff with topographic and slope percentage maps for reference and preliminary evaluation. Staff finds the request complies with Subsection 21.200.B.5.

6. *The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.*

FINDING: The names of adjacent subdivisions is provided illustrating the the Columbia Crest Addition Subdivision and the Fruitland Park Addition Subdivision. Staff finds the request complies with Subsection 21.200.B.6.

7. *The location, width and names of all existing or plotted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights of way and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.*

FINDING: The preliminary subdivision maps, application forms, and Wasco County GIS provides the information necessary for this criterion. Staff finds the request complies with Subsection 21.200.B.7.

8. *Vicinity sketch showing how the proposed streets and alleys may connect with existing streets in neighboring subdivisions or undeveloped property.*

FINDING: The preliminary subdivision maps and application forms provide the information necessary for this criterion. Staff finds the request complies with Subsection 21.200.B.8.

9. *Zoning classification and plan map designation of the land.*

FINDING: The preliminary subdivision maps and application forms provide the information necessary for this criterion. Staff finds the request complies with Subsection 21.200.B.9.

10. *The location of any environmental hazard; area unsuitable for building purposes; or land subject to mass movement, excessive erosion, or similar natural phenomena.*

FINDING: According to the Wasco County GIS Overlay Zone (OZ) FEMA Flood Zone layer, OZ Geologic Hazards layer, no identified flood or geologic hazard has been mapped on the subject property. Findings provided within subsection 21.030.V. address environmental hazards. Accordingly, the preliminary subdivision maps and application forms provides the information necessary for this criterion. Staff finds the request complies with Subsection 21.200.B.10.

11. *The proposed name of the subdivision or major partition.*

FINDING: The proposed name of the subdivision is the “Prince Heights Subdivision”. Staff finds the request complies with Subsection 21.200.B.11.

12. *North point, scale, date of application, and basis of bearing.*

FINDING: The preliminary subdivision maps and application forms contain a north point, a scale, a date of applilcation, and a basis of bearing, which reads “OREGON STATE PLANE COORDINATES SYSTEM NORTH ZONE, GRID NORTH, GROUND DISTANCE ESTABLISHED BY G.PS. OBSERVATION ALONG THE WEST LINE

OF BLOCK "B" COLUMBIA CREST ADDITION". Staff finds the request complies with Subsection 21.200.B.12.

> 13. *Areas subject to flooding, storm water overflow and all water courses and their directional flows, including marshes and wetlands;*

FINDING: According to the Wasco County GIS Overlay Zone (OZ) FEMA Flood Zone layer, OZ Geologic Hazards layer, no identified flood or geologic hazard has been mapped on the subject property. The federal hydrology and state wetlands inventory GIS layers do not illustrate a waterway of any type on the subject property. The preliminary subdivision maps and application forms provide the following regarding storm water and drainage management:

> "Grading Plan Narrative
> Proposed Stormwater Management
> Grading on the site shall be minimized to only that necessary for the building pads and vehicle-related areas such as driveways, parking areas, and turnarounds. By minimizing ground disturbance and vegetation removal, stormwater runoff will be confined to the disturbed areas. On large parcels, roof and foundation drains may be released at least 10' from the foundation onto rock dispersion pads or into rain gardens. Hard surfacing and driveways will utilize sheet flow dispersion through at least 20' of vegetation. No concentrated flows shall be released on or within 30' of the top of slopes exceeding 20% unless approved by a Geotechnical Engineer. Additionally, care shall be taken to not introduce runoff uphill of the septic drainfields. Drainage should be diverted around drainfields using ditches, berms, or french drains if needed to divert runoff around the drainfield."
>
> (Grading Plan Narrative, Page 6).
>
> "Residential Evaluation
> Drainage
> This project will create little impervious area since most ofthe roads are already in place. The homes, driveways, and access road will utilize sheetflow and downspout dispersion. Care will be taken to not release stormwater on or near the tops of the steep slopes or directly above drainfields. Erosion control measures during construction, such as sediment fence, will be utilized to prevent construction
> stormwater from leaving the site."
> (Residential Evaluation, Page 3).
>
> **"**Stream and Floodplain
> No development is proposed within a designated flood zone or stream setback. FEMA maps do not show
> any flood zones mapped on this property, and it is unlikely there would be flooding since these lots are on a hill and without a water source (creek, river, etc)."
>
> (Project# 170105 Replat narrative, Page 8).
>
> **"**Drainage
> This project will create little impervious area since most of the roads are already in place. The homes,
> driveways, and access road will utilize dispersion and infiltration. Care will be taken to not release

storm water on or near the tops of the steep slopes or directly above drainfields. An 18" culvert will be
installed under the new road where there is an apparent seasonal drainage. This drainage has not been
observed by the developer or engineer to flow but will be accommodated as a precaution."

(Project# 170105 Replat narrative, Page 13).

Based on application materials submitted, staff finds the request complies with Subsection 21.200.B.13.

14. *Names and addresses of the subdivider, engineer, surveyor, land planner or landscape architect.*

FINDING: The preliminary subdivision maps and application forms provide the names and addresses of the subdivider, engineer and surveyor. The subdivider/owner is the Smilikel Group and the engineer/surveyor is Klein & Associates. Staff finds the request complies with Subsection 21.200.B.14.

15. *The tract description according to the real estate records of Wasco County.*

FINDING: The preliminary subdivision maps and application forms provide the tract description according to the real estate records of Wasco County. Staff finds the request complies with Subsection 21.200.B.15.

16. *The boundary lines (accurate in scale) of the tract to be subdivided.*

FINDING: The preliminary subdivision maps and application forms provide the boundary lines of the subject tract. Staff finds the request complies with Subsection 21.200.B.16.

17. *All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.*

FINDING: The preliminary subdivision maps indicate a public park "Tract B" and private open space area "Tract A". Staff finds the request complies with Subsection 21.200.B.17.

18. *All existing and proposed public and private easements, restrictions, and covenants providing for, or affecting all services, utilities, or access must be shown on the face of the map along with the legal description. If it is a pre-existing easement or 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; and*

FINDING: The preliminary subdivision maps indicate the locations of public and private easements. A **condition** of approval is recommended that the final plat 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.

[**AMENDED FINDING:** During the August 1, 2023, Planning Commission Hearing, commissioners requested that assurances be provided that "Tract A" shall never be further divided or developed. The proposed use of "Tract A" contains remote set asides for individual drainfields and their associated backup drainfields (for drain fields for Lots 1 (reserve), 2 and 6). Based on the Planning Commission's inquires and statements

made during the hearing, a **condition** of approval is provided in the Notice of Decision requiring that all necessary easements, restrictions, and covenants be provided for Tract A to ensure the lot is used for the purpose provided within the application and approved by the Planning Commission on August 1, 2023.]

As proposed and with the recommended condition of approval, staff finds the request complies with Subsection 21.200.B.18.

19. *Proposed lots, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots.*

FINDING: The preliminary subdivision maps and application forms provide the information necessary for this criterion. Staff finds the request complies with Subsection 21.200.B.19.

20. *Parks, playgrounds, recreation areas, parkways, and other open space for public use.*

FINDING: The preliminary subdivision maps indicate a public park "Tract B" and private open space area "Tract A". Staff finds the request complies with Subsection 21.200.B.20.

21. *Locations of proposed tree plantings or other plantings. Appropriate information clearly stating the map is a tentative plan.*

FINDING: Application materials provide the following regarding proposed landscaping:

> "Residential Evaluation
> Proposed Landscaping
> The disturbed areas shall be revegetated with native grasses such as Koeleria macrantha (Prairie Junegrass) by seed. Seeding in non-irrigated areas (roadside slopes) shall be done during spring or fall, when they will be irrigated by rain. Irrigation shall be provided by the owner to ensure growth of plants for any areas planted during dry weather and through dry seasons, until established. If berms are placed to reduce setbacks for Lots 1 and 2 shall be planted per the guidance in the Wasco County and National Scenic Area (NSA) Land Use and Development Code to create a combined height of 15' (8' berm plus 7' planting)."
>
> (Residential Evaluation, Page 3).

The preliminary subdivision maps and application forms have provided the information required by this criterion. Staff finds the request complies with Subsection 21.200.B.21.

22. *Proposed source of water supply, if any; 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.*

FINDING: Application materials provide the following regarding proposed source of water supply:

> "Residential Evaluation
> Utilities
> Lots 1 and 2 will obtain water service from existing water mains in the existing roads. The developer proposes to install a 4" looped water main from the existing water mains in

> Sandstone Way and deadend main in Hermit's Way to serve lots 3-6. This plan has been discussed with Chenowith Water District, and they indicate that there is plenty of water plan for the proposed homes and they will let us know if they will require looping to Hermit's Way."
>
> (Residential Evaluation, Page 3).

Additional water requirements are included in Section 21.030.P., regarding state fire safety standards. Staff contacted Chenowith Water district by email on July 9, 2023, for comments. Darrin Eckman provided the following comments on July 17, 2023:

> "As the Engineer of Record for the Chenowith Water PUD I wanted to go on record regarding the development proposed by the Smilekel Group (921-23-000023-PLNG).
>
> > The proposed subdivision is within the Chenowith Water PUD service area and we are willing to provide domestic water service to the six residential lots.
> >
> > We have been in communication with the developers engineer, Ms. Elizabeth Betts (Klein & Associates, Inc.), and are in general agreement that the developer will:
> >
> > - Connect to the existing 6" line at the intersection of Ledge Way and Hermits Way;
> > - Replace the existing 4" water main in Ledge Way with 6" from Hermits Way to the proposed Cavern Way;
> > - Install new 6" water main in Cavern Way from Ledge Way to its southerly terminus;
> > - Install a fire hydrant assembly at the southerly terminus in the cul-de-sac;
> > - Install typical residential water services to each lot with the meter to be placed in and at the edge of the Cavern Way ROW; and
> > - Provide a 20-foot wide public utility easement across Lot 1 where the existing CWPUD watermain is located.
>
> All materials and work to conform to CWPUD standards. The developer is to enter into an Agreement to Reimburse for CWPUD contracted fees and pay the Subdivision Plan Review fee ($750).
>
> Each lot owner will be required to pay the Meter Drop-in Fee ($500) and System Development Charge ($3,100) at the time service is requested. Fees are subject to change."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.
A **condition** of approval is recommended that the final subdivision review 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.

Based on the aforementioned information, commentary, the preliminary subdivision maps and application forms, and the recommended condition of approval, staff finds the request complies with Subsection 21.200.B.22.

23. *If domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.*

FINDING: Application materials provide the following regarding proposed source of water supply:

> "Residential Evaluation
> Utilities
> Lots 1 and 2 will obtain water service from existing water mains in the existing roads. The developer proposes to install a 4" looped water main from the existing water mains in Sandstone Way and deadend main in Hermit's Way to serve lots 3-6. This plan has been discussed with Chenowith Water District, and they indicate that there is plenty of water plan for the proposed homes and they will let us know if they will require looping to Hermit's Way."
>
> (Residential Evaluation, Page 3).

Based on the aforementioned information, the preliminary subdivision maps and application forms, and the recommended condition of approval, staff finds the request complies with Subsection 21.200.B.23.

24. The proposed method of sewage disposal.

a. If to be served by a community sewer system, data regarding the location, type, size, approximate grade, and capacity of all collection lines, feeder lines, trunk lines, pumping stations, storage facilities, backflow prevention devices, and gate valves. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.

b. If to be served by a community collection and storage system, data regarding the location, type, size, approximate grade, and capacity of all lines, holding tanks, storage facilities, pumping facilities, and valves.

c. If to be served by subsurface sewage disposal, 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.

FINDING: Sanitation for the proposed six lots will be provided by subsurface sewage disposal (septic and drain field). Subsection 21.200.B.23.c is applicable.

From the application materials provided, it is clear that soil conditions on the subject property outright prohibit or at the very least, significantly restrict the construction of septic systems on the existing 66 smaller lots. Concerning soil quality and septic system expertise, staff requested comment from Eric Grendel Environmental Health, REHS North Central Public Health District. Mr. Grendel provided the following comments on June 28, 2023:

> "I appreciate you reaching out to seek input from the Environmental Health Department.
>
> I've reviewed this proposed replat a few times since taking over the onsite septic program for NCPHD and have also met with my predecessor John Zalaznik who conducted the site evaluation back in 2017, to discuss his interpretation of the proposed replat and development.

Prior to John's evaluation, this proposal went through a Preliminary Feasibility Study by Aqua Resource Design & Consulting and was most notably finalized by REHS Brannon Lamp who is a highly regarded consultant for environmental health services. In Brannon's results, he suggested that the Re-Plat include a series of easements and some help from a designer to adequately demonstrate that the design could support both primary and secondary drainfield areas for 7-8 lots.

Klein Associates was then hired in July of 2017 to create a schematic for the proposed development and replat for the individual lots, which included Aqua Resources sampled soil pit sites. This was provided to John Zalaznik for his site evaluation which was conducted on 9/28/17.

John's evaluated 8 lots for onsite septic suitability and proposed that the area have an Engineered hydrologic Study be conducted due to his concerns over the loading capacity of the site and landslide potential.

Environmental Management Services, INC. (EMS) was then hired to determine whether or not the site was stable to accept the projected daily flow for wastewater.

EMS determined that there were some factors that would indicate there be a cautious approach with the designing of the septic systems and determined that a pressurized distribution system be considered to prevent the uneven distribution of effluent to avoid instability of localized saturated soils. EMS also recommended that Erosion Control Measures be implemented to further prevent any destabilization that could occur.

From my standpoint, working with small lots (Murray's Addition, Sportsman's Park, Pine Hollow) is a major challenge once they've been developed because finding a suitable replacement site can be limited. Since these lots have not been developed yet, NCPHD can require certain criteria to be met before approving a structural permit for sanitation, or a construction permit for onsite wastewater disposal however, larger lots such as the ones proposed do provide more room for adjustments (even if they're on easements). Many times, people may build something in an area that doesn't require a permit and don't think about that space being the only suitable replacement area which can compound an already difficult situation.

While the hypothetical situations are endless as to what could occur in any development, I do believe that expanding the footprint of these lots would be more suitable than trying to squeeze in several ATT systems on smaller lots if they were found to be approved for onsite wastewater treatment.

This replat has had several environmental specialists provide insight into the proposed development, in which I cannot see anything that would keep this from moving forward as long as it's designed and installed appropriately."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Mentioned in Mr. Grendel's comments was the Environmental Management Systems, Inc. Hydrology Study that was submitted with the subdivision application. The Engineering Hydrologic Study that was published as Job: 22-0073 on December 12, 2022 by Environmental Management Systems, Inc. provides

the following regarding erosion, and recommends a number of construction standards for septic and drainfield placement:

> **"**EXISTING CONDITIONS & POTENTIAL IMPACTS
> • Site Conditions did not present obvious active indicators of erosion or soil movement, but the County Feasibility Evaluator, John Zalaznik, REHS expressed concerns about site stability and required an Engineering Study of the Hydrologic impact of installation of drainfields on the common area to be used for drainfields." (Engineering Hydrologic Study Job: 22-0073, Page 2).

The Engineering Hydrologic Study report provides a list of findings regarding septic and drainfield installation as well as erosion control measures.

> "FINDINGS:
> • Use of traditional gravity trenches was not considered because of limited space and because gravity dispersal would result in localized saturated flow, with potential for destabilizing the site. Void spaces would be larger with gravity piping, but since this is not being considered, is moot.
>
> • Use of traditional Gravel trenches would add significant weight that could be destabilizing to the site.
>
> • Use of EZFiow Polystyrene Gravel Substitute would result in significantly less weight on the sloped site than gravel, so actually be considered to stabilize the site.
>
> • Use of pressurized piping reduces uneven distribution of effluent thereby avoiding instability caused by localized saturation. 1 inch diameter PVC piping would be used in either gravel or EZFiow configurations, and present negligible weigh on the site.
>
> • Erosion Control Measures should be implemented to prevent destabilization.
>
> EMS performed the following project tasks to support this project:
>
> • Designed & Staked the Initial and Reserve Drainfield lines to serve Alternative Treatment Technology (ATT) systems located in each respective lot and which will pump treated effluent to their respective easement areas located in Tract A.
>
> • Prepared septic designs modified as needed based on hydrologic evaluation and County requirements.
>
> • Consulted with the manufacturer of EZFiow Polystyrene Gravel Substitute for concurrence with the proposed use of their products.
>
> • Prepared this report and design for review by the project engineer and County DEQ Agent.
>
> EMS designed the drainfield components to receive highly treated effluent from the ATT System located at each of the 4 sites. The design has the following mitigating factors to further reduce instability:
>
> 1. Use of lightweight EZ Flow Polystyrene Substitute Drain Media instead of gravel.
>
> 2. Pressure Distribution to equalize the effluent flow over each active drainfield trench.

3. Spacing of>= 20 feet between installed drainfield lines, spreading effluent out across the site. Reserve lines are designated for future installation planned, but not installed. If ever used, these lines would replace the initially installed lines.

4. Removal of Excess Soil would also slightly reduce the amount of weight on the overall drainfield area. This step is considered optional to provide additional stability. If kept on the drainfield site, excess soil must be spread out over the total initial and reserve area.

5. Site gravel substitute to be covered in the trench excavation, and seeded for stability, immediately following approved inspection by EMS and authorized NCPHD Personnel." (Engineering Hydrologic Study Job: 22-0073, pp. 2-4).

The preliminary plat provides the location of the proposed septic system drainfields (See Preliminary Plat Sheet 5 of 5). Drain fields for Lots 1 (reserve), 2 and 6 have been evaluated and approved to be within easements in the open space tract (Tract A). Lots 4, 5, and 3 will contain their own primary and reserve drain fields.

FINDING: A **condition** of approval is recommended requiring the final plat 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. The preliminary subdivision maps, application forms, commentary, and recommended condition of approval, staff finds the request complies with Subsection 21.200.B.24.c.

25. Proposed building setback lines

FINDING: The preliminary subdivision maps and application forms provide staff with the information required within this criterion. Staff finds the request complies with Subsection 21.200.B.25.

C. Development Phasing:

1. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.

2. Time limitations for the various phases must meet the following requirements:

a. Phase 1 final plat shall be approved within twelve (12) months of preliminary approval.

b. Phase 2 final plat shall be approved within twenty four (24) months of preliminary approval.

c. Phase 3 final plat shall be approved within thirty six (36) months of preliminary approval.

FINDING: The applicant has not proposed phasing the development of the subdivision, therefore the timeline criterion in Subsection E below will apply, and Subsection 21.200.C is not applicable to the request.

D. Criteria for Approval of Preliminary Subdivision Plan:

1. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.

2. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:

a. The information required by this Chapter has been provided;

b. The design and development standards of Section 21.030 of this Chapter have been met; and

c. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

FINDING: As identified in Chapter 2, the decision on the preliminary subdivision plan will be determined by the Planning Commission. The Planning Commission hearing will be held on August 1, 2023. Staff has recommended approval of the preliminary subdivision plan since the information required by Chapter 21 was provided, and the proposal was found to comply with the development standards of Section 21.030. The development of the subdivision will not be phased. Staff finds the request complies with Subsection 21.200.D.

E. Duration of Preliminary Subdivision Plan Approval:

1. Approval of a preliminary subdivision plan shall be valid for twenty-four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Section 21.200 C 2 of this Ordinance.

2. If any time limitation is exceeded, approval of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require a new development request.

F. Granting of Extensions

1. An applicant may request an extension of the validity of a preliminary subdivision plan approval, or, if the preliminary plan provides for phased development, an extension of the validity of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered an Administrative Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.

2. *The Director may grant one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval or, if the preliminary plan provides for phased development, one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.*

FINDING: 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, a **condition** of approval is recommended providing that approval of 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. With the recommended condition, staff finds the request complies with Subsections 21.200.E and 21.200.F.

Section 21.310 Final Subdivision Plat Approval

Approval of a final subdivision plat is reviewed by the Planning Commission and subject to the provision of Chapter 2.

A. *Application for Final Subdivision Approval:*

1. *Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to 21.300, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.*

2. *The applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in B, Final Subdivision Plat Requirements through D, Performance Bond, below, and the appropriate fees as established by the County Governing Body.*

FINDING: Prior to the expiration of the preliminary subdivision approval, the applicant, per the requirements of Section 21.300, requires that the applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in B, Final Subdivision Plat Requirements through D, Performance Bond, and the appropriate fees as established by the County Governing Body.

The Wasco County Planning Department shall review the final subdivision plat for conformance, and schedule a public hearing before the available decision making authority for final review and approval.

B. *Final Subdivision Plat Requirements:*

1. *The final plat shall be prepared in conformance with all provisions of this Section.*

FINDING: A copy of Subsection 21.310.B. is provided in Attachment G. A **condition** of approval is recommended requiring the final plat shall be prepared in conformance with all applicable provisions of Subsection 21.310.B.

(***)

C. Agreement for Improvements

1. Before approval of the final subdivision plat, 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.

2. An 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).

FINDING: A **condition** of approval is recommended requiring that prior to final subdivision plat approval and pubic 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).

D. Performance Bond

1. To assure full performance of the improvement agreement, an applicant shall provide one of the following:

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.

2. Such assurance 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

3. 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.

FINDING: If the applicant elects to execute and file with the County Governing Body an agreement for improvement as specified in Subsection 21.310.C.1., to ensure full performance of said agreement, staff recommends a **condition** of approval requiring the applicant 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, a **condition** of approval is recommended that 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

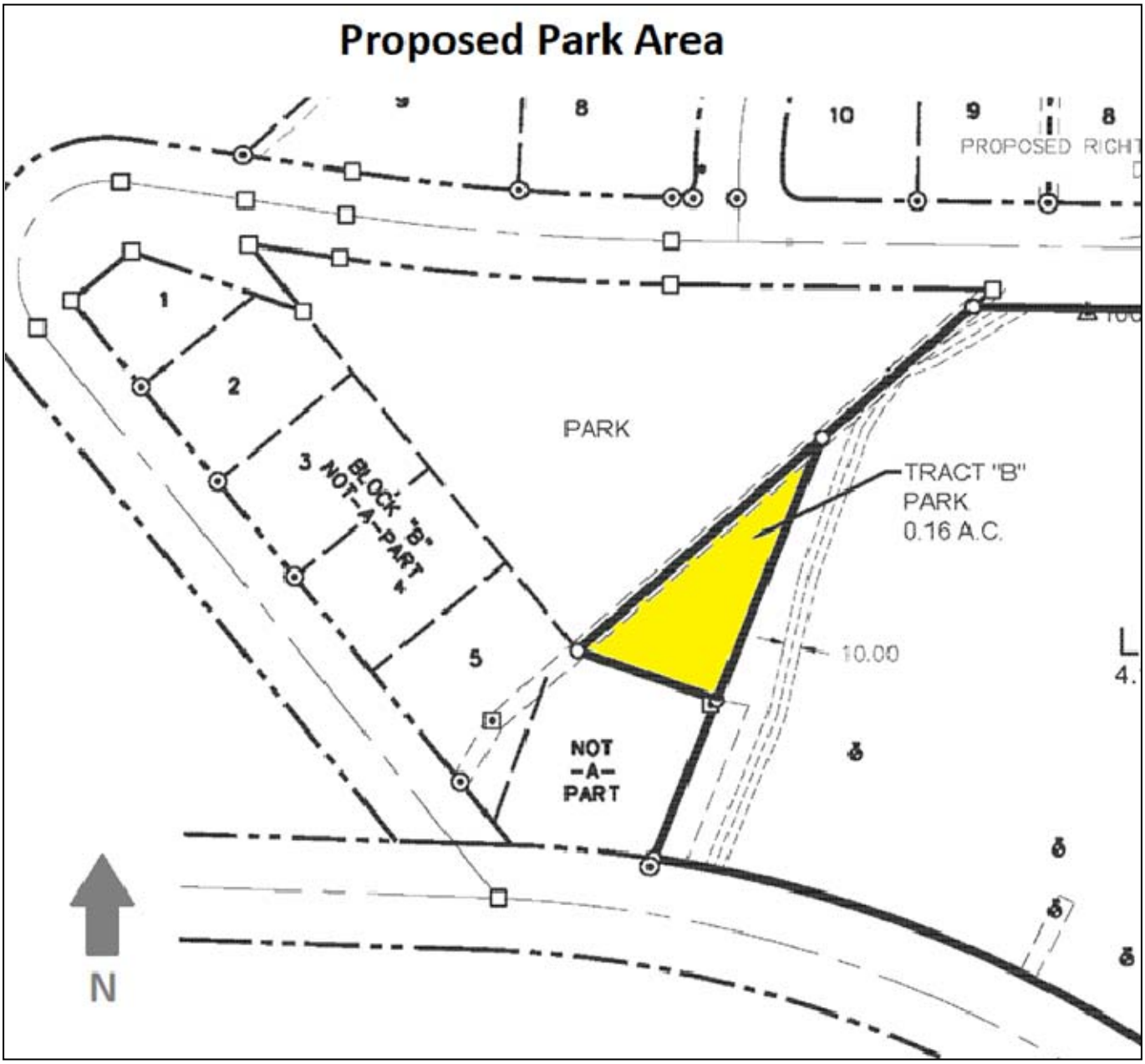
Such assurance provides that: If the applicant fails to carry out provisions of the agreement or the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement; if the amount of the bond or cash deposit exceeds the cost

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.

E. *Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Plan for the area in which the subdivision is located.*

F. *Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, 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 plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.*

FINDING: All of the proposed Lots will have frontage along publicly dedicated roads and no blocks are proposed. However, a 0.16-acre unit of land will be dedicated to public park space. “Tract B” will serve the proposed subdivision, and the surrounding residentially zoned properties. The park will be situated on the west side of an existing area designated as a park, and on the east side of the proposed Lot 1 (See “Proposed Park Area” below). The proposed park area is land locked and does not have public street frontage.



Concerning the proposed park space, comments were received from the Executive Director of the northern Wasco County Parks & Recreation District Scott Baker on July 6, 2023:

> "As we discussed, 1N 13E 5 AD 600 Account Number: 13902 is not currently owned or maintained by NWCPRD. It has little or no recreational value and increasing its size .16 acre does not make it a better fit for public recreation. My opinion is that Wasco County would be better served by a cash payment in lieu of the property. If Wasco county is the owner of the adjacent "publicly owned" property, I would encourage them to surplus the property and acquire much needed park space on the westside."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Additional comments pertaining to the proposed park dedication were received from the Wasco County Assessor Jill Amery and Wasco County Administrator Tyler Stone on July 12, 2023:
Jill Amery wrote:

> "The current park lot as you have seen from the previous correspondence has been very problematic. Though it isn't my decision on which path to take, my opinion for this subdivision is to not add another park space. Let the developer pay into the fund. If my initial calculation of the lots impacted are correct, the developer could pay an approximate $6,480.51 into the fund and forego the park."

Tyler Stone wrote:

> "Wasco County currently does not have a dedicated program to support the continued management of dedicated public space. I encourage you to recommend, in lieu of dedication of land, you to require a payment to the County that will be held in a special fund for acquisition and the development and support of nearby public parks and facilities."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on commentary, the fact that fee ownership of the existing park space has not been properly established, and that there are public recreation options that do not include the dedication of public park space, **staff does not recommend** public open park space be required for this subdivision replat. In lieu of the park dedication, staff recommends a **condition** of approval requiring the subdivider 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.

However, if the commission determines that the subdivider shall dedicate to the public the 0.16-acre public park space "Tract B", staff recommends a **condition** of approval requiring the final plat provide a public pedestrian access easement for park access. With recommended conditions, staff finds the request complies with Subsection 21.310.B

(***)

H. Standards for Final Subdivision Plat Approval

1. The Planning Commission shall grant final subdivision plat approval if they determine that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in 21.110(A)(1).

2. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.

3. *Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the County Governing Body for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.*

I. *Filing and Recording of Final Plat*

1. *After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials, in the order listed:*

   a. *Planning Commission Chairman;*

   b. *County Surveyor;*

   c. *County Assessor/Tax Collector;*

   d. *An authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian;*

   e. *County Sheriff;*

   f. *County Commissioners;*

   g. *County Clerk.*

2. *The final plat shall be recorded within thirty (30) days of the date that the approvals and signatures required by H, Standards and Recording of Final Plat and (1) above were obtained.*

***Section* 21.400 Private Road Approval and Public Road or Street Dedications**

Any person desiring to create a public street or private road not part of a subdivision or land division shall
make written application to the Director. Approval of a public or private road is reviewed by the County Governing Body. Public or private roads being created as part of a subdivision or land division shall be reviewed by the Planning Commission subject to the provisions of Chapter 2.

A. *Application for Tentative Plan*

1. *An application for tentative plan approval for road or street dedication or private road approval shall be initiated as provided in Chapter 2 of this Ordinance.*

2. *The applicant shall submit to the Director a written application and of a Tentative Plan prepared in accordance with B below, Information Required on Tentative Plan*

3. *The Director shall distribute a copy of the Tentative Plan to the County Road Master and obtain their recommendation on the proposed action.*

FINDING: The property owner submitted a written subdivision and road dedication application to the Wasco County Planning Department and a digital copy of a preliminary subdivision plan map which also serves as the tentative public road dedication map to the Planning Department on February 7, 2023.

The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

The tentative plan contained all of the information provided in Subsection 21.300.B, and a copy of the tentative plan was distributed to the Wasco County Public Works Director for recommendation on March 16, 2023 and June 26, 2023.

The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "We received a petition to vacate several roads within the Columbia Crest Addition back in May, 2022. The Smilekel Group made that request. I would need an updated road vacation petition, clearly showing what roads or sections of road are proposed for vacation. Then, depending on the Planning Commission decision, we could move forward with the BOC on the vacations, pending approval of the new road dedications / subdivision plat."

Additional comments concerning the existing Sandstone Way and Hermits Way, and the proposed Cavern Way cul-de-sac Road were received on July 3, 2023:

> "The existing roadway widths are adequate to serve the additional lots and appear to have been built to meet our minimum road standards. I would not require any road widening. My only request would be for a Road Maintenance Agreement or Homeowners Agreement to ensure that the public roads are maintained after development."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The application provides that road maintenance for Cavern Way "will be provided by the homeowners and will be managed with a road maintenance agreement." (Project# 170105 Replat narrative, Page 10). A preliminary copy of the road maintenance agreement is provided in Attachment F and available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Staff finds the request complies with Subsection 21.300.A.

B. Information Required on Tentative Plan: Tentative Plans shall include the following information presented in the following form:

1. The Tentative Plan shall be clearly and legibly drawn to an appropriate scale so that the Approving Authority may have an adequate understanding of what is proposed.

2. A vicinity map showing the proposal in relationship to other existing or proposed streets.

3. *Date, north point and scale*

4. *Name and address of applicant and the person preparing the Tentative Plan.*

5. *Appropriate identification of the drawing as a Tentative Plan.*

6. *Location of the proposed dedication or private road abutting the unit of land proposed to be approved by the Section, Township and Range sufficient to define its location and, if available, a centerline description or right of way boundary description.*

7. *Zoning classification and Comprehensive Plan Map designation.*

8. *The names of adjacent subdivisions and the names of recorded owners of adjoining lots, parcels or units of land and the amount of frontage each owner has on the proposed dedication or on the private road.*

9. *Existing roads or street(s) intersecting or meeting the proposed dedication or private road.*

FINDING: The tentative plan was professionally drawn by Klein & Associates Inc., and is clearly and legibly drawn to an appropriate scale. A vicinity map demonstrates the proposed road, Cavern Way, a cul-de-sac road to be dedicated in relation to the Prince Heighs Subdivision replat site. (See Preliminary Subdivision Replat Sheet 4 of 5). Staff confirms that the tentative plan conforms to all applicable criteria listed in the Wasco County LUDO Subsection 21.300.B. Staff finds the request complies with Subsection 21.400.B.

C. *Approval of Road or Street Dedication*

1. *After considering the recommendation by the County Roadmaster, the Approving Authority shall approve the Tentative Plan for road or street dedication and recommend to the County Governing Body the dedication of a public road if it determines that:*

   a. *the information required by this section has been provided;*

   b. *the road or street is or will be improved to meet all applicable standards of these regulations; and*

   c. *dedication of the road or street to the public is consistent with the goals, policies and map of the Comprehensive Plan.*

FINDING: The Management Plan for the Columbia River Gorge National Scenic Area provides little guidance regarding road and street dedications or transportation networks; however, Oregon statewide Planning Goal 12 provides that a Transportation Plan shall "provide and encourage a safe, convenient, and economic transportation system." In order to achieve the planning goal's overall vision, the Wasco County 2040 Comprehensive Plan (See also policies and goals provided in the 2009 Wasco County Transportation Systems Plan (TSP) plan), sets forth several policies and implementation strategies.

Two specific transportation policies relevant to this request are the following:

12.1.1 Plan for and maintain an interconnected system of roads that will link communities for all users and that will provide for the existing and future needs for transportation of goods and people in the region. (Wasco County 2040 Comprehensive Plan, Page 259).

12.1.6 Ensure transparency of infrastructure requirements and ongoing costs for future development.

Implementation for Policy 12.1.6:

a. A waiver of remonstrance for future road improvements may be required to be recorded with the County Clerk's office at the time of partition, subdivision or planned unit development application approval.

b. A restrictive covenant agreement requiring acknowledgment of improvement and maintenance costs for local access roads will be required to be recorded with the County Clerk's office at the time of partition, subdivision or planned unit development application approval. (Wasco County 2040 Comprehensive Plan, Page 261).

The proposed road dedication will provide public access to residentially developable properties. Based on the request and expert commentary, the public dedication of the proposed Cavern Way cul-de-sac road will be classified as a public road of local access that will <u>not be added into Wasco County's publicly maintained road system</u>.

Based on Mr. Smith's commentary and the implementation policies within the Wasco County Comprehensive Plan, staff recommends the following **conditions** of approval shall be achieved prior to final subdivision plat approval:

(1) A waiver of remonstrance for future publicly funded road improvements for the proposed Cavern Way road be recorded with the Wasco County Clerk; and

(2) 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.

With the recommended conditions, staff finds the request is consistent with the goals and policies of the Comprehensive Plan and Subsection 21.300.C.1.

2. *If Tentative Plan to dedicate a road or street is recommended to the County Governing Body, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the road or street to the improvement standards recommended by the County Roadmaster.*

<u>FINDING:</u> The property owner submitted a written subdivision and road dedication application to the Wasco County Planning Department and a digital copy of a preliminary subdivision plan map which also serves as the tentative public road dedication map to the Planning Department on February 7, 2023.

The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "We received a petition to vacate several roads within the Columbia Crest Addition back in May, 2022. The Smilekel Group made that request. I would need an updated road vacation petition, clearly showing what roads or sections of road are proposed for vacation. Then, depending on the Planning Commission decision, we could move forward with the BOC on the vacations, pending approval of the new road dedications / subdivision plat."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The proposed Cavern Way cul-de-sac road has not been constructed, and cannot be dedicated until the existing dedicated roads have been properly vacated. However, the existing dedicated Sandstone Way (portion), Cavern Way, and Granite Way roads cannot be vacated before the proposed subdivision and road dedication are approved because the existing lots within the Columbia Crest Addition Subdivision would be left without public access. Staff recommends a **condition** of approval requiring the proposed Cavern Way cul-de-sac road conform with applicable criteria contained within Sections 21.410 through 21.440.

With the recommended conditions, staff finds the request is consistent with the goals and policies of the Comprehensive Plan and Subsection 21.300.C.2.

D. Acceptance of Dedication by the County Governing Body

1. Before the County Governing Body may accept the dedication, the applicant must have completed any improvements required as a condition of the approval of the dedication or have complied with 21.310(D).

FINDING: 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), staff recommends a **condition** of approval requiring that the Wasco County Public Works Director review and approve the completed road improvements prior to the final subdivision and road dedication application being submitted. With the recommended condition, staff finds the request is consistent with the goals and policies of the Comprehensive Plan and Subsection 21.300.D.1.

2. Prior to acceptance by the County Governing Body, the owner of the land to be dedicated shall submit a preliminary title report issued by a title insurance company in the name of the owner of the interest in the land.

FINDING: A **condition** is recommended requiring the property owner to 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. With the recommended condition, staff finds the request is consistent with the goals and policies of the Comprehensive Plan and Subsection 21.300.D.2.

3. *Upon acceptance of the dedication by the County Governing Body, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public.*

4. *The County Governing Body shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.*

FINDING: A **condition** is recommended requiring the owner of the property 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. With this condition, staff finds the request complies with Subsections 21.300.D.3-4.

5. *No road or street will be accepted for maintenance as part of the county road system unless it meets the standards of subsection (B) and (C) of this Section and is ordered accepted by the County Governing Body pursuant to law.*

FINDING: Based on the application, expert commentary from the Wasco County Public Works Director, staff recommends the subject road **not be included** into the Wasco County road system for public maintenance, and that based on that recommendation, Subsection 21.300.D.5, is not applicable to this request.

E. *Approval of a Private Road*

1. *The County Roadmaster shall determine if the private road meets the improvement standards and shall submit his findings as a written recommendation to the Approving Authority.*

2. *The Approving Authority shall approve a private road if it finds that the private road meets the basic provisions and design standards of Section 21.030 and also the improvement standards for private roads.*

3. *Upon approval of such private road, the applicant shall submit a boundary line or centerline survey of the road, unless the location of the road is already established by existing property line surveys recorded with the County Surveyor. The boundary line survey shall be submitted to the Director and the Wasco County Surveyor.*

FINDING: The proposed Cavern Way cul-de-sac road will be a public dedicated road, not a private road. Staff finds that Subsection 21.300.E is not applicable to this request.

Section 21.410 - Improvements
The improvement standards contained in Sections 21.410 through 21.440 shall apply to all subdivisions, street dedications and private road approvals in Wasco County.

A. *Improvement Requirements: The following improvements shall be installed at the expense of the subdivider partitioner, or person(s) creating the road:*

1. *Roadways in all cases shall conform with the improvement standards set forth herein.*

FINDING: Staff recommends a **condition** of approval requiring that all roadway construction shall conform with applicable criteria contained within Sections 21.410 through 21.440. With the recommended condition of approval, staff finds the request complies with Subsection 21.410.A.1.

2. *Sidewalks shall be constructed in dedicated pedestrian ways along streets where determined necessary by the Approving Authority for pedestrian safety.*

FINDING: Staff has conferred with the Wasco County Public Works Director Arthur Smith on July 13, 2023 concerning sidewalks. Mr. Smith provided comment on July 17, 2023:

> "Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on provided commentary, sidewalks shall not be required for this request. Staff finds the request complies with Subsection 21.410.A.2.

3. *The applicant shall undertake on site grading and construction or installation of drainage facilities necessary for the purpose of proper drainage of the subdivision, partition, or properties adjacent to the dedicated road.*

FINDING: Concerning watercourses, drainage, and grading, application materials provide the following:

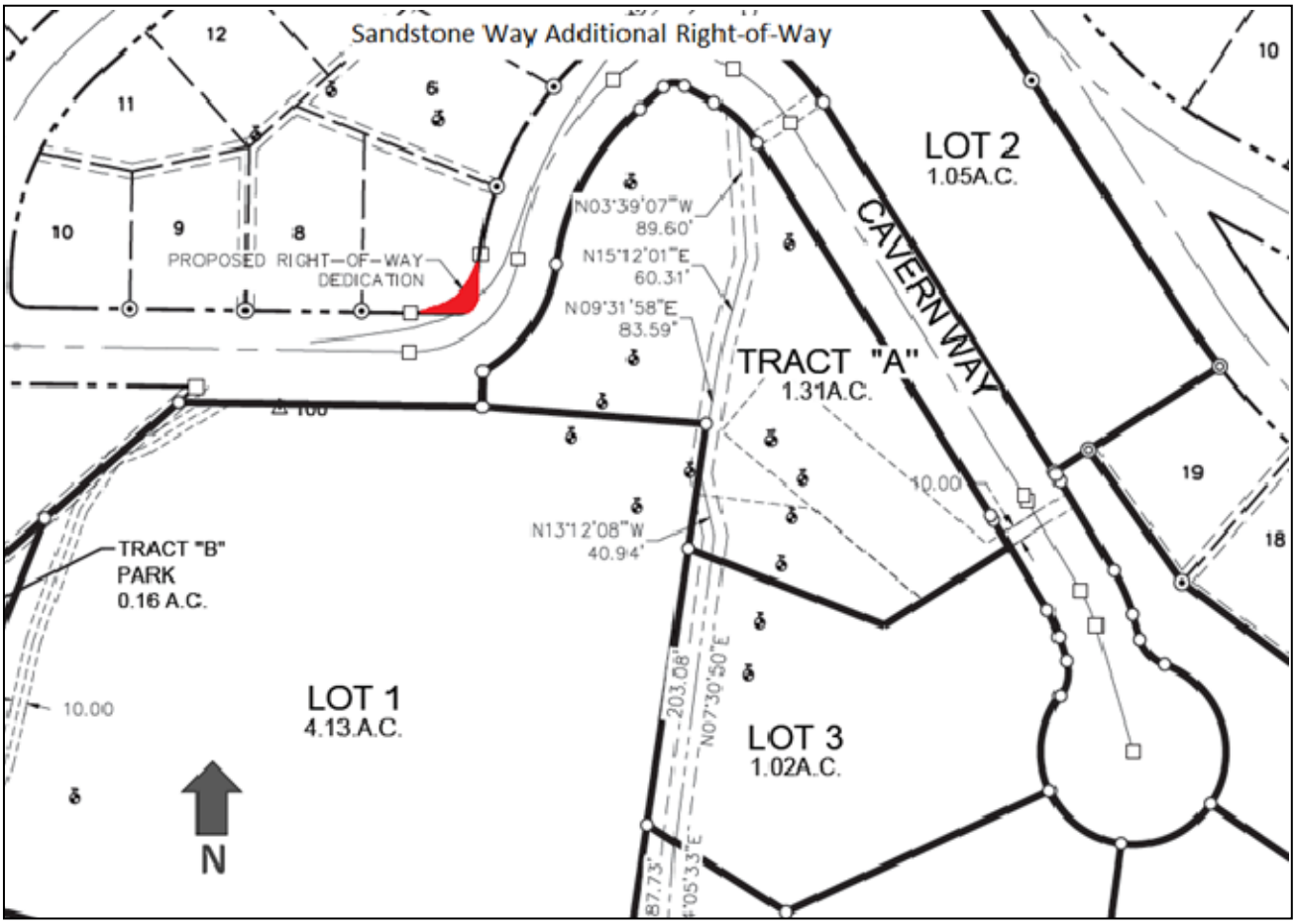
> "Grading Plan Narrative
> The proposed scope of work involves construction of a local access road with a culdesac for emergency turnaround. The project is a replat of 66 existing non-conforming lots into 6 larger more conforming lots. Average lot size before replat is about 7,000 sf. Average lot size after replat is 112,748 sf (2.59 acres). The access road and culdesac will require cutting and filling to create a level enough area for the access. Cuts will be along the north side of the access road, so will not be visible from KVA's (hidden by the bluff and homes on the bluff). Fill slopes will primarily be along the south side of the access road, so will also be screened from view since the KVA's are only visible along the east end of the site. At the east end ofthe culdesac, the cut and fill are minimized to reduce visibility from the KVA's." (Grading Plan Narrative, Page 1).
>
> **"**Stream and Floodplain
> No development is proposed within a designated flood zone or stream setback. FEMA maps do not show
> any flood zones mapped on this property, and it is unlikely there would be flooding since these lots are on a hill and without a water source (creek, river, etc)." (Project# 170105 Replat narrative, Page 8).
>
> **"**Drainage
> This project will create little impervious area since most of the roads are already in place. The homes,

driveways, and access road will utilize dispersion and infiltration. Care will be taken to not release
storm water on or near the tops of the steep slopes or directly above drainfields. An 18" culvert will be
installed under the new road where there is an apparent seasonal drainage. This drainage has not been
observed by the developer or engineer to flow but will be accommodated as a precaution."
(Project# 170105 Replat narrative, Page 13).

As provided above in Subsection 21.030.U, staff recommends a **condition** of approval requiring an 18" culvert be installed under the proposed Cavern Way cul-de-sac road in the area where the seasonal drainage way is purported to be located. Staff also recommends a **condition** of approval requiring that all proposed construction on Sandstone Way and the proposed construction of the Cavern Way cul-de-sac road ensure that 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. With recommended conditions, staff finds the request complies with Subsection 21.410.A.3.

4. *The applicant shall make improvements to existing County or public roads determined necessary by the Approving Authority at connections and intersections with subdivision streets and at locations where additional subdivision lots or partition parcels are created which front on County maintained roads.*

FINDING: The applicant proposes to dedicate additional right-of way over the existing Sandstone Way and utilities (portions of which were constructed outside of the original dedicated right-of-way). This will center the right-of-way over the existing Sandstone Road. (See "Sandstone Way Additional Right-of-Way Dedication" Map).



The development of the proposed Cavern Way cul-de-sac, additional right-of-way for Sandstone Way, and other preparatory work on the replatted lots may have deleterious effects on the existing Sandstone Way and Hermits Way access roads. Staff recommends a **condition** of approval requiring that all roadway construction shall conform with applicable criteria contained within Sections 21.410 through 21.440. With the recommended condition, staff finds the request complies with Subsection 21.410.A.3.

5. *Road signs shall be required as an improvement in a subdivision or partition. Wasco County shall install and maintain such road or street signs, provided the person(s) creating the road pays the expense of the initial improvement.*

FINDING: Concerning signage, application materials provide the following:

> "Signs
> Signs are not proposed with this project other than the stop/street sign at the new intersection." (Project# 170105 Replat narrative, Page 13).

The Wasco County Public Works Director Arthur Smith has not provided additional commentary regarding signage.

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, and staff subsequently recommends a **condition** of approval requiring that the subdivder 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.

Staff also recommends a **condition** of approval requiring the subdivider 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.

6. *When necessary, and consistent with Wasco County's standards, sidewalks shall be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:*

    a. *The subject property is located within one-quarter mile of a school, shopping center, recreation area, or other use likely to create pedestrian traffic; or*

    b. *The surrounding area is developed with sidewalks or is zoned for commercial, industrial or urban residential uses.*

7. *Sidewalk(s) shall be constructed to applicable standards (see Table 2 Urban Wasco County Roadway Design Standards in the Wasco County Transportation System Plan). Sidewalk requirements may be waived, or may be deferred through a road improvement agreement when, in the opinion of the County, sidewalks would not be immediately necessary to accommodate pedestrian traffic.*

8. *Bicycle facilities shall be required along new roads when necessary to extend an existing bicycle route, or when a bicycle route or way is proposed within an adopted Transportation System Plan.*

FINDING: Staff has conferred with the Wasco County Public Works Director Arthur Smith on July 13, 2023 concerning sidewalks and bicycle facilities. Mr. Smith provided comment on July 17, 2023:

> "Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on provided commentary, sidewalks and bicycle facilities shall not be required for this request. Staff finds the request complies with Subsections 21.410.A.6-8.

B. *Improvement Policies and Standards: The improvement policies and standards contained herein shall apply to development conducted under provisions of this Ordinance. They are primarily intended to govern the design and construction of streets and roads which are to be accepted into the Wasco County maintained road system. These policies and standards also apply to other roads, both public and private, as determined appropriate by the Approving Authority.*

It shall be the duty of the Wasco County Roadmaster to interpret the provisions and requirements of these standards in such a way as to carry out their intent and purposes.

FINDING: The Wasco County Public Works Department Director Arthur Smith has provided commentary and recommendations throughout this report. Staff finds the request complies with Subsection 21.410.B.

Section 21.420 - Public Streets and Roads

A. General Design Policies: The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO):

1. "A Policy on Geometric Design on Highways and Streets".

2. "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)"

FINDING: 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)". With this condition, staff finds the request complies with Subsection 21.420.A

B. Design Criteria

1. Improvement of public streets and roads shall conform to the design standards designated for the particular classifications indicated in Table 21-1(Rural Public Roadway Design Standards) & 21-2 (Urban Public Roadway Design Standards) of this Chapter.

2. Roadway sections shall conform to the sections designated for the particular classifications.

3. The design of structural sections of all roadways required by this Ordinance, including arterials, collectors, local access roads and principal highways shall conform with the General Design Policies under Section 21.410 A and the standard specifications which are applicable to construction of improvements under Section 21.410 E 2 of this Chapter. Any deviation from these standards shall be approved by the County Roadmaster.

FINDING: Figure 21-3 – Hierarchy of Property Access "#4" (Page 21-49) provides that the proposed road must be a public road. Table 21-1 (Rural Public Roadway Design Standards) & 21-2 (Urban Public Roadway Design Standards) are provided below:

Table 21-1 – Rural Wasco County Public Roadway Design Standards

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain[1]	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	[2]	[2]	1,470	[2]	[2]	1,835	[2]	[2]	2,135	[2]	[2]
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing[3]	75			100			100			150			300			500		

[1] L= Level, R=Rolling, M=Mountainous
[2] See AASHTO manual for guidance.
[3] Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

[**AMENDED FINDING:** Aside from additional construction standards recommended as conditions of approval for fire safety within subsection 21.030.P, staff recommends a **condition** of approval that 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). Additionally, a **condition** is recommended requiring the applicant 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. With these recommended conditions, staff finds the request complies with Subsection 21.420.B.1-3.]

C. Drawings

1. The County Road Master shall have the authority to publish "Standard Drawings" for the design of public streets and roads. These drawings may be included in the separately adopted document listed in B(1) above.

2. The applicant's design shall conform to the "Standard Drawings".

FINDING: Staff has conferred with the Wasco County Public Works Director Arthur Smith on July 17, 2023 concerning sidewalks and bicycle facilities. Mr. Smith provided comment on July 17, 2023:

"We may have some drawings for typical road cross sections in our TSP (from 2009). That was done before I became Director. However, we defer to the ODOT / APWA standard drawings and specifications."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on Mr. Smith's commentary, staff finds that the request complies with Subsection 21.420.C.

D. General Considerations

1. The County Roadmaster may impose additional design requirements as are reasonably necessary to provide safe and adequate access.

FINDING: The Wasco County Public Works Director Arthur Smith provided the following commentary on July 17, 2023:

> "Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane."

Considering Mr. Smith's comments, staff finds the request complies with Subsection 21.420.D.1.

2. There shall be provided a cul-de-sac at the end of each street or road that ends within the confines of a proposed subdivision or partition. Any proposed street or road that terminates at a proposed subdivision or development boundary will be provided with a temporary cul-de-sac or turnaround which may be discontinued at such time as the road or street is extended.

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

Application materials provide that the proposed Cavern Way cul-de-sac road will be "[a] 22' wide paved road with 2' wide gravel shoulders (in a 50' wide road tract)…approximately 590' in length, with a 48' radius (96' diameter) culdesac for fire turnaround at the end." (Project# 170105 Replat narrative, Page 13-14). Furthermore, the application provides that road maintenance for Cavern Way "will be provided by the homeowners and will be managed with a road maintenance agreement." (Project# 170105 Replat narrative, Page 10). A preliminary copy of the road maintenance agreement is provided in Attachment F and available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

On June 26, 2023, the applicant provided additional details as to why a cul-de-sac road is being proposed:

> "[The] primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a

> smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Concerning road maintenance, the Director of the Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Concerning applicable state fire laws, Mid-Columbia Fire and Rescue Division Chief Jay Wood provided comment on June 28, 2023. Chief Wood's full commentary is provided within the "Section 21.030.P Finding", where additional conditions of approval are provided regarding fire safety.

Considering the application proposal, commentary, and recommended conditions of approval throughout this report, staff finds the request complies with Subsection 21.420.D.2.

> 3. *Any road or street which does not connect directly to a County maintained road, city maintained street or state highway shall not be accepted for maintenance by the County. No other road or street shall be accepted for maintenance as a part of the County road system unless it is ordered accepted by the County Governing Body pursuant to law.*

FINDING: The subdivision replat proposes a new publicly dedicated Cavern Way cul-de-sac road which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated Sandstone Way and Hermits Way.

The existing Sandstone Way (portion), Cavern Way, and Granite Way (A looped road) platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6. The proposed Cavern Way cul-de-sac road will be connected to the existing non-county maintained Sandstone Way road.

The Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

Concerning road maintenance, the Director of the Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Based on the request, the proposed Cavern Way cul-de-sac road will not be publicly maintained; however, application materials provide that road maintenance for Cavern Way "will be provided by the homeowners and will be managed with a road maintenance agreement." (Project# 170105 Replat narrative, Page 10). A preliminary copy of the road maintenance agreement is provided in Attachment F and available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Staff finds that Subsection 21.420.D.3. is not applicable to this request.

E. Development Requirements

1. Engineering:

a. <u>Plans</u> Construction plans may be required for improvements governed by these standards. Such 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 County Roadmaster and shall include the following information:

(1) Widths of all proposed road right-of-way dedication.

(2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearing of tangents.

(3) Original ground line and grade line profile on the centerline of the proposed road.

(4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.

(5) Proposed drainage structures, showing both size and type of structure.

(6) Toe of fill and top of cut lines.

(7) Typical structural section of roads to be constructed.

(8) Section lines, fractional section lines and/or Donation Land Claim lines. Also, bearing and distance from which the centerline description is prepared, and basis of bearings.

(9) A vicinity map in the upper left hand corner of the first plan sheet showing the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.

(10)Proposed utilities, showing location and type. Also, a written statement that locations have been approved by affected utility companies. A composite map shall be furnished by the consultant engineer to all affected utilities.

(11)The plans shall contain a standard symbol sheet approved by the County Road Master.

(12)The stamp and signature of a consultant engineer preparing the plans.

(13)The location and dimensions of the pedestrian circulation system.

(14)The location and dimensions of bicycle parking, when required.

FINDING: A **condition** is recommended that 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).

With the recommended condition, staff finds the request complies with Subsection 21.420.E.1.a.

b. Cost Estimates The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related road work and affected utility installation and/or relocation.

FINDING: A **condition** is recommended that 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.

With the recommended condition, staff finds the request complies with Subsection 21.420.E.1.b.

c. Monumentation All horizontal curve points shall be referenced with a 5/8" x 30" steel rod set perpendicular to the tangents at the right of way line and witnessed by a white 4" x 4" x 4' cedar post or a four foot section of steel fence post painted white. In the case of a curbed street, the witness posts may be omitted.

FINDING: A **condition** of approval is recommended requiring that 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 complies with Subsection 21.420.E.1.c.

2. Construction:

a. Standard Specifications The Standard Specifications which are applicable to the construction of improvements governed by these standards are the following (except as they may be modified, supplemented or superseded by provisions contained herein):

(1) "Standard Specifications for Highway Construction", most recent edition, published by the Oregon Department of Transportation, Highway Division, except for the General Provisions contained in Sections 102 through 109.

(2) "Oregon Standard Specifications for Construction", most recent edition, published by the Oregon Chapter of the American Public Works Association (APWA) and the Oregon Department of Transportation (ODOT).

References to "State and Highway Commission" shall be construed to mean Wasco County and the Wasco County Governing Body, respectively. "Engineer" and "Director" shall be construed to mean the County Roadmaster, or his properly authorized agent(s) acting within the scope of his (their) particular duties.

b. Permits A permit to occupy and perform operations shall be obtained from the County Roadmaster prior to commencing construction within the right of way of any County maintained road.

c. Bond Requirements Before the dedication or deed to the public for street or road right of way is accepted by the County Governing Body, the applicant shall provide a performance bond or other security, as set forth in Section 21.210 F of this Ordinance.

d. Inspection Schedule After financial assurance is received by the County, the applicant shall arrange for periodic inspection by his consultant engineer. At a minimum, such inspection shall occur at the following stages of construction:

(1) After clearing and grubbing is completed.

(2) After grading and drainage is completed.

(3) After rock surface is completed.

(4) After paving is completed.

FINDING: Staff recommends a **condition** of approval that the construction of the proposed road shall be built according to criteria provided for within Subsection 21.410.E.2.a.-d. With the recommended condition, staff finds that the request will comply with Subsections 21.420.E.2.a-d.

e. Certification and Warranty Requirements

(1) When the project is completed, the consultant engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance with the plans and specifications. The certification shall include a copy of the results of all conformance tests performed in conjunction with the design and construction of the project.

(2) Upon receiving said certification, the County will accept the project for normal and routine maintenance, provided the applicant posts a warranty bond equal to twenty percent (20%) of the performance bond required in Section E 2 c of this Section for the correction of any deficiencies that may arise within a period of one (1) year.

(3) Upon receiving the warranty bond for the correction of deficiencies and upon certification by the County Roadmaster that the provisions of the improvement agreement are complete, the performance bond required by Section E 2 c of this Section shall be released to the applicant.

(4) The County Roadmaster shall inspect the project at the end of one (1) year and list the deficiencies to be corrected and shall notify the applicant of such deficiencies. In the event no deficiencies are found, the warranty bond will be released to the applicant at that time.

(5) Upon notification of the deficiencies, the applicant shall commence corrective work within thirty (30) days and shall complete such work at the earliest possible date. Upon satisfactory completion, the warranty bond shall be released to the applicant.

(6) In the event the applicant fails to commence corrective work within thirty (30) days of notification of deficiencies, the County shall cause the corrective work to be accomplished and call on the warranty bond for reimbursement. If the amount of the warranty bond exceeds cost and expenses incurred by the County, the County shall release the remainder; and if the amount of the warranty bond is less than the cost and expenses incurred by the County, the applicant shall be liable to the County for the difference.

FINDING: Staff recommends a **condition** of approval that the final construction of the proposed road shall be certified and obtain the warranty requirements as required by subsections 21.410.E.2.e. With the recommended condition, staff finds that the request will comply with Subsection 21.420.E.2.e.

f. As Constructed Plans The County Roadmaster, at the completion of the project, may require the consultant engineer to furnish permanent reproducible plans of the work or an "as constructed" modification of the original permanent reproducible plans previously submitted, as may be required under Section E 1 a of this Section.

(1) The title sheet shall contain the consultant engineer's signed P.E. stamp and a certification signed by the engineer "that the project has been constructed in substantial conformance with the plans and specifications".

(2) The title sheet shall contain in the title block the name of the street or road; the name of the subdivision; the names of the applicant and consultant engineer preparing the plan; the location of the street or road according to Section, Township and Range; a typical section showing surfacing, thickness and types, side slopes and cut and fill slopes; and, a vicinity map of approximately 1"= 1 mile showing where the street or road is located in relation to Sections, Townships and Ranges and surrounding topographical features and its connections to existing County or State highways.

(3) The plans shall show the centerline alignment and all curve data, and direction of tangents, the location and monumentation of the street or road, right of way widths, drainage easements, section lines, lot lines of the subdivision, and all drainage structures, their sizes, lengths and locations, and underground utilities, their types, sizes and locations.

(4) The plans shall show the original ground line and the finish grade on the centerline, all P.I. elevations and stations, elevations of vertical curves and tangent grades.

(5) The plans shall have a title block in the lower right hand corner giving the name of the street or road, the subdivision, the name of the consultant engineer preparing the plans and the name of the applicant.

(6) The consultant engineer will provide accurate "as constructed" plans to all affected utility companies.

FINDING: Staff recommends a **condition** of approval, that if at the completeion of the project, the Wasco County Public Works Director (The County Roadmaster) determines that "As Constructed Plans" shall be furnished, the consultant engineer 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). With the recommended condition, staff finds that the request will comply with Subsection 21.420.E.2.f.

g. Signing Permanent traffic control and street or road identification signs will be required for all subdivisions.

(1) The applicant shall deposit (in cash) with the County Roadmaster, an amount determined by the Roadmaster adequate for the construction and installation of permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.

(2) Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

FINDING: Findings and conditions of approval regarding signage are found in Subsections 21.030.P and 21.030.BB. For reference those conditions are provided below:

To ensure the public is notified of restricted parking areas for fire apparatus, a **condition** of approval is recommended requiring that the subdivder 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.

To ensure compliance with the criterion, staff recommends a **condition** of approval requiring that 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.

Staff recommends **conditions** of approval requiring: (1) The developer consult with the Wasco County Road Department and Mid-Columbia Fire and Rescue to determine the amount and type of signage required; (2) the developer furnish required permanent road signs to the Wasco County Public Works Department for installation; or (3) pay the cost of the signage, which estimated cost will be provided for by the Wasco County Public Works Director. The County will prepare, place and maintain required permanent signing.

Staff also recommends that all temporary construction signing required shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

With recommended conditions staff finds the request will comply with Subsection 21.420.E.2.g.

Section 21.440 Roadway Improvement Standards

A. Roadway Requirements: No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:

1. A development may be approved if the adjacent roadway does not meet the standards but halfstreet improvements meeting the standards of this title are constructed adjacent to the development.

2. Roadways under the jurisdiction of the Oregon Department of Transportation shall be improved to state standards.

B. Minimum Right-of-Way Width - The width of street right-of-way provided in Table 1 shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets. Unless otherwise indicated on the official roadway map, the width of all rights-of-way and roadway improvements shall be in compliance with the following:

1. Arterials: A minimum right-of-way width of sixty (60) feet.

2. Collectors: A minimum right-of-way width of sixty (60) feet.

3. Local Roads: A minimum right-of-way width of fifty (50) feet.

C. Partial street improvements - Partial street improvements resulting in a pavement width of less than 16 feet; while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.

D. Improvements Guarantee in Lieu of Improvements - If the County could and would otherwise require the applicant to provide street improvements, the County Road Master may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:

1. *A partial improvement is not feasible due to the inability to achieve proper design standards;*

2. *A partial improvement may create a potential safety hazard to motorists or pedestrians;*

3. *Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity; Page 21-40 Chapter 21-Land Divisions*

4. *The improvement would be in conflict with an adopted capital improvement plan;*

5. *The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or*

6. *Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.*

E. *Off-site Improvements - Off-site improvements, such as pavement construction or re-construction of existing street(s) proposed for access to the subdivision or partition, which are inadequate or in failing condition, may be required. Off-site transportation improvements will include bicycle and pedestrian improvements, as identified in the adopted Wasco County Transportation System Plan.*

FINDING: The proposed Prince Heights replat subdivision will vacate three undeveloped Columbia Crest Addition Subdivision platted roads (Sandstone Way (portion), Cavern Way, and Granite Way), and replace them with one dedicated cul-de-sac road (Cavern Way). The proposed cul-de-sac road will not interfere with the continuation of principle streets in the adjoining subdivisions or other adjacent non-platted properties.

The Columbia Crest Addition Subdivision was approved in 1953. There are several “paper roads” within the subdivision that were planned, but never built. (See below maps “Columbia Crest Vacated Road Map” and “Prince Heights Road Map”) (See Maps in Attachment C)

Columbia Crest Subdivision Road Map

- Developed Roads
- Undeveloped Roads "Paper Roads"
- Proposed Vacated Roads

Prince Heights Subdivision Road Map

- Developed Roads
- Undeveloped Roads "Paper Roads"
- Proposed Road

Concerning the condition of built adjacent roadways, the Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not

> maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

The adjacent Sandstone Way Road and Hermits Way road are "Local Roads". Staff has confirmed that the county does perform maintenance on Sandstone Way up to the first curve in the road (approximately 450' north of Cherry Heights Road). The 1953 approved Columbia Crest Subdivision platted the roads at 50' wide. Examination of the 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County" provides the following standards:

MINIMUM AND PREFERRED RIGHT-OF-WAYS AND WIDTHS FOR ROAD SURFACING

Type of Street	Right-of-Ways		Road Surfacing	
	Minimum	Preferred	Minimum	Preferred
Arterials	80	100	26	36
Secondary Arterials	60	80	26	36
Business & Industrial Streets	66	80	36	42
Local Streets	50	60	20	34
Dead-end Streets (not more than 400' long and serving a maximum of 18 single family dwellings)	50	50	20	20
Turn-arounds for dead-end streets	40' radius		30' radius	
Alley				
Residential	14	20		
Business or Industrial	20	20		

It is unclear when Sandstone Way and Hermits Way were actually constructed. A June 29, 2023, staff site visit confirmed that the paved (road surfaced) widths of both roads range from 35' to 25', which appears to be consistent with the "Road Surfacing" minimum standards for Local Streets and Dead-end Streets in the 1953 "Ordinance No. 3 Subdivision Regulations of Wasco County". On July 3, 2023, the Director of the Wasco County Public Works Department Arthur Smith provided comment concerning the estimated road conditions and adequacy of width for Sandstone Way and Hermits Way:

> "The existing roadway widths are adequate to serve the additional lots and appear to have been built to meet our minimum road standards. I would not require any road widening. My only request would be for a Road Maintenance Agreement or Homeowners Agreement to ensure that the public roads are maintained after development."

Mr. Smith provided additional comments on July 18, 2023:

> "Based on my recent inspections, the adjacent public roadways - Sandstone Way and Hermits Way meet our rural road standards. The first portion of Sandstone Way is county maintained,

and both roadways are paved surface roads, with adequate width and drainage. I would not recommend any road improvements on these adjacent roads."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Sandstone Way and Hermits Way roads provide primary access to existing developed lots within the Columbia Crest Addition Subdivision, and via the proposed Cavern Way cul-de-sac road, will provide access to the six replatted lots. Technical commentary has not indicated that any adjacent roadway must be improved or widened in order to accommodate the planned replatted six lots. However, development of the proposed Cavern Way cul-de-sac road, additional right-of-way for Sandstone Way, and other preparatory work on the replatted lots may have deleterious effects on the existing Sandstone Way and Hermits Way access roads. A **condition** of approval is recommended requiring the owner 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.

Accordingly, staff finds that Subsections 21.440.A-E are not applicable to this request.

Section 21.450 Access Control

A. Purpose. The following access control standards apply to industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the Wasco County Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the county. Access management is a primary concern on these roads. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision or partitioning of land.

B. Access Control Standards.

1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)

2. The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

3. *Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required).*

    a. *Option 1. Access to the lower order roadway.*

    b. *Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*

    c. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection e., below.*

4. *Subdivisions and Partitions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide secondary (local or collector) streets for access to individual lots.*

5. *Access Spacing. Minimum access spacing standards apply to newly established public street intersections, private drives, and non-traversable medians.*

    a. *Standards are found in Table 7.2, Rural Wasco County Roadway Design Standards and Table 7-3 Urban Wasco County Roadway Design Standards, in the Wasco County Transportation System Plan.*

    b. *Access to State Highways and Interchanges. Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to the applicable standards and policies contained in the Oregon Highway Plan and the requirements of OAR 734-051.*

6. *Number of Access Points. For single-family housing types, one street access point is permitted per lot, when secondary (local or collector) street access cannot otherwise be provided. The number of street access points for commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection (g) below, in order to maintain the required access spacing, and minimize the number of access points.*

7. *Shared Driveways. The number of driveway and the frequency with which private streets intersect with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:*

    a. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but*

may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

C. Notwithstanding Section 21.450, upon the recommendation of the County Road Master the County may reduce access spacing standards if the following conditions are met:

1. Joint access (shared) driveways and cross access easements are provided in accordance with the standards;

2. The site plan incorporates an integrated access and circulation system in accordance with the standards;

3. The property owner enters into a written agreement with the County that pre-existing connections on the site will be closed and eliminated after construction of each side of the shared driveway;

4. The proposed access plan for redevelopment properties moves in the direction of the spacing standards; and

5. The reduced access spacing is consistent with all applicable provisions of Chapter 14.

D. The County Road Master may modify or waive the access spacing standards for roadways under County jurisdiction where the physical site characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical and would make meeting the access standards infeasible, subject to the following:

1. The application of the location of access standard will result in the degradation of operational and safety integrity of the transportation system.

2. The granting of the modification or waiver shall meet the purpose and intent of these standards and shall not be considered until every feasible option for meeting access standards is explored.

3. Applicants for modification or waivers from these standards must provide proof of unique or special conditions that make strict application of the standards impractical. Applicants shall include proof that:

a. Indirect or restricted access cannot be obtained;

b. No engineering or construction solutions can be applied to mitigate the condition;

c. No alternative access is available from a road with a lower functional classification than the primary roadway;

d. The hardship is not self-created; and e. The modification or waiver is necessary to protect scenic, natural, cultural or recreation resources in Chapter 14 or is at a minimum consistent with the standards to project them.

E. Street/roadway Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private roads, in accordance with AASHTO design standards. For residential and commercial developments, the maximum block length shall not exceed 600 feet, with the maximum perimeter not to exceed 1,400 feet.

FINDING: The proposed Prince Heights replat subdivision will vacate three undeveloped Columbia Crest Addition Subdivision platted roads (Sandstone Way (portion), Cavern Way, and Granite Way), and replace them with one dedicated cul-de-sac road (Cavern Way). The proposed cul-de-sac road will not interfere with the continuation of principle streets in the adjoining subdivisions or other adjacent non-platted properties.

The existing Sandstone Way (portion), Cavern Way, and Granite Way roads platted within the Columbia Crest Addition Subdivision shall be vacated and replaced with a publicly dedicated and privately maintained Cavern Way cul-de-sac road that will provide access to the newly created Lots 3, 4, 5, and 6.

The Prince Heights Subdivision replat, the Columbia Crest Addition Subdivision, and the Fruitland Park Addition Subdivision "Track 35" are located north of Cherry Heights Road (a public dedicated and maintained road) and south of West 13th Street (a public dedicated and maintained road).

Concerning public access and existing road conditions, the Director of Wasco County Public Works Department Arthur Smith provided comment on June 26, 2023:

> "Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or road maintenance agreement is a requirement of the subdivision approval."

Mr. Smith provided additional comments on July 18, 2023:

> "I have reviewed the existing average daily traffic volumes for Cherry Heights Road and Sandstone Way - I have no data for the public roads. These roads can easily absorb the additional traffic generated by the proposed development and will not cause any increased maintenance. I do not foresee any access control issues resulting from this development."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Sandstone Way and Hermits Way roads provide primary access to existing developed lots within the Columbia Crest Addition Subdivision, and, with access from the proposed Cavern Way cul-de-sac road, will provide access to the six replatted lots. Technical commentary has not indicated that additional access control standards are required for approval of this subdivision replat. Accordingly, staff finds that Subsections 21.450.A-E are not applicable to this request.

Section 21.460 Pedestrian Access and Circulation

A. Site Layout and Design - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-4, below:

1. Continuous Walkway System - The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets or roads and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 21.030(E) (Relation to Adjoining Street System).

2. Safe, Direct, and Convenient - Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets/roadways, based on the following definitions:

a. Reasonably direct - A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

b. Safe and convenient - Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

c. "Primary entrance" for commercial, mixed use, and office buildings is the main public entrance to the building. In the case where no public entrance exists, street/roadway connections shall be provided to the main employee entrance.

d. "Primary entrance" for residential buildings is the front door (i.e., facing the street or road). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

3. Connections Within Development - Connections within developments shall be provided as required in subsections a-c, below:

a. Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 21-1;

b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be

cause for not making certain walkway connections; and

c. *Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres or the space required for the maximum number of cars allowed by the applicable provisions of this ordinance. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets/roadways, or driveways with street-like features, Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. The parking areas shall be designed consistent with all applicable provisions of this ordinance including but not limited to Section 14.200 (Key Viewing Areas), 14.600 (Natural Resources) and 14.700 (Recreation Resources).*

B. *Walkway Design and Construction - Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 21-2:*

1. *Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the Approving Authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.*

2. *Crosswalks - Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.*

3. *Walkway Width and Surface - Walkway and access way surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least six (6) feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide.*

4. *Accessible Routes - Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.*

FINDING: Concerning pedestrian access and circulation, the Director of Wasco County Public Works Department Arthur Smith provided comment on July 17 and July 18, 2023:

> "Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane."
>
> "As I stated before, most rural county roads are shared use roads - drivers, bicyclists and

pedestrians all have the same right to travel the public roadway. Our rural road standards do provide for a shoulder area outside the paved road and that shoulder is adequate for the expected pedestrian use to be generated by this development (pedestrians can obviously walk along the main roadway, when not in conflict with vehicular traffic). I would not recommend any additional pedestrian path or pedestrian system."

A copy of this commentary is available for inspection at the Wasco County Planning Department under File 921-23-000023-PLNG.

Application materials, and technical commentary has not indicated that pedestrian access is required for approval of this subdivision replat. Accordingly, staff finds that Subsections 21.460.A-B are not applicable to this request.

G. Chapter 23 Sign Provisions

Section 23.010 Purpose

A. Protect and enhance scenic resources by minimizing visual impacts of signage, while authorizing signage necessary for commerce, recreation, safety and public information.

B. Encourage the use of the Columbia River Gorge National Scenic Area Graphic Signing System for public signs in and adjacent to public rights-of-way.

Section 23.020 Signs (GMA Only)

A. Except for signs allowed without review pursuant to Sections 3.100 and 3.180(B), all new signs must meet the following standards unless these guidelines conflict with the Manual on Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these guidelines.

FINDING: Concerning signage, application materials provide the following:

"Signs
Signs are not proposed with this project other than the stop/street sign at the new intersection."
(Project# 170105 Replat narrative, Page 13).

The Wasco County Public Works Director Arthur Smith has not provided additional commentary regarding signage.

Findings and conditions of approval for signage are provided for in Chapter 21 of this report. The signage is required by local and state law and are allowed without review pursuant to Sections 3.100 and 3.180(B). Staff finds that Chapter 23 is not applicable to this request.

ATTACHMENT E – PUBLIC COMMENTS

Comments submitted during review.

03162023: Wasco County Sheriff Lane Magill Comments

03222023-07202023: Friends of the Columbia River Gorge Comments

06012023: Heritage Resources Program Manager Survey Determination

06262023-07112023: Applicant Elizabeth Betts Comments

06262023-07182023: Wasco County Public Works Department Arthur Smith Comments

06282023: North Central Public Health District Eric Grendel Comments

06282023: Mid-Columbia Fire & Rescue Chief Jay Wood Comments

06302023-07062023: North Wasco County Parks & Recreation District Scott Baker Comments

06302023-07122023: Wasco County Assessor Jill Amery & Brenna La Vigne Comments

07102023: Wasco County Surveyor Brad Cross Comments

07122023: Wasco County Administrator Tyler Stone Comments

07142023: Kristin Campbell & Chris Crean Comments

07172023: Chenowith Water Darrin Eckmann Comments

Daniel Dougherty <danield@co.wasco.or.us>

Subdivision Comments Requested [File No. 921-23-000023-PLNG]

3 messages

Daniel Dougherty <danield@co.wasco.or.us> Sun, Jul 9, 2023 at 3:34 PM
To: districtmanager@chenowithwater.com, Ben Beseda <BBeseda@tennesoneng.com>

Good afternoon,

The Wasco County Planning Department recieved a subdivision to replat 66 lots to 6 lots within the Columbia Crest Addition Subdivision Scenic Area:
.

Map/Tax Lot	Acct. #	Acres
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

The proposal seeks to vacate "paper roads" in the Columbia Crest Subdivision and dedicate a single point of access (see Cavern Way Cu-De-Sac in maps below). The subdivision replat proposes a new publicly dedicated road “Cavern Way” (Cul-De-Sac) which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated “Sandstone Way” and/or "Hermits Way".

The proposed Cul-De-Sac will be 22' wide paved with 2' wide gravel shoulders (50' wide road tract). I've provided a couple of maps I created and the actual subdivision Pdf. Maps. The entire application is located: https://www.co.wasco.or.us/departments/planning/active_landuse_applications.php.

I'm hoping to get your professional opinion concerning water usage impacts or other related commentary. A pre-notice was sent on March 16, 2023 for comments, and a Planning Commission hearing for the decision will be heard on August 1.

Thanks for your help.

Respectfully,

Daniel

Map 1

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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It is informational only and a matter of public record.

Prince Hts Plans - Prelim Plat and Survey Exhibits (1).pdf
2810K

Ben Beseda <BBeseda@tennesoneng.com> Mon, Jul 10, 2023 at 6:10 AM
To: Daniel Dougherty <danield@co.wasco.or.us>, "districtmanager@chenowithwater.com" <districtmanager@chenowithwater.com>

Good morning Daniel. My partner Darrin Eckman has taken over as engineer for Chenowith Water PUD. I have forwarded your email to him for comments.

Thanks, Ben

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Sunday, July 9, 2023 3:34 PM
To: districtmanager@chenowithwater.com; Ben Beseda <BBeseda@tennesoneng.com>
Subject: Subdivision Comments Requested [File No. 921-23-000023-PLNG]

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Thanks for your help.

Respectfully,

Daniel

Map 1

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Developed Roads

Undeveloped Roads "Paper Roads"

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

[Quoted text hidden]

Darrin Eckman <eckmand@aks-eng.com> Mon, Jul 17, 2023 at 10:46 AM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: "jebm@chenowithwaterpud.com" <jebm@chenowithwaterpud.com>

Good morning Daniel,

As the Engineer of Record for the Chenowith Water PUD I wanted to go on record regarding the development proposed by the Smilekel Group (921-23-000023-PLNG).

The proposed subdivision is within the Chenowith Water PUD service area and we are willing to provide domestic water service to the six residential lots.

We have been in communication with the developers engineer, Ms. Elizabeth Betts (Klein & Associates, Inc.), and are in general agreement that the developer will:

- ***Connect to the existing 6" line at the intersection of Ledge Way and Hermits Way;***
- ***Replace the existing 4" water main in Ledge Way with 6" from Hermits Way to the proposed Cavern Way;***
- ***Install new 6" water main in Cavern Way from Ledge Way to its southerly terminus;***
- ***Install a fire hydrant assembly at the southerly terminus in the cul-de-sac;***
- ***Install typical residential water services to each lot with the meter to be placed in and at the edge of the Cavern Way ROW; and***
- ***Provide a 20-foot wide public utility easement across Lot 1 where the existing CWPUD watermain is located.***

All materials and work to conform to CWPUD standards. The developer is to enter into an Agreement to Reimburse for CWPUD contracted fees and pay the Subdivision Plan Review fee ($750).

Each lot owner will be required to pay the Meter Drop-in Fee ($500) and System Development Charge ($3,100) at the time service is requested. Fees are subject to change.

Please let me know if you have any questions…

Please note that I have taken over for Ben Beseda as the Chenowith Water PUD Engineer-of-Record and you can remove him from the email list and add me.

Also the CWPUD Manager's (Jeb) email address has changed to: jebm@chenowithwaterpud.com

Finally – Tenneson Engineering has merged with AKS Engineering & Forestry so my email has changed from what you had in the past.

We are still getting the old …tennesoneng.com emails forwarded to us but at some point that may end.

Thanks Daniel!

Darrin Eckman, PE, CWRE

TENNESON ENGINEERING | AN AKS COMPANY

P: 541.296.9177 | www.aks-eng.com | eckmand@aks-eng.com

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Sunday, July 9, 2023 3:34 PM
To: districtmanager@chenowithwater.com; Ben Beseda <BBeseda@tennesoneng.com>
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Respectfully,

Daniel

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Undeveloped Roads "Paper Roads"

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Road Vacation & Dedication Question

3 messages

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jul 13, 2023 at 3:22 PM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>

Hi Kristen,

We've got a preliminary subdivision replat (Prince Heights Subdivision) request that involves a replat of 66 lots into six lots within the Columbia Crest Subdivision, a road vacation and a public road dedication (I've attached maps below).

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Vacated Roads

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

The issue is the timing of the vacation and dedication. The BOCC can't technically vacate Sandstone (portion), Cavern Way, and Granite Way before the new dedication and subdivision replat are approved because the vacation would leave numerous lots within the Columbia Crest Addition without public access. My solution is that the vacation order contains a condition that final vacation of Sandstone (portion), Cavern Way, and Granite Way occur on the final approval of the Prince Heights Subdivision plat and dedication of Cavern Way cul-de-sac Road. I suppose the vacation, approval of the subdivision, and dedication can occur simultaneously at the same hearing.

My proposed condition is provided below:

Staff has conferred with the Wasco County Public Works Director Arthur Smith and the Wasco County Surveyor Brad Cross, and recommends the following **condition** of approval: The final road vacation for Sandstone Way (portion), Cavern Way, and Granite Way roads shall be conditioned to take effect only upon the final approval of the proposed Prince Heights Subdivision plat and the approved public dedication of the proposed Cavern Way cul-de-sac road.

Please let me know what you think. Thanks for your assistance.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Email is still the best way to reach me!

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Kristen Campbell <kcampbell@campbellphillipslaw.com> Fri, Jul 14, 2023 at 11:33 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

I did the initial once over and punted to Chris.

Let me know if you have any additional questions!

Kristen

From: Christopher Crean <chris@gov-law.com>
Sent: Friday, July 14, 2023 11:17 AM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>

Cc: Kristen Ketchel-Bain <kristen@gov-law.com>
Subject: RE: Road Vacation & Dedication Question

It's a good plan. My only comment is to tweak the condition of approval, which is not really a "condition of approval" since it doesn't require the applicant to do anything. It's really just a delayed effective date. Here's my suggestion:

> "The final road vacation for Sandstone Way (portion), Cavern Way, and Granite Way roads shall take effect only upon the [final approval???] [recording???] of the final plat of the Prince Heights Subdivision, including the public dedication of the proposed Cavern Way cul-de-sac road."

I'm not entirely clear whether a final plat is "approved" or just "recorded." I know it has to be recorded (ORS 92.025), but it also may be "approved." Dan and/or the surveyor will know.

Chris

Christopher D. Crean
Beery Elsner & Hammond LLP

1804 NE 45th Avenue

PORTLAND, OR 97213

t (503) 226-7191 | c (503) 347-9863

www.gov-law.com

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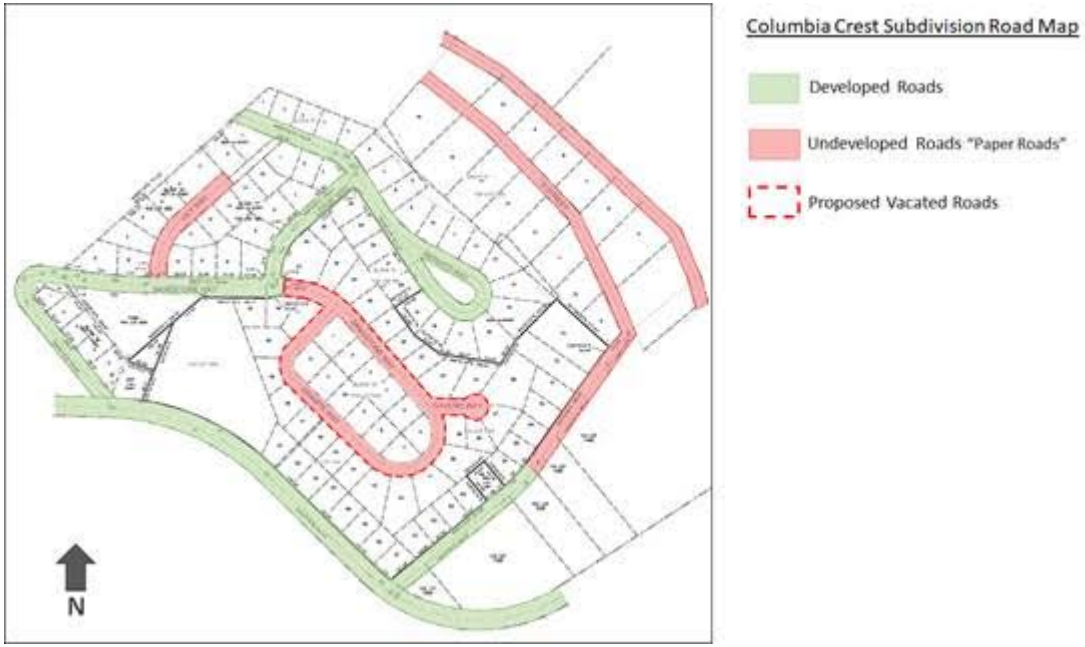
From: Kristen Campbell [mailto:kcampbell@campbellphillipslaw.com]
Sent: Thursday, July 13, 2023 3:58 PM
To: Christopher Crean
Subject: FW: Road Vacation & Dedication Question

I don't see an obvious problem with this approach. What say you?!? Thanks for any input.

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Thursday, July 13, 2023 3:23 PM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>
Subject: Road Vacation & Dedication Question

Hi Kristen,

We've got a preliminary subdivision replat (Prince Heights Subdivision) request that involves a replat of 66 lots into six lots within the Columbia Crest Subdivision, a road vacation and a public road dedication (I've attached maps below).



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My proposed condition is provided below:

Staff has conferred with the Wasco County Public Works Director Arthur Smith and the Wasco County Surveyor Brad Cross, and recommends the following **condition** of approval: The final road vacation for Sandstone Way (portion), Cavern Way, and Granite Way roads shall be conditioned to take effect only upon the final approval of the proposed Prince Heights Subdivision plat and the approved public dedication of the proposed Cavern Way cul-de-sac road.

Please let me know what you think. Thanks for your assistance.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***

PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Daniel Dougherty <danield@co.wasco.or.us> Fri, Jul 14, 2023 at 11:42 AM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>

Many thanks to you and Chis.

Have a great weekend.

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

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Daniel Dougherty <danield@co.wasco.or.us>

Replat Letter

2 messages

Kathy Clark <kathyc@co.wasco.or.us> Wed, Jul 12, 2023 at 4:33 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good Afternoon, Daniel-

Tyler asked that I send this to you. :-)

Kathy Clark | ***Executive Assistant***
ADMINISTRATIVE SERVICES

kathyc@co.wasco.or.us | www.co.wasco.or.us
541-506-2520 | Fax 541-506-2551
511 Washington Street, Suite 101 | The Dalles, OR 97058

Email is the best way to reach me! In an effort to prevent, slow, and stop the spread of COVID-19 to our citizens and staff, our office will be limiting business to phone, email and online service. Please keep in mind that response time may vary. Thank you for your patience during this time.

WCCommentSmekelRePlat.docx.pdf
540K

Daniel Dougherty <danield@co.wasco.or.us> Wed, Jul 12, 2023 at 4:43 PM
To: Kathy Clark <kathyc@co.wasco.or.us>

Hi Kathy,

Many thanks! Please tell Tyler thanks:)

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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It is informational only and a matter of public record.

Dear Planning Commission,

I am writing to provide comment on subdivision replat File 921-23-000023-PLNG related to the requirement for parks, playgrounds or recreational lands to be dedicated to Wasco County.

Wasco County currently does not have a dedicated program to support the continued management of dedicated public space. I encourage you to recommend, in lieu of dedication of land, you to require a payment to the County that will be held in a special fund for acquisition and the development and support of nearby public parks and facilities.

Sincerely,

Tyler Stone
Wasco County Administrator

Daniel Dougherty <danield@co.wasco.or.us>
to Bradley

Jul 10, 2023, 7:36 AM (13 days ago) Reply

Good morning Brad,

I hope your weekend went well. Can you tell me if the Prince Heights Subdivision name is already in use in Wasco County? I'm sure it's not, but would appreciate your comment for the record.

Respectfully,

Daniel

...

...

[Message clipped] View entire message

Bradley Cross
to me

Jul 10, 2023, 7:55 AM (13 days ago) Reply

This name is not in use and there is nothing similar. We have a Highland Heights, but I believe there is enough difference to allow the use of Prince's Heights.

Bradley Cross | ***County Surveyor***
PUBLIC WORKS

bradleyc@co.wasco.or.us | www.co.wasco.or.us
541-506-2644 | Fax 541-506-2641
2705 East Second Street | The Dalles, OR 97058

Daniel Dougherty <danield@co.wasco.or.us>

Inquiry: Who Owns this Property

4 messages

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 7:32 AM
To: Brenna La Vigne <brennal@co.wasco.or.us>

Hi Brenna,

I'm trying to figure out who owns the following property. I'm guessing Wasco County.

Map: 1N 13E 5 AD 600
Account Number: 13902
Taxpayer: THE PUBLIC
Mailing Address: UNDETERMINED

The unit of land was created by the Columbia Crest Addition subdivision in 1953.

Thanks for your help.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

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Brenna La Vigne <brennal@co.wasco.or.us> Fri, Jun 30, 2023 at 7:58 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

From what Mel and I understand is that when the subdivision was created they designated that lot as a park. No one really owns it. Typically parks will be deeded over to the HOA but since this is an older subdivision I can not speak for why they did this the way it is. So no, Wasco County does not own it.

Thank you,

Brenna La Vigne | ***Deeds Clerk***
ASSESSMENT & TAX

brennal@co.wasco.or.us | www.co.wasco.or.us
541-506-2510 | Fax 541-506-2511
511 Washington Street, Suite #208 | The Dalles, OR 97058

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 8:03 AM
To: Brenna La Vigne <brennal@co.wasco.or.us>

Hi Brenna,

That's interesting. Can I put my name crest flag in the soil and obtain it for myself by right of conquest? :) Thanks for your help.

Respectfully,

Daniel
[Quoted text hidden]

Brenna La Vigne <brennal@co.wasco.or.us> Fri, Jun 30, 2023 at 8:10 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Yeah it had us stumped too. But it is also not the only parcel that is owned by "The Public".

Haha yes, please do that! And sorry I couldn't be anymore help. I swear the way things were done in the past gives me heartburn sometimes lol.

Brenna La Vigne | ***Deeds Clerk***
ASSESSMENT & TAX

brennal@co.wasco.or.us | www.co.wasco.or.us
541-506-2510 | Fax 541-506-2511
511 Washington Street, Suite #208 | The Dalles, OR 97058

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Comments Requested: Scenic Area Subdivision Replat [File No. 921-23-000023-PLNG]

Jill Amery <jilla@co.wasco.or.us> Wed, Jul 12, 2023 at 1:46 PM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: Kelly Howsley - Glover <kellyg@co.wasco.or.us>

Hi Daniel,

Doing some catch up today. The current park lot as you have seen from the previous correspondence has been very problematic. Though it isn't my decision on which path to take, my opinion for this subdivision is to not add another park space. Let the developer pay into the fund. If my initial calculation of the lots impacted are correct, the developer could pay an approximate $6,480.51 into the fund and forego the park.

I hope this is helpful to you. Please let me know if you have any additional questions.
Jill

[Quoted text hidden]
--

Jill Amery | ***Assessor/Tax Collector***
ASSESSMENT & TAX

jilla@co.wasco.or.us | www.co.wasco.or.us
541-506-2512 | Fax 541-506-2511
511 Washington St. Suite 208 | The Dalles, OR 97058

Daniel Dougherty <danield@co.wasco.or.us>

Seeking Public Comment: [Planning File No. 921-23-000023-PLNG]

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 10:03 AM
To: todd@nwprd.org

Good morning,

Wasco County Planning has received a subdivision replat application (see details below) that's within the North Wasco County Park and Recreation District, and we are hoping you can provide feedback pertaining to a criterion related to parks and recreation.

An application for a Scenic Area Review for a Replat of existing subdivision lots within the Columbia Crest Addition Subdivision to make them more conforming with current zoning (66 lots replatted to 6 lots). The replat subdivision is named the Prince Heights Subdivision. Vacation of unused ROW and easements plus dedication of ROW 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

The National Scenic Area Land Use and Development Ordinance (NSA-LUDO) Section 21.030.Y provides the following:
Y. Public Open Space: Elementary and high school sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.

Wasco County Planning is looking for feedback, comments or advice pertaining to the fulfillment of this criterion. Are you concerned about long-term maintenance/ability to be adequately maintained? Would a sum paid to Wasco County be preferred instead of a public land dedication. I'm slightly concerned considering the proposed 0.16-acre park is adjacent to a long ago platted park (located at Map: 1N 13E 5 AD 600 Account Number: 13902) that I cannot locate the fee owner or figure out if the platted park is actively maintained.

I've attached the Notice of Hearing for your reference and provided maps of the existing and replatted subdivisions. The link to the application is here: https://www.co.wasco.or.us/departments/planning/active_landuse_applications.php. (You can find the application materials via file number 921-23-000023-PLNG).

Your comments/feedback are greatly appreciated.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

541-506-2560 | Fax 541-506-2561
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2 attachments

06272023_PCHearing_Notice_921-23-000023-PLNG.pdf
845K

Prince Hts Plans - Prelim Plat and Survey Exhibits (1).pdf
2810K

Daniel Dougherty <danield@co.wasco.or.us>

Sandstone Way property

Scott Baker <scottb@nwprd.org> Fri, Jun 30, 2023 at 2:49 PM
To: danield@co.wasco.or.us

Hello Daniel,

I have some, but limited information about the Sandstone way "park" property you emailed Todd about. 1N 13E 5 AD 600 Account Number: 13902 Please give me a call and I'll share what I know and my thoughts about additional park property at that location. I'm out of the office until July 5th.

Best regards,
Scott Baker
(541) 296-9533

Daniel Dougherty <danield@co.wasco.or.us>

Sandstone properties

1 message

Scott Baker <scottb@nwprd.org> Thu, Jul 6, 2023 at 4:06 PM
To: danield@co.wasco.or.us

Hello Daniel,

It was nice to talk with you today. As we discussed, 1N 13E 5 AD 600 Account Number: 13902 is not currently owned or maintained by NWCPRD. It has little or no recreational value and increasing its size .16 acre does not make it a better fit for public recreation. My opinion is that Wasco County would be better served by a cash payment in lieu of the property. If Wasco county is the owner of the adjacent "publicly owned" property, I would encourage them to surplus the property and acquire much needed park space on the westside.

Please let me know if I can be of further assistance,

Scott Baker

Daniel Dougherty <danield@co.wasco.or.us>

Comment Request: Scenic Area Subdivision (Replat) [File No. 921-23-000023-PLNG]

2 messages

Daniel Dougherty <danield@co.wasco.or.us> Fri, May 12, 2023 at 1:34 PM
To: Eric Grendel <ericg@ncphd.org>

Hi Eric,

I'm reaching out for feedback concerning this proposed subdivision (replat request). The request involves the following tax lots:

Map/Tax Lot
1N 13E 5 AD 300
1N 13E 5 AD 1000
1N 13E 5 AD 1100
1N 13E 5 AD 1200
1N 13E 4 BC 2600

The request is a Scenic Area Review for a Replat 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 of ROW 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

I attached the original Pre-Notice for reference, and the application's submitted Septic Evaluations that were conducted a few years ago. I've also provided the application link: https://cms5.revize.com/revize/wascocounty/document_center/Planning/Actions/Smilekel_Group_921-23-000023-PLNG/APP_921-23-000023-PLNG_SMILEKEL_GROUP.pdf

I've recieved several comments (none written yet, but several phone calls and a meeting) with neighbors who are all concerned about the soil quality in the area and the proposed areas of septic system. If there is contention with this replat, it's likely to center around septic feasibility in the area and the proposed sites for septic systems.

Any feedback for the record would be of great help.

If you need additional information or have questions please let me know.

Have a great weekend sir.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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2 attachments

Signed_PreNotice_for_Comments_NSA_921-23-000023-PLNG_Smilekel.pdf
349K

Septic_Eval_&_Soils.pdf
13185K

Eric Grendel <ericg@ncphd.org> Wed, Jun 28, 2023 at 11:17 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hey Daniel,

I appreciate you reaching out to seek input from the Environmental Health Department.

I've reviewed this proposed replat a few times since taking over the onsite septic program for NCPHD and have also met with my predecessor John Zalaznik who conducted the site evaluation back in 2017, to discuss his interpretation of the proposed replat and development.

Prior to John's evaluation, this proposal went through a Preliminary Feasibility Study by Aqua Resource Design & Consulting and was most notably finalized by REHS Brannon Lamp who is a highly regarded consultant for environmental health services. In Brannon's results, he suggested that the Re-Plat include a series of easements and some help from a designer to adequately demonstrate that the design could support both primary and secondary drainfield areas for 7-8 lots.

Klein Associates was then hired in July of 2017 to create a schematic for the proposed development and replat for the individual lots, which included Aqua Resources sampled soil pit sites. This was provided to John Zalaznik for his site evaluation which was conducted on 9/28/17.

John's evaluated 8 lots for onsite septic suitability and proposed that the area have an Engineered hydrologic Study be conducted due to his concerns over the loading capacity of the site and landslide potential.

Environmental Management Services, INC. (EMS) was then hired to determine whether or not the site was stable to accept the projected daily flow for wastewater.

EMS determined that there were some factors that would indicate there be a cautious approach with the designing of the septic systems and determined that a pressurized distribution system be considered to prevent the uneven distribution of effluent to avoid instability of localized saturated soils. EMS also recommended that Erosion Control Measures be implemented to further prevent any destabilization that could occur.

From my standpoint, working with small lots (Murray's Addition, Sportsman's Park, Pine Hollow) is a major challenge once they've been developed because finding a suitable replacement site can be limited. Since these lots have not been developed yet, NCPHD can require certain criteria to be met before approving a structural permit for sanitation, or a construction permit for onsite wastewater disposal however, larger lots such as the ones proposed do provide more room for adjustments (even if they're on easements). Many times, people may build something in an area that doesn't require a permit and don't think about that space being the only suitable replacement area which can compound an already difficult situation.

While the hypothetical situations are endless as to what could occur in any development, I do believe that expanding the footprint of these lots would be more suitable than trying to squeeze in several ATT systems on smaller lots if they were found to be approved for onsite wastewater treatment.

This replat has had several environmental specialists provide insight into the proposed development, in which I cannot see anything that would keep this from moving forward as long as it's designed and installed appropriately.

Sorry for the late response and feedback to your inquiry Daniel. This development has a few layers that I really wanted to feel confident with my input when addressing your questions.

I hope this helps. Feel free to reach out anytime if you have questions.

Eric Grendel
Environmental Health, REHS
North Central Public Health District
419 E. 7th St. The Dalles, OR 97058
ericg@ncphd.org
Ph:(541)506-2622
Cell:(541)993-0021
(He/Him)

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Subdivision Comments [File No. 921-23-000023-PLNG]

7 messages

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 11:19 AM
To: jwood@mcfr.org

Good morning Chief Wood,

We recieved a subdivision to replat 66 lots to 6 lots within the Columbia Crest Addition Subdivision Scenic Area:
.

Map/Tax Lot	Acct. #	Acres
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

The proposal seeks to vacate "paper roads" in the Columbia Crest Subdivision and dedicate a single point of access (see Cavern Way Cu-De-Sac in maps below). The subdivision replat proposes a new publicly dedicated road “Cavern Way” (Cul-De-Sac) which will provide access to Lots 3, 4, 5, and 6. Lots 1 and 2 will have access by the existing publicly dedicated “Sandstone Way” and/or "Hermits Way".

The proposed Cul-De-Sac will be 22' wide paved with 2' wide gravel shoulders (50' wide road tract). I've provided a couple of maps I've created and the actual subdivision Pdf. Maps. The entire application is located

I'm hoping to get your professional opinion concerning fire safety. A pre-notice was sent on March 16, 2023 for comments, and a Planning Commission hearing for the decision will be heard on August 1.

Thanks for your help.

Respectfully,

Daniel

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Vacated Roads

Map 2

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Road

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Prince Hts Plans - Prelim Plat and Survey Exhibits (1).pdf
2810K

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 11:41 AM
To: jwood@mcfr.org

Hi Chief Wood,

I forgot to mention that the cul-de-sac proposes a 590' Length and will have a 48' radius turnaround.

Thanks for your assistance.

Respectfully,

Daniel
[Quoted text hidden]

Jay Wood <jwood@mcfr.org> Wed, Jun 28, 2023 at 9:17 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good morning,

I was out of the office Monday and worked on this yesterday. To be clear, page 4 of the PDF you sent over is the proposed, and if so here are the requirements for access and water supply as per Oregon Fire Codes (OFC). All these requirements would come into play upon building.

Fire Apparatus Access:

- The fact that this is over 2 residential lots/buildings, these requirements come into play, again upon building. Access roads need to extend to within 150 feet of each structure on each lot. The 150 feet is from where we park the fire apparatus and then around the exterior of the building (where we would potentially pull the hose for fire attack). See note below regarding individual driveways on the lots.
- The rest of the access specifications come from Appendix D of the OFC
  - The height of the access needs to be at least 13’6” along the entire access road. Trees will need to be maintained at that height throughout and any overhead signs, etc as well.
  - The driving surface needs to be “all weather” though there is no good interpretation of what this really means. Generally accepted is concrete and/or asphalt. For a one or two lot development, a gravel driveway suffices. See note below about driveways on individual lots.
  - The access road must support an imposed load of 85,000, the gross weight of our heaviest fire apparatus including driveways.
  - Minimum width of the access road is 26’ driving surface for two reasons;
    - Access roads great than 500 feet require 26’ width
    - Hydrants will be required so the road must be 26’ (see water supply below).
  - Grade shall be 10 percent of slope or less. There is the short pitch of greater than 10 percent allowed if necessary and by approval of the Fire District.
  - Dead end roads greater than 150 feet must have a turnaround. The cul-de-sac works as a turnaround; however, the minimum dimension of the cul-de-sac is 96 feet. Alternatives could be a hammer head “T”, a “Y” or other arrangement that has at least 2 legs that are at a minimum of 60 feet in length.
  - No Parking Signs will be required unless the access road is greater than 32’ in width.
    - At exactly 26’ width, signs on both sides are required.
    - Greater than 26’ width only requires on side to be signed.
    - Signs have to be a minimum of 12” wide by 18” high with red letters with white reflective background. Wording of “No Parking” and “Fire Lane” are required. Arrows can be used if a portion of the roadway is greater than 32’ then necks down to less than 32’.
  - Probably not an issue with this as it’s residential, but if the building heights are 30’ or three stories, two roads to access the buildings are required (access for ladder truck)
- Structures on the lots must be within the 150’ from the access road OR they must have access roads/driveways that meet the height, weight, grade and turnaround requirements. Width can be reduced to 12’ drivable surface on individual lots with one or two dwellings (such as an ADU)
- There is the possibility of exceptions to some of these requirements if the dwellings (not garages, outbuildings) have an approved automatic fire sprinkler system installed in the residences. Typically, we see this with grades greater than 10 percent of slope or hydrant placement issues due to underground issues (rock usually), however, we can discuss further with you and/or the developer.

Water supply

- Because there is a water system in that area (Chen. Water PUD), one or more hydrants will be required. The hydrant/hydrant system will need to flow 1,000 Gallons per minute with a 20 pounds per square inch residual pressure.
    - If all of the homes will have sprinklers, that can be dropped to 500 gallons per minute at 20 psi residual.
    - If 1,000 gallons, the flow has to have the capacity to be maintained for 1-hour. If 500 gallons, then the duration is ½-hour.
    - The developer may be required to provide the available fire flow as noted if the water system cannot support the requirements. That can be in the form of:
        - their own water system of reservoirs and hydrant(s)
        - supplementing the current water system by paying for upgrades to the public system.
- Maximum distance from a dwelling to a hydrant is 200 feet. In other words, a hydrant will need to be installed within 200' of the center of the cul-de-sac (after being redrawn with the correct diameter requirement). This will need to be discussed if the dwellings are not near the cul-de-sac end of the lots (set back from the cul-de-sac with a driveway). If dwellings/buildings are set back from the street, it may be best to install the hydrant at the cul-de-sac.
    - This can be increased to 250' if sprinklers installed.
- Another hydrant would need to be installed within 500 feet of the one servicing the cul-de-sac. This can be increased to 625' if sprinklers are installed in all dwellings on each of the subject lots.
- Lot 1, if accessed by Sandstone Way will have to be situated so it is within that 500'/625' or an additional hydrant will need to be installed.

Please let me know if you have any questions. I'd be happy to get out of the office and meet with you and/or the developer as needed.

Thank you for reaching out on this one. I didn't see the earlier notice (but did get the email). Not sure how I missed this one.

Jay

Jay Wood, Division Chief

Prevention/Public Education

Mid-Columbia Fire and Rescue

1400 W. 8th Street

The Dalles, Oregon 97058

jwood@mcfr.org

Office: 541-296-9445

Cell: 541-993-1677

Educate, Serve and Protect

[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

> Good morning Chief Wood,
>
> [Quoted text hidden]

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Vacated Roads

Map 2

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Road

--

Daniel Dougherty | ***Senior Planner***

PLANNING DEPARTMENT

danield@co.wasco.or.us | http://www.co.wasco.or.usdepartments/planning/index.php

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[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Wed, Jun 28, 2023 at 4:26 PM
To: Sean Bailey <seanb@co.wasco.or.us>

Hi Sean,

I've forwarded you Chief Woods' comments.

Respectfully,

Daniel
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jun 29, 2023 at 3:50 PM
To: Jay Wood <jwood@mcfr.org>

Chief Wood,

Many thanks for your comments. I've got an additional item I'd like your feedback on as it's discretionary.

There's a criterion in our Land Divisions Chapter 21:

L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Concerning "Sandstone Way" that will provide primary access from Cherry Heights to the proposed Cavern Way cul-de-sac: I measured Sandstone to be approximately 35' wide at Cherry Heights, roughly 30' w at the first eastward turn, and approximately 25' w at Hermits Way. This is a public road of local access, and I'm not sure when it was actually built, or to what standards it was built to. The original subdivision plat has Sandstone at 50' w. I'm trying to determine if the replat warrants the widening of Sandstone. Do you believe the request warrants Sandstone to be widened based on potential fire safety standards? Truthfully, if the developer could figure out how to make the septic system work, they could sell the existing 66 small lots and not necessarily have to deal with Sandstone Way at all...they might have to build out the platted paper roads approved under the original plat, but there'd be no mechanism under Planning to require additional right of way.

Thanks for the help! I'll likely have additional questions as we proceed.

Respectfully,

Daniel

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Sun, Jul 9, 2023 at 4:41 PM
To: Jay Wood <jwood@mcfr.org>

Good afternoon Chief Wood,

I've provided your comments in the staff report and relied upon them for findings and conditions of approval regarding our cul-de-sac criterion:

Chapter 21 Land Divisions Section 21.030.G

G. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 11 and the local fire department.

I'm hoping to get your feedback concerning the following findings/conditions, so that I can square them away prior to the hearing (It's quite a process to alter them after a decision is made).

In general, dead end (cul-de-sac) roads are not desirable, but considering the geography of the area and limited suitable spaces to locate septic drain fields, the following recommended 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 fire apparatus access:

(1) To ensure access roads extend to within 150 feet of each structure on each lot, a **condition** of approval is recommended requiring that 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.

(2) To ensure that no obstacles exist for fire apparatus access, a **condition** of approval is recommended requiring that 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.

(3) To ensure the public is notified of restricted parking areas for fire apparatus, a **condition** of approval is recommended requiring that signage be provided on both sides of the Cavern Way cul-de-sac road, and that the signage must be a minimum of 12" wide x 18" high with red letters with white reflective background with wording of "No Parking" and "Fire Lane".

(4) To ensure that all fire apparatus have access to the proposed Lots 3-6 along the Cavern Way cul-de-sac road, a **condition** of approval is recommended requiring that 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, and that the grade shall be 10 percent of slope or less. 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.

According to Chief Wood, the subdivision area is within the Chenowith Water District. The Wasco County Geographic Information System "Water Districts" map layer provides that the water district is the Columbia Crest Water District. In any case, in consideration of water supply for fire apparatus, the following recommended 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:

(1) To ensure on-site water is available for structural fire protection, a **condition** of approval is recommended that fire hydrants shall be provided at least 200 feet from all designated development areas for the proposed Lots 1-6; or

(2) 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, a **condition** of approval is recommended that fire hydrants shall be provided at least 250 feet from all designated development areas for the proposed Lots 1-6.

(3) A **condition** of approval is recommended that a fire hydrant shall be provided within 500 feet of the fire hydrant servicing the cul-de-sac; or

(4) 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, a **condition** of approval is recommended that the fire hydrant shall be provided within 625 feet of the fire hydrant servicing the cul-de-sac.

(5) If Lot 1 is accessed by Sandstone Way, a **condition** of approval is recommended requiring that 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

(6) 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, a **condition** of approval is recommended 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.

(7) 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

(8) 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, a **condition** of approval is recommended that 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.

(9) To ensure the proposed fire hydrants can meet required flow rate conditions, a **condition** of approval is recommended that prior to public dedication of the proposed Cavern Way cul-de-sac, the subdivider shall provide objective substantial evidence from the local fire district that the proposed fire hydrants will have the required flow rates; or

(10)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.

Thanks for your feedback.

Respectfully,

Daniel

On Wed, Jun 28, 2023 at 9:17 AM Jay Wood <jwood@mcfr.org> wrote:

[Quoted text hidden]

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Sun, Jul 9, 2023 at 4:48 PM
To: Jay Wood <jwood@mcfr.org>

I missed the cul-de-sac requirement, and added it into Access Condition 4:

(4) To ensure that all fire apparatus have access to the proposed Lots 3-6 along the Cavern Way cul-de-sac road, a **condition** of approval is recommended requiring that 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.

Respectfully,

Daniel

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Subdivision Comments [File No. 921-23-000023-PLNG]

8 messages

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 10:13 AM
To: Arthur Smith <arthurs@co.wasco.or.us>, Bradley Cross <bradleyc@co.wasco.or.us>

Good morning,

We recieved a subdivision to replat 66 lots to 6 lots within the Columbia Crest Addition Subdivision Scenic Area:
.

Map/Tax Lot	Acct. #	Acres
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

I know the proposal has been tossed around since at least 2018, and we've discussed the process on road vacation and road dedications.

Correct me if I'm wrong, but from my understanding, the BOCC can't vacate the existing Cavern Way, Sandstone Way, and Granite Way roads before it dedicates the new Cavern Way. The Planning Commission will make a decision in the matter (Preliminary Plan) on August 1. I'm trying to figure out how to condition the dedication and vacation so it works with any requirements you folks might have for the final plat. I'm also looking for any technical feedback you might have. I'll send additional questions in this thread as they arise.

I've attached a couple of maps, the Pdf. subdivision plan and linked the online location of the application (See File No. 921-23-000023-PLNG): https://www.co.wasco.or.us/departments/planning/active_landuse_applications.php.

Thanks for the help.

Respectfully,

Daniel

See maps below:

Columbia Crest Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Vacated Roads

Map 2

Prince Heights Subdivision Road Map

Developed Roads

Undeveloped Roads "Paper Roads"

Proposed Road

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Email is still the best way to reach me!

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It is informational only and a matter of public record.

Prince Hts Plans - Prelim Plat and Survey Exhibits (1).pdf
2810K

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jun 26, 2023 at 10:47 AM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: Bradley Cross <bradleyc@co.wasco.or.us>

We received a petition to vacate several roads within the Columbia Crest Addition back in May, 2022. The Smilekel Group made that request. I would need an updated road vacation petition, clearly showing what roads or sections of road are proposed for vacation. Then, depending on the Planning Commission decision, we could move forward with the BOC on the vacations, pending approval of the new road dedications / subdivision plat. Brad and I have discussed this issue before. Thanks

Arthur
[Quoted text hidden]
--

Arthur Smith | ***Director***
PUBLIC WORKS

arthurs@co.wasco.or.us | www.co.wasco.or.us
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2705 East 2nd Street | The Dalles, OR 97058

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 11:48 AM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

Thanks for the update. Do you have opinions of the potential impact this proposal will have on Cherry Heights Road or Sandstone Way/Hermits Way?

Anticipated ADT impacts to existing roads?

The proposed Cul-De-Sac will be 22' wide paved with 2' wide gravel shoulders (50' wide road tract), will be 590' in length, and have a 48' radius (96' diameter) turnaround. The application provides that the road will be maintained by the homeowners with a maintenance agreement.

Respectfully,

Daniel

[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jun 26, 2023 at 1:38 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Daniel,

Cherry Heights is a fully maintained county road, with an ADT over 1500. Adding a few additional lots and traffic trips will not adversely impact that road. Sandstone, Hermits Way are currently public roads of local access. They are paved roads, in fair shape, but they are not maintained by the county. I am not looking to add them into the county road system. Please make sure a homeowners association or

road maintenance agreement is a requirement of the subdivision approval. Thanks

Arthur
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jun 29, 2023 at 3:44 PM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

Thanks for the comments. There's a criterion in our Land Divisions Chapter 21:

L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Concerning "Sandstone Way" that will provide primary access from Cherry Heights to the proposed Cavern Way cul-de-sac: I measured Sandstone to be approximately 35' wide at Cherry Heights, roughly 30' w at the first eastward turn, and approximately 25' w at Hermits Way. This is a public road of local access, and I'm not sure when it was actually built, or to what standards it was built to. The original subdivision plat has Sandstone at 50' w. I'm trying to determine if the replat warrants the widening of Sandstone. Do you believe the request warrants Sandstone to be widened based on the proposed replat and potential traffic. Truthfully, if the developer could figure out how to make the septic system work, they could sell the 66 small lots and not necessarily have to deal with Sandstone Way at all...they might have to build out the platted paper roads, but there'd be no mechanism under Planning to require additional right of way.

Thanks for the help! I'll likely have additional questions as we proceed.

Respectfully,

Daniel
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jun 29, 2023 at 3:47 PM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

Accidentally sent my email to you before it was ready. See below:

Thanks for the comments. There's a criterion in our Land Divisions Chapter 21:

L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Concerning "Sandstone Way" that will provide primary access from Cherry Heights to the proposed Cavern Way cul-de-sac: I measured Sandstone to be approximately 35' wide at Cherry Heights, roughly 30' w at the first eastward turn, and approximately 25' w at Hermits Way. This is a public road of local access, and I'm not sure when it was actually built, or to what standards it was built to. The original subdivision plat has Sandstone at 50' w. I'm trying to determine if the replat warrants the widening of Sandstone? Do you believe the request warrants Sandstone to be widened based on the proposed replat and potential traffic? Truthfully, if the developer could figure out how to make the septic system work, they could sell the 66 small lots and not necessarily have to deal with Sandstone Way at all...they might have to build out the platted paper roads, but there'd be no mechanism under Planning to require additional right of way.

Thanks for the help! I'll likely have additional questions as we proceed.

Respectfully,

Daniel
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jul 3, 2023 at 8:37 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good morning,

The existing roadway widths are adequate to serve the additional lots and appear to have been built to meet our minimum road standards. I would not require any road widening. My only request would be for a Road Maintenance Agreement or Homeowners Agreement to ensure that the public roads are maintained after development. Thanks

Arthur
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Wed, Jul 12, 2023 at 11:20 AM
To: Arthur Smith <arthurs@co.wasco.or.us>, Bradley Cross <bradleyc@co.wasco.or.us>

Gentleman,

I'm looking for feedback pertaining to the following conditions of approval concerning the proposed Prince Heights Subdivision Caver Way cul-de-sac road dedication and the necessary road vacations for Sandston Way (portion), Caver Way, and Granite Way roads in the existing Columbia Crest Addition Subdivision.

Pertaining to Road Maintenance:

Based on Mr. Smith's commentary and the implementation policies within the Wasco County Comprehensive Plan, staff recommends the following **conditions** of approval be achieved prior to final subdivision plat approval:

(1) A waiver of remonstrance for future publicly funded road improvements for the proposed Cavern Way road be recorded with the Wasco County Clerk; and

(2) 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.

With the recommended conditions, staff finds the request is consistent with the goals and policies of the Comprehensive Plan and Section 21.300.C.1.

Pertaining to the Road Vacation and Dedication:

The proposed Cavern Way cul-de-sac road has not been constructed, and cannot be dedicated until the existing dedicated roads have been properly vacated. However, the existing dedicated Sandstone Way (portion), Cavern Way, and Granite Way roads cannot be vacated before the proposed subdivision and road dedication are approved because the existing lots within the Columbia Crest Addition Subdivision would be left without public access. Staff has conferred with the Wasco County Public Works Director Arthur Smith and the Wasco County Surveyor Brad Cross, and recommends the following **condition** of approval: The final road vacation for Sandstone Way (portion), Cavern Way, and Granite Way roads shall be conditioned to take effect only upon the final approval of the proposed Prince Heights Subdivision plat and the approved public dedication of the proposed Cavern Way cul-de-sac road.

Please let me know what you think. Thanks for your assistance.

Respectfully,

Daniel

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Subdivision Sidewalks

8 messages

Daniel Dougherty <danield@co.wasco.or.us> Thu, Jul 13, 2023 at 11:09 AM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

I'm looking for feedback pertaining to sidewalk and bike lane criteria for the proposed subdivision. Do you think that the request needs sidewalks or bicycle lanes? The area currently lacks sidewalks, bicycle lanes and has a low residential density.

> *1. When necessary, and consistent with Wasco County's standards, sidewalks shall be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:*
>
> > *a. The subject property is located within one-quarter mile of a school, shopping center, recreation area, or other use likely to create pedestrian traffic; or*
> >
> > *b. The surrounding area is developed with sidewalks or is zoned for commercial, industrial or urban residential uses.*
>
> *2. Sidewalk(s) shall be constructed to applicable standards (see Table 2 Urban Wasco County Roadway Design Standards in the Wasco County Transportation System Plan). Sidewalk requirements may be waived, or may be deferred through a road improvement agreement when, in the opinion of the County, sidewalks would not be immediately necessary to accommodate pedestrian traffic.*
>
> *3. Bicycle facilities shall be required along new roads when necessary to extend an existing bicycle route, or when a bicycle route or way is proposed within an adopted Transportation System Plan.*

Thanks for the help.

Respectfully,

Daniel
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Email is still the best way to reach me!

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It is informational only and a matter of public record.

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jul 17, 2023 at 8:50 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Daniel,

Wasco County's Rural road standards do not include sidewalks, curbs or gutters. I would apply the Rural road standards here, unless you believe that the City of The Dalles is interested in annexing this development?. Most county roads are "shared" roadways, with no dedicated bike lanes, so I would not recommend a bike lane.

Arthur
[Quoted text hidden]
--

Arthur Smith | ***Director***
PUBLIC WORKS

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Daniel Dougherty <danield@co.wasco.or.us> Mon, Jul 17, 2023 at 2:32 PM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

I don't believe the City is interested. Thanks for the feedback.

Another question:

Have you published:

A. Drawings

1. The County Road Master shall have the authority to publish "Standard Drawings" for the design of public streets and roads. These drawings may be included in the separately adopted document listed in B(1) above.

Respectfully,

Daniel
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jul 17, 2023 at 2:36 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

We may have some drawings for typical road cross sections in our TSP (from 2009). That was done before I became Director. However, we defer to the ODOT / APWA standard drawings and specifications. Thanks

Arthur
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jul 17, 2023 at 2:45 PM
To: Arthur Smith <arthurs@co.wasco.or.us>

Excellent. Thank you for your comments. I think that's about it. I should have the Staff Report and recommended Conditions of Approval finished by tomorrow. Can I shoot the road related conditions your way for a quick once over?

Respectfully,

Daniel
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Mon, Jul 17, 2023 at 2:52 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Yes, no problem.
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Tue, Jul 18, 2023 at 9:25 AM
To: Arthur Smith <arthurs@co.wasco.or.us>

Hi Arthur,

I've got three more questions for you if you have the time. There's three more sections that need findings, concerning adjacent roadway improvements, access improvements (traffic study, and pedestrian access). In the case of ublic, agency, or interest group comments, I want to make sure I've buttoned up or covered any possible concerns. I know we've addressed these issues in prior sections, but comments specific to the sections would be extremely helpful.

First
Section 21.440 Roadway Improvement Standards
A. Roadway Requirements: No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:
1. A development may be approved if the adjacent roadway does not meet the standards but halfstreet improvements meeting the standards of this title are constructed adjacent to the development.

Based on the application materials and your previous statements, I don't believe that adjacent roadways (primarily Sandstone and Hermits Way) need to be improved, and meet the standards, but additional comments would be helpful.

Second
Section 21.450 Access Control Standards.
1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)

This entire section is concerned with access to the subdivision. Primary public access comes from Cherry Heights via Sandstone Way (and/or Hermits for Lots 1 &2) and for Lots 3, 4, 5, and 6, the proposed Cavern Way cul-de-sac road. Based on the application materials and your previous statements, I don't believe that access control will be an issue, but additional comments would be helpful.

Third
Section 21.460 Pedestrian Access and Circulation
A. Site Layout and Design - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system.

You've made comment that considering the rural nature of the subdivision area, sidewalks will not be required. The overall application, density of the area, and history of the developed lots within the existing Columbia Crest Addition do not support requiring pedestrian access for the 6 proposed replatted lots, but additional comments would be helpful.

Thanks for your help.

Respectfully,

Daniel
[Quoted text hidden]

Arthur Smith <arthurs@co.wasco.or.us> Tue, Jul 18, 2023 at 10:51 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Daniel,

Thank you for the opportunity to comment - see below:

First
Section 21.440 Roadway Improvement Standards
A. Roadway Requirements: No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:
1. A development may be approved if the adjacent roadway does not meet the standards but half street improvements meeting the standards of this title are constructed adjacent to the development.

Based on the application materials and your previous statements, I don't believe that adjacent roadways (primarily Sandstone and Hermits Way) need to be improved, and meet the standards, but additional comments would be helpful.

Based on my recent inspections, the adjacent public roadways - Sandstone Way and Hermits Way meet our rural road standards. The first portion of Sandstone Way is county maintained, and both roadways are paved surface roads, with adequate width and drainage. I would not recommend any road improvements on these adjacent roads.

Second
Section 21.450 Access Control Standards.
1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)

This entire section is concerned with access to the subdivision. Primary public access comes from Cherry Heights via Sandstone Way (and/or Hermits for Lots 1 &2) and for Lots 3, 4, 5, and 6, the proposed Cavern Way cul-de-sac road. Based on the application materials and your previous statements, I don't believe that access control will be an issue, but additional comments would be helpful.

I have reviewed the existing average daily traffic volumes for Cherry Heights Road and Sandstone Way - I have no data for the public roads. These roads can easily absorb the additional traffic generated by the proposed development and will not cause any increased maintenance. I do not foresee any access control issues resulting from this development.

Third
Section 21.460 Pedestrian Access and Circulation
A. Site Layout and Design - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system.

You've made comment that considering the rural nature of the subdivision area, sidewalks will not be required. The overall application, density of the area, and history of the developed lots within the existing Columbia Crest Addition do not support requiring pedestrian access for the 6 proposed replatted lots, but additional comments would be helpful.

As I stated before, most rural county roads are shared use roads - drivers, bicyclists and pedestrians all have the same right to travel the public roadway. Our rural road standards do provide for a shoulder area outside the paved road and that shoulder is adequate for the expected pedestrian use to be generated by this development (pedestrians can obviously walk along the main roadway, when not in conflict with vehicular traffic). I would not recommend any additional pedestrian path or pedestrian system.

Thank you,

Arthur
[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us>

Inquiry [File No. 921-23-000023-PLNG]

21 messages

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 8:47 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

I hope your weekend went well. As I dive deeper into the staff report, I'll likely submit questions to you.

Question 1: The leftover TRACT "A" (1.31 Acres). Who will own it, maintain it (HOA?)

Section 21.030.F

> *3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.*

"Leftover lot areas" aren't necessarily defined, but Tract A as a leftover private open space tract might fall within that definition if pressed. The lots within the subdivision are being enlarged to approximate the minimum zone size, but more information about Tract A will help address this criterion.

Respectfully,

Daniel
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Elizabeth Betts <elizabeth@kleinassocinc.com> Mon, Jun 26, 2023 at 9:14 AM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: Jim Klein <jimk@kleinassocinc.com>

Hi Daniel,

Tract A will be owned by the HOA. It is open space and will also contain easements for some of the septic drainfields. I'm curious whether a Tract considered a leftover lot area since it will never be proposed to be built on?

Best,

Elizabeth Betts, PE

Klein & Associates, Inc

Office: 541-386-3322

Web: kleinassocinc.com

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Monday, June 26, 2023 8:47 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

I hope your weekend went well. As I dive deeper into the staff report, I'll likely submit questions to you.

Question 1: The leftover TRACT "A" (1.31 Acres). Who will own it, maintain it (HOA?)

Section 21.030.F

> *3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.*

"Leftover lot areas" aren't necessarily defined, but Tract A as a leftover private open space tract might fall within that definition if pressed. The lots within the subdivision are being enlarged to approximate the minimum zone size, but more information about Tract A will help address this criterion.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***

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danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Daniel Dougherty <danield@co.wasco.or.us> Mon, Jun 26, 2023 at 11:23 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Is a covenant proposed for Tract A keeping it open-space?

Also,

Section 21.030.
P. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 11 and the local fire department.

Can you provide additional details as to why the Cul-de-sac is being proposed as opposed to a through street? I'm guessing slope and elimination of developable land to be used for septic fields, but if you can provide additional details that would be great.

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Elizabeth Betts <elizabeth@kleinassocinc.com> Mon, Jun 26, 2023 at 1:42 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

We will have CCR's that protect the open space. I don't have CCR's yet for this subdivision – they are usually put together by the developer's lawyer, but here's a sample of one I've used in the past.

Open Space Tract:

a. *The designated open space tract within the subdivision shall be preserved in perpetuity and shall not be developed or altered for any purpose.*

For the cul-de-sac, you are correct in your thoughts. My primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations.

Best,

Elizabeth

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Tue, Jun 27, 2023 at 11:20 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Thanks for the additional information.

Pertaining to 21.030.L
L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Arthur Smith provided that Sandstone and Hermits Way are local roads of public access that are not maintained by the County. Per application materials, the newly proposed Cavern Way cul-de-sac will be publicly dedicated (local road of public access) and maintained by the HOA (a condition of approval will be added to the decision ensuring this occurs). Two questions:

(1) Are there plans to provide for the maintenance of the existing Sandstone and Hermits Way roads?
(2) What is current condition of Sandstone and Hermits Way roads? Every indication I have is that they are paved, at least 30' wide (maybe wider), and meet existing Fire Safety Standards.

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Email is still the best way to reach me!

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Elizabeth Betts <elizabeth@kleinassocinc.com> Wed, Jun 28, 2023 at 12:39 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

For your questions below:

1. There is normally a road maintenance agreement for privately maintained roads. I do not know how the road maintenance agreement (if there is one) is set up for the existing Sandstone or Hermit's Way. If these parcels were part of that agreement, then they would need to participate in the maintenance. Does Arthur have that documentation? I don't believe that Hermit's Way would be impacted or accessed by this subdivision other than the sawcuts for water and dry utility trench, which will be restored/paved; therefore maintenance of Hermit's Way does not seem to be something that would be indicated for this project.

The existing ROW on both roads is 50'. We are also revising and dedicating ROW on Sandstone in the curve so that the existing road will actually be in ROW (it was constructed outside of ROW).

2. The streets are paved and appear to be in decent condition. The pavement in our limited survey area on Sandstone exceeds 20' width (varies up to 24') and gravel shoulders are about 2' wide. I've attached a photo of Sandstone taken during surveying a few years ago as well as one of the intersection of Sandstone and Hermit's looking east on Hermit's. Again, I don't believe that Hermits Way would be impacted or used by this subdivision other than the sawcuts for water and dry utility trench, which will be restored/paved, so width of Hermit's would not be pertinent to this project since access will be from Sandstone.

Hope that helps – let me know if you have additional questions.

Best regards,

[Quoted text hidden]

2 attachments

IMG_4489.JPG
6874K

20211117_121310.jpg
4491K

Daniel Dougherty <danield@co.wasco.or.us> Wed, Jun 28, 2023 at 4:25 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good afternoon,

I've provided Chief Woods (Mid Col. Fire Dept.) comments for your reference:

Good morning,

I was out of the office Monday and worked on this yesterday. To be clear, page 4 of the PDF you sent over is the proposed, and if so here are the requirements for access and water supply as per Oregon Fire Codes (OFC). All these requirements would come into play upon building.

Fire Apparatus Access:

- The fact that this is over 2 residential lots/buildings, these requirements come into play, again upon building. Access roads need to extend to within 150 feet of each structure on each lot. The 150 feet is from where we park the fire apparatus and then around the exterior of the building (where we would potentially pull the hose for fire attack). See note below regarding individual driveways on the lots.
- The rest of the access specifications come from Appendix D of the OFC

- The height of the access needs to be at least 13’6” along the entire access road. Trees will need to be maintained at that height throughout and any overhead signs, etc as well.
- The driving surface needs to be “all weather” though there is no good interpretation of what this really means. Generally accepted is concrete and/or asphalt. For a one or two lot development, a gravel driveway suffices. See note below about driveways on individual lots.
- The access road must support an imposed load of 85,000, the gross weight of our heaviest fire apparatus including driveways.
- Minimum width of the access road is 26’ driving surface for two reasons;
  - Access roads great than 500 feet require 26’ width
  - Hydrants will be required so the road must be 26’ (see water supply below).
- Grade shall be 10 percent of slope or less. There is the short pitch of greater than 10 percent allowed if necessary and by approval of the Fire District.
- Dead end roads greater than 150 feet must have a turnaround. The cul-de-sac works as a turnaround; however, the minimum dimension of the cul-de-sac is 96 feet. Alternatives could be a hammer head “T”, a “Y” or other arrangement that has at least 2 legs that are at a minimum of 60 feet in length.
- No Parking Signs will be required unless the access road is greater than 32’ in width.
  - At exactly 26’ width, signs on both sides are required.
  - Greater than 26’ width only requires on side to be signed.
  - Signs have to be a minimum of 12” wide by 18” high with red letters with white reflective background. Wording of “No Parking” and “Fire Lane” are required. Arrows can be used if a portion of the roadway is greater than 32’ then necks down to less than 32’.
- Probably not an issue with this as it’s residential, but if the building heights are 30’ or three stories, two roads to access the buildings are required (access for ladder truck)

- Structures on the lots must be within the 150’ from the access road OR they must have access roads/driveways that meet the height, weight, grade and turnaround requirements. Width can be reduced to 12’ drivable surface on individual lots with one or two dwellings (such as an ADU)
- There is the possibility of exceptions to some of these requirements if the dwellings (not garages, outbuildings) have an approved automatic fire sprinkler system installed in the residences. Typically, we see this with grades greater than 10 percent of slope or hydrant placement issues due to underground issues (rock usually), however, we can discuss further with you and/or the developer.

Water supply

- Because there is a water system in that area (Chen. Water PUD), one or more hydrants will be required. The hydrant/hydrant system will need to flow 1,000 Gallons per minute with a 20 pounds per square inch residual pressure.
  - If all of the homes will have sprinklers, that can be dropped to 500 gallons per minute at 20 psi residual.
  - If 1,000 gallons, the flow has to have the capacity to be maintained for 1-hour. If 500 gallons, then the duration is ½-hour.
  - The developer may be required to provide the available fire flow as noted if the water system cannot support the requirements. That can be in the form of:
    - their own water system of reservoirs and hydrant(s)
    - supplementing the current water system by paying for upgrades to the public system.
- Maximum distance from a dwelling to a hydrant is 200 feet. In other words, a hydrant will need to be installed within 200’ of the center of the cul-de-sac (after being redrawn with the correct diameter requirement). This will need to be discussed if the dwellings are not near the cul-de-sac end of the lots (set back from the cul-de-sac with a driveway). If dwellings/buildings are set back from the street, it may be best to install the hydrant at the cul-de-sac.

- This can be increased to 250’ if sprinklers installed.
- Another hydrant would need to be installed within 500 feet of the one servicing the cul-de-sac. This can be increased to 625’ if sprinklers are installed in all dwellings on each of the subject lots.
- Lot 1, if accessed by Sandstone Way will have to be situated so it is within that 500’/625’ or an additional hydrant will need to be installed.

Please let me know if you have any questions. I’d be happy to get out of the office and meet with you and/or the developer as needed.

Thank you for reaching out on this one. I didn’t see the earlier notice (but did get the email). Not sure how I missed this one.

Jay

Jay Wood, Division Chief

Prevention/Public Education

Mid-Columbia Fire and Rescue

1400 W. 8th Street

The Dalles, Oregon 97058

jwood@mcfr.org

Office: 541-296-9445

Cell: 541-993-1677

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--

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danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Daniel Dougherty <danield@co.wasco.or.us> Wed, Jun 28, 2023 at 4:51 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good afternoon,

(1) The application materials provided Lots 1 & 2 will access "from existing public roads (existing Sandstone Way or Hermits Way)". Negating Hermits Way, my concern is making sure that Sandstone (at the very least) meets the current conditions of a "Rural Local Road" in accordance with Table 21-1 – Rural Wasco County Public Roadway Design Standards, located in Chapter 21 of the NSA-LUDO. Arthur's didn't express any concern with the proposed replat subdivision concerning Average Daily Trips. His primary concern was to make it clear that the county doesn't maintain Sandstone Way, Hermits Way, ect..., and that the new Cavern Way should contain a road maintenance agreement. I'm not sure when Sandstone & Hermits Way were constructed, what the standards were in 1953, or when they were constructed, but since this is a current land use application seeking preliminary approval of a new subdivision where primary access will come from Sandstone Way, we'll have to ensure that at the very least the existing access way meets or will meet current standards. I've also forwarded you Chief Woods' comments.

Respectfully,

Daniel

Table 21-1 – Rural Wasco County Public Roadway Design Standards

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain[1]	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	[2]	[2]	1,470	[2]	[2]	1,835	[2]	[2]	2,135	[2]	[2]
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing[3]	75			100			100			150			300			500		

[1] L= Level, R=Rolling, M=Mountainous
[2] See AASHTO manual for guidance.
[3] Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

[Quoted text hidden]

--

Daniel Dougherty | ***Senior Planner***
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Elizabeth Betts <elizabeth@kleinassocinc.com> Wed, Jun 28, 2023 at 4:56 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Thank you, Daniel,

I'll take a look at the info in you email and Chief Woods' email tomorrow and get back to you. If I recall correctly, our proposed cul-de-sac road width was based on the pre-app meeting, during which nothing was indicated to be done to Sandstone or Hermit's Way, so that is why we are not proposing any improvements to those roads. Anyway, I'll go through each comment from Chief Woods to make sure those are addressed.

Best,
Elizabeth

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From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Wednesday, June 28, 2023 4:51:09 PM
[Quoted text hidden]

[Quoted text hidden]

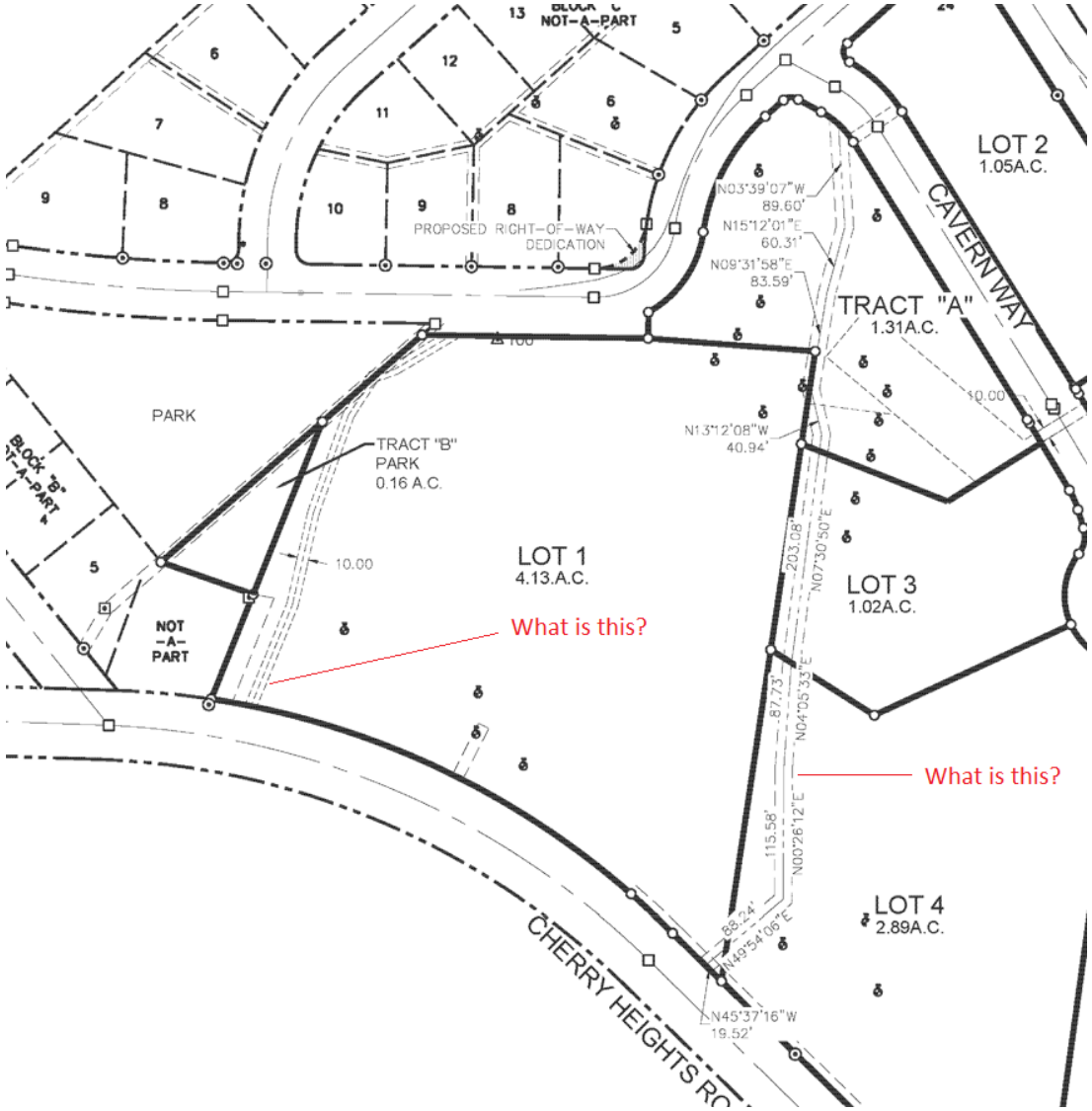
Daniel Dougherty <danield@co.wasco.or.us> Thu, Jun 29, 2023 at 4:55 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Hi Elizabeth,

Looking at the plat Sheet 5:

(1) Under Easement Note: "A new septic and access easement, over, under, and across that portion of Tract "B" for the benefit of Lots 3, 4, 5, 6, 7, and 8. I'm guessing this was for the original plan of 8 lots. Can you point me in the right direction of where this easement is on Sheet 5?

(2) I'm guessing the below are access/utility/stormwater easements.



Thanks for the help.

Respectfully,

Daniel

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 7:21 AM

To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

I want to confirm that Tract A is proposed to be used for the primary drain fields for Lots 1, 2, and 6.

Respectfully,

Daniel
[Quoted text hidden]

Elizabeth Betts <elizabeth@kleinassocinc.com> Fri, Jun 30, 2023 at 8:58 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

You are correct, that note should be updated for the current layout. The drainfields contained in Tract A are shown on the preliminary site plan, sheet C1.0: Lot 1 reserve, Lot 2 primary and reserve, Lot 6 primary and reserve. I will have our surveyor revise the Preliminary Plat sheet 5 with the correct note as well as turn on the drainfield easements for each of those drainfields and label the two easements you are pointing out below. The westernmost easement is for the existing water main. The other one is for the dry drainage channel that runs down the hill.

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Friday, June 30, 2023 7:22 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

I want to confirm that Tract A is proposed to be used for the primary drain fields for Lots 1, 2, and 6.

Respectfully,

Daniel

On Thu, Jun 29, 2023 at 4:55 PM Daniel Dougherty <danield@co.wasco.or.us> wrote:

> Hi Elizabeth,
>
> Looking at the plat Sheet 5:
>
> (1) Under Easement Note: "A new septic and access easement, over, under, and across that portion of Tract "B" for the benefit of Lots 3, 4, 5, 6, 7, and 8. I'm guessing this was for the original plan of 8 lots. Can you point me in the right direction of where this easement is on Sheet 5?
>
> (2) I'm guessing the below are access/utility/stormwater easements.

Thanks for the help.

Respectfully,

Daniel

On Wed, Jun 28, 2023 at 4:56 PM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

Thank you, Daniel,

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Best,

Elizabeth

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From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Wednesday, June 28, 2023 4:51:09 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

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Respectfully,

Daniel

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Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
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Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
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Preferred Access Spacing[3]	75			100			100			150			300			500		

[1] L= Level, R=Rolling, M=Mountainous
[2] See AASHTO manual for guidance.
[3] Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Fri, Jun 30, 2023 at 9:52 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Last question/issue for today.

The proposed Tract B (Public Park). Since the proposed park is adjacent to an existing platted park I'm interested to know who actually owns the existing park at:

Map: 1N 13E 5 AD 600
Account Number: 13902
Taxpayer: THE PUBLIC

Mailing Address: UNDETERMINED

I can't seem to locate the owner in fee for the property indicated as "Park" on the Col. Crest Addn. Subdivision. Do you know who owns the park (an HOA)? I've reached out to the Assessor's Office for assistance. I assume that Wasco County owns the property, but no one has indicated that is the case. Considering long term maintenance of public parks is/has been an issue in prior subdivision applications, I think it's important to (1) figure out who owns/maintains the existing park; and (2) look at long term maintenance solutions for the proposed park.

Respectfully,

Daniel

[Quoted text hidden]

--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Elizabeth Betts <elizabeth@kleinassocinc.com> Fri, Jun 30, 2023 at 1:08 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel –

Great question! Our client spent a lot of time researching the owner of the park, as they originally thought to incorporate it into their replat and dedicate park in another location on the project. They finally gave it up, and I don't think they found the owner. If I remember correctly, it may be the heirs and descendants of the original owners of the lots in the original subdivision. The subdivision requirements require the developer to dedicate park or pay the equivalent, so we dedicated park adjoining the existing park, thinking that was the best option.

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jul 10, 2023 at 6:59 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Is the dry drainage channel for the "apparent" seasonal water drainage? The Wasco County GIS does not delineate a waterway on the property, but a neighbor has made mention of a seasonal waterway near the same dry drainage channel illustrated on the plat (he wants the drainage way preserved). The application provides for a culvert under the road for the drainage. Satellite imagery doesn't really provide much regarding the usual vegetation along watercourses (seasonal or otherwise).

Thanks for your help.

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Elizabeth Betts <elizabeth@kleinassocinc.com> Mon, Jul 10, 2023 at 8:17 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good morning, Daniel,

Yes, that is the apparent drainage. I’ve never seen water in it, but it is there, so we are accommodating it. Our surveyors tied it so that we could add the easement.

[Quoted text hidden]

Daniel Dougherty <danield@co.wasco.or.us> Mon, Jul 10, 2023 at 1:00 PM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Hi Elizabeth,

Regarding Section 21.030.X.3:

3. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.

Lot 2 will have triple road frontage. Have your clients decided which road will provide primary access to Lot 2? If not, I think we might be able to craft a condition of approval that the final plat contain the vegetation easement and vehicle access restriction on the selected roads. We've done it before; however, we're now dealing with the developer who changed their mind post subdivision recording. Considering the issue, I'm not too sure if the Director would like to see that type of condition.

Respectfully,

Daniel
[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
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danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

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Elizabeth Betts <elizabeth@kleinassocinc.com> Mon, Jul 10, 2023 at 1:35 PM
To: Daniel Dougherty <danield@co.wasco.or.us>

Hi Daniel,

I'd see the access being along either Hermits or Cavern, rather than Sandstone. If the neighbors on Hermits appear opposed to access on Hermits, then it seems like access from Cavern would be appropriate so that we aren't impacting Hermits Way.

I've attached the revised preliminary plat with the easements and drainfields better noted.

[Quoted text hidden]

17-01-05-Prince Heights Sub 5 - rev.pdf
4544K

Daniel Dougherty <danield@co.wasco.or.us> Tue, Jul 11, 2023 at 9:22 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Good morning,

Thanks for the updated plat. Regarding Section 21.200.B.17.,

17. Proposed source of water supply, if any; 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.

Do you have the estimated volume to be available, or any specific data concerning water supply? I think the response given in the application:

> "Residential Evaluation
> Utilities
> Lots 1 and 2 will obtain water service from existing water mains in the existing roads. The developer proposes to install a 4" looped water main from the existing water mains in Sandstone Way and deadend main in Hermit's Way to serve lots 3-6. This plan has been discussed with Chenowith Water District, and they indicate that there is plenty of water plan for the proposed homes and they will let us know if they will require looping to Hermit's Way."

along with other recommended conditions of approval (specifically those provided for by Chief Wood) covers down on this requirement, and I will find the preliminary plan meets the criterion; however, if the public requests specific data at the hearing, it might be wise to have it available. I have reached out to Chenowith Water District for comment, but have not heard back from them.

Respectfully,

Daniel

[Quoted text hidden]
--

Daniel Dougherty | ***Senior Planner***
PLANNING DEPARTMENT

danield@co.wasco.or.us | **http://www.co.wasco.or.usdepartments/planning/index.php**

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

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Email is still the best way to reach me!

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It is informational only and a matter of public record.

Daniel Dougherty <danield@co.wasco.or.us> Tue, Jul 11, 2023 at 9:34 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>

Sorry about that, it's actually, 21.200.B.22

22. Proposed source of water supply, if any; 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.
[Quoted text hidden]

Elizabeth Betts <elizabeth@kleinassocinc.com> Tue, Jul 11, 2023 at 9:42 AM
To: Daniel Dougherty <danield@co.wasco.or.us>

Good morning, Daniel,

We have been in discussion with Tenneson (consulting engineer for Chenowith). Chenowith PUD said they have good supply up there, but I can ask them for specifics on the flow and pressure, if needed. As for gate valves, assuming we hot tap the main in Hermits Way, there will be a 6” gate valve there, a cluster of (2) 6” gate valves and 4” gate valve (to tie existing Sandstone/Ledge main south of Cavern) at the intersection of Sandstone/Ledge and our new Cavern Way, plus a 6” gate valve for the hydrant. Darrin sent me the following summary of what Chenowith will require:

The proposed subdivision is within the Chenowith Water PUD service area and we are willing to provide domestic water service to the six residential lots.

We have been in communication with the developers engineer, Ms. Elizabeth Betts (Klein & Associates, Inc.), and are in general agreement that the developer will:

- *Connect to the existing 6” line at the intersection of Ledge Way and Hermits Way;*
- *Replace the existing 4” water main in Ledge Way with 6” from Hermits Way to the proposed Cavern Way;*
- *Install new 6” water main in Cavern Way from Ledge Way to its southerly terminus;*
- *Install a fire hydrant assembly at the southerly terminus in the cul-de-sac;*
- *Install typical residential water services to each lot with the meter to be placed in and at the edge of the Cavern Way ROW; and*
- *Provide a 20-foot wide public utility easement across Lot 1 where the existing CWPUD watermain is located.*

All materials and work to conform to CWPUD standards. The developer is to enter into an Agreement to Reimburse for CWPUD contracted fees and pay the Subdivision Plan Review fee ($750).

Each lot owner will be required to pay the Meter Drop-in Fee ($500) and System Development Charge ($3,100) at the time service is requested. Fees are subject to change.

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Tuesday, July 11, 2023 9:34 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Sorry about that, it's actually, 21.200.B.22

22. Proposed source of water supply, if any; 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.

On Tue, Jul 11, 2023 at 9:22 AM Daniel Dougherty <danield@co.wasco.or.us> wrote:

> Good morning,
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> Thanks for the updated plat. Regarding Section 21.200.B.17.,
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> *17. Proposed source of water supply, if any; 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.*
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> Do you have the estimated volume to be available, or any specific data concerning water supply? I think the response given in the application:
>
> "Residential Evaluation

Utilities

Lots 1 and 2 will obtain water service from existing water mains in the existing roads. The developer proposes to install a 4" looped water main from the existing water mains in Sandstone Way and deadend main in Hermit's Way to serve lots 3-6. This plan has been discussed with Chenowith Water District, and they indicate that there is plenty of water plan for the proposed homes and they will let us know if they will require looping to Hermit's Way."

along with other recommended conditions of approval (specifically those provided for by Chief Wood) covers down on this requirement, and I will find the preliminary plan meets the criterion; however, if the public requests specific data at the hearing, it might be wise to have it available. I have reached out to Chenowith Water District for comment, but have not heard back from them.

Respectfully,

Daniel

On Mon, Jul 10, 2023 at 1:35 PM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

> Hi Daniel,
>
> I'd see the access being along either Hermits or Cavern, rather than Sandstone. If the neighbors on Hermits appear opposed to access on Hermits, then it seems like access from Cavern would be appropriate so that we aren't impacting Hermits Way.
>
> I've attached the revised preliminary plat with the easements and drainfields better noted.
>
> Best,
>
> Elizabeth
>
> ---
>
> **From:** Daniel Dougherty <danield@co.wasco.or.us>
> **Sent:** Monday, July 10, 2023 1:01 PM

To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Hi Elizabeth,

Regarding Section 21.030.X.3:

3. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.

Lot 2 will have triple road frontage. Have your clients decided which road will provide primary access to Lot 2? If not, I think we might be able to craft a condition of approval that the final plat contain the vegetation easement and vehicle access restriction on the selected roads. We've done it before; however, we're now dealing with the developer who changed their mind post subdivision recording. Considering the issue, I'm not too sure if the Director would like to see that type of condition.

Respectfully,

Daniel

On Mon, Jul 10, 2023 at 8:17 AM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

> Good morning, Daniel,
>
> Yes, that is the apparent drainage. I’ve never seen water in it, but it is there, so we are accommodating it. Our surveyors tied it so that we could add the easement.
>
> Best,

Elizabeth

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Monday, July 10, 2023 6:59 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

Is the dry drainage channel for the "apparent" seasonal water drainage? The Wasco County GIS does not delineate a waterway on the property, but a neighbor has made mention of a seasonal waterway near the same dry drainage channel illustrated on the plat (he wants the drainage way preserved). The application provides for a culvert under the road for the drainage. Satellite imagery doesn't really provide much regarding the usual vegetation along watercourses (seasonal or otherwise).

Thanks for your help.

Respectfully,

Daniel

On Fri, Jun 30, 2023 at 8:58 AM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

> Hi Daniel,
>
> You are correct, that note should be updated for the current layout. The drainfields contained in Tract A are shown on the preliminary site plan, sheet C1.0: Lot 1 reserve, Lot 2 primary and reserve, Lot 6 primary and reserve. I will have our surveyor revise the Preliminary Plat sheet 5 with the correct note as well as turn on the drainfield easements for each of those drainfields and label the two easements you are pointing out below. The westernmost easement is for the existing water main. The other one is for the dry drainage channel that runs down the hill.

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Friday, June 30, 2023 7:22 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

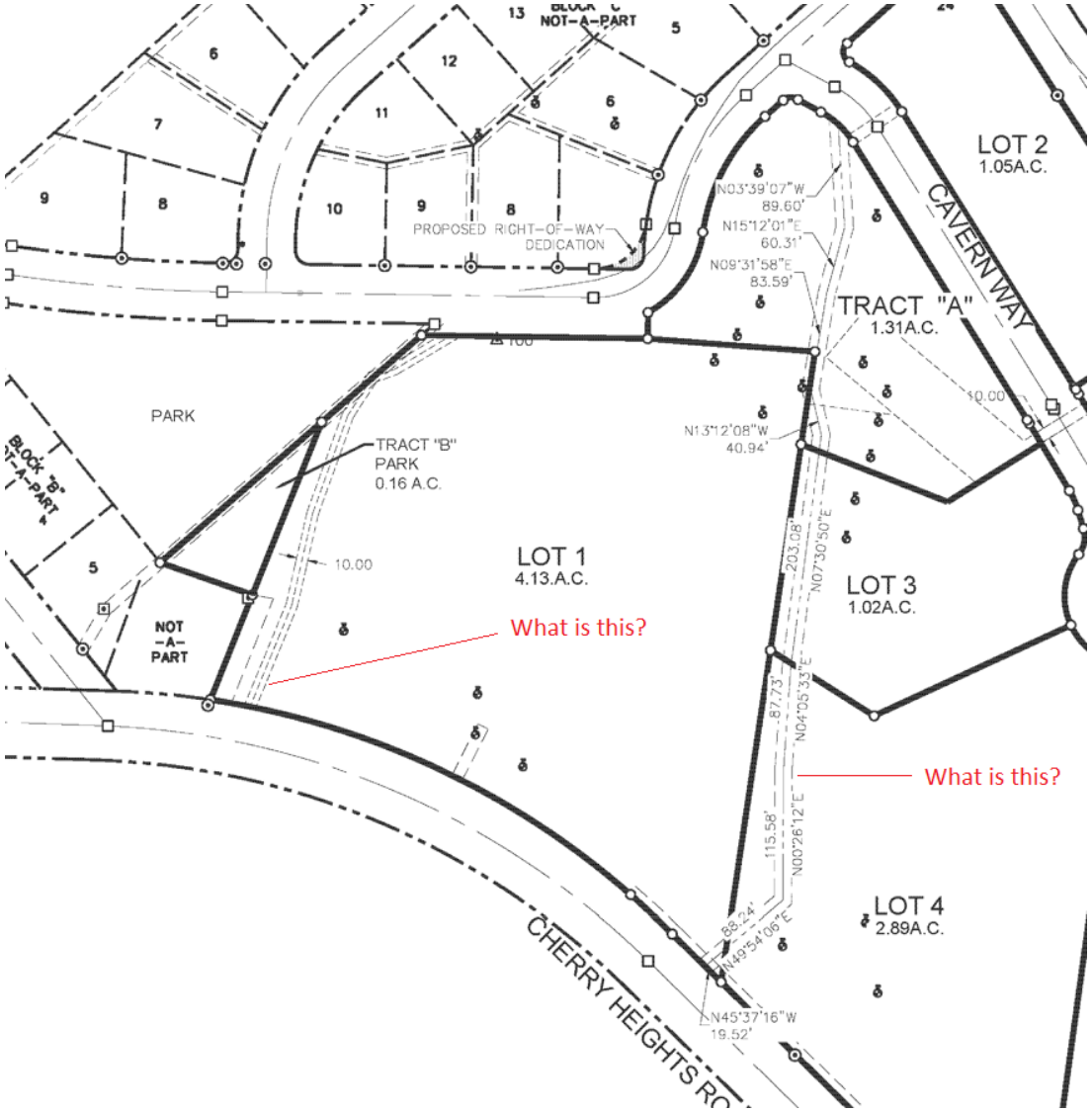
I want to confirm that Tract A is proposed to be used for the primary drain fields for Lots 1, 2, and 6.

Respectfully,

Daniel

On Thu, Jun 29, 2023 at 4:55 PM Daniel Dougherty <danield@co.wasco.or.us> wrote:

> Hi Elizabeth,
>
> Looking at the plat Sheet 5:
>
> (1) Under Easement Note: "A new septic and access easement, over, under, and across that portion of Tract "B" for the benefit of Lots 3, 4, 5, 6, 7, and 8. I'm guessing this was for the original plan of 8 lots. Can you point me in the right direction of where this easement is on Sheet 5?
>
> (2) I'm guessing the below are access/utility/stormwater easements.



Thanks for the help.

Respectfully,

Daniel

On Wed, Jun 28, 2023 at 4:56 PM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

> Thank you, Daniel,
>
> I'll take a look at the info in you email and Chief Woods' email tomorrow and get back to you. If I recall correctly, our proposed cul-de-sac road width was based on the pre-app meeting, during which nothing was indicated to be done to Sandstone or Hermit's Way, so that is why we are not proposing any improvements to those roads. Anyway, I'll go through each comment from Chief Woods to make sure those are addressed.
>
> Best,
>
> Elizabeth
>
> Get Outlook for Android
>
> ---
>
> **From:** Daniel Dougherty <danield@co.wasco.or.us>
> **Sent:** Wednesday, June 28, 2023 4:51:09 PM
> **To:** Elizabeth Betts <elizabeth@kleinassocinc.com>
> **Subject:** Re: Inquiry [File No. 921-23-000023-PLNG]
>
> Good afternoon,
>
> (1) The application materials provided Lots 1 & 2 will access "from existing public roads (existing Sandstone Way or Hermits Way)". Negating Hermits Way, my concern is making sure that Sandstone (at the very least) meets the current conditions of a "Rural Local Road" in accordance with Table 21-1 – Rural Wasco County Public Roadway Design Standards, located in Chapter 21 of the NSA-LUDO. Arthur's didn't express any concern with the proposed replat subdivision concerning Average Daily Trips. His primary concern was to make it clear that the county doesn't maintain Sandstone Way, Hermits Way, ect..., and that the new Cavern Way should contain a road maintenance agreement. I'm not sure when Sandstone & Hermits Way were constructed, what the standards were in 1953, or when they were constructed, but since this is a current land use application seeking preliminary approval of a new subdivision where primary access will come from Sandstone Way, we'll have to ensure that at the very least the existing access way meets or will meet current standards. I've also forwarded you Chief Woods' comments.
>
> Respectfully,

Daniel

Table 21-1 – Rural Wasco County Public Roadway Design Standards

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain[1]	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	[2]	[2]	1,470	[2]	[2]	1,835	[2]	[2]	2,135	[2]	[2]
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing[3]	75			100			100			150			300			500		

[1] L= Level, R=Rolling, M=Mountainous
[2] See AASHTO manual for guidance.
[3] Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

On Wed, Jun 28, 2023 at 12:39 PM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

Hi Daniel,

For your questions below:

1. There is normally a road maintenance agreement for privately maintained roads. I do not know how the road maintenance agreement (if there is one) is set up for the existing Sandstone or Hermit's Way. If these parcels were part of that agreement, then they would need to participate in the maintenance. Does Arthur have that documentation? I don't believe that Hermit's Way would be impacted or accessed by this subdivision other than the sawcuts for water and dry utility trench, which will be restored/paved; therefore maintenance of Hermit's Way does not seem to be something that would be indicated for this project.

The existing ROW on both roads is 50'. We are also revising and dedicating ROW on Sandstone in the curve so that the existing road will actually be in ROW (it was constructed outside of ROW).

2. The streets are paved and appear to be in decent condition. The pavement in our limited survey area on Sandstone exceeds 20' width (varies up to 24') and gravel shoulders are about 2' wide. I've attached a photo of Sandstone taken during surveying a few years ago as well as one of the intersection of Sandstone and Hermit's looking east on Hermit's. Again, I don't believe that Hermits Way would be impacted or used by this subdivision other than the sawcuts for water and dry utility trench, which will be restored/paved, so width of Hermit's would not be pertinent to this project since access will be from Sandstone.

Hope that helps – let me know if you have additional questions.

Best regards,

Elizabeth Betts, PE

Klein & Associates, Inc

Office: 541-386-3322

Web: kleinassocinc.com

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Tuesday, June 27, 2023 11:20 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

Thanks for the additional information.

Pertaining to 21.030.L

L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.

Arthur Smith provided that Sandstone and Hermits Way are local roads of public access that are not maintained by the County. Per application materials, the newly proposed Cavern Way cul-de-sac will be publicly dedicated (local road of public access) and maintained by the HOA (a condition of approval will be added to the decision ensuring this occurs). Two questions:

(1) Are there plans to provide for the maintenance of the existing Sandstone and Hermits Way roads?

(2) What is current condition of Sandstone and Hermits Way roads? Every indication I have is that they are paved, at least 30' wide (maybe wider), and meet existing Fire Safety Standards.

Respectfully,

Daniel

On Mon, Jun 26, 2023 at 1:42 PM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

> Hi Daniel,
>
> We will have CCR's that protect the open space. I don't have CCR's yet for this subdivision – they are usually put together by the developer's lawyer, but here's a sample of one I've used in the past.
>
> *Open Space Tract:*
>
> a. *The designated open space tract within the subdivision shall be preserved in perpetuity and shall not be developed or altered for any purpose.*
>
> For the cul-de-sac, you are correct in your thoughts. My primary reasons are topographical and preserving the limited drainfield areas. We are minimizing land disturbance with a cul-de-sac vs a through road. The steepness of the site means that constructing a through road would require significant grading and excavation to create additional road. The topography is also too steep to create a through road to either the east or south, so a looped road would be the only option other than a cul-de-sac. By opting for a cul-de-sac, the need for extensive land disturbance is reduced since it involves developing a smaller area. The use of a cul-de-sac also allows for better utilization of the buildable area and suitable septic drainfield locations.

Best,

Elizabeth

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Monday, June 26, 2023 11:24 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Re: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

Is a covenant proposed for Tract A keeping it open-space?

Also,

Section 21.030.

P. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 11 and the local fire department.

Can you provide additional details as to why the Cul-de-sac is being proposed as opposed to a through street? I'm guessing slope and elimination of developable land to be used for septic fields, but if you can provide additional details that would be great.

Respectfully,

Daniel

On Mon, Jun 26, 2023 at 9:14 AM Elizabeth Betts <elizabeth@kleinassocinc.com> wrote:

Hi Daniel,

Tract A will be owned by the HOA. It is open space and will also contain easements for some of the septic drainfields. I'm curious whether a Tract considered a leftover lot area since it will never be proposed to be built on?

Best,

Elizabeth Betts, PE

Klein & Associates, Inc

Office: 541-386-3322

Web: kleinassocinc.com

From: Daniel Dougherty <danield@co.wasco.or.us>
Sent: Monday, June 26, 2023 8:47 AM
To: Elizabeth Betts <elizabeth@kleinassocinc.com>
Subject: Inquiry [File No. 921-23-000023-PLNG]

Good morning,

I hope your weekend went well. As I dive deeper into the staff report, I'll likely submit questions to you.

Question 1: The leftover TRACT "A" (1.31 Acres). Who will own it, maintain it (HOA?)

Section 21.030.F

3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.

"Leftover lot areas" aren't necessarily defined, but Tract A as a leftover private open space tract might fall within that definition if pressed. The lots within the subdivision are being enlarged to approximate the minimum zone size, but more information about Tract A will help address this criterion.

Respectfully,

Daniel

--

Daniel Dougherty | ***Senior Planner***

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March, 22 2023

Daniel Dougherty, Senior Planner
Wasco County Planning Department
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Elizabeth Bett's application # 921-23-000023 to replat 5 tax lots to 8 total lots

Dear Mr. Dougherty:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 5,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing.

Burden of Proof

The Wasco County National Scenic Area Land Use and Development Ordinance ("NSA-LUDO") places the burden of proof on the applicant. NSA-LUDO § 2.120.A.1. Unless otherwise provided for in the NSA-LUDO, the applicant must prove that:

- The proposed action fully complies with the applicable criteria of the NSA-LUDO; and
- The proposed action fully complies with all of the applicable elements of the relevant Comprehensive Plan, the Management Plan for the Columbia River Gorge National Scenic Area ("Management Plan"), and the Columbia River Gorge National Scenic Area Act ("National Scenic Area Act").

Application Requirements

Under section 2.080.A of the NSA-LUDO, a complete application is required prior to review. Approval of a land use proposal not accompanied by a complete and adequate application violates the county's scenic area ordinance, denies the public any meaningful opportunity to comment on the proposed development, and results in a decision not based on substantial evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions

of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

Site Plan Map

Each site plan must contain a map of the project area. NSA-LUDO § 14.020.B contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
- Location, size and dimension of all yards and setbacks and all spaces between buildings
- Bodies of water and watercourses
- Location and width and methods of improvement for all existing and proposed roads, driveways, trails, and parking areas with individual parking spaces and internal circulation patterns
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- The location of the pond, stream, tank, or sump with storage of not less than 1,000 gallons if the well or water system is not capable of delivering twenty (20) gallons per minute
- The location of a standpipe (water spigot) a minimum of fifty (50) feet from each flammable structure if the development includes a plumbed water system
- Outdoor storage and activities, if permitted in the zone, showing type, location, and height of screening devices, including trash and recycling storage locations and their pick up locations
- Either a Grading Plan or the location and depth of all proposed grading, filling, ditching, and excavating
- An indication of all existing and proposed point of ingress and egress and whether they are public or private
- Significant terrain features and landforms

Landscaping Plan

Pursuant to NSA-LUDO § 14.020.D, all applications must contain a detailed landscaping plan that must clearly illustrate the following elements:

- The location, height, and species of all existing trees and vegetation, with an indication of any vegetation that would be removed including detailed information to the level of individual trees and groupings of vegetation for the proposed development area and all topographically visible corridors between the proposed development area and key viewing areas.
- The location, height, and species of individually proposed trees and vegetation groupings.
- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

- The fuel break surrounding each new building and how this area will meet hazardous fuels reduction standards.

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Review for Legality of Lots

Legality of Lot

The NSA-LUDO definition of "Parcel (Legal)/Lot of Record" is very different from the Management Plan definition of "Parcel." In some respects, the NSA-LUDO definition is more restrictive than the Management Plan definition, and in others, it is less restrictive. *Compare* NSA-LUDO § 1.200 (definition of "Parcel (Legal)/Lot of Record") *with* Management Plan at Glossary-14 (definition of "Parcel"). When Wasco County evaluates whether units of land in the National Scenic Area are legal parcels, the County must apply both definitions, and where one is more restrictive than the other, the more restrictive portion of that definition controls. *See, e.g.*, NSA-LUDO § 1.070 ("When conditions herein imposed are less restrictive than comparative provisions imposed by . . . Management Plan Guidelines, then the more restrictive shall govern.").

For example, pursuant to the NSA-LUDO, any unit of land created **solely** by a record of survey is **not** a legal parcel, regardless of the date of the record of survey. In addition, pursuant to the NSA-LUDO, any unit of land created **after** September 4, 1974 and **solely** by deed or land sales contract is **not** a legal parcel. For a unit of land created **before** September 4, 1974 and **solely** by deed or land sales contract, it is not a legal parcel under the Management Plan unless it was "legally created and separately described" by a deed or a land sales contract and unless the creation of the unit of land "complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986." Finally, pursuant to the Management Plan, any unit of land created **after** November 16, 1986 by deed or sales contract is not a legal parcel unless it was "legally created and separately described" by a deed or sales contract and unless the creation of the unit of land "was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the Forest Service prior to the Final Interim Guidelines."

The County must apply both the Management Plan and NSA-LUDO definitions, and where one of these definitions is more restrictive, that definition controls. NSA-LUDO § 1.070. The County must verify that the lots are legally existing before approving a replat. All available GIS data only identifies 5 parcels rather than 66 in the proposed area. The County must ensure that the lots are legal lots of record before allowing a replat.

Contiguous units of land created by deed or land sales contract prior to September 4, 1974, under common ownership, and not conforming to the minimum lot size requirement of this ordinance must be considered one lot of record unless specific conditions are satisfied. NSA-LUDO § 13.200.

The landowners apparently own multiple contiguous tax lots. If any of the tax lots were created only by deed or land sales contract and are below the minimum lot size, then they are not separate legal lots of record. The applicants bear the burden of establishing legality of the parcels.

Allowed Uses

Land Divisions
The County must review any proposed land division for all potential adverse effects to scenic, natural, cultural, and recreational resources that may occur as a result of the proposed land division **including cumulative adverse effects**. NSA-LUDO §§ 1.200 (definition of "development"), 21.030.D. Applications for divisions into two or three parcels must include the information specified at NSA-LUDO § 21.100.A.2. Applications for divisions into four or more parcels must include the information specified at NSA-LUDO § 21.300.B. In addition, the following rules apply to land divisions:

- All parcels resulting from the division must meet the minimum lot size requirements for the area.
- If the subject property contains environmental hazards such as a potential for flooding, land movement, high water tables, or erosion, then the County may require the dedication of protective easements. NSA-LUDO §§ 21.030.D & V.

Residential Zone
The proposed project is located in a Residential zone in the General Management Area. NSA-LUDO § 3.160 specifies which uses are allowed in GMA Residential zones.

Resource Impact Review

Scenic Resource Protection
NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area.

Key Viewing Areas
According to the Gorge Commission's Seen Areas Composite GIS data layer, the subject parcel may be visible from key viewing areas such as the Columbia River, I84, and SR14. If so, then the following rules apply:

- The County's determination of the potential visual impact of a new development must include written findings addressing the following factors:
  - The number of key viewing areas it is visible from;
  - The distance from the building site to the KVAs it is visible from;
  - The linear distance along the KVAs from which the building site is visible (for linear KVAs, such as roads and the Columbia River);
  - The difference in elevation between the building site and KVAs;
  - The nature and extent of topographic and vegetative back screening behind the building site as visible from KVAs;
  - The amount of area of the building site exposed to KVAs; and
  - The degree of existing vegetation providing screening. NSA-LUDO § 14.200.A.1.

- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200.J. This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3). **Since the visually subordinate standard allows some visibility of the development, simply achieving the standard does not guarantee that there will not be cumulative adverse effects.**

Landscape Setting
NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity. This development is proposed in a Rural Residential landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. NSA-LUDO § 14.400.E.

Natural Resource Protection

Cumulative Adverse Effects
The County must determine if there would be "[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area" considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to "more than moderate adverse consequences," and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of "Adversely affect or Adversely affecting"). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600.A.5.f, A.6.g, A.8, B.4.g, B.6. In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600.C.3.i, D.3.h.

Water Resources
NSA-LUDO § 14.600 contain the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary and the County must verify the accuracy of the applicant's determination. NSA-LUDO §§ 14.600.A.2.b, B.2.b.

Sensitive Wildlife Resources
NSA-LUDO § 14.600.C contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site including aspen stands, caves, old-growth forest, Oregon white oak woodlands, prairies and steppe, riparian areas, wetlands, snags and logs, talus, cliffs, dunes, winter range, and locations used by the following species for nesting roosting, denning or other life cycle needs:

- Listed as endangered or threatened pursuant to federal or state endangered species acts; or
- Listed as sensitive by the Oregon Fish and Wildlife Commission, or

- Considered to be of special interest to wildlife management authorities and the public, including great blue heron, osprey, mountain goat, golden eagle, peregrine falcon, and prairie falcon.

NSA-LUDO §§ 14.600.C.1.a, B.2.d. Other areas may be designated by the United States Forest Service or the Oregon Department of Fish and Wildlife. NSA-LUDO § 14.600.C.1.a. Oregon white oak may not be removed if practicable alternatives exist. Management Plan at p. 104 (Approval Criteria for Review Uses Near Priority Habitat and Sensitive Wildlife Sites, criterion 2); NSA-LUDO § 1.070.

Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a Priority Habitat or sensitive wildlife site, subject to compliance with NSA-LUDO § 14.600.B. If the proposed project is within 1,000 feet of one of these areas, the County must transmit the site map to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites.

If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife management/mitigation plan. NSA-LUDO § 14.600.C.3.f. The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area or buffer zone. NSA-LUDO § 14.600.C.5. A wildlife management plan must be prepared by a professional biologist hired by the applicant and must include the following:

- relevant background, such as biology of the species, characteristics of the subject parcel and regulatory protection and management guidelines;
- delineation of core habitat;
- wildlife buffer zones;
- an indication of the size, scope, configuration or density, and timing of all new uses within core habitat;
- rehabilitation and enhancement actions; and
- a three-year monitoring plan for federal- or state-listed species.

NSA-LUDO § 14.600.C.5.

Rare Plants

NSA-LUDO § 14.600.D contains the standards for projects in the GMA that may affect sensitive plant resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive plant species. This includes the following plant species:

- species endemic to the Columbia River Gorge and vicinity;
- species listed as endangered or threatened by federal or state authorities, including the Oregon Biodiversity Information Center; and
- designated global or state status ranks 1, 2, or 3 by the Oregon Biodiversity Information Center, including designated native plant communities

NSA-LUDO § 14.600.D.1.a.

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200). NSA-

LUDO § 14.600.D.4.a. The County must transmit the more detailed map to the Oregon Biodiversity Information Center, which will review the application to determine if the project could affect sensitive plants. NSA-LUDO § 14.600.D.3.f. Proposed uses within 1,000 feet of a rare plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited. NSA-LUDO § 14.600.D.3.h.

If the proposed project is within 1,000 feet of such a species, the County must transmit the site map to the State Natural Heritage Program, which will review the application to determine whether the project could affect sensitive plants and will identify the precise location of the affected plants and delineate a 200 foot buffer zone on the project applicant's site plan. NSA-LUDO § 14.600.D.3.b. A 200 foot buffer zone remaining in an undisturbed, natural condition must be maintained around rare plants. NSA-LUDO § 14.600.D.2.

Cultural Resource Protection
NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area.

County land use decisions must protect against cumulative adverse effects to cultural resources. NSA-LUDO § 14.500.B.6. The County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present, and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.

Significant Cultural Resource
If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500.D.1. If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500.E. If an adverse effect is likely, then a mitigation plan must be prepared pursuant to NSA-LUDO § 14.500.E.3.c.

Conditions of Approval

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county. NSA-LUDO § 2.140.

Conclusion

Thank you for this opportunity to comment.

Sincerely,

Steven D. McCoy
Staff Attorney

July 20, 2023

Daniel Dougherty, Senior Planner
Wasco County Planning Department
2705 East Second Street
The Dalles, Oregon 97058
via email

Re: Elizabeth Bett's application # 921-23-000023 to replat 5 existing tax lots to 8 total lots

Dear Mr. Dougherty:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these additional comments on the above-referenced application. Friends is a non-profit organization with approximately 5,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing. **In addition, Friends requests party status for this matter.**

<u>Burden of Proof</u>

The Wasco County National Scenic Area Land Use and Development Ordinance ("NSA-LUDO") places the burden of proof on the applicant. NSA-LUDO § 2.120.A.1. Unless otherwise provided for in the NSA-LUDO, the applicant must prove that:

- The proposed action fully complies with the applicable criteria of the NSA-LUDO; and
- The proposed action fully complies with all of the applicable elements of the relevant Comprehensive Plan, the Management Plan for the Columbia River Gorge National Scenic Area ("Management Plan"), and the Columbia River Gorge National Scenic Area Act ("National Scenic Area Act").

<u>Review for Legality of Lots</u>

Legality of Lots

The Applicant bears the burden of establishing legality of the parcels. The NSA-LUDO definition of "Parcel (Legal)/Lot of Record" is very different from the Management Plan definition of "Parcel." In some respects, the NSA-LUDO definition is more restrictive than the Management Plan definition, and in others, it is less restrictive. *Compare* NSA-LUDO § 1.200 (definition of "Parcel

(Legal)/Lot of Record") *with* Management Plan at Glossary-14 (definition of "Parcel"). When Wasco County evaluates whether units of land in the National Scenic Area are legal parcels, the County must apply both definitions, and where one is more restrictive than the other, the more restrictive portion of that definition controls. *See, e.g.*, NSA-LUDO § 1.070 ("When conditions herein imposed are less restrictive than comparative provisions imposed by . . . Management Plan Guidelines, then the more restrictive shall govern.").

For example, pursuant to the NSA-LUDO, any unit of land created solely by a record of survey is not a legal parcel, regardless of the date of the record of survey. In addition, pursuant to the NSA-LUDO, any unit of land created after September 4, 1974 and solely by deed or land sales contract is not a legal parcel. For a unit of land created before September 4, 1974 and solely by deed or land sales contract, it is not a legal parcel under the Management Plan unless it was "legally created and separately described" by a deed or a land sales contract and unless the creation of the unit of land "complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986." Finally, pursuant to the Management Plan, any unit of land created after November 16, 1986 by deed or sales contract is not a legal parcel unless it was "legally created and separately described" by a deed or sales contract and unless the creation of the unit of land "was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the Forest Service prior to the Final Interim Guidelines."

The County must apply both the Management Plan and NSA-LUDO definitions, and where one of these definitions is more restrictive, that definition controls. NSA-LUDO § 1.070. <u>All available GIS data only identifies 5 parcels rather than 66 in the proposed area.</u> In addition, it is not clear from the application materials if subdivision or partition plats were ever recorded for the Columbia Crest Subdivision and the Fruitland Park Addition. <u>The County must verify that the lots are legally existing before approving any replat.</u> NSA-LUDO § 3.160.D. The Applicant bears the burden of establishing legality of the parcels.

Consolidation of Parcels

Contiguous units of land created by deed or land sales contract prior to September 4, 1974, under common ownership, and not conforming to the minimum lot size requirement of the NSA-LUDO ordinance must be considered one lot of record unless specific conditions are satisfied. NSA-LUDO § 13.200. **The landowners apparently own multiple contiguous tax lots. If any of the tax lots were created only by deed or land sales contract and are below the minimum lot size, then they are not separate legal lots of record.**

Furthermore, under Oregon case law, a partition map that does not indicate the continued existence of the lots that were previously partitioned can have the effect of vacating previous lot lines. *Weyerhaeuser Real Estate Development Co. v. Polk Cnty*, 246 Or. App. 548, 558, 267 P.3d 855 (2011); *Kine v. Deschutes Cnty.*, 313 Or App 370, 496 P.3d 1136 (2021). **Again, it is not clear from the application materials if subdivision or partition plats were ever recorded for the Columbia Crest Subdivision and the Fruitland Park Addition. In addition, even if such a plat had been recorded, it is not clear whether such a plat would have met the applicable standards at the time, and also whether the Columbia Crest Subdivision and Fruitland Park Addition might have been vacated by a later partition map. The Applicant bears the burden**

of establishing legality of the parcels. Based on the evidence available in the circulated application materials, that burden has not been met.

Replats

Even if there were 66 legally existing lots of record, they could not lawfully be replatted to lots that are below the 5-acre minimum lot size for the area. NSA-LUDO § 3.160.D.13 requires replats to comply with NSA-LUDO § 3.160.G. That provision requires that "[t]he creation or **alteration** of a parcel shall be subject to" the minimum lot size and parcel width for the zone and variances from minimum parcel sizes may not be granted. NSA-LUDO §§ 3.160.G (emphasis added), 21.030.C & D. **Here, the Applicant proposes 8 lots, each below the minimum lot size for the zone. This application cannot be lawfully approved as proposed.**

In addition, replats can only be done for recorded plats. ORS §§ 92.185(1), 92.010(13). As discussed above, it is not clear from the application materials whether the Columbia Crest Subdivision and the Fruitland Park Addition were lawfully approved and recorded. **The Applicant bears the burden of establishing that the criteria are met and that burden has not been met.**

Based on the evidence available in the application materials and in County parcel data, it is likely that the subject property is only eligible for 3 to 5 residential lots, depending on the criteria and factors discussed above. The applicant proposes 6 residential lots, which cannot be approved.

Also, if, as the application states, the subject property contains environmental hazards such as a potential for flooding, land movement, high water tables, or erosion, then the County may require the dedication of protective easements. NSA-LUDO § 21.030.V.

The applicant proposes to create two non-developable parcels for open space and park purposes. Any parcel approved to be created for such purposes should be restricted from development by conditions of approval and permanent deed restrictions or covenants.

Finally, the County must review any proposed replat for all potential adverse effects to scenic, natural, cultural, and recreation resources that may occur as a result of the proposed replat including cumulative adverse effects. NSA-LUDO §§ 1.200 (definition of "development"), 21.030.A & D.

<u>Conclusion</u>

Thank you for this opportunity to comment.

Sincerely,

Steven D. McCoy
Staff Attorney

Daniel Dougherty <danield@co.wasco.or.us>

Notice of Land Use Action - Smilekel Group

Lane Magill <lanem@co.wasco.or.us> Thu, Mar 16, 2023 at 2:53 PM
To: Daniel Dougherty <danield@co.wasco.or.us>
Cc: flathk@nwasco.k12.or.us, jwood@mcfr.org, Steven Horzynek <steven-horzynek@nwascopud.org>, nedr@wascoelectric.com, BrewsterW@wascoelectric.com, districtmanager@chenowithwater.com, Ben Beseda <BBeseda@tennesoneng.com>, Scott Williams <scottw@co.wasco.or.us>

No issues with law enforcement.

Lane
[Quoted text hidden]
--

Lane Magill | ***Wasco County Sheriff***
SHERIFF'S OFFICE

lanem@co.wasco.or.us | www.co.wasco.or.us
541-506-2592 | Fax 541-506-2581
511 Washington St. Suite 102 | The Dalles, OR 97058

ROAD MAINTENANCE AGREEMENT

The undersigned, being the owner of all the following described real property located in the County of Wasco, State of Oregon:

The Southeast quarter of the Northeast quarter of Section 5, Township 1 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon. Being Lots 2-6 of Prince Heights Subdivision.

which property has access rights over, across, and through the roadway described as "Cavern Way" and shown in attached Exhibit "A", does hereby make the following Road Maintenance Agreement concerning the above described real property, specifying that this Agreement shall constitute a covenant to run with all the land and shall be binding on all persons claiming under them: and that these conditions and restrictions shall be for the benefit and limitations upon all future owners of said real property.

Recitals:

A. It is essential to the value of the lots and for the safety of persons living thereon that the above-described roadway be properly maintained, in good condition.
B. The undersigned has agreed to share in the cost of maintaining the roadway serving the lots according to the formula set forth herein.

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Agreement:

The undersigned agrees to the following:

1. When repairs and/or maintenance appear to be necessary, the parties to this agreement may undertake such repair or maintenance anywhere along the roadway upon the affirmative vote of a majority of all property owners participating in this agreement, as follows:

   a. One meeting shall be held each year to negotiate and vote on a need for maintenance and repair on said described road. The annual meeting shall be held on or before March 1st of each year and at such additional times as may be necessary in the case of an emergency. Each participating property owner shall be allowed one (1) vote per lot to approve any maintenance or repair to be performed on said road.

2. Following the vote approving maintenance and repair, a bid must be presented to each property owner before any maintenance or repair can be performed. A majority of all property owners participating in this agreement must agree with the bid prior to the work being performed on the road. Each property owner participating in this agreement must sign a copy of the bid acknowledging that they have received and voted on the bid.

3. Repairs and maintenance to be performed on the road under this agreement shall include, but not be limited to the following: grading, patching, and snow removal. Capitol improvements (such as asphalting) may be undertaken only on the affirmative vote of all (100%) of the property owners participating in this agreement.

4. The property owner who makes the arrangements for repair and maintenance according to the property owner's decision shall send copies of all the bills to the property owners participating in this agreement.

5. All property owners participating in this agreement shall share equally the cost of approved maintenance or repair within ten (10) days of receiving the bill. If a property owner fails to pay his or her respective share within thirty (30) days after receipt of a statement, the amount of the statement, together with interest at 9% per annum from the date of the statement, plus any attorney fees necessary to collection, shall automatically become a continuing lien against the lot of the defaulting lot owner. Each lot owner's obligation to pay his or her share of the cost will be an enforceable personal obligation of the lot owner.

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6. The lot owners shall work together to coordinate their repair and maintenance activities to make the repairs and maintenance as economical as possible and to minimize interference with the lot owner's use of the roadway. To the extent reasonably possible, any repairs, maintenance or capital improvements will be obtained through competitive bidding for the purpose of cost comparison.

7. The property owners will exercise reasonable care in their use of the roadway so as not to cause more than normal wear and tear.

8. The rights and responsibilities set forth in this agreement shall be perpetual and shall run with the land and shall be binding on the successors and assigns of the property owners.

9. The provisions of this agreement may only be amended in writing and with the consent of all (100%) of the property owners participating in this agreement.

10. If the lot is owned by more than one person, all the owners of the lot will collectively be referred to as the lot owner, and will be entitled to only one collective vote, i.e., each lot represents one vote in the matters covered by this agreement.

11. The undersigned hereby agrees that this document may be recorded as an appurtenance to the above-described property.

_____

(_____, _____ of _____, LLC)
Property Owner

STATE OF OREGON
ss.
County Of Wasco

On the _____ day of _____, 2022, the above-named _____, _____ of _____, LLC personally appeared and acknowledged the foregoing instrument to be his/her/their voluntary act and deed.

Before me _____
Notary Public of Oregon

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My Commission expires:_____

SECTION 21.310 Final Subdivision Plat Approval

Approval of a final subdivision plat is reviewed by the Planning Commission and subject to the provision of Chapter 2.

A. Application for Final Subdivision Approval:

1. Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to 21.300, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.

2. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in B, Final Subdivision Plat Requirements through D, Performance Bond, below, and the appropriate fees as established by the County Governing Body.

B. Final Subdivision Plat Requirements:

1. The final plat shall be prepared in conformance with all provisions of this Section.

2. Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision and the mortgagees, or by their authorized representatives or any title-holder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with black ink.

3. Conformance to preliminary plan. The plat map shall substantially conform to the preliminary plan as approved.

4. Preparation. All plat maps shall be prepared by a professional land surveyor registered with the State of Oregon.

5. Format. The plats shall be drawn with an archival quality black permanent ink, approved by the County Surveyor, on 4 mil (minimum) thick polyester based transparent drafting film, or an

equivalent, matted on both sides, eighteen inches by twenty-four inches (18"x24") in size. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used.

6. Scale. The plat shall be drawn to a standard engineering scale sufficient to depict the subdivision of land approved by the County Surveyor.

7. Survey Accuracy. The survey for the plat shall be done in such a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.

8. Measurements. The subdivision plat shall contain the following measurements:

a. The boundary lines with distance and bearing of the exact location and width of existing or recorded streets intersecting the boundary.

b. The arc, length, chord length, chord bearing, radii, and central angles of curves.

c. Block indications, lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines.

d. The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet.

e. All measured bearings or angles and distances separately indicated from those of record.

f. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

9. Monuments. The subdivision plat shall contain the location, material, and size of all monuments which have been set. A monument shall be set at each of the following locations.

a. The Initial Point, which must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS 92.060(1). The location of the monument shall be with reference by survey to a known corner per ORS 92.060.

b. The exterior boundary including every angle point or curve point along the boundary lines. Any exceptions shall be allowed only with approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval.

c. All lot corners, except lot corners of a cemetery. All monuments for the interior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval, unless the surveyor certifies the remaining monuments will be set. If the interior monuments

are not set prior to the approval of the plat:

(1) The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by him, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director.

(2) The subdivider shall furnish to the Wasco County Surveyor's Office a bond or cash deposit, at the option of the Wasco County Surveyor's Office in the amount equal to not more than 120 percent of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.

(3) Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.

(4) Upon completion of the interior monumentation, the person performing the survey shall indicate upon a copy of the plat that monumentation has been completed.

(5) The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the plat copy and file it with the County Clerk.

(6) The County Clerk shall file the plat copy and reference the filing number on the original plat. The County Clerk shall advise the County Surveyor of such number for notation on the plat previously filed with him.

d. Flood Plain Monumentation for Subdivisions and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:

(1) A standard Bench Mark shall be a minimum of thirty-six inches (36") in depth and eight inches (8") in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least thirty inches (30") in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher.

(2) The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based.

(3) The level notes or a copy thereof shall be filed with the final map. Any exceptions shall be allowed only with the approval of the County Surveyor.

(4) Field notes and closure copies to County Surveyor:

(a) Copies of all lot closures, block closures and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.

(b) If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.

10. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes or bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

11. Declaration

a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.

b. Any dedication of land to public purposes or any public or private easements created, or any other restrictions made, shall be included in the Declaration.

c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.

d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration.

e. Notwithstanding the provisions of subsections a. to d., the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075 (4).

12. General Information. The map shall comply with ORS 209.250 and contain the following information in addition to the preliminary plan information except that 21.3 00(B)(1) – (8) shall not be required to be on the face of the plat:

a. Table indicating the approximate acreages of all existing and newly created parcels and lots.

b. Assessor Account Number for each existing property.

c. Planning Department File Number.

d. Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one-fourth section and Donation Land Claim, Township and Range.

e. Subdivision block and lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.

f Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

g. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, a certified copy of the easement shall be provided. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's declaration.

h. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.

i. Numbering of blocks and lots, as follows:

(1) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.

(2) Lot numbers beginning with the number "1" and numbered consecutively in each block.

j. Ties to any city, county, or adjacent subdivision boundary lines.

k. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-sixteenth corner or Donation Land Claim corner in Township and Range.

l. Space for date and signature of the County officials specified in I below.

m. Any conditions specified by the Approving Authority upon granting preliminary approval.

n. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Wasco County.

o. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Wasco

County.

p. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval.

q. A declaration signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.

r. A declaration signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems the donation of which was made a condition of the approval of the tentative plan.

s. A narrative per ORS 209.250(2).

t. All subdivisions outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision, the statement of water right and a copy of the subdivision plan must be submitted to the Oregon Water Resources Department. A copy of the acknowledgment from the Water Resources Department must be submitted with the final subdivision plat.

u. Any additional information made a condition of approval of the tentative plan.

13. Supplemental Information with Final Plat. The following data shall accompany the final plat if requested by the Director or County Surveyor:

a. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

b. Sheets and drawings showing the following:

(1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.

(2) The computation of all distances, angles, and courses shown on the final map.

(3) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.

c. A copy of any dedication requiring separate documents.

d. A Plan and Profile showing the following:

(1) Widths of the proposed dedication throughout the length of the proposal.

(2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.

(3) Ground line and grade line profile on the centerline of the proposed street or road.

(4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.

(5) Proposed drainage structures, showing both size and type of structure.

(6) Earthwork distribution, i.e., volume of cuts and fills shown in appropriate haul distribution brackets.

(7) Provisions for waste or borrow areas if widened cuts or fills do not provide the desired balance of material.

(8) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.

(9) Typical section of roadbed to be constructed.

(10) Sections lines, fractional section lines and/or Donation Land Claim lines tied to corner from which dedication description is prepared.

(11) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.

(12) The stamp and signature of the registered Professional Engineer or qualified land surveyor preparing the plans.

e. Cross Sections

(1) Shall be platted on standard 10-square inch or CAD cross-section print-outs.

(2) Shall show proposed widened cuts or fill if these are needed for material balance.

f. If sewer and/or water facilities are required as the condition of approval of the Final Plat, the following may be required to be submitted with the Final Plat:

(1) Plans and profiles of proposed sanitary, and storm-water sewers, with grades, pipe sizes and the location of manholes indicated.

(2) Plans and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.

(3) Specification for the construction of all proposed sewer and water lines and other utilities.

(4) Grading plans and specifications as required for areas other than streets and ways.

(5) Planting plans and specifications for street trees and other plantings in public areas.

14. County Surveyor Fees: The subdivider shall pay a subdivision review fee to the County Surveyor as provided in ORS 92.100(2) which is included in the cost at the time of application. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

ATTACHMENT H: ORDINANCE NO. 3 (RECORDED & UNRECORDED) AND ORDINANCE NO. 7 (RECORDED)

IN THE COUNTY COURT OF THE STATE OF OREGON

FOR WASCO COUNTY

In the Matter of an Ordinance to Establish, Subdivision Regulations.	)	O R D E R PLANNING COMMISSION ORDINANCE NO. 3

Pursuant to the authority vested in the County Court by Chapter 537, Oregon Laws 1947, and laws amendatory thereto.

Section 1.

An ORDINANCE requiring subdivision regulations, this Ordinance to be known as "Subdivision Regulations of Wasco County" the following Ordinance is hereby enacted.

Section II. Purpose

The purpose of this Ordinance is to prevent, any unsightly and haphazard subdivision platting, which would be detrimental to Health and Safety, and to Establish uniform Subdivision Regulations. The County Planning Commission, hereinafter referred to as the Planning Commission of Wasco County, State of Oregon, hereinafter referred to as the County, is hereby designated as the ADVISORY Agency with respect to Subdivisions, and shall have all powers and duties with respect to tentative plans and final maps, and the procedure relating thereto which are specified by law and by this Ordinance.

Section III. Scope

The regulations herein stated shall apply to the subdivision of all land within the unincorporated territory of Wasco County. It shall be unlawful hereafter to subdivide land by "Metes and Bounds" and no subdivision plat may be filed or recorded until submitted to and approved by the County Planning Commission. The term "subdivide" as used in this ordinance shall mean to partition, plat, or subdivide land into four (4) or more lots, blocks, or tracts, or containing a dedication of any part thereof as a public street or highway, for other than agricultural purposes. Tracts of land of 5 acres or less should be, for the purpose of this Ordinance, presumed to be non-agriculture, non-grazing, non-horticulture and not used for the growing of timber unless proved to be otherwise.

Section IV. Preliminary Plat

A. GENERAL

1. INITIAL STEPS: When a land owner or subdivider decides to subdivide a parcel of land, it is recommended that he or his agent contact the County Planning Commission for information regarding procedures and for general information that will have a direct influence on the proposed development, such as existing and

proposed state highways and county or city roads, population trends, and public utilities. The owner or subdivider should then have his property surveyed to record accurately all facts that will influence the proposed subdivision.

2. PURPOSE: The purpose of the preliminary plan is to present an early study of the proposed subdivision to the County Planning Commission to receive their approval or recommendations for revision before incurring the expense of exhaustive surveys and calculations. Thorough analysis of the problems at this stage will expedite the final planning and full approval.

3. SCOPE: The preliminary plan should not be a finished drawing, but it should show all pertinent information to scale in order that the Planning Commission can properly review the proposed development.

4. SCALE: When practicable, the drawing shall be at a scale of one inch equals one-hundred (1"-100') Feet. The scale may be increased or decreased if necessary in order to fit the drawing on the legal sized plat of 18" x 24" but in all cases the scale to be used shall be standard.

5. INFORMATION REQUIRED: The preliminary plan should include the following information:

a. Proposed name of subdivision, (This name must not duplicate or resemble the name of another subdivision in Wasco County).
b. Date, north point, scale of drawing and sufficient description to define the location and boundaries of the proposed tract.
c. Names and addresses of owner, subdivider and engineer or surveyor.
d. Location of official plan lines or projected streets or highways.
e. Location, names and present width of roads, streets, highways, or ways.
f. The location, names, widths, typical improvements cross sections and approximate existing and finished grades of all roads, streets, highways and ways in the proposed subdivisions. In cases in which street grades exceed six (6%) per cent, such grades shall be shown by center line profiles.
g. The approximate width and location of all easements for drainage or public utilities.
h. Approximate dimensions of all lots.
i. Approximate location of areas subject to inundation or storm water overflow, or all areas covered by water, and the location, width, and direction of flow of all water courses.
j. Existing use or uses of the property, including the location of all existing structures to remain on property.
k. Proposed use of the property and outline of deed restrictions.
l. Statement of the subdivision improvements proposed to be made or completed.
m. Statement regarding water system to be installed, including source, quality and quantity of water.
n. Provisions for sewage disposal, drainage, and flood control which are proposed.
o. Public areas proposed.
p. Such of the foregoing information as may not practicably be shown on the map shall be shown on separate sheets of paper or contained in written statements accompanying the preliminary plan.
q. Submission of drainage plan if necessary, showing profiles of drainage ways.

B. PROCEDURE OF PRESENTING PRELIMINARY PLAT

1. PLACE: The subdivider shall file four (4) blueprints on the preliminary plan with the County Planning office at least seven (7) days prior to the Planning Commission meeting at which consideration of the plat is desired.

2. COUNTY PLANNING COMMISSION DUTY: The County Planning Commission shall furnish each of the following offices with a print of the proposed subdivision within two (2) days after being submitted by the subdivider.

   1. County Engineer or Roadmaster
   2. County Health Officer
   3. State Highway Department (When development is adjacent to a State Highway and access to the highway is desired by the subdivider).

Within five (5) days each of the three agencies listed above and the County Planning Commission will review the plan and approve or suggest revisions. All plans will be returned to the County Planning Commission.

3. APPROVAL OF PRELIMINARY PLAT: The County Planning Commission will review the plan and the reports of the agencies listed above and will give tentative approval to the preliminary plan as submitted or as it may be modified. After receiving the tentative approval, the subdivider may prepare the final plat for full approval and recording.

SECTION V. FINAL PLAT

A. GENERAL

1. TIME LIMIT: The official plat must be prepared and completed within one (1) year following the tentative approval given on the preliminary plan by the Planning Commission, and it shall incorporate the recommendations made by the Commission. If the official plat has not been filed within this period, the Planning Commission will assume that the subdivider or owner does not intend to carry out the subdivision of his property. If the owner or subdivider wishes to proceed with the subdivision of his land after the expiration of the one year period following the tentative approval of the preliminary plat by the Planning Commission, he must resubmit his preliminary plan to the Planning Commission, and make revisions considered necessary to meet changed conditions.

2. DRAFTING OF PLAT: The official plat shall be drawn in black india ink on good quality drawing paper 18" x 24". No part of the drawing shall be nearer to the edge of the sheet than (1) inch. All of the drawing shall be on one side of the sheet, but dedication or other written matter may be on the other side.

3. TRACING DUPLICATE: An exact duplication of the official plat must be drawn in india ink on a good quality tracing paper.

4. INFORMATION REQUIRED: In addition to the map specifications for the preliminary plan, the official plat also shall include the following information:

   a. The length of all arcs, radii, points of curvature, and tangent bearings.
   b. All lot lines with dimensions in feet and hundredths and with bearings and angles to minutes if other than right angles to street and alley lines.

c. Blocks should be numbered consecutively throughout and tract and lots throughout each block.
d. The accurate location and description of all property which is to be offered for public use with the purpose indicated.
e. Minimum building set-back lines where not otherwise fixed by a building code or County Ordinance.
f. Description and location of all permanent reference monuments.

g. Certification by a civil engineer or Surveyor registered in the State of Oregon.
h. Legal description of the tract boundaries.
i. Dedication by the property owners.
j. Notary seal on the dedication of streets.
k. A copy of the protective deed restrictions should be prepared to accompany the plat.

B. PROCEDURE FOR PRESENTING FINAL PLAT:

1. Presentation: The official plat for final approval should be delivered to the County Planning Commission at least two (2) days before the Planning Commission meeting at which the plat is to be reviewed for approval.

2. Planning Commission Approval: The Planning Commission checks the final plat for conformity with recommended revisions. If approved, the plat is signed by the Chairman and the Secretary of the Planning Commission.

3. County Approval: Following approval by the County Planning Commission, the Commission shall obtain the signatures from the following offices in the order named:

1. County Surveyor
2. County Assessor
3. County Judge
4. County Commissioners

C. FILING FINAL PLAT

1. Procedure: After obtaining the approvals and signatures listed above, the subdivider files in the County Clerk's office with an exact copy of the original plat drawn on a plat board or tracing paper and three (3) blueprints of the same.

2. Distribution of prints by County Clerk: The County Clerk forwards one blueprint of the filed plat to each of the following offices:

1. County Engineer or Roadmaster
2. County Assessor
3. County Planning Commission

SECTION VI. DESIGN STANDARDS

A. HIGHWAYS, STREETS, AND ALLEYS

1. Highways: The street and highway layout of each subdivision shall be based on the Plan adopted or proposed for the portion of the County

within which the subdivision lies.

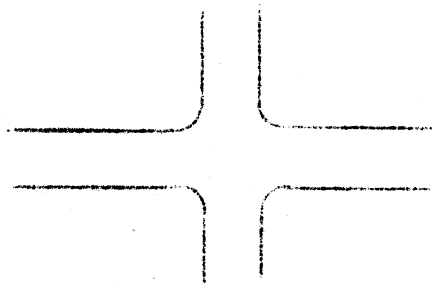
a. Alignment: The center lines of all highways shall be continuations of the center lines of existing highways in adjacent AND CONTIGUOUS Territory. In cases in which straight continuations are not reasonably possible, such center lines may be continued by tangent curves.

b. Width: Width of right-of-ways and paved roadways shall meet the minimum requirements shown in the following table. Paved surfaces are based on 11' to 12' for each driving lane and 8' for parking lanes.

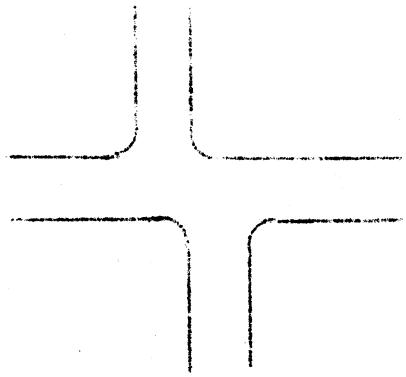
MINIMUM AND PREFERRED RIGHT-OF-WAYS AND WIDTHS FOR ROAD SURFACING

Type of Street	Right-of-Ways		Road Surfacing	
	Minimum	Preferred	Minimum	Preferred
Arterials	80	100	26	36
Secondary Arterials	60	80	26	36
Business & Industrial Streets	66	80	36	42
Local Streets	50	60	20	34
Dead-end Streets (not more than 400' long and serving a maximum of 18 single family dwellings)	50	50	20	20
Turn-arounds for dead-end streets	40' radius		30' radius	
Alley				
Residential	14	20		
Business or Industrial	20	20		

Intersections should cross at as nearly 90 degrees as topography and other factors will permit. Such intersections give good control of traffic and aid drivers in making turn or continuing straight ahead and seeing approaching cars.

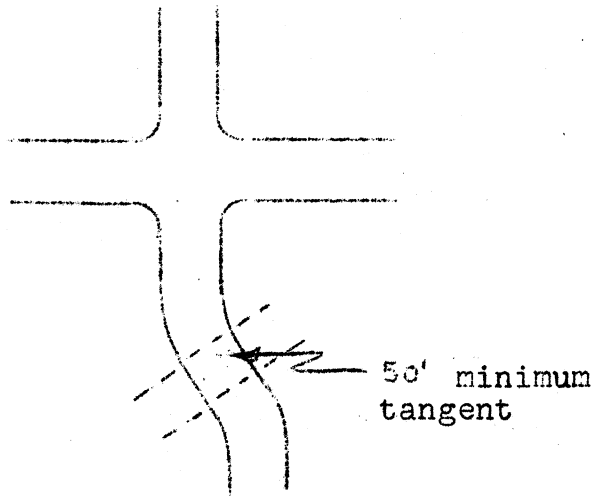


Short jogs or offsets at intersections are hazardous to traffic and pedestrian movement, and are therefore not acceptable. Those now existing are causing more than their share of accidents due to awkward maneuvering of cars, cutting of center lines, and "jay walking" by pedestrians.

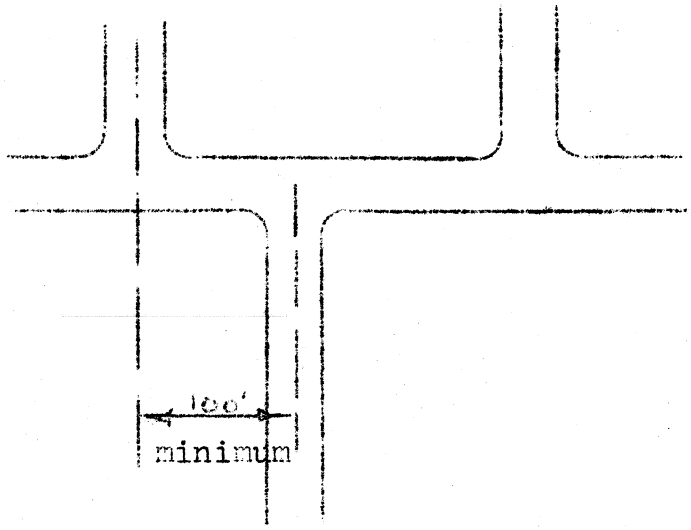


If it is not possible to align the roads of a new subdivision with the existing roads of an adjacent tract, short jogs may be avoided by establishing reverse curves in the road alignment within a block. Such reverse curves, however, should be separated by a tangent at least 50 feet long.

Although such reverse curves are not objectionable in residential areas, every effort should be made to avoid them in commercial districts.



If an offset is necessary, no offset should be less than 100'. Well planned offsets are frequently desirable especially for minor residential streets where it is desirable to discourage non-local traffic.



2. STREETS: Width of streets shown in the above table are based on driving lanes of from 9' to 12' depending on the types, amount and probable speed of the traffic on the various types of streets. Additional width of paved area is recommended on business streets to allow for maneuvering of cars when parking parallel to curbs. Parking lanes in all cases are 8' wide.

a. WIDTH: Widths of street right-of-ways shall not be less than those set forth in the table on page 5 except where it can be shown by the subdivider, to the satisfaction of the Planning Commission that the topography or the small number of lots served and the probable future traffic are such as to unquestionably justify a narrower right-of-way.

b. PRIVATE STREETS: Private streets, alleys or ways will not be approved unless they are improved as specified under Section VI, "Improvements".

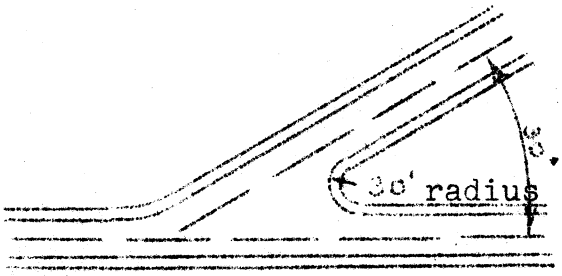
c. RESERVED STRIPS: Reserved strips controlling the access to public ways or which will not prove taxable for special improvements will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the county under conditions approved by the Planning Commission.

d. ALIGNMENT: All streets shall, as far as practicable, be in alignment with existing streets by continuations of the center lines thereof. In no case shall the staggering of streets make a "T" intersection to be so designed that a dangerous jog is produced. Jogs of less than 100' on minor streets, measured along the center line of the main thoroughfare, must be adjusted by curves or diagonals so that the alignment across the thoroughfare is continuous.

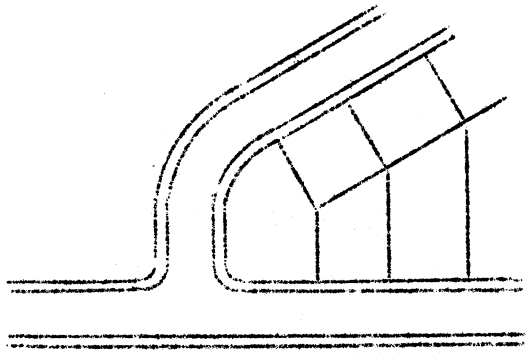
e. INTERSECTION ANGLES: Streets will be required to intersect one another at an angle as near to a right angle as is practicable, and no intersections of streets at angles of less than thirty (30) degrees will be approved unless necessitated by topographic conditions. When intersections of less than 90 degrees are unavoidable, the right-of-way and road surfacing within the acute angle shall be based on a minimum of 30' center line radius.

A study of the traffic accident map will show that streets that intersect at acute angles cause more accidents than streets intersection at right angles.

Intersection angles shall be as nearly 90 degrees as possible. Acute angle intersections will be acceptable only when topography or other factors make right angles impractical.



When topography will allow, roads that will intersect at an angle of less than 90 degrees will be curved at the intersection to form a 90 degree angle. By so doing, a dangerous intersection is eliminated and a good corner lot is created.



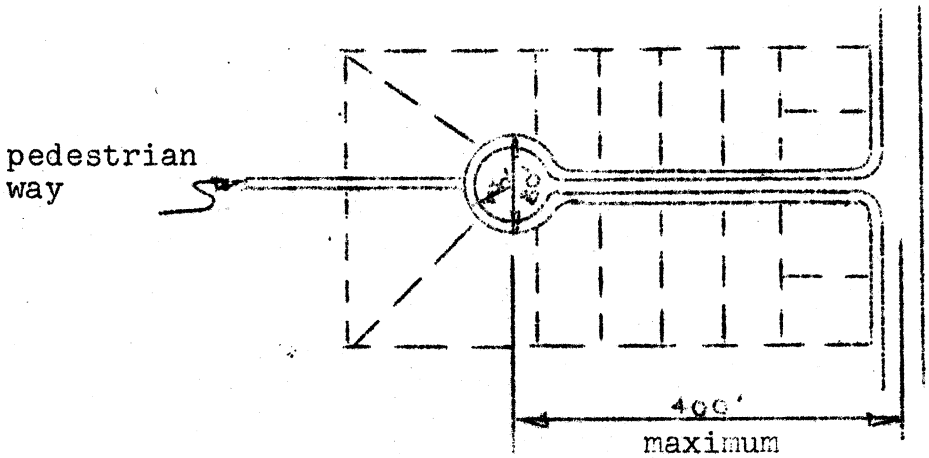
f. TOPOGRAPHY: The street plan shall give suitable recognition to existing topography.

g. REDUCING TRAFFIC IN RESIDENTIAL DISTRICTS: Secondary and local residential streets should be so planned as to discourage their use by non-local traffic.

h. FUTURE EXTENSION OF STREETS: Where a subdivision adjoins acreage, streets which, in the opinion of the Planning Commission, should be continued in the event of the subdivision of the acreage, will be required to be provided through to the boundary lines of the tract.

i. PLANTING EASEMENTS: Where streets are less than sixty (60') feet in width, additional easements for planting of street trees and/or shrubs may be required.

j. CULS DE SAC (Dead-end Streets): Cul de Sac more than four hundred (400') feet long or serving more than 18 single family dwellings will not be permitted. Restriction on length is essential to maintain minimum fire insurance rates and to adequately serve a dead-end street by sewer lines without necessitating additional man-holes. All dead-end streets shall be provided with a circular end with a minimum radius of thirty (30') feet paved area and forty (40') feet right-of-way.



k. STREET NAMES: All new thoroughfares and any thoroughfare, the name of which is hereafter changed, shall be designated according to direction and length by the proper term as set forth in the following schedule:

GENERAL DIRECTION	LONG OR CONTINUOUS THOROUGHFARES	SHORT OR DISCONTINUOUS STREETS
North and South	Streets	
East and West	Avenues	
Diagonal	Boulevards	Ways
Curving	Drives	Lanes

Streets that are obviously in alignment with others already existing and named shall bear the names of such existing streets. In order to avoid duplication, names to be used for new streets shall be subject to the approval of the Planning Commission.

l. GRADES AND CURVES: Grades shall not exceed six (6%) percent on major or secondary highways, ten (10%) percent on primary residential streets, or twelve (12%) percent on any other street. Center line radii shall not be less than three-hundred (300') feet on primary streets, two-hundred (200') feet on secondary streets, or one-hundred (100') feet on local streets. Lesser radii may be used in cases in which sufficient evidence is presented to show that the above requirements are not practicable.

3. ALLEYS: Alleys twenty (20') feet wide may be required at the rear of all prospective business property except where topography makes the use of alleys impracticable.

CORNER CUT-OFFS: Where two alleys intersect, ten (10') feet corner cut-offs will be required.

B. BLOCKS

1. SIZES: Blocks shall not exceed twelve-hundred (1200) feet in length, except blocks adjacent to arterial highways or unless the previous adjacent layout or topographical conditions justify a variation from this requirement. Long blocks must be provided adjacent to main thoroughfares in order to reduce the number of intersections. The recommended minimum distance between intersections on arterial highways is eighteen-hundred (1800') feet. Longer blocks should be used when possible.

The optimum length for normal residential blocks is from 800' to 1000'. When the layout is such that sewers will be installed or easements for future sewer lines are provided along rear lot lines, the block should not exceed 800' in length thus making it possible to install only one-mid block man-hole accessible by a mid-block pedestrian way. When sewer laterals flow to a sewer main installed along a street right-of-way, the economic factor governing the length of the block is fire protection. Houses located more than 500' from a fire plug pay an advanced rate of fire insurance. If block lengths are limited to 1000' with fire plugs installed at street intersections, all houses will benefit by the minimum fire insurance rate.

Although blocks up to 1200' in length will be allowed, it is recommended that the maximum length be kept to 1000' in order to give adequate circulation.

2. PEDESTRIAN WAYS: Pedestrian ways ten (10') feet in width shall be provided through the middle of blocks over seven hundred and fifty (750') feet in length. Two pedestrial ways shall be provided in blocks in excess of one-thousand (1000') feet in length. When essential for public convenience, pedestrian ways may be required to connect to dead-end streets.

3. EASEMENTS FOR UTILITY LINES: Easements for storm drainage sewers, or other public utilities may be required along the rear lot lines or elsewhere if necessary. Easements for utility lines shall be a minimum of ten (10') feet in width. Poles for electric and telephone lines shall be installed along alleys or rear lot lines wherever practicable.

C. LOTS

1. SIZE AND SHAPE: The size and shape of lots shall be such as are proper for the locality in which the subdivision is situated, but in no case shall the average width be less than sixty (60') feet and the average depth less than one hundred (100') feet nor more than two and one-half ($2\frac{1}{2}$) times the average width. Where property is zoned or deeded for business use, other widths and areas may be permitted at the descretion of the Planning Commission.

Although the minimum average lot width allowable is 60' for an interior residential lot, it is recommended that no lot be less than 65' wide. A well planned home demands a wide lot for proper orientation and room arrangement. Furthermore in Wasco County where a limited amount of sunshine is realized during the winter months, homes should have wide side yards as well as front and back yards to get the maximum amount of light and fresh air, as well as privacy, and greater fire protection.

Minimum sizes and recommended minimum sizes for lots are given in the following table:

Type of Lot	Minimum Size		Recommended minimum	
	Width	Depth	Width	Depth
Corner Lot	65	100	70	120
Interior Lot	60	100	65	120
Butt (key) Lot	65	100	70	120
Double Frontage (Interior)	60	200	60	240
Acre Tract			150	290.4

2. CORNER LOTS: Corner lots shall be five (5') feet to ten (10') wider than interior lots to allow for building set-back restrictions on side streets. The minimum average width is sixty-five (65') feet.

3. INTERIOR LOTS: Interior lots shall have a minimum average width of sixty (60') feet.

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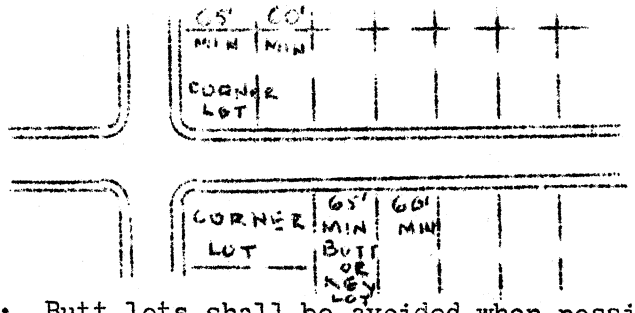


4. BUTT OR KEY LOTS: Butt lots shall be avoided when possible. When unavoidable, minimum average width shall be sixty-five (65') feet. Normally such lots should be five (5') feet to ten (10') feet wider than interior lots due to their unfavorable relation to corner lots.

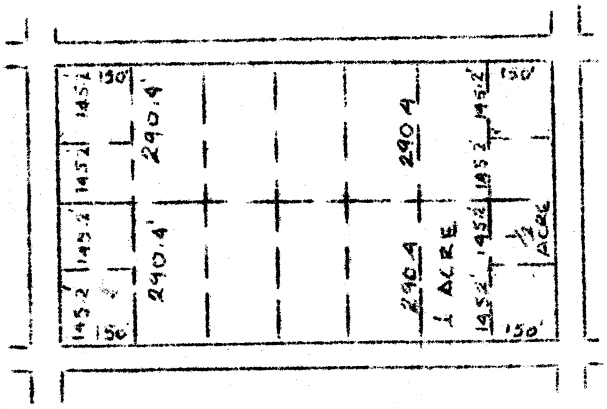
5. FRONTAGE: No lots shall be platted without frontage on a street.

6. DOUBLE FRONTAGE: Lots, other than corner lots, having double frontage with depths of less than two-hundred (200') feet, will not be approved except where necessitated by topographic or other physical conditions.

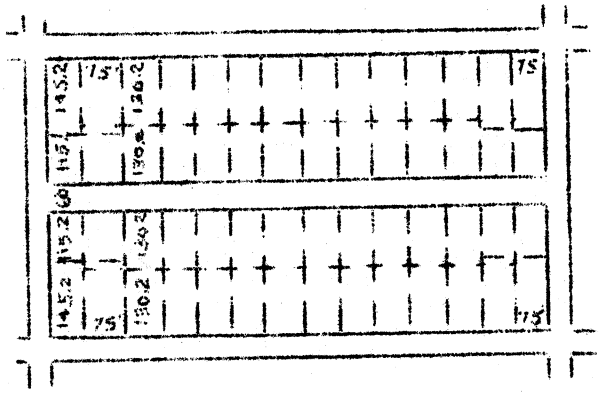
7. LOT SIDE LINES: The side lines of lots shall run at right angles to the street upon which the lots face, as far as practicable, or on curved streets they shall be radial to the curve.

8. SUITABLE FOR INTENDED USE: All lots shall be suitable for the purposes for which they are intended to be sold and no dangerous areas or areas subject to frequent inundation may be subdivided for residential purposes.

9. LOTS SUBJECT TO RESUBDIVISIONS: In subdividing acre and half acre tracts which at some future time are likely to be resubdivided into normal size city lots, the location of lot lines and other details of layout shall be such that resubdivision may readily take place without violating the requirements of this code and without interferring with orderly extension of adjacent streets and highways. Restriction of buildings within future street locations shall be made a matter of record if the Planning Commission deems it necessary.



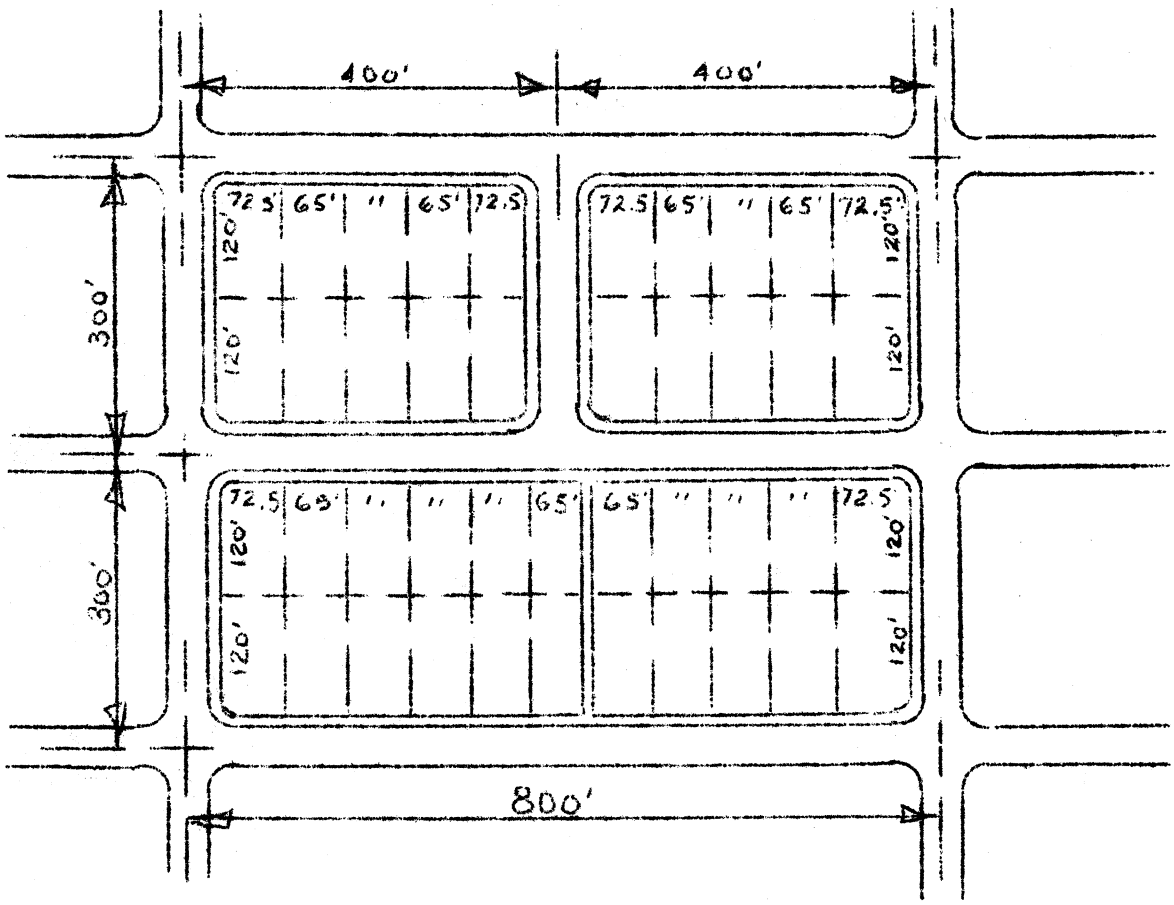
ACRE AND HALF ACRE TRACTS



RESUBDIVISION OF ACRE AND HALF ACRE TRACTS INTO CITY LOTS 75' WIDE

D. BUILDING LINES

Building set back lines should be shown on the subdivision plan or included in the deed restrictions. Set-back provisions are essential to preserve the privacy, appearance and character of the development. The minimum set-back in residential areas shall be twenty (20') feet from the preferred road right-of-way or as subsequently established by a zoning ordinance.



BLOCK SIZES

Long blocks eight-hundred (800') feet to twelve-hundred (1200') feet in length are more economical in construction and maintenance than short blocks and should be used especially for residential subdivisions. Long blocks must be provided adjacent to main thoroughfares in order to reduce the number of intersections; however, no block (except those adjacent to main thoroughfares) shall exceed twelve-hundred (1200') feet in length unless the previous adjacent layout or topographical conditions justify a variation from this requirement.

COMPARISON BETWEEN 2 BLOCKS 300' x 400' and 1 BLOCK 300' x 800'

	2 BLOCKS 300 x 400	BLOCK 300 x 800
Total area (sq. ft.)	240,000	240,000
Street Intersections (Restricting traffic flow and creating hazards).	6	4
Number of Corner Lots	8	4
Number of Interior Lots	12	18
Total Number of Lots	20	22
Size of Corner Lots	72.5'x 120'	72.5x 120'
Size of Interior Lots	65'x 120'	65'x120'
Dedicated Right-of-Way (60' Street and 10' Pedestrian Way).	52,800 sq. ft.	40,800 sq. ft.
Percentage of area Dedicated	22%	17%
Amount of Paving (36' wide)	5.120 sq.yds.	4.267 sq yds.
Cost for Paving (@ $1.25 sq. yd.)	$6,400.00	$5,120.00
Cost of Paving per Lot	320.00	242.45

E. WATER COURSES

In the event that the subdivision is traversed by any water course, channel, stream or creek, the subdivider shall make adequate allowance for drainage by dedicating such water ways to the public or by insuring unrestricted drainage by deed restrictions.

F. RAILROAD AND GRADE CROSSINGS

1. GRADE SEPARATION: If the question of railroad crossings is involved, the plan of the subdivision will be considered in its relation to the probability of grade separation or other safety plans and may be required to conform to certain conditions in anticipation of such safety plans.

2. INDUSTRIAL SITES: Where the subdivision adjoins a railroad right-of-way, and zoning plans or other conditions indicate that such property will be used for industrial purposes, highways in the same general direction as the railroad shall be as nearly parallel to such railroad right-of-ways as is possible, at sufficient distance therefrom to allow for industrial sites adjacent to the railroad, and at sufficient distance to allow for future separation of grades.

G. TREES

The planting of street trees add immeasurably to the attractiveness of a subdivision. Your Planning Commission can furnish you with a list of trees best suited for the type of soil in your subdivision.

H. PARTIAL DEVELOPMENT

Where the plat to be submitted includes only part of the tract owned by the subdivider, the Planning Commission may require a sketch of a tentative future street system for the unsubdivided portion.

I. ADDITIONAL SUGGESTIONS

The Planning Commission shall suggest to the subdivider of a large subdivision the advisability of dedicating suitable areas for parks, playgrounds, schools, and other public building sites that will be required for the use of the population which is expected to occupy the subdivision. Normally from 5 to 10 percent of the land area, exclusive of streets, should be dedicated for recreational and public use, or at least reserved by the subdivider for a period of two years for acquisition by a public agency. An effort should be made to preserve outstanding natural or cultural features such as scenic spots, water course, fine groves of trees, and historical sites or structures. Provision for public ownership is usually the best means of assuring their preservation. In all cases, the Planning Commission shall suggest to the subdivider such measures as will preserve and enhance the scenic value of Wasco County, and conditions encouraging excellence of residential, commercial, and industrial development.

J. EXCEPTIONS

The Planning Commission may make exceptions to any of the requirements set forth in this code. Application for any such exception shall be made by a verified petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the preliminary map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary for the Planning Commission to find the following facts with respect thereto:

1. That there are special circumstances or conditions affecting said property.
2. That the granting of the exception will not be detrimental to the public welfare nor injurious to other property in the territory in which said property is situated.

In granting the authorization of any exception, the Planning Commission shall report its findings with respect thereto, and all facts in connection therewith and shall specifically and fully set forth the exception recommended and the conditions designated.

In all cases in which exceptions are authorized, the Planning Commission shall require such evidence as it deems necessary that the conditions required in connection with such exceptions are being complied with.

SECTION VI. IMPROVEMENTS

A. WATER SUPPLY

On all subdivisions, but especially those subdividing plots of land into units of less than one (1) acre, the subdivider should contact the public or private water supply agency and work out, if possible, a plan for the extension of the water service to the tract being subdivided. This may possibly be accomplished by the creation of a water district or by annexation to an existing water district. The advantages to be derived by connecting to an existing utility system are obviously

beneficial to the subdivider, the prospective property owner, and in many cases to the water district. Certainly property served by an abundance of potable water will be more saleable than home sites on which each property owner is forced to drill his own well. And, the possibility of contamination to the home water supply by the many cesspools and septic tanks in the rural areas is cause for alarm by those living within areas served by properly treated water and sewage disposal systems as well as to people living in rural areas, since disease knows no boundaries and can rapidly spread from disease-breeding areas to areas exercising the greatest of health precautions.

B. SEWAGE DISPOSAL

1. Method and extent of sewage disposal shall meet the minimum standards established by the bulletin "Sanitary Sewage Disposal for Rural and Suburban Areas" published by the Oregon State Board of Health. Copies are obtainable at the office of the County Health Department.

   In subdivisions contiguous to cities allowing sewer connecting privileges and within a reasonable distance to an existing sanitary system, the subdivider may be requested to install a complete sewage system connected thereto.

C. LAND SURFACE DRAINAGE

Such grading shall be done and such drainage structures shall be provided by the subdivider as are deemed essential by the County Engineer or County Sanitary Officer.

D. STREETS

The subdivider shall grade, drain, and surface all streets shown on his plat, except reserved dedication for future street purposes, so as to provide access for vehicular traffic to each lot of the subdivision. All streets shall be constructed in accordance with the specifications hereinafter set forth and shall be installed under the supervision of the County Surveyor and to permanent grades approved by him. In no case shall the streets be less substantial than the following requirements:

1. BASES FOR PAVEMENTS: Materials and workmanship for cushion course bases shall conform to the requirements of Item 52 or 52A in Specifications for Construction of Roads and Bridges, published by the Federal Works Agency, Public Roads Administration.

   a. An adobe, clay or fine silt soil provide a six (6") inch compacted base course.

   b. On loose sand where less than eight (8%) percent of the material passes a two-hundred (200) mesh screen, provide a five (5") inch compacted base course.

   c. In cases where the soil conditions are such that a stable pavement may not be obtained by using the thickness of cushion course herein set forth, additional cushion course material shall be added until a stable base is obtained, or at the option of the subdivider, other approved methods may be used.

d. The County Surveyor shall make necessary field and laboratory tests to determine characteristics of the soil in order to determine the thickness of base and type of pavement best suited for each subdivision.

2. PAVEMENTS: Provide two (2") inches compacted crusher run base or compacted road mix over the base course.

Nothing in these specifications shall be construed to prohibit the subdivider from constructing a higher type of improvements than herein specified.

E. PEDESTRIAN WAYS

A four (4') foot walk strip shall be paved in the center of all pedestrian ways. Paving shall consist of not less than three (3") inches of compacted crusher run or 3/4" minus base rock.

F. SIDEWALKS

For the safety of pedestrians and of children at play, side walks on both sides of streets may be advisable. The County Engineer can furnish specifications and advise on grades.

G. STREET SIGNS

Street signs showing the names of intersecting streets shall be erected at each street intersection. These signs shall comply with the standard adopted by the Planning Commission. A uniform type of sign and location is helpful to the local traveler as well as the tourist.

H. CURBS AND GUTTERS

The Planning Commission may recommend the construction of curbs and gutters in all or part of a subdivision, as indicated by local needs and by the character of the subdivision.

SECTION VII. BOND

If the required construction of roads, pedestrian ways, and drainage has not been satisfactorily completed before the final approval of the subdivision plat, the owner or owners of the subdivision shall, concurrently with the approval of such plat enter into an agreement with the County Court, agreeing to have the work completed within the time specified in said agreement. Said agreement may provide for the improvements to be installed in units, for extension of time under specified conditions or for the termination of the agreement upon a reversion of the subdivision or a part thereof to acreage. Such agreement shall be secured by a good and sufficient bond, approved by the County Court, or by the deposit of money or negotiable securities.

SECTION VIII. VALIDITY

If any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The County Court of

the County of Wasco, State of Oregon, hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION IX. PENALTIES FOR VIOLATION

Any offer to sell, contract to sell, or sale of land contrary to the provisions of this ordinance shall be a misdemeanor, and any person, firm, corporation, partnership, or co-partnership, upon conviction thereof, shall be punishable by a fine of one-hundred ($100.00) Dollars.

SECTION X. REPEAL

All ordinances and parts of ordinances of said County in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION XI. ENACTMENT

This ordinance shall be and hereby is declared to be in full force and effect from and after thirty (30) days after the date of its passage.

Regularly passed and adopted by the County Court of the County of Wasco, State of Oregon, on this ____ day of _____, 1953.

_____
County Judge

_____

_____

_____
County Commissioners

ATTEST:

_____
County Clerk

Date: _____

IN THE COUNTY COURT OF THE STATE OF OREGON

FOR WASCO COUNTY

In the Matter of an Ordinance to Establish, Subdivision Regulations.	)	O R D E R PLANNING COMMISSION ORDINANCE NO. 3

Pursuant to the authority vested in the County Court by Chapter 537, Oregon Laws 1947, and laws amendatory thereto.

Section 1.

An ORDINANCE requiring subdivision regulations, this Ordinance to be known as "Subdivision Regulations of Wasco County" the following Ordinance is hereby enacted.

Section II. Purpose

The purpose of this Ordinance is to prevent, any unsightly and haphazard subdivision platting, which would be detrimental to Health and Safety, and to Establish uniform Subdivision Regulations. The County Planning Commission, hereinafter referred to as the Planning Commission of Wasco County, State of Oregon, hereinafter referred to as the County, is hereby designated as the ADVISORY Agency with respect to Subdivisions, and shall have all powers and duties with respect to tentative plans and final maps, and the procedure relating thereto which are specified by law and by this Ordinance.

Section III. Scope

The regulations herein stated shall apply to the subdivision of all land within the unincorporated territory of Wasco County. It shall be unlawful hereafter to subdivide land by "Metes and Bounds" and no subdivision plat may be filed or recorded until submitted to and approved by the County Planning Commission. The term "subdivide" as used in this ordinance shall mean to partition, plat, or subdivide land into four (4) or more lots, blocks, or tracts, or containing a dedication of any part thereof as a public street or highway, for other than agricultural purposes. Tracts of land of 5 acres or less should be, for the purpose of this Ordinance, presumed to be non-agriculture, non-grazing, non-horticulture and not used for the growing of timber unless proved to be otherwise.

Section IV. Preliminary Plat

A. GENERAL

I. INITIAL STEPS: When a land owner or subdivider decides to subdivide a parcel of land, it is recommended that he or his agent contact the County Planning Commission for information regarding procedures and for general information that will have a direct influence on the proposed development, such as existing and proposed state highways and county or city roads, population trends, and public utilities. The owner or subdivider should then have his property surveyed to record accurately all facts that will influence the proposed subdivision.

2. PURPOSE: The purpose of the preliminary plan is to present an early study of the proposed subdivision to the County Planning Commission to receive their approval or recommendations for revision before incurring the expense of exhaustive surveys and calculations. Thorough analysis of the problems at this stage will expedite the final planning and full approval.

3. SCOPE: The preliminary plan should not be a finished drawing, but it should show all pertinent information to scale in order that the Planning Commission can properly review the proposed development.

4. SCALE: When practicable, the drawing shall be at a scale of one inch equals one-hundred (1"-100') Feet. The scale may be increased or decreased if necessary in order to fit the drawing on the legal sized plat of 18" x 24" but in all cases the scale to be used shall be standard.

5. INFORMATION REQUIRED: The preliminary plan should include the following information:

a. Proposed name of subdivision, (This name must not duplicate or resemble the name of another subdivision in Wasco County).
b. Date, north point, scale of drawing and sufficient description to define the location and boundaries of the proposed tract.
c. Names and addresses of owner, subdivider and engineer or surveyor.
d. Location of official plan lines or projected streets or highways.
e. Location, names and present width of roads, streets, highways, or ways.
f. The location, names, widths, typical improvements cross sections and approximate existing and finished grades of all roads, streets, highways and ways in the proposed subdivisions, In cases in which street grades exceed six (6%) per cent, such grades shall be shown by center line profiles.
g. The approximate width and location of all easements for drainage or public utilities.
h. Approximate dimensions of all lots.
i. Approximate location of areas subject to inundation or storm water overflow, or all areas covered by water, and the location, width, and direction of flow of all water courses.
j. Existing use or uses of the property, including the location of all existing structures to remain on property.
k. Proposed use of the property and outline of deed restrictions.
l. Statement of the subdivision improvements proposed to be made or completed.
m. Statement regarding water system to be installed, including source, quality and quantity of water.
n. Provisions for sewage disposal, drainage, and flood control which are proposed.
o. Public areas proposed.
p. Such of the foregoing information as may not practicably be shown on the map shall be shown on separate sheets of paper or contained in written statements accompanying the preliminary plan.
q. Submission of drainage plan if necessary, showing profiles of drainage ways.

B. PROCEDURE OF PRESENTING PRELIMINARY PLAT

1. PLACE The subdivider shall file four (4) blueprints on the preliminary plan with the County planning office at least seven (7) days prior to the Planning Commission meeting at which consideration of the plat is desired.

2. COUNTY PLANNING COMMISSION DUTY: The County Planning Commission shall furnish each of the following offices with a print of the proposed subdivision within two (2) days after being submitted by the subdivider.

   1. County Engineer or Roadmaster
   2. County Health Officer
   3. State Highway Department (When development is adjacent to a State Highway and access to the highway is desired by the subdivider).

Within five (5) days each of the three agencies listed above and the County Planning Commission will review the plan and approve or suggest revisions. All plans will be returned to the County Planning Commission.

3. APPROVAL OF PRELIMINARY PLAT: The County Planning Commission will review the plan and the reports of the agencies listed above and will give tentative approval to the preliminary plan as submitted or as it may be modified. After receiving the tentative approval, the subdivider may prepare the final plat for full approval and recording.

SECTION V. FINAL PLAT

A. GENERAL

1. TIME LIMIT: The official plat must be prepared and completed within one (1) year following the tentative approval given on the preliminary plan by the Planning Commission, and it shall incorporate the recommendations made by the Commission. If the official plat has not been filed within this period, the Planning Commission will assume that the subdivider or owner does not intend to carry out the subdivision of his property. If the owner or subdivider wishes to proceed with the subdivision of his land after the expiration of the one year period following the tentative approval of the preliminary plat by the Planning Commission, he must resubmit his preliminary plan to the Planning Commission, and make revisions considered necessary to meet changed conditions.

2. DRAFTING OF PLAT: The official plat shall be drawn in black india ink on good quality drawing paper 18" x 24". No part of the drawing shall be nearer to the edge of the sheet than (1) inch. All of the drawing shall be on one side of the sheet, but dedication or other written matter may be on the other side.

3. TRACING DUPLICATE: An exact duplication of the official plat must be drawn in india ink on a good quality tracing paper.

4. INFORMATION REQUIRED: In addition to the map specifications for the preliminary plan, the official plat also shall include the following information:

   a. The length of all arcs, radii, points of curvature, and tangent bearings.

b. All lot lines with dimensions in feet and hundredths and with bearings and angles to minutes if other than right angles to street and alley lines.
c. Blocks should be numbered consecutively throughout and tract and lots throughout each block.
d. The accurate location and description of all property which is to be offered for public use with the purpose indicated.
e. Minimum building set-back lines where not otherwise fixed by a building code or County Ordinance.
f. Description and location of all permanent reference monuments.
g. Certification by a civil engineer or Surveyor registered in the State of Oregon.
h. Legal description of the tract boundaries.
i. Dedication by the property owners.
j. Notary seal on the dedication of streets.
k. A copy of the protective deed restrictions should be prepared to accompany the plat.

B. PROCEDURE FOR PRESENTING FINAL PLAT:

1. Presentation: The official plat for final approval should be delivered to the County Planning Commission at least two (2) days before the Planning Commission meeting at which the plat is to be reviewed for approval.

2. Planning Commission Approval: The Planning Commission checks the final plat for conformity with recommended revisions. If approved, the plat is signed by the Chairman and the Secretary of the Planning Commission.

3. County Approval: Following approval by the County Planning Commission, the Commission shall obtain the signatures from the following offices in the order named:

1. County Surveyor
2. County Assessor
3. County Judge
4. County Commissioners

C. FILING FINAL PLAT

1. Procedure: After obtaining the approvals and signatures listed above, the subdivider files in the County Clerk's office with an exact copy of the original plat drawn on a plat board or tracing paper and three (3) blueprints of the same.

2. Distribution of prints by County Clerk: The County Clerk forwards one blueprint of the filed plat to each of the following offices:

1. County Engineer or Roadmaster
2. County Assessor
3. County Planning Commission

SECTION VI. DESIGN STANDARDS

A. HIGHWAYS, STREETS, AND ALLEYS

1. Highways: The street and highway layout of each subdivision shall be based on the Plan adopted or proposed for the portion of the County within which the subdivision lies.

a. Alignment: The center lines of all highways shall be continuations of the center lines of existing highways

in adjacent AND CONTIGUOUS Territory. In cases in which straight continuations are not reasonably possible, such center lines may be continued by tangent curves.

b. Width: Width of right-of-ways and paved roadways shall meet the minimum requirements shown in the following table. Paved surfaces are based on 11' to 12' for each driving lane and 8' for parking lanes.

MINIMUM AND PREFERRED RIGHT-OF-WAYS AND WIDTHS FOR ROAD SURFACING

Type of Street	Right-of-Ways Minimum	Right-of-Ways Preferred	Road Surfacing Minimum	Road Surfacing Preferred
Arterials	80	100	26	36
Secondary Arterials	60	80	26	36
Business & Industrial Streets	66	80	36	42
Local Streets	50	60	20	34
Dead-end Streets (not more than 400' long and serving a maximum of 18 single family dwellings)	50	50	20	20
Turn-arounds for dead-end streets	40' radius		30' radius	
Alley				
Residential	14	20		
Business or Industrial	20	20		

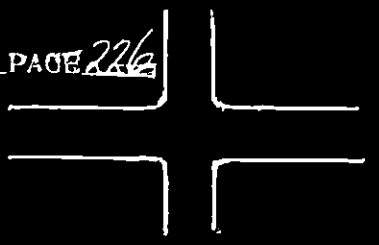
Intersections should cross at as nearly 90 degrees as topography and other factors will permit. Such intersections give good control of traffic and aid drivers in making turn or continuing straight ahead and seeing approaching cars.

Short jogs or offsets at intersections are hazardous to traffic and pedestrian movement, and are therefore not acceptable. Those now existing are causing more than their share of accidents due to awkward maneuvering of cars, cutting of center lines, and "jay walking" by Pedestrians.
If it is not possible to align the roads of a new subdivision with the existing roads of an adjacent tract, short jogs may be avoided by establishing reverse curves in the road alignment within a block. Such reverse curves, however, should be separated by a tangent at least 50 feet long.

Although such reverse curves are not objectionable in residential areas, every effort should be made to avoid them in commercial districts.

If an offset is necessary, no offset should be less than 100'. Well planned offsets are frequently desirable especially for minor residential streets where it is desirable to discourage non-local traffic.

2. STREETS: Widths of streets shown in the above table are based on driving lanes of from 9' to 12' depending on the types, amount and probable speed of the traffic on the various types of streets. Additional width of paved area is recommended on business streets to allow for maneuvering of cars when parking parallel to curbs. Parking lanes in all cases are 8' wide.



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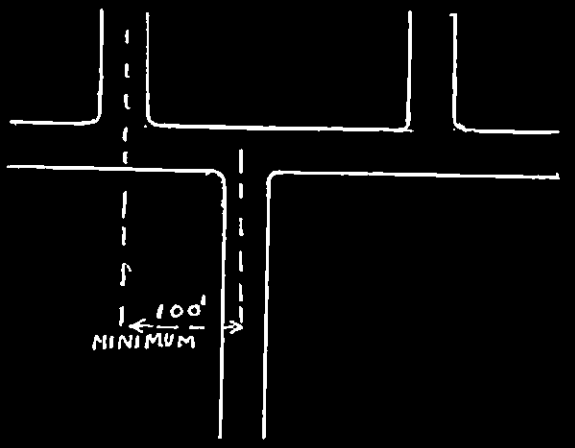

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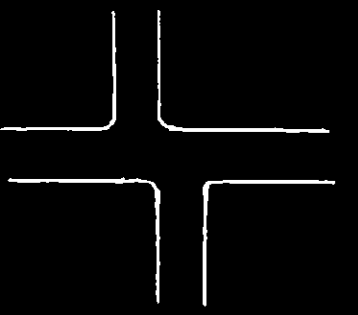
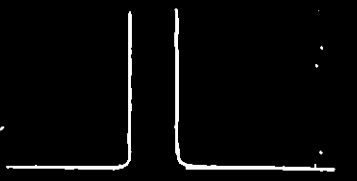
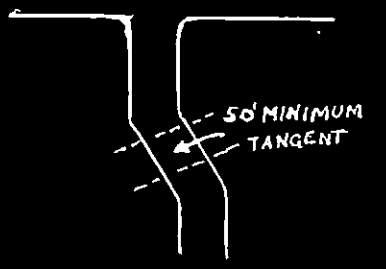






If an offset is necessary, no offset should be less than 100'. Well planned offsets are frequently [illegible] especially for minor residential streets where it is desirable to discourage non-local traffic.

a. WIDTH: Widths of street right-of-ways shall not be less than those set forth in the table on page 5 except where it can be shown by the subdivider, to the satisfaction of the Planning Commission that the topography or the small number of lots served and the probable future traffic are such as to unquestionably justify a narrower right-of-way.

b. PRIVATE STREETS: Private streets, alleys or ways will not be approved unless they are improved as specified under section VI, "Improvements".

c. RESERVED STRIPS: Reserved strips controlling the access to public ways or which will not prove taxable for special improvements will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the county under conditions approved by the Planning Commission.

d. ALIGNMENT: All streets shall, as far as practicable, be in alignment with existing streets by continuations of the center lines thereof. In no case shall the staggering of streets make a "T" intersection be so designed that a dangerous jog is produced. Jogs of less than 100' on minor streets, measured along the center line of the main thoroughfare, must be adjusted by curves or diagonals so that the alignment across the thoroughfare is continuous.

e. INTERSECTION ANGLES: Streets will be required to intersect one another at an angle as near to a right angle as is practicable, and no intersections of streets at angles of less than thirty (30) degrees will be approved unless necessitated by topographic conditions. When intersections of less than 90 degrees are unavoidable, the right-of-way and road surfacing within the acute angle shall be based on a minimum of 30' center line radius.

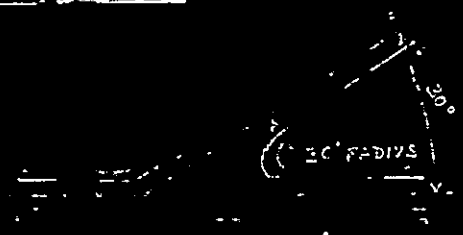
A study of the traffic accident map will show that streets that intersect at acute angles cause more accidents than streets intersecting at right angles.

Intersection angles shall be as nearly 90 degrees as possible. Acute angle intersections will be acceptable only when topography or other factors make right angles impractical.

When topography will allow, roads that will intersect at an angle of less than 90 degrees will be curved at the intersection to for a 90 degree angle. By so doing, a dangerous intersection is eliminated and a good corner lot is created.

f. TOPOGRAPHY: The street plan shall give suitable recognition to existing topography.

g. REDUCING TRAFFIC IN RESIDENTIAL DISTRICTS: Secondary and local residential streets should be so planned



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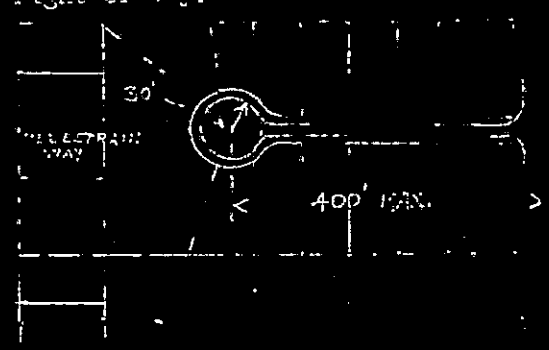
f. Topography : The street plan shall give suitable recognition to existing topography.

g. REDUCING TRAFFIC IN RESIDENTIAL DISTRICTS : Secondary and local residential streets should be so planned as to discourage their use by non-local traffic.

h. FUTURE EXTENSION OF STREETS: Where a subdivision adjoins acreage, streets which, in the opinion of the Planning Commission, should be continued in the event of the subdivision of the acreage, will be required to be platted through to the boundary lines of the tract.

i. PLANTING EASEMENTS: Where streets are less than sixty (60) feet in width, additional easements for planting of street trees and/or shrubs may be required.

j. CUL DE SAC (Dead-end streets): Cul de sac more than four-hundred (400') feet long or serving more than [illegible] family dwellings will not be permitted. Restriction on length is essential to maintain minimum fire insurance rates and to adequately serve a dead-end street by sewer lines without necessitating additional man-holes. All dead-end streets shall be provided with a circular end with a minimum radius of thirty (30') feet paved area and forty (40') feet right-of-way.



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j. CULS DE SAC (Dead-end Streets): Cul de Sac more than four hundred (400') feet long or serving more than 18 single family dwellings will not be permitted. Restriction on length is essential to maintain minimum fire insurance rates and to adequately serve a dead-end street by sewer lines without necessitating additional man-holes. All dead-end streets shall be provided with a circular end with a minimum radius of thirty (30') feet paved area and forty (40') feet right -of-way.

k. STREET NAMES: All new thoroughfares and any thoroughfare, the name of which is hereafter changed, shall be designated according to direction and length by the proper term as set forth in the following schedule:

GENERAL DIRECTION	LONG OR CONTINUOUS THOROUGHFARES	SHORT OR DISCONTINUOUS STREETS
North and South	Streets	
East and West	Avenues	
Diagonal	Boulevards	Ways
Curving	Drives	Lanes

Streets that are obviously in alignment with others already existing and named shall bear the names of such existing streets. In order to avoid duplication, names to be used for new streets shall be subject to the approval of the Planning Commission.

l. GRADES AND CURVES: Grades shall not exceed six (6%) percent on major or secondary highways, ten (10%) percent on primary residential streets, or twelve (12%) percent on any other street. Center line radii shall not be less than three-hundred (300') feet on primary streets, two-hundred (200') feet on secondary streets, or one-hundred (100') feet on local streets. Lesser radii may be used in cases in which sufficient evidence is presented to show that the above requirements are not practicable.

3. ALLEYS: Alleys twenty (20') feet wide may be required at the rear of all prospective business property except where topography makes the use of alleys impracticable.

CORNER CUT-OFFS: Where two alleys intersect, ten (10') feet corner cut-offs will be required.

B. BLOCKS

1. SIZES: Blocks shall not exceed twelve-hundred (1200) feet in length, except blocks adjacent to arterial highways or unless the previous adjacent layout or topographical conditions justify a variation from this requirement. Long blocks must be provided adjacent to main thoroughfares in order to reduce the number of intersections. The recommended minimum distance between intersections on arterial highways is eighteen-hundred (1800') feet. Longer blocks should be used when possible.

   The optimum length for normal residential blocks is from 800' to 1000'. When the layout is such that sewers will be installed or easements for future sewer lines are provided along rear lot lines, the block should not exceed 800' in length thus making it possible to install only one-mid block man-hole accessible by a mid-block pedestrian way. When sewer laterals flow to a sewer main installed along a street right-of-way, the economic factor governing the length of the block is fire protection. Houses located more than 500' from a fire plug pay an advanced rate of fire insurance. If block lengths are limited to 1000' with fire plugs installed at street intersections, all houses will benefit by the minimum fire insurance rate.

   Although blocks up to 1200' in length will be allowed, it is recommended that the maximum length be kept to 1000' in order to give adequate circulation.

2. PEDESTRIAN WAYS: Pedestrian ways ten (10') feet in width shall be provided through the middle of blocks over seven hundred and fifty (750') feet in length. Two pedestrial ways shall be provided in blocks in excess of one-thousand (1000') feet in length. When essential for public convenience, pedestrian ways may be required to connect to dead-end streets.

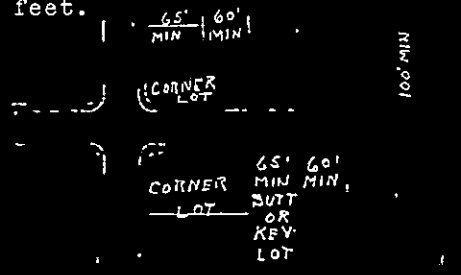
3. EASEMENTS FOR UTILITY LINES: Easements for storm drainage sewers, or other public utilities may be required along the rear lot lines or elsewhere if necessary. Easements for utility lines shall be a minimum of ten (10') feet in width. Poles for electric and telephone lines shall be installed along alleys or rear lot lines wherever practicable.

C. LOTS

1. SIZE AND SHAPE: The size and shape of lots shall be such as are proper for the locality in which the subdivision is situated, but in no case shall the average width be less than sixty (60') feet and the average depth less than one hundred (100') feet nor more than two and one-half (2½) times the average width. Where property is zoned or deeded for business use, other widths and areas may be permitted at the discretion of the Planning Commission.

   Although the minimum average lot width allowable is 60' for an interior residential lot, it is recommended that no lot be less than 65' wide. A well planned home demands a wide lot for proper orientation and room arrangement. Furthermore in Wasco County where a limited amount

3. INTERIOR LOTS: Interior lots shall have a minimum average width of sixty (60') feet.



4. BUTT OR KEY LOTS: Butt lots shall be avoided when possible. When unavoidable, minimum average width shall be sixty-five (65') feet. Normally such lots should be five (5') feet to ten (10') feet wider than interior lots due to their unfavorable relation to corner lots.

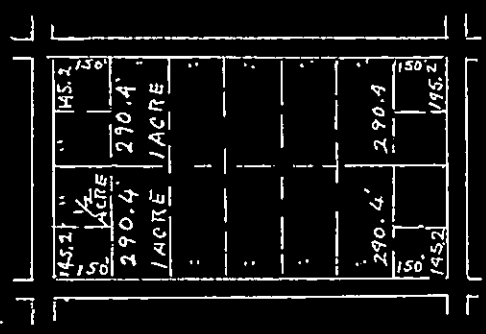
5. FRONTAGE: No lots shall be platted without frontage on a street.

6. DOUBLE FRONTAGE: Lots, other than corner lots, having double frontage with depths of less than two-hundred (200') feet, will not be approved except where necessitated by topographic or other physical conditions.

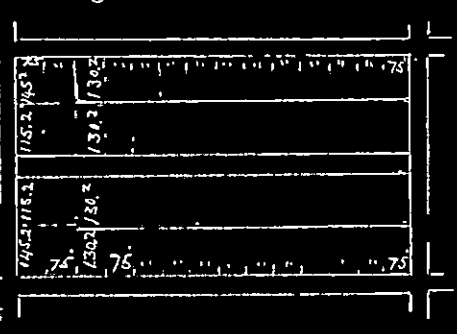
7. LOT SIDE LINES: The side lines of lots shall run at right angles to the street upon which the lots face, as far as practicable, or on curved streets they shall be radial to the curve.

8. SUITABLE FOR INTENDED USE: All lots shall be suitable for the purposes for which they are intended to be sold and no dangerous areas or areas subject to frequent inundation may be subdivided for residential purposes.

9. LOTS SUBJECT TO RESUBDIVISIONS: In subdividing acre and half acre tracts which at some future time are likely to be resubdivided into normal size city lots, the location of lot lines and other details of layout shall be such that resubdivision may readily take place without violating the requirements of this code and without interferring with orderly extension of adjacent streets and highways. Restriction of buildings within future street locations shall be made a matter of record if the Planning Commission deems it necessary.



ACRE AND HALF ACRE TRACTS



RESUBDIVISION OF ACRE AND HALF ACRE TRACTS INTO CITY LOTS 75' WIDE

of sunshine is realized during the winter months, homes should have wide side yards as well as front and back yards to get the maximum amount of light and fresh air, as well as privacy, and greater fire protection.

Minimum sizes and recommended minimum sizes for lots are given in the following table:

Type of Lot	Minimum Size Width	Minimum Size Depth	Recommended Minimum Width	Recommended Minimum Depth
Corner Lot	65	100	70	120
Interior Lot	60	100	65	120
Butt (key) Lot	65	100	70	120
Double Frontage (Interior)	60	200	60	240
Acre Tract			150	290.4

2. CORNER LOTS: Corner lots shall be five (5') feet to ten (10') feet wider than interior lots to allow for building set-back restrictions on side streets. The minimum average width is sixty-five (65') feet.

3. INTERIOR LOTS: Interior lots shall have a minimum average width of sixty (60') feet.

4. BUTT OR KEY LOTS: Butt lots shall be avoided when possible. When unavoidable, minimum average width shall be sixty-five (65') feet. Normally such lots should be five (5') feet to ten (10') feet wider than interior lots due to their unfavorable relation to corner lots.

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Building setback lines should be shown on the subdivision plan or included in the deed restrictions. Set-back pro-

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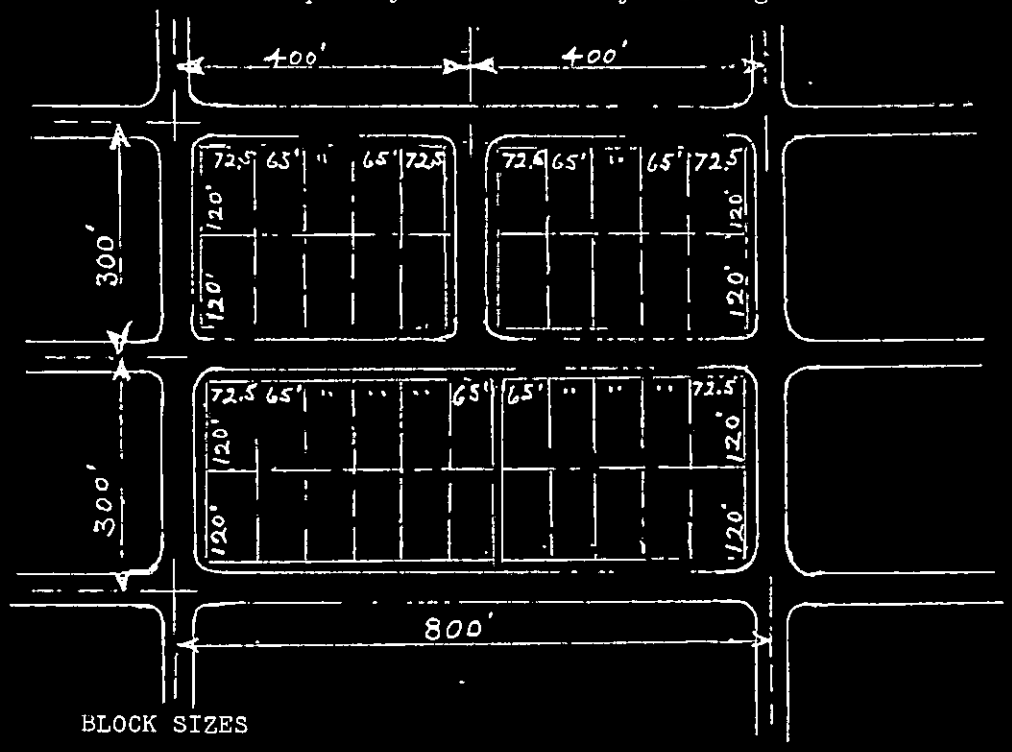

BLOCK SIZES

Long blocks eight-hundred (800') feet to twelve-hundred (1200') feet in length are more economical in construction and maintenance than short blocks and should be used especially for residential subdivisions. Long blocks must be provided adjacent to main thoroughfares in order to reduce the number of intersections; however, no block (except those adjacent to main thoroughfares) shall exceed twelve-hundred (1200') feet in length unless the previous adjacent layout or topographical conditions justify a variation from this requirement.

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COMPARISON BETWEEN 2 BLOCKS 300' x 400' and 1 BLOCK 300'x800'

	2 BLOCKS 300x400	BLOCK 300x800
Total area (sq. ft.)	240,000	240,000
Street Intersections (Restricting traffic flow and creating hazards).	6	4
Number of Corner Lots	8	4
Number of Interior Lots	12	18
Total Number of Lots	20	22
Size of Corner Lots	72.5'x120'	72.5x120'
Size of Interior Lots	65'x120'	65'x120'
Dedicated Right-ofway (60' Street and 10' Pedestrian Way).	52,800 sq ft	40,800 sq. ft.
Percentage of area Dedicated	22%	17%
Amount of Paving (36' wide)	5,120 sq.yds.	4.267 sq. yds.
Cost for Paving (@$1.25 sq.yd.)	$6,400.00	$5,120.00
Cost of Paving per Lot	320.00	242.45

E. WATER COURSES

In the event that the subdivision is traversed by any water course, channel, stream or creek, the subdivider shall make adequate allowance for drainage by dedicating such water ways to the public/by insuring unrestricted drainage by deed restrictions.

F. RAILROAD AND GRADE CROSSINGS

1. GRADE SEPARATION: If the question of railroad crossings is involved, the plan of the subdivision will be considered in its relation to the probability of grade separation or other safety plans and may be required to conform to certain conditions in anticipation of such safety plans.

2. INDUSTRIAL SITES: Where the subdivision adjoins a railroad right-of-way, and zoning plans or other conditions indicate that such property will be used for industrial purposes, highways in the same general direction as the railroad shall be as nearly parallel to such railroad right-of-ways as is possible, at sufficient distance therefrom to allow for industrial sites adjacent to the railroad, and at sufficient

distance to allow for future separation of grades.

G. TREES

The planting of street trees add immeasurably to the attractiveness of a subdivision. Your Planning Commission can furnish you with a list of trees best suited for the type of soil in your subdivision.

H. PARTIAL DEVELOPMENT

Where the plat to be submitted includes only part of the tract owned by the subdivider, the Planning Commission may require a sketch of a tentative future street system for the unsubdivided portion.

I. ADDITIONAL SUGGESTIONS

The Planning Commission shall suggest to the subdivider of a large subdivision the advisability of dedicating suitable areas for parks, playgrounds, schools, and other public building sites that will be required for the use of the population which is expected to occupy the subdivision. Normally from 5 to 10 percent of the land area, exclusive of streets, should be dedicated for recreational and public use, or at least reserved by the subdivider for a period of two years for acquisition by a public agency. An effort should be made to preserve outstanding natural or cultural features such as scenic spots, water course, fine groves of trees, and historical sites or structures. Provision for public ownership is usually the best means of assuring their preservation. In all cases, the Planning Commission shall suggest to the subdivider such measures as will preserve and enhance the scenic value of Wasco County, and conditions encouraging excellence of residential, commercial, and industrial development.

J. EXCEPTIONS

The Planning Commission may make exceptions to any of the requirements set forth in this code. Application for any such exception shall be made by a verified petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the preliminary map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary for the Planning Commission to find the following facts with respect thereto:

1. That there are special circumstances or conditions affecting said property.
2. That the granting of the exception will not be detrimental to the public welfare nor injurious to other property in the territory in which said property is situated.

In granting the authorization of any exception, the Planning Commission shall report its findings with respect thereto, and all facts in connection therewith and shall specifically and fully set forth the exception recommended and the conditions designated.

In all cases in which exceptions are authorized, the Planning Commission shall require such evidence as it deems necessary that the conditions required in connection with such exceptions are being complied with.

SECTION VII. IMPROVEMENTS

A. WATER SUPPLY

On all subdivisions, but especially those subdividing plots of land into units of less than one (1) acre, the subdivider should contact the public or private water supply agency and work out, if possible, a plan for the extension of the water service to the tract being subdivided. This may possibly be accomplished by the creation of a water district or by annexation to an existing water district. The advantages to be derived by connecting to an existing utility system are obviously beneficial to the subdivider, the prospective property owner, and in many cases to the water district. Certainly property served by an abundance of potable water will be more saleable than home sites on which each property owner is forced to drill his own well. And, the possibility of contamination to the home water supply by the many cesspools and septic tanks in the rural areas is cause for alarm by those living within areas served by properly treated water and sewage disposal systems as well as to people living in rural areas, since disease knows no boundaries and can rapidly spread from disease-breeding areas to areas exercising the greatest of health precautions.

B. SEWAGE DISPOSAL

1. Method and extent of sewage disposal shall meet the minimum standards established by the bulletin "Sanitary Sewage Disposal for Rural and Suburban Areas" published by the Oregon State Board of Health. Copies are obtainable at the office of the County Health Department.

   In subdivisions contiguous to cities allowing sewer connecting privileges and within a reasonable distance to an existing sanitary system, the subdivider may be requested to install a complete sewage system connected thereto.

C. LAND SURFACE DRAINAGE

Such grading shall be done and such drainage structures shall be provided by the subdivider as are deemed essential by the County Engineer or County Sanitary Officer.

D. STREETS

The subdivider shall grade, drain, and surface all streets shown on his plat, except reserved dedication for future street purposes, so as to provide access for vehicular traffic to each lot of the subdivision. All streets shall be constructed in accordance with the specifications hereinafter set forth and shall be installed under the supervision of the County Surveyor and to permanent grades approved by him. In no case shall the streets be less substantial than the following requirements:

1. BASES FOR PAVEMENTS: Materials and workmanship for cushion course bases shall conform to the requirements of Item 52 or 52A in Specifications for Construction of Roads and Bridges, published by the Federal Works Agency, Public Roads Administration.

a. On adobe, clay or fine silt soil provide a six (6") inch compacted base course.

b. On loose sand where less than eight (8%) percent of the material passes a two-hundred (200) mesh screen, provide a five (5") inch compacted base course.

c. In cases where the soil conditions are such that a stable pavement may not be obtained by using the thickness of cushion course herein set forth, additional cushion course material shall be added until a stable base is obtained, or at the option of the subdivider, other approved methods may be used.

d. The County Surveyor shall make necessary field and laboratory tests to determine characteristics of the soil in order to determine the thickness of base and type of pavement best suited for each subdivision.

2. PAVEMENTS: Provide two (2") inches compacted crusher run base or compacted road mix over the base course.

Nothing in these specifications shall be construed to prohibit the subdivider from constructing a higher type of improvement than herein specified.

E. PEDESTRIAN WAYS

A four (4') foot walk strip shall be paved in the center of all pedestrian ways. Paving shall consist of not less than three (3") inches of compacted crusher run or 3/4" minus base rock.

F. SIDEWALKS

For the safety of pedestrians and of children at play, sidewalks on both sides of streets may be advisable. The County Engineer can furnish specifications and advise on grades.

G. STREET SIGNS

Street signs showing the names of intersecting streets shall be erected at each street intersection. These signs shall comply with the standard adopted by the Planning Commission. A uniform type of sign and location is helpful to the local traveler as well as the tourist.

H. CURBS AND GUTTERS

The Planning Commission may recommend the construction of curbs and gutters in all or part of a subdivision, as indicated by local needs and by the character of the subdivision.

SECTION VIII Bond

If the required construction of roads, pedestrian ways, and drainage has not been satisfactorily completed before the final approval of the subdivision plat, the owner or owners of the subdivision shall, concurrently with the approval of such plat enter into an agreement with the County Court, agreeing to have the work completed within the time specified in said agreement. Said agreement may provide for the improvements to be installed in units, for extension of time under specified conditions or for the termination of the agreement upon a revision of the subdivision or a part thereof to acreage. Such agreement shall be secured by a good and sufficient bond, approved by the County Court, or by the deposit of money or negotiable securities.

SECTION IX VALIDITY

If any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The County Court of the County of Wasco, State of Oregon, hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION X PENALTIES FOR VIOLATION

Any offer to sell, contract to sell, or sale of land contrary to the provisions of this ordinance shall be a misdemeanor, and any person, firm, corporation, partnership, or co-partnership, upon conviction thereof, shall be punishable by a fine of one-hundred ($100.00) Dollars.

SECTION XI REPEAL

All ordinances and parts of ordinances of said County in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION XII ENACTMENT

This ordinance shall be and hereby is declared to be in full force and effect from and after thirty (30) days after the date of its passage.

Approved by the affirmative vote of a majority of the Wasco County Planning Commission on this 4 day of MAY, 1953.

Walter J. Webb
Chairman

Wm. D. Ketchum
Secretary

Regularly passed and adopted by the County Court of the County of Wasco, State of Oregon, this 13th day of May, 1953.

W. R. [illegible]
County Judge

S. M. Hix

Vernon Ohrst
Commissioners

Date Filed:
May 13" 1953
S. V. Boelton
County Clerk

EFFECTIVE DATE:

June 6, 1956
thru
March 4, 1968

ZONING ORDINANCE

FOR AN UNINCORPORATED

PORTION OF WASCO COUNTY

ADJACENT TO THE CITY OF THE DALLES

IN THE COUNTY COURT OF THE STATE OF OREGON

FOR WASCO COUNTY

In the Matter of a Zoning Ordinance for Wasco County	)))))	COUNTY PLANNING COMMISSION ORDINANCE NO. 7

Pursuant to the authority vested in the County Court by Chapter 215, Oregon Revised Statutes and Laws amendatory thereto and by vote of the people of Wasco County on November 4, 1952, upon the question "Shall the County Court be authorized to enact zoning and land use regulations," the following ordinance is hereby enacted:

An ORDINANCE to regulate and restrict the location and use of buildings, structures and land for residence, trade, industry and other purposes; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces; to regulate and limit the density of population and for said purposes to divide the unincorporated portions of Wasco County into districts or zones of such number, shape and area as may be deemed best to carry out these regulations and to provide for the enforcement of these regulations.

SECTION 1. PURPOSE

To promote the public health and general welfare; to secure safety from fire, panic or disaster; to lessen congestion on the streets and highways; to prevent the overcrowding of land; to prevent excessive population density; to facilitate the adequate provision for public utilities, transportation, parks and recreation areas and other public necessities; to conserve natural resources; to protect and improve property values; to encourage the most appropriate use of land. This in accordance with a comprehensive plan and the development pattern for Wasco County.

SECTION 2. TITLE

This ordinance shall be known as "The Zoning Ordinance of Wasco County."

SECTION 3. DEFINITIONS

For the purpose of this ordinance certain words and terms are defined as follows: words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

ACCESSORY BUILDING: A sub-ordinate building the use of which is incidental to that of the main building. When an accessory building is attached to a main building it shall be considered as a part of the main building.

ACCESSORY USE: The use of land or of a building that is accessory or incident to the principal use of the premises.

ALLEY: A public way which affords only a secondary means of access to abutting property.

APARTMENT: See DWELLING , MULTIPLE-FAMILY.

APARTMENT HOTEL: A building or portion thereof designed for or containing individual guest rooms or suites of rooms and dwelling units.

AUTOMOBILE SERVICE STATION: A building or portion thereof or land used for the retail sale of automobile fuel, oil and accessories.

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

BASEMENT: A story partly underground. A basement shall be counted a story in building height measurement when the floor level directly above is more than six (6) feet above the average level of the adjoining ground.

BOARD: Shall mean "Board of Adjustment."

BOARDING HOUSE: A building or portion thereof, other than a hotel, where meals or lodging or both are provided for compensation for more than four (4) persons but not to exceed twenty (20) persons.

BUILDING: Any structure having a roof, supported by columns or walls for the housing or enclosure of persons, animals and chattels. Where a dwelling is separated by a division wall without openings, each portion of such dwelling shall be deemed a separate building.

BUILDING, HEIGHT OF: The vertical distance measured from the mean grade of the adjoining curb to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to one-half of the vertical distance between the eaves and ridge for a gable, hip or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

CAMP, TOURIST OR TRAILER PARK: Any area or tract of land used or designed to accomodate two (2) or more trailer coaches, or two or more camping outfits, including cabins.

CELLAR: A story having more than one-half of its height below the average level of the adjoining ground and which has less than six (6) feet of its height above the average level of the adjoining ground.

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) sides by such building.

COURT APARTMENT: One, two or three multiple dwellings arranged around two (2) or three (3) sides of a court which opens into a street or place approved by the Commission.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings but not including hotels, boarding and lodging houses.

DWELLING UNIT: Two or more rooms, bathroom and kitchen designed for the living quarters of one family.

DWELLING, ONE-FAMILY: A detached building designed for and used exclusively as the residence of one family.

DWELLING, TWO-FAMILY: A building designed for and used exclusively as the residence of two families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof designed for residential use and containing three or more dwelling units.

DWELLING, GROUP: One or more buildings not more than two and one-half (2½) stories in height containing dwelling units and arranged around two (2) or three (3) sides of a court opening on the public street or way, including one-family, two-family, row or multiple dwellings.

DWELLING, ROW: A row of three (3) to five (5) attached one-family dwellings, not more than two and one-half (2½) stories in height, nor more than two (2) rooms deep, with the exception of the end houses which may be not more than three (3) rooms deep. No row house shall exceed five (5) dwellings or one-hundred (100) feet in breadth.

FAMILY: One or more persons living as a household in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

FRONTAGE: All property fronting on one side of a street and measured along the street line, between intersecting and

intercepting streets or between a street and a right-of-way, water way, end of a dead end street or city boundary.

GARAGE, PRIVATE: A detached accessory building or part of a main building, for the parking or temporary storage of automobiles belonging to the occupants of the premises.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, used for the care, repair or equipment of automobiles or where such vehicles are parked or stored for remuneration, hire or sale.

HOME, GROUP CARE: Any home or private institution maintained and operating, for the care, boarding, housing or training of one or more physically or mentally handicapped children under the age of 18 years, by any person who is not the parent or guardian of or who is not related by blood or marriage to such children.

HOME, NURSING: Any home or institution maintained or operating for the nursing and care of four or more ill or infirm adults not requiring hospital care or hospital facilities.

HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use, in connection with which there is no display, no stock in trade nor commodity sold on the premises and no other person employed; no mechanical equipment other than that normally used for household purposes and only twenty-five (25) per cent of the first floor area is used in such home occupation. The home occupation shall not be carried on in any accessory building.

HOTEL: A building in which people are lodged with or without meals and in which there are more than ten (10) guest rooms, there being no cooking facilities in guest rooms.

LOADING SPACE: An off-street space within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has direct access to a street or alley.

LODGING HOUSE: Same as boarding house.

LOT: A parcel of land occupied or intended to be occupied by a main building or unit group of buildings and accessory buildings, together with yards and other open spaces required by this ordinance and having its principal frontage upon a street or officially approved way.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, INTERIOR: A lot other than a corner lot.

LOT, OF RECORD: A lot which has been recorded as required by the laws of the State of Oregon, in the office of the County Recorder of Wasco County.

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the time this ordinance, or any amendment thereto, became effective and which does not conform with the use regulations of the district in which it is located.

NURSERY, DAY: Any institution, establishment or place in which are commonly received at one time three or more children not of common parentage under the age of fourteen (14) years for a period or periods not exceeding twelve (12) hours for the purpose of being given board, care and training apart from parents or guardians for compensation or reward.

PARKING AREA PUBLIC: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accomodation for clients or customers.

PARKING SPACE: A clear, off-street area for the temporary parking or storage of one (1) automobile, having an all-weather surface of a width not less than eight and one-half ($8\frac{1}{2}$) feet and a length of not less than twenty-two (22) feet and be not less than eight and one-half ($8\frac{1}{2}$) feet in height when within a building or structure; such parking space shall not be less than one hundred and ninety (190) square feet in area and shall have easy access to a street or alley by a driveway having an all-weather surface.

PUBLIC UTILITIES AND SERVICES: Facilities for providing electric power, communication, water, sewers and transportation.

STABLE, PRIVATE: A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit.

STABLE, PUBLIC: A stable other than a private stable.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: A public thoroughfare which provides the principal means of access to abutting property.

STRUCTURE: Anything built or constructed which requires location on the ground or which is attached to something having a location on the ground.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

TOURIST COURT: A group of attached or detached buildings containing separate rooms or living units for the temporary use of automobile travelers, with garage attached or parking space adjacent to every unit, including auto courts, motels or motor cottages.

TOURIST HOME: Same as Boarding House.

TRAILER, AUTOMOBILE: A vehicle without motive power designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

TRAILER, COURT OR PARK: A lot or tract designed and equipped for the temporary parking and care of automobile trailers and including service building or buildings necessary for toilet, bathing and laundry facilities.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is now or may be occupied or maintained.

USE, ACCESSORY: A use of land or a building which is incidental or subordinate to the principal use of the land or the main building.

YARD: An open space other than a court, on a lot, unoccupied or unobstructed from the ground upward, except as otherwise provided in this ordinance.

YARD FRONT: A yard extending across the full width of the lot, the depth of this yard being the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR: A yard extending across the full width of the lot, the depth of this yard being the minimum horizontal distance from the rear lot line to the nearest point of the most rear main building.

YARD, SIDE: A yard, between a main building and the side lot line extending from the front yard, or the front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be the minimum horizontal distance from the side lot line to the nearest part of the main building.

SECTION 4. DISTRICTS

A. Establishment of Districts

For the purpose of this ordinance and to carry out these regulations, the unincorporated portions of Wasco County, herein after designated are hereby divided into eleven (11) Districts, known as:

A-1 - AGRICULTURAL DISTRICT
R-1 - ONE-FAMILY DWELLING DISTRICT
R-2 - ONE-FAMILY DWELLING DISTRICT
R-3 - TWO-FAMILY DWELLING DISTRICT
R-4 - MULTIPLE-FAMILY DWELLING DISTRICT
C-1 - COMMERCIAL DISTRICT
C-2 - COMMERCIAL DISTRICT
C-3 - COMMERCIAL DISTRICT
M-1 - LIGHT INDUSTRIAL DISTRICT
M-2 - HEAVY INDUSTRIAL DISTRICT
M-3 - HEAVY INDUSTRIAL DISTRICT

The aforesaid districts and their boundaries are shown on maps attached hereto and made a part of this ordinance. These maps are entitled "ZONING DISTRICT MAPS" and these maps and all of the notations, references and other information shown thereon are as much a part of this ordinance as if the matters and information set forth by said maps were all fully described herein.

B. OFFICIAL RECORD

One copy of the text and one copy of each of the zoning district maps that comprise this ordinance and as a part of its enactment, shall be properly attested and filed with the County Clerk of Wasco County.

C. BOUNDARIES OF DISTRICTS

Where uncertainty exists with respect to any of the boundaries of the districts shown on the Zoning District Maps, the following rules shall apply:

1. Where the boundaries of the districts designated on a District Map are approximately highways, roads, streets or alleys, the center lines of such highways, roads, streets or alleys shall be construed to be the boundaries of such districts.

2. Where the boundaries of the districts designated on a Zoning District Map are approximately recorded property lines, such property lines shall be construed to be the boundaries of such districts.

3. In unsubdivided or unparcelled property the district boundary lines on a Zoning District Map

shall be determined by use of the scale contained on such map.

D. ZONED AREAS

The unincorporated area of Wasco County now included in this zoning ordinance is all of the area adjacent to and outside of the City of The Dalles but within the county area, bound on the North by the northern boundary of Wasco County; bound on the east by the east lines of Section 30 and 31 of T.2.N., R. 14, E.W.M. and the east lines of Sections 6, 7, 18 of T. 1 N., R. 14 E.W.M.; bound on the south by the south line of Section 18 of T. 1 N., R. 14 E.W.M. and the south lines of Sections 13, 14, 15, 16, 17 and 18 of T. 1 N., R. 13, E.W.M.; and bound on the west by the west lines of Section 18, 7 and 6 of T. 1 N., R. 13, E.W.M. and the west lines of Sections 31, 30, 19, 18 and 7 of T. 2 N., R. 13, E.W.M.

The unincorporated area of Wasco County made a part of this ordinance may be enlarged by the adoption of properly prepared zoning district maps which extend the zoned area in a continuous and comprehensive manner; such adoption shall be by amendment as set forth in Section 26 of this ordinance. One copy of each of such maps shall be attested and filed with the Recorder of Wasco County as a part of their enactment.

Other unincorporated portions of Wasco County may be included in this ordinance by amendment of zoning district maps covering such portions. Such zoning district maps shall be properly prepared as a part of the comprehensive plan for Wasco County and shall be attested and filed with the Recorder of Wasco County as a part of such amendment.

SECTION 5. GENERAL PROVISIONS

1. This ordinance shall not regulate lands used for grazing, agriculture, horticulture or the growing of timber.

2. No building or structure shall hereafter be erected, structurally altered, enlarged or moved nor shall any building, structure or land hereafter be used or designed to be used for any use other than is permitted in the district in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by law and the ordinances of Wasco County. Non-conforming buildings and uses -- See Section 20.

3. Buildings or structures shall not hereafter be erected, enlarged or structurally altered to exceed the height limit established for the district in

which such buildings or structures are located, except as provided in Section 19-A.

4. Buildings or structures shall not hereafter be erected, enlarged or moved on a lot unless such buildings or structures conform to the area regulations of the district in which such buildings or structures are located.

5. No parcel of land of record at the time of passage of this ordinance shall hereafter be reduced in any manner to less than the minimum lot area, size or dimensions required by the regulations of the district in which such parcel of land is located.

6. Any yard or other open space now provided for any building or structure or hereafter provided, that is in compliance with regulations of this ordinance, shall not be considered as any part of a yard or open space for any other building or structure, nor shall any yard or open space of abutting property be considered as providing a yard or open space for a building or structure on the property it abuts.

7. Any required yard shall not include any land dedicated, reserved or set aside for road, highway, street or other public purposes except as provided in this ordinance.

8. Every required front, side and rear yard shall be open and unobstructed from the ground to the sky except as provided in Section 19, B.

9. Nothing in this ordinance shall be interpreted as interfering with the construction, maintenance and operation of the facilities of any public utility or organization including cooperatives rendering service to its members or public service or any property where such use lawfully existed at the time of the passage of this ordinance.

10. Any lot or parcel of land not served by a public sewer system or by an approved public water system shall comply with the health laws of the State of Oregon and the requirements of the Oregon State Board of Health as to size and dimensions of such lot or land parcel where such laws and requirements are applicable.

11. A building and an accessory building shall be construed to mean the main building and its subordinate building on the same lot or premises.

SECTION 6. "A-1." AGRICULTURAL DISTRICT

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "A-1." Agriculture District shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Agriculture, horticulture, grazing and the growing of timber.

2. Surface mining in locations approved by the County Planning Commission.

3. One-family dwellings.

4. Airports in locations approved by the County Planning Commission.

5. Churches.

6. Cemeteries in locations approved by the County Planning Commission.

7. Dog kennels and hatcheries.

8. Dude ranches and hunting and fishing lodges.

9. Greenhouses.

10. Golf courses (except driving ranges, miniature courses or similar courses operated as a business).

11. Hospitals and sanitariums.

12. Office of a physician, minister, architect, lawyer, artist, musician, engineer, notary public or veterinarian as a home occupation.

13. Necessary public utilities and services with safeguards against harm to adjacent residential property as required by the County Planning Commission.

14. Public libraries, museums and art galleries.

15. Public parks, recreation areas, preserves and community or neighborhood centers.

16. Public schools and educational institutions.

17 Automobile house trailers for seasonal workers in agriculture, grazing, horticulture logging or forestry on property where the occupants of such trailers are employed and as required in Section 18.

18. One temporary stand, on property of one ownership for the seasonal sale of agricultural or horticultural products grown on the premises, not to exceed two hundred (200) square feet in area and located upon the property upon which such sale products were grown.

19. Accessory uses and buildings incident to the above uses. Detached accessory buildings shall be located not less than eighty (80) feet from the front lot line and not less than ten (10) feet from the main building. Detached accessory buildings shall be located not less than twenty-five (25) feet from the side and rear lot lines.

20. Name Plates and Signs: One name plate not to exceed one and one-half ($1\frac{1}{2}$) square feet in area, placed flat against the building, for each dwelling containing a permitted home occupation. One temporary sign not to exceed eight (8) square feet in area, appertaining to the lease, rental or sale of a building or premises upon which it is located. One sign or bulletin board not to exceed twelve (12) square feet in area for each hospital, sanitarium, church, neighborhood or community center, library and museum.

The following regulations of Height and Area shall not apply on lands used for agriculture, horticulture, grazing or the growing of timber.

B. HEIGHT

Buildings, structures or portions thereof, shall not be erected to exceed a height of three (3) stories or forty-five (45) feet in height.

C. AREA

1. Front Yard: There shall be a front yard having a depth of not less than forty (40) feet from the front lot or property line.

2. Side Yard: There shall be a side yard on each side of the main building and each side yard shall have a width of not less than twenty-five (25) feet.

3. Rear Yard: There shall be a rear yard of not less than forty (40) feet in depth.

4. Lot Area: Every lot or land parcel shall have a minimum average width of not less than one hundred and twenty-five (125) feet and in area of not less than one (1) acre. A lot or land parcel having a width of less than one hundred and twenty-five (125) feet or an area of less than one (1) acre of record at the time of the passage of this ordinance may be occupied by any use permitted in this Section 6, provided, all yard requirements are complied with.

D. PARKING REGULATIONS

Parking space for dwellings and buildings other than dwellings as required in Section 17.

SECTION 7. "R-1" ONE-FAMILY DWELLING DISTRICT

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-1" ONE-FAMILY DWELLING DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Agriculture, horticulture, grazing and growing of timber.

2. One-family dwellings.

3. Churches with side yards as required in Section 19B.

4. Public parks, recreation areas and community or neighborhood centers with side yards as required in Section 19 B.

5. Public schools and libraries with side yards as required in Section 19 B.

6. Golf courses (except driving ranges, miniature courses or similar courses operated as a business).

7. Office of a physician or minister as a home occupation.

8. Necessary public utilities and public services with safeguards against harm to adjacent or abutting residential property as required by the County Planning Commission.

9. Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall be located not less than seventy-five (75) feet from the front lot line and not less than ten (10) feet from the main building. Detached accessory buildings shall be located not less than fifteen (15) feet from the side or rear lot lines. Detached accessory buildings on a corner lot shall not project into the side yard on the street side of such corner lot.

10. Name Plates and Signs: One non-illuminated name plate not to exceed one and one-half square feet in area, placed flat against the building, for each dwelling containing the office of a physician or minister as a home occupation. One temporary non-illuminated sign not to exceed eight (8) square feet in area appertaining to the lease, rental or sale of a building or premises upon which it is located. One bulletin board not to exceed twelve (12) square feet in area for each church, public library, neighborhood or community center.

B. HEIGHT

Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet.

C. AREA

1. Front Yard: There shall be a front yard having a depth of not less than thirty-five (35) feet from the front lot line.

2. Side Yard: There shall be a side yard on each side of the main building and each side yard shall have a width of not less than fifteen (15) feet.

3. Rear Yard: There shall be a rear yard of not less than thirty-five (35) feet in depth.

4. Lot Area: Every lot shall have a minimum average width of not less than one hundred (100) feet and an area of not less than sixteen thousand (16,000) square feet. A lot having a width of less than one hundred (100) feet and an area of less than sixteen thousand (16,000) square feet of record at the time of the passage of this ordinance may be occupied by a one-family dwelling, provided all yard requirements are complied with.

D. PARKING REGULATIONS

Parking space for dwellings and buildings other than dwellings as required in Section 17.

SECTION 8. "R-2" ONE-FAMILY DWELLING DISTRICT

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-2" ONE-FAMILY DWELLING DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Any use permitted in the "R-1" ONE-FAMILY DWELLING DISTRICT.

2. Accessory uses and buildings customarily incident to the above uses. However, detached buildings shall not be less than sixty (60) feet from the front lot line and not less than ten (10) feet from the main building. Detached accessory buildings shall be located not less than eight (8) feet from the side or rear lot lines. Detached accessory buildings on a corner lot, however, shall be located not less than ten (10) feet from the side lot line on the street side of such corner lot.

3. Name Plates and Signs: As permitted in the "R-1" ONE-FAMILY DISTRICT.

B. HEIGHT

Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet.

C. AREA

1. Front Yard: There shall be a front yard of not less than twenty-five (25) per cent of the depth of the lot but in any case shall be not less than twenty-five (25) feet in depth; provided, however, that where forty (40) per cent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depths shall establish the front yard depth of the entire frontage.

2. Side Yard: On interior lots there shall be a side yard on each side of the main building, and each side yard shall have a width of not less than ten (10) per cent of the width of the lot but in any case shall be not less than seven (7) feet in width.

   On corner lots the interior side yard shall have a width of not less than ten (10) per cent of the width of the lot and not less than seven (7) feet in width but the side yard on the street side of such corner lot shall not be less than ten (10) feet in width.

3. Rear Yard: There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot but in any case shall not be less than twenty-five (25) feet in depth.

4. Lot Area: Every lot shall have a minimum average width of not less than seventy (70) feet and an area of not less than eight thousand (8,000) square feet. A lot having a width of less than seventy (70) feet or an area of less than eight thousand (8,000) square feet, of record at the time of the passage of this ordinance, may be occupied by a one-family dwelling, provided all yard requirements are complied with.

D. PARKING REGULATIONS

Parking space for dwellings and buildings other than dwellings as required in Section 17.

SECTION 9. "R-3" TWO-FAMILY DWELLING DISTRICT

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-3" TWO-FAMILY DWELLINGS DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Any use permitted in the "R-1" ONE-FAMILY DWELLING.

2. Two-family dwellings.

3. Home occupations.

4. Accessory uses and buildings as permitted in the "R-2" ONE-FAMILY DISTRICT.

5. Name Plates and Signs. As permitted in the "R-1" ONE-FAMILY DWELLING DISTRICT.

B. HEIGHT

Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

C. AREA

1. Front Yard: Same as required in the "R-2" ONE-FAMILY DWELLING DISTRICT.

2. Side Yard: Same as required in the "R-2" ONE-FAMILY DWELLING DISTRICT.

3. Rear Yard: Same as required in the "R-2" ONE-FAMILY DWELLING DISTRICT.

4. Lot Area: Every lot for a one-family dwelling shall have a minimum average width of not less than seventy (70) feet and an area of not less than eight thousand (8,000) square feet. Every lot for a two-family dwelling shall have a minimum average width of not less than ninety (90) feet and an area of not less than five thousand (5,000) square feet for each dwelling unit. A lot having a width of less than seventy (70) feet and an area of less than eight thousand (8,000) square feet, of record at the time of the passage of this ordinance may be occupied by a one-family dwelling, provided all yard requirements are complied with.

D. PARKING REGULATIONS

Parking space for dwellings and buildings other than dwellings as required in Section 17.

SECTION 10. "R-4." MULTIPLE-FAMILY DWELLING DISTRICT

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Any use permitted in the "R-3" TWO-FAMILY DWELLING DISTRICT.
2. Multiple-family dwellings.
3. Row dwellings, not exceeding five (5) attached dwellings or one hundred (100) feet in breadth in one structure.
4. Group dwellings, and court apartments, with yards as required in Section 19-B.
5. Boarding and lodging houses.
6. Fraternities and sororities.
7. Hospitals, sanitariums, nursing homes, home group care, home nursing (except those for contagious, mental, liquor or drug addict cases and animal clinics and hospitals) with side yards as required in Section 19-B.
8. Day nurseries.
9. Educational and philanthropic institutions (except those for correctional purposes or for mental cases) with side yards as required in Section 19-B.
10. Private schools.
11. Accessory uses and buildings as permitted in the "R-2" ONE-FAMILY DWELLING DISTRICT.
12. Name plates and Signs: As permitted in the "R-1" ONE-FAMILY DWELLING DISTRICT.

B. HEIGHT

Buildings, structures or portions thereof shall not be erected to exceed a height of three (3) stories or forty-five (45) feet.

C. AREA

1. Front Yard: Same as required in the "R-2" ONE-FAMILY DWELLING DISTRICT.

2. Side Yard: On interior lots there shall be a side yard on each side of the main building and each side yard shall have a width of not less than ten (10) per cent of the width of the lot but in no case shall be less than seven (7) feet in width. On corner lots the interior side yards shall have a width of not less than ten (10) per cent of the width of the lot and not less than seven (7) feet in width but the side yard on the street side of such corner lot shall not be less than ten (10) feet in width. For buildings three (3) stories in height required side yards shall be increased two (2) feet in width.

3. Rear Yard: Same as required in the "R-2" ONE-FAMILY DWELLING DISTRICT.

4. Lot Area: Every lot for a one-family dwelling shall have a minimum average width of not less than seventy (70) feet and an area of not less than eight thousand (8,000) square feet. Every lot for a two-family dwelling shall have a minimum average width of not less than ninety (90) feet and an area of not less than five thousand (5,000) square feet for each dwelling unit. Every lot for a multiple-family dwelling shall have a minimum average width of not less than ninety (90) feet and an area of not less than ten thousand (10,000) square feet; also the lot area per dwelling unit for a multiple-family dwelling shall not be less than fifteen hundred (1,500) square feet. A lot having a width of less than seventy (70) feet and an area of less than eight thousand (8,000) square feet, of record at the time of the passage of this ordinance, may be occupied by a one-family dwelling, provided all yard requirements are complied with.

D. PARKING REGULATIONS

Parking space for dwellings and buildings other than dwellings as required in Section 17.

SECTION 11. "C-1" COMMERCIAL DISTRICT

Buildings and structures hereafter erected, structurally altered, enlarged or moved or land hereafter used in the "C-1" COMMERCIAL DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Any use permitted in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

2. Automobile service station.

3. Baker, (retail only and only the products which are sold on the premises).

4. Bank.

5. Barber shop or beauty parlor.

6. Bicycle shop.

7. Book and stationery shop.

8. Clinic, medical and dental.

9. Clothes cleaning agency or pressing shop (excluding cleaning and dyeing on the premises).

10. Clothing store or tailor shop.

11. Confectionery shop (retail only).

12. Delicatessen.

13. Drug Store.

14. Dry goods store, millinery or dress shop.

15. Florist shop.

16. Frozen food locker establishment, renting lockers for only individual and family use.

17. Gift shop.

18. Grocery, fruit or vegetable store.

19. Hardware or electrical appliance store.

20. Hotels and apartment hotels.

21. Jewelry store.

22. Laundry Agency (excluding laundry).

23. Meat and fish market.

24. Notions or variety store.

25. Offices (business or professional).

26. Photographer's shop.

27. Public automobile parking area, subject to the regulations in Section 17-B.

28. Restaurant, tea room or cafeteria (excluding dancing, entertainment and drive-in restaurants).

29. Shoe store or shoe repair shop.

30. Theater, enclosed within a building.

31. Accessory uses and buildings customarily incident to the above retail business and professional uses located on the same lot and permitting only such incidental preparation and packaging of products as is necessary to prepare retail goods sold only on the premises.

32. Accessory uses and buildings for dwellings, same as permitted in the "R-4" MULTIPLE-FAMILY DWELLING DSITRICT.

33. Signs. Signs shall pertain only to goods and services sold on the premises. No sign shall project above or beyond the building. Signs are permitted in a ratio of one (1) square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the building. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" DISTRICT. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on the property of an automobile service station or public parking area but must not project beyond the property line of such establishments.

B. HEIGHT

Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

C. AREA

1. Front Yard: There shall be a front yard of not less than twenty-five (25) per cent of the depth of the lot but in any case shall be not less than twenty-five (25) feet in depth; provided, however, that where forty (40) per cent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depths shall establish the front yard depth of the entire frontage.

2. Side Yard: Where the side of a lot in a "C-1" COMMERCIAL DISTRICT abuts the side of a lot in an

"A-1" or an "R" DISTRICT, there shall be a side yard of not less than seven (7) feet in width.

On corner lots there shall be a side yard on the street side of such lots of not less than ten (10) feet in width. Accessory buildings on a corner lot shall be located not less than ten (10) feet from the side lot line on the street side of such corner lot. In other cases a side yard for commercial buildings shall not be required. The side yard regulations for dwellings shall be the same as required in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

3. Rear Yard: For buildings other than dwellings there shall be a rear yard of not less than twenty (20) feet in depth. For dwellings there shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot but in any case shall not be less than twenty-five (25) feet in depth.

4. Lot Area: The lot area regulations for dwellings shall be the same as required in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

D. PARKING REGULATIONS

Parking space for dwellings and buildings other than dwellings as required in Section 17. Loading space as required in Section 17.

SECTION 12. "C-2" COMMERCIAL DISTRICT

Buildings and structures hereafter erected, structurally altered, enlarged or moved or land hereafter used in the "C-2" COMMERCIAL DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Any use permitted in the "C-1" COMMERCIAL DISTRICT.

2. Hotels, tourist courts, trailers, automobile trailer courts or parks subject to the regulations in Section 18.

3. Accessory uses and buildings, for commercial uses, same as permitted in the "C-1" COMMERCIAL DISTRICT.

4. Accessory uses and buildings for dwellings same as permitted in the R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

5. Signs as permitted in the "C-1" COMMERCIAL DISTRICT,

B. HEIGHT

Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half (2½) stories on thirty-five (35) feet.

C. AREA

1. Front Yard: Same as required in the "C-1" COMMERCIAL DISTRICT.

2. Side Yard: Where the side of a lot in a "C-2" COMMERCIAL DISTRICT abuts the side of a lot in an "A-1" or an "R" DISTRICT there shall be a side yard of not less than seven (7) feet in width. On corner lots there shall be a side yard on the street side of such lots of not less than ten (10) feet in width.

   Accessory buildings on a corner lot shall be located not less than ten (10) feet from the side lot line on the street side of such corner lot. In other cases a side yard for commercial buildings shall not be required. The side yard regulations for dwellings shall be the same as required in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

3. Rear Yard: Same as required in the "C-1" COMMERCIAL DISTRICT.

4. Lot Area: The lot area regulations for dwellings shall be the same as required in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

D. PARKING REGULATIONS

Parking space for dwellings and buildings other than dwellings as required in Section 17. Loading space as required in Section 17.

SECTION 13. "C-3" COMMERCIAL DISTRICT

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "C-3" COMMERCIAL DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Any use permitted in the "C-2" COMMERCIAL DISTRICT.

2. Amusement establishment including billiardball, dance hall and bowling alley when enclosed within

a building but excluding skating rink, shooting gallery, penny arcade, roller coaster or similar noisy amusements.

3. Auditoriums.

4. Automobile, truck and trailer sales establishments.

5. Baths, public.

6. Battery sales and service.

7. Blue printing and photostating.

8. Business college.

9. Cabinet shop, enclosed within the building as a retail business only and in which not more than three thousand (3,000) board feet of lumber may be stored.

10. Cleaning and pressing establishment.

11. Dairy products store, retail only.

12. Department store.

13. Express or telegraph office.

14. Feed and seed store, retail only, and inclosed within the building.

15. Fur shop, retail, dealing in furs and hides prepared elsewhere.

16. Furniture store.

17. Garden supplies store or florist shop, including greenhouse as a retail business only.

18. Harness shop or leather goods or luggage store.

19. Ice storage building, not more than five (5) tons in capacity.

20. Music store.

21. Painting shop, inclosed within the building.

22. Pawn shop.

23. Pet shop.

24. Plumbing or sheet metal shop, inclosed within the building.

25. Private club, lodge or fraternal organization.

26. Printing, lithographing and publishing.

27. Public garage, including usual automobile repairs and servicing and enclosed within the building. When a public garage is within fifty (50) feet of an "A-1" or "R" DISTRICT there shall be no openings in the building walls facing the boundaries of an "A-1" or "R" DISTRICT other than stationary windows, except where such building walls abut streets or alleys.

28. Public utility and public service uses.

29. Restaurant, tea room, cafeteria, including drive-in restaurant.

30. Retail stores and shops.

31. Second hand store or antique shop, enclosed within the building.

32. Self-service laundry.

33. Stadium, recreation building or natatorium.

34. Signs as permitted by ordinances and codes of Wasco County.

35. Studio, music, art or voice but excluding moving picture studio.

36. Travel agency.

37. Tire shop, enclosed within the building.

38. Undertaking establishment.

39. Upholstering shop or interior decorating store.

40. Welfare organizations including mission.

41. Accessory uses and buildings for commercial uses same as permitted in the "C-1" COMMERCIAL DISTRICT.

42. Accessory uses and buildings, for dwellings, same as permitted in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

B. HEIGHT

Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

C. AREA

1. Front Yard: There shall be a front yard of not less than twenty-five (25) feet in depth.

2. Side Yard: Where the side of a lot in a "C-3" COMMERCIAL DISTRICT abuts the side of a lot in an "A-1" or an "R" DISTRICT there shall be a side yard of not less than seven (7) feet in width. On corner lots there shall be a side yard on the street side of such corner lots of not less than ten (10) feet in width. Accessory buildings on a corner lot shall be located not less than ten (10) feet from the side lot line on the street side of such corner lot. In other cases a side yard for commercial buildings shall not be required. The side yard regulations for dwellings shall be the same as required in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

3. Rear Yard: Same as required in the "C-1" COMMERCIAL DISTRICT.

4. Lot Area: The lot area regulations for dwellings shall be the same as required in the "R-4" MULTIPLE-FAMILY DISTRICT.

D. PARKING REGULATIONS

Parking space for dwellings and buildings other than dwellings as required in Section 17. Loading space as required in Section 17.

SECTION 14. "M-1" LIGHT INDUSTRIAL DISTRICT

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "M-1" LIGHT INDUSTRIAL DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Any use permitted in the "C-3" COMMERCIAL DISTRICT. The following uses shall be enclosed within buildings, with the exception of parking and loading space:

2. Art glass works and ceramics manufacture using only electric kilns and excluding the grinding of clay.

3. Assembly, rebuilding, repair and maintenance of automobiles, motorcycles, trucks and farm vehicles, including painting and upholstery.

4. Assembly of machinery, toys, musical instruments and mechanical equipment, including painting.

5. Battery assembling and repair.

6. Blacksmith shop, machine shop and sheet metal works but excluding heavy and automatic machines such as large drop and power hammers, punch press and screw machines that are offensive by reason of noise and vibration.

7. Bottling and manufacture of non-alcholic beverages.

8. Canning, packaging, processing, manufacture and distribution of food products, bakery goods, candy and confections but excluding meat, fish, vinegar, sauerkraut, yeast and the rendering or preparation of oils and fats.

9. Carpenter shop and wood products manufacture but excluding planing mill and lumber mill.

10. Cigar, cigarette and tobacco manufacture but excluding the manufacture of chewing tobacco and snuff.

11. Circus, transient or other amusement.

12. Crematory.

13. Cleaning, dyeing and pressing of clothing, carpets, rugs, including laundries.

14. Cosmetics, medicines, drugs, pharmaceutical products, perfumes and toiletries manufacture.

15. Electric appliances and equipment including radio and television, assembling, repair and maintenance, including the manufacture of small parts and electric signs.

16. Ice manufacturing plant.

17. Jewelry.

18. Optical goods and precision instruments using only electrical power and electric furnace.

19. Photo engraving.

20. Poultry and rabbit slaughter incidental to a retail business, conducted on the premises.

21. Labratories, excluding storage or use of publicly dangerous substances.

22. Livery stable or automobile laundry.

23. Manufacture of objects made by the assembling or processing of the following materials that have

been prepared or manufactured elsewhere: bone, cane, cloth, bark, cellophane, feathers, felt, fibre, fur, glass, hair, horn, leather, metal, paper, plastic rubber, rubber and leather compositions and similar compositions, stone, straw and the like.

24. Mirror works.

25. Public utilities and public service facilities.

26. Transportation or freight terminal.

27. Veterinary or pet clinic or hospital, kennel or hatchery.

28. Warehouses, cold storage, frozen food storage, wholesale business, transfer company, grain elevator, or commissary business but excluding the storage of volatile material and explosives.

29. Uses customarily incident to any of the above uses and accessory buildings when located on the same lot or land parcel.

The following uses may occupy a building or yard space other than required front and side yards and such occupiable space shall be enclosed by a wall or solid fence of sturdy construction and uniform color or by an evergreen hedge not less than six (6) feet in height:

(a) Retail lumber yard and building materials yard, excluding concrete mixing.

(b) Feed and fuel yard.

(c) Draying, trucking and automobile freighting yard.

(d) Contractors' equipment yard.

(e) Small boat yard for the building or repair of boats not exceeding sixty-five (65) feet in length.

B. HEIGHT

Buildings, structures or portions thereof shall not be erected to exceed a height of three (3) stories or forty-five (45) feet.

C. AREA

1. Front Yard: There shall be a front yard of not less than twenty-five (25) feet in depth.

2. Side Yard: Where the side of a lot in the "M-1" LIGHT INDUSTRIAL DISTRICT abuts the side of a lot in an "A-1" or an "R" DISTRICT there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half ($2\frac{1}{2}$) stories in height; for buildings three (3) stories in height, however, such side yard shall be not less than ten (10) feet in width. On corner lots there shall be a side yard on the street side of such lots of not less than ten (10) feet in width. Accessory buildings on a corner lot shall be located not less than ten (10) feet from the side lot line on the street side of such corner lot. In other cases a side yard for industrial and commercial buildings shall not be required. The side yard regulations for dwellings shall be the same as required in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

3. Rear Yard: For buildings other than dwellings there shall be a rear yard of not less than twenty (20) feet in depth. For dwellings there shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot but in any case not less than twenty-five (25) feet in depth.

4. Lot Area: The lot area regulations for dwellings shall be the same as required in the "R-4" MULTIPLE-FAMILY DWELLING DISTRICT.

D. PARKING REGULATIONS

Parking space for dwellings and buildings other than dwellings as required in Section 17. Loading space as required in Section 17.

SECTION 15. "M-2" HEAVY INDUSTRIAL DISTRICT

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "M-2" HEAVY INDUSTRIAL DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

1. Any use permitted in the "M-1" LIGHT INDUSTRIAL DISTRICT either within or outside a building; provided that all residential uses are prohibited in the "M-2" HEAVY INDUSTRIAL DISTRICT except necessary quarters for caretakers and watchmen.

2. Alcohol manufacture, brewery or liquor distillery.

3. Asbestos products manufacture.

4. Automobile or other vehicle manufacture.

5. Automobile wrecking or salvage, if conducted entirely within a building.

6. Bag manufacture and cleaning.

7. Brick, tile, terra cotta, pottery and ceramics articles manufacture.

8. Carborundum and abrasives manufacture.

9. Chemicals manufacture but excluding acid manufacture.

10. Cloth, carpets, cord, rope, rugs and thread manufacture including processing of the raw products.

11. Concrete and concrete products manufacture.

12. Coke and charcoal manufacture.

13. Fibres, natural and synthetic, products manufacture (such as felt, batting, brushes, hardboard, etc.)

14. Fish curing, smoking and canning.

15. Flour, feed and cereals manufacture.

16. Glass products manufacture.

17. Iron, steel, aluminum, brass, copper, bronze and other metal products, foundry and fabrication but smelters, blast furnaces and blooming mills shall be located not less than five hundred (500) feet from the boundaries of a less restrictive district.

18. Lampblack, paint, varnish, oil and terpentine manufacture.

19. Leather goods manufacture but not including curing, tanning or storage of green hides.

20. Linoleum, oil cloth and oil goods manufacture.

21. Meat and food products processing and manufacture but excluding slaughter of animals and fat rendering.

22. Mining, rock quarry, stone works; rock, sand and gravel cleaning, crushing and processing including assaying.

23. Paper manufacture.

24. Pattern shop.

25. Petroleum and petroleum products manufacture and storage, excluding petroleum refining.

26. Plastics manufacture.

27. Railroad yards and repair shops.

28. Rolling mill.

29. Rubber goods and gutta percha manufacture.

30. Salt works and salt manufacture.

31. Saw and planing mill and wood products manufacture.

32. Ship yard.

33. Starch manufacture.

34. Tobacco products manufacture.

35. Wool pulling and scouring.

36. Uses customarily incident to any of the above uses and accessory buildings when located on the same lot or land parcel.

B. HEIGHT REGULATIONS

Buildings, structures or portions thereof shall not be erected to exceed a height of six (6) stories or seventy-five (75) feet.

C. AREA

1. Front Yard: There shall be a front yard of not less than twenty (20) feet in depth.

2. Side Yard: Where the side of a lot in the "M-2" HEAVY INDUSTRIAL DISTRICT abuts the side of a lot in an "A-1" or an "R" DISTRICT there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half ($2\frac{1}{2}$) stories in height; for buildings exceeding two and one-half ($2\frac{1}{2}$) stories in height such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings height exceeds two and one-half ($2\frac{1}{2}$) stories. On corner lots there shall be side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half ($2\frac{1}{2}$) stories in height; for buildings exceeding two and one-half ($2\frac{1}{2}$) stories in height such side yard shall be increased three (3) feet for each story or portion thereof

that such buildings exceeds two and one-half ($2\frac{1}{2}$) stories in height but such side yard need not exceed twenty (20) feet in width. Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases a side yard for industrial or commercial buildings shall not be required.

3. Rear Yard: There shall be a rear yard of not less than twenty (20) feet in depth.

D. PARKING REGULATIONS

Parking space for buildings other than dwellings as required in Section 17. Loading space as required in Section 17.

SECTION 16. "M-3" HEAVY INDUSTRIAL DISTRICT

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "M-3" HEAVY INDUSTRIAL DISTRICT shall comply with the following regulations:

A. USE

PERMITTED USES:

Any use other than those uses which are excluded from any unincorporated area of Wasco County by ordinance or such uses as hereafter shall require special sites selected and approved by the Wasco County Planning Commission and the County Court of Wasco County; provided, however, that all residential uses are prohibited in the "M-3" HEAVY INDUSTRIALDISTRICT except necessary quarters for caretakers and watchmen; and further provided that yards for the storage or baling of rags, paper, metal and junk, and automobile salvage and wrecking yards shall be enclosed within a solid wood or masonry fence or wall not less than seven (7) feet in height. Such fence or wall shall be uniform and neutral in color. Such enclosures shall not include any required front or side yard.

B. HEIGHT REGULATIONS

Buildings, structures or portions thereof shall not be erected to exceed a height of six (6) stories or seventy-five (75) feet.

C. AREA

1. Front Yard: Same as required in the "M-2" HEAVY INDUSTRIAL DISTRICT.

2. Side Yard: Same as required in the "M-2" HEAVY INDUSTRIAL DISTRICT.

3. Rear Yard: Same as required in the "M-2" HEAVY INDUSTRIAL DISTRICT.

D. PARKING REGULATIONS

Parking space for buildings other than dwellings as required in Section 17. Loading space as required in Section 17.

SECTION 17. AUTOMOBILE SPACE REGULATIONS

A. AUTOMOBILE PARKING SPACE

Buildings or structures hereafter erected, enlarged or increased in capacity shall provide off street parking area as follows:

1. Dwellings: For dwellings one (1) parking space shall be provided on the lot with the main building for each dwelling unit in a new building or for each dwelling unit hereafter added to an existing building.

2. Hotels and Apartment Hotels: For hotels and apartment hotels one (1) parking space shall be provided for each three (3) guest rooms or suites in a new building or for each three (3) guest rooms or suites hereafter added to an existing such building.

3. Tourist Court, Motel and Tourist Homes: For tourist court, motel or tourist homes one (1) parking space shall be provided on the lot for each sleeping or living unit of a new building or for each sleeping or living unit hereafter added to an existing such building, home or court.

4. Lodging and Boarding Houses: For lodging and boarding house one (1) parking space shall be provided on the lot for each three (3) sleeping (rental) or living units of a new building or for each three (3) sleeping (rental) or living units hereafter added to an existing such building.

5. Private Clubs, Lodges, Fraternities, Sororities and Dormitories: For private clubs, and lodges, fraternities, sororities and dormitories one (1) parking space shall be provided for each three (3) bedrooms or for each six (6) beds in a new building or for each three (3) bedrooms or each six (6) beds hereafter added to an existing such building.

6. Hospitals, Sanitariums, Nursing Homes and Welfare Institutions: For hospitals, sanitariums, nursing homes and welfare institutions one (1) parking space shall be provided for each two (2) beds in a new building or for each two (2) beds hereafter added to an existing such building.

7. Medical and Dental Clinics: For medical and dental clinics one (1) parking space shall be provided for each four hundred (400) square feet of floor space in a new building or for each four hundred (400) square feet of floor space added to an existing such building.

8. Mortuaries or Funeral Homes: For mortuaries or funeral homes one (1) parking space shall be provided for each four (4) seats or each fifty (50) square feet of floor space in the chapel, parlors or place of assembly in a new building, or for each four (4) seats or each fifty (50) square feet of floor space in the chapel, parlors, or place of assembly hereafter added to an existing such building.

9. Dance and Assembly Halls: For dance and assembly halls one (1) parking space shall be provided for each one-hundred (100) square feet of floor space in such hall for a new building or for each one-hundred (100) square feet of floor space hereafter added to such hall in an existing such building.

10. Bowling Alleys: For bowling alleys four (4) parking spaces shall be provided for each alley, plus one (1) parking space for each four (4) employees in a new building, or four (4) parking spaces for each alley, plus one (1) parking space for each four (4) employees hereafter added to an existing such establishment.

11. Auditoriums and Stadiums: For each auditorium of a church, high school or other public auditorium or for a baseball park, stadium or for a theater or any similar place of assembly one (1) parking space shall be provided for each four (4) seats in a new building or structure or for each four (4) seats hereafter added to an existing such building or structure.

12. Office and Public Buildings: For each office or public building one (1) parking space shall be provided for each four hundred (400) square feet of actual office floor area in a new building or for each four hundred (400) square feet of actual office floor area hereafter added to an existing such building.

13. Commercial Buildings: For commercial business and personal service establishments one (1) parking space shall be provided for each five hundred (500) square feet of actual sales or service floor area in a new building or each five hundred (500) square feet of actual sales or service floor area hereafter added to an existing such building.

14. Industrial Buildings: For industrial and wholesale buildings one (1) parking space shall be provided for each five (5) regular employees in new buildings or for each five (5) regular employees in any addition hereafter made to an existing such building. Where employees work in shifts, the number of regular employees shall be the number employed in the largest shift.

15. Adjacent Parking Areas: Parking space required for uses other than dwellings, boarding and lodging houses, tourist court, motel and tourist homes, may be located on the same lot with the main buildings or structures or within such buildings or structures or on other property within four hundred (400) feet from such lot and which other property is in the same ownership as that on which the main buildings or structures are located.

16. Parking Space Location: Required parking space in any "A-1" or "R" DISTRICT shall not be located in any front yard or in the side yard on the street side of a corner lot.

B. PUBLIC PARKING AREAS

Every parcel of land hereafter used as a public parking area or an automobile or trailer sales area shall be developed as follows:

1. Such areas shall be surfaced with permanent paving; they shall have bumper rails or curbs and be enclosed by a sturdy wall, fence or evergreen hedge not less than thirty (30) inches in height nor more than six (6) feet in height. Such wall, fence or hedge shall not enclose any required front yard or required side yard on the street side of a corner lot. Any such required front or side yard shall be developed as grass lawn, or landscaped and shall be properly maintained. Where such public parking area abuts or lies within an "A-1" or an "R" DISTRICT the required wall, fence or hedge shall be not less than six (6) feet in height on the sides or rear yards abutting or within such "A-1" and "R" DISTRICT.

2. Where a public parking area or automobile or trailer sales area is illuminated, the lights shall be

fixed so as to reflect away from adjoining premises in DWELLING DISTRICTS.

C. LOADING SPACE

A commercial, wholesale or industrial building hereafter erected or enlarged and which is located on a lot or land parcel which abuts on an alley or street and which building or addition has a floor area of two thousand, five-hundred (2,500) or more square feet shall provide one (1) permanent off street loading space not less than twenty-five (25) feet long, ten (10) feet wide and fourteen (14) feet in height, on or accessible to such street or alley; when such building has a floor area of more than twenty-thousand (20,000) square feet, two (2) such loading spaces shall be provided; not more than two (2) such loading spaces shall be required until such a building exceeds forty thousand (40,000) square feet in floor area. For each forty thousand (40,000) square feet of floor area that a building exceeds forty thousand (40,000) square feet of floor area, one (1) additional loading space shall be provided. A rear yard may be used for such loading space when such rear yard is adequate in area.

SECTION 18. AUTOMOBILE TRAILERS AND TRAILER PARKS

1. Compliance with Oregon State Health Laws: All automobile trailers and trailer courts and parks shall comply with the Oregon State Health Laws and the regulations of the Oregon State Board of Health for such trailers and trailer courts and parks.

2. Trailer Locations: All automobile trailers entering, and all such trailers not located but which are within the unincorporated areas of Wasco County covered by this ordinance, shall locate within a "C-2", "C-3", or an "M" District or an established automobile trailer court or camp. The regulations of this paragraph shall not apply, during the working season, to the automobile trailers of seasonal workers in agriculture, grazing, horticulture, logging or forestry when located on the property upon which the occupants of such trailers are employed.

3. Caretakers: One automobile trailer for a caretaker and his family may be permitted by the Wasco County Building Inspector for a period of one (1) year on an industrial site or on the

grounds of a public school or other public building where the caretaker is employed. Such temporary trailer permit may be renewed for a period of one (1) year provided ample proof is given that such trailer is absolutely necessary.

SECTION 19. EXCEPTIONS

A. HEIGHT EXCEPTIONS

1. Dwellings, Three Stories: In districts limiting the heights of buildings to two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, dwellings may be erected to a height of three (3) stories or forty-five (45) feet, provided each required side yard is increased one (1) foot in width for each one (1) foot such dwelling exceeds two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height.

2. Schools, Hospitals and Institutions to Six Stories: Schools, educational institutions, hospitals, sanitariums, and philanthropic and other institutions permitted in "A-1" and "R" DISTRICTS may be constructed to a height of not to exceed six (6) stories or seventy-five (75) feet provided the side yards required in the "A-1" AGRICULTURAL DISTRICT and in paragraph "B-1" of this Section 19. are each increased one (1) foot in width for each one (1) foot such building exceeds the required height limits of the district in which such building is located. Required front and side yards for such buildings shall not be used as parking space.

3. Structures, Above Height Limits: Necessary roof structures housing elevators, stairways, tanks, fans and ventilators and towers, steeples, flagpoles, smokestacks, silos, grain elevators, water tanks and skylights and fire or parapet walls may be erected above the height limits of the district in which they are located providable no useable floor space is provided in such structures above the required height limits.

4. Accessory Buildings: Accessory buildings in all "R" DISTRICTS shall not exceed one (1) story or fifteen (15) feet in height and shall not be used for dwelling purposes.

5. Through Lots:

(a) On through lots one hundred and fifty (150) feet or less in depth, the height of a building may be that permitted on either street on which the lot faces.

(b) On through lots more than one hundred and fifty (150) feet in depth the height regulations for

the street permitting the greater height shall not extend more than one hundred and fifty (150) feet from that street.

B. AREA. EXCEPTIONS

1. Side Yards For Schools, Churches and Institutions: Side yards for public schools, public libraries, museums, churches, hospitals, sanitariums, community centers, educational, philanthropic and other institutions hereafter erected in any "R" DISTRICT shall provide a side yard on each side of the main building of not less than twenty (20) feet in width.

2. Side Yards For Row Houses: For the purpose of side yard regulations a row house shall be considered as one (1) building occupying one (1) lot.

3. Yards For Group Buildings:

(a) In the case of group buildings on one site, including institutions and dwellings, the yards on the boundary of the site or the lot shall not be less than required for one (1) building on one (1) lot in the district in which the property is located.

(b) The distance between group buildings on one site, including institutions and dwellings, shall be twice the width of the required side, front or rear yards or the sum of a combination of any two such yards, depending on the arrangement or location of one building in relation to another.

(c) In the case of group dwellings or court apartments rearing on side yards, in those districts where multiple-family dwellings are permitted, the required side yards shall be increased two (2) feet in width for each dwelling unit rearing thereon; but such side yard need not exceed twenty-five (25) feet.

(d) No group-dwelling court shall be less than twenty-five (25) feet in width.

(e) In the case of row houses or dwellings rearing on one side yard and fronting upon another, in districts where multiple-dwellings are permitted, the side yard on which the dwellings rear shall be increased two (2) feet for each dwelling unit rearing on such side yard and the side yard on which dwellings front shall not be less than twenty (20) feet in width.

4. Rear Yard Includes One-Half of Alley: In computing the depth of a rear yard, where such yard abuts an alley, one-half of the width of such alley, may be assumed to be a portion of such rear yard.

5. Through Lots: Through lots having a frontage on two (2) streets shall provide the required front yard on each street.

6. Dwellings Units Above Stores: Front and side yards for dwellings above stores or business shall be waived when front and side yards are not required for such commercial structures.

7. Lot Area Requirements For Tourist Court: Each sleeping or living unit of a tourist court shall be considered a dwelling unit under the lot-area-per-family requirements of the district in which such tourist court is located.

8. Accessory Buildings: Accessory buildings shall not occupy more than thirty-five (35) per cent of a required rear yard. Accessory buildings shall be located not less than eight (8) feet from any rear lot line where no alley abuts such rear lot line.

9. Projections Into Yards: Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:

   (a) Accessory buildings where permitted.

   (b) Ordinary building projections such as cornices, eaves, belt courses, sills or similar architectural features may project into required side yards not more than twelve (12) inches or into front and rear yards not more than twenty-four (24) inches.

   (c) Chimneys may project into any required yard not more than twelve (12) inches.

   (d) Uncovered balconies or fire escapes may project into any required yard not more than three (3) feet.

   (e) Uncovered terraces or platforms may project or extend into a required front or rear yard not more than five (5) feet or into a required side yard not more than three (3) feet or into a required court not more than six (6) feet. Such terraces or platforms shall not extend upward above the first floor level.

10. Front Yard Fences And Sight Clearance: No fence, hedge or obstruction of any kind shall exceed three (3) feet in height in any required front yard within seventy-five (75) feet of any street intersection.

SECTION 20. NON-CONFORMING USES

1. Non-conforming Use Continued: The use of a building existing at the time of the passage of this ordinance may be continued although such use does not conform to its provisions. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restricted classification. A non-conforming use shall not hereafter be changed to a less restrictive use.

2. Non-conforming Use By Reason of Change In This Ordinance: Whenever the use of a building becomes non-conforming by reason of a subsequent change in this zoning ordinance, such use may be continued and if no structural alterations are made it may be changed to another non-conforming use of the same or of a more restricted classification.

3. Non-conforming Use Discontinued: Should a non-conforming use of a building be discontinued for a period of one (1) year, the use of such building shall thereafter conform to a use permitted in the district in which it is located.

4. Alterations or Change of Non-conforming Building: An existing building occupied by a non-conforming use, shall not be enlarged, extended or structurally altered unless its use and such enlargement, extension or altered portion is made to conform to the regulations of the district in which such building is located.

5. Reconstruction of Damaged Building: When a building, the use of which does not conform to the provisions of this ordinance, is damaged by fire, flood, explosion or other calamity or act of God or the public enemy to the extent of not more than sixty (60) per cent of its fair value, at the time of such damage, it may be restored and its use at the time of such damage resumed. Such reconstruction, however, must be started within one (1) year following such damage; after such time has elapsed and no reconstruction started, the building can be repaired or

reconstructed only if its use and the damaged portion conform to the regulations of the district in which the building is located. Should such damage to a building exceed sixty (60) per cent of its fair value, at the time of such damage, then the building may be repaired or reconstructed only if it conforms to all the regulations of the district in which it is located.

6. Signs: Any non-conforming sign, billboard or advertising structure which for any reason is removed or condemned for removal shall not be replaced.

7. Additional Uses by Permit of the Wasco County Court: The County Court of Wasco County, after public hearing, may permit the following uses in districts from which they are prohibited by the regulations of this ordinance or in certain districts as herein provided, where such uses are deemed necessary to the public health, safety and welfare and are in accord with the comprehensive plan:

   (a) Airports and airfields.

   (b) Cemeteries, crematories or mausoleums.

   (c) Educational institutions.

   (d) Fraternity, sorority or private club.

   (e) Government buildings (Federal, State, County or City).

   (f) Hospitals, sanitariums, nursing homes, home group care, home nursing or public welfare institutions.

   (g) Nursery schools or day nurseries.

   (h) Philanthropic or correctional institutions.

   (i) Radio or television station.

   (j) Slaughter house, garbage disposal site or sewage disposal plant.

   (k) Extraction of sand, gravel, ores or other natural resources.

(l) Game and fur farm.

(m) Explosives plant and storage or dangerous industry.

(n) Circus or transient amusement.

(o) Labor or contractors camp or temporary frame buildings incidental to construction or building operations such as a contractor's office or supply shed by permit from the county building inspector for only the period of labor emergency or duration of the construction.

(p) A public parking area in the "A-1" or any "R" district abutting a commercial or a light industrial district; such public parking to be contiguous to and within two hundred (200) feet of a commercial or light industrial district. Such parking area shall be subject to the following conditions and limitations:

(1) Regulations of Section 17., Part B.

(2) Such parking area shall not be separated from the commercial or light industrial district by any street, road or highway.

(3) No entrance or exit of such parking area shall be more than one hundred (100) feet from a commercial or light industrial district.

(4) Such parking area shall be solely and entirely for the temporary parking of passenger automobiles and shall not be used for the sale, repair or servicing of automobiles.

(5) Only one (1) non-illuminated sign not exceeding ten (10) square feet in area shall be permitted in such parking area.

(6) Such other and further conditions as the County Court of Wasco County may deem desirable to reduce the adverse effect of such public parking area upon the preservation of the residential character and the development of the residential district in which said parking area is located.

Written application for any of the above uses shall be made to the Wasco County Court who shall refer it to the Wasco County Planning Commission for review. The County Planning Commission shall make a written report of its findings and determination within thirty (30) days of its receipt of the referred application.

Should the County Planning Commission fail to make its report within thirty (30) days, the absence of such report shall be deemed the approval of that body. No action shall be taken by the Wasco County Court on the application until after the report of or the time allowed for the report of the County Planning Commission. In approving any of the uses listed in this paragraph 8, the Wasco County Court may impose such conditions as it deems proper to protect the surrounding property and the purposes of the comprehensive county plan.

SECTION 21. RESIDENTIAL NEIGHBORHOOD UNIT PLAN

A plan for a residential neighborhood unit of more than ten (10) acres shall be submitted to the Wasco County Court by the owner or owners of the tract for which such development is planned. Such plan shall be referred to the Wasco County Planning Commission for study, for public hearing and report. Such plan shall not be approved by the County Planning Commission unless it meets the following requirements:

1. The property abutting on and adjacent to the tract will not be adversely effected by the development of the plan.

2. That the height regulations of the district in which the property is located shall be observed.

3. That the lot area, per family unit, exclusive of streets of the district in which the property is located shall be observed.

4. That the distance between buildings shall be twice the width of the side, front and rear yards or the sum of any two such yards as required in the district in which the property is located.

5. That adequate utilities, neighborhood and community facilities, recreation areas and open spaces are provided in such plan.

6. That the plan conforms to the intent and purpose of this ordinance to promote public health, safety, morals and the general welfare. Should such plan include any use of property not permitted in the district in which the tract, for which the plan is submitted, is located, then the County Planning Commission shall request the proper amendment to this ordinance covering such required change in use, if in its report to the Wasco County Court such change is approved.

SECTION 22. BOARD OF ADJUSTMENT

A Board of Adjustment is hereby established. The word "Board" when used in this Section shall be construed to mean the Board

of Adjustment. The Board shall consist of five (5) members who shall be registered voters of the unincorporated portions of Wasco County appointed by the Wasco County Court. The term of office of the members of the Board shall be for four (4) years, except that members of the first board shall be appointed one for one (1) year, one for two (2) years, one for three (3) years and two for four (4) years. Thereafter each member shall be appointed for a term of four (4) years. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the County Court upon written charges and if necessary, after public hearing.

Proceedure: The Board shall elect its own Chairman and Vice-Chairman, each for a term of one (1) year. In absence of the Chairman, the Vice-Chairman shall have all the powers of the Chairman.

The Board shall adopt such rules it deems necessary to carry out the provisions of this ordinance.

The meeting of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Appeal: Appeals to the Board may be taken by any person aggrieved or by any officer, department or board of Wasco County effected by any decision or ruling of the County Building Inspector made under this ordinance. Such appeal shall be taken within fifteen (15) days after the decision or ruling of the County Building Inspector by filing with the County Building Inspector and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The County Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the County Building Inspector certifies to the Board of Adjustment, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate, a stay would in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order issued by a Court of competent jurisdiction. Timely Notice of Application for a restraining order shall be given to the County Building Inspector and to the District Attorney of the State of Oregon.

The Board shall fix a reasonable time for the hearing of the appeal and shall give not less than fifteen (15) days public notice thereof in a newspaper of general circulation and also serve copies of such notice upon the County Building Inspector, the appellant, other parties in interest and upon such parties having requested such notice. Upon the hearing, any party may appear in person or by agent or by attorney.

Powers of the Board of Adjustment: The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the County Building Inspector in the enforcement of this ordinance.

2. To permit the extension of a district where the boundary line of a district divides a lot held under a single ownership at the time of the passage of this ordinance.

3. To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon maps fixing the several districts accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the district map.

4. To authorize upon appeal a variation in the regulations of this ordinance when a property owner can show that his property was acquired in good faith and where by reason of the irregular shape of a lot of record at the time of passage of this ordinance or by reason of existing topographic conditions or peculiar and exceptional conditions, that the strict application of such regulations would result in real and unnecessary hardship and the Board through investigation and from the evidence before it is satisfied that the granting of a variance will alleviate a hardship that approaches confiscation of the property and will not be detrimental to adjacent property; providing, that in granting a variance the spirit and purpose of this ordinance will be preserved and substantial justice done.

In exercising the above mentioned powers the Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision and determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the County Building Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in this ordinance.

SECTION 23. CERTIFICATE OF OCCUPANCY

A certificate of occupancy for a new building or for the alteration of an existing building shall be applied for when application is made for a building permit. The certificate of occupancy shall be issued within five (5) days after written request for the same shall have been made to the building inspector, after construction or alteration of the building or portion thereof is completed and such building or alteration is approved as the result of the final inspection by the County Building Inspector. Pending the issuance of a regular certificate of occupancy a temporary certificate of occupancy may be issued for a period not exceeding six (6) months for a building or portion thereof, the construction or alteration of which is nearing completion and which building has been inspected by the County Building Inspector and declared safe for occupancy. Such temporary certificate shall not be construed as in any way altering the requirements of the regulations of this ordinance or other county regulations of building occupancy.

The certificate of occupancy shall state that the new building or portion thereof or the altered existing building or the proposed use of a building or land complies with the regulations of this ordinance. A record of all certificates shall be kept on file in the office of the County Building Inspector and copies furnished, on request, to any person having a proprietory or tenancy interest in the building or land effected.

SECTION 24. PLAT OR PLAN

Each application for a building permit shall be accompanied by a drawing, plat or plan, in duplicate, drawn to scale and showing accurately the location of the lot or land parcel, all lot dimensions, building size and locations, yard dimensions and such other information as will give site data necessary to satisfy the requirements of this ordinance. This plat or plan shall have been prepared from a survey made by a registered engineer or land surveyor. A good record of the original copy of each such application and plan shall be kept in the office of the County Building Inspector and a duplicate copy shall be kept at the building at all times during the construction.

SECTION 25. INTERPRETATION - PURPOSE AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirement for the promotion of the public safety, health, morals and general welfare. It is not intended by this ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon heights of buildings or requires larger yards or open spaces than are required by other

orders or ordinances, codes, regulations, easements, covenants or agreements, the provisions of this ordinance shall govern.

SECTION 26. CHANGES AND AMENDMENTS

General: Whenever public necessity and general welfare require, the Wasco County Court may on its own motion or on petition or on recommendation of the Wasco County Planning Commission, after public notice and public hearing, amend, supplement or change the regulations or the districts of this ordinance herein established.

Initiation of Amendment: An amendment, supplement or change in this ordinance may be initiated by:

1. A resolution of request by the County Court of Wasco County.

2. An official proposal by the Wasco County Planning Commission.

3. A petition to the County Planning Commission presented on forms and accompanied by information prescribed by the County Planning Commission, signed by the owners of not less than sixty (60) per cent of the property within the area of the desired change and within three hundred (300) feet of such area.

All requests for amendment, supplement or change in this ordinance shall first be referred to the Wasco County Planning Commission.

Public Hearing By The Wasco County Planning Commission: Upon receipt of a request or petition for an amendment, supplement or change in this ordinance, the County Planning Commission shall set a day for a public hearing on such change and give notice of the time and place of such hearing in a newspaper of general circulation in Wasco County at least fifteen (15) days before the time of such hearing: at the same time of such newspaper notice, at least three such notices shall be posted in public places within the area effected. The findings and determination of the County Planning Commission resulting from this public hearing shall be made in writing and a copy transmitted to the applicant or petitioner and to the Wasco County Court within fifteen (15) days after such hearing.

Amendment By The Wasco County Court: If the Wasco County Planning Commission approves such request or petition for an amendment, supplement or change it shall forward its findings and recommendations to the Wasco County Court for action thereon by that body.

Protest On Proposed Amendment: Should a written protest against a proposed amendment, supplement or change in this ordinance be filed with the County Clerk by the owners of twenty (20) per cent

of the property in the area of the proposed change and within three hundred (300) feet of such area, when such County Clerk shall present such written protests at the next meeting of the County Court for their consideration.

Filing of Petitions: Petitions for amendment, supplement or change in this ordinance shall be filed with the Wasco County Clerk.

SECTION 27. ENFORCEMENT

It shall be the duty of the Wasco County Building Inspector to enforce this ordinance.

Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100.00) for each day of violation where the offense is a continuing offense but such fine may not exceed one thousand dollars ($1,000.00) or a fine of not more than five hundred dollars ($500.00) where the offense is not a continuing offense.

Justices' Courts, District Courts and Circuit Courts have concurrent jurisdiction over prosecutions for violations of this ordinance.

SECTION 28. VALIDITY

Should any section or clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Regularly passed and adopted by the County Court of the County of Wasco, State of Oregon, this 8th day of February, 1956.

WASCO COUNTY COURT

Fred G. Hauser
County Judge

Vernon Obrist

James A. Hunt
County Commissioners

Date Filed: February 8, 1956

Approved February 6, 1956 by:

WASCO COUNTY PLANNING COMMISSION

Everett H. Olmstead
Chairman

Walter J. Webb
Secretary

PLANNING DEPARTMENT
2705 East Second Street • The Dalles, OR 97058
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PLANNING APPLICATION COVER PAGE
NATIONAL SCENIC AREA

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT					
File #	921-23-000023-PLNG	Fee:	5,515.58	Decision:	☐ Approved ☐ Denied
Date Received:	2.7.23	Received by: (Planner Initials)	DW	Decision Date:	
Date Complete:		Reviewed by: (Planner Initials)		Issued by: (Planner Initials)	

APPLICANT INFORMATION

Name: Elizabeth Betts, PE
Address: 1411 13th Street
City/State/Zip: Hood River, OR 97031
Phone: 541-386-3322
Email: elizabeth@kleinassocinc.com

OWNER INFORMATION

Name: Mona Miller (Smilekel Group)
Address: 1309 SE 195th Ave
City/State/Zip: Camas, WA 98607
Phone: 503-274-7022
Email: mona@pacificgemlab.net

Primary Point of Contact for staff: Applicant

PROPERTY INFORMATION

Physical Address / Location Information: Sandstone Way at Ledge Street

Township, Range, Section, Tax Lot(s)	Acct #	Acres	Zoning	Overlay Zone(s)
1N13E5AD - TL 300,1000, 1100,1200	8347,8355,15570,8350	2.28,2.74,3.76,1.9	GMA R-5	
1M13E4BC - 2600	15569	4.27	GMA R-5	

SIGNATURES:

Applicant(s) Digitally signed by Elizabeth Betts Date: 2022.12.12 15:31:47-08'00' Date: Dec. 12, 2022

Date:

Property Owner(s) M Miller Date: Dec. 9, 2022

Date:

**Signatures are only valid for one year from the date of signature. Signing indicates that the property owner(s) is/are aware that an application is being made on the subject property and also authorizes Planning Department staff reasonable access to the site in order to evaluate the application*

PROPERTY CREATION

Was your property created by Partition or Subdivision? ☑ Yes ☐ No If Yes, what is it called and what is your lot or parcel number? (*Example: Columbia Crest 2nd addition Lot 45, or MIP-80-012, Parcel #2*): portions of Columbia Crest Addition and Fulland Park Addition Tract 35

Is a copy of your current deed attached? ☑ Yes ☐ No

For help finding your deed, please visit the Wasco County Clerk's Digital Research Room

PROJECT DESCRIPTION

(What are building? How will you use it? EXAMPLE: Shed for residential use. Attach additional pages if necessary.)

Replat of existing subdivision lots to make them more conforming with current zoning

Dimensions of PROPOSED Improvements				
Structure/Development*	Length	Width	Height (at peak)	Square Footage
Example: Dwelling	35 feet	40 feet	16 feet	1,400 SF
N/A - no extg structures				
Dimensions of EXISTING Development				

*Please list all structures, including dwellings, sheds, well/pump houses, barns, shops, loafing sheds, fencing, etc.

ADDITIONAL PROPERTY INFORMATION:

Water source: Chenowith water - loop from extg 4" Sewage disposal method: ☑ Septic ☐ Sewer ☐ None

Are there wetlands/waterways on your property? ☑ NO ☐ YES (description) _____

Name of road(s) providing access: Sandstone

Current use of property: ☐ Agricultural ☐ Forestry ☐ Residential ☐ Commercial ☐ Industrial ☑ Vacant ☐ Other _____

Do you own neighboring property? ☐ NO ☑ YES (description) TL400, TL500, TL600, TL1500 - all vacant land

PLEASE NOTE: Before this application will be processed, you must supply all requested information and forms, and address all listed or referenced criteria. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission.

ALL APPLICATIONS MUST INCLUDE:

- ☐ Application Fee – Cash, Check, or Credit Card
- ☐ Site Plan
- ☐ Elevation Drawing
- ☐ Fire Safety Self-Certification
- ☐ Other applicable information/application(s):

PROPERTIES IN THE *NATIONAL SCENIC AREA* MUST ALSO INCLUDE:

- ☐ Scenic Area Application / Expedited Review
- ☐ Color and Material Samples
- ☐ Landscaping Plan
- ☐ Grading Plan
- ☐ Other applicable information/application(s):

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel ☐ NO ☐ YES
Deed/Land Use Action: _____

Previous Map and Tax Lot: _____

Past Land Use Actions: If yes, list file #(s) _____ ☐ NO ☐ YES

_____

_____

Still subject to previous conditions? ☐ NO ☐ YES

Assessor Property Class: _____

Zoning: _____

Overlay Zones – List applicable OZs:

☐ OZ # _____
☐ OZ # _____
☐ OZ # _____
☐ OZ # _____

Water Resources
Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? ☐ NO ☐ YES

Describe (include setback distances): _____

☐ Fish bearing ☐ Non-fish bearing ☐ Seasonal Creek
☐ Irrigation ditch ☐ Wetland ☐ Pond/Lake ☐ Not identified

(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)

Access:
County or ODOT approach permit on file? ☐ NO ☐ YES, # _____

Address:
Address exists and has been verified to be correct? ☐ NO ☐ YES
Address needs to be assigned after approval? ☐ NO ☐ YES

Fire District: _____

Are there active Code Enforcements cases on this property? ☐ NO ☐ YES

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FILE NUMBER: _____

N/A - no homes proposed with replat subidivision - this will be completed for each home building permit application

FEE: _____

NATIONAL SCENIC AREA APPLICATION

Date Received: **Planner Initials:** **Date Complete:** **Planner Initials:**

Please describe your proposed development in the National Scenic Area below. Attach additional narrative if necessary.

	LENGTH	WIDTH	HEIGHT	SQ. FT.	MATERIAL, COLOR, NAME & VENDOR (Samples Must Be Submitted)
EXISTING Development					
Dwelling					
Garage					
Other (shed, road etc...)					
PROPOSED Improvements					
Dwelling					
Main/Body					
Trim					
Roof (Fire Resistant)					
Doors					
Windows (frame, sill & sash)					
Window Reflectivity Specs					
Other Building(s)					
Main/Body					
Trim					
Roof (Fire Resistant)					
Doors					
Windows (frame, sill & sash)					
Window Reflectivity Specs					
Decks					
Fences/Gates					
Driveway					
Exterior Lighting & Hooding					

ADDITIONAL INFORMATION

Your proposed development will be reviewed according to the following criteria. It is important that your proposed design takes them into consideration. Please consult *Building in the Scenic Area - Scenic Resources Implementation Handbook* for additional guidance regarding the siting and design of your proposed development.

KEY VIEWING AREAS

Check which Key Viewing Areas can be seen from the development site:

- ☑ Interstate 84, including rest stops
- ☑ Washington State Route 14
- ☐ Historic Columbia River Highway
- ☑ Columbia River
- ☐ Rowena Plateau and Tom McCall Point
- ☐ Washington State Route 142 (Lyle and Klickitat River road)
- ☐ Old Washington State Route 14 (County Road 1230)

Is property within ¼ mile of Interstate 84 or Historic Columbia River Highway (30)? ☑ NO ☐ YES

If YES, indicate setbacks to the paved edge of the Scenic Travel Corridors _____

Is any structure on property 50 years old or older? ☑ NO ☐ YES, year built: _____

Is proposed development site adjacent to agricultural uses? ☑ NO ☐ YES, type (grazing, orchards, grain, other):

_____

_____

_____

Please describe the operational characteristics of non-residential uses/structures, including hours of operation, number of average daily trips, number of commercial events per year, etc. (attach additional pages if necessary):

_____

_____

_____

MAINTAIN TOPOGRAPHY

☑ The proposed development has been designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

COMPATIBILTY

☑ The proposed development is compatible with the general scale (height, dimensions and overall mass) of existing nearby development.

SKYLINE

☑ The proposed development does not break the skyline as seen from any Key Viewing Areas.

VISUAL SUBORDINANCE

☑ The proposed development is sited to achieve visual subordinance from Key Viewing Areas by utilizing existing topography and existing vegetation. Please explain (attach additional pages if necessary):

Homes on proposed lots 5 and 6 may require additional vegetation for screening at time of building permits

_____

_____

_____

APPLICATION REQUIREMENTS

In addition to the items listed on the Land Use Application and Site Plan forms, the following information must be included with all applications for development in the National Scenic Area.

MATERIAL SAMPLES

All samples of exterior colors and materials have been included with the application. At time of building permit

- ☐ **If visible from Key Viewing Areas:** Dark earth-tone colors found at the specific site or in the surrounding landscape and either non-reflective or minimally reflective (non-metal with low-reflectivity glass); OR
- ☐ **If not visible from Key Viewing Areas:** Earth-tone colors found at the specific site.

GRADING PLAN

All applications for structural development, except for trails in the SMA, involving more than 100 cubic yards of grading and with slopes greater than 10 percent shall include a grading plan. All proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas shall include a grading plan.

A grading plan is required ☐ NO ☒ YES

If yes, a grading plan meeting the requirements below is included with the application:

- ☒ A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:
  - **(1)** Natural and finished grades.
  - **(2)** Location of all areas to be graded, with cut banks and fill slopes delineated.
  - **(3)** Estimated dimensions of graded areas.
- ☒ A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
  - **(1)** Its purpose.
  - **(2)** An estimate of the total volume of material to be moved.
  - **(3)** The height of all cut banks and fill slopes.
  - **(4)** Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)
  - **(5)** A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
  - **(6)** A description of any other interim or permanent erosion control measures to be used.

COMPLETENESS

☒ I have read and understand the following:

If an application is deemed incomplete within 30 days of receipt, a letter shall be sent to the Applicant notifying him of exactly what information is missing. Applicant will have 180 days from the original submittal date to respond to a potential Letter of Incompleteness. If the Applicant does not respond in writing within the 180 days, then the application will be deemed void on the 181st day.

Due to the missing information, Wasco County will be unable to adequately review the proposal to determine if it is consistent with all applicable criteria, and landowners within the required notification area, affected agencies and other interested parties will be unable to appropriately comment on the proposal. **As a result, the proposal will be denied.** Pursuant to Wasco County National Scenic Area Land Use & Development Ordinance 2.120(D), Applicant will not be able to submit a similar application for a minimum of one year unless the denial is reversed by a higher authority.

PRINCE HEIGHTS SUBDIVISION

IN THE NE 1/4 AND THE NW 1/4 SECTION 5, T. 1N., R. 13E., W.M.

WASCO COUNTY, OREGON

DECEMBER 15, 2022

SITE

VICINITY MAP
NTS

NOTICE TO EXCAVATORS:
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987). IF YOU HAVE ANY QUESTIONS ABOUT RULES, YOU MAY CONTACT THE CALL CENTER. YOU MUST NOTIFY THE CENTER AT LEAST 2 BUSINESS DAYS, BUT NO MORE THAN 10 BUSINESS DAYS, BEFORE COMMENCING EXCAVATION. CALL 503-246-6699

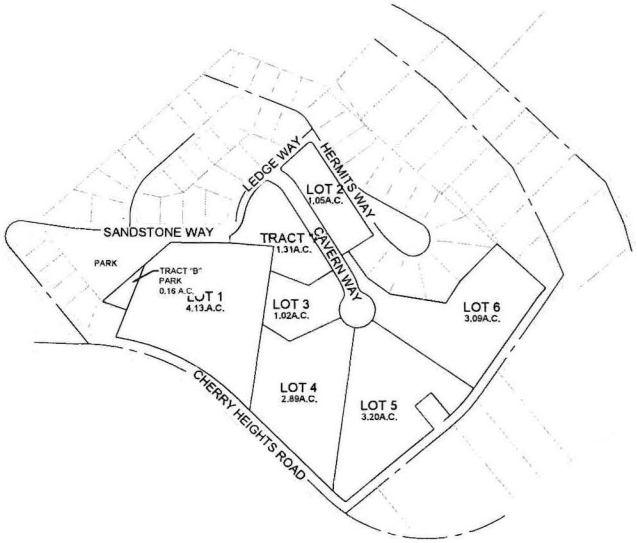
POTENTIAL UNDERGROUND FACILITY OWNERS

Dig Safely.

Call the Oregon One-Call Center
1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS	
M-F 7am-5pm	503-226-4211 Ext. 4313
AFTER HOURS	503-226-4211
PACIFIC POWER	1-800-332-2344
CENTURY LINK	1-800-573-1311
WASCO COUNTY PUBLIC WORKS	541-506-2640
CHARTER	503-823-4874



SITE MAP
1" = 50'

SHEET INDEX:

SHEET CV	COVER SHEET
SHEET C1.0	PRELIMINARY SITE PLAN
SHEET C2.0	PRELIMINARY GRADING PLAN
SHEET C2.1	PRELIMINARY ROAD PLAN/PROFILE
SHEET C3.0	FIRE MITIGATION PLAN

STANDARD NOTES:

i. ALL LATE-SEASON AC PAVING (PLACED AFTER OCTOBER 15TH AND BEFORE APRIL FIRST), SHALL BE HELD TO THE SAME PERFORMANCE CRITERIA AS ALL OTHER PAVING. IF FOR ANY REASON THERE IS AGGREGATE SEPARATION, A ROUGH FINISHED SURFACE, OR OTHER NON-ACCEPTABLE FINAL PRODUCT AND THE ENGINEER DETERMINES THAT IT IS NOT IN THE BEST INTEREST OF THE CITY TO REJECT THE WORK AND HAVE IT REMOVED AND RECONSTRUCTED, THE ENGINEER MAY REQUIRE AN ASPHALT SEAL COAT OR OTHER REMEDIATION ON THE ENTIRE SURFACE OR PORTIONS THEREOF.

ii. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE WASCO COUNTY ROAD STANDARDS, THE ODOT/APWA OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, AND THE AWWA STANDARD SPECIFICATIONS. IN CASE OF CONFLICTS, THE COUNTY'S ENGINEERING STANDARDS SHALL APPLY UNLESS SPECIFICALLY LISTED AS A DESIGN EXCEPTION ON THIS DRAWING.

SITE ADDRESS:
THE DALLES, OR 97058

OWNER / CONTACT INFO:
SMILEKEL GROUP LLC
1309 SE 195TH AVE
CAMAS, WA 98607

CIVIL ENGINEER:
KLEIN AND ASSOCIATES, INC.
1411 13TH STREET
HOOD RIVER, OR 97031
PHONE: 541-386-3322
CONTACT: ELIZABETH BETTS
EMAIL: ELIZABETH@KLEINASSOCINC.COM
PROJECT NO. XXXXXX

SURVEYOR:
KLEIN AND ASSOCIATES,INC
1411 13TH STREET
HOOD RIVER, OREGON, 97031
PHONE: 541-386-3322
EMAIL: INFO@KLEINASSOCINC.COM

Klein & Associates, Inc.
ENGINEERING · LAND SURVEYING · PLANNING
1411 13TH STREET
HOOD RIVER, OREGON 97031
TEL: 541-386-3322
FAX: 541-386-2515
WWW.KLEINASSOCINC.COM

REGISTERED PROFESSIONAL ENGINEER 71333PE OREGON ELIZABETH L. BETTS
EXPIRES

PRINCE HEIGHT SUBDIVISION—COVER SHEET
PRINCE HEIGHTS SUBDIVISION
WASCO COUNTY, OREGON

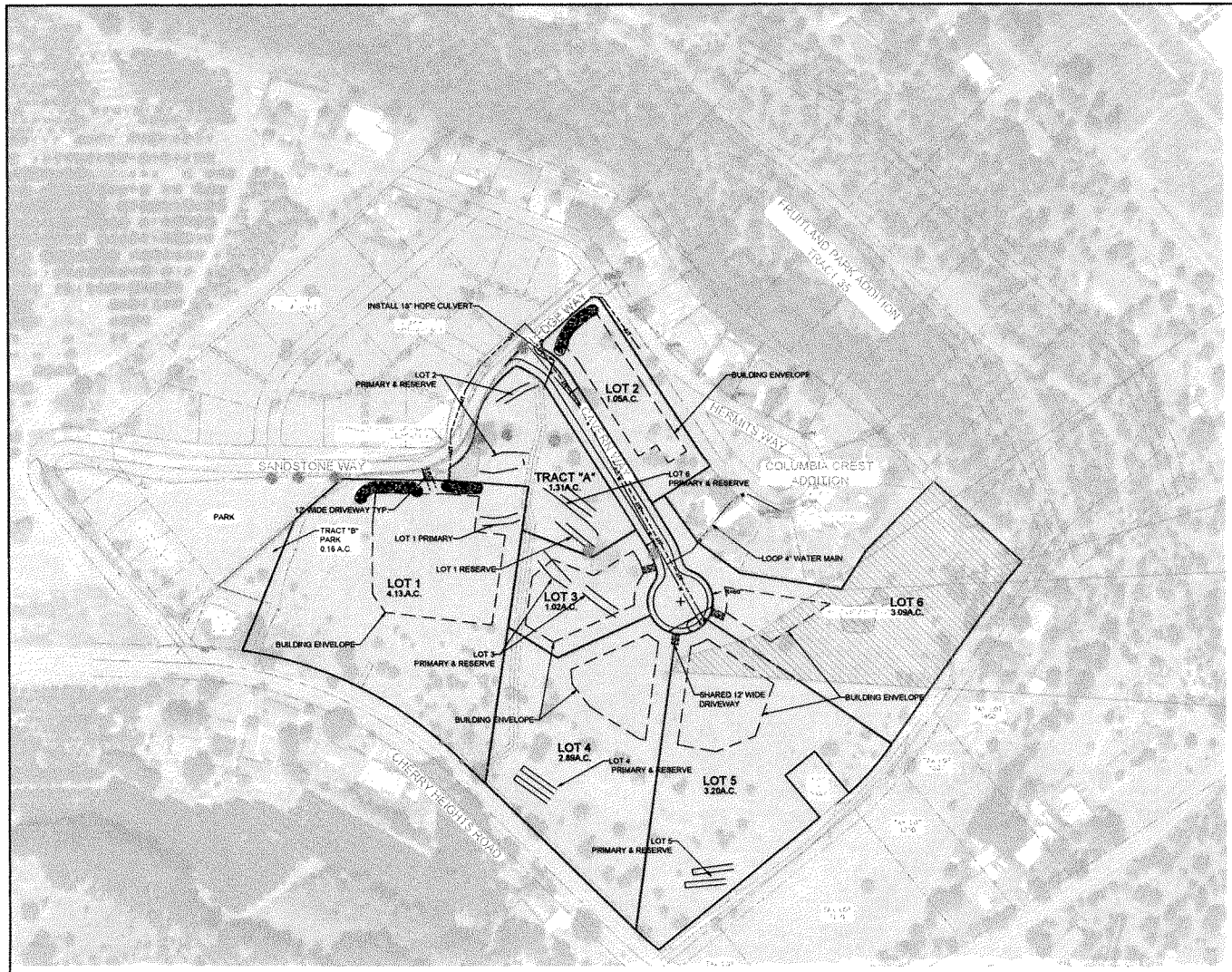
REVISIONS:

NO.	DESCRIPTION	DATE

SURVEYED: KA
DESIGN: KA
DRAFT: GD
APPROVE: JK
DATE:

DECEMBER, 2022

SHEET CV



PRELIMINARY

PLOTTED: 12/15/2022
SAVED: 12/14/2022

100 0 100 200
SCALE – FEET

KA
Klein & Associates, Inc.
ENGINEERING · LAND SURVEYING · PLANNING
1411 13TH STREET
HOOD RIVER, OREGON 97031
TEL: 541-386-3322
FAX: 541-386-2515
WWW.KLEINASSOCINC.COM

REGISTERED PROFESSIONAL ENGINEER
71333PE
OREGON
ELIZABETH L. METTS
EXPIRES

PRELIM SITE PLAN
PRINCE HEIGHTS SUBDIVISION
WASCO COUNTY, OREGON

REVISIONS:

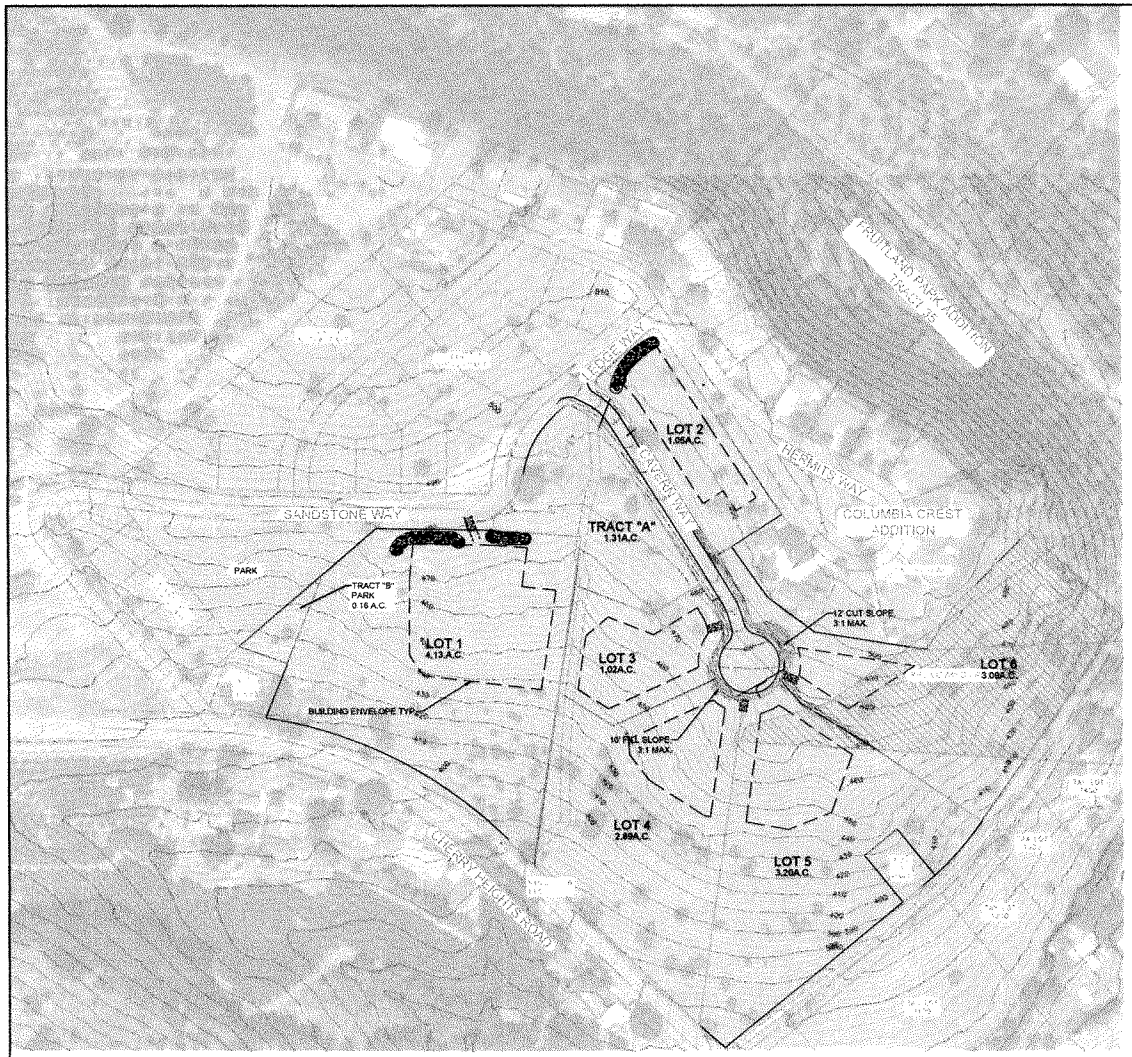
NO.	DESCRIPTION	DATE

SURVEYED: KA
DESIGN: KA
DRAFT: GD
APPROVE: JK
DATE:

DECEMBER, 2022

SHEET C1.0

CAD FILE: Z:\PROJECTS\2017\170105 Miller Columbia Crest PUD\Drawing\17-01-05-C2.0-COMPOSITE SITE PLAN.dwg PLOT DATE/TIME: 12/15/2022 – 3:33pm



LEGEND

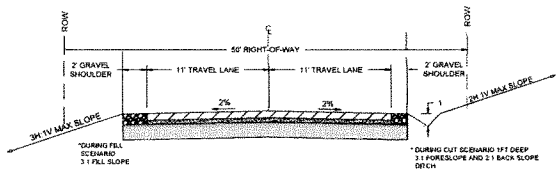
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- WATER MAIN
- WS — WATER SERVICE
- SD — STORM DRAIN
- X — FENCE
- DITCH
- SWALE
- JUT — JOINT UTILITY TRENCH
- CONTOUR (2 FOOT INTERVAL)
- BUILDING ENVELOPE

PRELIMINARY EARTHWORK VOLUMES

CUT = 1650 CY
FILL = 1200 CY
NET = 450 CY

NOTES

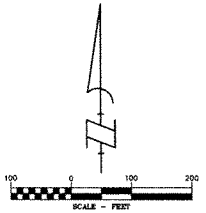
1. SEE GRADING PLAN NARRATIVE FOR ADDITIONAL DETAILS.



GENERAL NOTES FOR ROAD TYPICAL SECTION ABOVE

1. BASE ROCK SHALL BE 1 1/2"-0" CRUSHED AGGREGATE 8" COMPACTED DEPTH @ A MINIMUM OF 95% AASHTO T-180
2. FINISH COURSE SHALL BE 3/4"-0" CRUSHED AGGREGATE 2" COMPACTED DEPTH @ A MINIMUM OF 95% AASHTO T-180
3. ASPHALT PAVEMENT SHALL BE 4" MINIMUM COMPACTED DEPTH PLACED IN TWO (2) 2" LIFTS. FIRST LIFT @ A MINIMUM OF 91% OF RICE DENSITY AND SECOND LIFT @ A MINIMUM OF 92% OF RICE DENSITY.

CAVERN WAY TYPICAL SECTION (NTS)



KA
Klein & Associates, Inc.
ENGINEERING · LAND SURVEYING · PLANNING
1411 13TH STREET
HOOD RIVER, OREGON 97031
TEL: 541-386-3322
FAX: 541-386-2515
WWW.KLEINASSOCINC.COM

PRELIMINARY

REGISTERED PROFESSIONAL ENGINEER
OREGON
KENNETH L. KLEIN

PLOTTED: 12/15/2022
SAVED: 12/14/2022

EXPIRES

PRELIMINARY GRADING PLAN
PRINCE HEIGHTS SUBDIVISION
WASCO COUNTY, OREGON

REVISIONS

NO.	DESCRIPTION	DATE

SURVEYED: KA
DESIGN: KA
DRAFT: GD
APPROVE: JK
DATE:

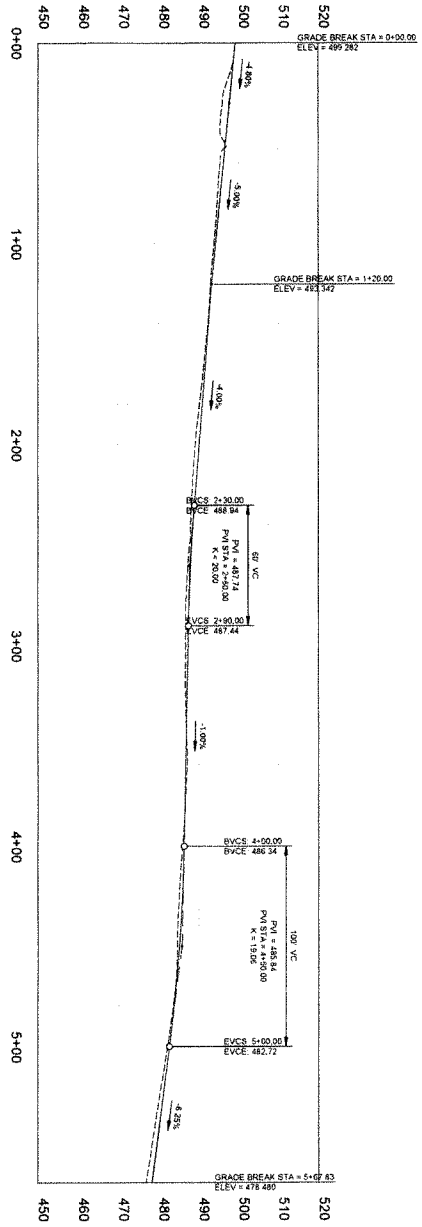
DECEMBER, 2022

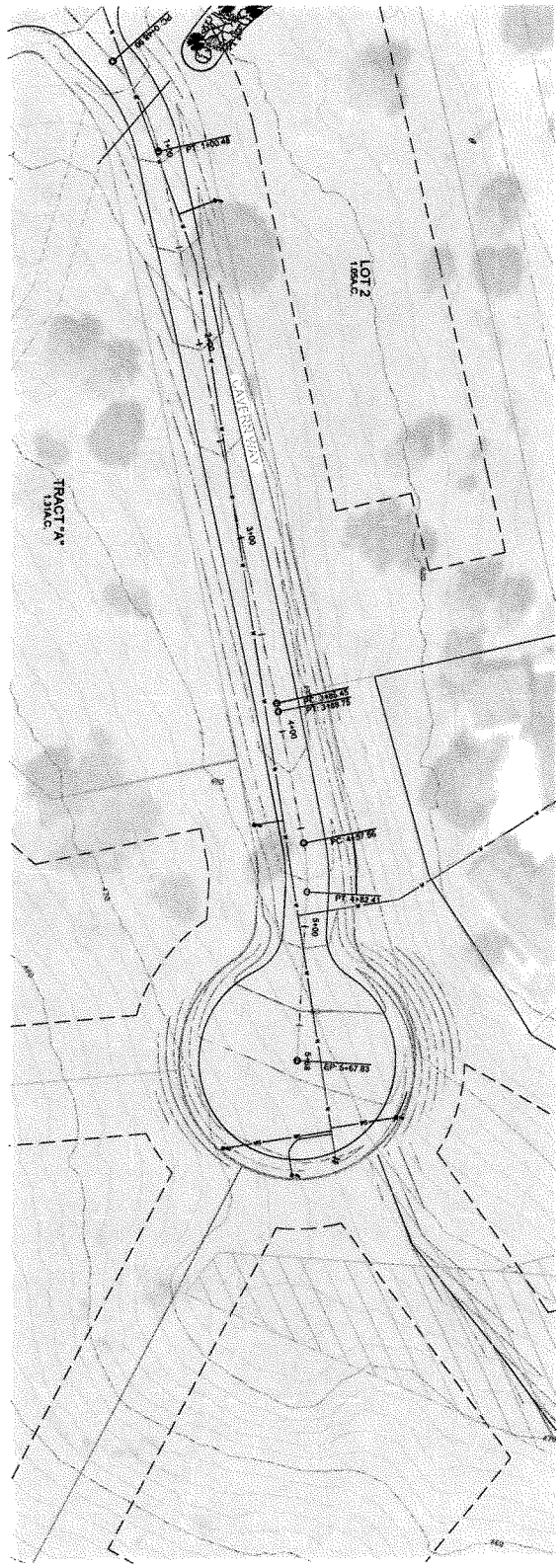
SHEET C2.0

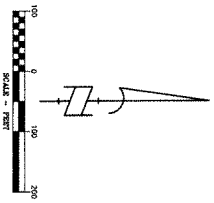
CAD FILE: Z:\PROJECTS\2017\170102 Miller Columbia Crest PUD\Drawing\17-01-05-C2.0-COMPOSITE SITE PLAN.dwg PLOT DATE/TIME: 12/15/2022 - 1:44pm

BOCC 1 - 642
Board of County Commissioners Agenda Packet
September 20, 2023

CAD FILE: Z:\PROJECTS\2017\170105 Miller Columbia Crest PUD\Drawing\17-01-05-C2.0-COMPOSITE SITE PLAN.dwg PLOT DATE/TIME: 12/15/2022 - 3:52pm







PRELIMINARY

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAMES R. KLEIN
PLOT DATE: 12/15/2022
EXPIRES: 12/31/2022

EXPIRES

Klein & Associates, Inc.
ENGINEERING • LAND SURVEYING • PLANNING
1401 12TH STREET
HOOD RIVER, OREGON 97031
TEL: 541-386-3322
FAX: 541-386-2515
WWW.KLEINASSOCINC.COM

PRELIMINARY ROAD PLAN/PROFILE

PRINCE HEIGHTS SUBDIVISION

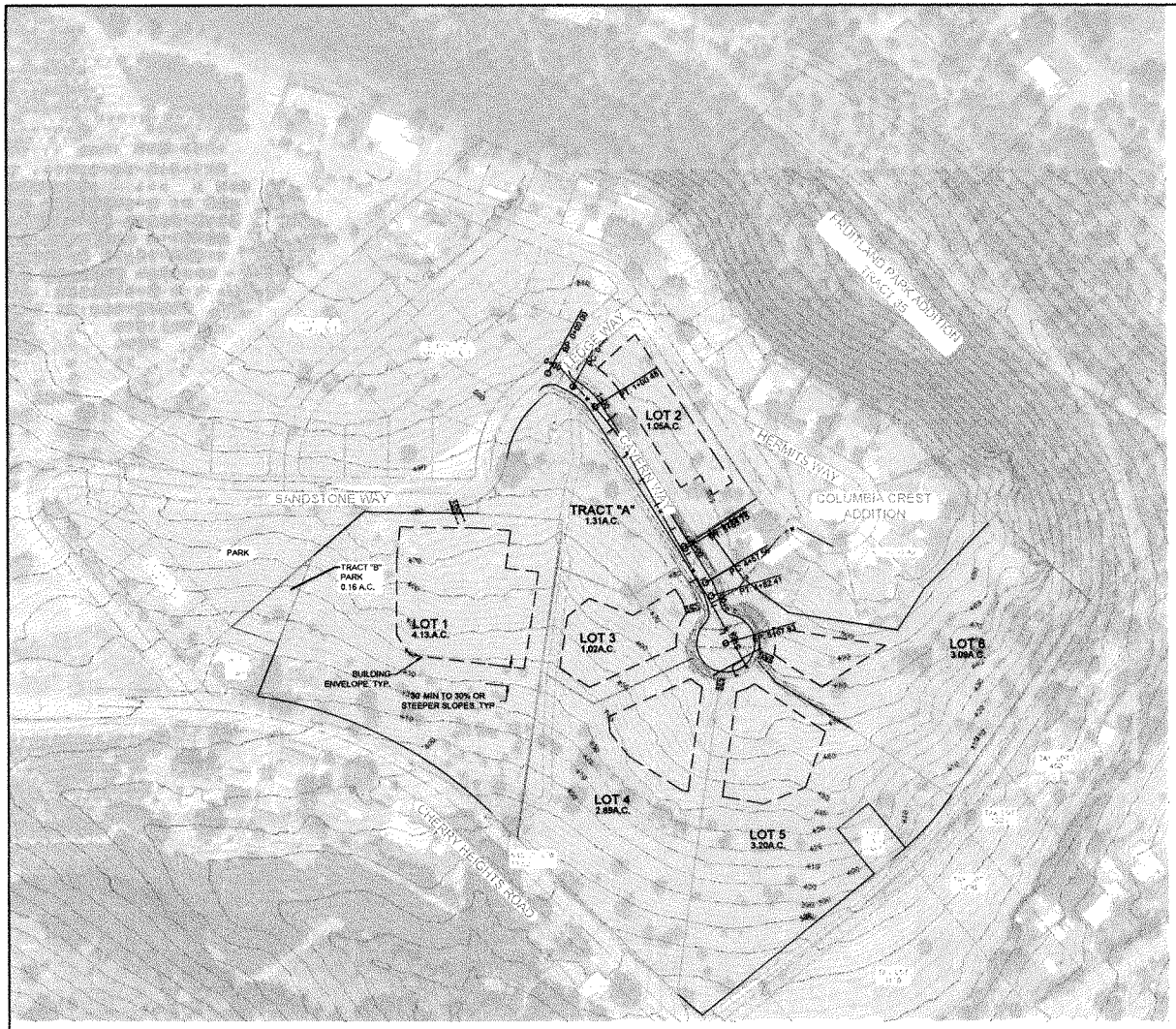
WASCO COUNTY, OREGON

SHEET C2.1

DECEMBER, 2022

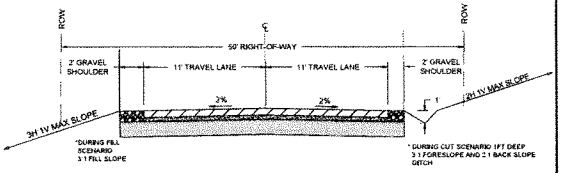
SURVEYED: KA
DESIGN: KA
DRAWN: LD
APPROVE: JK
DATE:

REVISIONS
NO. DESCRIPTION DATE



LEGEND

- EDGE OF ASPHALT
- EDGE OF GRAVEL
- WATER MAIN
- WATER SERVICE
- STORM DRAIN
- FENCE
- DITCH
- SWALE
- JOINT UTILITY TRENCH
- CONTOUR (2 FOOT INTERVAL)
- BUILDING ENVELOPE



GENERAL NOTES FOR ROAD TYPICAL SECTION ABOVE

1. BASE ROCK SHALL BE 1 1/2"-0" CRUSHED AGGREGATE 8" COMPACTED DEPTH @ A MINIMUM OF 95% AASHTO T-180
2. FINISH COURSE SHALL BE 3/4"-0" CRUSHED AGGREGATE 2" COMPACTED DEPTH @ A MINIMUM OF 95% AASHTO T-180
3. ASPHALT PAVEMENT SHALL BE 4" MINIMUM COMPACTED DEPTH PLACED IN TWO (2) 2" LIFTS. FIRST LIFT @ A MINIMUM OF 91% OF RICE DENSITY AND SECOND LIFT @ A MINIMUM OF 92% OF RICE DENSITY

CAVERN WAY TYPICAL SECTION (NTS)

FIRE MITIGATION NOTES:

1 FUTURE HOME CONSTRUCTION WILL REQUIRE THE FOLLOWING MEASURES
- 1.1. 50' FIRE FUEL BREAK AROUND HOMES
- 1.2. MINIMUM 30' SETBACK FROM 30% OR STEEPER SLOPES
- 1.3. INSTALLATION OF WATER STANDPIPE 50' FROM THE BUILDING
- 1.4. MINIMUM 12' WIDE DRIVEWAYS WITH MIN 3" OF ¾" MINUS OVER 6" PIT RUN

PRELIMINARY

PLOTTED: 12/15/2022
SAVED: 12/14/2022

100 0 100 200
SCALE – FEET

Klein & Associates, Inc.
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1411 13TH STREET
HOOD RIVER, OREGON 97031
TEL: 541-386-3322
FAX: 541-386-2515
WWW.KLEINASSOCINC.COM

REGISTERED PROFESSIONAL ENGINEER 71333PE OREGON ELIZABETH L. METTIN

EXPIRES

PRELIMINARY FIRE MITIGATION PLAN
PRINCE HEIGHTS SUBDIVISION
WASCO COUNTY, OREGON

REVISIONS:

NO.	DESCRIPTION	DATE

SURVEYED: KA
DESIGN: KA
DRAFT: GD
APPROVE: JK
DATE:

DECEMBER, 2022

SHEET C3.0

CAD FILE: Z:\PROJECTS\2017\170105 Miller Columbia Crest PUD\Drawing\17-01-05-C2.0-COMPOSITE SITE PLAN.dwg PLOT DATE/TIME: 12/14/2022 – 3:58pm

PRINCE HEIGHTS SUBDIVISION

APPROVALS AND NOTES

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20-65, 67-73, BLOCK "A", LOTS 3-9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1-5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9-16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

SURVEYOR'S NOTES

PLAT REPRESENTS A BOUNDARY SURVEY OF PARCELS DESCRIBED IN QUIT CLAIM DEED, RECORDED SEPTEMBER 8, 2000, IN INSTRUMENT NO. 2000,3838 WASCO COUNTY RECORDS.

WASCO COUNTY GEOLOGIC HAZARD ZONE " "

ZONING IS

MONUMENTS STARTED XXXX, 2017 AND COMPLETED XXXX, 2017

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION.

REFERENCED SURVEYS

R1. LOT LINE ADJUSTMENT PLAT PERFORMED BY TENNESON ENGINEERING CORP. FOR JOHN W.& L. MARLYN BYERS, FILED 04/23/1983 COUNTY SURVEY NO. 08-167.

R2. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR JEAN HOOKMAN, DATED 11/29/2000, COUNTY SURVEY NO. 11-178.

R3. PARTITION PLAT P.P.105, PERFORMED BY TENNESON ENG., COUNTY SURVEY NO. XXXX.

R4. REPLAT OF LOT 18 & 19 COLUMBIA CREST., PERFORMED BY KLEIN AND ASSOCIATES, INC. FOR ERIC BLUMENTHAL, FILED 05/25/2007 COUNTY SURVEY NO. 15-022

R5. PARTITION PLAT 2012-0012 PERFORMED BY TENNESON ENGINEERING CORP. FOR JOHN W.& SANDRA BYERS, AND JOHN W.& L. MARLIN BYERS, FILED 10/25/2012 COUNTY SURVEY NO. 17-194.

R6. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR POMICHTERA, MORIKAWA, JOHNSON, HARRISON, AND BYERS, FILED 08/20/2013 COUNTY SURVEY NO. 18-010.

R7. MAP OF COLUMBIA CREST ADDITION, PEFORMED BY HOMER S. WALL FOR T.J.& MARY E. JONES, JOE J.& RUBY L. FLECK, AND R.E.& BETTY MITCHELL, FILED 08/05/1953, BOOK 5, PAGE 6 OF COUNTY SURVEYS.

R8. PLAT OF FRUITLAND PARK ADDITION, PERFORMED BY WALTER M. OBER. FILED 12/14/1910, VOLUME 2, PAGE 14 OF PLATS

R9. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR RICHARD HARRISON, DATED 02/13/1998, COUNTY SURVEY NO. 10-167.

R10. SURVEY PERFORMED BY TENNESON ENGINEERING CORP. FOR CHARLES PHIPPS, DATED 04/16/79, COUNTY SURVEY NO. 4-72.

REFERENCED DEEDS

WARRANTY DEED, INSTRUMENT NO. 86-1486
WARRANTY DEED, INSTRUMENT NO. 71-2489
WARRANTY DEED, INSTRUMENT NO. 73-0138
WARRANTY DEED, INSTRUMENT NO. 73-0539
WARRANTY DEED, INSTRUMENT NO. 77-0236
QUITCLAIM DEED, INSTRUMENT NO. 2016-004085
WARRANTY DEED, BOOK 148, PAGE 113

SHEET INDEX

SHEET 1: APPROVALS AND NOTES
SHEET 2: EXISTING LOT LAYOUT
SHEET 3: EXISTING EASEMENTS
SHEET 4: NEW LOT LAYOUT
SHEET 5: NEW EASEMENTS

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO COMPLETE A 9 LOT SUBDIVISION OF TAX LOTS 1N-13E-04BC 1500, 2600 AND 1N 13E 04AD 300, 400, 500, 700, 1000, 1100, 1200. THE SUBJECT PROPERTY LIES WITHIN IN A PORTION OF COLUMBIA CREST ADDITION AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35, LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, WASCO COUNTY, STATE OF OREGON. PRIOR TO COMPLETING THE FIELD WORK, MAPPING AND CALCULATION NECESSARY FOR THIS PLAT, RESEARCH WAS OBTAINED AND A PRELIMINARY TITLE REPORT FURNISHED BY OUR CLIENT WAS USED TO ESTABLISH THE EXTERIOR BOUNDARY. PRIOR SURVEY SURVEYS UTILIZED ARE LISTED IN REFERENCE SURVEY.

RESEARCH INTO FRUITLAND PARK ADDITION YIELDED VERY LITTLE IN THE WAY OF PRIOR SURVEY INFORMATION TO WORK WITH FOR THIS SURVEY. SURVEYS THAT WERE AVAILABLE WERE VAGUE AT BEST ON HOW TO THEY RESOLVE FRUITLAND PARK ADDITION. THE ORIGINAL PLAT OF FRUITLAND PARK ADDITION WAS FOUND TO BE ESSENTIALLY INDECIPHERABLE AND PROVIDED LITTLE MORE THAN A GRAPHICAL REPRESENTATION. THE PLAT WAS LACKING DISTANCES, ANGLES OR BEARINGS AND IT WAS ALSO FOUND THAT NO ROAD OR LOT CLOSURES COULD BE COMPUTED FROM THE PLAT. GIVEN THE SITUATION OF POOR AND INACCURATE INFORMATION OF THE ORIGINAL PLAT TO WORK FROM, SEVERAL ASSUMPTION WERE MADE ALONG WITH HONORING PAST SURVEY OF RECORD. IN PARTICULARLY TWO SURVEYS PERFORMED BY TENNESON ENGINEERING CORPORATION, FILED AS COUNTY SURVEY NO. 10-167 AND 11-178 WHICH WERE USED TO ESTABLISH LOTS 9 THROUGH 16, TRACT 35 AND ROADS "D" AND "H". LOTS 9 THROUGH 16, TRACT 35 AND ROAD "D" WERE COMPUTED AS A BEST FIT BETWEEN EXISTING MONUMENT RECOVERED FROM BOTH TENNESON ENGINEERING AFORESAID SURVEYS. BY UTILIZING MONUMENTS RECOVERED ALONG THE NORTH RIGHT-OF-WAY OF ROAD "H" PER COUNTY SURVEY NO. 10-167 AND HOLDING THE COMPUTED PORTION OF THE NORTHWEST CORNER OF TAX LOT 100, BEING A 5/8" REBAR SET BY TENNESON ENGINEERING FOR A SURVEY JEAN HOOKMAN, FILED IN COUNTY SURVEY NO. 11-178 WERE USED TO ESTABLISHED ROAD "H". LOTS 4 THROUGH 8, TRACT 34 WERE COMPUTED AT PLAT DISTANCE FROM THE SOUTHEAST CORNER OF LOT 17 AS ESTABLISHED BY AFORESAID TENNESON ENGINEERING ALONG WITH APPLYING THE PLAT ANGLE OF 91°54'.

SURVEYOR'S CERTIFICATE

I, JAMES M. KLEIN, REGISTERED LAND SURVEYOR NO. 59002 IN THE STATE OF OREGON, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS, ACCORDING TO ORS CHAPTER 92 AND WASCO COUNTY LAND USE DEVELOPMENT ORDINANCE, THE LANDS REPRESENTED ON THIS PLAT OF "PRINCE HEIGHTS SUBDIVISION" LYING IN A PORTION OF COLUMBIA CREST ADDITION AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35, LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, WASCO COUNTY, STATE OF OREGON, THE INITIAL POINT FOR SAID PLAT IS A 3" IRON PIPE LOCATED AT THE NORTHEAST CORNER OF LOT 5 OF COLUMBIA CREST ADDITION, LAST SAID POINT ALSO BEING THE NORTHEAST CORNER OF NEHTE RESERVE IN THE PLAT OF FRUITLAND PARK ADDITION. THE PLATTED PROPERTY IS DESCRIBED AS FOLLOWS:

_____
JAMES M. KLEIN PLS. 59002

APPROVALS:

I HEREBY CERTIFY THAT I HAVE EXAMINED THE SURVEY DATA, LAYOUT OF ROADS, MONUMENTS AND EASEMENTS AND THAT THE PLAT CONFORMS TO THE APPROVED PRELIMINARY PLAN OF "PRINCE HEIGHTS SUBDIVISION" IN WASCO COUNTY, STATE OF OREGON AND HEREBY APPROVE SAID PLAT.

_____ WASCO COUNTY SURVEYOR _____ DATED

I HEREBY CERTIFY THAT THIS PLAT OF "PRINCE HEIGHTS SUBDIVISION" IN WASCO COUNTY, STATE OF OREGON, CONFORMS TO THE APPROVED PRELIMINARY PLAN AND, BY DIRECTION OF THE PLANNING COMMISSION, I HEREBY APPROVE THIS FINAL PLAT.

_____ WASCO COUNTY PLANNING DIRECTOR _____ DATED

APPROVALS:

THIS PLAT OF PRINCE HEIGHTS SUBDIVISION IN THE COUNTY OF WASCO, STATE OF OREGON WAS EXAMINED AND APPROVED BY:

_____ WASCO COUNTY COMMISSIONER _____ DATED

_____ WASCO COUNTY COMMISSIONER _____ DATED

_____ WASCO COUNTY COMMISSIONER _____ DATED

_____ WASCO COUNTY ENGINEER _____ DATED

_____ WASCO COUNTY PLANNING DIRECTOR _____ DATED

APPROVALS:

I HEREBY CERTIFY THAT I HAVE EXAMINED THE PLAT OF "PRINCE HEIGHTS SUBDIVISION" IN THE COUNTY OF WASCO, STATE OF OREGON, AND THAT THE NAME ADOPTED FOR SAID PLAT IS A PROPER NAME AND NOT INCLUDED IN ANY OTHER SUBDIVISION IN WASCO COUNTY AND FURTHER CERTIFY THAT ALL TAXES AND ASSESSMENTS DUE OR WILL BECOME DUE THEREON DURING THE CALENDER YEAR HAVE BEEN FULLY PAID AS REQUIRED BY LAW AND I HEREBY APPROVE SAID PLAT.

_____ WASCO COUNTY ASSESSOR _____ DATED

_____ WASCO COUNTY TAX COLLECTOR _____ DATED

COVENANTS, CONDITIONS AND RESTRICTIONS:

ALL LOTS WITHIN THE PLAT OF PRINCE HEIGHTS SUBDIVISION ARE SUBJECT TO A DOCUMENT TITLED "DECLARATION OF CONDOMINITE, CONDITIONS AND RESTRICTIONS" SAID DOCUMENT IS RECORDED ON A SEPARATE DOCUMENT BEING RECORDED IN INSTRUMENT NUMBER _____ WASCO COUNTY RECORDS. SAID DOCUMENTS SHALL BE CONSIDERED AS A PART OF THIS PLAT. IT IS THE RESPONSIBILITY OF ALL PARTIES TO BE AWARE OF AND TO CONFORM TO SAID DOCUMENT.

DECLARATION:

I, _____ THE OWNER OF THE LAND SHOWN ON THE PLAT HEREWITH ATTACHED AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE ALSO HEREWITH ATTACHED, DEDICATE TO THE PUBLIC FOREVER ALL STREETS AND EASEMENTS SHOWN ON SUCH PLAT AND DECLARE THE PLAT OF "PRINCE HEIGHTS SUBDIVISION" TO BE A CORRECT PLAT AS LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION 4 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF WASCO, STATE OF OREGON, AND IN ACCORDANCE WITH MY DESIRES AND THE PROVISIONS OF ORS CHAPTER 92.

_____
NAME

ACKNOWLEDGMENTS:

ON THE ____ DAY OF _____ 2023 BEFORE ME A NOTARY PUBLIC FOR THE STATE OF OREGON, APPEARED _____ KNOWN TO ME PERSONALLY, WHO BEING DULY SWORN, SAID THAT HE DID ACKNOWLEDGE THIS INSTRUMENT OF HIS FREE AND VOLUNTARY ACT

_____
NOTARY SIGNATURE

_____
NOTARY PUBLIC-(NAME)

STATE OF _____

COUNTY OF _____

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 17, 2001
JAMES M. KLEIN
59002

Expires 6-30-2023

OWNER
SMALEKEL GROUP, LLC

SURVEY PERFORMED FOR:
LNN REAL ESTATE
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, GD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-2322 • FAX: 541-386-5515

SHEET 1 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
NE	4	1N.	13E.
NE	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

EXISTING LOT LAYOUTS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B",
ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____
FILED _____
BY _____

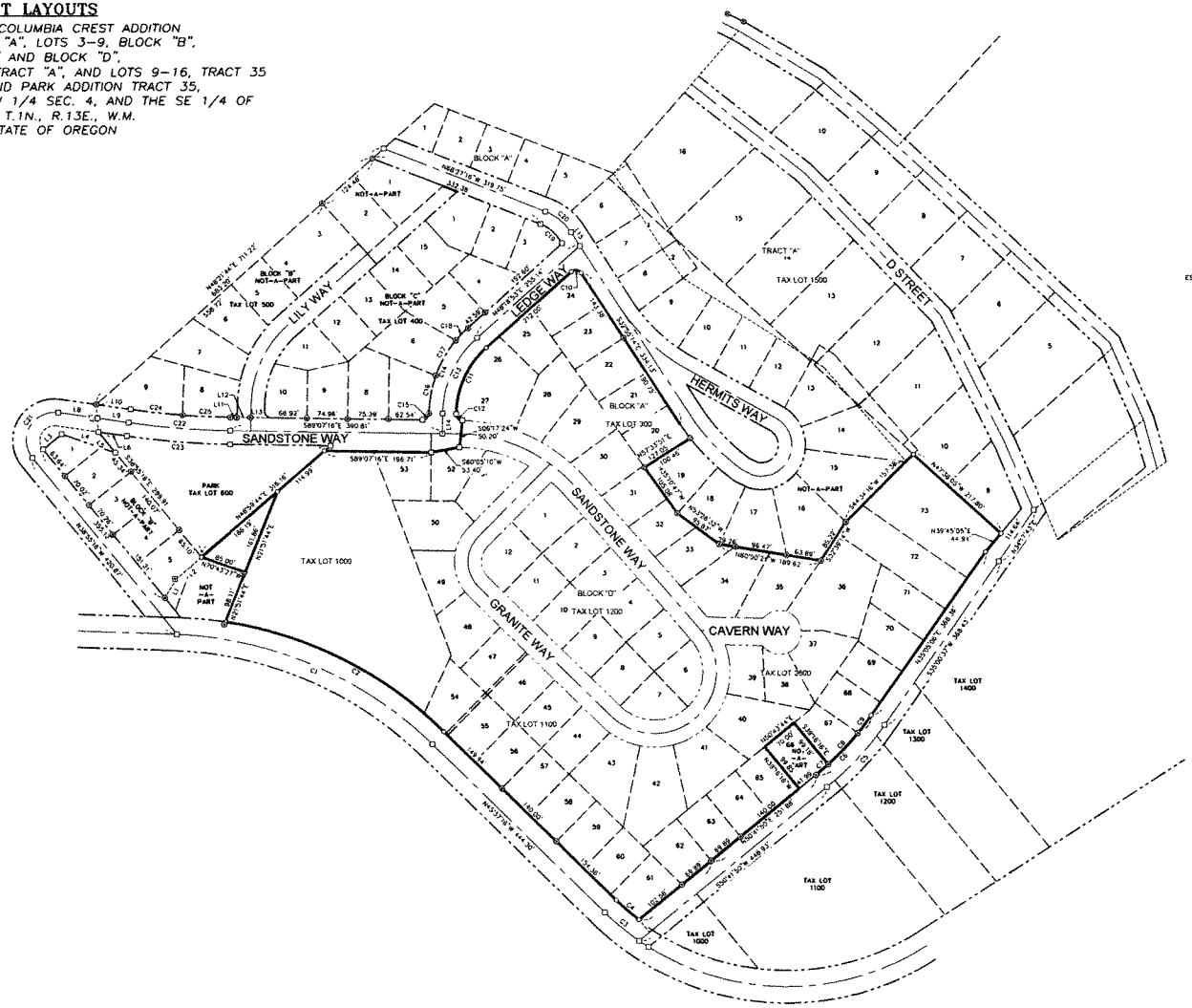
DOCUMENT NO. _____
PLAT NUMBER _____
SLIDE NO. _____

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	523.76'	716.20'	41°54'01"	N66°33'41"W	512.16'
C2	457.94'	716.30'	36°37'49"	N63°09'12"W	450.16'
C3	81.57'	477.50'	9°47'17"	S50°30'54"E	81.47'
C4	55.42'	447.50'	7°05'49"	S49°10'09"E	55.39'
C5	156.88'	573.00'	15°41'13"	S42°51'13"W	156.39'
C6	120.70'	513.17'	13°28'34"	N41°06'05"E	120.42'
C7	28.02'	513.08'	3°07'46"	N49°24'18"E	28.02'
C8	80.03'	513.17'	8°56.09"	N43°22'18"E	79.95'
C9	40.64'	513.89'	4°31'53"	N36°37'58"E	40.63'
C10	20.69'	12.00'	98°45'53"	S82°18'11"E	18.22'
C11	137.95'	185.99'	47°37'00"	S24°30'23"W	134.01'
C12	18.66'	12.00'	89°06'25"	S43°51'20"E	16.84'
C13	158.28'	190.99'	47°29'00"	S34°34'23"W	153.79'
C14	178.00'	215.99'	47°29'00"	S24°34'23"W	173.92'
C15	18.86'	12.00'	90°02'51"	N45°51'16"E	16.98'
C16	71.46'	215.99'	18°57'20"	S10°18'33"W	71.13'
C17	75.20'	215.99'	19°56'38"	S29°45'42"W	74.82'
C18	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C19	46.51'	75.00'	35°32'02"	N50°41'15"W	45.77'
C20	62.02'	100.00'	35°32'02"	N50°41'15"W	61.03'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S30°30'05"W	39.65'
L2	S48°59'44"W	62.49'
L3	N50°51'56"E	44.58'
L4	S70°45'16"E	104.29'
L5	N38°55'18"W	49.40'
L6	S81°37'16"E	52.87'
L7	N41°11'02"W	51.23'
L8	S81°37'16"E	72.56'
L9	S81°37'16"E	58.24'
L10	N81°37'16"W	63.81'
L11	S89°07'16"E	12.00'
L12	S89°07'16"E	24.99'
L13	S89°07'16"E	37.01'
L14	S0°49'53"W	37.10'
L15	N32°55'14"W	29.71'
L16	N0°52'44"E	22.73'
L17	N48°18'53"E	21.04'
L18	N61°38'16"W	48.90'
L19	N30°51'02"W	67.81'
L20	N16°36'48"W	85.42'
L21	N16°36'48"W	18.66'
L22	S68°27'16"E	28.01'



100 0 100 200'
SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY GPS OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

- SET 5/8" x 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- FOUND 1/2" IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION VISITED 2017
- FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15-022, VISITED 2017
- FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11-176 VISITED 2017.
- FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10-167 VISITED 2017.
- FOUND 3/4" IRON PIPE, UNKNOWN ORIGIN, VISITED 2017
- COMPUTED ANGLE POINT, NOT MONUMENTED

RM REFERENCE MONUMENT
CS NO COUNTY SURVEY NUMBER
INST INSTRUMENT
R1 RECORD DATA PER RECORD OF SURVEY NO
FD FOUND DATA
P.U.E. PUBLIC UTILITY EASEMENT
(XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
[XXX.XX'] DISTANCE PER FRUITLAND PLAT

EXISTING TAX LOT AREA

PARCEL	AREA
TAX LOT 300 (TRUST)	2.41 ACRES
TAX LOT 1000 (TRUST)	2.76 ACRES
TAX LOT 1100 (TRUST)	4.00 ACRES
TAX LOT 1200 (TRUST)	1.99 ACRES
TAX LOT 2600 (TRUST)	4.35 ACRES

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 19, 2016 JAMES M. KLEIN 59002
Expires 6-30-2023

SURVEY PERFORMED FOR:
~~UNKNOWN OWNER~~
DATE OF SURVEY: JULY 2016
PROJECT: 17-01-05 DRAFT: BTB CD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

OWNER
SMILEKEL GROUP, LLC

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

SHEET 2 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R
NE	4	1N.	13E.
SE	5	1N.	13E.

PRINCE HEIGHTS SUBDIVISION

EXISTING EASEMENTS/ ROAD VACATION EXHIBITS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____
FILED _____
BY _____

DOCUMENT NO. _____
PLAT NUMBER _____
SLIDE NO. _____

SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE.
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

- SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- FOUND 1/2" IRON PIPE PER THE PLAT OF COLUMBIA CREST ADDITION VISITED 2017
- FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15-622 VISITED 2017.
- FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2788" PER CS NO 11-176 VISITED 2017
- FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2788" PER CS NO 10-167 VISITED 2017
- FOUND 3/4" IRON PIPE, UNKNOWN ORIGIN VISITED 2017.
- COMPUTED ANGLE POINT, NOT MONUMENTED

RM REFERENCE MONUMENT
CS NO COUNTY SURVEY NUMBER
INST INSTRUMENT
R1 RECORD DATA PER RECORD OF SURVEY NO
FD FOUND DATA
P.U.E. PUBLIC UTILITY EASEMENT
(XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
[XXX.XX'] DISTANCE PER FRUITLAND PLAT
PROPOSED AREA TO BE VACATED

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 17, 2018
JAMES M. KLEIN
59002
Expires 6-30-2023

SHEET 1 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T	R.
SW	4	1N.	13E.
NW	5	1N.	13E.

Klein & Associates, Inc.
ENGINEERING•SURVEYING•PLANNING
1411 12th Street•Hood River, OR 97031
TEL 541-386-3322•FAX 541-386-2515

SURVEY PERFORMED FOR:
~~SMI REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, GD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

OWNER
SMILEKEL GROUP, LLC

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

PRINCE HEIGHTS SUBDIVISION

PROPOSED LOT LAYOUTS

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

150 0 150 300
SCALE – FEET
1" = 150

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO. _____
FILED _____
BY _____

DOCUMENT NO. _____
PLAT NUMBER _____
SLIDE NO. _____

LEGEND

- ○ SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- ⊕ FOUND 1/2" IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION VISITED 2017
- ⊗ FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15-022. VISITED 2017
- ● FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11-176. VISITED 2017
- ⊗ FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10-167. VISITED 2017
- ⊞ FOUND 3/4" IRON PIPE, UNKNOWN ORIGIN. VISITED 2017
- □ COMPUTED ANGLE POINT, NOT MONUMENTED
- RM REFERENCE MONUMENT
- CS NO COUNTY SURVEY NUMBER
- INST INSTRUMENT
- R1 RECORD DATA PER RECORD OF SURVEY NO
- FD FOUND DATA
- P.U.E. PUBLIC UTILITY EASEMENT
- (XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
- [XXX.XX'] DISTANCE PER FRUITLAND PLAT

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	323.76'	716.20'	41°54'01"	N46°33'41"W	312.16'
C2	457.94'	716.20'	36°37'49"	N63°08'12"W	450.18'
C3	81.37'	477.50'	9°47'17"	S50°30'54"E	81.47'
C4	55.42'	447.50'	7°05'46"	S49°10'09"E	55.39'
C5	156.68'	573.00'	15°41'13"	S42°51'13"W	156.39'
C6	120.70'	513.17'	13°28'34"	N41°06'05"E	120.42'
C7	26.02'	513.08'	3°07'46"	N49°24'18"E	26.02'
C8	80.03'	513.17'	8°56'08"	N43°22'18"E	79.95'
C9	40.84'	513.89'	4°31'53"	N38°37'58"E	40.83'
C10	20.69'	12.00'	98°45'53"	S82°18'11"E	18.22'
C11	137.95'	165.99'	47°37'00"	S24°30'23"W	134.01'
C12	16.66'	12.00'	89°06'25"	S43°51'20"E	15.04'
C13	158.28'	190.99'	47°29'00"	S24°34'23"W	153.79'
C14	179.00'	215.99'	47°29'00"	S24°34'23"W	173.92'
C15	18.86'	12.00'	90°02'31"	N45°51'18"E	16.98'
C16	71.46'	215.99'	18°57'20"	S10°18'33"W	71.13'
C17	75.20'	215.99'	19°58'58"	S29°45'42"W	74.82'
C18	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C19	46.51'	75.00'	35°32'02"	N50°41'15"W	45.77'
C20	62.02'	100.00'	35°32'02"	N50°41'15"W	61.03'
C21	123.83'	52.10'	135°57'26"	S25°42'16"W	96.60'
C22	187.50'	1432.50'	7°29'58"	S85°22'15"E	187.37'
C23	190.77'	1457.50'	7°29'58"	S85°22'15"E	190.64'
C24	95.92'	1407.50'	3°54'17"	S83°34'24"E	95.90'
C25	89.35'	1407.50'	3°38'13"	S87°20'39"E	89.33'
C26	87.60'	95.00'	52°49'58"	N34°27'25"E	84.53'
C27	101.21'	70.00'	82°50'18"	N49°27'35"E	92.62'
C28	65.06'	45.00'	82°50'18"	N49°27'35"E	59.54'
C29	44.29'	215.99'	11°44'54"	S13°54'46"W	44.21'
C30	75.20'	215.99'	19°58'58"	S29°45'42"W	74.82'
C31	151.83'	215.99'	40°16'34"	S28°10'36"W	148.72'
C32	134.25'	190.99'	40°16'27"	S28°10'39"W	131.50'
C33	120.67'	165.99'	41°39'03"	S27°29'21"W	118.03'
C34	32.34'	215.99'	8°34'42"	S44°01'32"W	32.31'
C35	12.23'	10.00'	70°02'51"	N83°20'18"E	11.48'
C36	38.69'	75.00'	29°33'15"	N46°51'38"W	38.26'
C37	51.58'	100.00'	29°33'15"	N46°51'38"W	51.01'
C38	19.19'	10.00'	109°57'09"	N6°39'42"W	16.38'
C39	63.44'	125.00'	29°04'40"	N46°37'20"W	62.76'
C40	3.77'	175.00'	1°13'59"	S21°28'01"E	3.77'
C41	4.30'	200.00'	1°13'59"	N21°28'01"W	4.30'
C42	4.84'	225.00'	1°13'59"	S21°28'01"E	4.84'
C43	31.06'	125.00'	14°14'16"	S23°43'54"E	30.98'
C44	24.85'	100.00'	14°14'16"	N23°43'54"W	24.79
C45	18.64'	75.00'	14°14'16"	N23°43'54"W	18.59'
C46	23.55'	25.00'	53°58'05"	N10°22'17"E	22.69'
C47	65.02'	60.00'	62°05'21"	S6°18'39"W	61.88'
C48	60.09'	60.00'	57°22'54"	S53°25'29"E	57.61'
C49	66.75'	60.00'	63°14'30"	N66°00'49"E	63.38'
C50	108.67'	60.00'	104°43'25"	N18°13'09"W	95.03'
C51	23.55'	25.00'	53°58'05"	S43°35'48"E	22.69'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S30°30'05"W	39.65'
L2	S48°59'44"W	62.49'
L3	N50°51'36"E	44.56'
L4	S70°45'16"E	104.26'
L5	N38°55'16"W	49.40'
L6	S81°37'16"E	52.67'
L7	N41°10'02"W	51.23'
L8	S81°37'16"E	72.56'
L9	S81°37'16"E	58.24'
L10	N81°37'16"W	63.81'
L11	S89°07'16"E	12.00'
L12	S89°07'16"E	24.99'
L13	S89°07'16"E	37.01'
L14	S0°49'53"W	37.10'
L15	N32°55'14"W	29.71'
L16	N0°52'44"E	22.73'
L17	N48°18'53"E	21.04'
L18	N61°38'16"W	48.90'
L19	N30°51'02"W	67.81'
L20	N16°36'46"W	85.42'
L21	N16°36'46"W	16.68'
L22	S68°27'16"E	28.01'

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 17, 2018
JAMES M. KLEIN
59002

Expires 6-30-2023

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
3411 12th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

SHEET 4 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T	R
NE	4	1N	13E
SE	5	1N	13E

SURVEY PERFORMED FOR:
~~LINK HOMES, LLC~~
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, CD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

OWNER
SMILEKEL GROUP, LLC

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE

PRINCE HEIGHTS SUBDIVISION

PROPOSED EASEMENTS & DRAIN FIELD LAYOUT

REPLAT OF A PORTION OF COLUMBIA CREST ADDITION
LOTS 20–65, 67–73, BLOCK "A", LOTS 3–9, BLOCK "B", ALL OF BLOCK "C" AND BLOCK "D",
LOTS 1–5 BLOCK "E", A PORTION OF TRACT "A", AND LOTS 9–16, TRACT 35
AND A PORTION OF FRUITLAND PARK ADDITION TRACT 35,
LOCATED IN THE SW 1/4, OF THE NW 1/4 SEC. 4, AND THE SE 1/4 OF
THE NE 1/4 SEC 5, T.1N., R.13E., W.M.
WASCO COUNTY, STATE OF OREGON

WASCO COUNTY SURVEYOR'S OFFICE

SURVEY NO _____

FILED _____

BY _____

DOCUMENT NO. _____

PLAT NUMBER _____

SLIDE NO. _____

100' 0 100' 200'
SCALE – FEET
1" = 100'

BASIS OF BEARINGS

OREGON STATE PLANE COORDINATES SYSTEM
NORTH ZONE, GRID NORTH, GROUND DISTANCE
ESTABLISHED BY G.P.S. OBSERVATION ALONG THE WEST LINE
OF BLOCK "B" COLUMBIA CREST ADDITION

LEGEND

- SET 5/8" x 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA OR59002)
- FOUND 1/2 " IRON PIPE, PER THE PLAT OF COLUMBIA CREST ADDITION. VISITED 2017.
- FOUND KLEIN 5/8" IRON ROD WITH Y.P.C. INSCRIBED "KLEIN & ASSOCIATES OR59002" PER CS NO 15-022. VISITED 2017
- FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 11-176. VISITED 2017
- FOUND TENNESON 5/8" IRON ROD WITH Y.P.C. INSCRIBED "HUFFMON LS2786" PER CS NO 10-167. VISITED 2017
- FOUND 3/4" IRON PIPE, UNKNOWN ORIGIN. VISITED 2017
- COMPUTED ANGLE POINT, NOT MONUMENTED

RM REFERENCE MONUMENT
CS NO COUNTY SURVEY NUMBER
INST INSTRUMENT
R1 RECORD DATA PER RECORD OF SURVEY NO
FD FOUND DATA
P.U.E. PUBLIC UTILITY EASEMENT
(XXX.XX') DISTANCE PER COLUMBIA CREST PLAT
[XXX.XX'] DISTANCE PER FRUITLAND PLAT
PROPOSED DRAINFIELD AREA

EASEMENT NOTE

A NEW SEPTIC AND ACCESS EASEMENT, OVER, UNDER, AND ACROSS THAT PORTION OF TRACT "B" FOR THE BENEFIT OF LOTS 3, 4, 5, 6, 7, 8

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 12, 2021
JAMES M. KLEIN
59002
Expires 6-30-2023

SHEET 5 OF 5
WILLAMETTE MERIDIAN
WASCO COUNTY, OREGON

1/4	SEC	T.	R.
	4	1N.	13E.
	5	1N.	13E.

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

SURVEY PERFORMED FOR:
~~LINE REAL ESTATE~~
DATE OF SURVEY: JULY 2018
PROJECT: 17-01-05 DRAFT: BTB, CD
FILE: 170105-PRINCEHEIGHTS.DWG LAYOUT TAB: SHEET 1

OWNER

SMILEKEL GROUP, LLC

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

File Number:_____

WASCO COUNTY
PRELIMINARY SUBDIVISION APPLICATION

DETAILED SPECIFIC WRITTEN REQUEST

Replat of existing subdivision lots to make them more conforming with current zoning (66 lots replatted to 6 lots). Vacation of unused ROW and easements plus dedication of ROW to place existing Sandstone Way centered in ROW (was constructed outside of ROW in original development).

Number of proposed lots & their dimensions:

6 res. 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

PRELIMINARY SUBDIVISION PLAN REQUIREMENTS

The approval of a preliminary subdivision plan is reviewed by the Planning Commission subject to the following requirements:

1. Preliminary Site Plan: A preliminary site plan shall be submitted containing the following information. Check all items that are indicated on your submitted site plan.

☑ The proposed name of the subdivision.
☑ North point, scale, date of application and bases of bearing.
☑ Names and addresses of the subdivider and of the engineer, surveyor or land planner or landscape architect.
☑ The tract designation or other description according to the real estate records of Wasco County.
☑ The boundary lines (accurate in scale) of the tract to be subdivided.
☑ Contour lines (may be required at intervals to be determined by the Director).
☑ The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of un-subdivided land.
☑ The location, width and names of all existing or plotted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.
☑ Existing sewers, water mains, culverts or underground utilities and improvements within the tract or immediately adjacent thereto together with pipe sizes, grades and locations indicated.
☑ All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.

☑ The location, names, width and approximate grades of all streets proposed or existing in the subdivision, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities.

☑ Typical cross-sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.

☑ Approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses.

☑ Proposed lots, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots.

☑ Parks, playgrounds, recreation areas, parkways, and other open space for public use.

☐ I request to pay a sum for future park acquisition in place of dedicating land.

☑ Locations of proposed tree plantings or other plantings. Appropriate information clearly stating the map is a tentative plan.

☑ Proposed source of water supply, if any; 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.

☐ If domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.

☑ Method of sewage disposal.

☐ If to be served by a community sewer system, data regarding the location, type, size, approximate grade, and capacity of all collection lines, feeder lines, trunk lines, pumping stations, storage facilities, backflow prevention devices and gate valves. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.

☐ If to be served by a community collection and storage system, data regarding the location, type, size, approximate grade, and capacity of all lines, holding tanks, storage facilities, pumping facilities, and valves.

☑ If to be served by subsurface sewage disposal, 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.

☑ Information on the source of other public utilities; proposed deed restrictions, if any; and the irrigation district involved and provisions for delivering irrigation water to the lots in the subdivision.

☑ The location of any environmental hazard; area unsuitable for building purposes; or land subject to mass movement, excessive erosion, or similar natural phenomena.

☑ Proposed building setback lines.

☑ Vicinity sketch showing how the proposed streets and alleys may connect with existing streets in neighboring subdivisions or undeveloped property.

2. Development Phasing: A preliminary subdivision plan may provide for platting in as many as three

(3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.

Will the subdivision be phased? ☑ NO ☐ YES

If yes, time limitations for the various phases must meet the following requirements:

a. Phase 1 final plat shall be approved within twelve (12) months of preliminary approval.
b. Phase 2 final plat shall be approved within twenty-four (24) months of preliminary approval.
c. Phase 3 final plat shall be approved within thirty-six (36) months of preliminary approval.

The preliminary site plan includes the phases of the development? ☑ NO ☐ YES

Describe why such phasing is necessary due to the nature of the development, and how you will be able to comply with the required time limitations (attach additional sheets as necessary):

_____

_____

_____

_____

3. Basic Provisions and Design Standards

a. Conformity with Zoning Chapter: Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted within the zone. Lot dimensions shall not include part of existing or proposed streets. All lots shall be buildable, except a public utility lot.

(1) Minimum Lot Size and Width for Zone 5 acres, 300'

All of the proposed subdivision lots comply with this standard? more conforming - see narrative ☑ NO ☐ YES

(2) Fire Safety: If the subdivision is for residential use, a Fire Mitigation Plan is required identifying all home sites, building envelopes and access as necessary to demonstrate compliance with all applicable fire standards.

The subdivision is for residential use and a Fire Mitigation Plan has been submitted that shows all the proposed lots will be able to meet all of the applicable fire safety standards? ☐ NO ☑ YES

(3) Setbacks

Front Yard 25
Side Yard 15 15' per zoning, but 30' defensible space needed for fire safety
Rear Yard 20

Agricultural 250 varies depending on if vegetated barrier or berm are proposed, see narrative.

If the subdivision is for residential use, an evaluation must be done for each proposed lot which shows based on the above setbacks, on site septic requirements, on site water requirements and the fire safety requirements referenced above, future residential development will be able to be accommodated without the need for a variance.

A residential evaluation has been done and is included with the application? ☐ NO ☑ YES

4. Relation to Adjoining Street System: A subdivision shall provide for the continuation and alignment of the principal streets existing in the adjoining areas or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations.

Does the subdivision provide for the continuation of existing principal streets? ☐ NO ☑ YES

If it does, explain how. If it does not, explain why not:

Proposed culdesac connects to existing streets. It cannot be looped or extend further east due to topographic constraints (steep slopes).

5. Redevelopment Plan

Based on the current zoning, will any of the proposed lots be eligible for further division? ☑ NO ☐ YES

If yes, public road right of way may be required to be dedicated which conforms to the number of future lots and extended to the boundary of the subdivision. Lot dimensions shall not include part of existing or proposed streets.

6. Access Requirements: Each proposed lot shall be required to have access by way of a street, either private or public.

A unit of land is required to have legal access. Indicate how all of the proposed lots will have legal access.

a. Direct Access: The unit of land has frontage along a public street or road. Will all or some of the proposed parcels have direct physical access from a publicly dedicated street or road? ☐ NO ☑ YES

If yes, indicate the publicly dedicated street or road and which lots will have direct physical access from it:

Sandstone Way, Ledge Way, Hermits Way (all existing roads). Cavern Way (proposed local access road)

Improvements at the time of subsequent development will be limited to County or ODOT road approach requirements and fire safety access requirements.

b. Private Easement Road: In resource and non-resource zones, a unit of land may have access by way of a private easement road only if the road provides access for not more than three (3) units of land, serves not more than three (3) units of land, and that the easement is a minimum 30 feet in width. The unit of land abutting the publicly dedicated street or road shall be counted among the three (3) units of land only if it uses the same road for access.

If the private easement road accesses more than three (3) units of land it must become a private road if in a resource zone and a public road if in a non-resource zone.

Will all or some of the lots have access by way of a private easement road? ☑ NO ☐ YES

If yes, indicate which lots will have access:

Proposed road is public.

Improvements at the time of subsequent development will be limited to County or ODOT road approach requirements and fire safety access requirements.

The 30 foot wide access easement is indicated on the preliminary plan? N/A ☑ NO ☐ YES

c. Private Road: **In resource zones only**, a unit of land may have access by way of a private road only if:

(1) Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land. The unit of land abutting the publicly dedicated street or road shall be counted among the (10) units of land only if it uses the same road for access.

(2) The primary use of the road is to provide access for resource activities. If the primary use of the private road is residential, a publicly dedicated road will be required upon the fourth (4th) unit of land using the road for access.

(3) If the existing or proposed private road will provide access to more than ten (10) units of land it will

be required to a publicly dedicated road.
Will all or some of the lots have access by way of an existing private road that will not provide access to more than ten (10) units of land used primarily for resource purposes? N/A ☑ NO ☐ YES

If yes, indicate the existing and proposed units of land that will have access and provide a legal right of access:

_____

_____

_____

The subdivision will result in the requirement of a private road dedication. I have submitted an Access Road Easement application that will be reviewed by the Wasco County Planning Commission? ☑ NO ☐ YES

The preliminary plat includes the 30 foot wide private road dedication? ☑ NO ☐ YES

d. Publicly Dedicated Road: This is required if the partition results in the access easement or private road accessing more than three (3) units of land in a non-resource zone, more than four (4) units of land in a resource zone where the primary purpose of the private road is non-resource related, or more than ten (10) units of land in a resource zone.

The partition will result in the requirement of a publicly dedicated road. I have submitted an Access Road Easement application that will be reviewed by the Wasco County Planning Commission and the Wasco County Board of County Commissioners? ☐ NO ☑ YES

The preliminary plat includes the required public road dedication? ☐ NO ☑ YES

7. Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (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.

Utility easements meeting these standards are located on the preliminary plan? ☐ NO ☑ YES

8. Water Courses: If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

Are there any watercourses which traverse the subdivision? ☐ NO ☑ YES

If yes, is storm water easement or drainage right of way located on the preliminary plan? ☐ NO ☑ YES

9. Environmental Hazards: If a subdivision contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.

Does the proposed subdivision contain any known hazards such as floodplain or geological movement?
☑ NO ☐ YES

If yes, indicate the hazard and describe any proposed dedications that would minimize aggravation of the hazard:

_____

_____

_____

10. Public Open Space or Recreational Fund:

a. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.

According to the 2000 US Census the average household for Wasco County is 2.47.

Number of residentially proposed lots	6
multiplied by 2.47 =	14.82
divided by 100 =	.15

This is the number of acres that shall be provided as public open space. Describe the location of the proposed public open space dedication and its intended purpose:

0.16 acre of proposed public open space shall be dedicated to the publice along the west side of Lot 1, which is adjacent to public park space (TL 600).

_____

_____

The public open space dedication is located on the preliminary plan? ☐ NO ☑ YES

b. Rather than dedicating public open space you may request to pay 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. This sum will held in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.

Do you request to pay this sum rather than dedicating public open space? ☑ NO ☐ YES

If yes, what is the assessed value of the land area, exclusive of streets, within the subdivision?

_____

Describe how this information was obtained:

_____

_____

_____

6 2/3% of assessed value = _____

11. Subdivision Name: The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or area within the County.

Research has determined the proposed subdivision name is unique? ☐ NO ☑ YES

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

AUTHORITY AND CRITERIA

Review Authority: Chapter 2, Sections 2.060 (B)(3)_____

Review Criteria: Chapters 3, Sections_____

Chapter 21, Sections 21.030 and 21.200

Other_____

☐ **Legal Parcel:** Property has been determined to be a legal parcel?

☐ **Fire Safety:** A Fire Safety Self Certification Form has been submitted?

Preliminary Plan - A preliminary plan has been submitted that includes all the required information. Verify by using check boxes. ☐ NO ☐ YES

Zoning Overlays – Development Site is within the following Divisions:

1. Flood Hazard: Specify Zone:_____ ☐ NO ☐ YES
2. Geological Hazards: ☐ NO ☐ YES
4. Cultural, Historic and Archeological _____ ☐ NO ☐ YES
5. Mineral & Aggregate ☐ NO ☐ YES
7. Natural Areas _____ ☐ NO ☐ YES
8. Sensitive Wildlife Habitat _____ ☐ NO ☐ YES
12. Sensitive Bird Sites: ☐ NO ☐ YES
13. Pond Turtles Sensitive Area: ☐ NO ☐ YES

Natural Resources

Are there natural water sources on property or adjacent properties? ☐ NO ☐ YES

If yes, indicate resource type, location and required buffer.

_____

Setbacks

Existing development will not be in violation of setback standards? ☐ NO ☐ YES

Future Development

If division will allow for future development, is there an adequate site for development considering fire safety, overlays, setbacks, slopes, natural resource buffers and visibility to the National Scenic Area? ☐ NO ☐ YES

Previous Map and Tax Lot #s: _____

_____

Past Actions: If yes, list review #(s)_____ ☐ NO ☐ YES

Is property still subject to conditions from previous review? ☐ NO ☐ YES

If yes, list review # and condition(s)_____

Additional Comments: _____

_____

Updated 3/01/2022

File Number: ARE-_____

WASCO COUNTY
ACCESS ROAD EASEMENT APPLICATION

TENTATIVE PLAN REQUIREMENTS

1. The plan shall be clearly and legibly drawn to an appropriate scale so that the Approving Authority may have an adequate understanding of what is proposed.
2. A vicinity map showing the proposal in relationship to other existing or proposed streets.
3. Date, north point and scale
4. Location of the proposed dedication or private road abutting the unit of land proposed to be approved by the Section, Township and Range sufficient to define its location and, if available, a centerline description or right-of-way boundary description.
5. Zoning classification and Comprehensive Plan Map designation of properties abutting the proposed dedication or private road
6. The names of adjacent subdivisions and the names of recorded owners of adjoining lots, parcels or units of land and the amount of frontage each owner has on the proposed dedication or on the private road.
7. Existing street(s) intersecting or meeting the proposed dedication or private road.

A tentative plan meeting the requirements of 1 – 6 above has been submitted? ☐NO ☒YES

PRIVATE ROADS

A private road may be approved by the Planning Commission only if all of the following can be met:

1. All units of land using the private road for access must be in a resource zone.

   List the zones for all units of land that will be accessing the private road.

   N/A - proposed road is public

2. The private road will provide access for not more than ten (10) units of land and will serve not more than ten (10) units of land. The unit of land abutting the publicly dedicated street or road shall be counted among the (10) units of land only if it uses the same road for access.

   List all of the properties that will use the private road after the dedication.

   N/A - proposed road is public

3. The primary use of the road is to provide access for resource activities. If the primary use of the private road is residential a publicly dedicated road will be required upon the fourth (4th) unit of land using the road for access.

   List the all of the properties that will use the private road after the dedication, their acreage and existing residential and resource (farm and/or forest) activities.

   N/A - proposed road is public

4. The private road shall be constructed to standards of Section 21.420 of the Land Use and Development Ordinance.

N/A - proposed road is public

The tentative plan has been designed to meet the requirements of Section 21.240? ☐NO ☐YES

5. When service to more than ten (10) units of land is possible, provision shall be made to serve the area by public road, including but not limited to: (a) dedication of right-of-way; (b) extension and improvement of the roadway to public road standards such that not more than ten (10) units of land may be served.

How many more units of land beyond ten (10) could be serviced by this road based on future land divisions considering the current zoning?

N/A - proposed road is public

6. Boundary line or center line survey: Please be aware that upon approval of such private road, the applicant shall submit a boundary line or centerline survey of the road, unless the location of the road is already established by existing property line surveys recorded with the County Surveyor. The boundary line survey shall be submitted to the Director and the Wasco County Surveyor.

PUBLICLY DEDICATED ROADS

1. The Wasco County Planning Commission will only approve the tentative plan for street dedication if the following have been met:

   a. The street has been designed to meet all of the requirements of a public road as required by this ordinance in consultation with the Wasco County Road Master

   The tentative plan meets these requirements ☐NO ☒YES

   b. Dedication of the street to the public is consistent with the goals, policies and map of the Comprehensive Plan.

   Indicate how the dedication is consistent with the goals, policies and map of the Comprehensive Plan

   The street will be owned by the County, but maintained by the homeowners, with a maintenance agreement (see attached). Since the road will be accessed by at least 4 homes and serve for emergency access/turnaround, the road width is to be 22' paved, with a minimum 96' diameter culdesac per the County Public Works Dept.

   c. If Tentative Plan to dedicate a street is recommended to the County Court, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the street to the improvement standards recommended by the County Roadmaster.

   Have there been any improvements to the street? ☒NO ☐YES

If yes indicate what has been done and what will need to be done to meet the required standards.

_____

_____

_____

2. Wasco County Court Acceptance

Be aware that the Wasco County Court will only accept a publicly dedicated road according the following requirements and procedures:

a. The applicant must have completed any improvements required as a condition of the approval of the dedication or have complied with Section 21.210(F) of this Chapter.

b. The owner of the land to be dedicated shall submit a preliminary title report issued by a title insurance company in the name of the owner of the interest in the land.

c. The owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public.

d. The County Court shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.

e. The County Court will decide if the road will be accepted for maintenance as part of the County road system by order pursuant to law.

ROAD MAINTENANCE AGREEMENT

The undersigned, being the owner of all the following described real property located in the County of Wasco, State of Oregon:

The Southeast quarter of the Northeast quarter of Section 5, Township 1 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon. Being Lots 2-6 of Prince Heights Subdivision.

which property has access rights over, across, and through the roadway described as "Cavern Way" and shown in attached Exhibit "A", does hereby make the following Road Maintenance Agreement concerning the above described real property, specifying that this Agreement shall constitute a covenant to run with all the land and shall be binding on all persons claiming under them: and that these conditions and restrictions shall be for the benefit and limitations upon all future owners of said real property.

Recitals:

A. It is essential to the value of the lots and for the safety of persons living thereon that the above-described roadway be properly maintained, in good condition.
B. The undersigned has agreed to share in the cost of maintaining the roadway serving the lots according to the formula set forth herein.

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Agreement:

The undersigned agrees to the following:

1. When repairs and/or maintenance appear to be necessary, the parties to this agreement may undertake such repair or maintenance anywhere along the roadway upon the affirmative vote of a majority of all property owners participating in this agreement, as follows:

    a. One meeting shall be held each year to negotiate and vote on a need for maintenance and repair on said described road. The annual meeting shall be held on or before March 1st of each year and at such additional times as may be necessary in the case of an emergency. Each participating property owner shall be allowed one (1) vote per lot to approve any maintenance or repair to be performed on said road.

2. Following the vote approving maintenance and repair, a bid must be presented to each property owner before any maintenance or repair can be performed. A majority of all property owners participating in this agreement must agree with the bid prior to the work being performed on the road. Each property owner participating in this agreement must sign a copy of the bid acknowledging that they have received and voted on the bid.

3. Repairs and maintenance to be performed on the road under this agreement shall include, but not be limited to the following: grading, patching, and snow removal. Capitol improvements (such as asphalting) may be undertaken only on the affirmative vote of all (100%) of the property owners participating in this agreement.

4. The property owner who makes the arrangements for repair and maintenance according to the property owner's decision shall send copies of all the bills to the property owners participating in this agreement.

5. All property owners participating in this agreement shall share equally the cost of approved maintenance or repair within ten (10) days of receiving the bill. If a property owner fails to pay his or her respective share within thirty (30) days after receipt of a statement, the amount of the statement, together with interest at 9% per annum from the date of the statement, plus any attorney fees necessary to collection, shall automatically become a continuing lien against the lot of the defaulting lot owner. Each lot owner's obligation to pay his or her share of the cost will be an enforceable personal obligation of the lot owner.

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6. The lot owners shall work together to coordinate their repair and maintenance activities to make the repairs and maintenance as economical as possible and to minimize interference with the lot owner's use of the roadway. To the extent reasonably possible, any repairs, maintenance or capital improvements will be obtained through competitive bidding for the purpose of cost comparison.

7. The property owners will exercise reasonable care in their use of the roadway so as not to cause more than normal wear and tear.

8. The rights and responsibilities set forth in this agreement shall be perpetual and shall run with the land and shall be binding on the successors and assigns of the property owners.

9. The provisions of this agreement may only be amended in writing and with the consent of all (100%) of the property owners participating in this agreement.

10. If the lot is owned by more than one person, all the owners of the lot will collectively be referred to as the lot owner, and will be entitled to only one collective vote, i.e., each lot represents one vote in the matters covered by this agreement.

11. The undersigned hereby agrees that this document may be recorded as an appurtenance to the above-described property.

_____

(_____, _____ of _____, LLC)
Property Owner

STATE OF OREGON

ss.

County Of Wasco

On the _____ day of _____, 2022, the above-named _____, _____ of _____, LLC personally appeared and acknowledged the foregoing instrument to be his/her/their voluntary act and deed.

Before me _____

Notary Public of Oregon

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My Commission expires:_____

Klein & Associates, Inc.
Engineering, Land Surveying, Planning
1411 13TH STREET, HOOD RIVER, OREGON 97031 / (541)386-3322
www.kleinassocinc.com

Prince Heights Subdivision Replat

A proposed subdivision re-plat in Wasco County, Oregon

Application Narrative

Prepared By: Elizabeth Betts, PE

December 9, 2022

Wasco County Planning Department
2705 East Second Street
The Dalles, OR 97058

December 9, 2022

Re: **Prince Heights Re-plat Subdivision and Road Dedication/Vacation Narrative**

Dear Wasco County Planning Department:

We are pleased to submit this application for the proposed Prince Heights Subdivision, a re-plat of a portion of Columbia Crest Addition, on behalf of Smilekel Group/Mona Miller (owner/developer).

REQUEST:	6 lot replat subdivision (replat of 66 existing lots)
OWNER:	Smilekel Group/Mona Miller
APPLICANT:	Elizabeth Betts, PE, Klein & Associates, Inc.

The re-plat is proposed for property owned by Ms. Miller in Wasco County, OR (1N-13E05AD: lots 300, 1000, 1100, and 1200; 1N-13E-04BC: lot 2600). These tax lots contain no existing structures. The pre-application conference included additional tax lots: TL 400, 500, 600 and 700 (including Park and A-1 zoned lots) that are no longer included in this proposed replat subdivision. The included area is shown on the vicinity map below and all parcels to be replatted in this subdivision are currently zoned R-R-5.

Figure 1 - WASCO COUNTY PUBLIC BASEMAP 2022

Table 1 - Existing Lots

Taxlot	Area (acres)	Current # of Platted Lots
300	2.28	13
1000	2.74	1
1100	3.76	21
1200	1.92	12
2600	4.27	19
TOTAL	**14.97 (residential, includes ROW)**	**66 (residential)**

This letter is intended to demonstrate that the proposed re-plat subdivision complies with the standards and criteria of the Wasco County and National Scenic Area (NSA) Land Use and Development Codes.

The development will conform to the LUDO by conforming to all the procedural requirements in Chapter 2, general design and improvement standards, and land coverage requirements. All new private and public development and utilities will be designed to Wasco County Public Works Engineering Standards with consideration of the surrounding neighbors and existing and future public amenities.

The applicable sections of the NSA LUDO are addressed in Appendix A with the responses on how the proposed replat subdivision will comply with each:

Chapter 3 – Basic Provisions
Chapter 10 – Fire Safety Standards
Chapter 13 – Nonconforming Uses
Chapter 14 – Scenic Area Review
Chapter 21 – Land Divisions

Sincerely,

Digitally signed by Elizabeth Betts
Date: 2022.12.15 12:59:21-08'00'

Elizabeth Betts, PE
Klein & Associates, Inc.
Elizabeth@kleinassocinc.com
Ph: (541) 386-3322

Attachments: Appendix A – Responses to LUDO (Scenic Area)

The applicable portions of each section are copied below with responses following each.

CHAPTER 1 INTRODUCTORY PROVISIONS

SECTION 1.200 Definitions

Response

Section 1.200 provides definitions for terms encountered in the Scenic Area LUDO. For brevity, the applicable definitions are not copied into this narrative. They have been reviewed and are understood by the applicant.

CHAPTER 2 - DEVELOPMENT APPROVAL PROCEDURES

SECTION 2.050 Wasco County

Application Authority

The Following includes only the Wasco County Application Authority. All quasi – judicial appeals and legislative actions decided upon by the Columbia River Gorge Commission shall be governed by the Management Plan for the Columbia River Gorge National Scenic Area.

B. The following applications for Type III and Type IV Quasi-Judicial and Legislative Actions shall be heard by the Planning Commission, pursuant to Sections 2.100, 2.180, 2.190, 2.200, 2.210, and 2.220 of this Ordinance: Page 2-3 Chapter 2 – Development Approval Procedures Type III Actions

1. Appeals of Decision of Director made pursuant to 2.050(A) and any ministerial action of the Director.

2. Matters which the Director elects not to review, pursuant to 2.050(A).

3. Revocation of Conditional Use Permits (Chapter 5)

4. Variances (Chapter 6)

5. Recreational Vehicle Parks (Chapter 17)

6. Preliminary Partitions involving private or public road approval (Chapter 21)

7. Subdivisions (Chapter 21)

8. Private Road Approvals (Chapter 21)

Response

This project is a subdivision, which will require a Type III review, pursuant to Chapter 21. A pre-application conference was held December 17, 2020 (921-20-000155-PLNG). Information received in the pre-application conference guided revisions to the proposed project, such as removal of the Ag zoned lots and park from the replat subdivision. The project is now a replat subdivision of just R-R-5 zoned lots along with vacation and dedication of right-of-way as needed for the proposed layout.

Chapter 3 – Basic Provisions

Section 3.160 "R-R" Rural Residential Zone

Section 3.160.D - Uses Permitted Subject to Review:

Uses Permitted Subject to Review The following uses and activities may be allowed on a legal parcel designated Residential subject to Subsection G - Property Development Standards, Chapter 11 – Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as any other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application.

13. Land Divisions and Replats subject to the property development standards listed in G below, Section 21.100 and all other applicable provisions of Chapter 21. (GMA & SMA)

Response

This project is a subdivision, which is a permitted use in the R-R5 zone with a Type II Review.

Section 3.160.G - Property Development Standards

A. Property Size: The minimum property size for new parcels is five (5) acres with a three hundred (300) foot minimum average lot width.

B. Setbacks

Front Yard: No structure other than a fence or sign shall be located closer than twenty five (25) feet from the right of way of a public road.

Side Yard: No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines of corner building sites.

Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

All new structures to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	20'
Berries, vineyards	150'	50'	50'
Other	100'	50'	30'

a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.

b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.

c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.

d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

e. A variance to the setback requirements may be made in accordance with Chapter 6.

4. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with Chapter 14 - Scenic Area Review.

5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.240, Flood Hazard Overlay.

6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

Response

Property size

As shown in the attached plan sheets, these five taxlots are currently platted as 66 lots plus right-of-way in an undeveloped subdivision, but the lack of public sewer and limited suitable drainfield area prevents such dense residential development to take place. Since the original platting of this subdivision, zoning has changed to GMA R-R-5, a rural residential zoning in the Scenic Area's General Management Area, with minimum lot sizes of 5 acres.

This property is currently zoned GMA R-5 but was platted as a part of a subdivision in 1953 with average lot size of approximately 7,000 sf (measured in CAD). The goal of this application is to re-plat from 66 small lots to 6 larger residential lots, one open space tract and one road ROW. By increasing the average residential lot size from about 7,000$^{+/-}$ sf to 112,748 sf (2.59 acres), the proposed lots will be much closer to conformance with the current zoning code.

The previously platted subdivision contains several roads that were not built and will not be needed for the proposed development. These road rights-of-way will be vacated with this project. Roads proposed to be vacated with this re-plat include the following: Sandstone Way (portions), Granite Way, and Cavern Way.

Along with vacation of the unused portion of the Sandstone Way corner right-of-way, we propose to dedicate right-of way over the existing Sandstone Way and utilities (portions of which were constructed outside of the original dedicated right-of-way). This will center the right-of-way over the existing Sandstone Road.

In addition, the previously platted subdivision contains public utility easements as per the plat of Columbia Crest that are (and will not be) utilized. This re-plat proposes extinguishment of the unnecessary easements. See attached Existing Easements/Road Vacation Exhibit for details of easements and ROW to be extinguished.

The subdivision will also dedicate right-of-way for a new road (labeled as Cavern Way), which will give access to proposed lots 3-6. As required by the LUDO, at least 0.15 acres of park space/open space must be dedicated to the public. This project proposes to dedicate land along the west side of Lot 1, which is adjacent to the tax lot already owned by the Public as Park, thereby enlarging the park area.

Lots and open/park space that will be created with this re-plat are laid out in Table 2, below.

Table 2 - Proposed Lots

Lots	Use	Min Width (feet)	Max Width (feet)	Average Width (feet)	Area (acres)
1	Single Family Res.	342	458	400	4.12
2	Single Family Res.	358	378	368	1.05
3	Single Family Res.	142	240	191	1.02
4	Single Family Res.	57	303	180	2.89
5	Single Family Res.	63	546	304	3.20
6	Single Family Res.	104	424	264	3.09
TOTAL	**SFR Lots**			**284**	**15.37**
Tract "A"	Open Space "Tract A"				1.31
	Park Space Dedication				0.16
TOTAL	**6 SFR Lots + Park + Open Space**				**16.84**
ROW	Cavern Way (50' ROW)				0.82
TOTAL	**TOTAL project area**				**17.66**

Setbacks

This proposed re-plat will comply with all setbacks for the GMA R-R5 zone. All proposed lots in this replat are more than 300' from the orchard property (1N 13E 5 A 200). TL 400 and TL500 are zoned Ag-1, but have no existing farm use or water rights for irrigation, so are unsuitable for farming. In addition, they are owned by the same owner as this development, who plans to construct non-farm dwellings on two existing lots within those taxlots and replat the lots into two parcels. With the 50' road ROW and 25' setback from the ROW, there is a minimum of 75' from the proposed homes to Ag zoning.

Building envelopes were created using the zoning setbacks in the table below from the RR-5 zoning standards, 30' fire fuel break for fire safety, with additional consideration to avoid slopes over 30%, KVAs and existing trees to the greatest extent possible. The building envelopes and open space provide adequate building space within required setbacks per the zoning code and protect the majority of the existing white oak and ponderosa pine trees and keep building off of the steeper slopes on the site, which is essential for fire safety.

Table 3 – Minimum Building Setbacks in R-R5 zoning

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

Height

The homes will not exceed 35' in height. Homes on lots 5 and 6 will be required to be evaluated for visibility from the KVA's at the time of building permit. To the best of our knowledge, the building envelopes have been set to avoid visibility from key viewing areas; however, individual building permits will be required for each home and must comply with the height and visibility standards of the General Management Area in the Scenic Area. Additional vegetative screening may be required for homes on proposed lots 5 and 6.

Stream and Floodplain

No development is proposed within a designated flood zone or stream setback. FEMA maps do not show any flood zones mapped on this property, and it is unlikely there would be flooding since these lots are on a hill and without a water source (creek, river, etc).

Vision clearance

30' of vision clearance will be maintained on the corner lots for intersection sight distance.

Parking

Chapter 4 requires one off-street parking space per dwelling unit. This will be reviewed at time of building permit, but with lot sizes exceeding 1 acre, this re-plat will meet or exceed that requirement.

Chapter 11 – Fire Safety Standards

Section 11.110 – Siting Standards

A. Does your building avoid slopes steeper than 40% (more than 40-foot elevation gain over 100 feet horizontal distance)?
   If **yes**, then:

- Extensive and costly grading and ground disturbance will be avoided
- Emergency responders will have room to access and maneuver around all sides of the structure.
- Structure will avoid exposure to the hottest side of fast moving flames climbing the slope
- Structure will avoid potential of trapping heat rising off of flames on the slope below

If **no**, then:

- A modification of fire safety standards must be requested. The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:
  - Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).
  - National Fire Protection Association (NFPA) Sprinkler system if access standards cannot be met.
  - Expanded fire fuel breaks.
  - Additional irrigation on all sides of the home and an on-site water supply capable of running the irrigation system for extended periods.
  - Evacuation plan.

Response

As shown in the attached plan sheets, building envelopes were created to show that there are buildable areas on the site that do not require building on steep slopes. The building envelopes are based on:

1) *Zoning setbacks*
2) *30' fire fuel break for fire safety*
3) *Minimum 30' setback from slopes 30% or greater (based on LIDAR)*
4) Protection of significant trees (white oak, ponderosa pine)

At the time of building permits, each structure and lot should be evaluated for fire safety standards. Note that the setbacks in the building envelopes were created based on the LIDAR surface and should be verified for each building location to ensure appropriate setback for the fire mitigation measures proposed (siding, enclosed soffits, etc).

Section 11.120 – Defensible Space – Clearing and Maintaining a Fire Fuel Break

Is your building surrounded by a 50-foot wide fire fuel break?

Response

Existing vegetation within the building envelopes is primarily long grass. Defensible space will need to be addressed with the individual building permits, as will design for fire resistance.

SECTION 11.130 Construction Standards for Dwellings and Structures –

A. Is your building designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?

B. Is your structure designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?

Response

Design for fire resistance will be addressed with individual building permits. Utilities will be placed underground for the new subdivision.

Section 11.140 - Access Standards

Providing safe access to and escape from your home.

A. Does your residential driveway meet standards for improved, all weather driveway surface and minimum driveway widths?

Response

The proposed access road meets the minimum width and surface requirements, with 22 feet of paved width ending in a 96' diameter culdesac for turnaround. Individual driveways are preliminarily shown for each lot but will need to be addressed with the building permits. Road maintenance for the shared access road will be provided by the homeowners and will be managed with a road maintenance agreement.

Section 11.150 – Fire Protection or On-Site Water Required

A. Are you proposing to construct a dwelling inside a structural fire protection district?
ON SITE WATER IS REQUIRED IN BOTH URBAN AND RURAL ENVIRONMENTS FOR FIRE SAFETY (Fire Flow Requirements).

- Dwellings less than or equal to 3,500 square feet can rely on emergency responders to meet the onsite water requirements if they are inside a fire protection district.
- Dwellings in excess of 3,500 square feet require on-site water in excess of the amount of water that could reasonably be delivered to the site by emergency responders. Dwellings in excess of 3,500 square feet need to provide an NFPA sprinkler system to meet on site water requirements. Provision of an NFPA sprinkler system meets fire code fire flow requirements. Structures must be located inside a structural fire protection district if possible.
- It is not possible to be in a fire protection district when it is demonstrated that the dwelling cannot locate within, annex into a district, or contract with a structural fire protection district for service

Response

Home sizes are unknown at this time. This section applies at time of individual building permit.

Chapter 13 – Nonconforming Uses

Section 13.080 – Consolidation of Undeveloped Subdivisions

A. A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which the unit of land is located is undeveloped pursuant to ORS chapter 92, Undeveloped Subdivisions.
B. No portion of a consolidated plat shall be considered a separate parcel solely because an existing property overlays, and possibly fragments, that consolidated subdivision.
C. Criterion A shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.
D. Lots shall be consolidated through the process outlined in ORS Chapter 92, Undeveloped Subdivisions, or through a Replat process as outlined in Chapter 21.

Response

A. The lots to be consolidated are adjacent, under the same ownership, and undeveloped.
B. N/A

C. N/A – no homes are currently on the lots
D. The lots will be consolidated through a replat subdivision per Chapter 21 of LUDO, see additional responses below under Chapter 21 heading.

Chapter 14 – Scenic Area Review

SECTION 14.020 Complete Application Submittal Requirements for a Scenic Area Review

Response

For brevity, Chapter 14 was not copied into this narrative. The application will comply with the following to be submitted:

A. *Application form, including narrative*
B. *Site Plan*
C. *Material samples – N/A for subdivision – will be required at time of building permits*
D. *Landscaping plan - N/A for subdivision – will be required at time of building permits*
E. *Elevation plan - N/A for subdivision – will be required at time of building permits*
F. *Grading plan with grading narrative*

SECTION 14.100 Provisions For All New Development (GMA & SMA)

Response

For brevity, Chapter 14 was not copied into this narrative.

A. *The subdivision will be reviewed under the applicable sections of the scenic area LUDO*
B. *Layout of the lots, road and building envelopes retains the existing topography to the maximum extent possible. The majority of the grading on the site takes place at the required culdesac to keep it from being too steep.*
C. *Design/color will be addressed at the time of building permits*
D. *Design/color will be addressed at the time of building permits*
E. *No additions are proposed to existing buildings (there are no existing buildings)*
F. *Lighting is not proposed with this subdivision.*
G. *Landscaping will be reviewed at the time of building permits*
H. *New trees are not proposed. Existing trees that screen from KVA's are protected by building envelopes.*

SECTION 14.200 Key Viewing Areas

The following is required for all development that occurs on parcels/lots topographically visible from Key Viewing Areas.

Response

For brevity, Chapter 14 was not copied into this narrative.

Klein & Associates surveyors performed a Key Viewing Area study to determine which portions of the site were visible from the following locations:

a. *Columbia River*
b. *I-84*
c. *WA State Route 14*

They determined that portions of proposed lots 5 and 6 were visible from these locations, as shown on the attached plans. Existing natural screening (vegetative and rock outcropping) provides some screening on these lots. Small portions of the building envelopes on Lots 5 and 6 contain potential KVA overlay and should be evaluated at the time of building permit. Additional vegetative screening will likely be adequate, depending on size and height of the dwelling proposed, so should be evaluated with the individual building permits. There are existing homes near this project which are visible on the bluff – new homes will be lower than the bluff and will be required to meet the scenic area screening, compatibility and design requirements.

I have contacted the US Forest Service, ORBIC, and ODFW representatives listed in the pre-application notes regarding potential need for a Wildlife Management Plan or field survey. The building envelopes that we created gave precedence to existing large trees (white oak and ponderosa pine) in an effort to preserve them to the greatest extent possible. In addition, an open space tract created for drainfields preserves the majority of the larger trees onsite.

Chapter 21 – Land Divisions

Section 21.030 – Basic Provisions and Design Standards

Response

For brevity, Chapter 21 was not copied into this narrative, but responses to applicable sections are below.

This re-plat combines 5 tax parcels, containing 66 subdivision lots plus vacated ROW (total of 19.86 Acres), resulting in 6 residential lots, 1 open space tract and new road ROW. This proposed re-plat complies with Section 21.130.

This replat subdivision will follow the requirements for compliance, minimum standards, conformity with plan and zoning. This subdivision provides a local access road with culdesac turnaround in order to reduce grading impacts that would be associated with looping roads. Redevelopment plan is not needed – lots are not large enough. No zoning lines will be crossed – all lots are zoned R-R-5. This subdivision replat will comply with all requirements of Chapter 21 for subdivision development.

Additional information for this application:

Water

Lots 1 and 2 will obtain water service from existing water mains in the existing roads. The developer proposes to install a 4" looped water main from the existing water mains in Sandstone Way and dead-end main in Hermit's Way to serve lots 3-6. This plan has been discussed with Chenowith Water District, and they indicate that there is plenty of water plan for the proposed homes and they will let us know if they will require looping to Hermit's Way.

Power and communications

Power will be provided by Northern Wasco PUD from the existing power poles along Sandstone Way. Underground power and transformers will be placed at their direction. Communications will follow the power in a joint utility trench.

Sanitary

Homes will be on septic/drainfield systems. Primary and Replacement drainfield locations have been evaluated and approved for each lot. Drainfields for Lots 1 (reserve), 2 and 6 have been evaluated and approved to be within easements in the open space tract. The open space tract contains remote set asides for individual drainfields and their associated backup drainfields. The developer also had Aqua Resource Design and Consulting (septic design consultant) review the pits for design of the systems prior to the sanitarian's review. Their memo is attached to this narrative, as are the sanitarian's approved drainfield locations (note that lot numbering and configuration has changed since original soil evaluation). Subsequently, in 2022, the developer contracted with EMS Environmental Consultants to stake the drainfields and conduct a hydrology study for drainfields located along the central drainage area as requested by the previous sanitarian. The drainfields as staked in the field caused a slight shift in the access road and lot lines from the pre-app layout, which is reflected in the current plans. Note that we have also adjusted the lot lines since the original sanitary approval to include as many of the drainfields as possible on the lots. Drainfields are located in the open space tract where there is not sufficient soil on the lot for a drainfield.

Drainage

This project will create little impervious area since most of the roads are already in place. The homes, driveways, and access road will utilize dispersion and infiltration. Care will be taken to not release stormwater on or near the tops of the steep slopes or directly above drainfields. An 18" culvert will be installed under the new road where there is an apparent seasonal drainage. This drainage has not been observed by the developer or engineer to flow but will be accommodated as a precaution.

Cultural Resources

An archaeological reconnaissance survey has been completed for this property by Cascade GIS & Consulting LLC. No further action was recommended. The report is included with this application.

Phasing

The development of this property will take place a single phase.

Signs

Signs are not proposed with this project other than the stop/street sign at the new intersection.

Access

Lot 1 and 2 will access from existing public roads (existing Sandstone Way or Hermits Way) and will require road approach permits. A 22' wide paved road with 2' wide gravel shoulders (in a 50' wide road

tract) road is proposed to serve lots 3-6. This road would be approximately 590' in length, with a 48' radius (96' diameter) culdesac for fire turnaround at the end.

In summary, the proposed replat complies with the LUDO and NSA standards for the RR-5 Zoning. The replat brings the subdivision into much closer conformance with the lot size standards than the 66 existing residential lots.

Klein & Associates, Inc.

Hood River, OR
1411 13TH ST. 97031
(541)386-3322

Camas, WA
2517 252ND AVE, 98607
(360) 687-0500

Wasco County Planning Department
2705 E 2nd Street
The Dalles, OR 97058

December 8, 2022

Re: Residential Evaluation

Property Information

Project Location: Sandstone Way, Wasco County, OR

Assessors Map: 1N-13E05AD: lots 300, 1000, 1100, and 1200; 1N-13E-04BC: lot 2600

Lot size(webmap): 14.97 acres (total)

Zoning: GMA R-R-5

Owner: Smilekel Group/Mona Miller

Applicant: Elizabeth Betts, PE, Klein & Associates, Inc

Introduction

This memo serves as the residential evaluation required for proposed lot in the Columbia Gorge National Scenic Area. The project site is located off Sandstone Way and Cherry Heights Road, near the crest of the hill outside of the Urban Growth Boundary. It is zoned Scenic Area General Management Rural Residential. The site currently has no structures and consists of approximately 15 acres of vacant grassy land. There are sparse mature Oregon white oak and Ponderosa pine trees, mostly clustered on the site in a few areas that will be primarily protected with open space and building envelopes. The site is hilly with steeper slopes across the southern end. Parcels to the north contain single family homes on small lots, to the west is GMA Agriculture, with an orchard west of vacant lots.

The proposed scope of work involves construction of a local access road with a culdesac for emergency turnaround. The project is a replat of 66 existing non-conforming lots into 6 larger more conforming lots. Average lot size before replat is about 7,000 sf. Average lot size after replat is 112,748 sf (2.59 acres).

Key Viewing Areas

KA surveyors evaluated the sightlines to the proposed homesites from Highway 14, I-84, and The Dalles Bridge/Columbia River. The future homesites on Lots 1-4 are not visible from KVA's and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on Lots 5 and 6 should be reviewed at the time of building permit to ensure that they are properly screened, which may require careful siting and additional vegetation for screening.

Setbacks from Agricultural Use

While the proposed lots are zoned Rural Residential, Agricultural (GMA A-1 40) zoning lies just across Sandstone Way (50' ROW width). The developer owns the undeveloped TL 1N 13E 5 AD 400 and 500, which contain multiple small legal lots without irrigation rights. The developer plans to build two homes and replat the small lots to two lots. To the northeast of these lots lies TL 1N 13E 5 A 200. This property is Ag (GMA A-1 40) zoned, as well, and contains a residence and orchard.

Per the Wasco County and National Scenic Area (NSA) Land Use and Development Code, *"all new structures to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use shall comply with the following setback standards:*

Adjacent Use	***Open or Fenced***	***Natural or Created Vegetation Barrier***	***8-foot Berm or Terrain Barrier***
Orchards	*250'*	*100'*	*75'*
Row crops/ vegetables	*300'*	*100'*	*75'*
Livestock grazing, pasture, haying	*100'*	*15'*	*20'*
Grains	*200'*	*75'*	*20'*
Berries, vineyards	*150'*	*50'*	*50'*
Other	*100'*	*50'*	*30'*

a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.

b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.

c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition. "

For the proposed Lots 1 and 2, the 50' of Sandstone Road ROW and the 25' front setback add up to 75', which is adequate for all adjacent farm uses as long as there is an 8-foot berm with vegetation that achieves a total berm/vegetation height of at least 15 feet. Material that is excavated for the road and utilities that is unsuitable for structural fill will be utilized to form the required berms along Lots 1 and 2, as shown in the Ag Setback Exhibit EX2. However, if the TL400 and 500 have become residential usage as described above before the replatting of these six lots, then berms would not be necessary since the potential agricultural use would then be over 300 feet away from the proposed lots.

Utilities

Water

Lots 1 and 2 will obtain water service from existing water mains in the existing roads. The developer proposes to install a 4" looped water main from the existing water mains in Sandstone Way and dead-end main in Hermit's Way to serve lots 3-6. This plan has been discussed with Chenowith Water District, and they indicate that there is plenty of water plan for the proposed homes and they will let us know if they will require looping to Hermit's Way.

Sanitary

Homes will be on septic/drainfield systems. Primary and Replacement drainfield locations have been evaluated and approved for each lot. Drainfields for Lots 1 (reserve), 2 and 6 have been evaluated and approved to be within easements in the open space tract. The open space tract contains remote set asides for individual drainfields and their associated backup drainfields. The developer also had Aqua Resource Design and Consulting (septic design consultant) review the pits for design of the systems prior to the sanitarian's review. Their memo is attached to this narrative, as are the sanitarian's approved drainfield locations (note that lot numbering and configuration has changed since original soil evaluation). Subsequently, in 2022, the developer contracted with EMS Environmental Consultants to stake the drainfields and conduct a hydrology study for drainfields located along the central drainage area as requested by the previous sanitarian. The drainfields as staked in the field caused a slight shift in the access road and lot lines from the pre-app layout, which is reflected in the current plans. Note that we have also adjusted the lot lines since the original sanitary approval to include as many of the drainfields as possible on the lots. Drainfields are located in the open space tract where there is not sufficient soil on the individual lot for a drainfield.

Power and communications

Power will be provided by Northern Wasco PUD from the existing power poles along Sandstone Way. Underground power and transformers will be placed at their direction. Communications will follow the power in a joint utility trench.

Drainage

This project will create little impervious area since most of the roads are already in place. The homes, driveways, and access road will utilize sheetflow and downspout dispersion. Care will be taken to not release stormwater on or near the tops of the steep slopes or directly above drainfields. Erosion control measures during construction, such as sediment fence, will be utilized to prevent construction stormwater from leaving the site.

Proposed Landscaping

The disturbed areas shall be revegetated with native grasses such as Koeleria macrantha (Prairie Junegrass) by seed. Seeding in non-irrigated areas (roadside slopes) shall be done during spring or fall, when they will be irrigated by rain. Irrigation shall be provided by the owner to ensure growth of plants for any areas planted during dry weather and through dry seasons, until established. If berms are placed to reduce setbacks for Lots 1 and 2 shall be planted per the guidance in the Wasco County and

National Scenic Area (NSA) Land Use and Development Code to create a combined height of 15' (8' berm plus 7' planting).

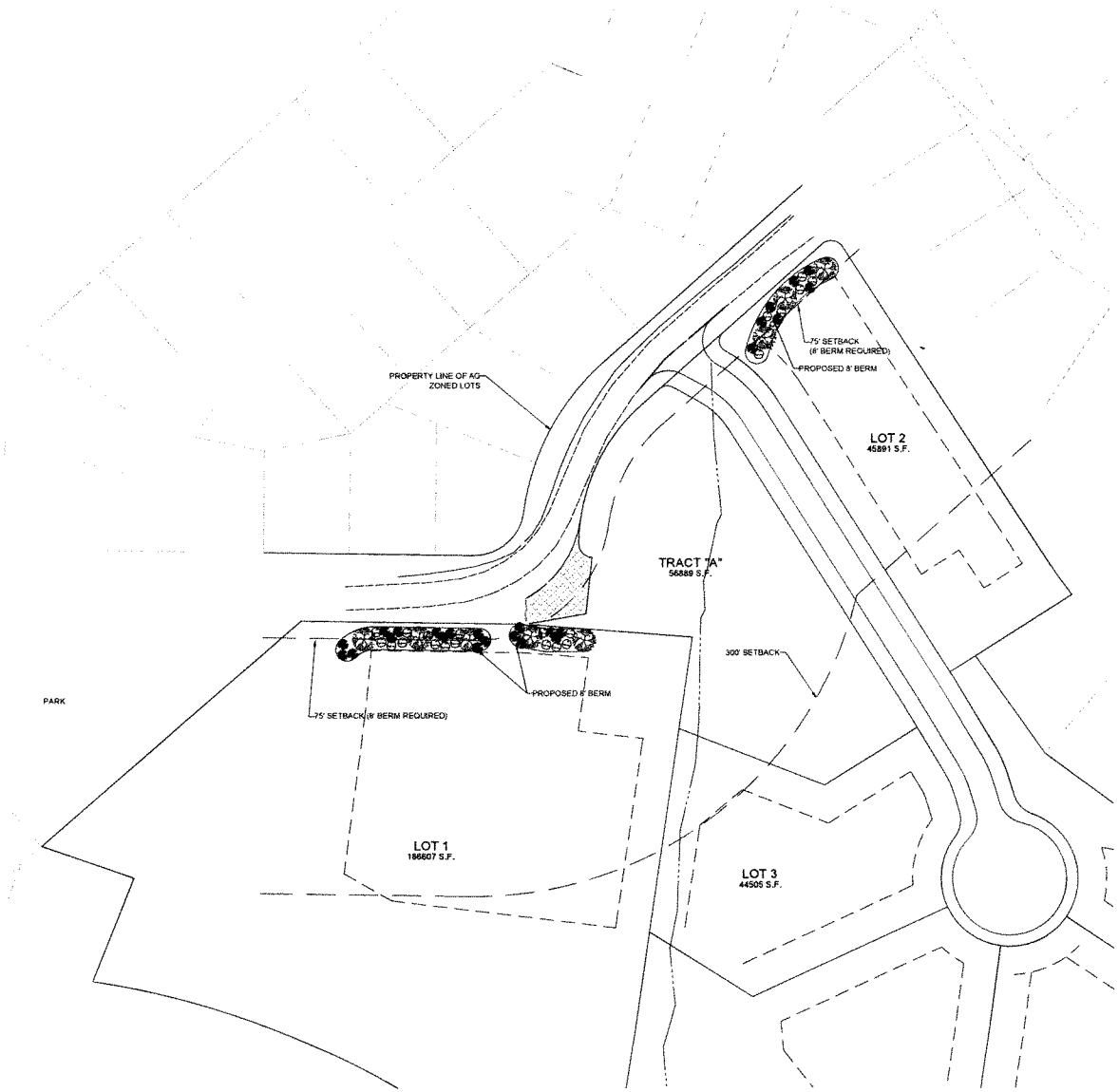
Sincerely,

Digitally signed by Elizabeth Betts
Date: 2022.12.15 12:50:54-08'00'

Elizabeth Betts, PE
Klein & Associates, Inc.
(541)386-3322
elizabeth@kleinassocinc.com

Attachments:

EX1 – Key View Area Analysis
EX2 – Residential Analysis Ag Setbacks
Septic: Septic evaluations, AquaResource septic memo, EMS Hydrology Study and Septic Site Plan



Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8-foot Berm or Terrain Barrier
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b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.

c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition."

PRELIMINARY

PLOTTED: 12/9/2022
SAVED: 12/9/2022

Klein & Associates, Inc.
ENGINEERING LAND SURVEYING PLANNING
1411 13TH STREET
HOOD RIVER, OREGON 97031
TEL: 541-386-3322
FAX: 541-386-2515
WWW.KLEINASSOCINC.COM

REGISTERED PROFESSIONAL ENGINEER
71333PE
OREGON
ELIZABETH L. BETTS
EXPIRES

RESIDENTIAL EVALUATION - AG SETBACKS
PRINCE HEIGHTS SUBDIVISION
WASCO COUNTY, OREGON

REVISIONS:

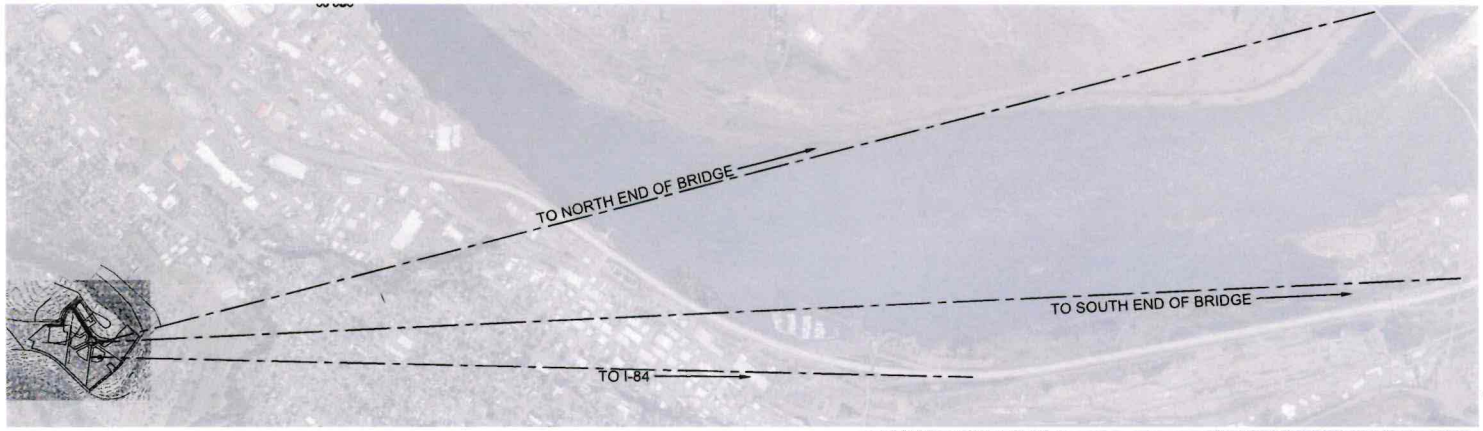
NO.	DESCRIPTION	DATE

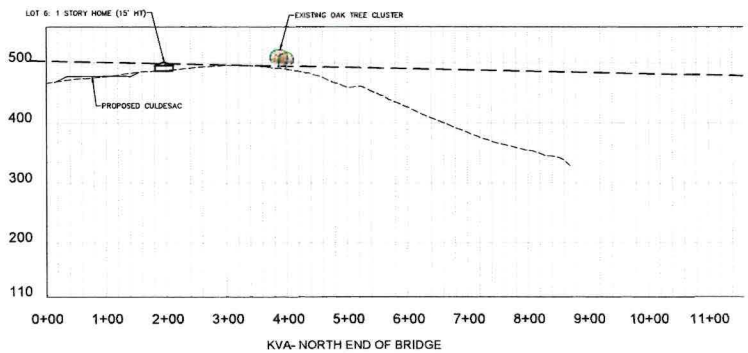
SURVEYED: KA
DESIGN: KA
DRAFT: GD
APPROVE: JK
DATE:

NOVEMBER, 2022

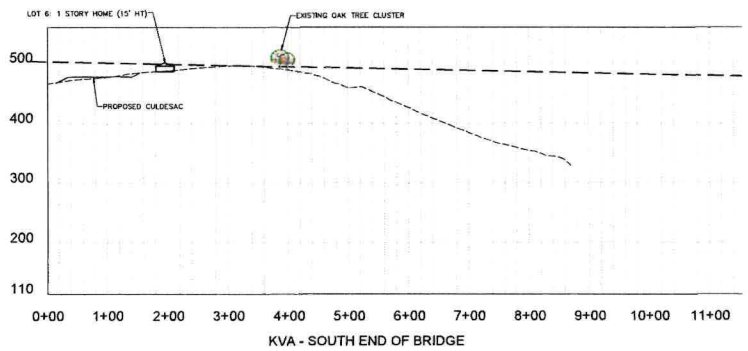
SHEET EX2

CAD FILE: Z:\PROJECTS\2017\170105 Miller Columbia Crest PUD\Drawing\170105 KNA Exhibits.dwg PLOT DATE/TIME: 12/9/2022 - 1:08pm

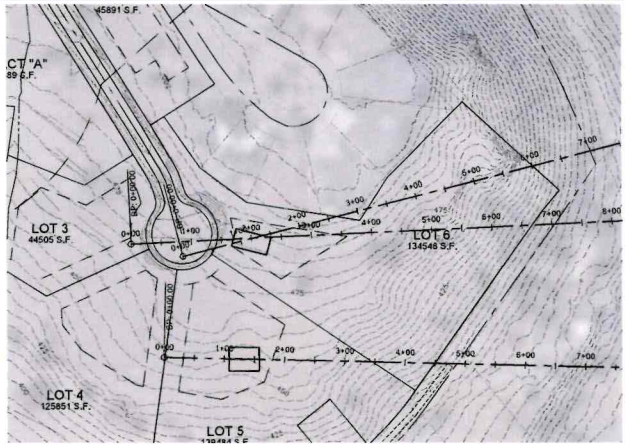


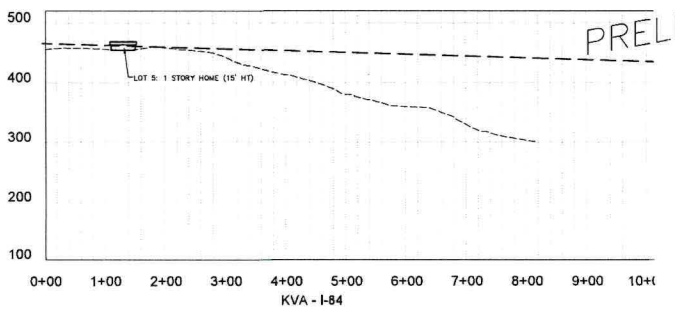


KVA- NORTH END OF BRIDGE



KVA - SOUTH END OF BRIDGE





KVA - I-84

PRELIMINARY

PLOTTED: 12/9/2022
SAVED: 12/9/2022

Klein & Associates, Inc.
ENGINEERING LAND SURVEYING PLANNING
1411 13TH STREET
HOOD RIVER, OREGON 97031
TEL: 541-386-3322
FAX: 541-386-2515
WWW.KLEINASSOCINC.COM

REGISTERED PROFESSIONAL ENGINEER 71333PE OREGON ELIZABETH L. BETTS

EXPIRES:

KVA ANALISYS
PRINCE HEIGHTS SUBDIVISION
WASCO COUNTY, OREGON

REVISIONS:

NO.	DESCRIPTION	DATE

SURVEYED: KA
DESIGN: KA
DRAFT: GD
APPROVE: JK
DATE:

NOVEMBER, 2022

SHEET EX1

CAD FILE: Z:\PROJECTS\2017\170105 Miller Columbia Crest PUD\Drawing\170105 KVA Exhibits.dwg PLOT DATE/TIME: 12/9/2022 - 1:12pm

SEPTIC SITE EVALUATIONS

ALL LOT #'S SHIFTED 2 LOTS FORWARD SINCE THESE WERE COMPLETED (IE LOT 3 BECAME LOT 1)

Back-up Area for Lot 2

SITE EVALUATION FIELD WORKSHEET

Township: 1N Range: 13E Section SAD Tax Lot _____ Evaluator John Zalaznik, NCPHD

Applicant Lewis Moller Date 9/28/17 Parcel Size _____

Soil matrix color and redox features, roots coarse fragments, structure, layer limiting effective soil depth, etc.

Back-up area for Lot #2

	Depth	Texture	
TP #10 (1)	0-14	Sandy Clay Loam	Dry, Many Very fine, Subangular blocky 10YR 3/2
	14-34	Sandy Clay Loam	Dry Few Fine, Subangular blocky, 10YR 4/3

TP #11	0-12	Fine Sandy Loam	Dry, Many Very fine, Subangular blocky 7.5YR 3/2
	12-36	Fine Sandy Loam	Dry, Few Fine, Subangular blocky 10YR 4/4

Landscapes Notes _____

Slope 4-5% Aspect South Groundwater Type _____

Other Site Notes Cereal Rye

SYSTEM SPECIFICATIONS

Type System: _____ Design Flow 450 gpd. Disposal Field Size 135'

Initial ATT System Sizing 45 /150 g. Max Depth Absorption Facility (in.) 28" min 18"

Replacement ATT System Sizing 45 /150g. Max Depth Absorption Facility (in.) 28"

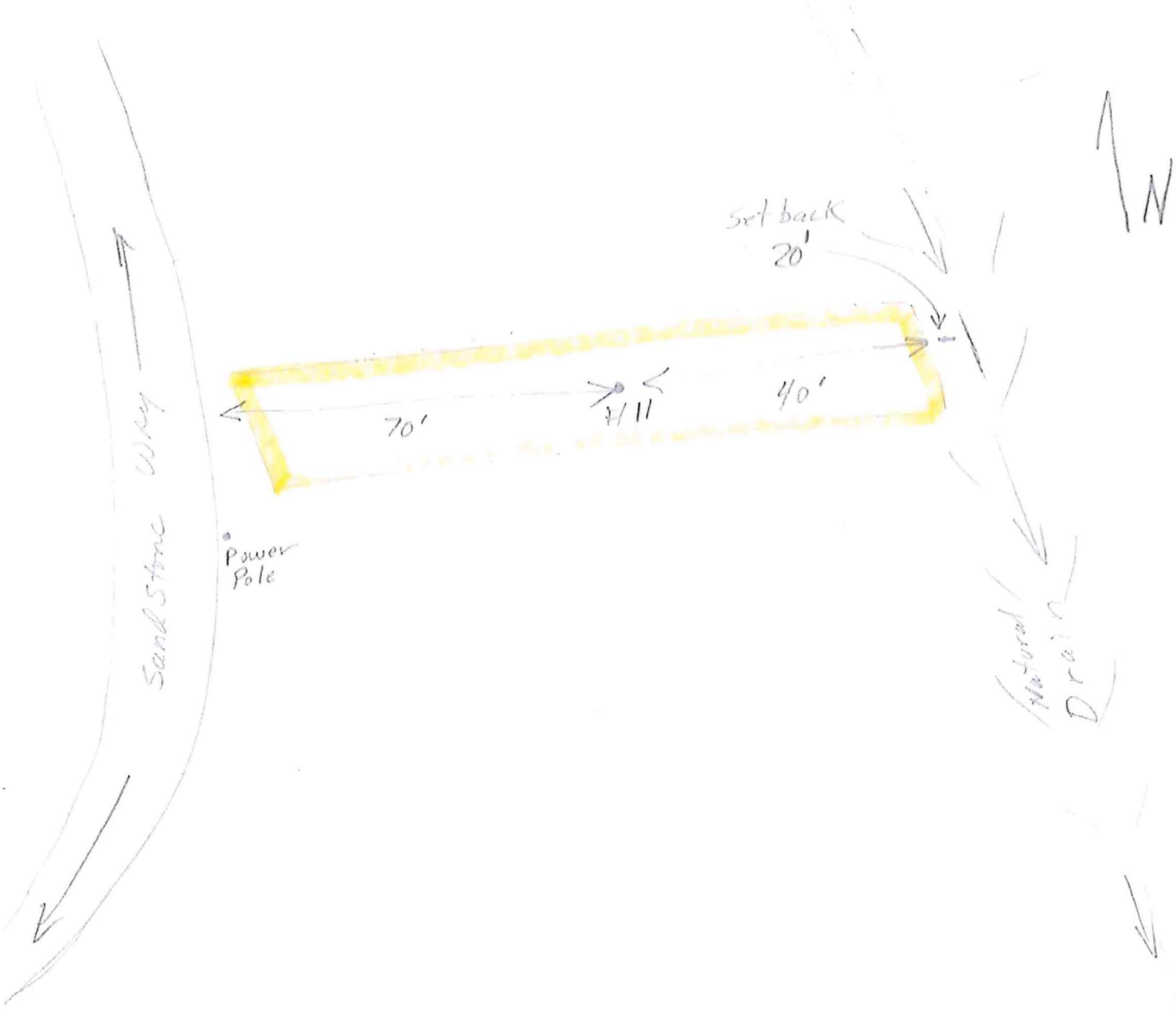
Suitable for standard ATT - Serial w/ hydrosplitter. drain field system. Minimum 1000 gal. septic tank, _____ feet of drain field required for up to a 4 bedroom residence. Soil consists of Sandy Clay loam & Fine to sandy loam 34 inches. Slope is 4 % in drain field area. Special conditions: _____

If this back-up area is used for Lot 2, ati will be part of engineering study on hydralic loading on this location.

Lewis Moller

IN 13E 5AD

9/28/17



Back-up area for
Lot #2

NORTH CENTRAL PUBLIC HEALTH DISTRICT
419 East Seventh Street
The Dalles, OR 97058
(541) 506-2600

Permit Number: _____
Date Issued: _____

Application for:
Evaluation X
Repair _____
New Installation: Standard System _____
Alternative System X
Other _____

County:
Wasco ☒ Sherman ☐ Gilliam ☐

Date Pd: Eval _____
Permit _____

Lot 5

Marries Meadow LLC
(Name of Property Owner)

27631 West Bluff Dr
(Mailing Address)

West Linn OR 97068
(City) (State) (ZIP)

(Telephone) 503-319-8896
(Email) Lewis@LKMRealestate.com

Township 1N Range 13E Section 4
Tax Lot # _____
Site Address: _____

Proposed use:
Residential ☐ Commercial ☐
Other (explain) _____

Water Supply: **Private:** Well _____ Spring _____
Community Chenowith

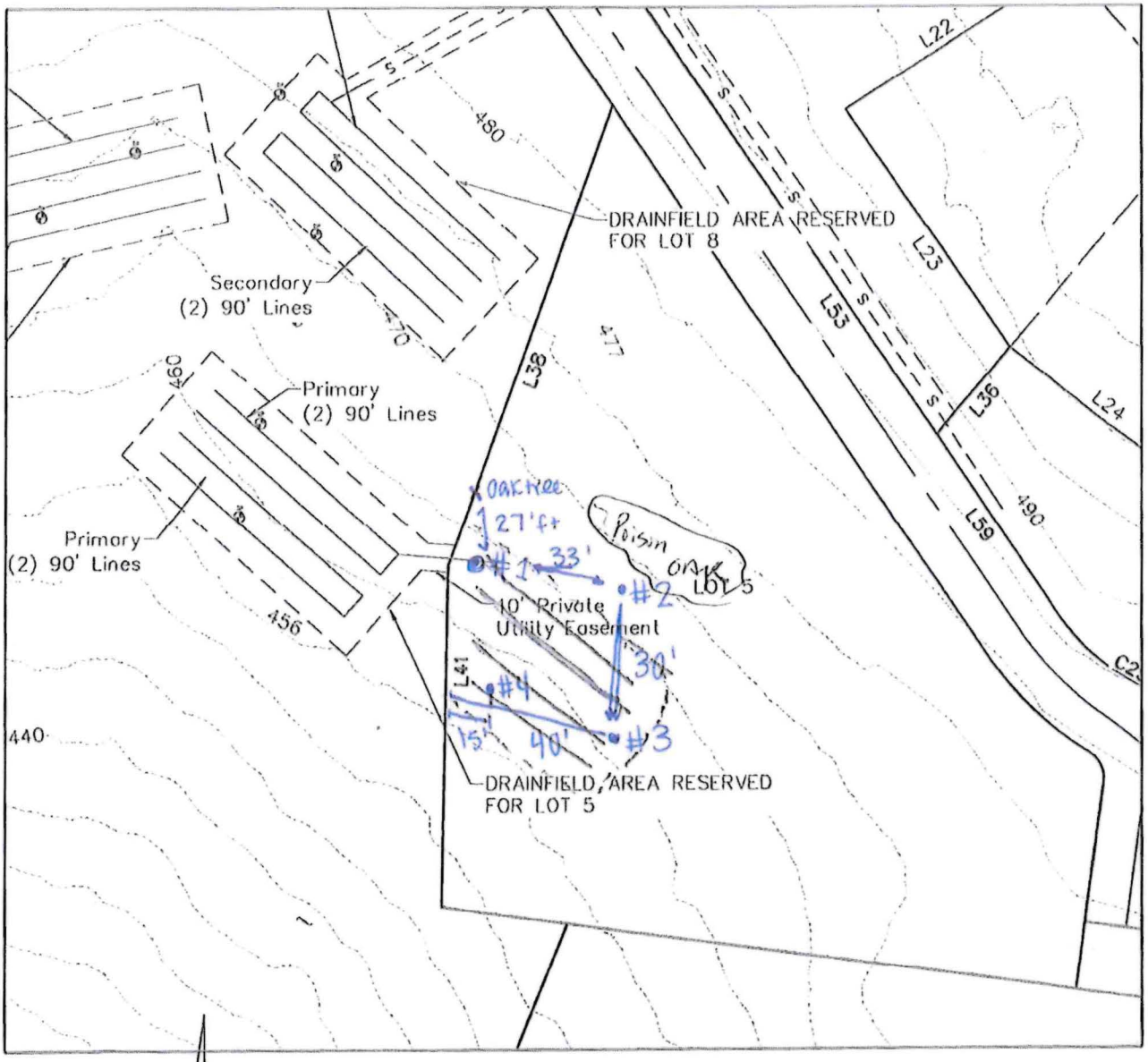
DIRECTIONS TO PROPERTY: (Please be specific.)
Cherry Heights to Sandstone Way – Sandstone Way to Hermits

Property Zone Residential Size of lot or parcel 1.5 AC
Test Holes [X] have been prepared [ ] will be prepared (date) _____

(Signature Owner/Installer) 1/29/18 (Date)

IMPORTANT: ATTACH A MAP OF PROPERTY INCLUDING LOCATION OF WELL, ANY WELLS ON ADJACENT PROPERTY, AND TEST HOLES. ON LOTS LESS THAN 20 ACRES, APPROXIMATE PROPERTY CORNER SHOULD BE VISIBLY MARKED.

EXHIBIT LOT 5



NOTE: DIMENSIONS ARE ROUNDED TO THE NEAREST WHOLE NUMBER

PRELIMINARY

PLOTTED: 12/6/2017
SAVED: 12/6/2017

-30 0 30 60

SCALE – FEET
1" = 60

LOT 5 EXHIBIT
MARIE'S MEADOW
THE DALLES, OREGON

Klein & Associates, Inc.

PROJECT: 17-01-05
FILE No: Test_Pits.dwg
FILE PATH:
LAYOUT: Layout Name
SURVEYED: Initials
DESIGNED: Initials
DRAFT: Initials

Lot 5

SITE EVALUATION FIELD WORKSHEET

Township: 1N Range: 13E Section: 4 Tax Lot#: Tax Reference: Parcel Size: 1.5AC

Owner/Applicant: Lewis Moller Evaluator: John Zalaznik

Inspection Date(s): 1/29/18 Application Number:

	DEPTH	TEXTURE	SOIL MATRIX COLOR AND CONDITIONS ASSOCIATED WITH SATURATION, Color	Structure	Pores	Roots	Redox	Descriptive Features
Pit 1	0-16"	Loam	10YR3/2	sub&block	many large	many very fine	None	Granular
	16-24"	Clay Loam	10YR3/2	"	"	many very fine	None	
	24"-50"	Loam	10YR4/2	"	"	Few fine	Small amount	Little sandy
Pit 2	0-16"	"	"	"	"	"	"	
	16"-29"	"	"	"	"	"	"	
	29"-	Sandy Loam						
Pit 3	0-16"	Loam	10YR3/2	"	"	"	"	
	16-39"	Clay Loam	10YR4/2	"	"	"	"	tumbled rock 30%
Pit 4	0-20"	Loam	10YR3/2	sub&block	"	"	"	mode
	20-31"	Clay Loam	10YR4/2	"	"	"	"	
	31-48"	sandy Loam	10YR4/3		Few fine			modeling 36" / cemented

same as hole #1

Landscape Notes: Standard system?

Slope: 10% E Aspect: Groundwater Type:

Other Site Notes:

SYSTEM SPECIFICATIONS

Design Flow: 450 gpd

Initial System: ATT meeting treatment standard 1 **ATT Treatment Standard:** 1

Disposal Facility: 150 linear feet/square feet Maximum Depth: 36 inches Minimum Depth: 24 inches

Replacement System: ATT **ATT Treatment Standard:** 1

Disposal Facility: 15 linear feet/square feet Maximum Depth: 36 inches Minimum Depth: 24 inches

Special Conditions: –

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

REPORT OF EVALUATION FOR ONE LOT
ON-SITE SEWAGE SYSTEMS

(Technical Report – Not a Permit)

For Office Use Only

Lewis Moller

Township 1N Range 13E Section 4 Tax Lot No. 100 County: Wasco

Subdivision Name _____ Lot No. # 5 Block No. _____ Lot Size _____

The entire property ☐ Has ☒ Has Not been evaluated.

PLOT PLAN OF APPROVABLE AREA:

SEE ATTACHED SKETCH

Any alteration of the natural conditions in the area approved for the on-site system or replacement area may void this approval. This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit in accordance with O.R.S. 454.605 through 454.755 and Administrative Rules of the Environmental Quality Commission. Any such subdivision, partitioning or alteration may void this report.

The site has been found suitable for installation of the following kinds of on-site sewage disposal systems, with the limitations and additional requirements indicated:

Suitable for an ATT meeting treatment standard 1 effluent and a standard seriall drain field system: Minimum 1000 gallon septic tank, 150 feet of drain field required for up to a 4-bedroom residence. Soil consists of loam and clay loam to 48 inches. Slope is 10% in drain field area. Special conditions: A equal drainfield may be used if the effluent is distributed through a hydrosplitter.

Warning: This document is a technical report for on-site sewage disposal only. It may be converted to a permit **only** if, at the time of application, the parcel has been found to be compatible with applicable LCDC-acknowledged local comprehensive land use plans and implementing measures of the Statewide Planning Goals. The Statement of Compatibility may be made on the attached form or its equivalent. Authorized Agent approval is required before a construction permit can be issued.

This report is valid until an on-site sewage system is installed pursuant to a construction permit obtained from North Central Public Health District, or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the owners according to Department records of the County tax records. Subject to the foregoing, this report runs with the land and will automatically benefit subsequent owners.

John Zalagnik	REHS	2-1-18	NCPHD
(Signature of Authorized Agent)	(Title)	(Date)	(Office)

Lewis Moller
IN 13E 4 100

2-1-18
Lot 5

* Note – ATT Meeting treatment standard 1

Lot 4

SITE EVALUATION FIELD WORKSHEET

Township: 1N Range: 13E Section SAD Tax Lot _____ Evaluator John Zalaznik - NCPHD

Applicant Lewis Moller Date 9/28/17 Parcel Size _____

Soil matrix color and redox features, roots coarse fragments, structure, layer limiting effective soil depth, etc.

Evaluation holes were not on this property

	Depth	Texture	
TP 7	0-13	Silt loam	Dry, Many Very fine, Subangular blocky 7.5YR 3/2
	13-25	Silt Loam	Dry, Many fine, Subangular blocky 7.5YR 4/4
	25-30	Decomposed Sandstone	Dry, Few Very fine roots, Angular blocky 7.5YR 4/4
TP 6	0-14	Fine Sandy Loam	Dry, Many Very fine Angular blocky 10YR 3/2
	14-30	Fine Sandy Loam	Dry, Many fine Angular blocky 7.5YR 3/3
	30-34	Decomposed Sandstone	Dry Redox @ 31"

Landscapes Notes _____

Slope _____ Aspect _____ Groundwater Type _____

Other Site Notes Sitting above uneven terrain - Road will act as certain drain if constructed properly & piping surface seasonal drainage.

SYSTEM SPECIFICATIONS

Type System: Design Flow 450 gpd. Disposal Field Size 135'

Initial ATT-Capping Fill System Sizing 45 /150 g. Max Depth Absorption Facility (in.) 20" ~~[illegible]~~

Replacement ATT-Capping Fill System Sizing 45 /150g. Max Depth Absorption Facility (in.) 20"

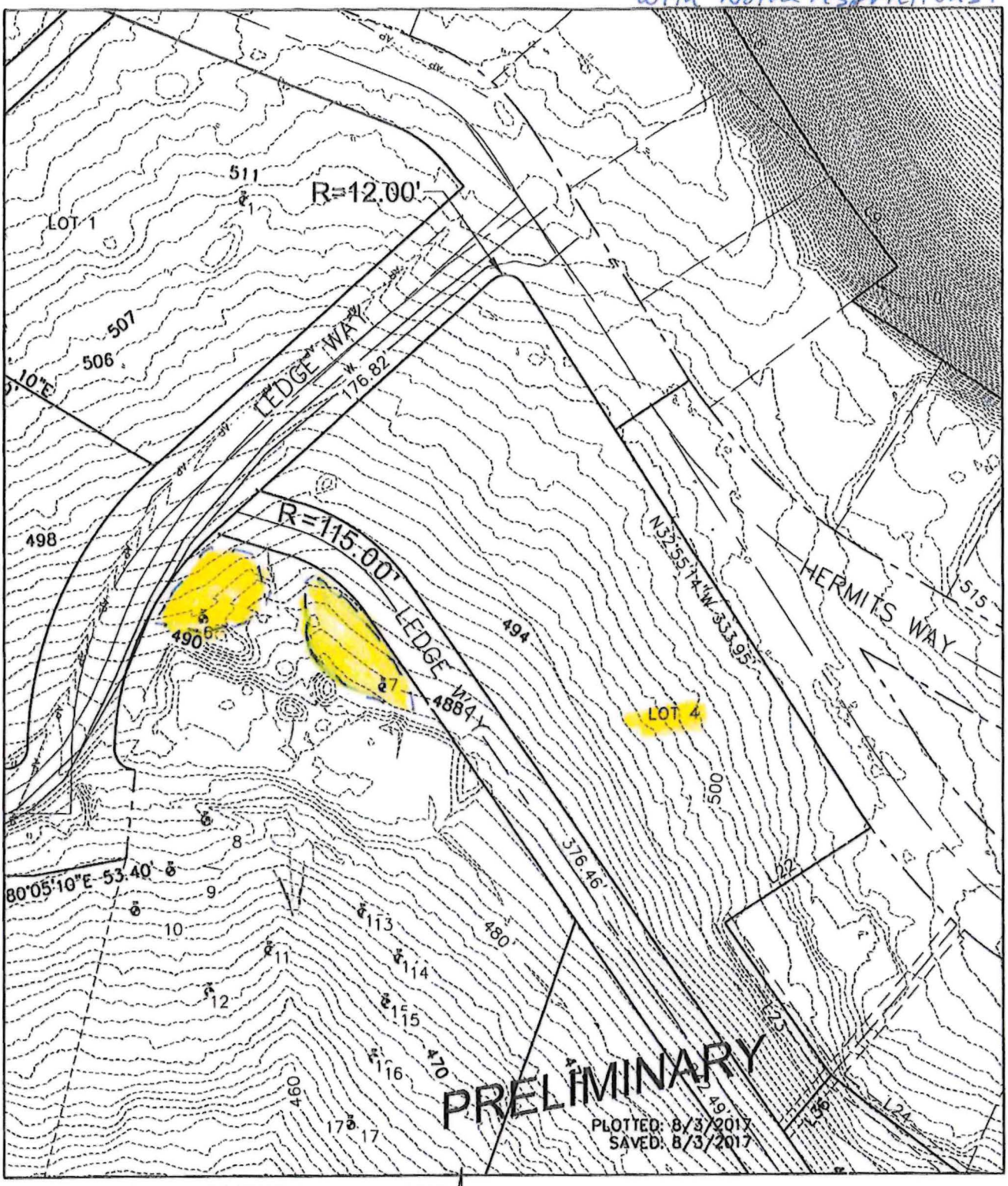
Suitable for standard ATT-Capping Fill drain field system. Possibly @ hydrosplitted effluent Minimum 1000 gal. septic tank, 135 feet of drain field required for up to a 4 bedroom residence. Soil consists of Fine Sandy loam to 30 inches. Slope is 4-8 % in drain field area. Special conditions:

Minimum 6" Cap will be required - in areas of uneven terrain more cap may be necessary. * The lot accepting Lots 4 effluent will need an engineering study for hydraulic loading.

Both initial and replacement drain fields will need to be layed out to grade to assure space is available.

EXHIBIT LOT 4

High lighted areas are approved for initial & replacement drain fields with Natal restrictions.



NOTES: DIMENSIONS ARE ROUNDED TO THE NEAREST WHOLE NUMBER

TEST PITS 6, 7, AND 9–11 ARE PROPOSED FOR THIS APPROVAL AREA

40 0 40 80

SCALE – FEET

1" = 80'

LOT 4 EXHIBIT
MARIE'S MEADOW
THE DALLES, OREGON

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

PROJECT:	17-01-05
FILE No:	Test_Pits.dwg
FILE PATH	
	C:\Users\ste\Desktop
LAYOUT:	Layout Name
SURVEYED:	Initials
DESIGN:	Initials
DRAFT:	Initials
APPROVE:	Initials
DATE:	JULY 2017
SHEET	XX OF XX SHEETS

LOT 5

SITE EVALUATION FIELD WORKSHEET

Township: 1N Range: 13E Section 5AD Tax Lot _____ Evaluator John Zalaznik, NCPHD

Applicant Lewis Moller Date 9/28/17 Parcel Size _____

Soil matrix color and redox features, roots coarse fragments, structure, layer limiting effective soil depth, etc.

No test pits were located on Lot 5

	Depth	Texture	
TP # 12	0-14	Silt Loam	Dry Many Very fine, Subangular blocky 10YR 3/2
	14-27	Loam	Dry, Many Very fine, Subangular blocky 10YR 3/2
	27-40	Loam	Dry Common Fine, " " 10YR 4/3
TP # 15	0-15	Silt Loam	Dry, Many Very Fine, Subangular blocky 10YR 3/3
	15-25	Loam	Dry, Many Fine, Subangular blocky 10YR 3/2
	25-40	Loam	Dry, Many Fine, Subangular blocky 10YR 4/3

Landscapes Notes _____

Slope _____ Aspect S S-E Groundwater Type _____

Other Site Notes # 12 is ≅ 100' from access road

SYSTEM SPECIFICATIONS

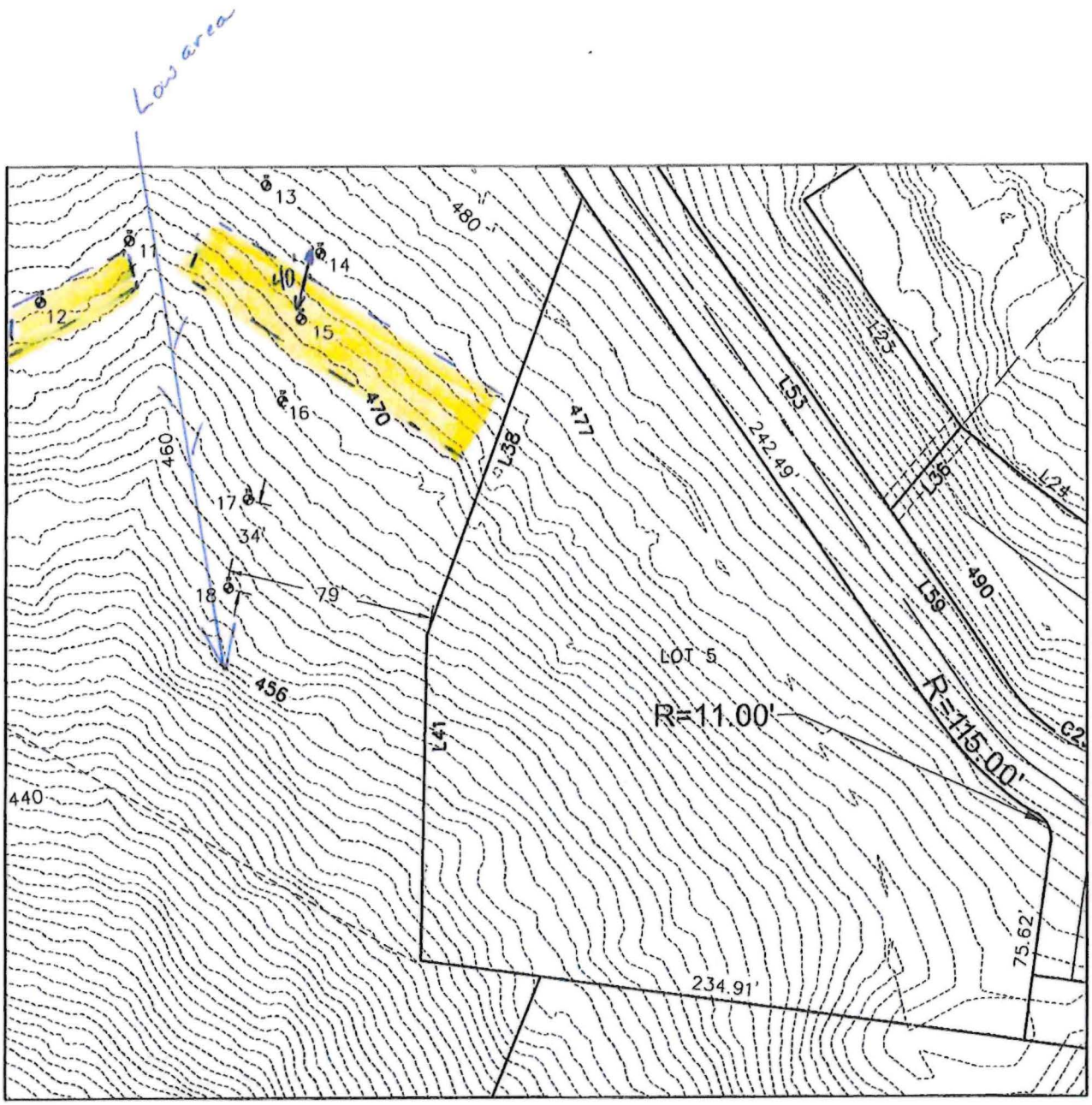
Type System: Design Flow 450 gpd. Disposal Field Size 135'

Initial ATT System Sizing 45 /150 g. Max Depth Absorption Facility (in.) 30 18" min

Replacement ATT System Sizing 45 /150g. Max Depth Absorption Facility (in.) 30

Suitable for standard ATT Serial w/ hydrosplitter drain field system. Minimum 1000 gal. septic tank, 135 feet of drain field required for up to a 4 bedroom residence. Soil consists of Silt Loam & Loam to 40 inches. Slope is 10-12 % in drain field area. Special conditions: No evaluation holes are located on lot 5. The drain field will have to be described in an easement and this area will need an hydralic engineering study prior to full approval. Both initial & replacement drain fields need to be staked to grade to assure sufficient space is available.

EXHIBIT LOT 5



NOTES: DIMENSIONS ARE ROUNDED TO THE NEAREST WHOLE NUMBER

TEST PITS 13–15 ARE PROPOSED FOR THIS APPROVAL AREA

PRELIMINARY

PLOTTED: 8/3/2017
SAVED: 8/3/2017

-30 0 30 60

SCALE – FEET
1" = 60

LOT 5 EXHIBIT
MARIE'S MEADOW
THE DALLES, OREGON

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

PROJECT:	17-01-05
FILE No:	Test_Pits.dwg
FILE PATH	
C:\Users\peter\Desktop	
LAYOUT:	Layout Name
SURVEYED:	Initials
DESIGN:	Initials
DRAFT:	Initials
APPROVE:	Initials
DATE:	JULY 2017
SHEET	XX OF XX SHEETS

NORTH CENTRAL PUBLIC HEALTH DISTRICT
419 East Seventh Street
The Dalles, OR 97058
(541) 506-2600

Permit Number: _____
Date Issued: _____

Application for:
Evaluation X
Repair _____
New Installation: Standard System _____
Alternative System X
Other _____

County:
Wasco ☒ Sherman ☐ Gilliam ☐

Date Pd: Eval _____
Permit _____

Lot 5

Marie's Meadow LLC
(Name of Property Owner)

27631 West Bluff Dr
(Mailing Address)

West Linn OR 97068
(City) (State) (ZIP)

(Telephone) 503-319-8896
(Email) Lewis@LKinRealestate.com

Township 1N Range 13E Section 4
Tax Lot # _____
Site Address: _____

Proposed use:
Residential ☐ Commercial ☐
Other (explain) _____

Water Supply: **Private:** Well _____ Spring _____
Community Chenowith

DIRECTIONS TO PROPERTY: (Please be specific.)

Cherry Heights to Sandstone Way – Sandstone Way to Hermits

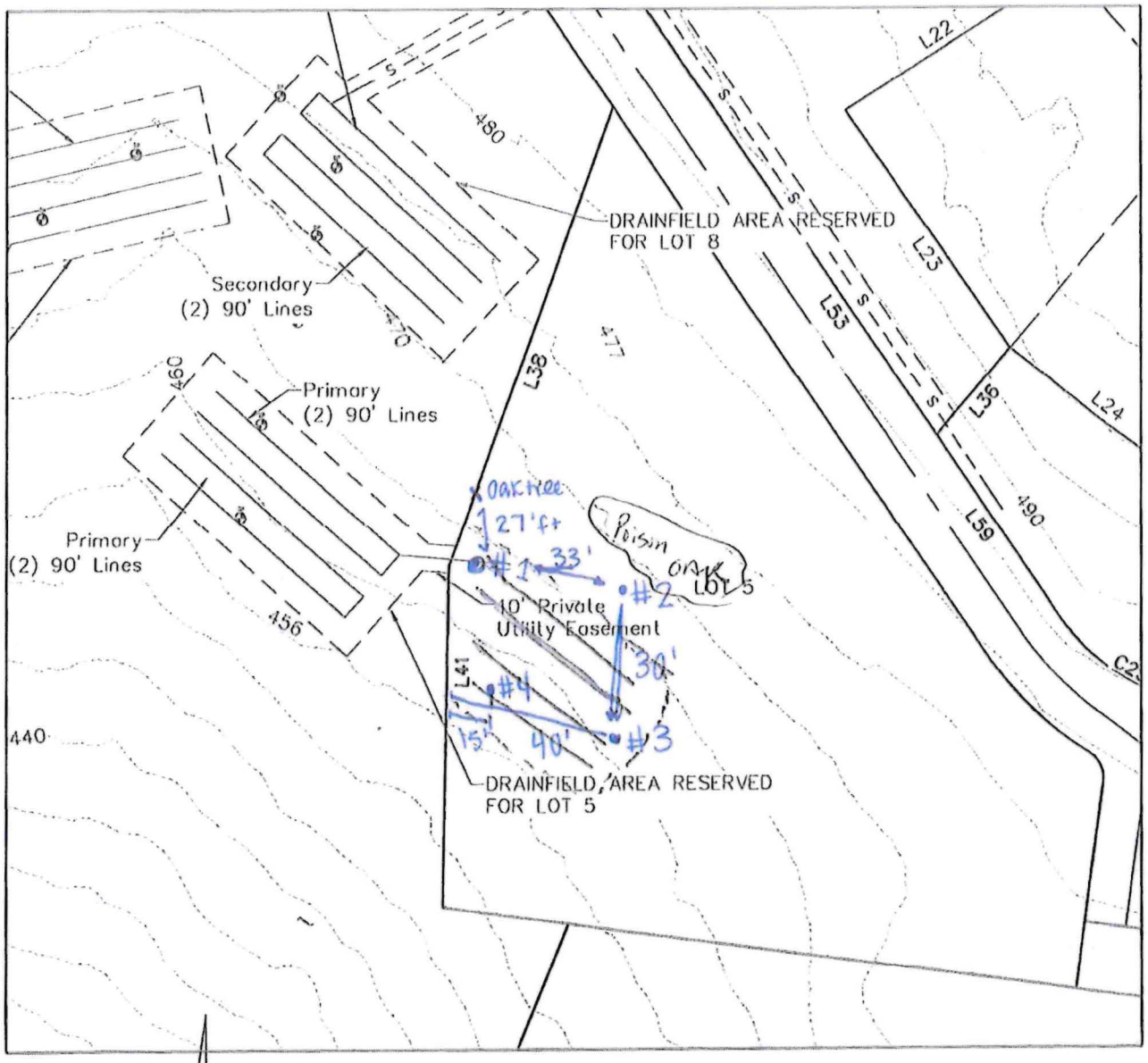
Property Zone Residential Size of lot or parcel 1.5 AC

Test Holes [X] have been prepared [ ] will be prepared (date) _____

(Signature Owner/Installer) 1/29/18 (Date)

IMPORTANT: ATTACH A MAP OF PROPERTY INCLUDING LOCATION OF WELL, ANY WELLS ON ADJACENT PROPERTY, AND TEST HOLES. ON LOTS LESS THAN 20 ACRES, APPROXIMATE PROPERTY CORNER SHOULD BE VISIBLY MARKED.

EXHIBIT LOT 5



NOTE: DIMENSIONS ARE ROUNDED TO THE NEAREST WHOLE NUMBER

PRELIMINARY

PLOTTED: 12/6/2017
SAVED: 12/6/2017

-30 0 30 60

SCALE – FEET
1" = 60

LOT 5 EXHIBIT
MARIE'S MEADOW
THE DALLES, OREGON

Klein & Associates, Inc.

PROJECT: 17-01-05
FILE No: Test_Pits.dwg
FILE PATH
LAYOUT: Layout Name
SURVEYED: Initials
DRAFT: Initials

Lot 5

SITE EVALUATION FIELD WORKSHEET

Township: 1N Range: 13E Section: 4 Tax Lot#: Tax Reference: Parcel Size: 1.5AC

Owner/Applicant: Lewis Moller Evaluator: John Zalaznik

Inspection Date(s): 1/29/18 Application Number:

	DEPTH	TEXTURE	SOIL MATRIX COLOR AND CONDITIONS ASSOCIATED WITH SATURATION, Color	Structure	Pores	Roots	Redox	Descriptive Features
Pit 1	0-16"	Loam	10YR3/2	sub&blocky	many large	many very fine	None	Granular
	16-24"	Clay Loam	10YR3/2	"	"	many very fine	None	
	24"-50"	Loam	10YR4/2	"	"	Few fine	Small amount	Little sandy
Pit 2	0-16"	"	"	"	"	"	"	
	16"-29"	"	"	"	"	"	"	
	29"-	~~[illegible]~~ Sandy Loam						
Pit 3	0-16"	Loam	10YR3/2	"	"	"	"	
	16-39"	Clay Loam	10YR4/2	"	"	"	"	tumbled rock 30%
Pit 4	0"-20"	Loam	10YR3/2	sub&block	"	"	"	~~mode~~
	20"-31"	Clay Loam	10YR4/2	"	"	"	"	
	31"-48"	sandy Loam	10YR4/3		Few fine			modeling 36" (cemented)

same as hole #1

Landscape Notes: Standard system?

Slope: 10% E Aspect: Groundwater Type:

Other Site Notes:

SYSTEM SPECIFICATIONS

Design Flow: 450 gpd

Initial System: ATT meeting treatment standard 1 **ATT Treatment Standard:** 1

Disposal Facility: 150 linear feet/square feet Maximum Depth: 36 inches Minimum Depth: 24 inches

Replacement System: ATT **ATT Treatment Standard:** 1

Disposal Facility: 15 linear feet/square feet Maximum Depth: 36 inches Minimum Depth: 24 inches

Special Conditions: –

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

REPORT OF EVALUATION FOR ONE LOT
ON-SITE SEWAGE SYSTEMS

(Technical Report – Not a Permit)

For Office Use Only

Lewis Moller

Township 1N Range 13E Section 4 Tax Lot No. 100 County: Wasco

Subdivision Name _____ Lot No. # 5 Block No. _____ Lot Size _____

The entire property ☐ Has ☒ Has Not been evaluated.

PLOT PLAN OF APPROVABLE AREA:

SEE ATTACHED SKETCH

Any alteration of the natural conditions in the area approved for the on-site system or replacement area may void this approval. This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit in accordance with O.R.S. 454.605 through 454.755 and Administrative Rules of the Environmental Quality Commission. Any such subdivision, partitioning or alteration may void this report.

The site has been found suitable for installation of the following kinds of on-site sewage disposal systems, with the limitations and additional requirements indicated:

Suitable for an ATT meeting treatment standard 1 effluent and a standard seriall drain field system: Minimum 1000 gallon septic tank, 150 feet of drain field required for up to a 4-bedroom residence. Soil consists of loam and clay loam to 48 inches. Slope is 10% in drain field area. Special conditions: A equal drainfield may be used if the effluent is distributed through a hydrosplitter.

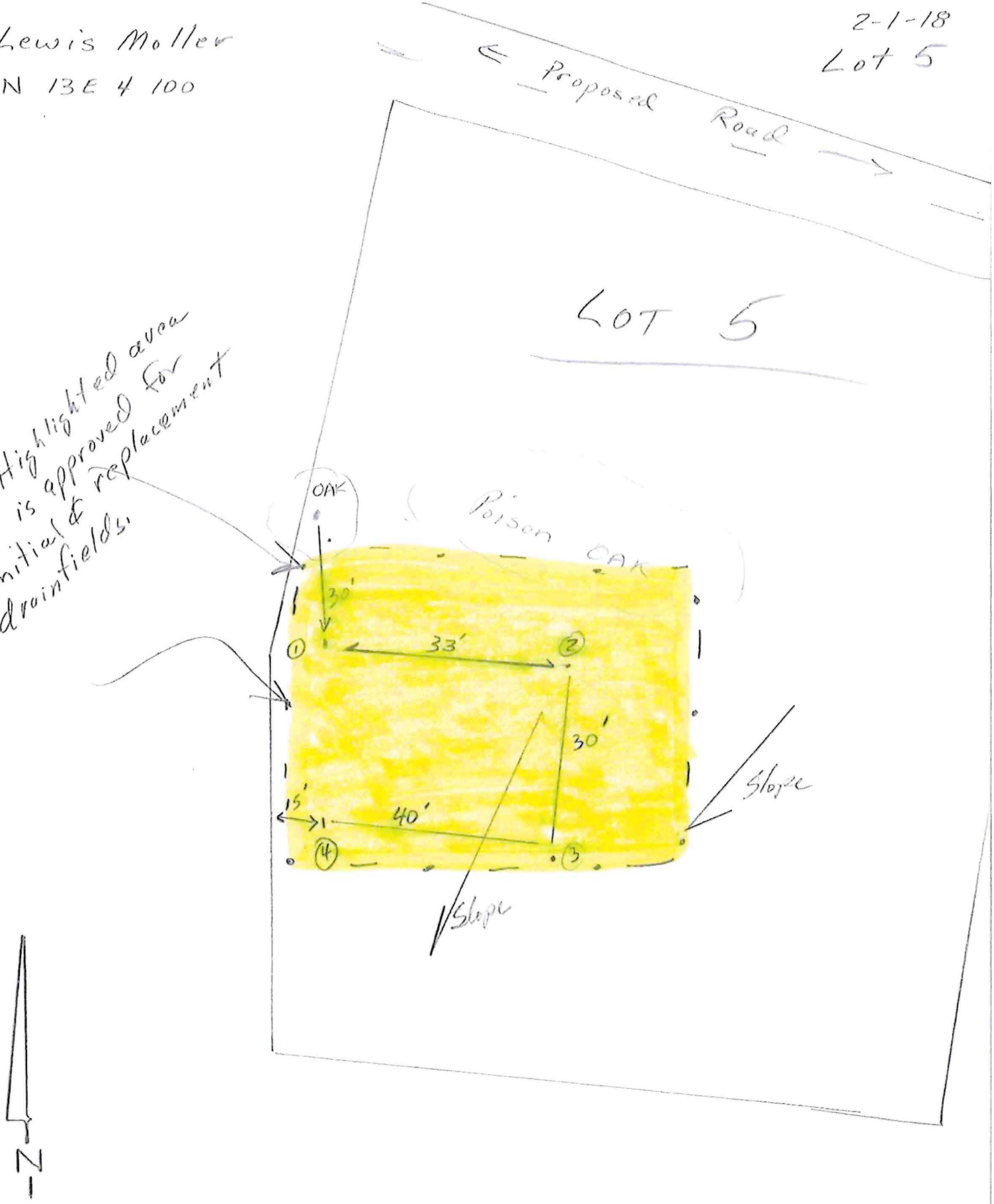
Warning: This document is a technical report for on-site sewage disposal only. It may be converted to a permit **only if**, at the time of application, the parcel has been found to be compatible with applicable LCDC-acknowledged local comprehensive land use plans and implementing measures of the Statewide Planning Goals. The Statement of Compatibility may be made on the attached form or its equivalent. Authorized Agent approval is required before a construction permit can be issued.

This report is valid until an on-site sewage system is installed pursuant to a construction permit obtained from North Central Public Health District, or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the owners according to Department records of the County tax records. Subject to the foregoing, this report runs with the land and will automatically benefit subsequent owners.

John Zelagnik	REHS	2-1-18	NCPHD
(Signature of Authorized Agent)	(Title)	(Date)	(Office)

Lewis Moller
IN 13E 4 100

2-1-18
Lot 5



* Note – ATT Meeting treatment standard 1

Lot 6
Primary

SITE EVALUATION FIELD WORKSHEET

Township: 1N Range: 13E Section 5AD Tax Lot _____ Evaluator John Zalaznik, NCPHD

Applicant Lewis Moller Date 9/28/17 Parcel Size _____

Soil matrix color and redox features, roots coarse fragments, structure, layer limiting effective soil depth, etc.

No test pits were located on Lot 6

	Depth	Texture	
Pit 17	0-11	Silt Loam	Dry, Many Very fine, Subangular blocky 10YR 3/2
	11-28	Loam	Dry, many fine " 10YR 3/2
	28-38	Loam	Dry, Many fine " 10YR 4/3
			Redox ~~showing~~ @ 36"
Pit 18	0-14	Silt Loam	Dry, many fine Subangular blocky 10YR 3/2
	14-27	Loam	Dry, Many fine " 10YR 3/2
	27-40	Silt Loam	Dry, many fine " 10YR 4/3
			Temp perched water @ ≅ 36"

Landscapes Notes _____

Slope _____ Aspect _____ Groundwater Type _____

Other Site Notes Cereal Rye

SYSTEM SPECIFICATIONS

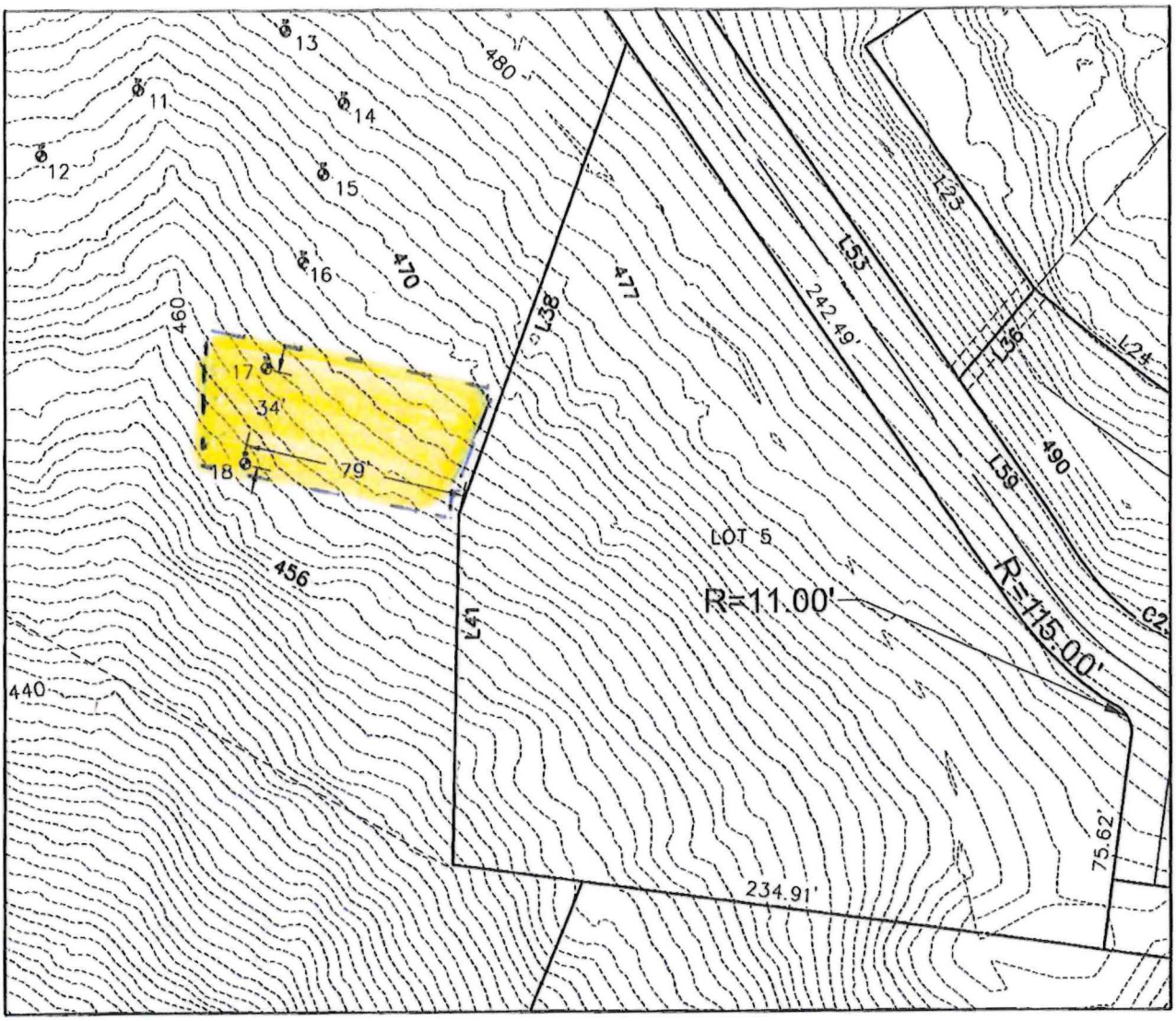
Type System: Design Flow 450 gpd. Disposal Field Size 135'

Initial ATT System Sizing 45 /150 g. Max Depth Absorption Facility (in.) 32" MIN 18"

Replacement ATT System Sizing 45 /150g. Max Depth Absorption Facility (in.) 32"

Suitable for ~~standard~~ ATT-Serial w/hydrosplitter drain field system. Minimum 1000 gal. septic tank, 135' feet of drain field required for up to a 4 bedroom residence. Soil consists of Loam & silt loam to 38" inches. Slope is 12-14% % in drain field area. Special conditions: Both initial drain fields will have to be staked to grade prior to full approval. This lot will also have to be part of the hydraulic study to take in account total volumes to be disposed on this "Lot".

EXHIBIT LOT 5



NOTES: DIMENSIONS ARE ROUNDED TO THE NEAREST WHOLE NUMBER

TEST PITS 13–15 ARE PROPOSED FOR THIS APPROVAL AREA

PRELIMINARY

PLOTTED: 8/3/2017
SAVED: 8/3/2017

-30 0 30 60

SCALE – FEET
1" = 60

N

LOT 5 EXHIBIT
MARIE'S MEADOW
THE DALLES, OREGON

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

PROJECT:	17-01-05
FILE No:	Test_Pits.dwg
FILE PATH	
C:\Users\User\Desktop	
LAYOUT:	Layout Name
SURVEYED:	Initials
DESIGN:	Initials
DRAFT:	Initials
APPROVE:	Initials
DATE:	JULY 2017
SHEET	XX OF XX SHEETS

Lot 6
Secondary

SITE EVALUATION FIELD WORKSHEET

Township: 1N Range: 13E Section SAD Tax Lot _____ Evaluator John Zalazgik, NCPHD

Applicant Lewis Moller Date 9/28/17 Parcel Size _____

Soil matrix color and redox features, roots coarse fragments, structure, layer limiting effective soil depth, etc.

Evaluation holes are not located on lot 6

	Depth	Texture	
Pit 20	0-12	Fine Sandy Loam	Dry, Many Very fine, Subangular blocky 10YR 3/2
	12-28	Loam	Dry, Many fine, Subangular blocky 10YR 4/3
	29/↓	Decomposed Sandstone	
Pit 26	0-12	Silt Loam	Dry, Many Very fine, Subangular blocky, 10YR 3/2
	12-24	Silty Clay Loam	Dry, Many fine, Subangular blocky, 10YR 4/3
	24-34	Silty Clay Loam	Dry, ~~Many~~ Common fine, Subangular blocky 10YR 4/3

Landscapes Notes _____

Slope 16-18% Aspect E Groundwater Type _____

Other Site Notes _____

SYSTEM SPECIFICATIONS

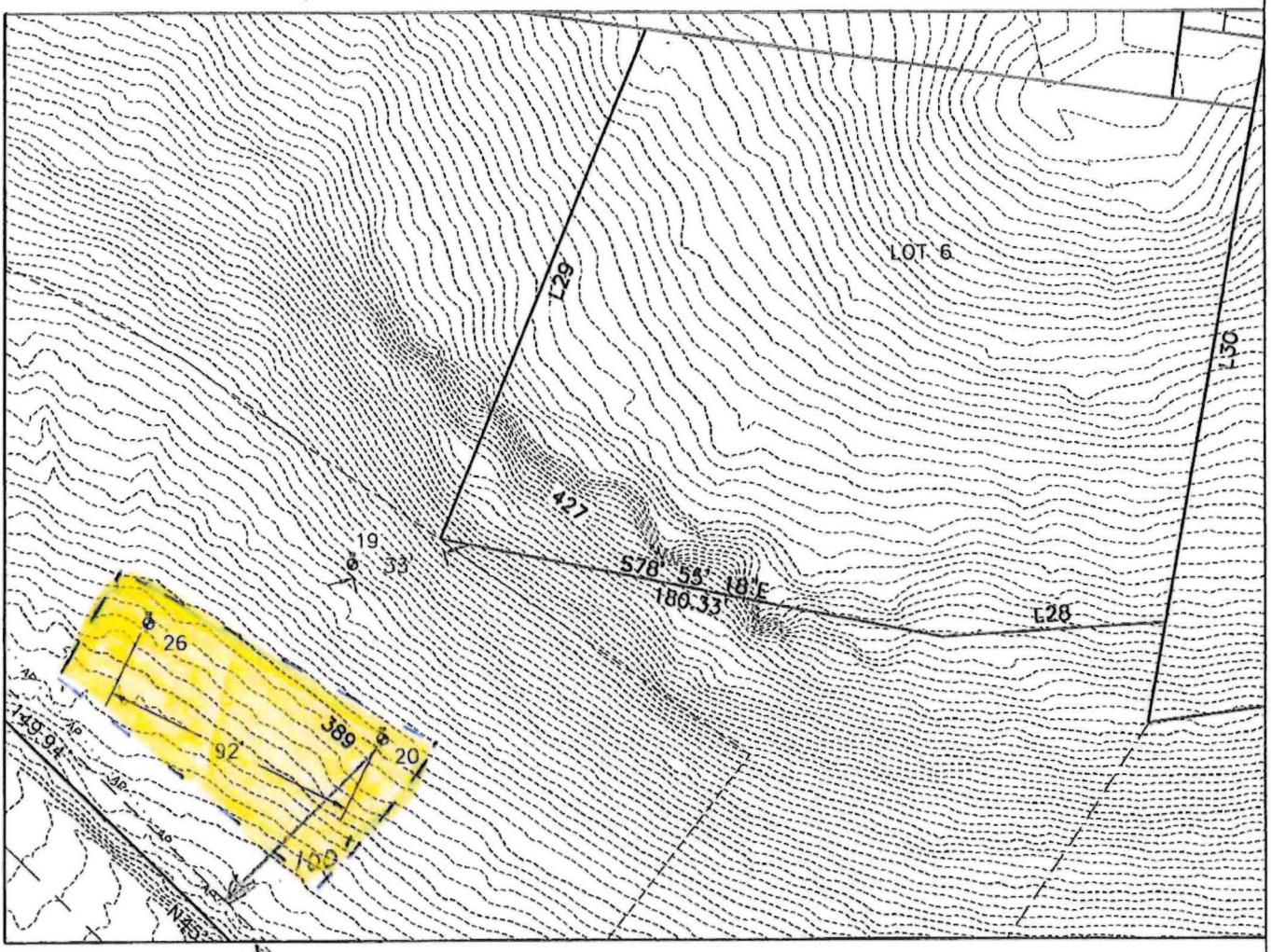
Type System: Design Flow 450 gpd. Disposal Field Size 150

Initial ATT System Sizing 50 /150 g. Max Depth Absorption Facility (in.) 24 min 20" (20")

Replacement ATT System Sizing 50 /150g. Max Depth Absorption Facility (in.) 24

Suitable for standard ATT - Serial ~~Equal~~ - w hydrosplitter drain field system. Minimum 1000 gal. septic tank, 150 feet of drain field required for up to a 4 bedroom residence. Soil consists of Loam - Silty Clay loam to 30 inches. Slope is 16-18 % in drain field area. Special conditions: Replacement area for Lot #6. Easement needed

Secondary System Area for Lot 6



NOTES: DIMENSIONS ARE ROUNDED TO THE NEAREST WHOLE NUMBER

TEST PITS 19, 20, AND 26 ARE PROPOSED FOR THIS APPROVAL AREA

Road Cut

PRELIMINARY

PLOTTED: 8/3/2017
SAVED: 8/3/2017

Easement Down hill

-30 0 30 60

SCALE – FEET
1" = 60'

LOT 6 EXHIBIT
MARIE'S MEADOW
THE DALLES, OREGON

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

PROJECT:	17-01-05
FILE No:	Test_Pits.dwg
FILE PATH	
C:\Users\jeffer\Desktop	
LAYOUT:	Layout Name
SURVEYED:	Initials
DESIGN:	Initials
DRAFT:	Initials
APPROVE:	Initials
DATE:	JULY 2017
SHEET	XX OF XX SHEETS

Lot 7

SITE EVALUATION FIELD WORKSHEET

Township: 1N Range: 13E Section 5AD Tax Lot _____ Evaluator John Zalazmik, NCPHD

Applicant Lewis Moller Date 9/28/17 Parcel Size _____

Soil matrix color and redox features, roots coarse fragments, structure, layer limiting effective soil depth, etc.

Evaluation pits were not on Lot 7.

	Depth	Texture	
Pit 23	0-12	Silty Clay Loam	Dry, Many Very Fine, Subangular blocky 10YR 3/2
	12-24	Silty Clay Loam	Dry, Few Fine, Angular blocky 10YR 4/2
	26-33	Decomposed Sandstone	Dry Some Redoxymorphic Features @ 26-27"
Pit 25	0-16	Silty Clay loam	Dry, Many Very Fine, Subangular blocky 7.5YR 4/3
	16-32	Silty Clay Loam	Dry, Few Fine, ~~Subangul~~ Angular blocky 7.5YR 6/3

Landscapes Notes Cereal Rye

Slope 8-12 % Aspect S-SE Groundwater Type _____

Other Site Notes _____

SYSTEM SPECIFICATIONS

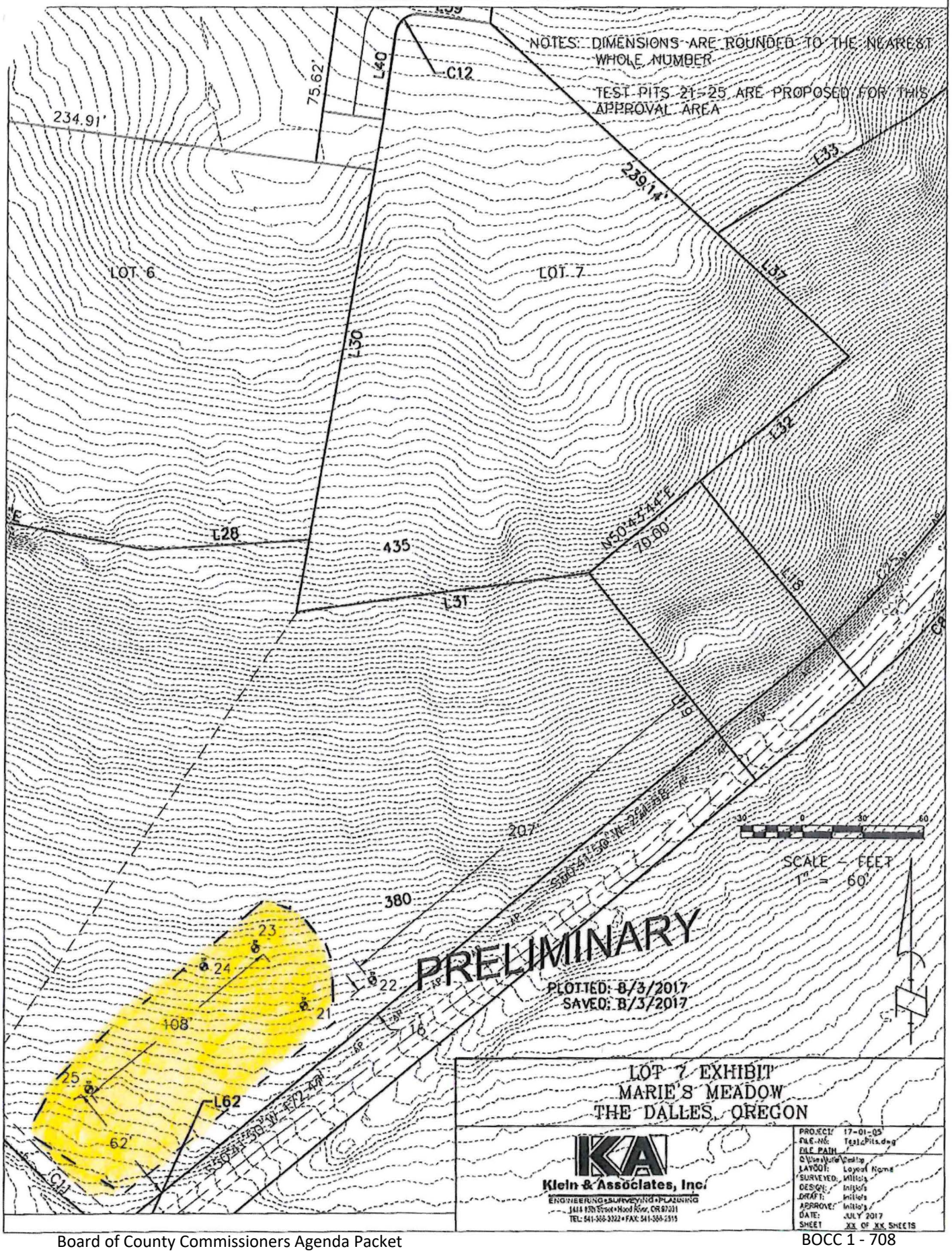
Type System: Design Flow 450 gpd. Disposal Field Size 150

Initial ATT System Sizing 50 /150 g. Max Depth Absorption Facility (in.) 28 18" min

Replacement ATT System Sizing 50 /150g. Max Depth Absorption Facility (in.) 28

Suitable for ~~standard~~ ATT-Serial Equal w/hydrosplitter drain field system. Minimum 1000 gal. septic tank, 150 feet of drain field required for up to a 4 bedroom residence. Soil consists of Silty Clay loam to 32 inches. Slope is 8-12 % in drain field area. Special conditions: Easments need to be recorded since these perc holes are not on Lot 7.

EXHIBIT LOT 7



Lot 8

SITE EVALUATION FIELD WORKSHEET

Township: 1N Range: 13E Section SAD Tax Lot _____ Evaluator John Zalaznik NCPHD

Applicant Lewis Moller Date 9/28/17 Parcel Size _____

Soil matrix color and redox features, roots coarse fragments, structure, layer limiting effective soil depth, etc.

Site evaluation holes were not located on Lot 8 —

	Depth	Texture	
TP 13	0-16	Silt loam	Dry, Many Very fine, Subangular blocky, 10YR 3/3
	16-26	Silt Loam	Dry, Many Very fine, Subangular blocky 10YR 3/3
	26-41	Sandy Clay loam	Dry, Many Very fine, Subangular blocky 10YR 4/3
TP 14	0-11	Silt Loam	Dry, Many Very fine, Subangular blocky 10 3/2
	11-25	Loam	Dry, Many Very fine, " " 10YR 3/2
	25-36	Loam	Dry, Few fine, " " 10YR 4/3

Landscapes Notes _____

Slope 8-10 Aspect S-SE Groundwater Type _____

Other Site Notes Cereal Rye

SYSTEM SPECIFICATIONS

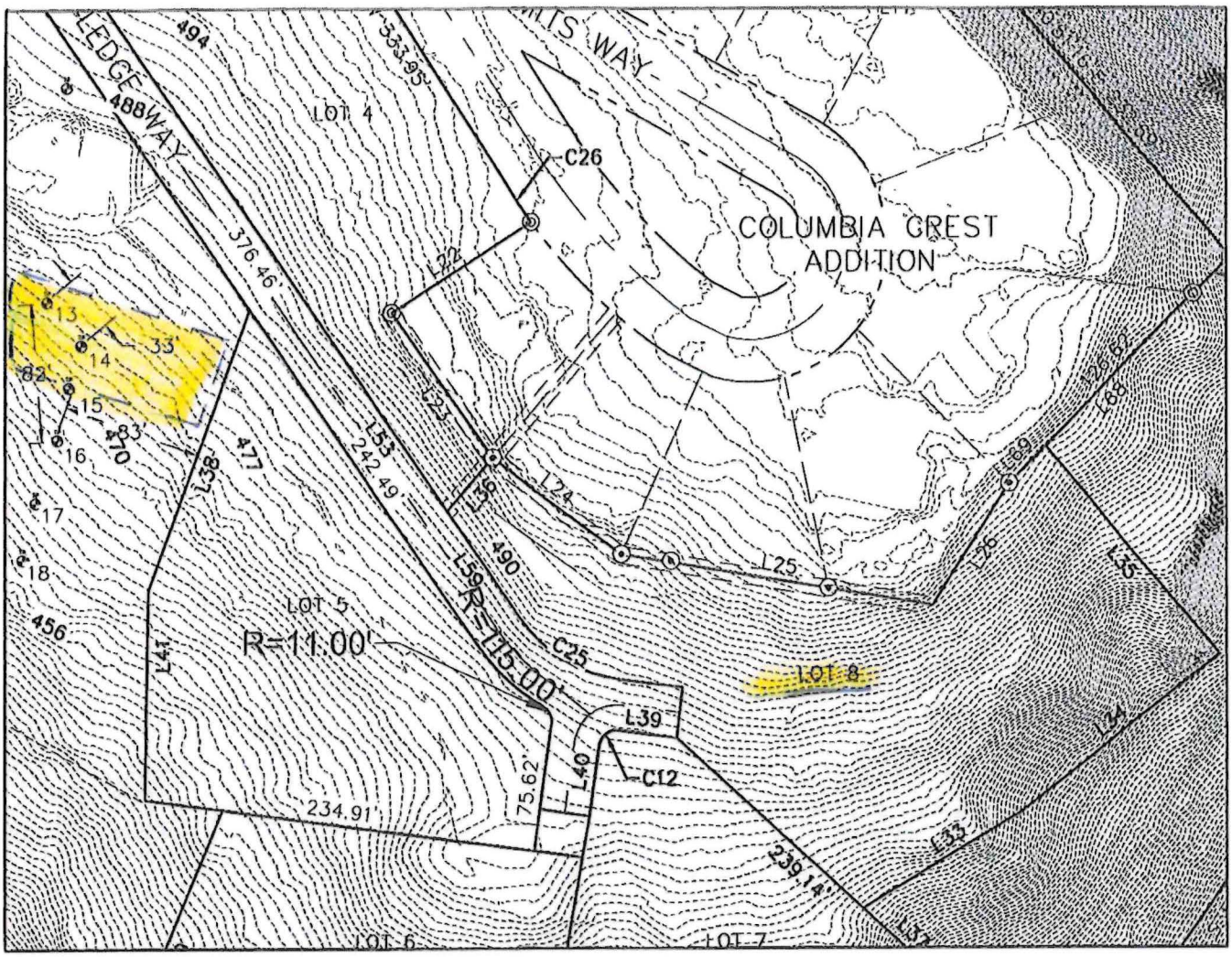
Type System: Design Flow 450 gpd. Disposal Field Size 135

Initial ATT System Sizing 45 /150 g. Max Depth Absorption Facility (in.) 30 19" min

Replacement ATT System Sizing 45 /150g. Max Depth Absorption Facility (in.) 30

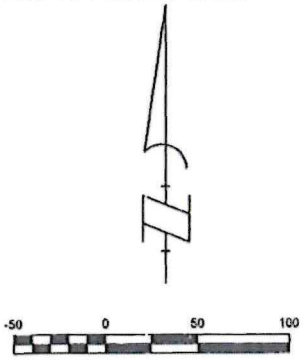
Suitable for standard ATT-Serial Equal w/hydrosplitter drain field system. Minimum 1000 gal. septic tank, 135 feet of drain field required for up to a 4 bedroom residence. Soil consists of Silt Loam - Loam to 36 inches. Slope is 8-10 % in drain field area. Special conditions: EASEMENT-Needed

EXHIBIT LOT 8



NOTES: DIMENSIONS ARE ROUNDED TO THE NEAREST WHOLE NUMBER

TEST PITS 17 AND 18 ARE PROPOSED FOR THIS APPROVAL AREA



SCALE – FEET
1" = 100'

PRELIMINARY

PLOTTED: 8/3/2017
SAVED: 8/3/2017

LOT 8 EXHIBIT
MARIE'S MEADOW
THE DALLES, OREGON

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2315

PROJECT:	17-01-05
FILE No:	Test_Pits.dwg
FILE PATH	
C:\Users\Mike\Desktop	
LAYOUT:	Layout Name
SURVEYED:	Initials
DESIGN:	Initials
DRAFT:	Initials
APPROVE:	Initials
DATE:	JULY 2017
SHEET	XX OF XX SHEETS

AQUARESOURCE SEPTIC REPORT

AQUA resource
design & consulting

Aqua Resource Design and Consulting, LLC
3439 NE Sandy Blvd. #165 , Portland, OR 97232
503-922-2149 (OR) 360-326-8489 (WA)

April 12, 2017

Lewis K. Moller
22631 West Bluff Dr.
West Linn, OR 97068

RE: Preliminary Feasibility Study Results for:
Columbia Crest
T 1N, R 13E, Sec. 05AD, Tax Lots 300, 400, 500, 700, 1000, 1100, & 1200

Dear Mr. Moller,

As requested, we have completed a Preliminary Feasibility Study of your proposed 7-8 lot re-plat for the development of as many single family residences, with regard to Onsite Wastewater Treatment Systems that would serve said parcels. On April 5, 2017, we mobilized to the properties as described above, and reviewed twenty five (25) test pits that you had prepared. What follows are findings with regard to my cursory site and soils review, as well as recommendations for proceeding with county applications for new Site Evaluations.

A 'Test Pit Monitoring Map', as prepared by Cascade GIS is enclosed with this letter, which indicates the locations of the test pits that were reviewed while on site. Of the 31 test pits depicted, we did not review Test Pits numbers 2, 5, 19, 25, 30, or 31, either due to their having been filled in, we were unable to locate them, and/or they had not yet been excavated during our time on site. The following is a brief summary of the test pits we did review:

- Test Pits 1 & 4 were in a relatively gently-sloped area with slopes between 5-7%. These pits were comprised of a Loam that was approximately 24-30" deep, which was typically underlain by a Clay loam roughly 6" thick. Below that horizon was a Cemented Sandy Clay Hardpan, which constitutes the limit of Effective Soil Depth (ESD). Free water (H20) was observed to either be non-existent, or as high as 34" below ground surface (bgs). Test Pit 3 was dug in a depression, and demonstrated high groundwater in that location.
- Test Pits 6 & 7 were in a gently sloped area between 4-8%, with ESD's noted at 36" & 29", respectively. H20 was observed at 34 and 27", whereas Redoximorphic Features (RMF) were observed at 29 & 22".
- Test Pit 8 was located in a pit that exposed an existing water line and was located in a depression. This pit and depression should be avoided if possible.
- Test Pits 9-12 were located along a finger ridge located West of a seasonally, and likely ephemerally wet swale. Slopes were approximately 10-12%. H20 was observed at 28, 24, 30, and 34", in these pits, respectively.
- Test Pits 13-18 were located East of the previously-referenced swale, ranging between 35-75' from the feature. Slopes were generally 9-12% in this area. ESD's ranged from 33-48". H20 was observed only in Pit #18, at a depth of 46". RMF's were noted between 28-38".

- Test Pits 20 and 26 were in an area of slopes of roughly 11%. A Sandy Loam texture predominated between ground surface and approximately 23" bgs. Hardpan was present below that depth. H20 was observed at 27".
- Test Pits 21-24 were located in the extreme South corner of the subject property. Slopes were measured at 12%. Loam and Clay Loams predominated the profiles to a depth of about 32-48", with hardpan beneath. RMFs were noted at 26-31". No H20 was observed in any of these pits.
- Test Pits 27-29 were in moderately sloped areas of 9%, and exhibited approvable soil conditions. However, Test Pits 27 & 28 were located 29 & 37' to a downslope road cut, which would necessitate a 50' setback. Also, Test Pit 29 was located 35' from a seasonal pond, which would also necessitate a 50' setback (with Treatment Standard 1, otherwise a 100' setback would apply).

The timing of our site visit followed a period of heavy precipitation and an abnormally wet Fall and Winter. It is my assumption that groundwater levels, where observed, are likely generally about as high as they could be. That being stated, with the few exceptions noted above due to a couple of pits being dug in depressions and/or not meeting setback requirements, every other test pit dug would easily meet approval criteria for a drainfield that would follow a Treatment Standard 1 system. Some locations would support Standard System approvals, but available area could be a limiting factor.

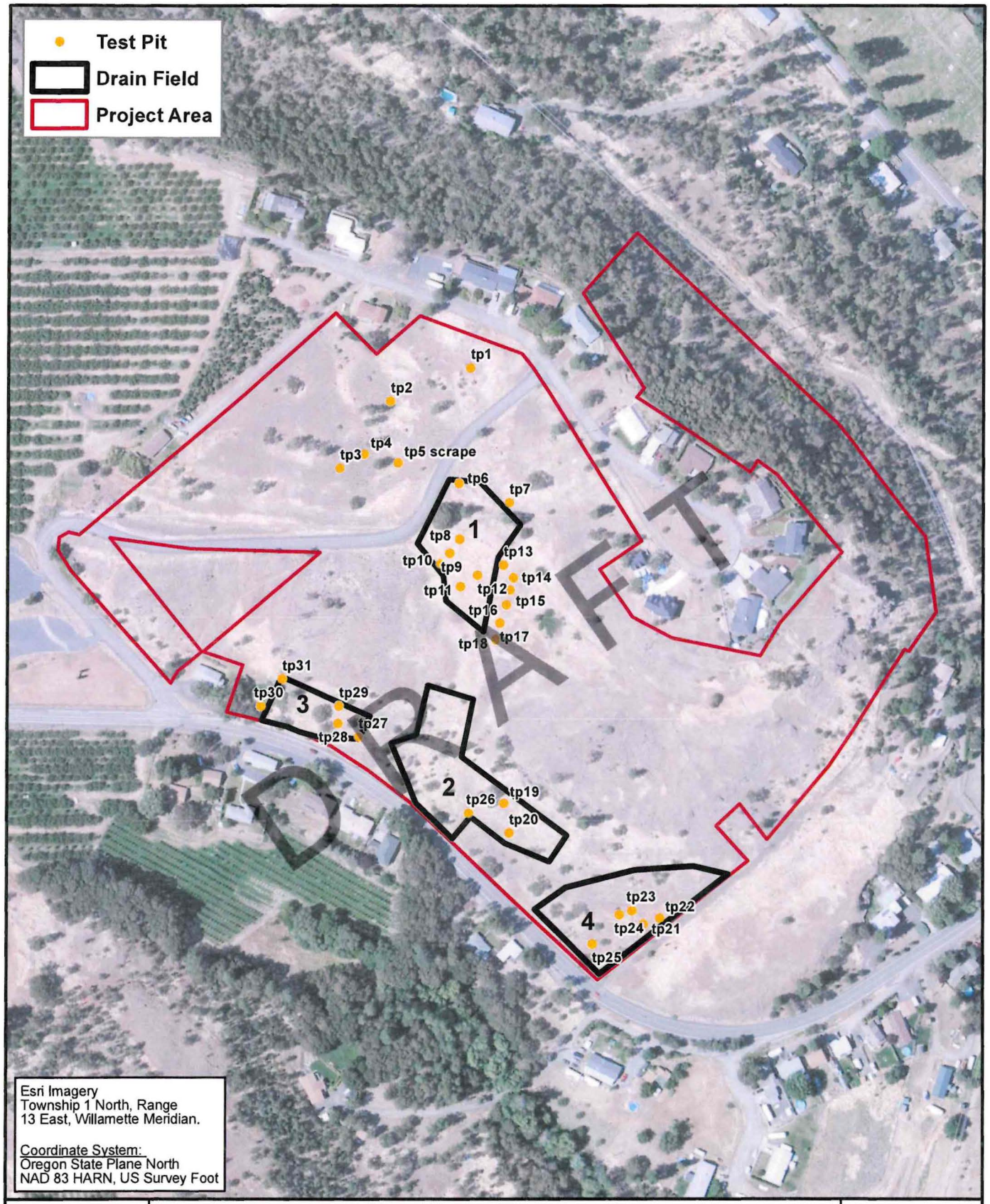
You have indicated that you will likely be pursuing a combination of on-lot drainfields, with some parcels to be served by drainfield easements. Prior to submitting the Site Evaluation applications to North Central Public Health for the 7-8 parcels, you will need to determine and depict your proposed lot and easement configurations for each proposed lot prior to submittal. These are not required to be, nor should they be, recorded or platted prior to submitting the applications. That step would occur later, prior to individual system permitting. Based on the topography and potential configurations, some creativity may be necessary to demonstrate the required primary and replacement drainfield areas to serve each lot. As discussed, I'd be happy to review and/or coordinate with you on the lot configurations and applications prior to your submitting them.

Thank you for the opportunity to complete our field visit and to prepare this report for your use. Please feel welcome to contact me with any questions or if I can assist you further.

Sincerely,

Brannon Lamp, REHS
Registered Environmental Health Specialist
Aqua Resource Design & Consulting, LLC

enc: Figure 2: Test Pit Monitoring Map—Prepared by Cascade GIS



Columbia Crest Re-Plat Project
Test Pit Monitoring Map

Scale: 1: 3,200
Date: 4/5/2017

0 250 500 Feet

N

Figure 2

Prepared By: E McCormick, Cascade GIS | Approved By: Lewis Moller | Prepared For: LKM Real Estate

EMS SEPTIC HYDROLOGY REPORT

ENVIRONMENTAL
MANAGEMENT
SYSTEMS, INC.

OR: 503-353-9691
FAX: 503-353-9695
WA: 360-735-1109
www.envmgtsys.com
4080 SE International Way
Suite B-112
Milwaukie, OR 97222

Engineering Hydrologic Study

Job: 22-0073 **Date:** 12 December 2022

Client & Property Owner:
Mona Miller

Phone : 503-539-6266 **Email :** Mona@pacificgemlab.net

Project Location:
Prince Heights Subdivision
Cherry Heights Road
The Dalles, OR

Legal Description : T:1N, R:13E, SEC:05AD Prince Heights Subdivision

Project Description

The above listed client ("Client") requested Environmental Management Systems, Inc. ("EMS") to perform the following designated services:

Project Description: The client's goal is to develop the subject property, to be served by on-site wastewater (septic) systems. The North Central Public Health District (NCPHD), acting as the Oregon Department of Environmental Quality (DEQ) Agent, requires an "Engineering Study for Hydraulic Loading." EMS has prepared the following report working in concert with Klein & Associates to prepare the "Engineering Study for Hydraulic Loading" as requested by the NCPHD. EMS contacted Eric Grendel, REHS of NCPHD to review concerns and desired evaluation.

EMS provides the following project tasks:

- Conduct a hydrologic study for the easement areas in Tract A for initial and reserve drainfields to serve several homesites.

METHODOLOGY.

- Factors relating to instability of a site. The primary factors on this site suggesting a need for careful consideration of the installation of a drainfield in

the common area: distribution of moisture and weight as it compares with the current conditions.

- EMS Evaluated the site and found that the site does have some factors indicating the need for a careful approach. The site is located in an easement area with approximately 10-12 Percent Slope.

- We considered options and found that the installation of a traditional gravel trench would be heavier and potentially destabilizing to the site.

- Soil currently in place that would be removed to install drainfield materials.
    - Materials used that add weight to the soil.
    - Distribution patterns of materials and water over the receiving landscape and their potential for de-stabilizing the site.

- Develop a Design Specifically Intended to Accommodate Site Limitations.

- Compare Proposed Design with Existing Conditions and Typical Design Impacts.
    - Weight
    - Moisture Content
    - Soil Reaction to weight and moisture regime.
    - Distribution of materials to minimize impacts.

EXISTING CONDITIONS & POTENTIAL IMPACTS

- Site Conditions did not present obvious active indicators of erosion or soil movement, but the County Feasibility Evaluator, John Zalaznik, REHS expressed concerns about site stability and required an Engineering Study of the Hydrologic impact of installation of drainfields on the common area to be used for drainfields.

- Potential Impacts with Proposed Changes to the site.
- Weight Comparison (Refer to the attached Tables)
- Soil that would be removed for installation of a typical 2-foot-wide trench
- Soil that would be removed for installation of a or a 1-foot-wide trench.
- Gravel to be placed in a 2 ft wide trench
- Polystyrene materials used in an EZFlow trench
- Saturated Soil found under a typical Gravel Trench
- Unsaturated soil found under a pressurized trench.

FINDINGS:

- Use of traditional gravity trenches was not considered because of limited space and because gravity dispersal would result in localized saturated flow, with potential for destabilizing the site. Void spaces would be larger with gravity piping, but since this is not being considered, is moot.

- Use of traditional Gravel trenches would add significant weight that could be destabilizing to the site.

- Use of EZFlow Polystyrene Gravel Substitute would result in significantly less weight on the sloped site than gravel, so actually be considered to stabilize the site.

- Use of pressurized piping reduces uneven distribution of effluent thereby avoiding instability caused by localized saturation. 1 inch diameter PVC piping would be used in either gravel or EZFlow configurations, and present negligible weigh on the site.

- Erosion Control Measures should be implemented to prevent destabilization.

EMS performed the following project tasks to support this project:

- Designed & Staked the Initial and Reserve Drainfield lines to serve Alternative Treatment Technology (ATT) systems located in each respective lot and which will pump treated effluent to their respective easement areas located in Tract A.

- Prepared septic designs modified as needed based on hydrologic evaluation and County requirements.

- Consulted with the manufacturer of EZFlow Polystyrene Gravel Substitute for concurrence with the proposed use of their products.

- Prepared this report and design for review by the project engineer and County DEQ Agent.

EMS designed the drainfield components to receive highly treated effluent from the ATT System located at each of the 4 sites. The design has the following mitigating factors to further reduce instability:

1. Use of lightweight EZ Flow Polystyrene Substitute Drain Media instead of gravel.

2. Pressure Distribution to equalize the effluent flow over each active drainfield trench.

3. Spacing of >= 20 feet between installed drainfield lines, spreading effluent out across the site. Reserve lines are designated for future installation planned, but not installed. If ever used, these lines would replace the initially installed lines.

4. Removal of Excess Soil would also slightly reduce the amount of weight on the overall drainfield area. This step is considered optional to provide additional stability. If kept on the drainfield site, excess soil must be spread out over the total initial and reserve area.

5. Site gravel substitute to be covered in the trench excavation, and seeded for stability, immediately following approved inspection by EMS and authorized NCPHD Personnel.

Please address any questions to: Steven Greenslate, Certified Maintenance Provider / Erosion Control Specialist; Robert Sweeney, MS, REHS; or Elizabeth Betts, PE.

REGISTERED PROFESSIONAL ENGINEER
71333PE
OREGON
JAN 14, 2003
ELIZABETH L. BETTS
RENEWS: 12/31/23

Digitally signed by Elizabeth Betts
Date: 2022.12.14 14:08:16-08'00'

Designed By:
Robert F. Sweeney, MS, REHS
President, EMS Inc.
503-353-9691

Reviewed By:
Elizabeth Betts, PE
Klein & Associates, Inc.,
541-386-3322

ENVIRONMENTAL MANAGEMENT SYSTEMS, INC.

ENCLOSURES:
CALCULATIONS
SITE LAYOUTS & CROSS SECTIONS

COPIES:
KLEIN & ASSOCIATES, INC. ENGINEERING
CLIENT, MONA MILLER

Klein & Associates, Inc.

Hood River, OR
1411 13TH ST. 97031
(541)386-3322

Camas, WA
2517 252ND AVE, 98607
(360) 687-0500

Wasco County Planning Department
2705 E 2nd Street
The Dalles, OR 97058

December 8, 2022

Re: Grading Plan Narrative

Property Information

Project Location: Sandstone Way, Wasco County, OR

Assessors Map: 1N-13E05AD: lots 300, 1000, 1100, and 1200; 1N-13E-04BC: lot 2600

Lot size(webmap): 14.97 acres (total)

Zoning: GMA R-R-5

Owner: Smilekel Group/Mona Miller

Applicant: Elizabeth Betts, PE, Klein & Associates, Inc

Introduction

This memo serves as the grading narrative required for projects in the Columbia Gorge National Scenic Area. This grading narrative is limited in scope; onsite investigation was not performed such as may be required for more specific Geotechnical recommendations (if needed at time of excavation and road construction).

The project site is located off Sandstone Way and Cherry Heights Road, near the crest of the hill outside of the Urban Growth Boundary. It is zoned Scenic Area General Management Rural Residential. The site currently has no structures and consists of approximately 15 acres of vacant grassy land. There are sparse mature Oregon white oak and Ponderosa pine trees, mostly clustered on the site in a few areas that will be primarily protected within open space and outside of building envelopes. The site is hilly with steeper slopes across the southern end. Parcels to the north contain single family homes on small lots, to the west is GMA Agriculture, with an orchard west of vacant lots.

The proposed scope of work involves construction of a local access road with a culdesac for emergency turnaround. The project is a replat of 66 existing non-conforming lots into 6 larger more conforming lots. Average lot size before replat is about 7,000 sf. Average lot size after replat is 112,748 sf (2.59 acres). The access road and culdesac will require cutting and filling to create a level enough area for the access. Cuts will be along the north side of the access road, so will not be visible from KVA's (hidden by the bluff and homes on the bluff). Fill slopes will primarily be along the south side of the access road, so will also be screened from view since the KVA's are only visible along the east end of the site. At the east end of the culdesac, the cut and fill are minimized to reduce visibility from the KVA's.

The future homesites on Lots 1-4 are not visible from KVA's, and building envelopes have been provided for Lots 5 and 6 to minimize visibility. Homes on lots 5 and 6 should be reviewed at the time of building permit to ensure that they are properly screened, which may require careful siting and additional vegetation for screening. Lots 1 and 2 may require vegetation or berms to reduce agricultural setbacks, depending on when neighboring lots under the developer's ownership are built on. See the Residential Evaluation memorandum for further information on berming for setbacks. Berms for Lots 1 and 2 will not be visible from KVA's.

Existing Soil Conditions

According to the NRCS Soil survey, soils on and around the building sites are composed of loam to cobbly loam and are classified within the hydrologic soil groups C and D. These soils are underlain by bedrock around 12 to 44 inches below the surface. The upper portion of the site consists of Wamic Skyline Complex, a loamy to cobbly soil over bedrock. The steeper southern portion of the site is Hesslan Skyline Complex, a thin layer of cobbly loam over weathered bedrock. The NRCS websoil map and descriptions for soils are below.

51D—Wamic-Skyline complex, 2 to 20 percent slopes

Map Unit Setting

- *Elevation:* 1,000 to 3,600 feet
- *Mean annual precipitation:* 14 to 20 inches

Map Unit Composition

- *Wamic and similar soils:* 60 percent
- *Skyline and similar soils:* 20 percent

Description of Wamic

Setting

- *Landform:* Hillslopes
- *Parent material:* Volcanic ash and loess over alluvium or colluvium derived from basalt or andesite

Typical profile

- *H1 - 0 to 7 inches:* loam
- *H2 - 7 to 28 inches:* loam
- *H3 - 28 to 44 inches:* loam
- *H4 - 44 to 54 inches:* unweathered bedrock

Properties and qualities

- *Slope:* 2 to 20 percent
- *Depth to restrictive feature:* 40 to 60 inches to lithic bedrock
- *Drainage class:* Well drained
- *Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.57 in/hr)
- *Depth to water table:* More than 80 inches
- *Frequency of flooding:* None
- *Frequency of ponding:* None
- *Available water supply, 0 to 60 inches:* Moderate (about 7.1 inches)

Interpretive groups

- *Hydrologic Soil Group:* C
- *Hydric soil rating:* No

Description of Skyline

Setting

- *Landform:* Hillslopes
- *Parent material:* Loess, volcanic ash, and colluvium

Typical profile

- *H1 - 0 to 2 inches:* very cobbly loam
- *H2 - 2 to 9 inches:* cobbly loam
- *H3 - 9 to 14 inches:* gravelly loam
- *H4 - 14 to 24 inches:* weathered bedrock

Properties and qualities

- *Slope:* 2 to 20 percent
- *Depth to restrictive feature:* 12 to 20 inches to paralithic bedrock
- *Drainage class:* Well drained
- *Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)
- *Depth to water table:* More than 80 inches
- *Frequency of flooding:* None
- *Frequency of ponding:* None
- *Available water supply, 0 to 60 inches:* Very low (about 1.8 inches)

Interpretive groups

- *Hydrologic Soil Group:* D
- *Hydric soil rating:* No

28E—Hesslan-Skyline complex, 5 to 40 percent slopes

Map Unit Setting

- *National map unit symbol:* 23jc
- *Elevation:* 500 to 3,500 feet
- *Mean annual precipitation:* 14 to 20 inches

Map Unit Composition

- *Hesslan and similar soils:* 45 percent
- *Skyline and similar soils:* 35 percent

Description of Hesslan

Setting

- *Landform:* Hillslopes
- *Parent material:* Loess, volcanic ash, and colluvium derived from sandstone

Typical profile

- *H1 - 0 to 9 inches:* stony loam
- *H2 - 9 to 18 inches:* loam
- *H3 - 18 to 23 inches:* cobbly loam
- *H4 - 23 to 33 inches:* weathered bedrock

Properties and qualities

- *Slope:* 5 to 40 percent
- *Depth to restrictive feature:* 20 to 40 inches to paralithic bedrock
- *Drainage class:* Well drained
- *Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)
- *Depth to water table:* More than 80 inches
- *Frequency of flooding:* None
- *Frequency of ponding:* None
- *Available water supply, 0 to 60 inches:* Low (about 3.1 inches)

Interpretive groups

- *Hydrologic Soil Group:* C
- *Hydric soil rating:* No

Description of Skyline

Setting

- *Landform:* Hillslopes
- *Parent material:* Loess, volcanic ash, and colluvium

Typical profile

- *H1 - 0 to 2 inches:* very cobbly loam
- *H2 - 2 to 9 inches:* cobbly loam
- *H3 - 9 to 14 inches:* gravelly loam
- *H4 - 14 to 24 inches:* weathered bedrock

Properties and qualities

- *Slope:* 5 to 40 percent
- *Depth to restrictive feature:* 12 to 20 inches to paralithic bedrock
- *Drainage class:* Well drained
- *Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)
- *Depth to water table:* More than 80 inches
- *Frequency of flooding:* None
- *Frequency of ponding:* None
- *Available water supply, 0 to 60 inches:* Very low (about 1.8 inches)

Interpretive groups

- *Hydrologic Soil Group:* D
- *Hydric soil rating:* No

Furthermore, the soils on the site have a relatively low to medium susceptibility to erosion when exposed to water runoff. The NRCS Soil Survey indicates the site soils have a soil erosion factor, K of 0.20 to 0.28 on a scale of 0.02 to 0.69. The lower K value indicates soils with lower susceptibility to sheet and rill erosion by water.

Proposed Soil Conditions

The proposed project will require approximately 1650 CY of cut and 1200 CY of fill for the access road improvements. Grading for the access with cause minimal disturbance, and will be stabilized by structural fill, the gravel surfacing material and paving. Any cut/fill slopes shall have permanent seeding applied in the spring or fall. Future grading for each home shall provide a building pad along with parking and access. Unless otherwise directed by a Geotechnical Engineer, grading shall be done per Chapter 18 of the Oregon Structural Specialty Code, and as follows:

- Cut/fill slopes to not exceed 2:1
- Fill on existing slopes shall be constructed with benching
- The ground adjacent to the foundation shall be sloped away from the building at a minimum of 5% slope for a minimum distance of 10 feet from the foundation wall. Impervious surfaces may be sloped a minimum of 2% away from the building and may be less than 2% at a door or landing for ADA access.
- Onsite soil is unlikely to be suitable for structural fill under buildings due to the gradation variability and expected cobbles, though it may be used if approved by a Geotechnical Engineer or other qualified inspector. Structural fill shall be placed in horizontal lifts on subgrade that has been cleared of all organic material. The structural fill shall consist of well-graded angular material placed in compacted lifts at 95% of the maximum dry density as follows:
    - For fill 2" or less diameter, lifts shall have a compacted maximum depth of 6"
    - For fill 2"to 6" diameter, lifts shall have a compacted maximum depth of 8"
- The new road shall be constructed to serve as a fire access road, with a minimum paved width of 22 feet. Cut slopes shall have a ditch, a minimum of 1 foot deep. Side slopes of the road shall have a maximum slope of 3:1

Proposed Stormwater Management

Grading on the site shall be minimized to only that necessary for the building pads and vehicle-related areas such as driveways, parking areas, and turnarounds. By minimizing ground disturbance and vegetation removal, stormwater runoff will be confined to the disturbed areas. On large parcels, roof and foundation drains may be released at least 10' from the foundation onto rock dispersion pads or into rain gardens. Hard surfacing and driveways will utilize sheet flow dispersion through at least 20' of vegetation. No concentrated flows shall be released on or within 30' of the top of slopes exceeding 20% unless approved by a Geotechnical Engineer. Additionally, care shall be taken to not introduce runoff uphill of the septic drainfields. Drainage should be diverted around drainfields using ditches, berms, or french drains if needed to divert runoff around the drainfield.

Erosion Control Measures and General Site Maintenance

Proper inspection and maintenance of erosion controls shall be conducted on a regular basis. The contractor shall be responsible for the following procedures for all earthwork activities on the site.

- The contractor shall install erosion control measures prior to ground disturbance.
- The contractor shall inspect and maintain all erosion control measures on a weekly basis and after all storms with a precipitation amount greater than or equal to one inch.
- The contractor shall remove and properly dispose of sediments when they have accumulated to a depth approximately equal to one-half of the height of the erosion control barrier.
- The contractor shall prevent runoff, trash and construction debris from leaving the site.

- The contractor shall properly stabilize all disturbed areas prior to rainfall events and at the end of construction.

Proposed Landscaping

The disturbed areas shall be revegetated with native grasses such as Koeleria macrantha (Prairie Junegrass) by seed. Seeding in non-irrigated areas (roadside slopes) shall be done during spring or fall, when they will be irrigated by rain. Berms installed to reduce Agricultural setbacks will be planted with firewise/low water plantings such as red osier dogwood and vine maple. Irrigation shall be provided by the owner to ensure growth of plants for any areas planted during dry weather and through dry seasons until established.

Sincerely,

Digitally signed by Elizabeth Betts
Date: 2022.12.15 12:57:53-08'00'

Elizabeth Betts, PE
Klein & Associates, Inc.
(541)386-3322
elizabeth@kleinassocinc.com

PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

FIRE SAFETY STANDARDS
SELF CERTIFICATION FORM

This checklist certifies that Applicant/Owner has reviewed, understands, and commits to maintain compliance with Wasco County Fire Safety Standards. The information contained in this form shall be recorded with the Wasco County Clerk.

Fire standards are listed in their entirety, with illustrations, in **Chapter 10** of the Wasco County Land Use & Development Ordinance (WC LUDO) and **Chapter 11** of the Wasco County National Scenic Area Land Use & Development Ordinance (NSA LUDO). Please confirm compliance by marking the appropriate box and providing written comment if necessary. If compliance with applicable standards cannot be certified by Applicant, please contact the Planning Department to request a modification to Fire Safety Standards.

File Number: _____

PROJECT DESCRIPTION:
Replat of existing subdivision lots to make them more conforming with current zoning (66 lots replatted to 6 lots). ~~Vacation of unused ROW and easements plus dedication of ROW to place existing Sandstone Way centered in~~ ROW (was constructed outside of ROW in original development).

APPLICANT INFORMATION

Name: Elizabeth Betts, PE (Klein & Associates
Address: 1411 13th Street
City/State/Zip: Hood River, OR 97031
Phone: 541-386-3322
Email: elizabeth@kleinassocinc.com

OWNER INFORMATION

Name: Smilekel Group (Mona Miller)
Address: 1309 SE 195th Ave
City/State/Zip: Camas, WA 98607
Phone: 503-274-7022
Email: mona@pacificgemlab.net

PROPERTY INFORMATION

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
1N-13E05AD: lots 300, 1000, 1100, and 1200		10.7	GMA R-R-5
1N-13E-04BC: lot 2600		4.27	GMA R-R-5

Property address (or location): Sandstone Way

***SITING* 10.110/11.110** – *Please show approximate areas of steep slopes and proposed building locations relative to the slopes on the site plan. Information shall be sufficient to demonstrate the following:*
NOTE: Select either B(1) or B(2).

A. You have identified site(s) for your building(s) that are not steeper than 40%.
☒ Yes – Comment _____ ☐ No, See Attached Fire Safety Plan

B(1). If your property is located in a Resource (A-1, F-1 or F-2) or Large Lot Residential Zone please show, on the site plan, that you have identified site(s) for your building(s) that are at least 50 feet back from the top of any slopes steeper than 30%;
☒ Yes – Comment _____ ☐ No, See Attached Fire Safety Plan

B(2). If your property is located in a Resource or Large Lot Residential Zone please show you have identified site(s) for your building(s) that are at least 30 feet back from the top of any slopes steeper than 30% on the site plan and certify that you will be implementing the structural techniques for increasing fire resistance discussed in **10.110(B)(2)/11.110(B)(2)** of the ordinance.
☒ Yes – Comment _____ ☐ No, See Attached Fire Safety Plan

***DEFENSIBLE SPACE* 10.120/11.120** – *Please show building location(s) including a boundary for the 50 foot fire fuel break boundary on the site plan. Information shall be sufficient to demonstrate the following:*
NOTE: Select either A or B.

A. You have identified site(s) for the proposed building(s) that allow for a full 50 foot fire fuel break either on the parcel or by easement over the necessary portion of an adjoining parcel;
☐ Yes – Comment _____ ☒ No, See Attached Fire Safety Plan

B. Your property is located in an exception area or smaller lot residential zone and building(s) are located to accommodate a 30 foot fire fuel break where a full 50 foot fire fuel break cannot be provided for.
☒ Yes – Comment _____ ☐ No, See Attached Fire Safety Plan

***CONSTRUCTION STANDARDS* 10.130/11.130** – *Please provide the following information about construction details you will implement to increase the fire resistance of your proposed building(s):*

A(1). Fire resistant roofing will be installed to the manufacturers' specifications. Please confirm the type of roofing and that the rating of the roof material by Underwriter's Laboratory Classification system is Class A, B, or its equivalent.
☐ Ye s – Comment To be reviewed at time of home building permits

A(2). Please verify that all spark arrestors will be installed to cap all chimneys and stove pipes. (The spark arrestors must meet NFPA standards)
☐ Yes – Comment To be reviewed at time of home building permits

B(1). Please verify the following for all decks:

Decks will be kept clear of fire wood, flammable building material, dry leaves and needles, and other flammable chemicals.

☐ Yes – Comment To be reviewed at time of home building permits

Decks less than three feet above ground will be screened with noncombustible corrosion resistant mesh screening material with openings ¼" or less in size.

☐ Yes – Comment To be reviewed at time of home building permits

When required by standard **10.110(B)(2)/11.110(B)(2)** decks will be built of fire resistant material.

☐ Yes – Comment To be reviewed at time of home building permits

All flammables will be removed from the area immediately surrounding the structure to be stored 20' from the structure or enclosed in a separate structure during fire season.

☐ Yes – Comment To be reviewed at time of home building permits

B(2). Please confirm that all openings into and under the exterior of the building including vents and louvers, will be screened with noncombustible corrosion resistant mesh screening material with openings of ¼" or less.

☐ Yes – Comment To be reviewed at time of home building permits

B(3). Please acknowledge that you will limb up all trees overhanging the building to 8' above the ground, as required by fire fuel break requirements, that vegetation will be trimmed back 10 feet away from any chimney or stove pipe, and that trees overhanging the building will be maintained free of all dead material.

☐ Yes – Comment To be reviewed at time of home building permits

B(4). Please verify that the utilities will:

Be kept clear along their route if your private utility service lines are not underground

☐ Yes – Comment To be reviewed at time of home building permits

Have a single point of access to the building if service is not provided underground.

☐ Yes – Comment To be reviewed at time of home building permits

Include a clearly marked main power disconnect switch at the pole or off grid power source for all electrical service to new buildings and structures. This has been located on the site plan.

☐ Yes – Comment To be reviewed at time of home building permits

B(5). Please confirm that a stand pipe will be provided 50 feet from the dwelling and any structure served by a plumbed water system. This has been located on the site plan.

☐ Yes – Comment To be reviewed at time of home building permits

***ACCESS* 10.140/11.140** – *Please confirm that access onto and through your property meets the following standards (Note: please show route, width, and alignment of access drives on the site plan):*

A(1). New or improved driveways will be built and maintained to all weather design standards. (2-3" of ¾ minus over 6-8" of pitrun base rock OR capable of supporting 75,000 lbs GVW)

[■] Yes – Comment To be reviewed at time of home building permits [ ] No, See Attached Fire Safety Plan

A(2). Minimum widths – 12' to 16', depending on number and severity of curves – will be maintained.

[■] Yes – Comment To be reviewed at time of home building permits [ ] No, See Attached Fire Safety Plan

B(1). Corners will meet the minimum curve radius (20' or 48') required for large vehicles.

[■] Yes – Comment To be reviewed at time of home building permits [ ] No, See Attached Fire Safety Plan

B(2). Average grade or slope will be 10% or less. Short sections, 100' or less, may reach 12%.

[■] Yes – Comment To be reviewed at time of home building permits [ ] No, See Attached Fire Safety Plan

B(3). Turnouts 40' long by 20' wide will be provided at least every 400'.

[■] Yes – Comment no driveway will be over 400', road is 22' wide [ ] No, See Attached Fire Safety Plan

C(1). Minimum clearance of 13' vertical and 14' horizontal will be maintained for emergency vehicles.

[■] Yes – Comment To be reviewed at time of home building permits [ ] No, See Attached Fire Safety Plan

C(2). Fire fuel break extending 10' both sides of driveway center line will be maintained.

[■] Yes – Comment To be reviewed at time of home building permits [ ] No, See Attached Fire Safety Plan

D. Driveways longer than 150' will end with a 95' diameter turnaround (or 120' hammerhead).

[■] Yes – Comment road has culdesac, review driveways with bldg [ ] No, See Attached Fire Safety Plan

E. Bridges and culverts will support 75,000 lbs gross vehicle weight.

[■] Yes – Comment culvert is dual wall HDPE with adequate cover [ ] No, See Attached Fire Safety Plan

F. Gates will provide minimum clearance width of 14' and will be operable by emergency responders in accordance with access standards.

[ ] Yes – Comment no gates proposed

G. Legible signs will be installed to identify parking limitations, fire lanes, on site water source, electrical service shut off, and any necessary posted weight limits. Signs will be maintained in accordance with requirements.

[ ] Yes – Comment To be reviewed at time of home building permits

H. Roads leading to the property will allow emergency response at a reasonable rate of speed with little risk of damage to equipment or roads themselves;

[■] Yes – Comment 22' wide paved road with culdesac is proposed [ ] No, See Attached Fire Safety Plan

OR..... The following improvements to public and private roads have been determined to be necessary:

_____

_____

All necessary improvements will be made and maintained to ensure basic access to the property.
☒ Yes – Comment _____ ☐ No, See Attached Fire Safety Plan

***ON-SITE WATER* 10.150/11.150** – *On site water requirements will be met in the following way:*
NOTE: Select either A or B. Previous requirements to install NFPA sprinkler systems have been found to conflict with State Building Codes.

A. The proposed dwelling is 3,500 SF or smaller and will be located within a fire protection district.
☒ Yes – Comment home size not known, in MCFR District ☐ No, See Attached Fire Safety Plan

B. The proposed dwelling is in excess of 3,500 SF and will be located outside a fire protection district, and will provide at least 4,000 gallons of water on site for fire protection.
☐ Yes – Comment home size not known, in MCFR District ☐ No, See Attached Fire Safety Plan

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I/we acknowledge receipt of the full **WC LUDO Chapter 10/NSA LUDO Chapter 11 – Fire Safety Standards** text and illustrations applicable to the land use or building permit request at the time of application. I/we have reviewed and certify that the standards have been reviewed and understood. I/we further certify that all responses to the above questions and improvement designs and locations shown on the site plan are true and accurate, and that all planned future compliance will be achieved within one year and maintained in perpetuity.

Owner Signature _____ Date Dec 9, 2022

Owner Signature _____ Date _____

Last Updated 3/21/2022

Wasco County Planning Department

Office: Not Applicable
2705 East 2nd Street
The Dalles, OR 97058
541-506-2560
Fax: 541-506-2651
wcplanning@co.wasco.or.us

Transaction Receipt

Record ID: 921-23-000023-PLNG

IVR Number: 921015814073

Receipt Number: 70438

Receipt Date: 2/7/23

www.co.wasco.or.us/departments/planning/index.php

Parcel: 1N 13E 5 AD 300

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
2/7/23	1.00 Ea	Clerk Recording fees - general	10181413	$116.00	$116.00
2/7/23	1.00 Ea	Type III - Planning Coms - Subdivision, prelim plat review	10181413	$4,460.00	$4,460.00
2/7/23	1.00 Ea	Type III - Planning Coms - Assessor fee - partition/replat/subdiv/pud	10110413	$606.04	$606.04
2/7/23	6.00 Lots	Type III - Planning Coms - Assessor Subdivision Final, per lot - enter # of lots	10110413	$333.54	$333.54

Payment Method: Credit card authorization: 09325I

Payer: Mona Miller

Payment Amount: $5,515.58

Cashier: Dustin Williams

Receipt Total: $5,515.58