

CITY OF CASCADE LOCKS  
PLANNING COMMISSION  
AGENDA

Thursday, September 8, 2016 at 7:00 PM  
City Hall

1. Call Meeting to Order
2. Approval of Minutes
3. New Business
  - A. Public Hearing: LU 16-011 Cascade Locks/Shahala Reconsideration of Decision.
4. Adjournment



- I. Call Meeting to Order. Chair Cramblett called the meeting to order. PCM's Gyda Haight, Virginia Fitzpatrick, Gary Munkhoff, Todd Mohr, and Larry Cramblett were present. Also present were City Administrator Gordon Zimmerman, City Recorder Kathy Woosley, Planning Consultant Stan Foster, and Grant Hou.
- II. Approval of March 10, 2016 Planning Commission Minutes. PCM Munkhoff said in the last paragraph on page two that the Planning Commission was supposed to be discussing large lots and asked if this could be added to the agenda. Chair Cramblett added Old Business, A. Large Lot Discussion as agenda item IV and moved Adjournment to agenda item V. PC Foster said the discussion had to be general discussion about large parcels and not about any particular parcel of land.

PCM Mohr moved, seconded by PCM Munkhoff, to approve the minutes. The motion passed unanimously.

- III. New Business
  - A. Public Hearing: Grant Hou LU 16-005 Variance. Chair Cramblett read the procedures for the hearing and opened the public hearing at 7:04 PM. PC Foster explained the basis for an appeal and the criteria for the conditional use. PC Foster gave the staff report.

PC Foster explained that the existing building could be converted to two units with a common wall if granted as a variance by the Planning Commission. PCM Haight asked if this would set a precedence to allow common wall construction where it is not permitted. PC Foster said no because this is an existing building and would become more compatible in the LDR zone as the proposed two residential units. CA Zimmerman said a variance is based on a physical structure. He said if someone came in to develop this same type of development on an empty lot it wouldn't be allowed. He said this was a nonconforming conditional use and using the CDC as a bridge and not a barrier.

PC Foster went through all the findings in the staff report. He said the lot line adjustment that was completed earlier was a prerequisite to creating two residential units. He said the nature of the building makes it suitable for repurposing.

Applicant's Testimony: Grant said his Father-in-law wanted to live in Cascade Locks so they purchased the property. He said they are interested in having two units so there is someone nearby.

Opponent's Testimony: None.

Closed Hearing: Chair Cramblett closed the hearing at 7:28 PM.

PCM Munkhoff said that a driveway could also come off of Jackson Roberts Road. PC Foster said Condition of Approval could be amended to also allow driveway access off of Jackson Roberts Road. He explained the intent in the Conditions of Approval is for the appearance of two separate units. PCM Munkhoff asked if the architectural design would come before the Planning Commission. CA Zimmerman said it would not and explained that there are design guidelines listed in the CDC. PCM Munkhoff asked why this didn't fall under the zero side yard and conditional use permit. PC Foster said this is an existing building and CA Zimmerman explained that zero side yard is not common wall.

PCM Fitzpatrick moved, seconded by PCM Haight, to approve the Variance Request. The motion passed unanimously.

IV. Old Business (added).

A. Large Lot Discussion. PC Foster said the City can impose regulations on large lots regarding services and to ensure development in an orderly systematic manner. He said it is typical to require connection to sewer and water service inside the city limits. CA Zimmerman explained that State law doesn't require connection to sewer if you're not within 300' of an existing line unless the County won't allow a septic system.

PCM Munkhoff said the CDC would allow one home on large lots but the minute you do a separation you will fall under the subdivision regulations.

CA Zimmerman said there is a current minor partition on a lot that could possibly be developed into four lots. He said there are plans for two lots at this time. PCM Munkhoff said under the Partition Approval Criteria it allows regulations for a subdivision. **Section 8-6.184.050 A. 8. Lot Size Limitation for Partitions. A parcel of land or the aggregate of contiguous parcels under the same ownership, containing sufficient net buildable area to allow creation of four or more lots meeting the minimum requirements of this Code, shall be divided only in conformance with the procedures and standards specified in the subdivision standards of Chapter 8-6.180. The calculation of the net buildable area for the parcel of lot to be divided shall be determined by the City Administrator or designee.**

CA Zimmerman said it does not make sense to require half street improvement or sidewalk on Gravel Pit Road. PCM Mohr explained that Gravel Pit Road is a gravel road and would not make any sense to engineer for a half street and sidewalk improvements to Gravel Pit Road. CA Zimmerman said there could be an agreement from the owner that when improvements are done to Gravel Pit Road he would be required to do his part of the improvement. Chair Cramblett said this is an area of the Code that should allow for some allowances to be made. PCM Munkhoff said there should be a review on this. CA Zimmerman said the partition language is very clear as to what we have to do.

V. Adjournment. Chair Cramblett adjourned the meeting. The meeting was adjourned at 8:02 PM.

Prepared by  
Kathy Woosley, City Recorder

APPROVED:

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Larry Cramblett, Chair

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Cascade Locks Planning Commission, at its meeting on, September 8, 2016, at 7:00 PM, in the City Council Chambers of the City Hall, Cascade Locks, Oregon, will consider the following application:

**FILE TITLE:** LU 16-011 City of CL/Shahala

**APPLICANT:** City of Cascade Locks  
140 SW WaNaPa Street  
Cascade Locks, OR 97014

**REQUEST:** Correct Conditions of Approval for Shahala Planned Unit Development to affirm setbacks for corner lots (Lot 56, 62, 64, 65) in Shahala.

**LOCATION:** 2N 8 6 DD Tax Lots 2400, 6500, 6700, 6800.

**SEE MAP ON REVERSE**

**APPLICABLE REVIEW CRITERIA:** Cascade Locks Community Code Sections Article III, Chapter 8-6.56 and Article IV, Chapter 8-6.140.

**PROPERTY OWNERS WITHIN 250 FEET OF THE SUBJECT PROPERTY ARE RECEIVING THIS NOTICE. SPECIAL NOTICE TO MORTGAGEE, LEINHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

The Public Hearing on this matter will be conducted in accordance with the rules contained in the zoning ordinance adopted by the Cascade Locks City Council, which is available at City Hall.

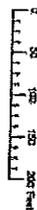
All interested persons may appear and provide testimony and only those who submit written comments or testify at the hearing shall be entitled to appeal.

Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the approval authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

At least seven days prior to the Hearing, a copy of the staff report will be available for inspection at no cost, or a copy can be obtained for fifteen cents per page.

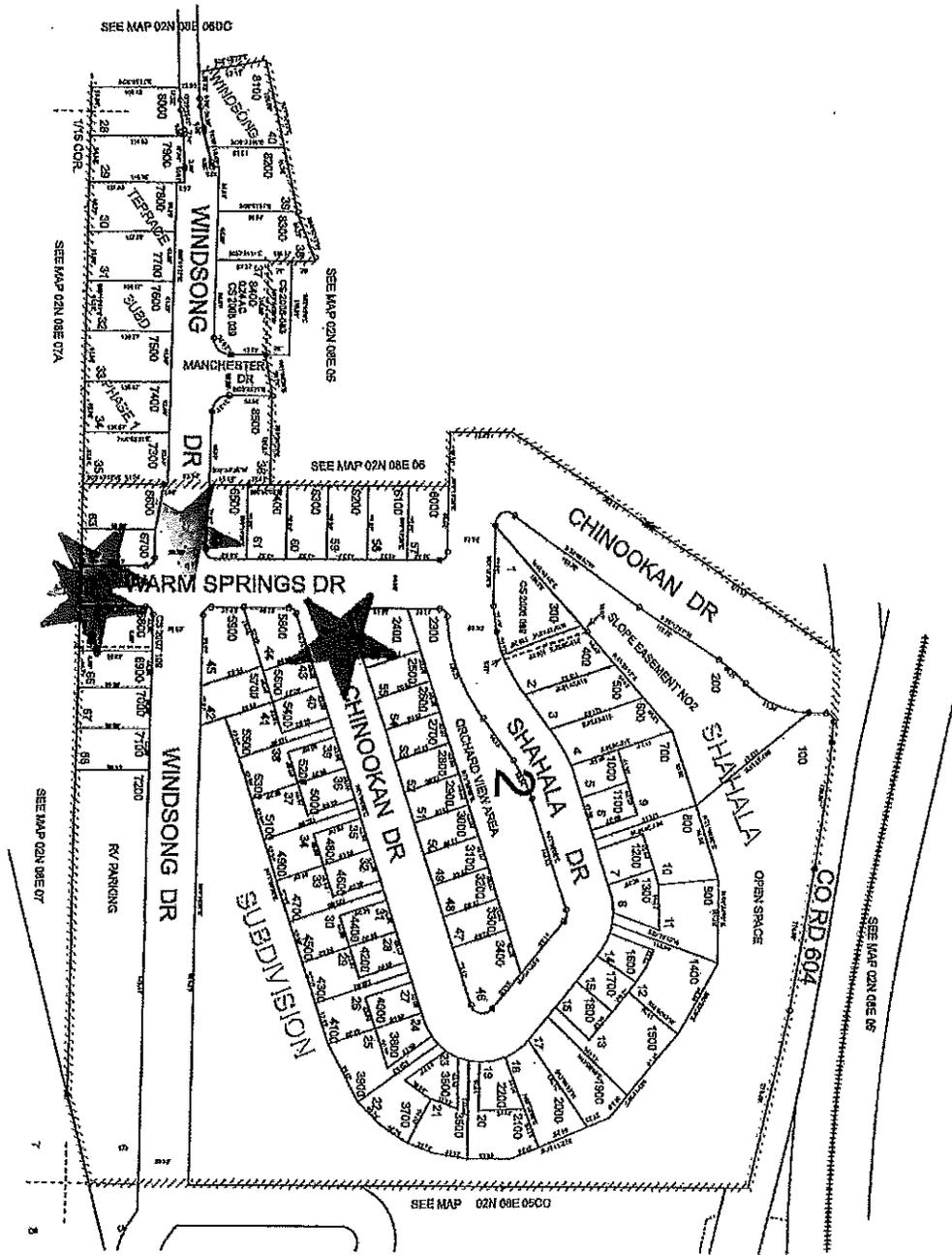
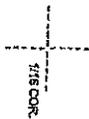
For further information, please contact Kathy Woosley at Cascade Locks City Hall, at 374-8484, 140 WaNaPa, Cascade Locks, OR 97014.

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



S.E. 1/4 S.E. 1/4 SEC. 6 T.2N. R.8E. W.M.  
HOOD RIVER COUNTY  
1" = 100'

02N08E06DD  
CASCADE LOCKS



02N08E06DD  
CASCADE LOCKS

Revised: WA  
06/7/8/2014

CITY OF CASCADE LOCKS  
PLANNING STAFF REPORT  
September 8, 2016

**Type of Action Requested:** Reconsideration of a previous action

**Code Authority:** Motion for Reconsideration (8-6.32)

**Application certified as complete:** August 30, 2016

**Action Deadline:** October 30, 2016

**Approval Criteria:** 8-6.32.010 -8-6.32.070

**Applicant(s):** City Planning Staff

**Location:** City Hall

**Applies Township: T 02N**      **Range: R 08E**      **Section: 6DD**  
**Taxlots: 2400, 6500, 6700, 6800**

**Zoning:** Planned Unit Developments- Shahala / Wasco Creek  
Residential Development

**Specific Action Requested:** Reconsideration of previous decisions which may create a public safety hazard or render a proposed developable lot undevelopable.

The City Staff is administrating the City code and implementing prior approved land-use decisions has discovered some inconsistencies, authorized actions in violations of other approvals and general uncertainty on specific approvals in communicating with the public. The intent of this hearing request is to clarify for the last and only time permitted under the code (8-6.32.070) of any previous mistakes that may have been made. Furthermore where approved actions appear to create a public safety hazards or a potential conflict with surrounding property owners, staff is asking the Planning Commission to clarify their approval consistent with the intent of the Planned Unit Development criteria and consistent with the previous approval to the extent lawfully possible.

**Applicable Criteria**

Staff will address the respective issues individually and address the criteria for “reconsideration of decisions” in the findings of fact included herein. The applicable criteria is found in Chapter 8-6.32. The staff has determined that the confusion surrounding certain parcels within the Shahala PUD may have been approved in a manner which renders these parcels either unbuildable or buildable in a manner which could create a public safety hazards.

**The criteria for review is as follows:**

**Issue #1:** A variance was approved granting all lots in Shahala and Wasco Creek PUD's a 10' front yard setback. This approval did not exempt these parcels from having the two required off-street parking spaces. Furthermore to have the setback, applicants have to establish all required parking and garages, which the record states will only have access to the street through adjacent private driveways, not directly onto the public street.

**Front yard setback.** All front yard setbacks have to be configured in a manner which does not pose a public safety hazard by either impeding the visual sightline from the public roadway down the street and/or by creating a public hazard by having cars parked in front of the house with the majority of the car protruding into the street.

**Parking and Garages.** The variance granting a reduced front yard setback required that driveways and garages could only access private driveways not the public street.

Staff is requesting that clarification be made on the following parcels in the respective subdivisions.

ACTION ON LOTS; Please clarify for the record the specific approvals for lots 6,7,8,14 16. Staff notes that lots 5 and 15 are flag lots without direct access to an adjacent driveway, staff requests clarification of the requirements approved for each of these lots

Staff would assert that due to the lack of a clear record on these matters, that it is a serious mistake in approving a Planned Unit Development and warrants the extraordinary remedy allowed under 8-6.32.010.

**Issue #2:** In the subdivision approval (04-09) for Shahala LLC, the applicant received approval for further reducing the front yard setback from 10' to 5' on lots 56, 44, 45, 64, and 65. Lot 62 was included in the application but not included in the final order. It would appear that the actual application was for a side street set-back reduction to five feet but the final order indicates front setback.

Staff is requesting clarification on each of these identified lots and to address whether this reduction of setback requirements should only apply to the side streets not the front street.

Staff would note that houses built close to the front street impede visual safety if allowed on corner lots and does not allow adequate space for parking vehicles safely out of the pedestrian and motor vehicle right-a-way. It would be a violation to allow development in a manner which blocks or impedes public access to a public right-a-way. Furthermore any setback on the front of the building which allows a garage space to be closer than 20 feet would create a potential public safety hazard.

**Issue #3: There are safety easements and storm drainage easements established in both subdivisions, some developers have indicated that the associated HOA's have authorized building on these easements.**

Staff asserts that a "public easement" (even one granted in a PUD) conveys this easement to the public interest. That is, an easement is granted for the health and safety of its residents to the local government for preservation of this public interest in all future development. While the Homeowners Associations has extensive rights for self-governance, it does not have authority over publically grant easements, that right has been conveyed to the local government. Therefore it is staff's position that no development or construction activity can be placed on the legally deeded easement and that only the public entity has the right to work in this easement for the preservation of this easement.

**Issue #4: A PUD can modify configurations and spatial distribution in PUD in a manner different than the underlying zone provided that such a PUD is approved by the local government. A PUD is still required to meet the underlying zoning requirements if the lot(s) in question are within 20' of a PUD Boundary. Lots 57-62 in Shahala PUD meet that criteria therefore a rear set back on these lots would be a minimum of 15'.**

Staff requests clarification on this matter on all the lots impacted. In the case of construction which has occurred prior to finding these mistakes, staff requests a decision of whether we would consider these developments "grandfathered" in or would we require each homeowner to apply for a variance?

**Issue #5: Issues have arisen in which an applicant does not have 20' of parking space in front of their garages, or in a couple of cases enough width (16') for two cars.**

Staff request affirmation that our off-street parking requirements are inviolate and may render some lots not developable as desired by the applicant. Off-street parking is a public safety issue which has a compelling public interest, therefore, Staff requests that the Planning Commission affirm that this requirement is still in effect and the minimum standard of 20 foot length and 16 foot width is the city standard.

## **SUMMARY OF FINDING OF FACTS – NOTICE OF DECISION**

**The duly appointed Planning Commission of the City of Cascade Locks finding that staff has provided sufficient evidence of an error in the previous record and that these decisions are sufficient to warrant reconsideration of the matters presented. Furthermore, the Planning Commission wishes to offer clarification so that the public has the clearest and most correct information on any matter related to their proposed development.**

**Now therefore, the Planning Commission offers the following clarification;**

### **Issue #1**

| Parcel | Front setback | Garage access |
|--------|---------------|---------------|
| Lot 5  |               |               |
| Lot 6  |               |               |
| Lot 7  |               |               |
| Lot 8  |               |               |
| Lot 14 |               |               |
| Lot 15 |               |               |
| Lot 16 |               |               |

**Issue #2 Shahala LLC clarification**

**Issue #1**

| Parcel | Front setback | Garage access |
|--------|---------------|---------------|
| Lot 44 |               |               |
| Lot 45 |               |               |
| Lot 56 |               |               |
| Lot 62 |               |               |
| Lot 64 |               |               |
| Lot 65 |               |               |

**Issue #3:** The Planning Commission affirms that no development will be allowed on any easement, this includes decks, temporary storage buildings and other semi-permanent installations. Easements will remain unencumbered at all times, with no storage or other impediments placed on the easement.

**Issue #4:** Lots within a PUD and within 20 feet of an adjacent development shall meet the minimum 15' setback requirement unless there is extraordinary reason to lower this distance which would not compromise the surrounding neighborhood and/or harm the adjacent property owners. Any approval for less than the required setback would have to receive a site-specific variance and not create a public safety hazard.

| Parcel | Rear setback | Variance ? |
|--------|--------------|------------|
| Lot 57 |              |            |
| Lot 58 |              |            |
| Lot 59 |              |            |
| Lot 60 |              |            |
| Lot 61 |              |            |
| Lot 62 |              |            |

**Issue #5:** A minimum standard of 20' length and 16' width shall be the standard for two cars parked off the public street. The twenty foot length shall commence from the edge of the sidewalk which is part of the public right-a-way and cannot be included in the setback estimate for the applicant.

The following findings shall be made a part of the permanent record of both affected subdivisions by this reference hereto.

The Planning Commission may take one of the following actions;

1. \_\_\_\_\_ Conduct a hearing as requested by staff to provide the specific clarification of the record for the respective subdivisions and adopt the findings of fact and record of decision by a formal vote of the body.
  
2. \_\_\_\_\_ Conduct a hearing and vote to continue the hearing to the next available Planning Commission meeting to gather additional testimony on the prior actions before rendering a decision as requested.
  
3. \_\_\_\_\_ Deny the request based on pertinent factors which the Planning Commission considered and under the applicable criteria.

Respectfully submitted by Stan Foster, Planning Consultant

Approved by the Planning Commission Chairperson

September 8, 2016

\_\_\_\_\_  
Larry Cramblett, Chairperson

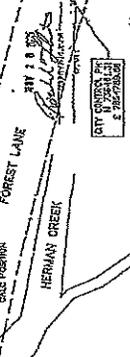
Date



2005 6087

**SHAHALA SUBDIVISION**  
A PLANNED DEVELOPMENT TO THE CITY OF CASCADE LOCKS  
SE 1/4 SECTION 6, T 2 N, R 8 E, W4  
HOOD RIVER COUNTY, OREGON  
MAP FILED IN THE OFFICE OF THE COUNTY CLERK, HOOD RIVER, OREGON, ON 05-10-05 AT 1:00 P.M.

**FILED**



- 1. THE CORNER AND LINE DATA SET SHALL BE THE BASIS OF THE SURVEY.
- 2. THE SURVEY SHALL BE MADE IN ACCORDANCE WITH THE OREGON SURVEYING ACTS AND RULES.
- 3. THE SURVEY SHALL BE MADE BY THE CITY OF CASCADE LOCKS.
- 4. THE SURVEY SHALL BE MADE BY THE CITY OF CASCADE LOCKS.
- 5. THE SURVEY SHALL BE MADE BY THE CITY OF CASCADE LOCKS.
- 6. THE SURVEY SHALL BE MADE BY THE CITY OF CASCADE LOCKS.
- 7. THE SURVEY SHALL BE MADE BY THE CITY OF CASCADE LOCKS.
- 8. THE SURVEY SHALL BE MADE BY THE CITY OF CASCADE LOCKS.
- 9. THE SURVEY SHALL BE MADE BY THE CITY OF CASCADE LOCKS.
- 10. THE SURVEY SHALL BE MADE BY THE CITY OF CASCADE LOCKS.

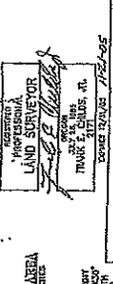
**REFERENCES:**  
SURVEYING ACTS, OREGON, AND OREGON SURVEYING RULES, OREGON.

**BASES OF SURVEY:**  
CITY OF CASCADE LOCKS, OREGON.

**NOTES:**  
1. THE CORNER AND LINE DATA SET SHALL BE THE BASIS OF THE SURVEY.

**GENERAL NOTE:**  
THE CITY OF CASCADE LOCKS, OREGON, HAS THE HONOR OF THE SURVEYING ACTS, OREGON, AND OREGON SURVEYING RULES, OREGON.

**LAND SURVEYOR:**  
Taylor Engineering, Inc.  
1000 N. 10th Street, Hood River, Oregon 97124  
Phone: (503) 335-1111  
Fax: (503) 335-1112  
E-mail: info@tayloreng.com  
www.tayloreng.com



| Lot No. | Area (sq. ft.) | Area (sq. ft.) | Area (sq. ft.) |
|---------|----------------|----------------|----------------|
| 68      | 1,200          | 1,200          | 1,200          |
| 67      | 1,200          | 1,200          | 1,200          |
| 66      | 1,200          | 1,200          | 1,200          |
| 65      | 1,200          | 1,200          | 1,200          |
| 64      | 1,200          | 1,200          | 1,200          |
| 63      | 1,200          | 1,200          | 1,200          |
| 62      | 1,200          | 1,200          | 1,200          |
| 61      | 1,200          | 1,200          | 1,200          |
| 60      | 1,200          | 1,200          | 1,200          |
| 59      | 1,200          | 1,200          | 1,200          |
| 58      | 1,200          | 1,200          | 1,200          |
| 57      | 1,200          | 1,200          | 1,200          |
| 56      | 1,200          | 1,200          | 1,200          |
| 55      | 1,200          | 1,200          | 1,200          |
| 54      | 1,200          | 1,200          | 1,200          |
| 53      | 1,200          | 1,200          | 1,200          |
| 52      | 1,200          | 1,200          | 1,200          |
| 51      | 1,200          | 1,200          | 1,200          |
| 50      | 1,200          | 1,200          | 1,200          |
| 49      | 1,200          | 1,200          | 1,200          |
| 48      | 1,200          | 1,200          | 1,200          |
| 47      | 1,200          | 1,200          | 1,200          |
| 46      | 1,200          | 1,200          | 1,200          |
| 45      | 1,200          | 1,200          | 1,200          |
| 44      | 1,200          | 1,200          | 1,200          |
| 43      | 1,200          | 1,200          | 1,200          |
| 42      | 1,200          | 1,200          | 1,200          |
| 41      | 1,200          | 1,200          | 1,200          |
| 40      | 1,200          | 1,200          | 1,200          |
| 39      | 1,200          | 1,200          | 1,200          |
| 38      | 1,200          | 1,200          | 1,200          |
| 37      | 1,200          | 1,200          | 1,200          |
| 36      | 1,200          | 1,200          | 1,200          |
| 35      | 1,200          | 1,200          | 1,200          |
| 34      | 1,200          | 1,200          | 1,200          |
| 33      | 1,200          | 1,200          | 1,200          |
| 32      | 1,200          | 1,200          | 1,200          |
| 31      | 1,200          | 1,200          | 1,200          |
| 30      | 1,200          | 1,200          | 1,200          |
| 29      | 1,200          | 1,200          | 1,200          |
| 28      | 1,200          | 1,200          | 1,200          |
| 27      | 1,200          | 1,200          | 1,200          |
| 26      | 1,200          | 1,200          | 1,200          |
| 25      | 1,200          | 1,200          | 1,200          |
| 24      | 1,200          | 1,200          | 1,200          |
| 23      | 1,200          | 1,200          | 1,200          |
| 22      | 1,200          | 1,200          | 1,200          |
| 21      | 1,200          | 1,200          | 1,200          |
| 20      | 1,200          | 1,200          | 1,200          |
| 19      | 1,200          | 1,200          | 1,200          |
| 18      | 1,200          | 1,200          | 1,200          |
| 17      | 1,200          | 1,200          | 1,200          |
| 16      | 1,200          | 1,200          | 1,200          |
| 15      | 1,200          | 1,200          | 1,200          |
| 14      | 1,200          | 1,200          | 1,200          |
| 13      | 1,200          | 1,200          | 1,200          |
| 12      | 1,200          | 1,200          | 1,200          |
| 11      | 1,200          | 1,200          | 1,200          |
| 10      | 1,200          | 1,200          | 1,200          |
| 9       | 1,200          | 1,200          | 1,200          |
| 8       | 1,200          | 1,200          | 1,200          |
| 7       | 1,200          | 1,200          | 1,200          |
| 6       | 1,200          | 1,200          | 1,200          |
| 5       | 1,200          | 1,200          | 1,200          |
| 4       | 1,200          | 1,200          | 1,200          |
| 3       | 1,200          | 1,200          | 1,200          |
| 2       | 1,200          | 1,200          | 1,200          |
| 1       | 1,200          | 1,200          | 1,200          |

**SHAHALA DRIVE**  
**CHILDREN'S PLAY AREA**  
**OPEN SPACE**  
**FOREST LAKE**  
**HERMAN CREEK**

**SHAHALA DRIVE**  
**CHILDREN'S PLAY AREA**  
**OPEN SPACE**  
**FOREST LAKE**  
**HERMAN CREEK**

**SHAHALA DRIVE**  
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**HERMAN CREEK**

**SHAHALA DRIVE**  
**CHILDREN'S PLAY AREA**  
**OPEN SPACE**  
**FOREST LAKE**  
**HERMAN CREEK**



**NOTICE OF DECISION**  
**CITY OF CASCADE LOCKS PLANNING COMMISSION**  
**SUB 04-09**

The City of Cascade Locks Planning Commission held a public hearing on September 9, 2004 to consider the application. The Commission's decision is based on the facts, findings and conclusions noted below.

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GENERAL INFORMATION

Application

To receive Preliminary Plan approval for Shahala Subdivision as a Planned Development

Location

1280 Forest Lane

Comprehensive Plan Designation

Residential ( R )

Zoning Designation

Low Density Residential (LDR)

Owner

Robert J. Nelson  
Las Vegas Nevada

Applicant

Mimi Morissette  
Better World Acquisitions LLC  
1801 NE 82nd Street  
Vancouver WA 98665

## FINDINGS AND CONCLUSIONS

The applicable criteria for the review of this application are found in the Community Development Code Subdivision, Low Density Residential zone, and Planned Development Overlay Zone standards.

### Community Development Code Chapter 8-6.180.040 – Subdivision Approval Standards

1. *The proposed preliminary plat complies with provisions of this title and other applicable ordinances and regulations.*

The proposed subdivision complies with the Community Development Code and other standards as is discussed earlier in this staff report and as modified by the conditions of approval.

2. *The proposed plat satisfies the provisions of ORS Chapter 92, Subdivisions and Partitions.*

The plat meets the standards by demonstrating accurate surveying and monumenting, by meeting design standards, and by being processed in accordance with State law.

3. *The proposed roads and streets are designed in accordance with the City's street standards.*

As modified in the conditions of approval, all streets and sidewalks conform with the standards identified in the Transportation System Plan except for the portion of Shahala Drive between Forest Lane and the intersection with the north/south street which has an acceptable alternative made necessary by the hillside grade.

4. *The roads and streets are laid out so as to conform to the plats of subdivision and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.*

The proposed development is designed to conform to the adjacent subdivision to the west and to provide for access to future development to the east and south.

5. *Oversized lots or remnant parcels shall be of such size and shape as to facilitate future redivision in accordance with the requirements of the zoning district and this title.*

There are no oversized or remnant parcels.

6. *The subdivision design will allow for efficient development of adjoining properties.*

The design includes stub streets to the vacant or underdeveloped areas to the south and east. Utilities will be stubbed out at these locations as well. This will allow for efficient development of these properties.

7. *All subdivision proposals shall have appropriate public utilities and facilities such as sewer, gas, electrical, water, and storm water systems.*

All public utility systems are required to be included within this project. Plans will be reviewed and approved by the City.

8. *An explanation has been provided for all improvements owned in common by either owners of the property within the subdivision or for the public.*

A Homeowners Association will be established in accordance with Oregon law. This Association will be responsible for the permanent ownership, management, and maintenance of all common property. All streets and utilities will be public improvements.

Community Development Code Chapter 8-6.56.040 – Low Density Residential Zone Dimensional Requirements

- A.1. *Lot area with public sanitary sewer system. A minimum of 6,500 for individual lots and an average minimum lot size of 7,500 square feet when two or more lots are created.*

This standard is not applicable within a planned development.

- B. *A minimum average lot width of 50 feet.*

This standard is not applicable within a planned development.

- C. *A minimum average lot depth of 80 feet.*

This standard is not applicable within a planned development.

- D. *A minimum lot width at the street of 40 feet and 20 feet on a cul-de-sac or for a flag lot.*

This standard is not applicable within a planned development.

Community Development Code Chapter 8-6.140 – Planned Development Overlay Zone Requirements

*8-6.140.050.A – Minimum Size*

The proposed development is 16.7 acres in size which meets the minimum size for the planned development of one acre.

*8-6.140.050.B – Owners Association*

The planned development will include a home owners association meeting the standards of this code provisions.

*8-6.140.050.C – Dimensional Standards*

All minimum size standards are met relative to the development plan. Individual homes will be required to meet the applicable standards at the time of building permits.

*8-6.140.050.D – Uses Allowed*

Residential uses are posed thereby complying with the use standards for a planned development in a residential zone.

*8-6.140.050.E – Open Space*

By using the formula of the Code, 3.34 acres are required. The development includes 5.88 acres of open space.

*8-6.140.060.A – Maximum Density*

The maximum density allowed is 73 housing units. 72 are proposed thereby meeting the standard.

*8-6.140.070 – Density Bonus*

No density bonus is being requested.

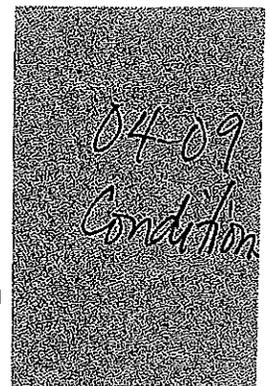
*8-6.140.080 – Phased Development*

The proposed development will be phased.

**DECISION**

Based upon the above facts, findings, and conclusions, The Planning Commission hereby APPROVES the proposed Shahala Planned Development subject to the following conditions:

1. All conditions of approval shall be satisfied prior to recording any and all plats with Hood River County.



2. Final plat(s) shall be approved by the City Administrator.
3. The final plat, or final plats if filed in phases, shall be in substantial compliance with the approved site plan and narrative submitted with the application. Substantial compliance means that all dimensions and the number of lots shall be within the same general dimensions, location, and number as represented in the preliminary plan with changes only as required by topography or refinements in the final engineering process.
4. Public improvements including streets and utilities shall be designed and constructed in accordance with all applicable City standards and processes.
5. A storm drainage plan for the entire site shall be reviewed and approved by the Public Works Director prior to recording any plat.
6. Prior to obtaining final inspection for any housing unit, two trees per lot will be planted on that lot in the yard adjacent to the street except in the case of a corner lot which will require two trees per street frontage located outside the vision clearance area. These trees will be selected from the City's approved street tree list if they are to be within five feet of a sidewalk or curb. The trees will be maintained in healthy condition by the property owners. Trees will only be removed in the event of sickness or death of the tree or the creation of an unsafe situation. Such removal must be approved by the City Administrator or designee and must be based on the report of a licensed arborist. If a tree is removed it must be replaced within one year with a new tree with no less than a 1.5" caliper at chest height. Alternatives to these tree planting standards may be approved by the City Administrator as a Type II Administrative action for the purpose of preserving scenic views and siting houses on smaller lots. If the required number of trees for any lot is reduced below the requirement, the displaced trees will be planted and maintained in one of the common open spaces.
7. The 60 foot local street standard must be utilized for all streets abutting housing units.
8. Shahala Drive between Forest Lane and the intersection with the north/south street may be a minimum of 24 feet in width with two 12 foot lanes, no parking, and a sidewalk on one side. Curbs will be required if necessary as part of the drainage plan.
9. The "Country Lane" standard identified in the Transportation System Plan will be applied to Jillian Lane east of Lot 72. Curbs will be required if necessary as part of the drainage plan.
10. The Forest Lane frontage will be improved to half of a 36 feet curb-to-curb width with a sidewalk on the south side. Construction plans and permits will be required as appropriate from ODOT and the County.

11. The property owner and developer will be required to maintain erosion control on the site at all time consistent with Hood River County standards.
12. All accessways must be widened to 15 feet when serving one lot and a combined width of 25 feet when serving two lots. Paved driveways will be no less than 10 feet in width if serving one lot. In the case of two adjacent accessways, the driveways will be combined into one driveway of 20 feet with mutual permanent access and maintenance easements between the benefited properties. In redesigning the lot layout to meet this requirement, the density and open space requirements shall continue to be met.
13. Prior to a street connection being made to Jillian Drive providing a route to Forest Lane, and if Shahala Drive exceeds a 12% grade, a temporary paved emergency access road, approved by the Fire Department, Public Works Department, and City Engineer must be in place before a final inspection is approved for the first completed house.
14. Fire hydrants will be required every 500 feet throughout the subdivision or as directed by the Fire Marshall.
15. Appropriate bonds or other approved financial security shall be provided to the City to secure completion of all public improvements to city standards.
16. A street lighting plan shall be approved by the Electric Superintendent and provided concurrently with each phase.
17. Utility Easements as proscribed by the Public Works Superintendent shall be included on the final plat adjacent to all right-of-way and along all private drives.
18. The final plat will include recorded covenants and restrictions establishing a Homeowners Association responsible for permanent ownership, management, and maintenance of all commonly held facilities or lands. The bylaws for the Homeowners Association will be reviewed and approved by the City prior to recording of the plat.
19. The applicant will provide all required signs including street signs, stop signs, and no-parking signs with the design and materials to be approved by the Public Works Director.
20. A one foot reserve strip will be dedicated across the end of the stub streets abutting the southern and eastern boundaries of the development as fee simple rather than right-of-way. A barrier, with the design to be approved by the Public Works Superintendent, shall be erected across the end of each of these three streets to prevent motor vehicles from passing through the property boundary.

21. Structures built on the property shall comply with applicable Airport Height Overlay zone requirements or an exception, approved by the State Aeronautics Department, shall be obtained.
22. The Applicant shall obtain appropriate approvals from Hood River County and the Oregon Department of Transportation for the new permanent and temporary intersections with Forest Lane, and for the improvement of Forest Lane.
23. The final subdivision plat for the first phase shall be submitted within one year of this decision for approval by the City Administrator. An extension of time for filing of the final map may be granted by the Planning Commission, provided written application is made by the subdivider within one year after action on the tentative map.
24. Any emergency access road shall have an access easement recorded on the plat granting permanent access to all public agencies.

Signed this date: September \_\_\_\_\_, 2004

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Lynne Kononen, Vice-Chair and Presiding Officer  
City of Cascade Locks Planning Commission



**City of Cascade Locks  
Planning Commission Order**

**Reduced Front Yard Setbacks –  
Shahala and Wasco Creek Planned Developments  
Case PC 05-10**

INTRODUCTION

The Planning Commission of the City of Cascade Locks, acting under the authority granted by the City of Cascade Locks Community Development Code did consider this application on August 11, 2005. A public hearing was conducted and the following decision made based on the record created at that hearing and the applicable criteria.

GENERAL INFORMATION

Application

To receive approval to reduce the required front yards from 20 feet to 10 feet within two new developments owned by the applicants, Shahala and Wasco Creek Planned Unit Developments.

Location

Eastern end of Forest Lane

Comprehensive Plan Designation

Residential ( R )

Zoning Designation

Low Density Residential (LDR)

Applicant and Owner

Mimi Morissette  
Better Worlds Enterprises, Inc./Better World Acquisitions, LLC  
1801 NE 82nd Street  
Vancouver WA 98665

BACKGROUND INFORMATION

The two projects are planned developments involving the clustering of housing in areas of higher density in order to protect sensitive lands and views. The developments have small lots that will be the site of approximately 91 homes situated in detached, row-house, and clustered configurations.

The applicant proposed to reduce the front yard setback to 10 feet in order to move the housing footprints forward leaving much larger rear yards. With the small lots and atypical

configurations, maintenance of the required 20 foot front yard creates a relatively unusable space which moving that extra 10 feet to the rear yard maximizes its size and utility.

ANALYSIS AND FINDINGS

1. The Commission discussed a concern raised by Staff. That is the preservation of the required parking spaces. Reducing a front yard setback can also mean reducing the length of the driveway from 20 feet to 10 feet. From a legal perspective, this eliminates the driveway as legal parking space. From a practical perspective, it causes automobiles to be parked over sidewalks or to crowd onto limited on-street parking. The applicant suggested the variance apply only to approximately 20 lots which represent the smallest lot sizes. After much discussion the Commission decided that the potential parking situations are not acceptable or consistent with the intent of the Community Development Code.
2. The Commission can support the reduced front yard setback as allowing houses to be located closer to the street, especially in a planned development, creates a greater sense of community along the street and allows the private rear yards to be maximized.
3. The Commission finds that the front yard variance is appropriate and meets applicable criteria. However, the Commission finds that there are inadequate parking spaces available and reasonably attractive to meet the parking needs of these 20 homes, and that inadequate parking will create future problems within the neighborhood.

DECISION

The Planning Commission hereby APPROVES the variance request subject to the following conditions of approval:

1. The variance will be available to all lots within the subdivisions.
2. Two legal parking spaces shall be provided on each property.

APPROVED August 11, 2005

\_\_\_\_\_  
Joann Wittenberg,  
Vice Chair

05-10  
Conditions

**City of Cascade Locks  
Planning Commission Order**

Variance for Reduced Front Yard Setbacks and Off-Street Parking  
Shahala Planned Development  
Case PC 06-03

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**GENERAL INFORMATION**

**APPLICANT:** Shahala LLC

**APPLICATION**

The variance requested is to reduce front setbacks on 16 lots within Shahala subdivision from the required 10 feet to five feet and eliminate the off-street parking requirements on five of those lots.

**APPLICANT**

Shahala LLC

**OWNER**

Shahala LLC

**LOCATION**

Shahala Drive, Cascade Locks, Oregon

**PROPOSAL DESCRIPTION**

The variance requested is to reduce front setbacks on 16 lots within Shahala subdivision from the required 10 feet to 5 feet. The lots are adjacent to flag lots which will allow garages to be placed behind homes accessed via private driveways extending to the back lots. The applicant wants to reduce the setback to allow for adequate space behind homes to accommodate the garage and a reasonable space for a back yard. The applicant contends that the small setbacks would allow for covered porches close to the sidewalk which would create a "neighborhood feel."

The second part of the requested variance is to eliminate the off-street parking requirements on the five subject lots which are across from the detention pond. The current requirement was established through a condition from the earlier variance. The

condition stated that two legal parking spaces be provided on each property. The applicant request that this requirement be waived because of the presences of considerable on street parking available on the detention facility side of the street. Additionally, the applicant notes that since each of the 16 subject lots will be utilizing the private drives to access their garages new driveways will not be needed in front of those lots. This will add at least one additional on street parking spot per lot which will further increase the on-street parking available in the area.

## FINDINGS

The criteria for approving a variance are found in 8-6.160.050 Variance Approval Criteria. These are quoted below along with a discussion of the proposed variances:

### 8-6.160.050 Approval Criteria

A variance application shall only be approved or approved with conditions when the approval authority finds that of all of the following criteria have been satisfied:

*A. The proposed variance will equally or better meet the purpose of the regulation being modified and any associated policies of the comprehensive plan;*

The Planned Development Zoning gives the Planning Commission broad flexibility to determine setback requirements. One of the stated purposes of the Planned Development zone is to "provide a means for creating planned environments by applying flexible standards which allow the use of innovative design techniques which will result in a superior living arrangement." The proposal will allow for larger back yards, hidden garages, and front porches that increase community connection to the street. All of these design features are generally considered appealing and will likely enhance the overall livability of the neighborhood.

*B. There are special circumstances, such as peculiar lot size or shape, topographic constraints or limitations caused by existing development, over which the applicant has no control, and which are not applicable to other properties in the same zoning district;*

The special circumstance in this the use of Flag lots which allow the opportunity for driveways in the back of the lot.

*C. The use proposed is a permitted or conditional use as allowed in the applicable zoning district and the standards of this title will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;*

The proposed use is consistent with the Low Density Residential zone and Planned Development overlay zone. The standards of these zones are be maintained to the

City of Cascade Locks

greatest extent that is reasonably possible considering the added flexibility inherent in the Planned Development zone.

*D. Existing physical and natural systems, such as but not limited to transportation facilities, utilities and sensitive lands, will not be adversely affected any more than would occur if the use or structure were developed in accordance with the provisions of this title; and*

The proposed variance or construction will not impact any transportation facility or sensitive lands.

*E. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.*

The hardship is related to the particular configuration of the lots which are limited in size by the topography of the site. While this project was designed by the applicant, the lot configurations and physical properties were mandated by on-site conditions.

DECISION:

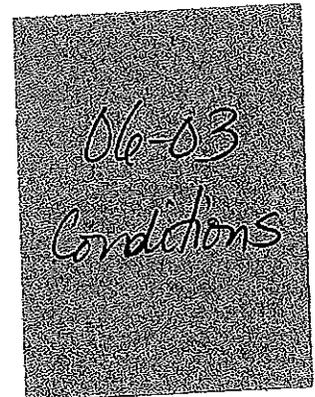
The Planning Commission APPROVES Variance 06-03 subject to the following conditions:

1. Development of the property shall substantially conform to the representations made in the application and the discussion within this decision document.
2. The applicant will have all required parking and the garages have access to the street only through the adjacent private driveways, not directly on to the street.

APPROVED March 22, 2006

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Lynne Kononen,  
Chair





PLANNING COMMISSION ORDER

CITY OF CASCADE LOCKS PLANNING COMMISSION

SUBDIVISION AMENDMENT 06-16 (revision of Subdivision 04-09)

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GENERAL INFORMATION

APPLICANT: Shahala LLC

APPLICATION

To amend the decision approving Shahala Planned Development (Subdivision 04-09) by approving reduced front yard setbacks on lots 56, 44, 45, 62, 64, and 65 lowering the minimum setback from 10 feet to five feet.

*street side*  
APPLICANT

Shahala LLC

OWNER

Shahala LLC

LOCATION

Shahala Drive, Cascade Locks, Oregon

ZONING

LDR (Low Density Residential) with a PD (Planned Development) overlay

EXISTING LAND USE

The properties in question are vacant lots with completely installed infrastructure. They have the unique characteristics of being very small and being adjacent to a flag lot driveway.

#### SURROUNDING LAND USE

The properties are in the southern middle of the Shahala subdivision where all the lots are vacant with installed infrastructure. They surround the intersections of Warm Springs Drive and Chinookan Drive and Warm Springs Drive.

#### BACKGROUND

Shahala subdivision is a Planned Development that was approved by the Planning Commission on August 20, 2004. In July 2005 the development received final plat approval from the city. Infrastructure including streets, drainage, and electricity has been built throughout the project and several houses have been completed or are under construction.

The applicant wishes to site houses on these corner lots with the houses set nearer the street allowing for larger back yards. Also, these lots have slopes that will be less disturbed if the structures can move toward the streets.

The Community Development Code, in the Planned Development chapter, states:

#### *8-6.140.050 General Requirements*

#### *C. Dimensional Standards*

2. *Front yard setbacks may be reduced by the Planning Commission, provided the vision clearance requirements in Chapter 8-6.116 are satisfied.*

The applicant is requesting Planning Commission approval for the reduced standard under the authority of this Code provision.

The Vision Clearance chapter sets the following standard for any street other than WaNaPa and Forest Lane:

2. *The visual clearance for all other intersections which do not involve the streets described in subsection A.1., shall not be less than 15 feet on each side of the intersection. All driveways serving no more than two residences shall also be subject to this standard.*

The proposed five foot setbacks easily conform to this vision clearance standard.

#### ANALYSIS AND RECOMMENDATION

The Community Development Code presents no standards or criteria, other than the vision clearance requirement, to guide the Planning Commission in making a decision on this request. Therefore, the Commission makes the following findings:

1. The reduction in yards will enhance the design and livability of the neighborhood by creating a greater sense of community and by allowing larger back yards.
2. The vision clearance requirements are met.

#### DECISION

The applications of Shahala LLC to amend the decision approving Shahala Planned Development (Subdivision 04-09) by approving reduced front yard setbacks on lots 56, 44, 45, 64, and 65 lowering the minimum setback from 10 feet to five feet is APPROVED.

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JoAnne Wittenberg, Vice- Chair

Date

