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.

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.

<u>Community Development Code Chapter 8-6.56.040 – Low Density Residential Zone Dimensional Requirements</u>

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.

<u>Community Development Code Chapter 8-6.140 – Planned Development Overlay Zone Requirements</u>

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.

04-09 Conditions

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

_____

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

City of Cascade Locks
Planning Commission Order

Affects lots 5, 6, 7, 8, 14, 15, 16

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

05-10 Conditions

Joann Wittenberg,
Vice Chair

Affects lots 5, 6, 7, 8, 14, 15, 16 and 40, 39, 36, 35, 32, 31, 28, 27 & 24

City of Cascade Locks
Planning Commission Order

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

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

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

Lynne Kononen,
Chair

06-03
Conditions

PLANNING COMMISSION ORDER

CITY OF CASCADE LOCKS PLANNING COMMISSION

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

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.

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.

JoAnne Wittenberg, Vice- Chair Date

Conditions
06-16