

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

The City of Cascade Locks Planning Commission held a public hearing on June 10, 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 Windsong Terrace Subdivision

Location

The subject property is located on Forest Lane on the south side of Forest Lane across from the KOA Campground on both sides of Kathleen Street.

Comprehensive Plan Designation

Residential (R)

Zoning Designation

Low Density Residential (LDR)

Owner

Forest Park Development
PO Box 217
Stevenson WA 98648

Applicant

DSS Enterprises, Inc.
PO Box 170
North Bonneville WA 97648

BACKGROUND INFORMATION

HISTORY

This same property has been the site of the proposed Forest Park Subdivision. Forest Park went through several revisions and extensions since the original application in 2000. Forest Park has an extension until August 2004 for filing a Phase 1 plat, but the application was withdrawn by the original applicant in order to allow this current Windsong Terrace application to be filed.

Forest Park was proposed to have 45 single family lots. It was similar in proposed street configuration to the current proposal except it did not have the loop street pattern that is created by having the north/south street near the eastern border, the connection of the northern east/west street to the north/south street, and second access to Forest Lane at the east end of the property.

A major issue with the design of Forest Park was the connection to the property to the east. This was added to the approved design at the insistence of City Staff in order to assure the necessary safe and convenient circulation pattern with the property to the east when it develops. It also allows for the looping of the water system.

SITE CONDITIONS

The subject property is an undeveloped 18.2 acre parcel that is bordered on the north by Forest Lane. The property has the undeveloped Catherine and Kathleen Streets running through the parcel. The timber on the site was harvested during the spring and summer of 1999. The remainder of the site was covered with brush, grass, and a significant number of remaining trees. There are new single family dwellings on lots fronting on Forest Lane along the northwestern portion of the subject property.

The site was significantly altered in September 2003 when it was involved in the Herman Creek Wildfire. Almost all of the trees on the property, which had covered the portion east of Kathleen Street, were burned and killed. With Forest Park, issues of grade and drainage were prevalent as the site's significant topography was being minimally changed so as to preserve trees. Now, with all of the dead trees being removed it creates the opportunity for the developer to regrade the site eliminating the low area in the middle and minimizing street grade issues.

The property is subject to height and building restrictions for the Airport Height Overlay Zone, which has additional standards intended to allow safe operation of the Cascade Locks Airport. The airport is located under the Transition Surface, which restricts building heights, based upon relative location to the runway centerline.

PROPOSAL DESCRIPTION

The applicant has submitted a report with the application describing in detail the lot configurations, street layout, public facility plans, and other design elements of the project. This staff report will summarize this information below. The descriptions of project elements contained in the applicant's material are considered part of the proposed design and any approval of the preliminary plan incorporates the improvements reflected in those descriptions as well as the design shown on the proposed site plan.

The applicant wishes to divide the property into 80 lots averaging 7,640 square feet in size. This meets the Development Code minimum average lot size of 7,500 square feet. The minimum size for any lot in the proposed subdivision is 6,500 meeting the minimum standard of the Code.

The undeveloped Catherine Street on the western side of the subject property is intended to be vacated. This was a required action with the prior Forest Park subdivision that is continued in this proposal. Catherine Street as dedicated today is not located in an appropriate location to accommodate lot layouts. It will be replaced with a new Catherine Court located appropriately to service the lot pattern. The undeveloped Kathleen Street is proposed to be developed as the primary access to the project from Forest Lane. Private driveways on easements are proposed to access four lots at the west end of the property as the area is too narrow in which to extend the Catherine Court cul-de-sac.

An internal street system for the larger eastern portion of the property consists of two east/west streets, known as Deborah Drive on the north and Jillian Lane on the south, intersecting Kathleen. These both intersect a new north/south street, known as Bronwyn Drive, at the eastern extent of the property thereby creating a loop through the entire eastern portion of the site. The internal portions of the property are served with two cul-de-sac streets. Stubbed streets are provided at the southern terminus of Kathleen, at a mid-point of Jillian Lane, and at the terminus of Jillian at the eastern property line. These stub streets provide future circulation pattern access with lands to the south and east. The eastern street, Bronwyn Drive, has an intersection with Forest Lane.

The southern east/west street, now proposed to be named Jillian Lane, was a matter of some concern in the Forest Park proceedings due to the steepness of the grade it traversed. The street follows an existing road bed which was an access road to the Herman Creek Fish Hatchery. Land along the road slopes steeply from the south down to the road and then to the north down from the road. In the Forest Park process the concerns associated with development along this street area were solved by allowing houses to be located along the southern frontage of the street, with the lots on the north side to be legally tied to lots on the south side and to be unbuildable. The street was to be developed using the City's "country lane" street standard which allows a narrow street with gravel shoulders.

A different approach to the steepness issue is taken with Windsong Terrace. Jillian is still proposed to be built to the country lane standard only through the portion of the site

with the steepest topography. It will be fronted by six lots on the south side through this portion. Lots on the north side of this steep area will access the cul-de-sac to the north and take no access from Jillian. A retaining wall will be built along the northern side of Jillian Lane allowing the lots to the north to be graded significantly reducing their steepness.

The western portion of the property, west of Kathleen Street, was originally platted as Uehlinger Subdivision. The six lots from that subdivision that front on Forest Lane were sold and now are the site of single family homes. The remainder of Uehlinger Subdivision will be vacated so as to be superseded by this Windsong Terrace subdivision.

The applicant has started proceedings to vacate Catherine Street.

The applicant indicates the project will be developed in three phases, with the first phase having 28 lots and subsequent phases having 26 lots each.

Sewer and water service is immediately available to the subject property with water and sewer main trunks located in Forest Lane. A water trunk also passes through the property to the east so that when that property is developed, which will include extending streets and utility lines from the Windsong Terrace project, it will allow the water systems to be intertied. This will help assure adequate pressure and fire flows.

The applicant proposes a storm drainage system that will discharge storm water either through natural drainage courses or drywell injection. Preliminary soils studies shared with City Staff show very high permeability rates for soils within the project thereby indicating that drywells may provide a viable stormwater disposal method. However, detailed engineering study and design will be necessary to verify this approach or any needed alternative and to plan for a workable stormwater management system that meets all local and state regulations and concerns. The final plan must be reviewed and approved by the Public Works Director.

Street grades have been a point of concern about the development of this property since development was first proposed. The applicant has taken into account the earlier decisions and requirements that spoke to this issue. Two areas are of particular concern.

First, the fish hatchery road's (which is the future Jillian Street) intersection with Kathleen Street currently has a grade exceeding approximately 15%. This is excessive especially considering it is on a sharp curve. It was determined in the Forest Park process that this intersection needed to be graded so that it did not exceed 15% and that the portion above 12% could not exceed 150 feet in length. That standard should be carried over to this subdivision proposal.

Second, Bronwyn Drive along the eastern border of the project slopes down from south to north with a grade approaching 15%. Such a sustained grade can be

difficult to negotiate in ice and snow conditions. However, there are no readily obvious alternatives to providing the street needed to allow lot development in this area. The developer has mitigated the grade issues to a degree by massive regrading of the site, which is allowed since the trees must be removed. Also, the street has connections at the north and south end allowing vehicles to access the adjacent lots by driving on less steep streets to the southern end of Bronwyn and then descending Bronwyn to the destination. This will be much easier than trying to climb the street during inclement weather.

The two private access easements serving lots at the west end of the project will need to meet the standards of CDC 8-6.112.030 for width. This requires 20 feet of pavement width within a 25 foot easement. These easements must also be dedicated as public utility easements.

All streets are designed to meet the Transportation System Plan's Street Design Standards (Figure 6-2) for a local street with a 50' right-of-way, 30 feet of paving, parking on one side and curbs and sidewalks. The cul-de-sacs also conform to the Street Design Standards.

The portion of Jillian Lane that passes through the steepest part of the subject property does not meet the applicable standards. The street is similar to the country lane standard which calls for 24 feet of paving and gravel shoulders within a 50 foot right-of-way. However, the steepness of the cross slope precludes meeting this standard. The proposed alternative design conforms for the south side of the street adjacent to the houses fronting on the street. On the north side it is proposed that there be a curb and retaining wall instead of a shoulder. Since there are no lots accessing the street from the north side there is no need for the shoulder or extra right-of-way width. Staff concludes that this alternative design is appropriate for the location and situation.

Forest Lane may have a street improvement project in the future that requires the creation of a Local Improvement District (LID). This district will assess some or all of the cost of the improvement project against properties benefited by the improvement. All of the lots within the proposed Windsong Terrace will be benefited by this project and therefore should be part of any LID. A waiver of remonstrance agreement needs to be recorded against each property assuring future participation in any district.

Engineering Design plans and permits for the installation of street improvements, water mains, sewer mains, storm drainage, street lighting, electrical, telephone, and television will be required and approved by the City prior to platting of the subdivision.

The stub streets to the south and east are well located but must be protected from access from adjacent properties until those properties provide improved street extensions as approved by the City. Therefore, two safeguards will be required. First, a one foot reserve strip will be dedicated across the end of each street to the City as fee simple rather than right-of-way. Second, a barrier, with the design to be approved by the

Public Works Director, shall be erected across the end of each of the three stub streets to prevent motor vehicles from passing through the boundary.

With the removal of trees from the property and the massive grading work that is proposed, the potential is significant for erosion. The property owner and developer will be required to maintain erosion control on the site at all time consistent with Hood River County standards. Also, street trees will be required on all lots.

FINDINGS AND CONCLUSIONS

The applicable criteria for the review of this application are found in the Community Development Code Low Density Residential (LDR) Zone. Also the Community Development Code's Subdivision standards apply.

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.

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.*

All streets conform with the standards identified in the Transportation System Plan except for a portion of Jillian Street which has an acceptable alternative made necessary by the hillside grade. The alternative provides the same travel lanes and shoulder area adjacent to houses as the country lane standard.

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.*

There are no roads or streets from adjacent subdivisions that access the subject property.

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 property within the subdivision or for the public.*

All improvements will be owned by the public, developed to public standards, and dedicated upon completion.

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.*

The proposed lots meet these minimum size requirements.

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

The proposed lots meet these minimum size requirements.

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

The proposed lots meet these minimum size requirements.

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

The proposed lots meet these minimum size requirements.

DECISION

Based upon the above facts, findings, and conclusions, the Planning Commission APPROVES the proposed Windsong Terrace 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. As part of the approved plan, a storm drainage utility system fee will be established as approved by the City to provide for an ongoing assessment to cover the cost of maintenance of the storm drainage system.
6. All private driveways within easements shall be paved to no less than 20 feet of width and shall have easement widths of 25 feet.
7. Appropriate bonds or other approved financial security shall be provided to the City to secure completion of all public improvements to city standards.
8. The retaining wall being built along the north side of Jillian Street shall be reviewed and approved by the Public Works Director and the Hood River County building official. A concrete wedge curb shall be installed on the south side of the narrow portion of Jillian Street.
9. Street grades shall not exceed 12% except grades may be up to 15% on Jillian at the corner with Kathleen Street for a distance not to exceed 150 feet, and along Bronwyn Drive.
10. A street lighting plan shall be approved by the Public Works Director and provided concurrently with each phase.

11. Fire hydrants will be required every 500 feet throughout the subdivision or as directed by the Fire Marshall.
12. Utility Easements as proscribed by the Public Works Director shall be included on the final plat adjacent to all right-of-way and along all private drives.
13. The final plat will include within the recorded covenants and restrictions for each lot a waiver of remonstrance against any future Local Improvement District for improvements to Forest Lane.
14. The property owner and developer will maintain erosion control on the site at all time consistent with Hood River County and State of Oregon standards.
15. Prior to receiving approval of the final inspection of each house, a minimum of two trees per street frontage are to be planted within six feet of the back of sidewalk at a spacing equal distance driveways, corners and property lines. On corner lots trees shall be placed no closer than 15 feet from the curb return (the tangent of the corner with the adjoining street). These trees are to be maintained by the adjacent resident and replanted with trees no smaller that one inch in diameter if a tree should ever die. Only trees found on the City's approved street tree list will be used.
16. 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.
17. A one foot reserve strip will be dedicated across the south end of Kathleen Street and Taylor Street and the east end of Jillian Street as fee simple rather than right-of-way. A barrier, with the design to be approved by the Public Works Director, shall be erected across the end of each of these three streets to prevent motor vehicles from passing through the property boundary.
18. 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
19. The Applicant shall obtain appropriate approvals from Hood River County and the Oregon Department of Transportation for the two new intersections with Forest Lane.
20. Required Plat and Street Vacations must be completed by the Applicant in accordance with applicable Oregon Revised Statute and the Hood River County code and shall be completed prior to filing the plat for the first phase of this subdivision

21. 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.

Signed this date: June _____, 2004.

Joann Wittenberg, Chair
City of Cascade Locks Planning Commission