

**WHEN RECORDED RETURN TO:**

Vastlav Dulo

34404 NE 5<sup>th</sup> Street

Washougal Washington 98671

**DOCUMENT TITLE(S)**

**Final order approving private road name change**

**REFERENCE NUMBER(S)** of Documents assigned or released:

128728

☐ Additional numbers on page \_\_\_\_\_ of document.

**GRANTOR(S):**

**Vastlav Dulo**

☐ Additional names on page \_\_\_\_\_ of document.

**GRANTEE(S):**

**Vastlav Dulo**

**As well as Future owners, successors, and assigns**

☐ Additional names on page \_\_\_\_\_ of document.

**LEGAL DESCRIPTION** (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter):

**Lot 1 Moreno Short Plat**

**Lot 2 of the Moreno Short Plat**

**Lot 3 of the Moreno Short Plat**

☐ Complete legal on page \_\_\_\_\_ of document.

**TAX PARCEL NUMBER(S):**

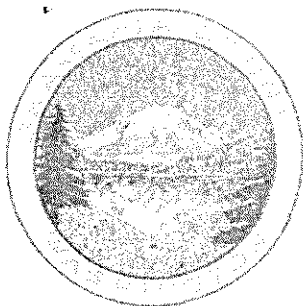
**01-05-05-0-0-1001-00**

**01-05-05-0-0-1002-00**

**01-05-05-0-0-1003-00**

☐ Additional parcel numbers on page \_\_\_\_\_ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information.



Skamania County  
**Department of Planning and  
Community Development**

Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
509 427-3900 FAX: 509 427-3907

July 27, 2009

Vastlav Dulo  
34404 NE 5<sup>th</sup> Street  
Washougal, WA 98671

RE: Decision of Short Plat Vacation

Enclosed is a copy of the Final Decision for Short Plat Vacation - SPV-09-01. The Appeal process is as follows:

The action by the Hearing Examiner shall be final and conclusive, unless within the timeframe provided in RCW 36.70C, the applicant or an adverse party makes application to a court of competent jurisdiction for judicial review of this land use decision.

If you have any questions please feel free to call or stop by at anytime.

Thank,

Bonnie Anderson  
Administrative Assistant

**BEFORE THE HEARING EXAMINER  
FOR SKAMANIA COUNTY**

RECEIVED  
SKAMANIA COUNTY

JUL 23 2009

RECEIVED  
SKAMANIA COUNTY  
COMMUNITY DEVELOPMENT  
DEPARTMENT

JUL 23 2009

COMMUNITY DEVELOPMENT  
DEPARTMENT

In the Matter of the Application of	)	NO. SPV-09-01
	)	
Vastlav Dulo	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
For a Short Plat Road Vacation	)	
_____	)	

**SUMMARY OF DECISION**

The request for vacation of the name of an existing private road known as Moreno Drive within the Moreno Short Plat in Washougal, Washington is **APPROVED**, subject to conditions.

**SUMMARY OF RECORD**

Request

Vastlav Dulo (Applicant) applied for a short plat vacation to vacate the name of an existing private road known as Moreno Drive within the Moreno Short Plat in Washougal, Washington.

Hearing Date

The Skamania County Hearing Examiner held an open record hearing on the request on July 9, 2009.

Testimony

The following individuals presented testimony under oath at the open record hearing:

1. Mark Mazeski, Senior Planner, Skamania County

Exhibits

The following exhibits were admitted in the record:

- |           |  |
|-----------|--|
| Exhibit 1 | Community Development Department Staff report, with the following attachments: |
| A         | Vicinity Map   |
| B         | Moreno Short Plat, AFN 128728  |
| C         | Short Plat Vacation Application Packet   |
| D         | Boundary Line Adjustment – tax lot #01-05-05-0-0-1001-00 (Lot 1)               |
| E         | Boundary Line Adjustment – tax lot #01-05-05-0-0-1002-00 (Lot 2)               |
| F         | Boundary Line Adjustment – tax lot #01-05-05-0-0-1003-00 (Lot 3)               |
| G         | Hearing Notice to adjacent property owners                                     |
| H         | Corrected Notice to adjacent property owners                                   |
| I         | Hearing Notice to Skamania County Pioneer                                      |

- J Corrected Notice to Skamania County Pioneer
- K Forest Practice Activity Map showing slope percentages
- L Soil Map
- M Stream and Habitat Map
- N Site plan of affected area
- O Skamania County Private Road Requirements (SCC 12.03)

Upon consideration of the testimony and exhibits admitted at the open record hearing, the Hearing Examiner enters the following findings and conclusions:

#### FINDINGS

1. The Applicant requested a short plat vacation to vacate the name of an existing road known as Moreno Drive within the Moreno Short Plat in Washougal, Washington.<sup>1</sup> The Moreno Short Plat contains three residential lots. Existing Moreno Drive is a dead-end private road that serves three of the four lots of the Moreno Short Plat. It is classified as a private driveway. *Exhibit 1, pages 1 - 4; Exhibit 1, Attachment B, Plat Map; Attachment C, Short Plat Application Packet.*
2. The County's process for renaming roads that have been named during administrative short plat approval is the short plat vacation process. *Exhibit 1, page 1; Skamania County Code (SCC) 17.64.243.*
3. The short plat vacation application was received on April 23, 2009 and determined complete the same day. *Exhibit 1, page 2.*
4. The short plat vacation application was submitted after the Applicant recorded a complete boundary line adjustment with the County Auditor's Office. The Applicant also submitted applications for a building permit for tax parcel #01-05-05-0-0-1002-00 and septic permits for all three tax lots. These permits will be administratively reviewed and the outcome of the present short plat vacation request, which is limited in scope to road name alteration, will not impact or be impacted by these additional proposals. *Exhibit 1, page 2; Testimony of Mr. Mazeski.*
5. The Applicant owns the three affected lots in the short plat, which are currently undeveloped. As owner, the Applicant provided signatures from all affected lot owners. *Exhibit 1, pages 4, 6; Exhibit 1, Attachment C; Testimony of Mr. Mazeski.*
6. The existing Moreno Drive connects to Canyon Creek Road, a public County right-of-way. The proposal to change the existing, approved road name would not increase traffic to the site or on the existing roadway. It would not alter the current access point, affect internal circulation, or impact County roads. *Exhibit 1, pages 3-5; Testimony of Mr. Mazeski.*

<sup>1</sup> The legal description of the subject property is a portion of the southeast quarter of the southeast quarter of Section 5, Township 1 North, Range 5 East, W.M.; also known as a portion of three tax parcels: 01-05-05-0-0-1001-00, 01-05-05-0-0-1002-00, and 01-05-05-0-0-1003-00. *Exhibit 1, page 1; Exhibit 1, Attachment B.*

7. The proposal would not alter the existing, approved road surface, width, or location of Moreno Drive. *Exhibit I, page 6.*
8. The proposal would not alter the dimensions of the three legal lots of record to which it provides access. It would have no impact on compliance with the development standards of the underlying Residential 5 zoning district. *Exhibit I, page 7.*
9. The Moreno Short Plat contains one Type 5 stream, known as Canyon Creek, which crosses the southwestern portion of Lot 3. The proposal would not impact the creek or its associated buffer. The Washington State Department of Fish and Wildlife was contacted regarding the application and submitted no comments. *Exhibit I, page 8; Exhibit I, Attachment B; Testimony of Mr. Mazeski.*
10. The Moreno Short Plat contains areas classified as Class II landslide hazard areas because of soil types and slopes. A geological assessment would be required prior to construction on-site. The proposal to rename the road does not require geological assessment. *Exhibit I, page 9.*
11. The instant proposal, if approved, would remove the existing road name and leave the road unnamed. The Applicant desires to rename Moreno Drive as Vatik Road. Road names are approved by the Skamania County Public Works Department; the Applicant would be required to submit a "change of road name" application with that Department. *Exhibit I, pages 9-10; Testimony of Mr. Mazeski.*
12. County Staff opined that the proposed road name change would be beneficial to the public because the Applicant's desired name would be unique and easier to find. *Exhibit I, page 5.*
13. Notice of the open record hearing was mailed to landowners within 300 feet of the subject property on June 22, 2009 and published in *Skamania County Pioneer* on June 24, 2009. No public comment was submitted. The Applicant did not appear at the public hearing; Community Development Department Staff recommended that the hearing proceed without the Applicant. *Testimony of Mr. Mazeski; Exhibit I, page 2; Exhibit I, Attachments G, H, I, and J.*

### CONCLUSIONS

#### Jurisdiction:

The Hearing Examiner is granted authority to conduct hearings and decide requests for short plat vacation pursuant to SCC 2.80.060 and SCC 17.64.243.

#### Criteria for Review:

Pursuant to SCC 17.64.43, persons requesting vacation of any privately owned portion of a short plat must provide evidence of the following:

- A. Whenever any person is interested in the vacation of any short plat or any portion thereof, or any area designated or dedicated for public use, that person



shall file an application for vacation with the hearing examiner. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the short plat subject to vacation. If the short plat is subject to restrictive covenants which were filed at the time of the approval of the short plat, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the short plat or portion thereof.

- B. When the vacation application is specifically for a county road, the procedures for road vacation in Chapter 36.87 RCW shall be utilized for the road vacation. When the application is for the vacation of the short plat together with the roads and/or streets, the procedure for vacation in this section shall be used, but vacations of roads may not be made that are prohibited under RCW 36.87.130.
- C. The hearing examiner shall give notice as provided in Section 17.64.060 and shall conduct a public hearing on the application for vacation and may approve or deny the application for vacation of the short plat after determining the public use and interest to be served by the vacation of the short plat. If any portion of the land contained in the short plat was dedicated to the public for public use or benefit, such land, if not previously deeded to the county, shall be deeded to the county unless the hearing examiner shall set forth findings that the public use would not be served in retaining title to such lands.
- D. Title to the vacated property shall vest with the rightful owner as shown by county records. If the vacated land is land that was dedicated to the public, for public use other than a road and the hearing examiner has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the hearing examiner. When the road that is to be vacated was contained wholly within the short plat and is part of the boundary of the short plat, title to the vacated road shall vest with the owner or owners of property contained within the vacated short plat.
- E. This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands. (Ord. 2004-01 (part)) (*emphasis added to denote pertinent sections*)

### **Conclusions Based on Findings**

1. The Applicant filed a complete application for short plat vacation and provided the required signatures from the affected landowners on Moreno Drive. *Findings Nos. 1, 2, and 3.*
2. The reasons for the vacation request are adequately identified. *Findings Nos. 1, 4, and 5.*
3. No public lands or rights-of-way are impacted by the request. *Findings Nos. 1 and 7.*

4. The public use and interest are not harmed by the request. No change other than the road name is proposed. The roadway itself would not be altered in any way. *Findings Nos. 5, 6, 7, 8, 9, 10, 11, and 12.*
5. The vacation request won't transfer title to any property. *Findings Nos. 1 and 5.*

### DECISION

Based upon the preceding findings and conclusions, the requested short plat vacation to vacate the name of an existing private road known as Moreno Drive within the Moreno Short Plat in Washougal, Washington is **APPROVED**, subject to the following conditions:

1. The Applicant shall submit to the Community Development Department recording fees payable to Skamania County Auditor for the recording of the legal description of the new road name along with a memo prepared by the Community Development Department acknowledging the Final Order of the Hearing Examiner. [Note: This is necessary to provide notice to the public and the title companies that the road name has been vacated from the face of the Moreno Short Plat Drawing recorded under Auditor's File Number 128728.]
2. The Applicant shall apply for a "Change of Name" with the Skamania County Public Works Department. Public Works will determine if the proposed name is acceptable.

**DECIDED** July 22, 2009.

Towell Rice Taylor LLC  
Skamania County Hearing Examiners  
By:



Sharon A. Rice

NOTE: Pursuant to Skamania County Code 2.80.140, the action by the Hearing Examiner shall be final and conclusive unless, within the timeframe provided in RCW 36.70C, the applicant or an adverse party makes application to a court of competent jurisdiction for judicial review of this land use decision.