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CITY OF WARRENTON

Warrenton Planning Commission

AGENDA

March 14, 2019 | 5 PM | City Hall - Commission Chambers

Housing Policy Work Session & Presentation

5 PM

1. **Housing Needs Assessment** | Buildable Land Inventory Draft 2
 - DLCDC Grant funded review of residential buildable lands
 - Request comments from Commission
2. **Presentation:** Nathan Light Watson | CEO, Designer & Builder | Tiny SMART House
3. Adjourn to Regular PC meeting ~ 6 PM

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1. Attendance
2. Flag Salute
3. Public Comment Period on *Non-Agenda* Items
4. Approval of minutes of February 14, 2019
 - *Action Item*
5. **Type 3 Public Hearing:** Clear Lake Subdivision | (SUB 19-1/VAR 19-1/WHV 19-1)
 - Applicant: Gil Gramson | Sandworks Inc
 - Proposal: 15 lot subdivision, extension of SW Kalmia Avenue requires variance and wetland hardship variance to fill wetlands
 - *Action Item: Recommendation to approve with conditions*
6. Staff Announcements & Project Updates
7. Next Meeting: April 11, 2019 | Training
8. Adjourn



MEMORANDUM

Residential Buildable Lands Inventory (BLI) DRAFT 2
City of Warrenton Housing Needs Analysis

DATE March 5, 2019
TO Warrenton HNA PMT and Planning Commission
FROM Matt Hastie and Jamin Kimmell, Angelo Planning Group
CC File

The purpose of this memo is to summarize the methodology and initial results of a preliminary Residential Buildable Land Inventory (BLI) for the City of Warrenton Housing Needs Analysis (HNA). The memo summarizes the methodology of the BLI, then presents the results in a series of tables and maps.

METHODOLOGY

Step 1 – Identify Environmental Constraints

In order to estimate lands that may be buildable for residential uses, it is necessary to remove any lands where development is constrained or not feasible due to environmental resources, hazards, or topography. The following environmentally constrained areas were removed from the BLI:

- Flood Hazard Areas: The Warrenton Development Code (Title 16 of the Warrenton Municipal Code) regulates residential development in Special Flood Hazard Areas, as designated by the FEMA Flood Insurance Rate Map (FIRM). Special Flood Hazard Areas in the City of Warrenton are established through the Flood Hazard Overlay District (Chapter 16.88), which designates all areas coded as “A” or “AE” in the overlay district. These areas are more generally referred to as the 100-year floodplain. While residential development is permitted in the Flood Hazard Overlay, it is required to meet certain standards, including elevating the lowest floor above the base flood elevation. The degree to which these standards deter or effectively prohibit residential development will vary by location; however, for the purposes of this analysis, all areas in the overlay are considered constrained and removed from the BLI.
- Wetlands: Chapter 16.156 of the Warrenton Development Code establishes development standards for wetlands and riparian corridors, in compliance with Statewide Planning Goal 5. This chapter prohibits alteration or development of all wetlands deemed locally significant in the City’s local wetland inventory; thus, all locally significant wetlands are

considered not buildable and removed from the BLI. This chapter also establishes significant riparian corridors (streams, rivers, sloughs, etc.) in the City and requires setbacks from some of these riparian corridors. Data on these riparian corridors was not available for this draft of the BLI so they were not specifically removed from the buildable lands; however, most if not all of the corridors are either located within a floodplain or one of the City's aquatic zones, and therefore would not be included in the residential BLI.

- **Beach and Dune Areas:** Chapter 16.100 of the Warrenton Development Code, the Beaches and Dunes Overlay District (BDO), regulates development in "Critical Beach and Dune Shoreland Areas" as designated on the City's Comprehensive Plan map. The BDO prohibits residential development in any area determined to be an active foredune or conditionally stable foredune (Section 16.100.020.C). GIS data on the location of these areas was not available but data was manually created based on the approximate boundaries of the areas in the Comprehensive Plan map (see Appendix A). All area designated "Active" or "Conditionally Stable" were considered not buildable and removed from the BLI.
- **Steep Slopes:** Lidar elevation data from the Oregon Department of Geology and Mineral Industries (DOGAMI) was used to estimate areas with slopes over 25 percent. In accordance with Oregon Administrative Rules (OAR) that define buildable land, all areas with slopes of over 25 percent were removed from the BLI.¹

These constrained areas are identified in Figure 3. These lands were combined and then overlaid with City taxlots to estimate the amount of land in each parcel where development is limited by these environmental constraints. These constrained areas were deducted from the gross area of the parcel to estimate the area of the parcel that is unconstrained and potentially buildable.

Step 2 – Classify Parcels by Development Status

Each parcel in the City was classified based on the potential for new development on the parcel. This classification is intended to separate parcels that have capacity for development from those that do not. The classification is based on the amount of unconstrained area on the parcel and the valuation of improvements (buildings, other structures). Improvement values are sourced from Clatsop County Assessor's Office data from 2017. The following five categories were used to classify parcels:

- **Constrained:** Parcels with less than 3,000 square feet unconstrained land. This is the threshold used under the simplified UGB method (OAR 660-038-0060). These parcels are assumed to not be developable due to the small area on the lot that is potentially buildable.
- **Vacant:** Parcels with more than 3,000 square feet of unconstrained land and improvement value less than \$10,000. This threshold also is based on the simplified UGB method (OAR 660-038-0060). These parcels have sufficient area for development and little to no improvements.

¹ See OAR 660-008-0005(2).

- **Partially Vacant:** Parcels that meet the state definition as Partially Vacant under the “Simplified UGB Method” for residential buildable land inventories.² These parcels are at least a half-acre in size and contain an existing structure worth more than \$10,000 but may have some capacity for additional development. The amount of potentially buildable area on the parcel was estimated based on the type of structure, value of structure, and size of parcel, as follows:
 - All parcels with a single-family dwelling that were more than a half-acre in size were classified Partially Vacant, and a quarter-acre was removed from the unconstrained area of these parcels to account for the existing dwelling. If less than a quarter acre of unconstrained land remained after removing a quarter-acre of land for the existing dwelling, then the parcel was classified as Developed. The presence of an ADU is not directly addressed in this assessment. If there is an ADU present, it may affect the amount of buildable land, but we assume the lot needs to have at least a quarter acre to count any of the lot as buildable. On these parcels, even with an ADU, there may be enough residual buildable land to partition
 - Parcels with an existing multi-family structure or other non-residential structure were manually classified as Partially Vacant or Developed based on the size of the parcel relative to the value of the improvements. Larger parcels (more than 3 acres) with low improvement values were generally classified Partially Vacant, while smaller parcels or parcels with high improvement values were classified Developed. A quarter-acre was removed from all parcels classified as Partially Vacant. The Simplified UGB Method requires cities to review aerial imagery for each of these parcels to estimate the remaining buildable area.
- **Developed:** Parcels that have an improvement value of more than \$10,000, but do not meet the definition of Partially Vacant or Constrained.
- **Difficult to Serve:** These parcels either meet the definition of Vacant or Partially Vacant; however, due to a variety of factors, may be difficult or infeasible to serve with adequate infrastructure to support urban development. Several parcels were identified as Difficult-to-Serve because they currently do not have access to the City’s sewer system. These parcels are connected to the City’s water system, but extending sewer to them may be difficult or costly. The parcels were identified with input from the City of Warrenton Public Works

² OAR 660-038-0060 - Buildable Lands Inventory (BLI) for Residential Land within the UGB

(3) The city must identify all partially vacant lots and parcels with a residential comprehensive plan designation, as follows:

- (a) For lots and parcels at least one-half acre in size that contain a single-family residence, the city must subtract one-quarter acre for the residence, and count the remainder of the lot or parcel as vacant land, and
- (b) For lots and parcels at least one-half acre in size that contain more than one single-family residence, multiple-family residences, non-residential uses, or ancillary uses such as parking areas and recreational facilities, the city must identify vacant areas using an orthophoto or other map of comparable geometric accuracy. For the purposes of this identification, all publicly owned park land shall be considered developed. If the vacant area is at least one-quarter acre, the city shall consider that portion of the lot or parcel to be vacant land.

department. For the purposes of this analysis, these parcels will be considered potentially buildable, but the lack of sewer infrastructure and expense of providing infrastructure to these sites may present a major barrier to development.

Step 3 – Estimate Net Buildable Lands and Housing Unit Capacity

The final step of the BLI is to estimate the capacity for new housing units on each parcel. There are four steps in the calculation:

- Unconstrained Acres: The amount of land remaining in each parcel after deducting any constrained areas and, for Partially Vacant parcels, a quarter-acre as a general reduction for existing structures.
- Net Buildable Acres: The amount of unconstrained land in each parcel is reduced by 25% to account for land needed for public facilities to support new development (mostly streets).
- Projected Density: For each residential zone, a projected density (units per net buildable acre) was identified based on the housing types that are permitted in the zone, minimum lot size standards, and maximum density standards. Parcels that span multiple zones (split zoned) were divided based on zone boundaries and housing unit capacity was calculated for each portion of the parcel. The projected density levels are presented in Table 4 and the zoning designations for each parcel (or portion of parcel) are shown in Figure 4. These assumptions are generally consistent with the approach for the Simplified UGB Method. The projected density is roughly based off the density regulations in the City's development code but also uses assumptions specified in OAR 660-038-0060.
- Housing Unit Capacity: The projected density is multiplied by the net buildable acres to estimate the housing unit capacity of each parcel. Finally, the housing unit capacity of each parcel was rounded down to a whole number to reflect the actual maximum allowable number of units that could be permitted.

RESULTS

The results of Draft 1 of the BLI are presented in Tables 1-3 and Figures 1-5. A list of the tables and figures is provided below.

- Table 1: BLI Summary by Development Status, Residential Zones
- Table 2: BLI Summary by Development Status, Commercial Zones
- Table 3: Unconstrained Acres and Housing Unit Capacity by Zone, Residential Zones
- Figure 1: Unconstrained Acres by Zone, Residential Zones
- Figure 2: Housing Unit Capacity by Zone, Residential Zones
- Figure 3: Environmental Constraints Map
- Figure 4: Zoning and Taxlots Map
- Figure 5: Development Status Map

- Figure 6: Housing Unit Capacity Map

Table 1. BLI Summary by Development Status, Residential Zones

Development Status	Total Parcels	Gross Acres	Constrained Acres	Unconstrained Acres ^{3 4}
Constrained	1,134	646	634	--
Developed	1,186	469	112	--
<i>Total Not Buildable</i>	2,320	1,115	746	--
Difficult to Serve	13	27	14	--
Partially Vacant	60	172	86	79
Vacant	376	1,147	803	355
Total Potentially Buildable	449	1,347	903	429

Table 2. BLI Summary by Development Status, Commercial Zones

Development Status	Total Parcels	Gross Acres	Constrained Acres	Unconstrained Acres
Constrained	612	229	226	--
Developed	304	130	10	--
<i>Total Not Buildable</i>	916	359	235	--
Difficult to Serve	17	14	1	14
Partially Vacant	44	43	6	26
Vacant	195	134	31	103
Total Potentially Buildable	256	192	38	142

³ Unconstrained acres are not presented for Constrained or Developed parcels because these parcels are assumed to be entirely constrained or developed, and therefore do not contain any unconstrained (buildable) acres.

⁴ The measurement of "Unconstrained Acres" is lower than "Gross-Constrained" because an additional deduction is made for PV parcels to account for an existing structure. It is assumed that the existing structure remains and other land on the parcel is developed.

Table 3. Unconstrained Acres and Housing Unit Capacity by Zone, Residential Zones

Jurisdiction and Zone	Projected Density (units/net acre)	Unconstrained Acres					Housing Unit Capacity				
		Difficult to Serve	Partially Vacant	Vacant	Total	Share of Total	Difficult to Serve	Partially Vacant	Vacant	Total	Share of Total
R40 - Low Density Residential	4	3	41	62	107	25%	8	121	167	296	11%
R10 - Intermediate Density Residential	4	0	7	83	91	22%	1	18	202	221	9%
RGM - R-10 Growth Management Zone	4	--	10	40	50	12%		29	102	131	5%
RM - Medium Density Residential	10	10	10	41	61	14%	61	68	272	401	15%
RH - High Density Residential	18	--	2	119	121	28%		26	1,549	1,575	60%
Total		13	71	344	429		70	262	2,292	2,624	--

Figure 1. Unconstrained Acres by Zone

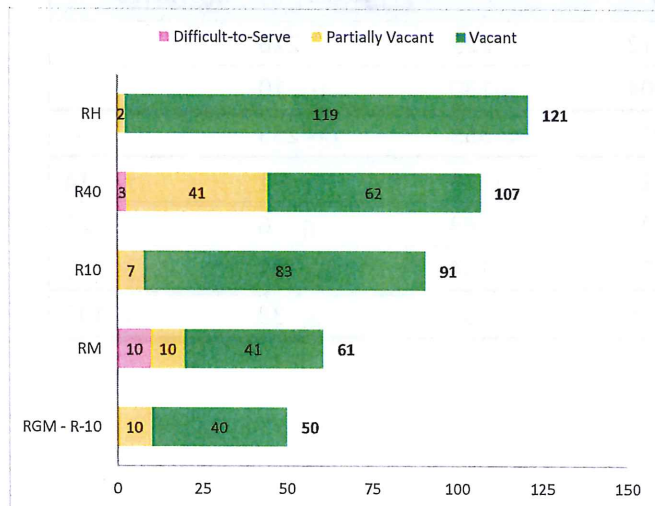
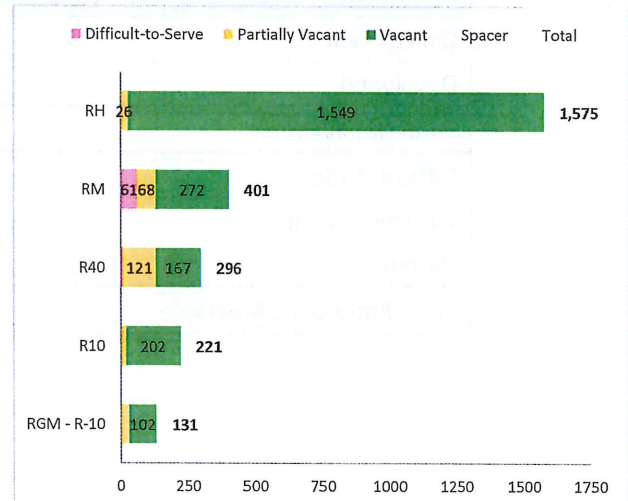
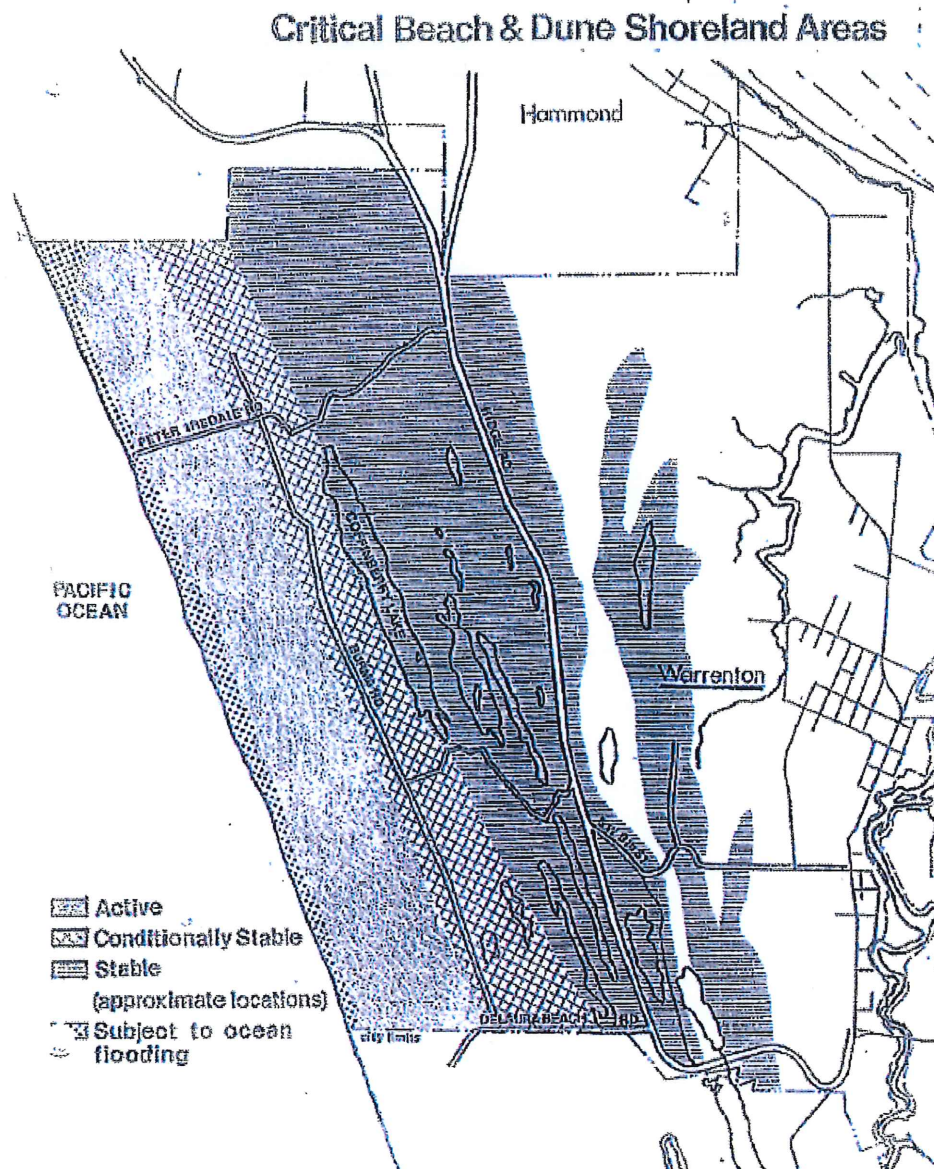


Figure 2. Housing Unit Capacity by Zone



APPENDIX A: MAP OF CRITICAL BEACH AND DUNE AREAS

Source: Article 6 of City of Warrenton Comprehensive Plan



CITY OF WARRENTON

March 7, 2019

To: Warrenton Planning Commission

From: Kevin A. Cronin, AICP, Community Development Director

Re: Clear Lake Subdivision Application SUB 19-1, Wetland Hardship Variance WHV 19-1,
& Variance VAR 19-1

Background

Gil Gramson of Sandridge Construction has applied for preliminary plat approval of a 15-lot subdivision north of the current terminus of SW Kalmia Avenue together with a hardship wetland variance application and a standard variance application to exceed the 200-foot standard for a dead end/cul-de-sac street. The subject property is about 8 acres identified as Tax Lot 81017B001302. The subject property is about 8 acres zoned RGM Growth Management Overlay with R-10 urban densities for new subdivisions. The proposed lots range in size from 10,070 to 13,848 square feet with an average of 11,271 SF with two additional unbuildable tracts equal to approximately 2.9 acres. The proposal includes the extension of SW Kalmia Ave terminating in a cul-de-sac at the north end. This is the third and final phase of multiple subdivisions that created SW Kalmia and multiple, single family detached lots over the last decade.

Existing Conditions & Previous Applications

Staff conducted a site visit on March 5 to verify site conditions and photo document. The site is bordered by wetlands on three sides with Clear Lake to the south, Fort Pointe to the north, and an access road leading to Ridge Road to the west. The geology is mostly sandy and a small, thin layer of top soil. Mature, native trees surround the site along non-native scotch broom.

Unfortunately, significant clearing and grading of the site occurred last year prior to any approvals for such activity. The property owner/applicant was notified and the activity ceased until the applicant's engineer worked on a grading permit for review. In lieu of a solitary grading permit, the applicant has submitted a full subdivision application with a grading plan. Staff has actively worked with NCLC on a limited access plan to the Clear Lake property which has been preserved for open space and wildlife habitat. A "pilot" wildlife fence is being explored to allow deer and other wildlife to pass, migrate, and graze unharmed.

Previous applications for subdivision include:

- G Gramson Estates - 17 lots, (SUB 13-1, VAR 13-2)
- North Kalmia – 11 lots (SUB 16-1/VAR 16-4)

In both cases, a variance was granted that exceeded the 200 foot block and street length without creating a secondary access or public street connection.

Type 3 Application Timeline & Process

A pre-application conference was held on January 23, 2019. Pre-application notes were provided to the applicant the following week with a request for responses. The full application was submitted on February 7 and deemed complete on February 14, 2019. Public notice to adjacent property owners was mailed on February 14, 2019. No comments have been received to date. Notice of the public hearing on March 14, 2019 was published in *The Columbia Press* on February 22, 2019. Staff also provided notice to affected agencies on February 14. Based on these facts, the application meets the Type 3 notice requirements per WMC 16.208.50. Comments were submitted by the North Coast Land Conservancy (NCLC), Port of Astoria, Fire Chief, and City Engineer, and are attached.

Applicable Codes

Applicable portions of the Warrenton Municipal Code are:

Chapter 16.112	Growth Management Zone Standards
Chapter 16.120	Access & Circulation
Chapter 16.124	Design Standards For Landscaping, Street Trees, Fences, & Walls,
Chapter 16.136	Public Facilities Standards
Chapter 16.140	Stormwater and Surface Water Management
Chapter 16.144	Signs
Chapter 16.152	Grading, Excavating, & Erosion Control Plans
Chapter 16.156	Wetlands and Riparian Corridor Development Standards
Chapter 16.272	Variances
Chapter 16.212	Site Design Review
Chapter 16.216	Land Divisions and Lot Line Adjustments
Section 16.208.050	Type III Procedure (Quasi-Judicial)

The City Commission recently approved a new Transportation System Plan (TSP) and changes to the Development Code to implement new policies. The application was submitted (February 7)

prior to the effective date (February 22) of these Code changes therefore, previous Codes still apply.

Findings of Fact

Below are the applicable code sections followed by the applicant's response (annotated) to the criteria or standard, followed by the staff findings.

Chapter 16.112 GROWTH MANAGEMENT (GM) ZONE STANDARDS

16.112.010 Purpose.

The purpose of this chapter is to set forth growth management standards to insure the orderly conversion of the large amount of urbanizable residential land within the City to urban uses. The standards will apply to outlying areas of the City which are largely vacant and currently have a low level of urban services. These areas are projected to develop over time to a density of at least four units per acre. This chapter is intended to insure that public facilities adequate to serve development at this density are provided, either before or concurrent with development.

Applicant Response: See enclosed density table

Staff Finding: Staff requested a density calculation as part of the submittal. The enclosed table illustrates the lots, lot sizes, and open space tracts. Based on the net buildable land (206,744 SF) and the minimum four units per acre cited above, the minimum density is 19 units per acre. $(206,774 \times 4 \text{ units/ac} = 18.9 \sim 19 \text{ units per acre})$. The applicant has proposed only 15 lots. See condition of approval to meet the minimum density required for this zone.

16.112.030 Growth Management Standards.

The following standards shall apply to development within growth management areas:

- A. All development shall provide the following primary urban services: water, sanitary sewer facilities connecting to the City sewer system, local streets, fire protection and drainage. An inability to provide an acceptable level of all primary services shall result in the denial of a land use application.*

B. All development shall be reviewed to ascertain whether an adequate level of the following secondary urban services exists: collector and arterial streets, school, police protection and parks. Where the City determines and supports with findings that an unacceptable level of secondary urban services exist, the City may deny the land-use application unless the developer insures the availability of an acceptable level of the services within five years from occupancy.

C. City specifications shall be the standard used as measurement of acceptability of a service.

D. Encourage the development within urban areas before the conversion of urbanizable areas.

Applicant Response: Included with the preliminary plat are plans for a local street designed to provide access to all of the proposed lots together with preliminary plans for the extension of sanitary sewer and potable water for domestic use and fire flow.

Staff Finding: Staff concurs. All utilities are available and will be engineered adequately to provide urban services. Affected agencies have not commented on unavailability of services. A pedestrian trail easement and path was requested at the pre-application stage and is shown on the proposed plat. Standard is met.

16.112.050 Land Divisions.

A. All land divisions which would create a parcel under five acres in size shall be subject to approval under the appropriate procedures in this Code (Chapter 16.216). Land divisions which would create a parcel under five acres in size in growth management areas shall be approved only if:

- 1. The lots created are at R-10 urban densities;*
- 2. Primary and secondary urban services are supplied in accordance with Section 16.28.050;*
- 3. An exception is approved as provided in Section 16.112.040.*

Applicant Response: The preliminary plat application has been prepared and submitted consistent with the standards for land divisions set forth by WMC 16.216 and designed to meet the standards of WMC 16.28.040.

Staff Finding: Staff concurs that the development can be served with utilities. However, the R-10 urban density standard is not met. Based on the R-10 standard and net buildable acreage, the minimum number of units (lots) is 20 lots. The proposal has 15 lots. See condition of approval to meet this standard.

16.28.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-10 zone if the Community Development Director determines that the uses conform to the standards in Sections 16.28.040 through 16.28.050, applicable Zoning Ordinance standards, and other City laws:

- A. *Single-family detached dwelling.*

16.28.040 Development Standards.

The following development standards are applicable in the R-10 zone:

A. *Density Provisions.*

1. *Minimum lot area for residences: 10,000 square feet.*
2. *Minimum lot width at the front building line: 50 feet.*
3. *Minimum lot depth: 70 feet.*
4. *Not more than 35% of the lot area shall be covered by buildings except as may be permitted by conditional use permit or variance.*
5. *Maximum building height: 30 feet.*
6. *Maximum building height for agricultural buildings: 40 feet.*

B. *Setback Requirements.*

1. *Minimum front yard setback: 15 feet.*
2. *Minimum side yard setback: 10 feet.*
3. *Corner lot minimum street side yard setback: 10 feet.*
4. *Minimum rear yard setback: 15 feet, except accessory structures that meet the criteria of Section 16.280.020, may extend to within five feet of a rear property line.*
5. *Corner lot minimum rear yard setback: 10 feet.*

Applicant Response: All lots have been designed to comply with the areal and dimension standards of WMC 16.28.040 above, and have sufficient area to meet the setback standards of WMC 16.28.040.B; the application satisfies these standards.

Staff Finding: Staff concurs that the proposed lots meet the standards for lot size. Other standards will be checked for compliance as single-family detached units are applied at building permit stage.

16.120.020 Vehicular Access and Circulation.

F. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required under Division 2, or through conditions required by the hearings body.

- 1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.*
- 2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*
- 3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection G of this section, and require an access permit in accordance with subsection C of this section.*

Applicant Response: No response

Staff finding: The proposal is using Option 3 by connecting to and extending a public street in SW Kalmia Avenue. Standard is met.

- 6. Important Cross-References to Other Code Sections. Divisions 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the*

dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or Transportation System Plan. (Please refer to Chapter 16.136, Public Facilities Standards.)

Applicant Response: No response.

Staff Finding: Staff supports the right-of-way dedication.

G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Local Streets. A minimum of 25 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials) for all single-family detached dwellings, except as provided in paragraph 3 of this subsection. A minimum of 20 feet separation shall be required on local streets for all single-family attached dwellings, duplexes, and triplexes, except as provided in paragraph 3 of this subsection.

3. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Division 2, Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by paragraphs 1 and 2 of this subsection, may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See subsection I of this section.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

4. Corner Clearance. The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the Warrenton TSP.

Applicant Response: No response

Staff finding: There is only one access into the development and it is an extension of an existing public street. Individual driveways will be installed per City codes by the home builders. At this time, there appears to be no conflicts with access due to the size of lots fronting onto the proposed street. Standard is met.

H. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per dwelling unit, when alley access or shared driveways cannot otherwise be provided; except that one additional access point may be permitted for one-family, two-family and three-family housing types on corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection G of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection I of this section, in order to maintain the required access spacing, and minimize the number of access points.

Applicant Response: No response

Staff finding: Driveways will be reviewed at the time of building permit applications.

L. Fire Access and Circulation. The City of Warrenton adopts the Uniform Fire Code, as amended, including administrative sections and all appendices and all the State of Oregon revisions. All development in the City of Warrenton is required to meet these minimum adopted standards.

1. Required Access. A fire equipment access drive that meets City construction standards shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an improved public street or approved fire equipment access drive. Plans for fire apparatus access roads shall be submitted to the Warrenton Fire Department and Warrenton City-appointed engineer for review and approval prior to issuance of building permits, grading permits, or start of construction. When fire apparatus access road(s) are required, the road(s) shall be installed and made serviceable prior to and during time of construction. Fire department access roads shall be provided and maintained in accordance with the fire department access requirements of the Uniform Fire Code, as amended.

2. Dimensions. Fire apparatus roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.
3. Turnaround Required. Dead-end fire apparatus roads in excess of 150 feet shall be provided with approved provisions for the turning around of fire apparatus. See Table 16.136.010 for minimum standards.
4. Grade. The gradient for a fire apparatus access road shall not exceed 12% except that isolated segments no longer than 250 feet may have grades up to 15% upon approval by the Warrenton Fire Chief. Non-fire apparatus access roads (driveways and private streets) shall maintain a maximum grade of 15% unless otherwise approved by the Warrenton City-appointed engineer. See Table 16.136.010 for other applicable standards.
5. Parking Areas. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. See also Chapter 16.136, Public Facilities Standards.

Applicant Response: No response.

Staff Finding: Fire Chief Tim Demers provided comments. See conditions of approval.

16.120.030 Pedestrian Access and Circulation.

A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing, duplexes, or triplexes on individual lots, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in paragraphs 1 through 3 of this subsection:

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private

property, in accordance with the provisions of Section 16.120.020, Vehicular Access and Circulation, and Chapter 16.136, Public Facilities Standards.

Applicant Response: The applicant understands the concept of providing connectivity and continuity of streets and pedestrian paths as required by code above.

Staff finding: Staff concurs with the proposed pedestrian easement and path between Lots 1 & 2. Staff also requested another pedestrian easement and path between additional lots as a result of the dead-end street and to mitigate the variance request to the street length standard. If Lot 11 & 12 are not suitable as a result of wetland constraints, then the applicant shall propose an alternative to meet the standard. See conditions of approval.

B. Design and Construction. Pathways shall conform to all of the standards in paragraphs 1 through 5 of this subsection:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 16.128. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

3. Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.

4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians)

shall be the same materials, at least six feet wide. (See also Chapter 16.136, Public Facilities Standards, for public multi-use pathway standards.)

5. Accessible Routes. Pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.

Applicant Response: No response

Staff finding: The applicant did not include a detail for the proposed pathway. The above standards have not been met. See conditions of approval.

CHAPTER 16.124 DESIGN STANDARDS FOR LANDSCAPING, STREET TREES, FENCES, AND WALLS

16.124.060 Landscape Conservation.

A. Applicability. All development sites containing significant vegetation, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. "Significant vegetation" means:

1. Significant Trees and Shrubs. Individual trees located within a mapped wetland area as depicted on the 1" = 400' maps entitled City of Warrenton Wetland Conservation Plan Inventory dated October 17, 1997 with a trunk diameter of 18 inches or greater, as measured four feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. Other trees may be deemed significant, when nominated by the property owner and designated by the City Commission as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.).
2. Exceptions. Protection shall not be required for (a) plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Clatsop County, or (b) as otherwise excepted by Chapter 16.156, Wetland and Riparian Corridor Development Standards.

C. Mapping and Protection Required. All mapped wetland and riparian areas shall be protected in accordance with Chapter 16.156 and other applicable sections of this Code.

D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas:

1. Protection of Significant Trees. Significant trees identified as meeting the criteria in subsection (B)(1) of this section shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.

2. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees and mapped wetland and/or riparian areas.

E. Construction. All areas of significant vegetation and mapped wetland and riparian areas shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, wetlands, and riparian areas, except as approved by the City for installation of utilities or streets, or in accordance with other approved plans.

Applicant Response: No response

Staff Finding: A landscape plan was not submitted for review. See conditions of approval.

16.124.050 Fences and Walls.

B. Dimensions.

1. The maximum allowable height for fences and walls in the City of Warrenton is six feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. Refer to paragraph 4 of this subsection for additional fence standards for residential uses.

3. *A building permit is required for walls exceeding four feet in height and fences exceeding six feet in height, in conformance with the Uniform Building Code.*

4. *The height of fences and walls within a required front yard setback area for residential uses shall not exceed four feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way. Walls may exceed this height in accordance with paragraph 1 of this subsection. Chain-link fences and other open-style fences with at least 50% transparency or open space are allowed a maximum height of six feet within a required front yard setback area.*

5. *Walls and fences to be built for required buffers shall comply with Section 16.124.030.*

6. *Fences and walls shall comply with the vision clearance standards of Section 16.120.020.*

Applicant Response: No response

Staff finding: The applicant has not indicated location of retaining walls. Engineering review will be required. A wildlife fence is proposed to the south that will need to comply with the above standards. See conditions of approval.

B. *Landscaping Plan Required.* *For every new development in the City of Warrenton requiring a City permit, a landscape plan is required. All landscape plans shall include the following minimum required details (see Section 16.212.040 for additional landscape plan requirements for projects requiring site design review):*

1. *Legal description (e.g., assessor parcel number, copy of warranty deed, etc.) for the subject property;*

2. *Property lines with the location and general description (height and type of material) of existing and proposed fences and other buffering or screening materials;*

3. *The location of existing and proposed terraces or retaining walls;*

4. *The location of existing and proposed plant materials;*
5. *Wetland and/or riparian area boundaries on the property, if any;*
6. *Existing and proposed structures;*
7. *Driveway and adjoining roadway widths, descriptions, and locations; and*
8. *Prevailing drainage patterns for the property.*
9. *Other information as deemed appropriate by the Community Development Director. An arborist's report may be required for sites with mature trees that are protected under this chapter and/or Chapter 16.156 of this Code.*

Applicant Response: No response

Staff finding: A landscape plan was not submitted. See conditions of approval.

C. *Landscape Area Standards.* *The minimum percentage of required landscaping equals:*

1. *Residential districts: 20% of the site.*
2. *Commercial districts: 15% of the site shall be landscaped according to the requirements of this section.*
3. *General industrial districts: a minimum of 20% of the site shall be landscaped.*

The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting.

Applicant Response: No response

Staff finding: A significant portion (36%) of the lot is wetlands, which exceeds the minimum 20% for residential districts. In addition, individual lots will probably be landscaped, but is not a requirement on single family lots within the City. However, restoration of the remaining wetlands not impacted through a wetland hardship is a condition of approval.

16.124.080 Street Trees.

Street trees shall be planted for all developments that are subject to land division or site design review. Requirements for street tree planting strips are provided in Chapter 16.136, Public Facilities Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

A. Growth Characteristics. *Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:*

1. *Provide a broad canopy where shade is desired.*
2. *Use low-growing trees for spaces under utility wires.*
3. *Select trees which can be "limbed-up" where vision clearance is a concern.*
4. *Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.*
5. *Use species with similar growth characteristics on the same block for design continuity.*
6. *Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.*
7. *Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
8. *Select trees for their seasonal color, as desired.*
9. *Use deciduous trees for summer shade and winter sun.*

Applicant Response: No response.

Staff finding: There is no street tree plan submitted. Standard is not met. See conditions of approval.

CHAPTER 16.136 PUBLIC FACILITIES STANDARDS

16.136.020 Transportation Standards.

A. Development Standards. No development shall occur unless the lot or parcel abuts a public or private street, other than an alley, for at least 25 feet and is in conformance with the provisions of Chapter 16.120, Access and Circulation, and the following standards are met:

- 1. Streets within or adjacent to a development shall be improved in accordance with the Comprehensive Plan, Transportation System Plan, and the provisions of this chapter;*
- 2. Development of new streets (public or private), and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable City, county or state jurisdiction;*
- 3. New streets and drives connected to a City collector or arterial street shall be paved; and*

Applicant Response: The proposed Kalmia Avenue extension for the Clear Lake subdivision will meet these standards. Curb to curb width is proposed at 32 feet, 4 feet wider than the existing 28 foot wide street segment it will be extended from.

Staff finding: As mentioned above, the preexisting standards will apply to the street standards which includes 36 feet wide curb to curb pavement unless findings can be made to support a local alternative road standard. The proposed street is 32 feet wide with 5 foot sidewalks on both sides. See findings below.

B. Variances. Variances to the transportation design standards in this section may be granted by means of a Class 2 variance, as governed by Chapter 16.272, Variances. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (see Chapter 16.156).

Applicant Response: A variance to the cul-de-sac length of 200 feet per WMC 16.130.020 is requested and the criteria is discussed below. The subject property is bounded by wetlands to the west, north, and partially to the east.

Staff finding: The road length variance is addressed below in the variance section.

D. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 16.120, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code, as amended.

E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan and Comprehensive Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

- 1. Street grades shall be approved by the City-appointed engineer in accordance with the design standards in subsection N of this section; and*
- 2. Where the location of a street is not shown in an existing street plan (see subsection H of this section), the location of streets in a development shall either:*
 - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter, or*
 - b. Conform to a street plan adopted by the City, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.*

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall conform to the design standards in Table 16.136.010. A variance shall be required in accordance with Chapter 16.272 of this Code to vary the standards in Table 16.136.010. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

- 1. Street classification in the Transportation System Plan or Comprehensive Plan;*
- 2. Anticipated traffic generation;*

3. *On-street parking needs;*
4. *Sidewalk and bikeway requirements based on anticipated level of use;*
5. *Requirements for placement of utilities;*
6. *Street lighting;*
7. *Street tree location, as provided for in Chapter 16.124;*
8. *Protection of significant vegetation and wetland and riparian areas, as provided for in Chapters 16.124 and 16.156;*
9. *Safety and comfort for motorists, bicyclists, and pedestrians;*
10. *Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;*
11. *Access needs for emergency vehicles; and*
12. *Transition between different street widths (i.e., existing streets and new streets), as applicable.*

Applicant Response: The proposed Kalmia Avenue extension as a local alternative street is consistent with these criteria. The right-of-way is 50 feet which includes sufficient space for a new street to accommodate anticipated traffic generation of 150 average daily traffic, on street parking, sidewalks, utilities, street lighting, street trees, protection of sensitive lands, safety and comfort for motorists, bicyclists, and pedestrians, emergency vehicle access, and the transition for the right-of-way and existing 28 foot pavement width of Kalmia Avenue.

Staff finding: See findings below.

Applicant Response: The proposed 32 foot street width exceeds the upper range width of 28 feet identified in the table above; it also includes sidewalks.

Staff Finding: As discussed above, the minimum density is 19 units, just above the 18 or fewer standard. The proposal does meet the ADT standard. The presence of wetlands does not materially affect the location of the proposed roadway, but additional right-of-way dedication does impact the size of the lots. If an additional pedestrian path can be located then the connectivity standard can be met. The Fire Chief and City Engineer have commented as well. Standard is not met. See conditions of approval.

H. Future Street Plan and Extension of Streets.

1. *A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street*

system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.

Applicant Response: Environmental conditions make the likelihood of extending the street to adjacent properties nil, therefore it is appropriate to develop the cul-de-sac to city standards rather than extend the road to the north property line.

Staff Finding: The City Engineer has requested a public street stubbed to the north that would formalize the existing gravel road. As Ridge Road redevelops a secondary access will be required. Standard is not met. See City Engineer's comments.

- 2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.*
- 3. All local and collector streets which abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this Code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.*
- 5. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the following standards in Chapter 16.120, Access and Circulation: The maximum block length shall not exceed 1,000 feet between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The maximum length of blocks along an arterial is 1,800 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or location of adjoining streets justifies an exception. Exceptions to the above*

standards may be granted when an accessway is provided at or near mid-block, in conformance with the provisions of Section 16.120.030.

Applicant Response: This section does not apply.

Staff Finding: Staff disagrees. Although there are no intersections proposed that would violate the spacing standard, there is no alternative access being proposed. There are no other local street connections available. However, the block length is being exceeded. See conditions of approval.

J. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 16.136.010, applicable provisions of the Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

Applicant Response: The right-of-way extends 3 feet beyond the standard 5 foot sidewalk and is available as a planting strip. Bicycle lanes are not warranted.

Staff Finding: Staff agrees with the addition of sidewalks on both sides and the omission of a bicycle lane for a local street; However, the applicant has noted the absence of a planting strip. See conditions of approval.

M. Cul-de-Sacs. A dead-end street shall be no more than 200 feet long, shall not provide access to greater than 18 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code preclude street extension and through circulation.

- 1. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a radius of no less than 40 feet from center to edge of pavement except that turnarounds that contain a landscaped island or parking bay in their center shall have a minimum radius of 45 feet. When an island or parking bay is provided, there shall be a fire apparatus lane of at least 20 feet in width; and*
- 2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.*

See Section 16.120.020 for fire access and parking area turnaround requirements based on Uniform Fire Code standards, as amended.

Applicant Response: The cul-de-sac has been designed to these standards. A variance to length standard is requested and discussed below.

Staff finding: Staff concurs. Fire Chief has reviewed and approved subject to conditions of approval.

N. Grades and Curves. Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and

Applicant Response: The street design adheres to these standards.

Staff finding: Staff concurs.

T. Street Names. Street naming and numbering in the City of Warrenton (and Hammond) shall follow the uniform system of the City's addressing ordinance (Ord. No. 359-A). Street names, signs and numbers shall conform to the City's addressing ordinance.

Applicant Response: The applicant's intent is to continue the street name Kalmia Avenue.

Staff finding: Agreed

X. Street Light Standards. Street lights shall be installed in accordance with City standards.

Applicant Response: Acknowledged

Staff finding: Street light locations will be reviewed for compliance review and approval of the engineering construction plans.

16.136.030 Public Use Areas.

A. Dedication Requirements.

1. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.

2. *If determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.*

3. *All required dedications of public use areas shall conform to Section 16.136.010(D) (Conditions of Development Approval).*

B. Acquisition by Public Agency. *If the developer is required to reserve land area for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 12 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.*

C. System Development Charge Credit. *Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.*

Applicant Response: No park or recreational facility is shown in a city approved plan to be located wholly or partially within the boundaries of the subject property. We also note that WMC 16.216.020.I sets the threshold for requiring neighborhood parks to developments of 20 units or more. This proposal has 15 lots. However, in the spirit of cooperation, the application includes a 20 foot easement between Lots 1 and 2 to the subject property western boundary for utilities and to facilitate the development of a pedestrian trail toward recreation facilities along Ridge Road.

Staff Finding: Staff concurs.

16.136.040 Sanitary Sewer and Water Service Improvements.

A. *Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies. Where City sanitary sewers are not physically or legally available to service the site, the applicant must demonstrate provisions for a suitable on-site disposal system permitted by DEQ prior to issuance of City permits. All development within a growth management (GM) zone, as identified on the official Warrenton Zoning Map, shall comply with the growth management zone standards of Chapter 16.112.*

Applicant Response: Included with the applications plan set are preliminary designs for the extension of both potable water and sanitary sewer lines from their present terminus at the

southern property line of the subject property. The plans call for an extension of 8 inch pipes for both utilities, with manholes as appropriate and necessary for the sanitary sewer pipe system.

Staff finding: The applicant's response satisfies this criterion. City staff and City Engineer will ensure compliance with the review of the engineering construction plans. See condition of approval.

16.136.050 Storm Drainage Improvements.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City-appointed engineer.

Applicant Response: The project design for stormwater management shows a series of catch basins, manholes and a stormwater quality treatment biofiltration facility located east of the planned Kalmia Avenue extension north of Lot 15. All storm water runoff from the new pavement, driveways, and sidewalks would be directed to this facility where it would be treated as it partially infiltrates and flows through the vegetated swale before discharging to the adjacent wetland.

Staff finding: The preliminary stormwater plan meets this standard; note that the city engineer has requested additional information in the final plan.

16.136.060 Utilities.

A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new land divisions, in order to facilitate underground placement of utilities:

- 1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct circulation and access aisles or impede vision clearance areas for vehicular traffic (Chapters 16.120 and 16.132);*

2. *The City reserves the right to approve the location of all surface mounted facilities;*
3. *All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and*
4. *Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*

Applicant Response: All utilities will be placed underground.

Staff finding: The application meets this requirement.

B. Easements. Easements shall be provided for all underground utility facilities.

Applicant Response: The applicant will provide easements as necessary.

Staff finding: Easements are shown on the preliminary plat.

16.136.070 Easements.

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also Chapter 16.212, Site Design Review, and Chapter 16.216, Land Divisions and Lot Line Adjustments. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 20 feet unless otherwise specified by the utility company, applicable district, or City-appointed engineer.

Applicant Response: The applicant has easements shown on the proposed plans.

Staff finding: Noted.

CHAPTER 16.140 STORMWATER AND SURFACE WATER MANAGEMENT

16.140.010 Natural Drainage System Maintained to Extent Feasible.

A. To the extent practicable, all development must conform to the natural contours of the land and natural and pre-existing man-made drainage ways must remain undisturbed.

B. To the extent practicable, lot boundaries created by partition or subdivision must coincide with natural and pre-existing man-made drainage ways to avoid the creation of lots that can be built upon only by altering such drainage ways.

Applicant Response: There are no apparent or pre-existing man-made drainage ways on the subject property. proposed project will not change any pre-existing drainage ways.

Staff finding: Staff concurs. This is a greenfield development that will use existing wetlands to the extent possible for natural storm drainage.

16.140.020 Developments Must Drain Properly.

A. All developments must provide an adequate drainage system to prevent the undue detention or retention of stormwater or surface water on the development site. Stormwater or surface water will not be regarded as unduly detained or retained if:

- 1. The detention or retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan prepared by an engineer; or*
- 2. The detention or retention is not substantially different in location or degree than that experienced by the development site in its predevelopment state, unless such detention or retention presents a danger to health or safety.*

B. No stormwater may be channeled and directed into a sewer line.

C. Whenever practicable, the drainage system of a development must coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

D. All developments must be constructed and maintained so that adjacent properties are not unreasonably burdened with stormwater runoff as a result of the developments.

16.140.030 Surface Water Management.

All developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

A. No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and

B. No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.

C. No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.

Applicant Response: The engineered stormwater system is designed to satisfy all these criteria. A preliminary stormwater report is included with this application.

Staff finding: As mentioned elsewhere, the City Engineer has requested additional information in the final stormwater report.

16.140.040 Erosion and Sediment Control.

A. For projects that disturb over one acre, applicants must apply to Oregon Department of Environmental Quality (DEQ) for a National Pollutant Discharge Elimination Control System (NPDES) 1200(C) permit.

B. Erosion and sediment control plans are required by the City as a component of the site plan for all plats and all projects which require site plan review. Erosion control plans must be designed to the specifications as outlined in this chapter.

C. Development of the land may not begin (and no building permits may be issued) until the City-appointed engineer approves the erosion control plan.

D. For purposes of this section, "disturb" means any use of the land by any person in any development, and/or road construction and maintenance that results in a change in the natural cover or topography that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity or ice from the site of its origin.

Applicant Response: The applicant fully intends to submit application to ODEQ for a 1200(c) erosion control permit and will submit that plan to the City for review and approval as well as Land Use Compatibility Statement. See conditions of approval.

16.140.050 Stormwater System Design.

A. Storm sewers constructed within the street will be sized by the developer's engineer and will consider all potential runoff requirements within the site and upstream of the site.

- 1. The storm sewer will be sized for a 100-year design recurrence criteria for storm drainage facilities.*
- 2. The minimum size of storm sewers is eight inches in diameter.*
- 3. Spacing of catch basins along the street must conform to published engineering recommendations, which consider profile of the street and street width.*

B. On-site detention shall be required for new development where downstream deficiencies exist or are anticipated to exist. The square footage considers the total development of the property including the future potential impervious surface. Required design recurrence criteria for a commercial or residential storm drainage detention facility is a 10-year interval. Development that has less than 5,000 square feet of impervious surface is exempt from detention requirements.

C. Pervious pavement, and pavement and roofs that drain to an infiltration facility will not be counted when sizing a detention facility to handle the stormwater design.

Applicant Response: The storm system will be designed using industry standards and reviewed by the City.

Staff finding: The City Engineer will review the engineering construction plans to ensure compliance. See conditions of approval.

CHAPTER 16.152 GRADING, EXCAVATING, AND EROSION CONTROL PLANS

C. Grading Designation. Grading in excess of 5,000 cubic yards shall be permitted in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards shall be designated as "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements of engineered grading.

Applicant Response: The proposed site grading is less than 5,000 cubic yards. The grading plan was designed by a Professional Engineer. The slopes along the eastern side of the project, Tract "A" will be stabilized to prevent sand migration onto the public roadway. Stabilization measures will include placement of topsoil mulch and seeding. Placement of jute mat type of material on the slope may also be locally needed.

Staff finding: See comments from City Engineer. See conditions of approval.

16.152.100 Cuts.

- A. General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.
- B. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one unit vertical in two units horizontal (50% slope) unless the permittee furnishes a soils engineering or engineering geology report, or both, stating that the site has been investigated and given an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

Applicant Response: There will be no slopes greater than 2:1.

Staff finding: Staff notes that the slope on the eastern portion of the subject property is at least 2:1, hence the city engineers comment regarding a geotechnical report detailing the stabilization measures to be used.

16.152.110 Fills.

B. Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than one unit vertical in two units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than one unit vertical in five units horizontal (20% slope) and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than one unit vertical in five units horizontal (20% slope) shall be at least 10 feet wide. The area beyond the toe of the fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of the fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

Applicant Response: There will be no fills greater than 2:1.

Staff finding: Noted.

C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension of greater than 12 inches shall be buried or placed in fills. The building official may permit the placement of larger rock when the soils engineer properly devises a method of placement and continuously inspects its placement and approves the fill stability. The following conditions shall also apply: (1) prior to issuance of a grading permit, potential rock disposal areas shall be delineated on the grading plan; (2) rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically; and (3) rocks shall be placed so as to assure filling of all voids with well-graded soil.

Applicant Response: There will be no organics allowed in the fill material. All fill material is proposed to be crushed aggregate or sand.

Staff finding: Staff acknowledges this response as sufficient to satisfy the criterion.

16.152.140 Erosion Control.

A. Slopes. *The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection of the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the material, such protection may be omitted.*

Applicant Response: All slopes will be prepared and maintained in accordance with this section.

B. Other Devices. *Where necessary, check dams, cribbing, riprap, or other devices or methods shall be employed to control erosion and provide safety.*

Applicant Response: No other devices are necessary for this project.

Staff Finding: See City Engineer comments. See conditions of approval.

16.152.150 Completion of Work.

Upon completion of the rough grading work and at the completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable:

A. *An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 16.152.070 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations, and details of subsurface drains shall be shown as reported by the soils engineer.*

Civil engineers shall state that to the best of their knowledge the work within the specified area of responsibility was done in accordance with the final approved grading plan.

B. A report prepared by a soils engineer retained to provide such services in accordance with Section 16.152.070, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

Applicant Response: The proposed site does not require engineered grading so an as built grading plan and professional inspection are not required.

Wetland Hardship Variance Criteria WMC 16.156.080

16.156.080(A): *For any lands demonstrated to have been rendered not buildable by application of this chapter, the property owner may apply for a hardship variance for relief from the restrictions of this chapter.*

16.156.080(B)(1): *The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning;*

Applicant Response: The subject property is zoned growth Manager and permitted uses defaults of the R-10 Intermediate District standards which allow single family dwellings outright. The proposal is to subdivide and develop the property for lots for single-family dwellings. This criterion is met.

Staff finding: Staff concurs. The hardship variance for the subject property is for a very small portion of the overall property. The variance is necessary to make the portion developable and is an allowed use for the zone. Standard is met.

16.156.080(B)(2): *Strict adherence to this chapter and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels;*

Applicant response. The proposal includes plans to fill approximately 11.5 percent of an acre of wetlands. By doing so, the lots and tract to filled will result in the continuity of a more regular shaped buildable area for each of the affected lots and certainty that the impacted wetland areas would be mitigated for. Criterion is met.

Staff finding: Staff agrees with the applicant's assessment of the Code. This project already has Oregon DSL Wetland Removal-Fill Authorization. The approval of this hardship variance is required at the local level to allow development to continue and in this case for residential use which is a reasonably expected use in similarly zoned parcels based on the scope of the impact relative to the size of the property and the existing uses located in the neighborhood.

16.156.080(B)(3): *The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.*

Applicant response: The two subdivisions to the south of the subject property were permitted to fill small amounts of wetlands as part of entitlement approvals as was the Fort Pointe application along Ridge Road.

Staff finding: Staff concurs. The neighborhood to the south has been already developed with other residential units. The proposed land use would be consistent with previous allowed development. Although greenspace offers intrinsic value in its natural state, the City has no way to calculate the environmental value or provide compensation for the value to the public. In addition, the NCLC Clear Lake property offers open space to effectively mitigate the new development that has occurred and as part of this proposal. The property right in this case would be to develop limited amount of residential uses based on local zoning. The wetland designation precludes the residential use. The majority of landowners are homeowners who have benefited from the same property right.

16.156.080(B)(4): *The variance is the minimum necessary to retain use of the property.*

Applicant response: As described above, the proposed wetland fill encompasses approximately 11.5 percent ac acre via 15 separate fills ranging in size from approximately 35 to 1105 SF. Criterion is met

Staff finding: Staff concurs. The application includes a delineation report from a wetland consultant. The variance is necessary for development to continue on a small portion of the property. The applicant submitted a site plan illustrating the proposed development relative to the total size of the property and the open space that will remain. Therefore, the standard is met.

3.10.400(B)(5): *Granting of the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.*

Applicant response: The proposed fills are entirely within the interior of the subject property and separated from adjacent properties and improvements in the neighborhood; granting the variance for the fills will not be injurious to neighboring man-made or natural features and as stated above the impact of the fill will be mitigated.

Staff finding: Staff generally agrees with the applicant's response. Assuming the application complies with all public works improvements and building permits, the proposed development would not be detrimental to public improvements or adjacent private property. The City Engineer will require an engineered stormwater water plan to address the existing drainage capacity issues.

16.156.080(B)(6): *The variance will be in general harmony with the intent and purpose of this chapter, and will not adversely affect any officially adopted Comprehensive Plan policy.*

Applicant response: The fact that the wetland code includes a route to a variance to the regulations provides the opportunity of harmony under appropriate circumstances. In this case, the impacted wetland area is quite small and necessary to facilitate the development. Such variances have been granted to other properties in the vicinity. This criterion is satisfied.

Staff finding: Staff generally agrees that the proposal is consistent with the Comprehensive Plan. It is proverbial balancing act of competing policies. In this case, housing (Goal 10) is an elevated value above the impacted wetlands (Goal 5). Granting variances are a case by case review so previous approvals have no bearing on this request. However, the standard is still met.

Variances - Criteria WMC 16.272.020

Variances to a quantitative requirement of this Code may be granted only if, on the basis of the written application, investigation, and evidence submitted by the applicant, findings of fact are made by the zoning administrator (for Class 1 applications) or Planning Commission (for Class 2 applications) that satisfy the criteria of subsections A through F of this section. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. A determination of whether the standards set forth in this section are satisfied necessarily involves the balancing of competing and conflicting interests. Each request shall be considered on its own merits.

A. The hardship was not created by the person requesting the variance;

Applicant Response: The subject property is abutted on the west, north, and partially the east by wetlands deemed significant by the city's wetland inventory. Where the wetlands terminate on the east, the topography is such that building a road is not practicable. This is further complicated by the NCLC ownership of the parcel to the east and its goal preserving the Clear Lake tract from development. The applicant did not create the hardship.

Staff Finding: Staff concurs.

B. The request is necessary to make reasonable use of the property. There will be an unreasonable economic impact upon the person requesting the variance if the request is denied;

Applicant Response: Denial of the variance would prohibit access to the subject property which is absolutely essential to its development as urban facilities become available. There is no other option for either providing access or connecting the proposed road to the City's street network.

Staff Finding: Staff generally agrees with the alternatives analysis. However, there is a potential opportunity to mitigate the loss of a street connection by adding a second pedestrian access to the south. See conditions of approval.

C. The request will not substantially be injurious to the neighborhood in which the property is located. The variance will not result in physical impacts, such as visual, noise,

traffic or increased potential for drainage, erosion and landslide hazards, beyond those impacts that would typically occur with development in the subject zone;

Applicant Response: Extending the road as proposed would not result in visual or noise impacts because the proposed development is exactly the same to the existing development in the immediate facility.

Staff Finding: Staff agrees that the impacts of extending the street to a cul-de-sac will not negatively impact traffic. The other potential impacts can be mitigated through the engineering review phase. A geotechnical report was submitted and will be reviewed by the City Engineer. The remaining wetlands and their ecological function can be improved through restoration and removal of non-native species.

D. The request is not in conflict with the Comprehensive Plan;

Applicant Response: The comprehensive plan is silent on cul-de-sac lengths.

Staff Finding: Although the new TSP addresses cul-de-sacs, the existing TSP does not. Standard is met.

E. The request is not in conflict with the Development Code. No variance may be granted which will result in a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction; and

Applicant Response: The development of the subdivision is for lots for single family residences which requires access via the propose street and which are permitted outright in the GM- R-10 zoning district. There is no intent or request for other uses which are not explicitly permitted.

Staff Finding: Staff agrees subject to conditions of approval for cul-de-sac design and alternative local road design.

F. Physical circumstance(s) related to the property involved preclude conformance with the standard to be varied.

Applicant Response: The environmental constraints presented by surrounding wetland and steep dune hills make the cul-de-sac the only option for accessing the the subject property and future lots. There is no other option.

Staff Finding: Staff agrees subject to the conditions of approval for a secondary pedestrian access.

WMC 16.216.020 Land Division & Lot Line Adjustment - General Requirements.

A. Subdivision and Partition Approval Through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and
2. The final plat shall include all conditions of approval of the preliminary plat.

B. Compliance with ORS Chapter 92. All subdivision and partition proposals shall be in conformance to state regulations set forth in Oregon Revised Statutes (ORS) Chapter 92, Subdivisions and Partitions.

Applicant Response: The applicant understands this process.

Staff Finding: Concur

C. Lot Size Averaging. Single-family residential lot size may be averaged to allow lots less than the minimum lot size in the residential district, as long as the average area for all lots is not less than allowed by the district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying district. For example, if the minimum lot size is 5,000

square feet, the following three lots could be created: 4,000 square feet, 5,000 square feet, and 6,000 square feet.

Applicant Response: Lot size averaging is not being used.

Staff Finding: Agreed

D. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 16.240.010, Temporary Use Permits.

Applicant Response: If and when the applicant decides to erect a temporary sales office, he will apply for the applicable permits.

Staff Finding: Concur. A Type 2 permit is required. See conditions of approval.

E. Minimize Flood Damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. Development in a flood hazard designation shall comply with the standards of Chapter 16.88, Flood Hazard Overlay (FHO) District, and Federal Emergency Management Agency requirements, including fill to elevate structures above the base flood elevation.

F. Determination of Base Flood Elevation. Shall comply with Chapter 16.88 of the Warrenton Development Code.

Applicant Response: Based on a review of Clatsop Webmaps, the subject property is not within a flood hazard overlay zone.

Staff Finding: Staff reviewed the most recent 2018 FIRM maps that were adopted in 2018 to verify the subject property is outside the 100-year floodplain. A portion of the floodplain extends south of Clear Lake but does not impact the subject property. Standard is met.

G. Need for Adequate Utilities. Shall comply with Chapters 16.136 and 16.216.

H. Need for Adequate Drainage. All subdivision and partition proposals shall comply with Chapter 16.140.

Applicant Response: As discussed above, the proposal includes plans to provide water, sanitary sewer and stormwater management facilities that meet the need of the proposed development.

Staff Finding: Agreed. Impact analysis and preliminary utility plan was reviewed by City Engineer. See comments from the City Engineer.

I. Open space shall provide opportunities for active and/or passive recreation and may include existing stands of trees, resource areas, and storm water facilities as outlined in this section. Active open space shall allow human activities including recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Open space may also be passive and include human activities limited to walking, running, and cycling, seating areas and wildlife viewing or natural areas such as a wetland.

Applicant Response: At 15 lots, the proposal is below the threshold for requiring the development of open space or recreation facilities. However, the application includes plans to grant an easement to the city for future utility extensions and pedestrian access to its western property line to facilitate the city's development of a trail to public and private recreation facilities along Ridge Road.

Staff Finding: Agreed as discussed above.

J. Street Names.

Applicant Response: The applicant intends to continue the street name Kalmia Avenue for the street extension into the subdivision.

Staff Finding: Agreed.

16.216.040 Preliminary Plat Submission Requirements.

A. General Submission Requirements. For partitions (three lots or fewer), the applicant shall submit an application containing all of the information required under Section 16.208.040. For subdivisions (greater than three lots), the application shall contain all of the information required under Section 16.208.050.

B. Preliminary Plat Information. In addition to the general information described in subsection A of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

Applicant Response: All the required information is included in the preliminary plat plan set.

Staff Finding: Staff checked submission during completeness phase. Standard is met.

Conclusion & Recommendations

The application and findings above demonstrate that the proposed 15 lot subdivision satisfies a majority of the applicable criteria in the Development Code. Some of the criteria has not been met but can be through conditions of approval. By conducting the public hearing on the application, the Planning Commission satisfies 16.208.050. The applicable agencies have not objected to the proposal but have requested conditions. Therefore, staff recommends approval of SUB 19-1, VAR 19-1, WHV 19-1, submitted by Gil Gramson of Sandworks Construction, subject to the following conditions.

1. The Commission must determine if the density standard has been met, and if not, how it can be met. The proposal is 4 lots or units shy of the minimum required. Staff recommends requiring accessory dwelling units be built over the garages of four units to meet the minimum thereby meeting the standard without creating new lots.
2. A pedestrian path shall be built to WMC 16.120.030 Pedestrian Access and Circulation design and construction standards between Lots 1 & 2. A secondary pedestrian access shall be considered for Lots 14 & 15. Design shall be submitted as part of engineering review. Construction shall be inspected and approved prior to a certificate of occupancy for the first single family detached unit.
3. Address all comments from Fire Chief Tim Demers herein referenced by letter dated March 5, 2019.
4. A landscape plan designed to WMC 16.124.070 shall be submitted as part of the engineering review phase. No grading permits will be issued until a landscape plan is reviewed and approved by the Community Development Director. Landscape plan shall indicate conservation areas, restoration of existing wetlands to remove invasive species, and new native plantings in Tract A & B. Conservation areas shall be clearly marked with

orange fencing and other protective measures for the duration of construction activities.

5. A street tree plan shall be designed to WMC 16.124.080 standards and submitted as part of the landscape plan. Street trees shall be installed per each issued single family permit.
6. All retaining walls shall be reviewed and approved by the City Engineer and Building Official. Developer shall work with NCLC on a design for a wildlife fence to the adjacent Clear Lake property. Said fence shall be installed prior to final plat acceptance.
7. An alternative road standard of 50 ft right-of-way, 32 feet curb to curb, 5 foot sidewalks both sides; is approved subject to a 3 ft planting strip being designed and constructed.
8. Address all comments in City Engineer's letter herein referenced and dated March 6, 2019.
9. Developer shall submit a DEQ 1200C permit for stormwater management and erosion control.
10. Prior to a final plat, all public improvements shall be installed to the specifications of the City Engineer and Public Works Department. For any improvements not completed prior to final plat, a performance bond shall be required and approved.
11. A construction and/or sales trailer can be permitted under a Type 2 temporary use permit. The applicant shall submit an application for review prior to any placement.
12. A final plat for review by the Community Development Director shall be submitted for review and approval and recorded with the County.
13. The developer shall establish a homeowner's association and submit and record with County Codes, Covenants, & Restrictions that will be deeded to each lot.
- 14.

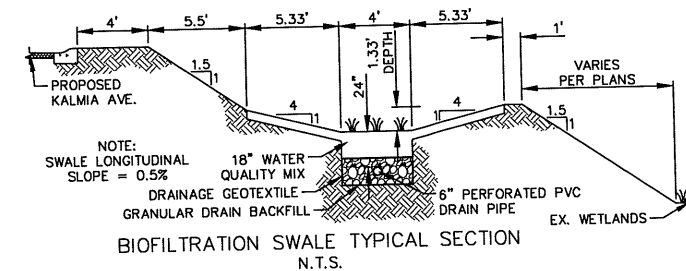
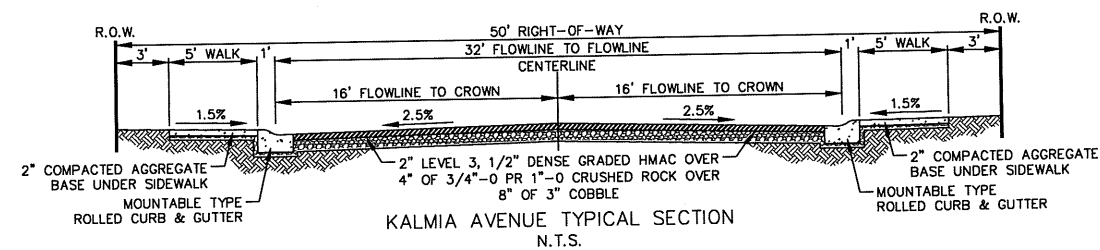
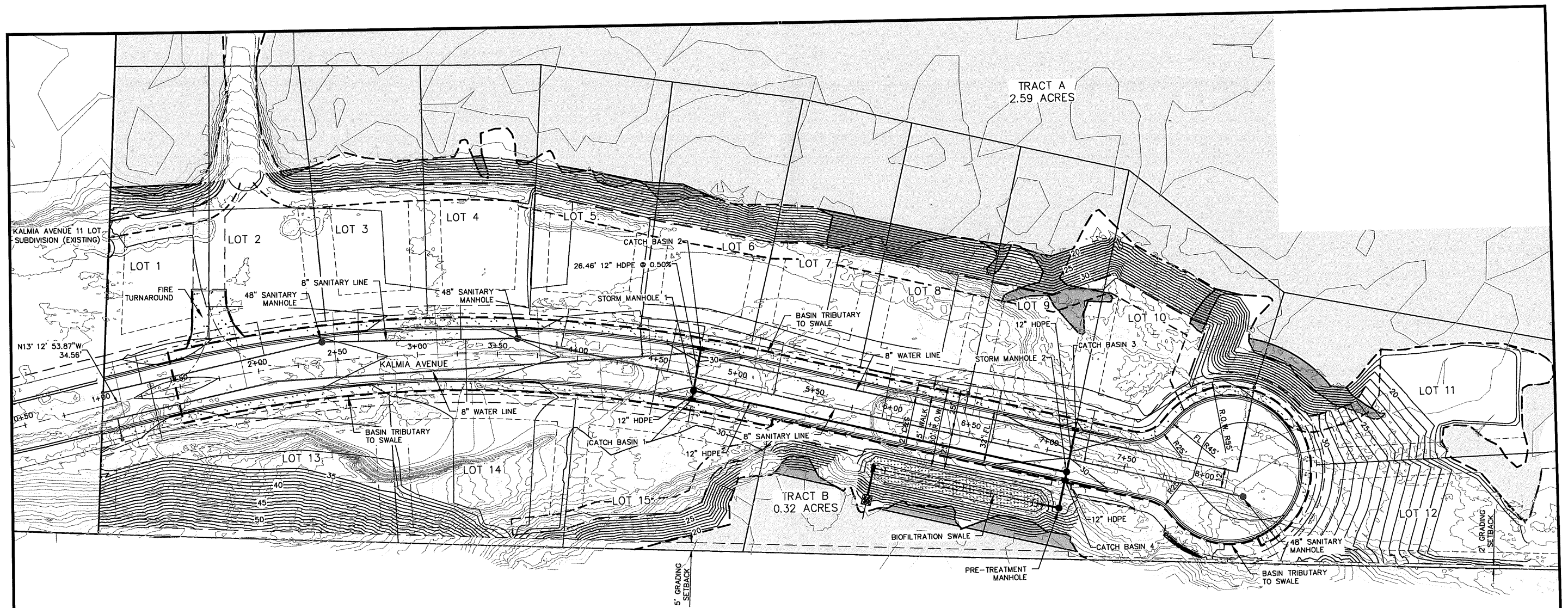
Recommended Motion: Based on the findings and conclusions of the March 7, 2019 staff report, the application, the applicant's narrative and findings, evidence in the record, and the applicant's testimony, I move to approve application SUB 19-1, VAR 19-1, and WHV 19-1 submitted by Gil Gramson for a 15-lot subdivision, subject to the conditions of approval.

Alternative Motion: Based on the public interest and need for more evidence and testimony from the applicant, I move to continue the hearing until April 11, 2019.

Attachments

- Application
- Narrative
- Preliminary Plat & Supporting Documents
- Comments from Tim Demers, Fire Chief – March 5, 2019

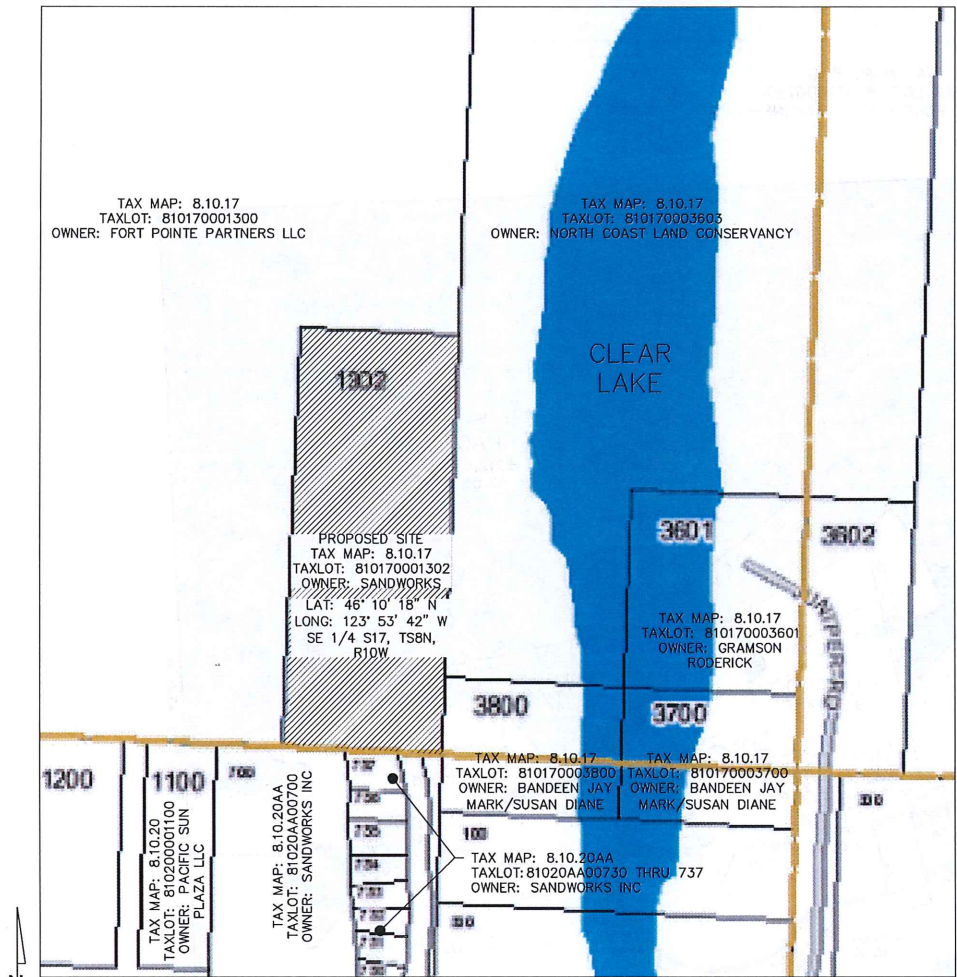
- Comments from Rob Vanderzanden, HHPR (City Engineer) – March 6, 2019
- Comments from Gary Kobes, Port of Astoria – February 15, 2019
- Comments from Jon Wickersham, NCLC – February 15, 2019



A north arrow pointing to the left, labeled "NORTH". Below it is a scale bar with markings at 0, 30, and 60 feet, labeled "SCALE IN FEET".

PRELIMINARY

CLEAR LAKE SUBDIVISION
LAND USE SUBMITTAL
LOCATED AT THE NORTHERLY TERMINUS OF KALMIA AVENUE



TAXLOT AND OWNER MAP
SCALE: 1"=200'

OWNER:

GILL GRAMSON
SANDWORKS
15 N 17TH PLACE
WARRENTON, OREGON 97146

ENGINEER:

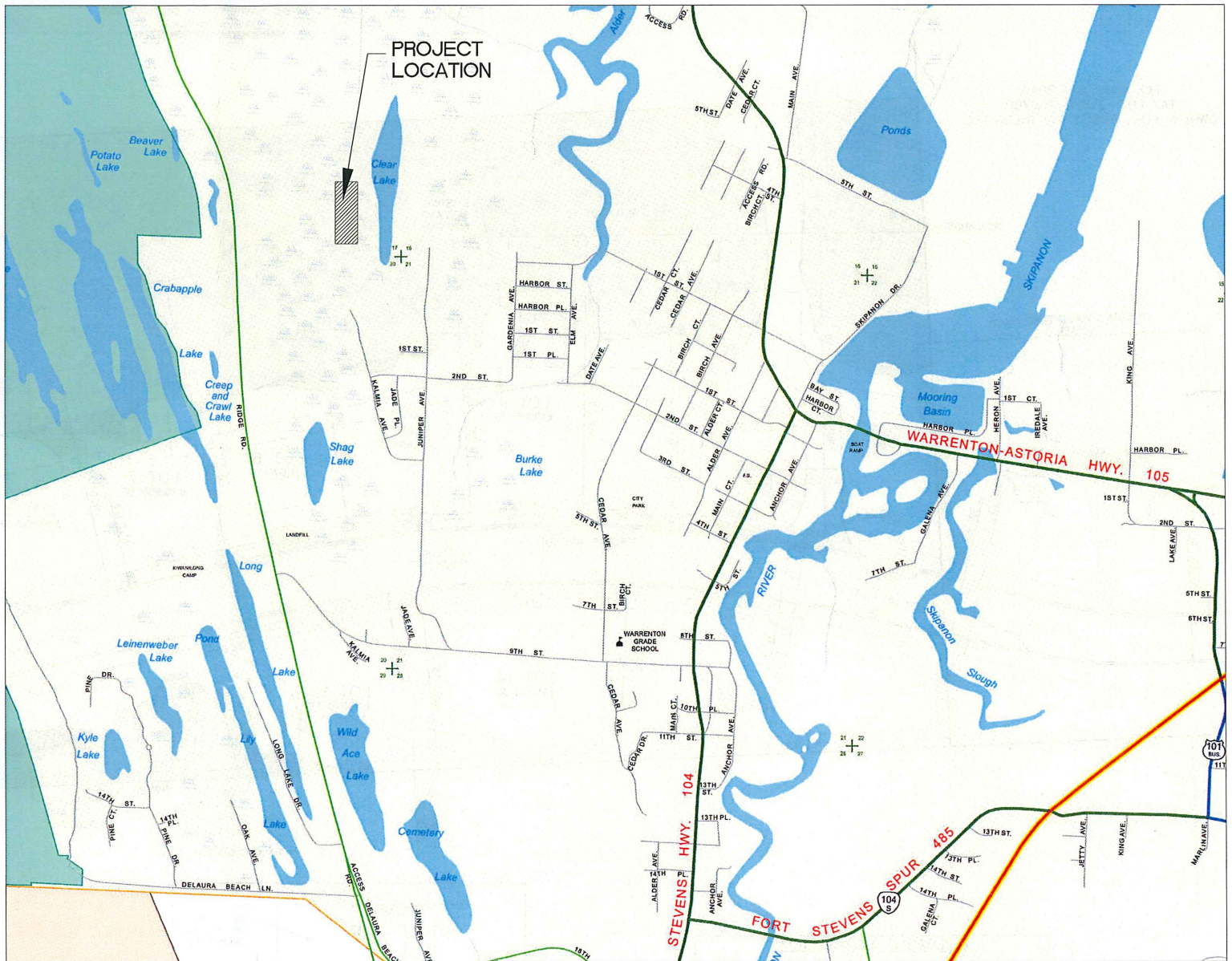
FIRWOOD DESIGN GROUP, LLC
359 E. HISTORIC COLUMBIA RIVER DRIVE
TROUTDALE, OREGON 97060
(503) 668-3737

SHEET INDEX

- 1 - COVER SHEET & VICINITY MAP
- 2 - PRELIMINARY PLAT
- 3 - GRADING & EROSION CONTROL PLAN
- 4 - EROSION CONTROL NOTES & DETAILS
- 5 - STREET AND STORM SEWER PLAN
- 6 - STORM SEWER AND OUTFALL PLAN
- 8 - WATER AND SANITARY SEWER PLAN
- 9 - SANITARY SEWER SERVICE PROFILES

DATUM

HORIZONTAL DATUM:
NAD_1983_HARN_STATEPLANE_OREGON_NORTH_FIPS_3601_FEET_INTL
VERTICAL DATUM:
NAVD 88



VICINITY MAP
SCALE: 1"=800'

PRELIMINARY

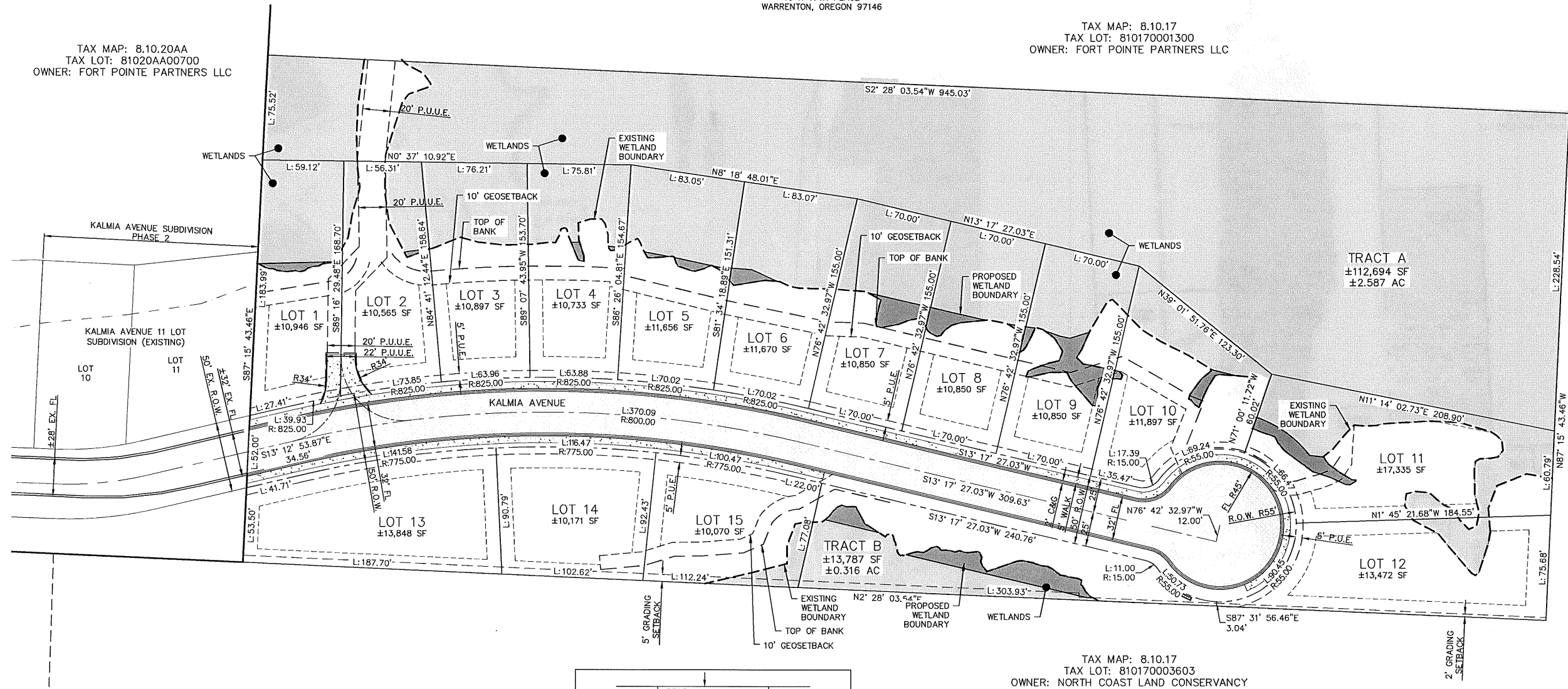
15-LOT SUBDIVISION PRELIMINARY PLAT
LOCATED IN SE 1/4 OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 10 WEST,
WILLAMETTE MERIDIAN, CITY OF WARRENTON, COUNTY OF CLATSOP, STATE OF OREGON

ZONING: R-10 GROWTH MANAGEMENT
TAX MAP: 8.10.17
TAX LOT: 810170001302
TOTAL AREA: ±344,946 SQ. FT. (7.919 ACRES)
PROPOSED SINGLE FAMILY RESIDENTIAL LOTS: 15
DENSITY: 1.89 UNITS/ACRE

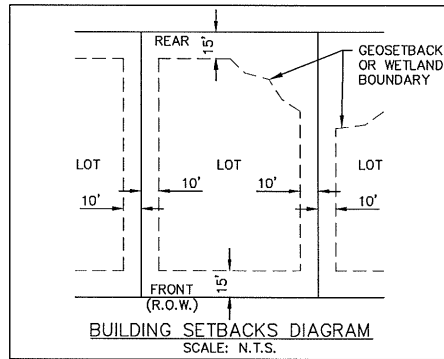
OWNER: SANDWORKS - GILL GRAMSON
15 N 17TH PLACE
WARRENTON, OREGON 97146

TAX MAP: 8.10.17
TAX LOT: 810170001300
OWNER: FORT POINTE PARTNERS LLC

TAX MAP: 8.10.20AA
TAX LOT: 81020AA00700
OWNER: FORT POINTE PARTNERS LLC



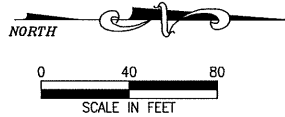
BUILDABLE AREA MATRIX:		
LOT NUMBER	TOTAL AREA	BUILDABLE AREA
1	10,946 SF	2,594 SF
2	10,565 SF	3,108 SF
3	10,897 SF	2,599 SF
4	10,733 SF	2,594 SF
5	11,656 SF	2,352 SF
6	11,670 SF	2,058 SF
7	10,850 SF	2,174 SF
8	10,850 SF	2,200 SF
9	10,850 SF	2,300 SF
10	11,897 SF	2,173 SF
11	17,335 SF	5,897 SF
12	13,472 SF	7,117 SF
13	13,848 SF	8,269 SF
14	10,171 SF	5,885 SF
15	10,070 SF	3,049 SF



ABBREVIATIONS:	
R.O.W. = RIGHT OF WAY	TC = TOP OF CURB
P.U.E. = PUBLIC UTILITY EASEMENT	SW = SIDEWALK
P.U.U.E. = PUBLIC UTILITY AND USE EASEMENT	P = PAVEMENT
C&G = CURB AND GUTTER	PC = POINT OF CURVATURE
FL = FLOWLINE	PT = POINT OF TANGENCY
	PCC = POINT OF COMPOUND CURVATURE

FLOODPLAIN NOTE:
THE 100-YEAR FLOODPLAIN IS BEYOND THE PROJECT EXTENTS.

WETLAND LEGEND		
	EXISTING	PROPOSED
EXISTING WETLANDS		
PROPOSED WETLAND REMOVAL		



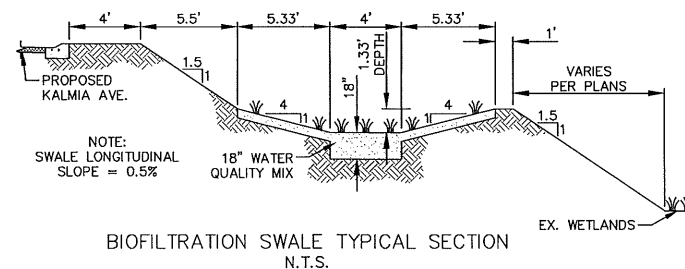
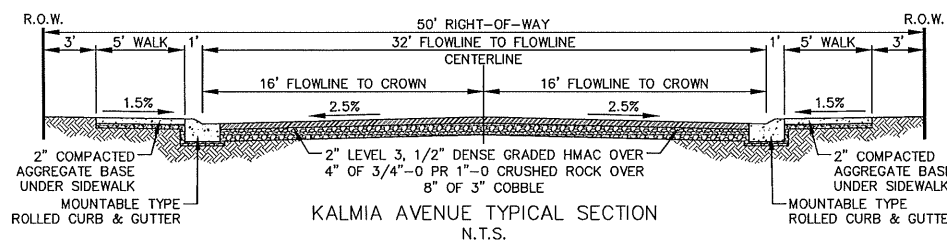
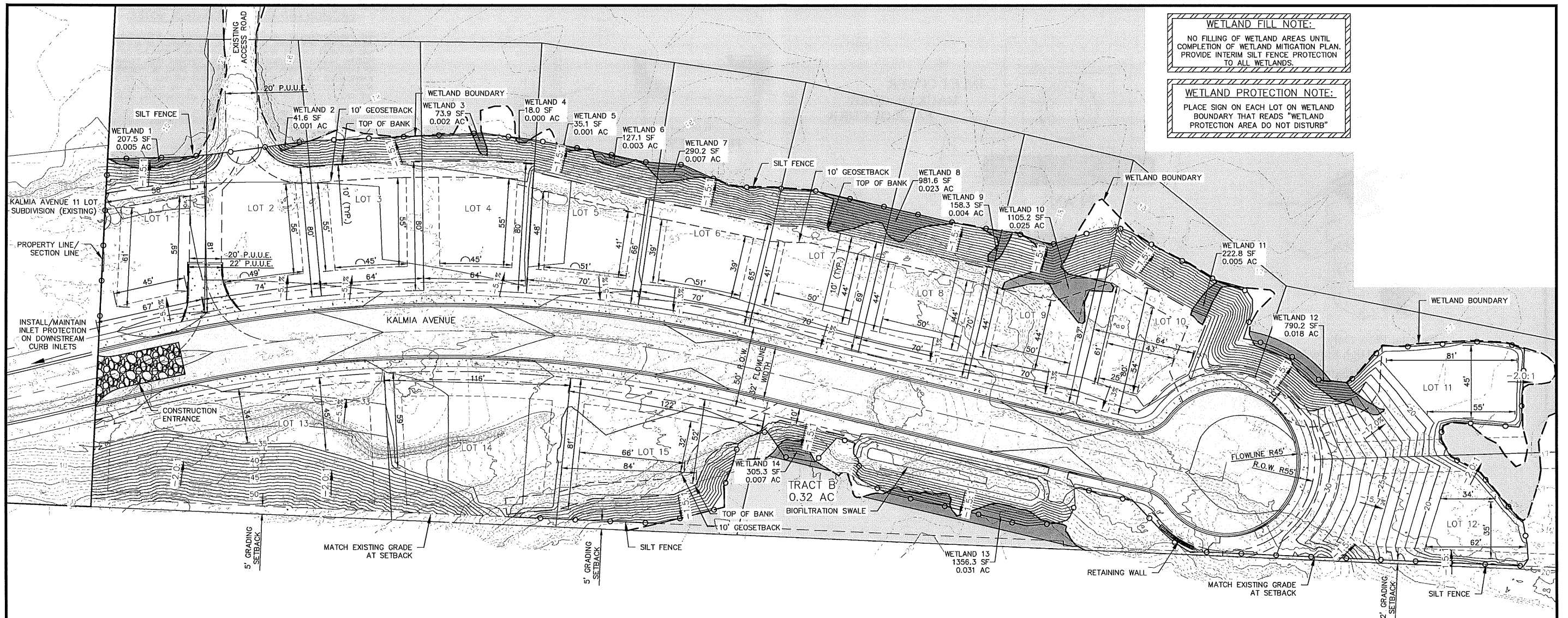
PRELIMINARY

DATE:	NO.	REVISION
DRAWN: BD DESIGNED: EH CHECKED: EH		
SCALE: AS SHOWN DATE: FEB 5, 2019		
PROJECT NO. E18-030		

FDG
Firwood Design Group, LLC
SURVEYING • ENGINEERING • PLANNING
359 E HISTORIC COLUMBIA RIVER HWY
TROUTDALE, OREGON 97060
BUS: (503) 668-3737 FAX: (503) 668-3788

GILL GRAMSON
15 NW 17TH PLACE
WARRENTON, OR 97146

PRELIMINARY PLAT
CLEAR LAKE SUBDIVISION
KALMIA AVE, WARRENTON, OR 97146

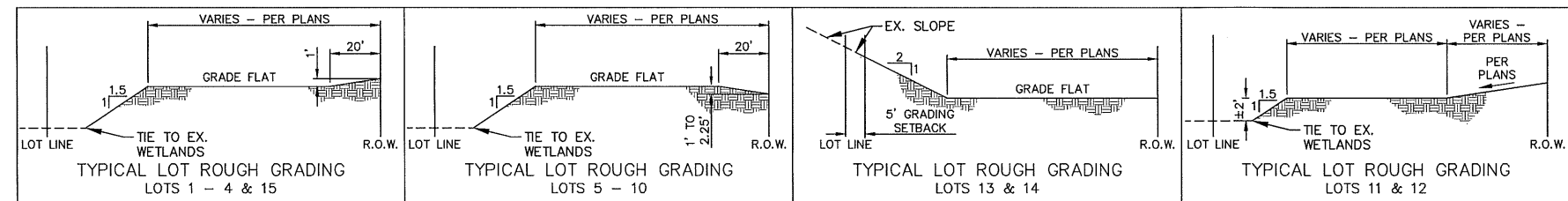
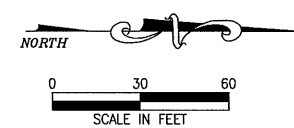


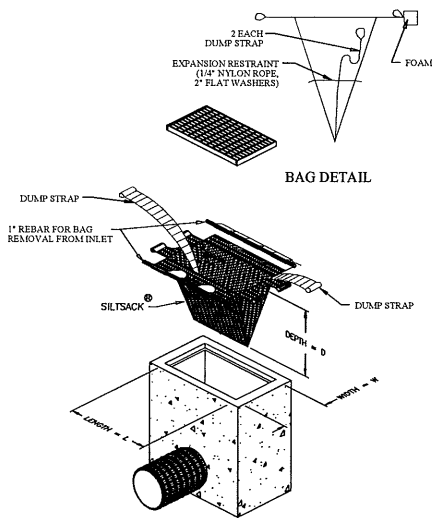
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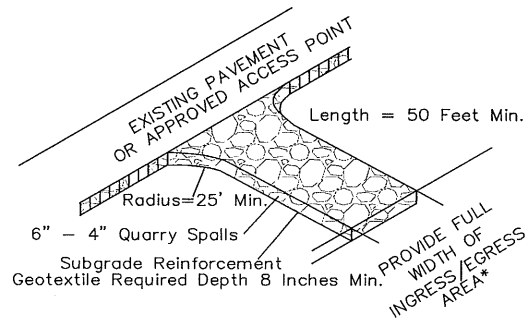
LEGEND

	EXISTING	PROPOSED
MAJOR CONTOUR	40	40
MINOR CONTOUR	36	36
SLOPE (ARROW = DOWN)		-2.0:1
SILT FENCE		
EXISTING WETLANDS		
PROPOSED WETLAND REMOVAL		





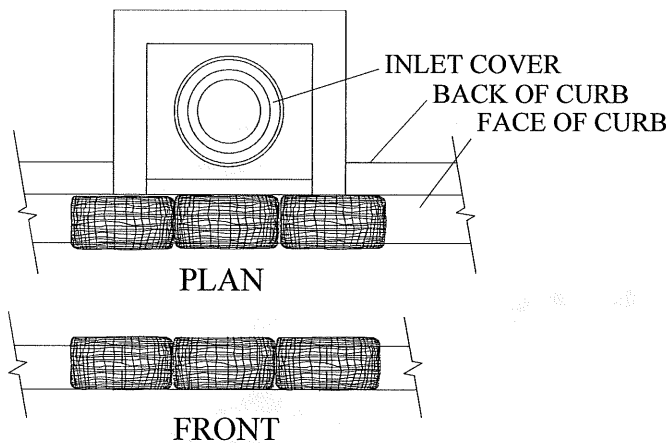
Regular Flow Only
Do not use High Flow Insert Bags.
Catch Basin Insert Bag
INLET PROTECTION DETAIL



*20' MIN. FOR SINGLE FAMILY AND DUPLEX RESIDENTIAL

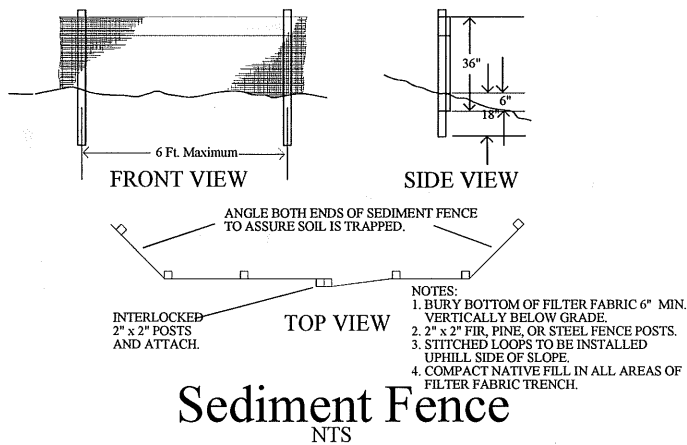
GRAVEL CONSTRUCTION ENTRANCES :

1. STABILIZED CONSTRUCTION ENTRANCE(S) SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
2. ALL VEHICLES LEAVING THE SITE SHALL LEAVE BY DRIVING ACROSS THE GRAVEL CONSTRUCTION ENTRANCE(S) IF GRAVEL ENTRANCE BECOME FILLED WITH MUD AND IS NO LONGER FUNCTIONAL. ADDITIONAL GRAVEL SHALL BE PLACED. VEHICLE TIRES SHALL BE FREE FROM DIRT BEFORE LEAVING THE SITE.
3. AT TIME OF ROAD CONSTRUCTION THE GRAVEL CONSTRUCTION ENTRANCE SHALL BE REBUILT TO ALLOW FOR THE APPROPRIATE ROAD BASE AND ASPHALT THICKNESS.



Ensure that no gaps exist
between bags and 1/2
bag overlap of opening.

"CURB INLET" INLET PROTECTION



SEDIMENT CONTROL FENCES :

1. AT NO TIME SHALL SEDIMENT BE ALLOWED TO ACCUMULATE BEHIND A SEDIMENT FENCE MORE THAN ONE-THIRD OF THE FENCE HEIGHT ABOVE GROUND. SEDIMENT SHOULD BE REMOVED OR REGRADED ONTO SLOPES, AND THE SEDIMENT FENCES REPAIRED AND REESTABLISHED AS NEEDED.
2. FENCE SHALL BE REMOVED ONLY WHEN UPSLOPE AREAS ARE PERMANENTLY STABILIZED.

RESEEDING/ESTABLISHMENT OF VEGETATIVE COVER :

1. RECOMMENDED EROSION CONTROL GRASS SEED MIXES ARE AS SPECIFIED AS BELOW. SIMILAR MIXES DESIGNED TO ACHIEVE EROSION CONTROL MAY BE SUBSTITUTED WITH APPROVAL. IN GENERAL, USE OF QUICK GROWING, STERILE GRASSES AND GRAINS IN MIXTURE WITH PERMANENT VEGETATIVE COVER IS RECOMMENDED TO ACHIEVE QUICK COVER OF EXPOSED SOILS.

a. DWARF GRASS MIX (LOW HEIGHT, LOW MAINTENANCE), 100 POUNDS PER ACRE SEED RATE

(MINIMUM):
1. DWARF PERENNIAL RYEGRASS, 80% BY SEED COUNT.
2. CREEPING RED FESCUE, 20% BY SEED COUNT.
2. IT IS RECOMMENDED THAT TOP SOIL ON SLOPES BE PREPARED BY ROUGHENING THE SLOPES BEFORE SEEDING.
3. AREAS THAT FAIL TO ESTABLISH GRASS COVER ADEQUATE TO PREVENT EROSION SHALL BE RESEEDED AS SOON AS SUCH AREAS ARE IDENTIFIED, AND ALL APPROPRIATE MEASURES TAKEN TO ESTABLISH COVER.
4. EROSION CONTROL MEASURES SHALL BE MAINTAINED BY CONTRACTOR UNTIL GRASS COVER IS ESTABLISHED AND UP TO ONE YEAR AFTER COMPLETION OF CONSTRUCTION, WHICHEVER IS SOONER.
5. MULCH SHALL BE SPREAD UNIFORMLY IMMEDIATELY FOLLOWING SEEDING.
6. CONCRETE WASHOUT LOCATION SHALL BE PROVIDED FOR WASHING OF CONCRETE TRUCKS AND EQUIPMENT SO THAT CONCRETE SLURRY IS NOT WASHED INTO THE STORMWATER SYSTEM, STREAMS, OR DRAINAGE WAYS. IDENTIFY THE LOCATION ON THE PLAN AND INCLUDE THE NOTE: "DO NOT OVERFILL AND BURY WHEN FINISHED."
7. GROUND COVER AND/OR SEEDING SHALL BE COMPLETED AS SOON AS PRACTICABLE FOR EACH PHASE OF CONSTRUCTION AND NOT LATER THAN SEPTEMBER 1. IF FERTILIZERS ARE USED TO ESTABLISH VEGETATION, THE APPLICATION RATES SHALL FOLLOW MANUFACTURER'S GUIDELINES AND THE APPLICATION SHALL BE PERFORMED IN SUCH A WAY TO MINIMIZE NUTRIENT-LADEN RUNOFF TO RECEIVING WATERS. THE PLAN SHALL STATE THE CONDITIONS FOR DETERMINING SUCCESSFUL VEGETATION ESTABLISHMENT.
8. NON-STORMWATER POLLUTANT CONTROL MEASURES INCLUDING ANY USE OF TOXIC OR OTHER HAZARDOUS MATERIALS SHALL INCLUDE PROPER STORAGE, SPILL CONTAINMENT, APPLICATION, AND DISPOSAL.
9. WET WEATHER MEASURES SHALL BE ESTABLISHED BY OCTOBER 1ST AND CONTINUE TO FUNCTION THROUGH MAY 31ST OF THE FOLLOWING YEAR. PRIOR TO DISCONTINUING ACTIVITIES ON ANY PORTION OF THE SITE BETWEEN OCTOBER 1 AND MAY 31, ANY EXPOSED AREA SHALL BE STABILIZED WITHIN 7 DAYS TO PREVENT EROSION. BETWEEN JUNE 1 AND SEPTEMBER 30, THE SITE MUST BE STABILIZED WITHIN 30 DAYS. STABILIZATION MAY OCCUR BY APPLYING APPROPRIATE COVER (E.G., MULCH, EROSION CONTROL BLANKETS, BINDERS, TACKIFIERS) OR ESTABLISHING ADEQUATE VEGETATIVE COVER.
10. PRIOR TO FINAL PROJECT ACCEPTANCE BY THE CITY, THE SITE SHALL BE PERMANENTLY STABILIZED (SEED AND MULCH OR TACKIFIER, OR PERMANENT LANDSCAPING). SEE APPENDIX F: CITY OF WARRENTON NATIVE PLANT RESTORATION GUIDE AS A RESOURCE. FOR SUBDIVISIONS, TEMPORARY GROUND COVER WILL BE ACCEPTED IF HOME CONSTRUCTION WILL BEGIN WITHIN 30 DAYS OF PROJECT FINALIZATION.
11. THE OWNER/PERMITTEE IS RESPONSIBLE FOR REMOVING ALL SEDIMENT CONTROL MEASURES ONCE PERMANENT STABILIZATION HAS BEEN ESTABLISHED. DEQ WILL NOT TERMINATE THE 1200-C PERMIT UNTIL PERMANENT VEGETATION IS ESTABLISHED.

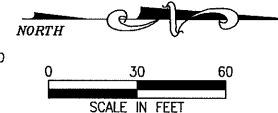
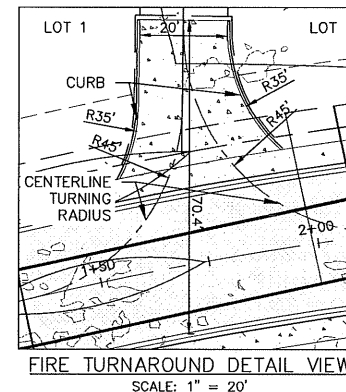
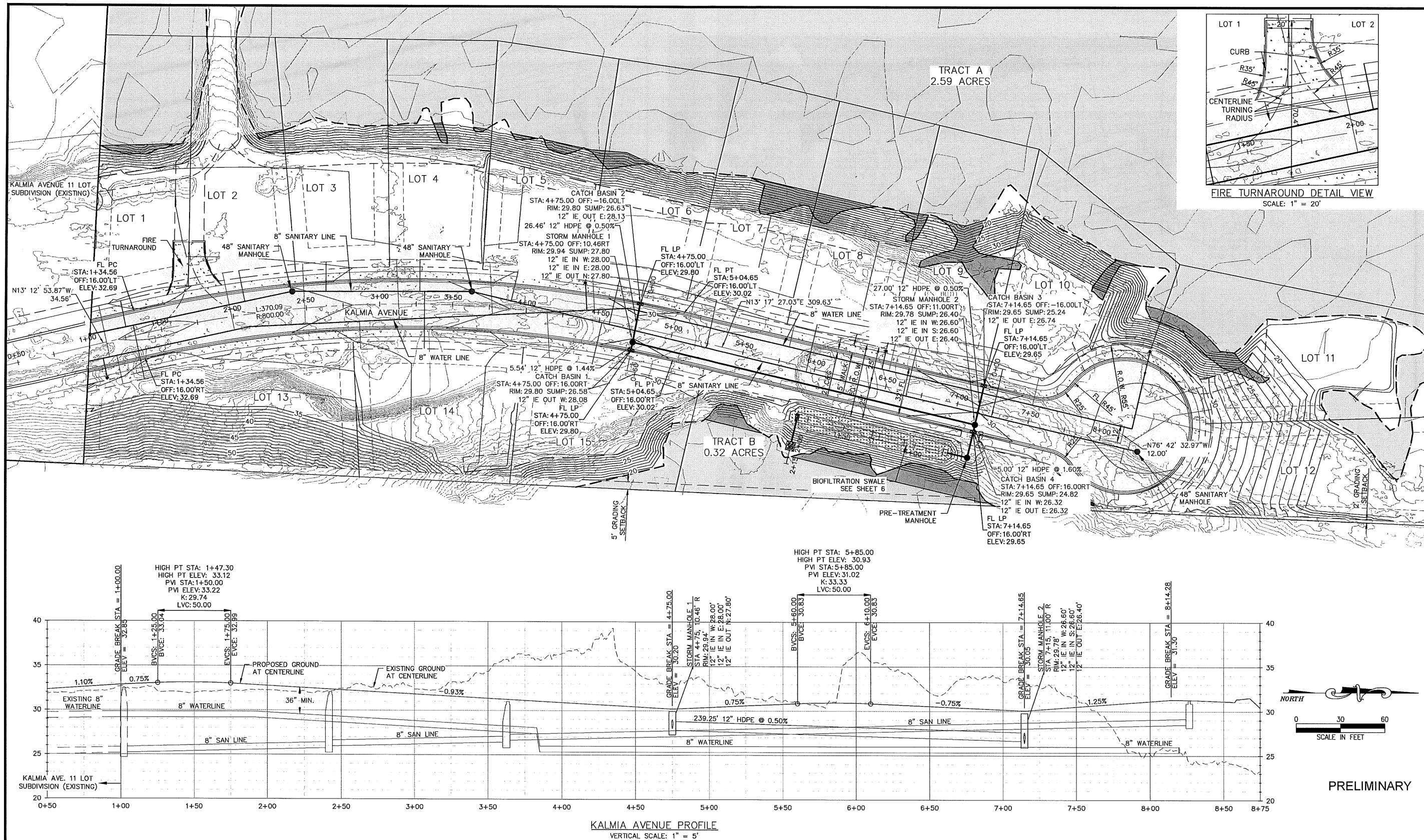
PRELIMINARY

			DRAWN: BD	DESIGNED: EH	CHECKED: EH
			SCALE: AS SHOWN	DATE: FEB 5, 2019	
DATE:	NO.	REVISION	PROJECT NO. E18-030		


FDG
Firwood Design Group, LLC
SURVEYING • ENGINEERING • PLANNING
359 E HISTORIC COLUMBIA RIVER HWY
TROUTDALE, OREGON 97060
BUS: (503) 668-3737 • FAX: (503) 668-3788

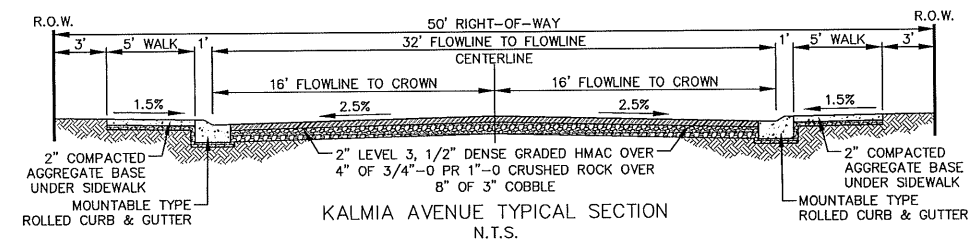
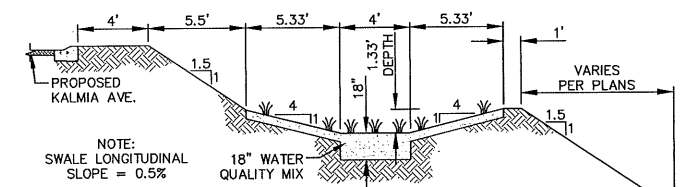
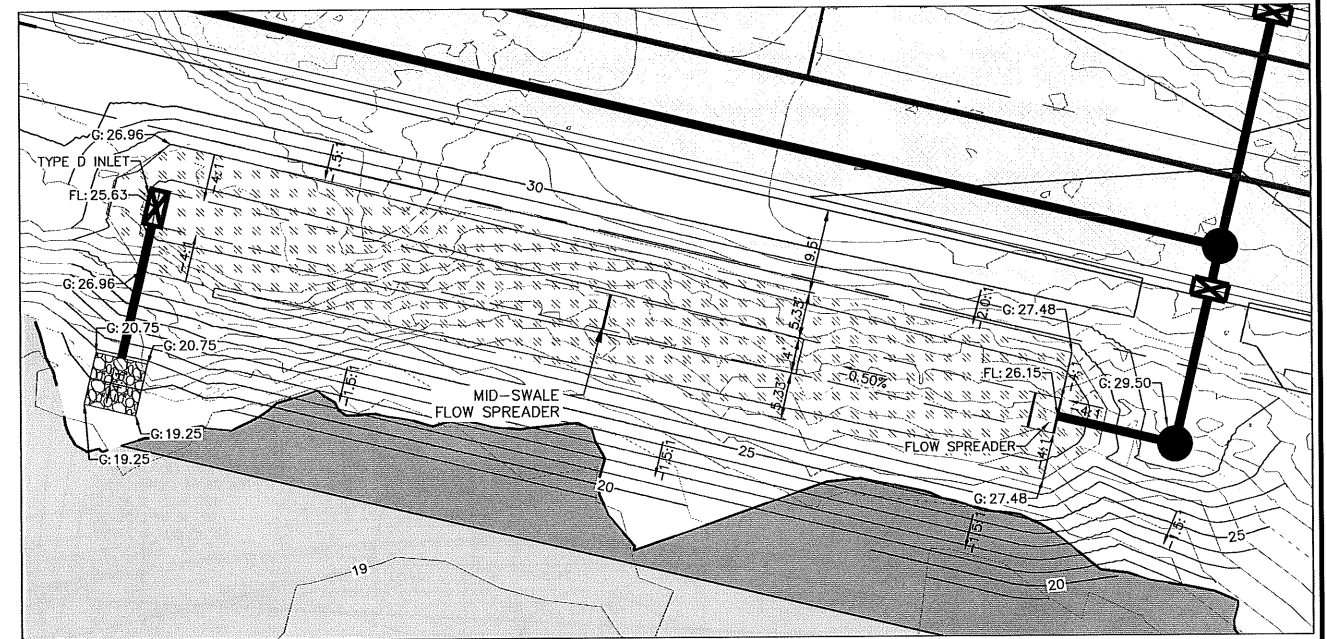
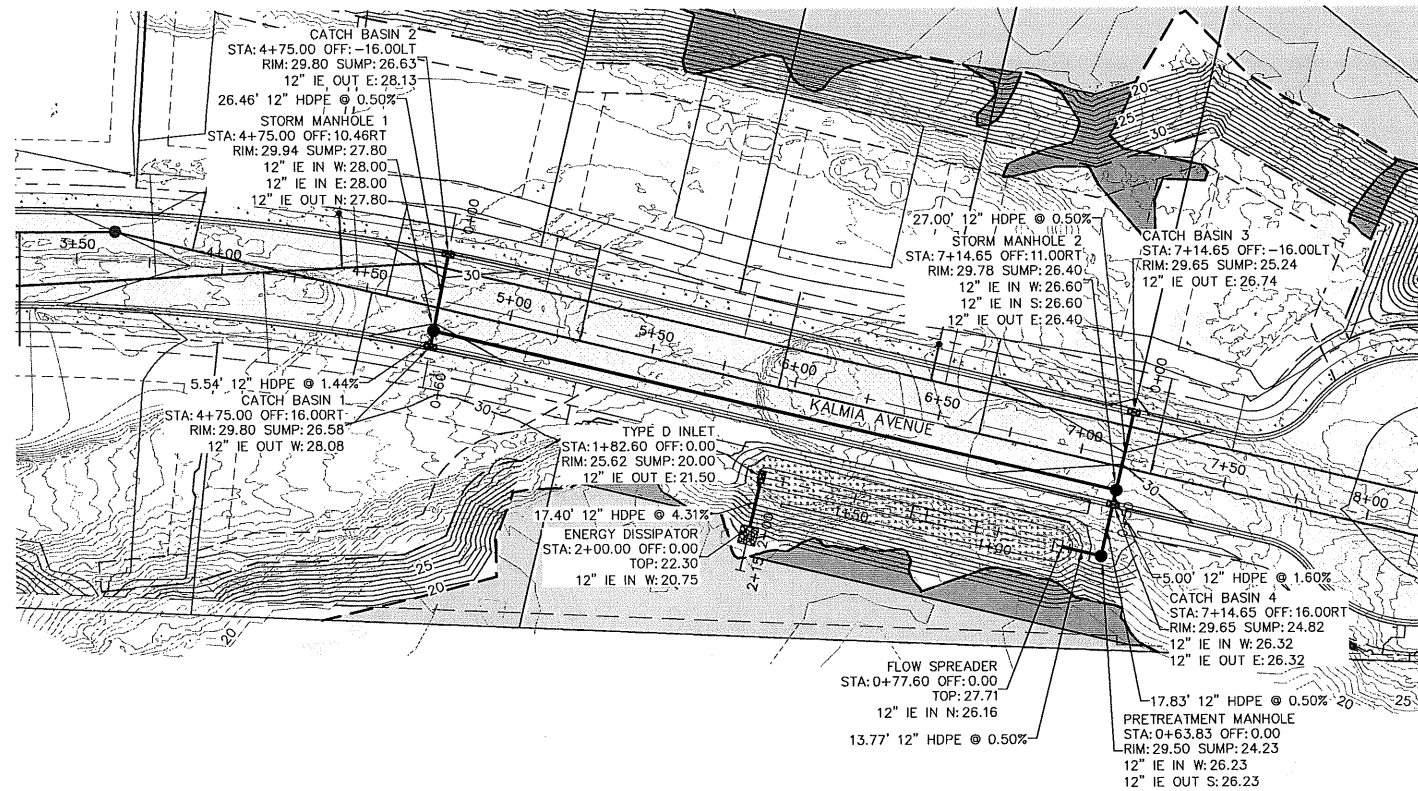
GILL GRAMSON
15 NW 17TH PLACE
WARRENTON, OR 97146

EROSION CONTROL NOTES & DETAILS
CLEAR LAKE SUBDIVISION
KALMIA AVE, WARRENTON, OR 97146



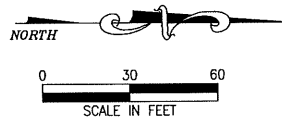
PRELIMINARY

			DRAWN: BD	DESIGNED: EH	CHECKED: EH	<div><div><div>FDG</div><div></div></div><div>Firwood Design Group, LLC SURVEYING • ENGINEERING • PLANNING</div></div> <div><div>359 E HISTORIC COLUMBIA RIVER HWY TROUTDALE, OREGON 97060</div><div>BUS: (503) 688-3737 ♦ FAX: (503) 688-3788</div></div>	<div>GILL GRAMSON 15 NW 17TH PLACE WARRENTON, OR 97146</div>	<div>STREET AND STORM SEWER PLAN CLEAR LAKE SUBDIVISION KALMIA AVE, WARRENTON, OR 97146</div>	<div>5 9</div>
			SCALE: AS SHOWN	DATE: FEB 5, 2019					
DATE:	NO.	REVISION	PROJECT NO. E18-030						

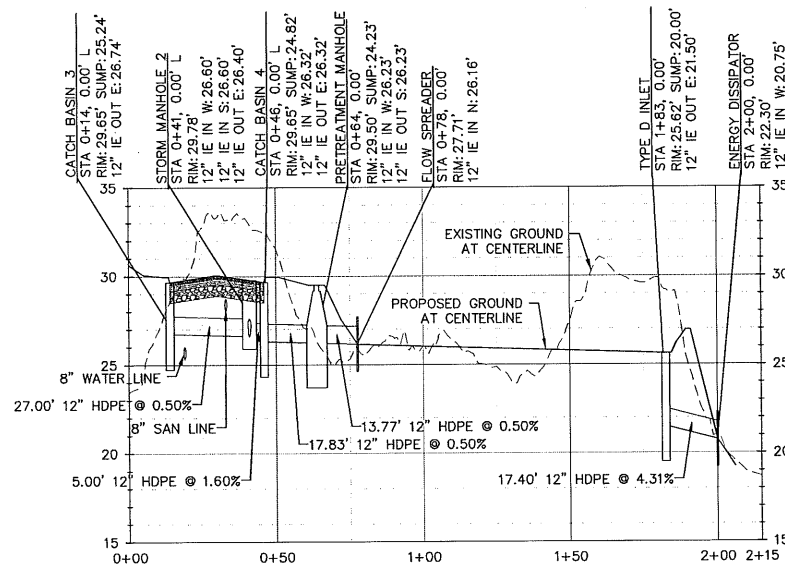
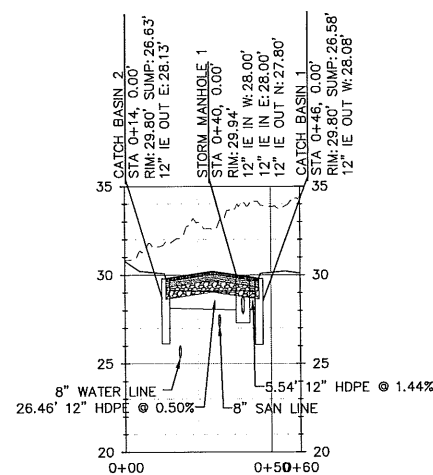


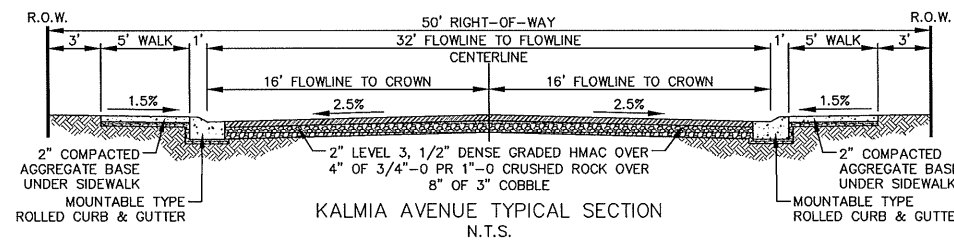
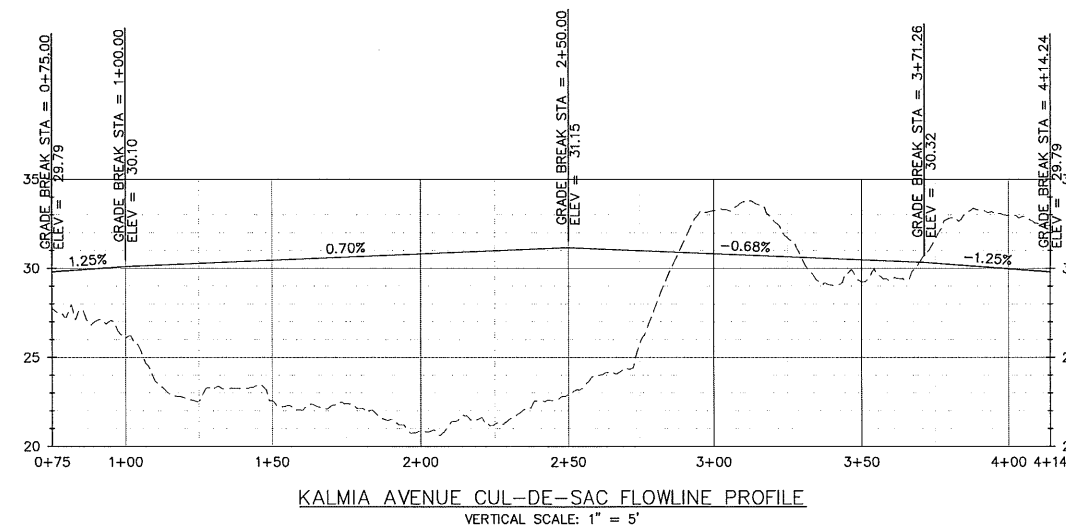
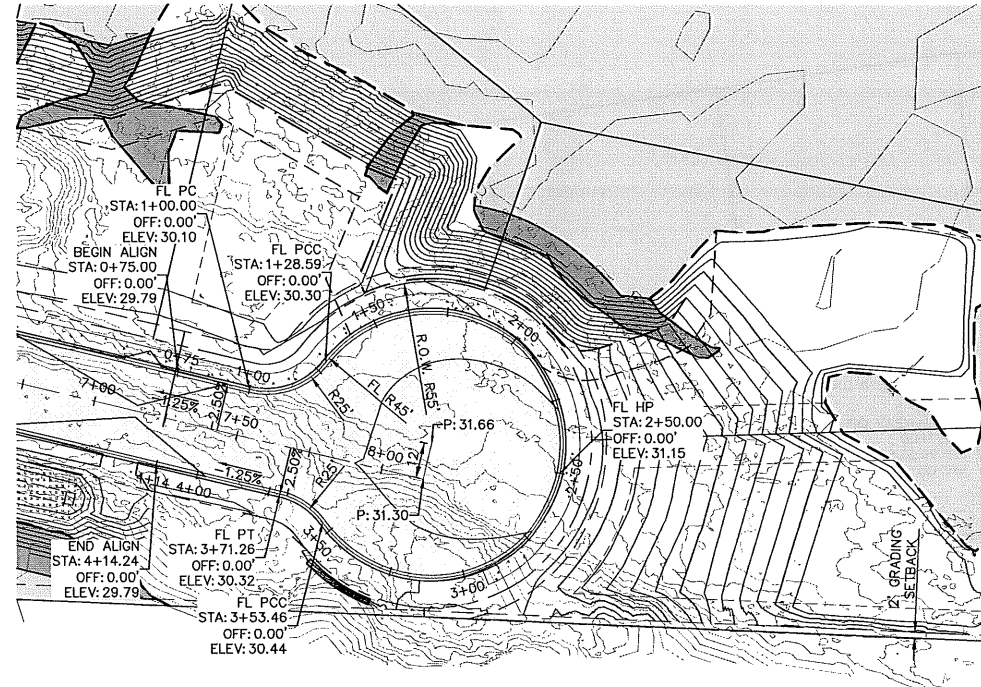
ABBREVIATIONS:	
R.O.W. = RIGHT OF WAY	TG = TOP OF CURB
P.U.E. = PUBLIC UTILITY EASEMENT	SW = SIDEWALK
P.U.U.E. = PUBLIC UTILITY AND USE EASEMENT	P = PAVEMENT
C&G = CURB AND GUTTER	PC = POINT OF CURVATURE
FL = FLOWLINE	PT = POINT OF TANGENCY
	PCC = POINT OF COMPOUND CURVATURE

	EXISTING	PROPOSED
MAJOR CONTOUR	40	40
MINOR CONTOUR	36	36
SLOPE (ARROW = DOWN)		-2.0:1
SILT FENCE		
EXISTING WETLANDS		
PROPOSED WETLAND REMOVAL		



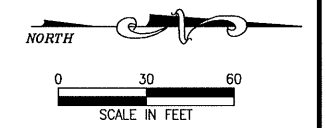
PRELIMINARY





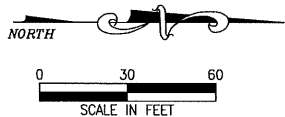
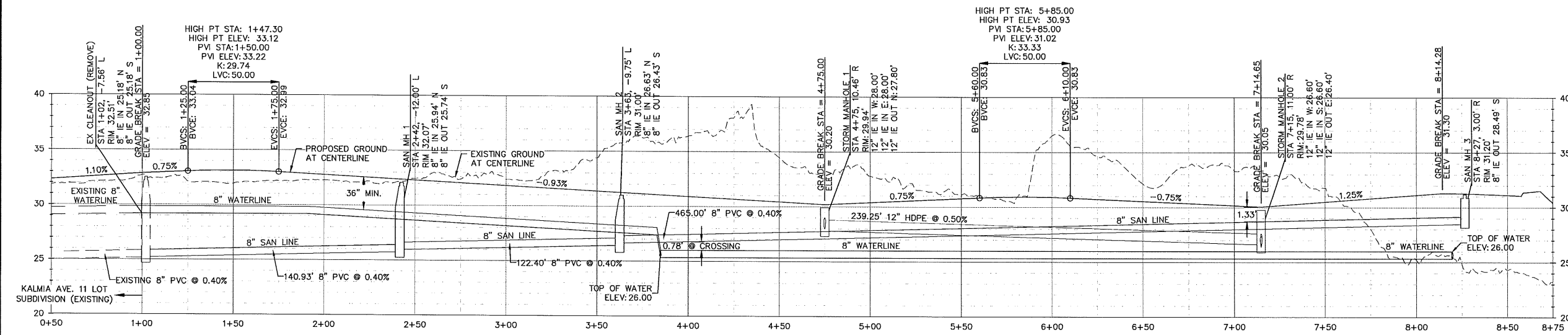
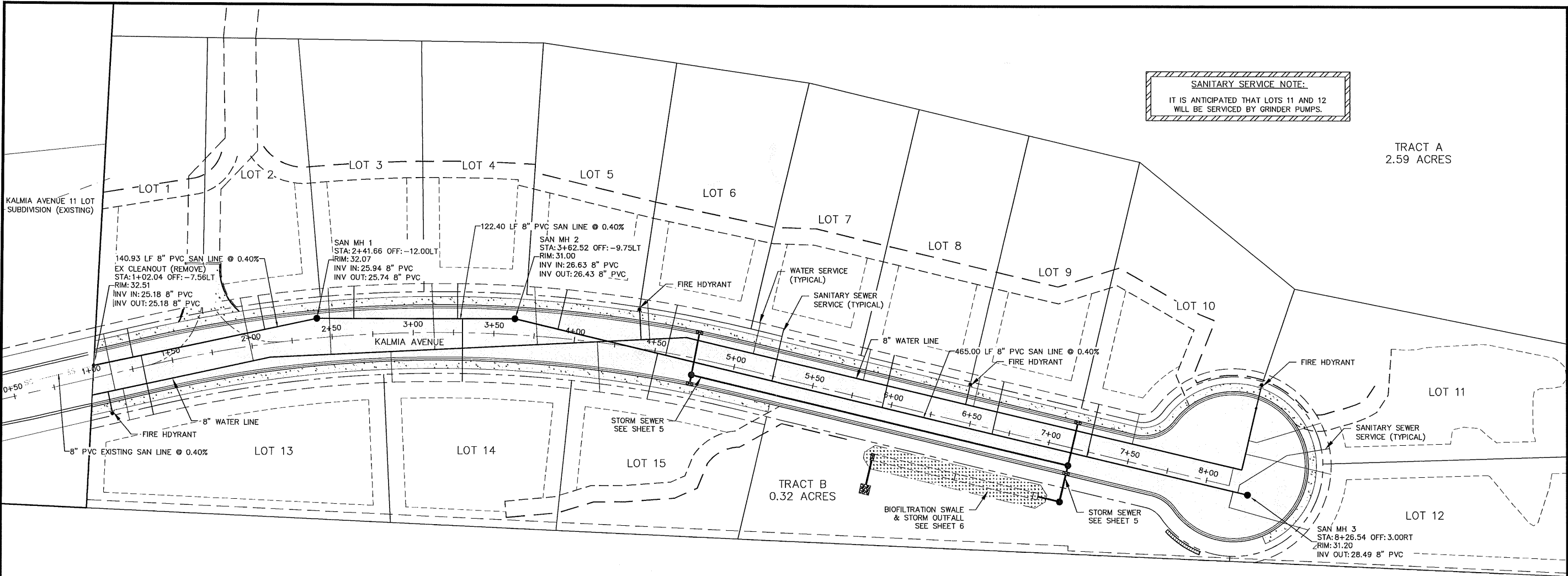
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LEGEND		
	EXISTING	PROPOSED
MAJOR CONTOUR		
MINOR CONTOUR		
SLOPE (ARROW = DOWN)		
SILT FENCE		
EXISTING WETLANDS		
PROPOSED WETLAND REMOVAL		

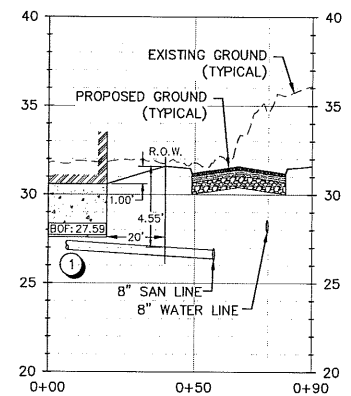


SANITARY SERVICE NOTE:
IT IS ANTICIPATED THAT LOTS 11 AND 12
WILL BE SERVICED BY GRINDER PUMPS.

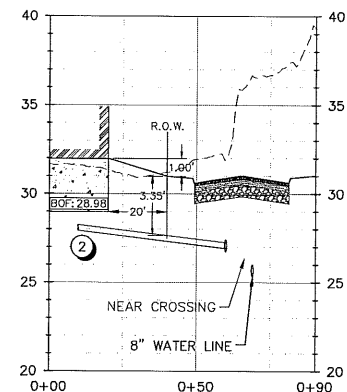
TRACT A
2.59 ACRES



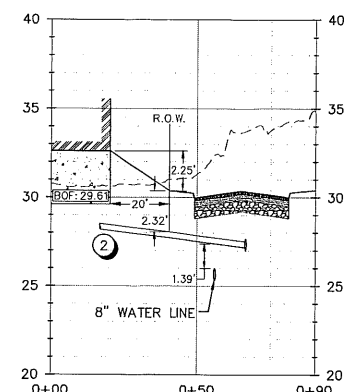
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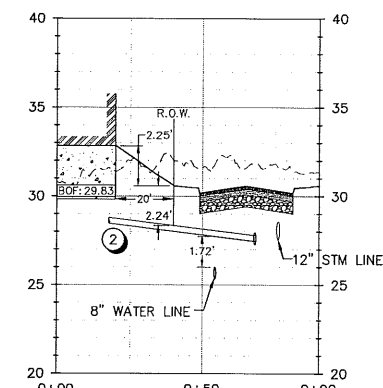
SANITARY SERVICE LOT 4 PROFILE
VERTICAL SCALE: 1" = 5'



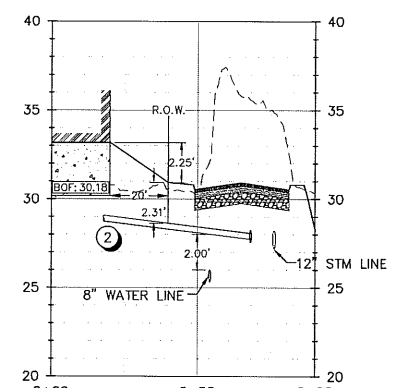
SANITARY SERVICE LOT 5 PROFILE
VERTICAL SCALE: 1" = 5'



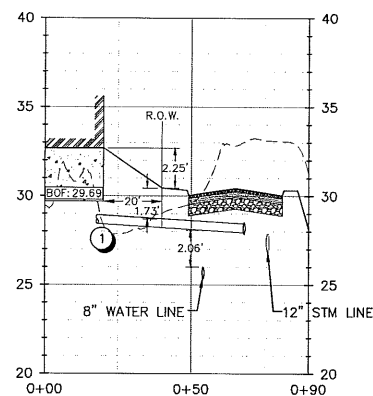
SANITARY SERVICE LOT 6 PROFILE
VERTICAL SCALE: 1" = 5'



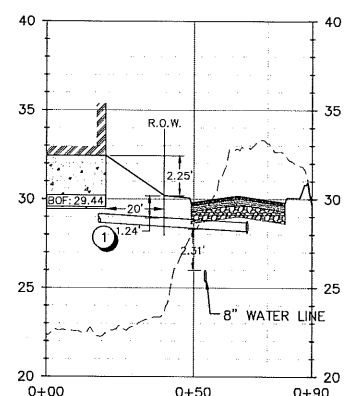
SANITARY SERVICE LOT 7 PROFILE
VERTICAL SCALE: 1" = 5'



SANITARY SERVICE LOT 8 PROFILE
VERTICAL SCALE: 1" = 5'



SANITARY SERVICE LOT 9 PROFILE
VERTICAL SCALE: 1" = 5'



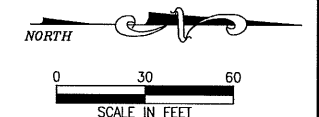
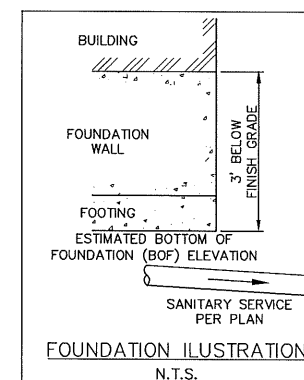
SANITARY SERVICE LOT 10 PROFILE
VERTICAL SCALE: 1" = 5'

KEY NOTES

- ① 6" C900 PVC SANITARY SEWER SERVICE SLOPED AT 1%
- ② 4" C900 PVC SANITARY SEWER SERVICE SLOPED AT 2%

SANITARY SERVICE NOTE:

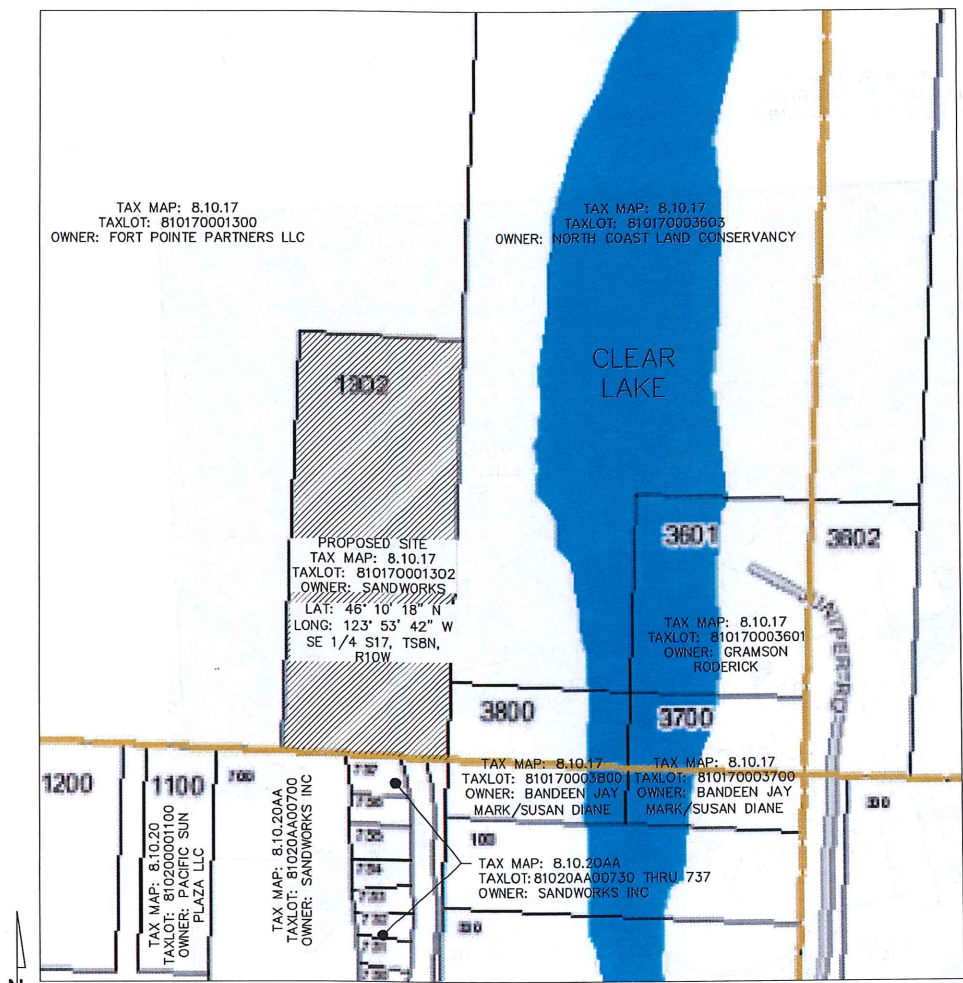
IT IS ANTICIPATED THAT LOTS 11 AND 12
WILL BE SERVICED BY GRINDER PUMPS.



PRELIMINARY

<div>DATE: NO. REVISION</div>	<div>DRAWN: BD DESIGNED: EH CHECKED: EH</div> <div>SCALE: AS SHOWN DATE: FEB 5, 2019</div> <div>PROJECT NO. E18-030</div>	<div>FDG</div> <div>Firwood Design Group, LLC</div> <div>SURVEYING • ENGINEERING • PLANNING</div> <div>359 E HISTORIC COLUMBIA RIVER HWY TROUTDALE, OREGON 97060</div> <div>BUS: (503) 688-3737 • FAX: (503) 688-3788</div>	<div>GILL GRAMSON</div> <div>15 NW 17TH PLACE</div> <div>WARRENTON, OR 97146</div>	<div>SANITARY SEWER SERVICE PROFILES</div> <div>CLEAR LAKE SUBDIVISION</div> <div>KALMIA AVE, WARRENTON, OR 97146</div>	<div>9</div> <div>9</div>
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CLEAR LAKE SUBDIVISION
LAND USE SUBMITTAL
LOCATED AT THE NORTHERLY TERMINUS OF KALMIA AVENUE



TAXLOT AND OWNER MAP
SCALE: 1"=200'

OWNER:
GILL GRAMSON
SANDWORKS
15 N 17TH PLACE
WARRENTON, OREGON 97146

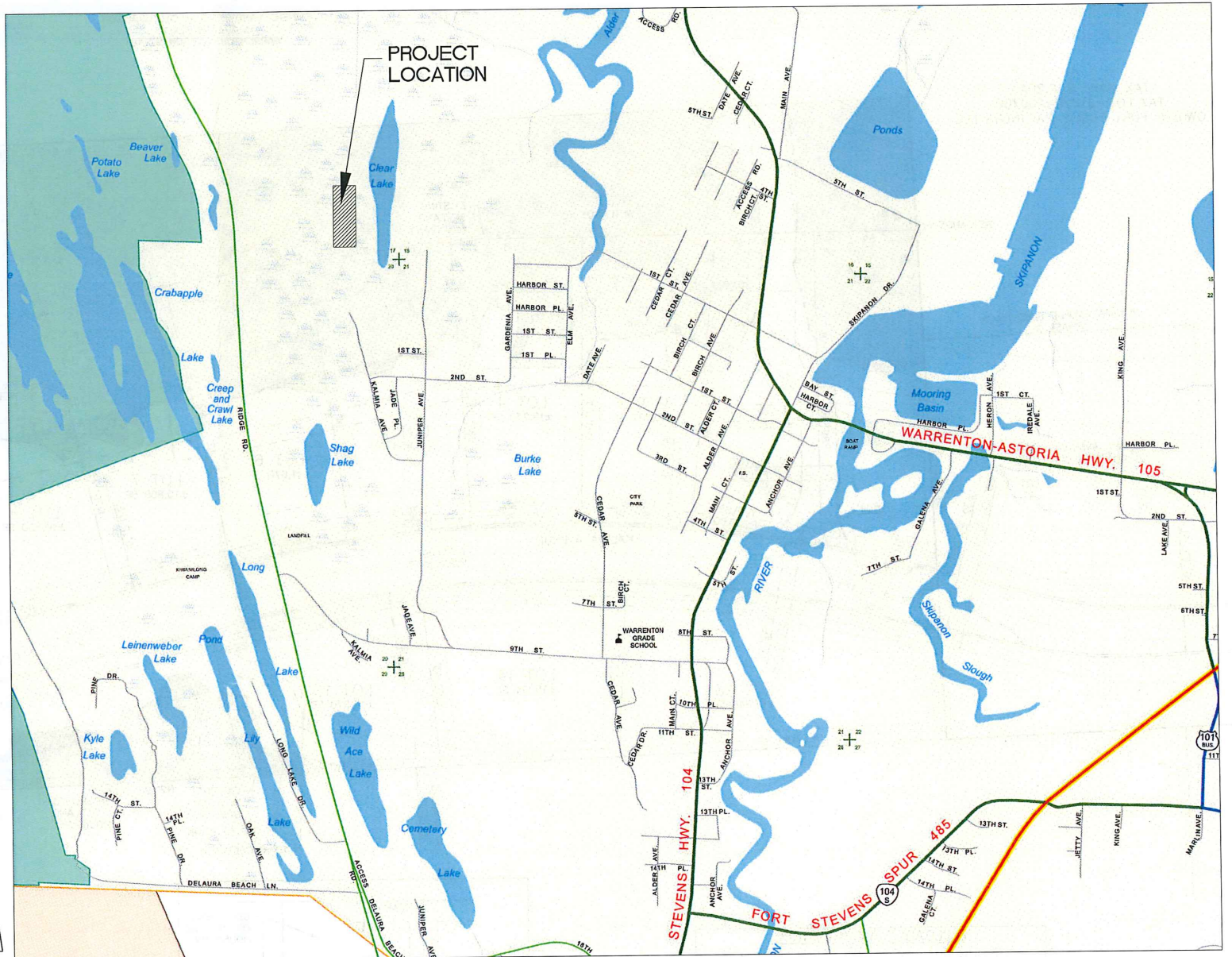
ENGINEER:
FIRWOOD DESIGN GROUP, LLC
359 E. HISTORIC COLUMBIA RIVER DRIVE
TROUTDALE, OREGON 97060
(503) 668-3737

- SHEET INDEX**
- 1 - COVER SHEET & VICINITY MAP
 - 2 - PRELIMINARY PLAT
 - 3 - GRADING & EROSION CONTROL PLAN
 - 4 - EROSION CONTROL NOTES & DETAILS
 - 5 - STREET AND STORM SEWER PLAN
 - 6 - STORM SEWER AND OUTFALL PLAN
 - 8 - WATER AND SANITARY SEWER PLAN
 - 9 - SANITARY SEWER SERVICE PROFILES

DATUM

HORIZONTAL DATUM:
NAD_1983_HARN_STATEPLANE_OREGON_NORTH_FIPS_3601_FEET_INTL

VERTICAL DATUM:
NAVD 88



VICINITY MAP
SCALE: 1"=800'

PRELIMINARY

RE: Clear Lake narrative revised

7/14/2019.

Clear Lake Subdivision Preliminary Plat
Application Narrative and Suggested Findings

This application is for a preliminary plat for 15 lots averaging areas of greater than 10,000 square feet for future single family dwellings on Tax Lot 810170001302, located at the northern terminus of Kalmia Avenue. The subject property consists of 7.919 acres and is zoned GM-R-10. In addition to seeking preliminary plat approval, the application package includes request for a variance to Warrenton Municipal Code (WMC) 16.136.020.M and guided by WMC 16.132.020.B to extend Kalmia Avenue beyond the 200 standard; and a Hardship Variance to fill 0.095 acres of wetland as governed by WMC 16.156.080.

A discussion of how the proposal satisfies the applicable standards of the Municipal Code as listed below. Municipal code is presented in *italics* with the responses/suggested findings in regular font.

Chapter 16.112 Growth Management (GM) Zone Standards
Chapter 16.28 Intermediate Density Residential (R-10) District
Chapter 16.136 Public Facilities Standards
Chapter 16.140 Stormwater And Surface Water Management
Chapter 16.152 Grading, Excavating, And Erosion Control Plans
Chapter 16.156 Wetland And Riparian Corridor Development Standards
Section 16.208.050 Type III Procedure (Quasi-Judicial).
Chapter 16.216 Land Divisions And Lot Line Adjustments

• 16.112.030 Growth Management Standards.

The following standards shall apply to development within growth management areas:

- A. *All development shall provide the following primary urban services: water, sanitary sewer facilities connecting to the City sewer system, local streets, fire protection and drainage. An inability to provide an acceptable level of all primary services shall result in the denial of a land use application.*
- B. *All development shall be reviewed to ascertain whether an adequate level of the following secondary urban services exists: collector and arterial streets, school, police protection and parks. Where the City determines and supports with findings that an unacceptable level of secondary urban services exist, the City may deny the land-use application unless the developer insures the availability of an acceptable level of the services within five years from occupancy.*
- C. *City specifications shall be the standard used as measurement of acceptability of a service.*
- D. *Encourage the development within urban areas before the conversion of urbanizable areas.*

Included with the preliminary plat are plans for a local street designed to provide access to all of the proposed lots together with preliminary plans for the extension of sanitary sewer and potable water for domestic use and fire flow. Access for emergency service providers such as police and fire department personnel and equipment and school busses for transporting students both the primary and high schools will be provided via the extension of Kalmia Avenue. There is also a preliminary plan for managing storm water runoff and treatment via a biofiltration swale facility designed to Oregon Department of Transportation and Oregon Department of Environmental Quality standards. A pedestrian trail access and utility extension easement to be dedicated to the city is shown on the preliminary plat to contribute to future recreational and open space facilities access and the anticipated utilities to improve the city's water distribution system. The subject property abuts a previously approved and developed urban subdivision where the lots have dwellings either completed or under construction, and as such the proposal is a natural extension of the urbanized area.

The proposal satisfies these growth management standards.

- 16.112.050 Land Divisions.

A. All land divisions which would create a parcel under five acres in size shall be subject to approval under the appropriate procedures in this Code (Chapter 16.216). Land divisions which would create a parcel under five acres in size in growth management areas shall be approved only if:

- 1. The lots created are at R-10 urban densities;*
- 2. Primary and secondary urban services are supplied in accordance with Section 16.28.050;*
- 3. An exception is approved as provided in Section 16.112.040.*

B. All land divisions that would create parcels between five and 10 acres in size shall be reviewed to insure that the proposed parcel layout (i.e., relationship to roads, easements and utilities) and building placement is such that the parcel can be re-divided at urban densities.

The preliminary plat application has been prepared and submitted consistent with standards for land divisions set forth by WMC 16.216 and designed to meet the standards of WMC 16.28.040 (discussed below). The standards of WMC 16.28.050 will be met through the installation of utilities and services facilities and the behavior of future residents. None of the lots will exceed the five-acre threshold in Subparagraph B. above.

The preliminary plat satisfies these criteria.

- 16.112.060 Cost Allocation.

The cost of providing the required urban services for a particular land use proposal under consideration shall be borne by the applicant or benefited properties unless otherwise authorized by the City Commission.

The applicant understands that he is solely responsible for the costs of providing the required urban services.

- 16.112.080 Public Improvement Guarantee.

For the purposes of this section, the word "insure" shall mean a legal and enforceable document, contract or process which guarantees to the City a public improvement will be accomplished. Assurances include, but are not limited to, the following:

- A. Performance bond.*
- B. Cash in escrow, assignment of letter of credit, etc.*
- C. Establishment of an LID (post-remonstrance period).*
- D. Evidence of formal action by other public or private agencies or companies authorizing monies or scheduling of a requisite public improvement.*
- E. The requisite improvement is included in an adopted capital improvement program with funds assured by the City.*
- F. Any other legally binding agreement which assures the improvement will be made.*

The applicant understands the requirements for public improvement guarantees, and if a guarantee is warranted, will comply to insure completion of the improvement(s).

- 16.28.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-10 zone if the Community Development Director determines that the uses conform to the standards in Sections 16.28.040 through 16.28.050, applicable Zoning Ordinance standards, and other City laws:

- A. Single-family detached dwelling.*

The GM zone defaults to the R-10 Intermediate Density standards for permitted uses and development standards; single family detached dwellings are permitted outright. The applicant's intent is to develop lots for the future construction of such dwellings. The application satisfies this standard.

- 16.28.040 Development Standards.

The following development standards are applicable in the R-10 zone:

A. Density Provisions.

- 1. Minimum lot area for residences: 10,000 square feet.*
- 2. Minimum lot width at the front building line: 50 feet.*
- 3. Minimum lot depth: 70 feet.*
- 4. Not more than 35% of the lot area shall be covered by buildings except as may be permitted by conditional use permit or variance.*
- 5. Maximum building height: 30 feet.*
- 6. Maximum building height for agricultural buildings: 40 feet.*

B. Setback Requirements.

- 1. Minimum front yard setback: 15 feet.*
- 2. Minimum side yard setback: 10 feet.*
- 3. Corner lot minimum street side yard setback: 10 feet.*
- 4. Minimum rear yard setback: 15 feet, except accessory structures that meet the criteria of Section 16.280.020, may extend to within five feet of a rear property line.*
- 5. Corner lot minimum rear yard setback: 10 feet.*

All lots have been designed to comply with the areal and dimension standards of WMC 16.28.040.A. above, and have sufficient area to meet the setback standards of WMC 16.28.040.B; the application satisfies these standards.

• *16.28.050 Other Applicable Standards.*

- A. Outside sales and service areas shall be approved by the Warrenton Planning Commission if not enclosed by suitable vegetation, fencing or walls.*
- B. Outside storage areas shall be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 16.124.*
- C. All uses shall comply with access and parking standards in Chapters 16.116 and 16.128 except as may be permitted by conditional use or variance.*

- D. *Signs shall comply with standards in Chapter 16.144.*
- E. *All development shall comply with the wetland and riparian area protection standards of Chapter 16.156.*
- F. *Manufactured homes must comply with the criteria of Section 16.168.010.*
- G. *A garage or carport is required and shall conform to the standards of Chapter 16.180.*
- H. *All other applicable Development Code requirements must be met.*
- I. *All new sewer and water connections for a proposed development shall comply with all City regulations.*
- J. *RV parks shall comply with Chapter 16.176 and all applicable State and Federal laws and regulations.*

Most of these standards do not apply. Those that do would primarily be applicable to future property owners. Utility connections will be stubbed to each lot as the subdivision is developed. Compliance with the wetland protection standards of WMC 16.156 is discussed below.

- *16.120.030 Pedestrian Access and Circulation.*

A. *Pedestrian Access and Circulation.* *To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing, duplexes, or triplexes on individual lots, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in paragraphs 1 through 3 of this subsection:*

4. *Street Connectivity.* *Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.120.020. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:*

e. *The Planning Commission or Community Development Director may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of the ordinance codified in this chapter prohibit the pathway connection.*

The applicant understands the concept of providing connectivity and continuity of streets and pedestrian paths as required by the code above. As discussed in section 16.136.030, the applicant has provided a public access and utility easement between Lots 1 and 2. However, we note that subsection 4.e. provides an exception to this requirement when physical characteristics of the property and landscape make such trails impractical. In this case, City staff has requested a pedestrian trail along the common lot line of Lots 11 and 12 from the cul-de-sac to the northern property line of the subject property. The preliminary grading plan (sheet 3 of 9) shows the final graded slope of this area to be approximately 16 percent, which is relatively steep, but could be accommodated by a form of stairs; serpentine switchbacks would consume too much territory of the privately owned lots and likely prevent suitable driveway placement.

Additionally, the environmental constraints on the subject property and abutting property to the north present much greater challenges. As illustrated on Sheet 3, there is a wetland not planned for fill that straddles the common property line between Lots 11 and 12. Constructing a trail would require additional wetland fill impacts. Further, the trail would lead to private property that is also mapped as wetlands on the National Wetland Inventory and mapped as designated as Significant Wetlands on Warrenton's Local Wetland Inventory. The potential for development of this property is highly unlikely. Thus, a pedestrian trail to be constructed as part of the Clear Lake subdivision between Lots 11 and 12 would require the applicant to fill wetlands on site for a trail that would functionally and practically terminate at the property line and not fulfill the purpose of providing connectivity and continuity to other development or potential developable properties. The exception afforded by Subparagraph 4.e. is warranted.

- 16.136.020 Transportation Standards.

A. Development Standards. No development shall occur unless the lot or parcel abuts a public or private street, other than an alley, for at least 25 feet and is in conformance with the provisions of Chapter 16.120, Access and Circulation, and the following standards are met:

- 1. Streets within or adjacent to a development shall be improved in accordance with the Comprehensive Plan, Transportation System Plan, and the provisions of this chapter;*
- 2. Development of new streets (public or private), and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable City, County or State jurisdiction;*
- 3. New streets and drives connected to a City collector or arterial street shall be paved; and*
- 4. The City may accept a future improvement guarantee [e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future] in lieu of street improvements if one or more of the following conditions exist:*
 - a. A partial improvement may create a potential safety hazard to motorists or pedestrians,*

b. *Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation,*

c. *The improvement would be in conflict with an adopted capital improvement plan, or*

d. *The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.*

The proposed Kalmia Avenue extension for the Clear Lake subdivision will meet these standards. It will be paved for its length and is designed pursuant to the Transportation System Plan standards in effect at the time of submittal. Curb to curb width is proposed at 32 feet, 4 feet wider than the existing 28-foot wide street segment it will be extended from. It is premature to decide whether a surety will be necessary. All new lots will have a frontage of greater than 60 feet.

B. *Variances.* *Variances to the transportation design standards in this section may be granted by means of a Class 2 variance, as governed by Chapter 16.272, Variances. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (see Chapter 16.156).*

A variance to the cul-de-sac length of 200 feet per WMC 16.130.020.M is requested and the criteria of WMC 16.272 is discussed below. The subject property is bounded by wetlands to the west, north and partially to the east. Where wetlands to the east terminate a sand dune presents topographic constraints to the construction of a road. This is further complicated by the North Coast Land Conservancy ownership of the easterly abutting tract and the Conservancy's goal of preserving that property from development.

C. *Creation of Rights-of-Way for Streets and Related Purposes.* *Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Commission for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the City Attorney and shall name "the public," as grantee.*

D. *Creation of Access Easements.* *The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 16.120, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code, as amended.*

E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan and Comprehensive Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

- 1. Street grades shall be approved by the City-appointed engineer in accordance with the design standards in subsection N of this section; and*
- 2. Where the location of a street is not shown in an existing street plan (see subsection H of this section), the location of streets in a development shall either:*
 - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter, or*
 - b. Conform to a street plan adopted by the City, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.*

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall conform to the design standards in Table 16.136.010. A variance shall be required in accordance with Chapter 16.272 of this Code to vary the standards in Table 16.136.010. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

- 1. Street classification in the Transportation System Plan or Comprehensive Plan;*
- 2. Anticipated traffic generation;*
- 3. On-street parking needs;*
- 4. Sidewalk and bikeway requirements based on anticipated level of use;*
- 5. Requirements for placement of utilities;*
- 6. Street lighting;*
- 7. Street tree location, as provided for in Chapter 16.124;*
- 8. Protection of significant vegetation and wetland and riparian areas, as provided for in Chapters 16.124 and 16.156;*
- 9. Safety and comfort for motorists, bicyclists, and pedestrians;*

10. *Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;*
11. *Access needs for emergency vehicles; and*
12. *Transition between different street widths (i.e., existing streets and new streets), as applicable.*

The proposed Kalmia Avenue extension as a local alternative street is consistent with these criteria. The right-of-way is 50 feet which includes sufficient space for a new street to accommodate anticipated traffic generation of 150 average daily traffic, on-street parking, sidewalks, utilities, street lighting, street trees, protection of sensitive lands, safety and comfort for motorists, bicyclists, and pedestrians, emergency vehicle access, and the transition for the right-of-way and existing 28-foot pavement width of Kalmia Avenue.

Table 16.136.010

City of Warrenton Street Design Standards

<i>Type of Street</i>	<i>Average Daily Trips (ADT)</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes⁴</i>	<i>Median/Flex Lane⁵</i>	<i>Bike Lanes or On-Street Parking (both sides)</i>	<i>Curb</i>	<i>Planting Strip⁵</i>	<i>Sidewalks</i>
Arterial Roads									
4-Lane Arterial	<i>Varies</i>	<i>80 - 102 ft.</i>	<i>64 - 78 ft.</i>	<i>12 ft.⁴</i>	<i>14 ft.</i>	<i>8 ft.</i>	<i>Yes</i>	<i>6 ft.</i>	<i>6 ft.</i>
2-Lane Arterial	<i>Varies</i>	<i>80 ft.</i>	<i>40 - 54 ft.</i>	<i>12 ft.⁴</i>	<i>14 ft.</i>	<i>8 ft.</i>	<i>Yes</i>	<i>6 ft.</i>	<i>6 ft.</i>
Collector Roads									
Collector Road	<i>Varies</i>	<i>60 - 64 ft.</i>	<i>36 - 40 ft.</i>	<i>12 ft.⁴</i>	<i>None</i>	<i>6-8 ft.</i>	<i>Yes</i>	<i>6 ft.</i>	<i>6 ft.</i>

Local Roads									
Local Road	<i>Varies</i>	<i>50 - 60 ft.</i>	<i>36 ft.</i>	<i>10-12 ft.</i>	<i>None</i>	<i>8 ft. parking (on one or both sides)¹</i>	<i>Yes (on one or both sides)</i>	<i>5 ft.</i>	<i>5 ft.³</i>
Alternative Local Road²	<i>< 250</i>	<i>50 ft.</i>	<i>20 - 28 ft. (no curbs required)</i>	<i>10 ft.</i>	<i>None</i>	<i>None¹</i>	<i>None</i>	<i>5 ft.</i>	<i>None</i>
Alleys	<i>N/A</i>	<i>12 - 24 ft.</i>	<i>12 - 24 ft.</i>	<i>N/A</i>	<i>N/A</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>
Multi-Use Paths	<i>N/A</i>	<i>8 - 16 ft.</i>	<i>8 - 16 ft.</i>	<i>N/A</i>	<i>N/A</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>

Notes:

¹ *Bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (less than 35 mph) roads.*

² *The alternative local road standard may be used when approved by the City of Warrenton. The standard is intended to apply under the following circumstances:*

← *The local road will serve 18 or fewer dwelling units upon buildout of adjacent property.*

← *The ADT volume of the road is less than 250 vehicles per day.*

← *Significant topographical or environmental constraints are present.*

← *Use of the alternative local road standard will not create gaps in connectivity or roadway standards with adjacent roadway sections (i.e., side-walk, parking, travel lane widths).*

← *The City-appointed engineer and emergency service providers have reviewed and accepted usage of the alternative local roadway standard.*

³ *Sidewalks are required on all local roads in high-density residential and commercial zones unless exempted by the City-appointed engineer or Planning Commission.*

⁴ *Where parking is constructed next to a travel lane, the travel lane shall be increased to a width of 14 feet to function as a shared roadway and accommodate bicycles.*

⁵ *Footnote indicates that these features are optional. Flex lanes would provide for traffic flow in one direction or another depending upon the specific traffic patterns and demands for an area. Flex lanes could be used for transit routes or emergencies, and would provide extra right-of-way width for future rail or transit. Appropriate safety measures would need to be installed in conjunction with flex lanes.*

The proposed 32-foot street width exceeds the upper range width of 28 feet identified in the table above; it also includes sidewalks. We believe the proposed width is appropriate and supported by the code criteria: it will serve fewer than 18 dwellings; average daily traffic at 150 trips is below the 250 ADT threshold; and it more easily transitions to the narrow road from which it is extended without creating a gap in connectivity with the existing adjacent street section. Because of the development constraints imposed by the environmental conditions on the adjacent properties, the likelihood of extending Kalmia Avenue further is nil such that conditions allowing for an alternative street width will not change.

G. Traffic Signals. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval. Traffic signals on roads under state jurisdiction shall be determined by the Oregon Department of Transportation.

Because there is no intersection with the street extension, there is no need for a traffic signal.

H. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Community Development Director or Planning Commission determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to subparagraphs a through c of this paragraph:

a. *These extended streets or street stubs to adjoining properties are not considered to be cul de-sacs since they are intended to continue as through streets when the adjoining property is developed.*

b. *A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.*

c. *Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) may be constructed for stub streets over 150 feet in length for a time period of up to two years. The developer shall guarantee conversion of the temporary hammerhead into a cul-de-sac that meets the standards of this Code by posting a performance bond that guarantees the required improvement within the time specified.*

Environmental conditions make the likelihood of extending the street to adjacent properties nil, therefore it is appropriate to develop the cul-de-sac to city standards rather than extend the road to the north property line.

I. *Street Alignment and Connections.*

1. *Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.*

2. *Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.*

3. *All local and collector streets which abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this Code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.*

4. *Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.*

5. *In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the following standards in Chapter 16.120, Access and Circulation: The maximum block length shall not exceed 1,000 feet between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The maximum length of blocks along an arterial is 1,800 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or location of adjoining streets justifies an exception.*

Exceptions to the above standards may be granted when an accessway is provided at or near mid block, in conformance with the provisions of Section 16.120.030.

This section does not apply.

J. *Sidewalks, Planter Strips, Bicycle Lanes.* *Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 16.136.010, applicable provisions of the Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.*

The right-of-way extends 3 feet beyond the standard 5-foot sidewalk and is available as a planting strip. Bicycle lanes are not warranted.

K. *Intersection Angles.* *Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:*

1. *Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;*
2. *Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and*
3. *Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.*

No intersections are proposed.

L. *Existing Rights-of-Way.* *Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provisions of this chapter.*

No existing right-of-way is on the subject property.

M. Cul-de-Sacs. A dead-end street shall be no more than 200 feet long, shall not provide access to greater than 18 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code preclude street extension and through circulation.

1. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a radius of no less than 40 feet from center to edge of pavement except that turnarounds that contain a landscaped island or parking bay in their center shall have a minimum radius of 45 feet. When an island or parking bay is provided, there shall be a fire apparatus lane of at least 20 feet in width; and

2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

See Section 16.120.020 for fire access and parking area turnaround requirements based on Uniform Fire Code standards, as amended.

The cul-de-sac has been designed to these standards. A variance to the length standard is requested and discussed below.

N. Grades and Curves. Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and

2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

The street design adheres to these standards.

O. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Chapter 16.120, Access and Circulation, and City construction standards.

These standards will be adhered to at the time of home construction.

P. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New

railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.

Q. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

- 1. A parallel access street along the arterial with a landscape buffer separating the two streets;*
- 2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 16.164;*
- 3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or*
- 4. Other treatment suitable to meet the objectives of this subsection;*
- 5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 16.120.020.*

There are no railroads or arterial streets in the vicinity.

R. Alleys, Public or Private. Alleys shall conform to the standards in Table 16.136.010. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

S. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design standards for private streets are the same as design standards for public streets and shall conform to the provisions of Table 16.136.010.

No alleys are proposed. The right-of-way and street will be dedicated to the public at the time of final plat recordation.

T. Street Names. Street naming and numbering in the City of Warrenton (and Hammond) shall follow the uniform system of the City's addressing ordinance (Ord. No. 359-A). Street names, signs and numbers shall conform to the City's addressing ordinance.

The applicant's intent is to continue the street name Kalmia Avenue.

U. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to

provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

Acknowledged.

V. Street Signs. The City, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

W. Mail Boxes. Plans for mail boxes to be used shall be approved by the United States Postal Service.

X. Street Light Standards. Street lights shall be installed in accordance with City standards.

Y. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City-appointed engineer.

- 1. Sub-base and leveling course shall be of select crushed rock;*
- 2. Surface material shall be of Class C or B asphaltic concrete;*
- 3. The final lift shall be Class C asphaltic concrete as defined by O.D.O.T/A.P.W.A. standard specifications;*
- 4. No lift shall be less than one and one-half inches in thickness; and*
- 5. All streets shall be developed in accordance with City of Warrenton construction standards.*

The requirements of sub-paragraphs V through Y are acknowledged.

16.136.030 Public Use Areas.

A. Dedication Requirements.

- 1. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.*

2. *If determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.*

3. *All required dedications of public use areas shall conform to Section 16.136.010(D) (Conditions of Development Approval).*

B. *Acquisition by Public Agency.* *If the developer is required to reserve land area for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 12 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.*

C. *System Development Charge Credit.* *Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.*

No park or recreational facility is shown in a city approved plan to be located wholly or partially within the boundaries of the subject property. We also note that WMC 16.216.020.I sets the threshold for requiring neighborhood parks to developments of 20 lots or more; this proposal has 15 lots. However, in the spirit of cooperation, the application includes a 20-foot wide easement between Lots 1 and 2 to the subject property western boundary for utilities and to facilitate the development of a pedestrian trail toward recreation facilities along Ridge Road. These criteria are satisfied.

- *16.136.040 Sanitary Sewer and Water Service Improvements.*

A. *Sewers and Water Mains Required.* *Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies. Where City sanitary sewers are not physically or legally available to service the site, the applicant must demonstrate provisions for a suitable on-site disposal system permitted by DEQ prior to issuance of City permits. All development within a growth management (GM) zone, as identified on the official Warrenton Zoning Map, shall comply with the growth management zone standards of Chapter 16.112.*

B. *Sewer and Water Plan Approval.* *Development permits for sewer and water improvements shall not be issued until the City-appointed engineer has approved all sanitary sewer and water plans in conformance with City standards.*

C. *Over-sizing.* *Proposed improvements to the City sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan, Water System Master Plan, and/or Sanitary Sewer Master Plan. The developer shall be entitled to system development charge credits for the over-sizing.*

D. Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

Included with the application plan set are preliminary designs for the extension of both potable water and sanitary sewer lines from their present terminus at the southern property line of the subject property. The plans call for the extension of 8-inch pipes for both utilities, with manholes as appropriate and necessary for the sanitary sewer pipe system. The designs have been prepared according to the Engineering Standards & Design Criteria manual establishing standards for civil engineering plan submittals and public infrastructure construction for development and improvement projects within the City of Warrenton. Preliminary modelling of the water system indicates that the proposed water main would provide water in adequate quantities and pressure for domestic flow as well as for fire flow needs. Fire hydrants will be Mueller Centurion 250 Model A-423 or an approved equivalent with a recirculation oil lubrication system. Hydrant locations will be submitted to the Warrenton Fire Chief for approval.

Both utilities would terminate at the cul-de-sac on the north end of the subject property. Fort Pointe Properties LLC owns the land abutting on the north. It is mapped as significant wetlands on the city's Wetland Inventory. Fort Pointe has secured the development entitlements for portions of that tract adjacent to Ridge Road and has expressed that it has little interest in developing in the vicinity of the subject property. Similarly, the North Coast Land Conservancy acquired the land to the east with the goal of preserving it in its present state. The likelihood of extending either utility beyond the designed termini is quite low.

- *16.136.050 Storm Drainage Improvements.*

A. General Provisions. The City shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made in conformance with Chapter 16.140, Stormwater and Surface Water Management.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City-appointed engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the City-appointed engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

D. Easements. *Where a development is traversed by a watercourse, wetland, drainage way, channel or stream, the City may require a dedication of a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.*

The project design for storm water management shows a series of catch basins, manholes and a storm water quality treatment biofiltration facility located east of the planned Kalmia Avenue extension north of Lot 15. All storm water runoff from the new pavement, driveways, and sidewalks would be directed to this facility where it would be treated as it partially infiltrates and flows through the vegetated swale before discharging to the adjacent wetland. The biofiltration swale has been designed to Oregon Department of Transportation standards and in addition to the need to be approved by the City, must also be approved by the Oregon Department of Environmental Quality as part of the Wetland Mitigation Plan approval process.

The application satisfies these criteria.

- 16.136.060 Utilities.

A. Underground Utilities. *All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new land divisions, in order to facilitate underground placement of utilities:*

1. *The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct circulation and access aisles or impede vision clearance areas for vehicular traffic (Chapters 16.120 and 16.132);*
2. *The City reserves the right to approve the location of all surface mounted facilities;*
3. *All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and*
4. *Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*

B. Easements. *Easements shall be provided for all underground utility facilities.*

C. Exception to Undergrounding Requirement. *The standard applies only to proposed land divisions and large-scale developments. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography or existing development conditions.*

All utilities will be constructed underground except for necessary above ground pedestals with plans coordinated and approved by the serving utility and surface mounted pedestal locations approved by the City. Obviously, all utilities to be installed between the curbs will be completed prior to paving. Stubs will be onto each new lot such that disturbance to the street is avoided when service connections are requested. The plans call for a 5-foot utility easement outside the right-of-way to accommodate private service utility facilities.

The application meets these criteria.

- 16.136.070 Easements.

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also Chapter 16.212, Site Design Review, and Chapter 16.216, Land Divisions and Lot Line Adjustments. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 20 feet unless otherwise specified by the utility company, applicable district, or City-appointed engineer.

Application plans currently include a 5-foot wide utility easement outside the proposed right-of-way to accommodate utility service providers such as power and communications. A 20-foot public access and utility easement is also proposed between Lots 1 and 2 to accommodate future City extensions of water mains to improve looping in the water system and to contribute to the provision of future pedestrian access to public and private recreational facilities along Ridge Road.

- 16.136.080 Construction Plan Approval and Assurances.

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by resolution of the City Commission. The City may require the developer or land divider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also Section 16.212.040, Site Design Review, and Chapter 16.216, Land Divisions and Lot Line Adjustments.

The applicant acknowledges this administrative requirement and will comply.

- 16.136.090 Installation.

A. Conformance Required. *Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter,*

approved construction plans, and to improvement standards and specifications adopted by the City.

B. Adopted Installation Standards. The Oregon Standard Specifications for Construction (combined APWA/ODOT standards) shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City-appointed engineer.

C. Commencement. Work shall not begin until the City has been notified in advance and all required permits have been issued.

D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified.

E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Chapter 16.228, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

F. Engineer's Certification and As-Built Plans. A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide four set(s) of "as-built" plans, in conformance with the City-appointed engineer's specifications, for permanent filing with the City.

The applicant acknowledges these administrative requirements and will comply.

• 16.140.010 Natural Drainage System Maintained to Extent Feasible.

A. To the extent practicable, all development must conform to the natural contours of the land and natural and pre-existing man-made drainage ways must remain undisturbed.

B. To the extent practicable, lot boundaries created by partition or subdivision must coincide with natural and pre-existing man-made drainage ways to avoid the creation of lots that can be built upon only by altering such drainage ways.

There are no apparent natural or pre-existing man-made drainage ways on the subject property. To improve general water quality, add to wetland protections, and manage new storm water runoff from the increased impervious surfaces created by the proposed street and driveways, the

project includes a biofiltration facility which will treat new storm water prior to discharge to the adjacent wetland.

- 16.140.020 Developments Must Drain Properly.

- A. *All developments must provide an adequate drainage system to prevent the undue detention or retention of stormwater or surface water on the development site. Stormwater or surface water will not be regarded as unduly detained or retained if:*
 - 1. *The detention or retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan prepared by an engineer; or*
 - 2. *The detention or retention is not substantially different in location or degree than that experienced by the development site in its predevelopment state, unless such detention or retention presents a danger to health or safety.*
- B. *No stormwater may be channeled and directed into a sewer line.*
- C. *Whenever practicable, the drainage system of a development must coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.*
- D. *All developments must be constructed and maintained so that adjacent properties are not unreasonably burdened with stormwater runoff as a result of the developments.*

The engineered storm water system is designed to satisfy all these criteria. Conveying all runoff from the street to the biofiltration facility will result in some infiltration but will also passively meter the discharge of treated storm water to the adjacent wetland

- 16.140.030 Surface Water Management.

All developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

- A. *No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and*
- B. *No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.*
- C. *No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the*

flow of water through a development must be designed to pass flow during a 100-year storm event.

As discussed above, the focus of the project surface water management system is to collect and convey all post development runoff to a facility where it will partially infiltrate to ground water and otherwise be treated prior to discharge to the adjacent wetland. Because of the existing and proposed topography on the site and the property to the east, the higher adjacent property runoff will not be impeded. Additional surface water flows are anticipated to be insignificant due to the pervious nature the underlying sandy soils. Since the area of the development is essentially a contiguous high point mostly surrounded by wetlands, no flows through the subject property will be obstructed. No bridges or culverts are proposed. Please refer to the attached storm water plan for details.

- 16.140.040 Erosion and Sediment Control.

A. *For projects that disturb over one acre, applicants must apply to Oregon Department of Environmental Quality (DEQ) for a National Pollutant Discharge Elimination Control System (NPDES) 1200(C) permit.*

B. *Erosion and sediment control plans are required by the City as a component of the site plan for all plats and all projects which require site plan review. Erosion control plans must be designed to the specifications as outlined in this chapter.*

C. *Development of the land may not begin (and no building permits may be issued) until the City-appointed engineer approves the erosion control plan.*

D. *For purposes of this section, "disturb" means any use of the land by any person in any development, and/or road construction and maintenance that results in a change in the natural cover or topography that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity or ice from the site of its origin.*

The applicant fully intends to submit application to ODEQ for a 1200 C erosion control permit and will submit that plan to the City for review and approval as well as a Land Use Compatibility Statement application. Typically, erosion control methods will include silt fencing around the perimeter of the project site, and best management practices (BMPs). Cut and fill slopes will be stabilized during construction as recommended by the geotechnical engineering report and permanent stabilization of these slopes will similarly follow the geotechnical report recommendations. See the attached Geoengineers report for details.

- 16.140.050 Stormwater System Design.

A. *Storm sewers constructed within the street will be sized by the developer's engineer and will consider all potential runoff requirements within the site and upstream of the site.*

1. *The storm sewer will be sized for a 100-year design recurrence criteria for storm drainage facilities.*

2. *The minimum size of storm sewers is eight inches in diameter.*

3. *Spacing of catch basins along the street must conform to published engineering recommendations, which consider profile of the street and street width.*

B. *On-site detention shall be required for new development where downstream deficiencies exist or are anticipated to exist. The square footage considers the total development of the property including the future potential impervious surface. Required design recurrence criteria for a commercial or residential storm drainage detention facility is a 10-year interval. Development that has less than 5,000 square feet of impervious surface is exempt from detention requirements.*

C. *Pervious pavement, and pavement and roofs that drain to an infiltration facility will not be counted when sizing a detention facility to handle the stormwater design.*

The stormwater system will be designed using industry standards and reviewed by the City. The proposed biofiltration facility will be designed per the ODOT Hydraulics Manual for ODEQ approval in the absence of City design parameters for this type of facility. See the Preliminary Stormwater Report for additional information. In the absence of a homeowners association for this subdivision, it is currently assumed that this facility will be maintained by the City. Onsite detention is not proposed for this project since the large surrounding wetlands have essentially infinite flow capacity; thus, do not present a downstream deficiency.

- 16.140.060 Illegal Discharge of Materials Into the Stormwater System.

The discharge of any material other than stormwater into the stormwater system is prohibited. The placement of materials in a location where they are likely to be carried into the stormwater system by any means is also prohibited.

The applicant acknowledges this illegal discharge prohibition.

- 16.152.030 Permits Required.

Except as provided in Section 16.152.040 of this chapter, no person shall do any grading work without first having attained a grading permit from the building official.

No further earth movement will take place until after preliminary plat approval, inclusive of approval of the grading plan, and application for a grading permit has been submitted and approved.

- 16.152.060 Grading Permit Requirements.

A. Permits Required. Except as exempted in Section 16.152.040, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.

B. Application. To obtain a grading permit, the applicant shall file an application in writing to the City of Warrenton on a form furnished by the building official. Every such application shall contain:

1. Identification and description of work to be covered by the permit for which the application is made, including estimated quantities of work involved.
2. Description of the land on which the proposed work is to be done by legal description, street address, assessor parcel number, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indication of the use or occupancy for which the proposed work is intended.
4. Plans, diagrams, computations, and specifications, and other data as required by this chapter. Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and show in detail that it will conform to all provisions of this Code and relevant laws, ordinances, rules, and regulations of the City.
5. Applicant's signature.
6. Other data as required by the building official.

C. Grading Designation. Grading in excess of 5,000 cubic yards shall be permitted in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards shall be designated as "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements of engineered grading.

D. Engineered Grading Requirements. As required by 2010 Oregon Structural Specialty Code Appendix J, as may be amended.

E. Regular Grading Requirements. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner, and the name of the person who prepared the plan. The plan shall include the following information:

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of cut and fill.

3. *Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.*

F. Issuance.

1. *The application, plans, specifications, computations, and other data filed by an applicant for a grading permit shall be reviewed by the building official. Such plans may be reviewed by other City departments to verify compliance with any applicable laws of the City. The building official may require that grading operations and project designs be modified if delays occur which incur weather generated problems not considered at the time the permit was issued. The provisions of UBC Section 106.4 are applicable to grading permits.*

2. *The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.)*

The preliminary plat application plan set illustrates the proposed grading plan for all cuts and fills with an estimated total volume of material moved at 22,285 cubic yards. The drawings are stamped by an engineer licensed in the state of Oregon. Upon approval of the preliminary plat application, the applicant will submit an application for a grading permit with all the required components identified by the code above.

• 16.152.100 Cuts.

A. General. *Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.*

B. Slope. *The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one unit vertical in two units horizontal (50% slope) unless the permittee furnishes a soils engineering or engineering geology report, or both, stating that the site has been investigated and given an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.*

All cut slopes are designed at the requisite 1v:2h standard.

• 16.152.110 Fills.

A. General. *Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.*

B. Preparation of Ground. *Fill slopes shall not be constructed on natural slopes steeper than one unit vertical in two units horizontal (50% slope). The ground surface shall be prepared*

to receive fill by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than one unit vertical in five units horizontal (20% slope) and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than one unit vertical in five units horizontal (20% slope) shall be at least 10 feet wide. The area beyond the toe of the fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of the fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension of greater than 12 inches shall be buried or placed in fills. The building official may permit the placement of larger rock when the soils engineer properly devises a method of placement and continuously inspects its placement and approves the fill stability. The following conditions shall also apply: (1) prior to issuance of a grading permit, potential rock disposal areas shall be delineated on the grading plan; (2) rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically; and (3) rocks shall be placed so as to assure filling of all voids with well-graded soil.

D. Compaction. All fills shall be compacted to a minimum of 90% of maximum density.

E. Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one unit vertical in two units horizontal.

These standards will be adhered to during construction. Most fill slopes are adjacent to existing wetlands. The applicant requests fill slopes at 1v:1.5 h as a measure to reduce impacts to those wetlands. Shallower slopes would increase the area of wetland filling. The geotechnical report supports this slope.

- 16.152.120 Setbacks.

A. General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

B. Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one-fifth the vertical height of cut with a minimum of two feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.

C. Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of two feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems

necessary to protect adjoining property from damage as a result of such grading. These precautions may include, but are not limited, to (1) additional setbacks; (2) provisions for retaining or slough walls; (3) mechanical or chemical treatment of the fill slope surface to minimize erosion; and (4) provisions for the control of surface waters.

D. Modification of Slope Location. The building official may approve additional setbacks. The building official may require investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

The setback of the cut slope in Lots 13 and 14 is a uniform 20 percent of the widest portion of the cut. This setback continues for the fill slope in Lot 15

• 16.152.130 Drainage and Terracing.

A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than one unit vertical in three units horizontal (33.3% slope).

B. Terraces.

1. Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be a mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height, shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by a civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.

Terraces will not be needed since the total cut and fill proposed is substantially less than the minimum threshold of 30 vertical feet.

2. Swales or ditches or terraces shall have a minimum gradient of five percent and must be paved with reinforced concrete not less than three inches in thickness or and approved equal paving. They shall have a minimum depth at the deepest point of one foot and a minimum paved width of five feet.

3. A single run of swale or ditch shall not collect runoff from a tributary exceeding 13,500 square feet (projected) without discharging into a down drain.

No swales or ditches are proposed.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

Comment noted. Recommendations in the geotechnical report will be followed.

D. Disposal.

1. *All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.*

The proposed stormwater system and outfall protection meets this requirement

2. *Building pads shall have a drainage gradient of two percent toward approved drainage facilities unless waived by the building official. The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area: (a) no proposed fills are greater than 10 feet in maximum depth; (b) no proposed finish cut or fill slope faces a vertical height in excess of 10 feet; and (c) no existing slope faces, which have a slope face steeper than one unit vertical in 10 units horizontal, have a vertical height in excess of 10 feet.*

As shown on the attached grading plan, the proposed lot grading meets this criterion.

E. Interceptor Drains. *Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the building official.*

Interceptor drains above the cut slope in the southeastern are not required due to the negligible amount of upslope area.

• **16.152.140 Erosion Control.**

A. Slopes. *The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection of the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the material, such protection may be omitted.*

B. Other Devices. *Where necessary, check dams, cribbing, riprap, or other devices or methods shall be employed to control erosion and provide safety.*

No other devices are proposed, although future property owners may pursue rip rap or retaining walls.

- *16.152.150 Completion of Work.*

Upon completion of the rough grading work and at the completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable:

A. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 16.152.070 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations, and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within the specified area of responsibility was done in accordance with the final approved grading plan.

B. A report prepared by a soils engineer retained to provide such services in accordance with Section 16.152.070, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

These requirements are noted and will be complied with.

- *16.156.030 Wetland Area Development Standards.*

Wetland areas in the City of Warrenton are identified on the 1" equals 400' feet maps entitled City of Warrenton Wetland Conservation Plan Inventory dated October 17, 1997. These maps show approximate wetland boundaries for wetland areas within the Warrenton Urban Growth Boundary.

A. Applications to the City of Warrenton for subdivision, partition planned unit development, conditional use, site design review, variance, or temporary building permits that would lead to the disturbance of a wetland upon approval and issuance of grading or building permits, shall include a delineation of the wetland boundary, approved by the Oregon Department of State Lands.

A copy of the delineation prepared by Cascade Environmental Group LLC is included in the application package together with the September 28, 2017 concurrence letter from the Department of State Lands.

- *16.156.040 Significant Wetland Area Development Standards.*

A. The following additional development standards shall apply to all development in significant wetlands as designated on the City of Warrenton Locally Significant Wetland Map dated January 21, 2004.

B. Alteration of a significant wetland or portion of a significant wetland by grading, excavating, placement of fill including structures, and removal of vegetation, shall be prohibited, except for the following uses, upon demonstration that the uses are designed and constructed to minimize intrusion into the wetland area:

7. Uses authorized by an approved City of Warrenton hardship variance in conjunction with a valid State of Oregon Wetland Removal-Fill Authorization.

The wetland hardship variance criteria from WMC16.156.080 are presented below.

- *16.156.080 Hardship Variance Procedure and Criteria.*

A. For any lands demonstrated to have been rendered not buildable by application of this chapter, the property owner may apply for a hardship variance for relief from the restrictions of this chapter.

B. Hardship variance applications are subject to review in accordance with the standards of Section 16.208.050, Type III Procedure (Quasi-Judicial). Granting of a hardship variance requires that:

1. The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning.

The subject property is zoned Growth Management and permitted uses defaults to the R-10 Intermediate district standards which allow single family dwellings outright. The proposal is to subdivide and develop the property for lots for single family dwellings. This criterion is met.

2. Strict adherence to this chapter and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels.

The proposal includes plans to fill approximately 11.5 percent of an acre of wetlands. By doing so, the lots and tract to be filled will result in the continuity of a more regular shaped buildable area for each of the affected lots and a certainty that the impacted wetland areas would be mitigated for. Failure to fill the areas at this stage of development would make the buildable area of those lots more difficult. Additionally, the lack of fill by this applicant would increase the likelihood that future lot owners would fill the affected areas without mitigation. This criterion is met.

3. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

The two subdivisions to the south of the subject property were permitted to fill small amounts of wetlands as part of entitlement approvals as was the Fort Pointe application along Ridge Road. Denial of his variance would preclude substantial property rights granted to and enjoyed by those developments. The vast expanse of wetlands without any buildable uplands in the vicinity of the project site, and the North Coast Land Conservancy's ownership to the east which has a goal of preserving the Clear Lake property in its natural and enhanced state, limit the number of properties to compare to this one to those identified above. This criterion is met.

4. *The variance is the minimum necessary to retain use of the property.*

As described above, the proposed wetland fill encompasses approximately 11.5 percent an acre via 15 separate fills ranging in size from approximately 35 to 1,105 square feet. These areas may change slightly as the Wetland Mitigation Plan and construction plan approval processes are completed. The proposed areas are the minimum necessary to make the property more manageable and as noted above, will help to protect the resource from otherwise unregulated fills. This criterion is satisfied.

5. *Granting of the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.*

The proposed fills are entirely within the interior of the subject property and separated from adjacent properties and improvements in the neighborhood; granting the variance for the fills will not be injurious to neighboring man-made or natural features and, as stated above, the impacts of the fill will be mitigated, a certainty that if left in their current state, potentially filling of the wetlands by future property owners would likely not be regulated. To facilitate this protection, the applicant will post permanent notices along the upland edges cautioning of the wetland resource and prohibiting future fill.

6. *The variance will be in general harmony with the intent and purpose of this chapter, and will not adversely affect any officially adopted Comprehensive Plan policy.*

The Comprehensive Plan states:

OAR 660-023-0024-(2) establishes the requirements of the Statewide Planning Goal (sic) 16 and 17 supercede the requirements of Statewide Planning Goal 5 for natural resources also subject to and regulated by those goals. As a result, whether and under what circumstances development impact wetlands and riparian corridors in estuarine and coast shoreland areas is governed by the policies implementing Goals 16 and 17 rather than the City's adopted Goal 5 implementation program.

Wetlands and riparian corridors are important to the citizens of Warrenton as natural resources. To ensure that this goal is attainable, wetland and riparian corridor mitigation (emphasis added) restoration creation and enhancement shall be allowed in all zoning districts where practicable. Page 39.

The fact that the wetland code includes a route to a variance to the regulations provides the opportunity of harmony under appropriate circumstances. In this case, the impacted wetland area is quite small and necessary to facilitate the development. Such variances have been granted to other properties in the vicinity. Granting the variance will facilitate to greater protection than if not granted. And, the proposal is consistent on its face with a Comprehensive Plan policy. This criterion is satisfied.

- *16.216.020 General Requirements.*

A. Subdivision and Partition Approval Through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and

2. The final plat shall include all conditions of approval of the preliminary plat.

B. Compliance with ORS Chapter 92. All subdivision and partition proposals shall be in conformance to state regulations set forth in Oregon Revised Statutes (ORS) Chapter 92, Subdivisions and Partitions.

The applicant understands this process.

Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200% the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted which identifies:

1. Potential future lot division(s) in conformance with the housing and density standards of Division 2.

2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.

3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

This section is not applicable.

C. Lot Size Averaging. Single-family residential lot size may be averaged to allow lots less than the minimum lot size in the residential district, as long as the average area for all lots is not less than allowed by the district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying district. For example, if the minimum lot size is 5,000 square feet, the following three lots could be created: 4,000 square feet, 5,000 square feet, and 6,000 square feet.

Lot size averaging is not being used.

D. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 16.240.010, Temporary Use Permits.

If and when the applicant decides to erect a temporary sales office, he will apply for the applicable permits.

E. Minimize Flood Damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. Development in a flood hazard designation shall comply with the standards of Chapter 16.88, Flood Hazard Overlay (FHO) District, and Federal Emergency Management Agency requirements, including fill to elevate structures above the base flood elevation.

F. Determination of Base Flood Elevation. Shall comply with Chapter 16.88 of the Warrenton Development Code. Based on a review of Clatsop Webmaps, the subject property is not within a flood hazard overlay zone.

Based on a review of Clatsop Webmaps, the subject property is not within a flood hazard overlay zone.

G. Need for Adequate Utilities. Shall comply with Chapters 16.136 and 16.216.

H. Need for Adequate Drainage. All subdivision and partition proposals shall comply with Chapter 16.140.

As discussed above, the proposal includes plans to provide water, sanitary sewer and storm water management facilities that meet the need of the proposed development.

I. Open space shall provide opportunities for active and/or passive recreation and may include existing stands of trees, resource areas, and storm water facilities as outlined in this section. Active open space shall allow human activities including recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Open space may also be passive and include human activities limited to walking, running, and cycling, seating areas and wildlife viewing or natural areas such as a wetland.

1. A proposed subdivision preliminary plat with 20 lots or more shall provide baseline active open space of an area equal to at least five percent of the subject site.

2. *Active open space shall be easily accessible, physically or visually, to all members of the planned community via a minimum 30-foot wide street frontage or access easement.*
3. *Active open space areas shall have a dedicated meter and underground irrigation system to ensure adequate water supply during establishment period (three years) and during periods of drought for all newly planted areas.*
4. *Active open space shall be no smaller than the minimum lot size requirement of the underlying zoning district with a minimum width 40 feet.*
5. *Active open space may abut a collector or greater classified street as identified in the City's adopted Transportation System Plan, when separated from the street by a constructed barrier, such as a fence or wall, at least three feet in height.*
6. *Active open space shall be physically accessible to all residents of the development.*
7. *Active open space shall include physical improvements to enhance the area. Physical improvements may include benches, gazebos, plazas, picnic areas, playground equipment, sport courts, play fields, or other items permitted by the Planning Commission.*
8. *An association of owners or tenants, created as a non-profit corporation under the laws of the state (ORS 94.572) which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Attorney as providing for the continuing care of the space. Any subsequent changes to such CC&Rs regarding the active open space must be approved by the City Attorney. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire subdivision development in the event the association fails to perform as required.*
9. *A public agency which agrees to maintain the dedicated active open space and any buildings, structures, or other improvements which have been placed on it.*
10. *Dedicated active open space shall be protected by Covenants (CC&Rs) or deed restriction to prevent any future commercial, industrial, or residential development.*

At 15 lots, the proposal is below the threshold for requiring the development of open space or recreation facilities. However, the application includes plans to grant an easement to the city for future utility extensions and pedestrian access to its western property line to facilitate the city's development of a trail to public and private recreation facilities along Ridge Road.

J. Street Names.

1. *All proposed streets west of Main Avenue shall have a tree or plant life name; and all proposed streets between Highway 101 and Main Avenue shall have a "nautical" name.*

2. *All proposed streets shall have directional prefixes as part of the street name (i.e., E, NE, SW, S).*

3. *All proposed streets east of Highway 101 shall follow the street naming procedure as outlined below:*

a. *Proposed street names shall be submitted as part of a subdivision or partition application to the Planning and Building Department. The request shall include the proposed name(s), the specific street location and brief but complete background information on the name and how it meets the street name policy. If the new street name is indicated on the proposed plat at the time of the land use application it shall be labeled "proposed," such as "proposed Willener Court."*

b. *Streets shall generally be named after people, places, events, and things related to the City and the citizens of Warrenton. Proposed names should meet one of the following criteria:*

i. *To honor and commemorate noteworthy persons associated with the City of Warrenton, Clatsop County, and the State of Oregon;*

ii. *To commemorate local history, places, events or culture;*

iii. *To strengthen neighborhood identity; or*

iv. *To recognize native wildlife, flora, fauna or natural features related to the community and the City of Warrenton.*

Consideration should be given to names of local area or historic significance. Names of living persons should be used only in exceptional circumstances. Only a person's last name should be used as a street name unless additional identification is necessary to prevent duplications of existing street names in Warrenton and Clatsop County.

c. *Names to Avoid.*

i. *Street names being a duplicate of an existing street in the City of Warrenton or in Clatsop County shall be avoided.*

ii. *Similar sounding names such as Beach Avenue and Peach Avenue, Maywood Court and Maywood Lane shall be avoided.*

iii. *Cumbersome, corrupted or modified names, discriminatory or derogatory names, from the point of view of race, sex, color, creed, political affiliation or other social factors, shall be avoided.*

iv. *Names for public streets that could be construed as advertising a particular business shall be avoided.*

- v. *The reuse of a former street name should be discouraged because of the confusion this causes in property records management and fire and police protection.*
- d. Street Type Designations. *Depending on roadway function, length and configuration, designations exist to define the character of a street. The following designations shall be used:*
- i. Avenue. *A public or City right-of-way that runs in a north-south direction (except for the Hammond area, which has avenues going east-west).*
- ii. Street. *A public or City right-of-way that runs generally in an east-west direction.*
- iii. Boulevard. *A major landscaped arterial that carries moderate to heavy volumes of traffic at moderate to high speeds.*
- iv. Court. *A local road that is of short length, that carries a low volume of traffic at low speeds, with no cross streets and generally terminates in a cul-de-sac.*
- v. Drive, Parkway, Trail. *A meandering collector or arterial that carries low, moderate or high volumes of traffic at low, moderate or high speeds.*
- vi. Lane. *A local road that is of short length, that carries a low volume of traffic, at low speeds, and generally terminates in a cul-de-sac.*
- vii. Place, Way. *A local road that is of a short length and carries low volumes of traffic at low speeds.*
- viii. Terrace, Gardens, Grove, Heights. *For low-volume, short-length streets.*

The applicant intends to continue the street name Kalmia Avenue for the street extension into the subdivision.

- 16.216.040 Preliminary Plat Submission Requirements.

A. General Submission Requirements. *For partitions (three lots or fewer), the applicant shall submit an application containing all of the information required under Section 16.208.040. For subdivisions (greater than three lots), the application shall contain all of the information required under Section 16.208.050.*

B. Preliminary Plat Information. *In addition to the general information described in subsection A of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:*

1. General Information.

- a. *Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County Surveyor);*
- b. *Date, north arrow, and scale of drawing;*
- c. *Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;*
- d. *Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and*
- e. *Identify the drawing as a "preliminary plat."*
- 2. *Site Analysis.*
 - a. *Streets.* *Location, name, present condition (i.e., paved, gravel, unimproved, etc.), and width of all streets, alleys and rights-of-way on and abutting the site;*
 - b. *Easements.* *Width, location and purpose of all existing easements of record on and abutting the site;*
 - c. *Utilities.* *Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;*
 - d. *Ground elevations shown by contour lines at five-foot vertical intervals for ground slopes exceeding 10% and at two-foot intervals for ground slopes of less than 10%. Such ground elevations shall be related to some established bench mark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than two percent;*
 - e. *The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);*
 - f. *Potential natural hazard areas, including floodplain, landslide areas, and areas having a high erosion potential;*
 - g. *Wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also Chapter 16.156 and relevant portions of the Comprehensive Plan.);*
 - h. *Site features, including existing structures, pavement, drainage ways, canals and ditches;*
 - i. *Designated historic and cultural resources on the site and adjacent parcels or lots;*
 - j. *North arrow, scale, name and address of owner;*

k. *Name and address of surveyor or engineer; and*

l. *Other information, as deemed appropriate by the Community Development Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.*

3. *Proposed Improvements.*

a. *Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*

b. *Easements.* *Location, width and purpose of all easements;*

c. *Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;*

d. *Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;*

e. *Proposed improvements, as required by Division 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);*

f. *The proposed source of domestic water;*

g. *The proposed method of sewage disposal and method of surface water drainage (shall comply with Chapter 16.140). Water quality treatment areas, if required;*

h. *The approximate location and identity of other utilities, including the locations of street lighting fixtures;*

i. *Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);*

j. *Changes to navigable streams, shorelines or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;*

k. *Identification of the base flood elevation. Evidence of contact with the Federal Emergency Management Agency to initiate a floodplain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;*

- l. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the state's jurisdiction; and*
- m. For proposals that would alter land within 25 feet of a mapped wetland, a jurisdictional delineation of the wetland boundary concurred with by the appropriate resource agency with jurisdiction.*

All the required information is included in the preliminary plat plan set.

- 16.272 VARIANCES
- 16.272.020 Criteria.

Variances to a quantitative requirement of this Code may be granted only if, on the basis of the written application, investigation, and evidence submitted by the applicant, findings of fact are made by the zoning administrator (for Class 1 applications) or Planning Commission (for Class 2 applications) that satisfy the criteria of subsections A through F of this section. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. A determination of whether the standards set forth in this section are satisfied necessarily involves the balancing of competing and conflicting interests. Each request shall be considered on its own merits.

This section addresses the need to vary the 200-foot cul-de-sac length standard of WMC 16.136.020.M and permitted by WMC 16.136.020.B. The proposed extension of Kalmia Avenue would be approximately 800 feet long.

- A. The hardship was not created by the person requesting the variance;*

The subject property is abutted on the west, north and partially the east by wetlands deemed significant by the city's wetland inventory. Where the wetlands terminate on the east, the topography is such that building a road is not practicable. This is further complicated by the North Coast Land Conservancy's ownership of the parcel to the east and its goal of preserving the Clear Lake tract from development. The applicant did not create the hardship.

- B. The request is necessary to make reasonable use of the property. There will be an unreasonable economic impact upon the person requesting the variance if the request is denied;*

Denial of the variance would prohibit access to the property which is absolutely essential to its development and the intended use. The subject property is zoned GM/R-10 and is intended for urban development as urban facilities become available; those facilities became available with the development of the land immediately to the south. Prohibiting access via a variance to exceed the 200-foot length limit would essentially prohibit development of the property which would be nothing but an unreasonable economic impact on the applicant. There is no other option for either providing access or connecting the proposed road to the city's street network.

- C. *The request will not substantially be injurious to the neighborhood in which the property is located. The variance will not result in physical impacts, such as visual, noise, traffic or increased potential for drainage, erosion and landslide hazards, beyond those impacts that would typically occur with development in the subject zone;*

Extending the road as proposed would not result in visual or noise impacts because the proposed development is exactly the same to existing development in the immediate facility. Storm water runoff from the road will be managed by an engineered drainage system designed to meet ODOT and ODEQ standards. Presently, the developments to the south would result in 27 single family residences at build out, which would result in approximately 270 vehicle trips (in and out, cumulative), and approximately 27 total in/out trips during the afternoon peak hour. The proposed development would add approximately 150 total daily trips and about 15 during the afternoon peak hour, for a total of 42 trips. We anticipate a 60% in/40%out directional split at the intersection of Kalmia Avenue and 2nd Street and do not anticipate a failure of intersection operations.

- D. *The request is not in conflict with the Comprehensive Plan;*

The comprehensive plan is silent on cul-de-sac lengths.

- E. *The request is not in conflict with the Development Code. No variance may be granted which will result in a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction; and*

The development of the subdivision is for lots for single family residences which requires access via the proposed street and which are permitted outright in the GM R-10 zoning district. There is no intent or request for other uses which are not explicitly permitted.

- F. *Physical circumstance(s) related to the property involved preclude conformance with the standard to be varied.*

The environmental constraints presented by surrounding wetlands and steep dune hills make the cul-de-sac street the only option for accessing the subject property and future lots. There is no other option.

Clear Lake Subdvsn

Lot #	Area (SF)	Acres
1	10,946	0.251
2	10,565	0.243
3	10,897	0.250
4	10,733	0.246
5	11,656	0.268
6	11,670	0.268
7	10,850	0.249
8	10,850	0.249
9	10,850	0.249
10	11,897	0.273
11	17,335	0.398
12	13,472	0.309
13	13,848	0.318
14	10,171	0.233
15	10,070	0.231
Average	11,721	0.269
Tract A	112,694	2.587
Tract B	13,787	0.317
Total Tracts and lots	138,202	3.173
Total Parcel	344,946	7.919
ROW dedication	206,744	4.746



Warrenton Fire Department

P.O. Box 250 Warrenton, OR 97146-0250 503/861-2494 Fax 503/861-2351

MEMORANDUM

To: Kevin Cronin, Community Development Director
Bob Johnston, Building Official
Date: March 05, 2019
From: Tim Demers, Fire Chief
Re: Gramson Kalmia extension Clear Lake subdivision pre-app

Based on the information provided, the Fire Department has the following comments.

ACCESS:

If the road width remains under 32 feet wide, one side of the street will be required to be posted no parking (by signs) and the curb painted red. Sign location will be approved prior by the Fire Department. It will become the Fire Lane and may not be encumbered in any way (ie speed bumps). Vertical clearance of 13 feet 6 inches must be maintained. The grade should not exceed 10% and approach and departure angles will have to be pre-approved. Since this is a "new" subdivision should it not comply with the newly approved 36 foot street standard?

The access shall bring all sections of the homes within 150 feet of the Fire Apparatus. Lots #11 and #12 may have issues with this based on how far they are set back from the cul-de-sac.

The cul-de-sac turn-around that has been provided appears to be adequate for the dead end street. The proposed cul-de-sac meets the Fire Departments needs as specified. The cul-de-sac must remain **unencumbered at all times and no parking at any time** signs be posted with the curb painted red.

WATER SUPPLY:

Since this is a dead end street all of the homes will be required to be within 200 feet of a fire hydrant. The hydrant spacing shall not be over 400 feet between them. It appears that the single family units will require a 1000 gpm fire flow based on being less than 3,600 sqft and of ordinary construction. Homes exceeding 3,600 sqft shall only be allowed with proper Fire flows and/or other construction features such as residential sprinklers to be pre-approved by the Fire and Building Departments.

The Fire Flow requirement appears to be satisfied with the proposed Fire Hydrants. An engineer's statement and a fire flow test will be required at furthest point (likely the hydrant in the cul-de-sac) to prove adequate Fire flow. For Fire hydrants placed on the parking side of the street, a red (6 foot minimum) red curb will be provided as a no parking area.

The hydrants proposed shall be a Yellow, Meuller 2500 Centurion with 2 each, 2.5 inch, and one each 4.5 inch discharge ports. A 4.5 inch to 5 inch Storz connection will be provided by the developer for the hydrant. Final fire hydrant location shall be approved prior to installation by the Fire Department.

ADDRESS:

The address also must be located on the residence so it is visible from the Fire Department access.

INFRASTRUCTURE:

Fire hydrants, access roads and turn-arounds will be in place and tested prior to construction.

**CITY OF WARRENTON
PLANNING AND BUILDING DEPARTMENT**

SUBDIVISION APPLICATION

(To be accompanied by a Tentative Map, and copy of property deed, Letter of Authorization, if applicable.)

OFFICE USE ONLY

FILE: SUB-19-1 - FEE \$1200.00

ZONING DISTRICT _____

RECEIPT # 8780893

DATE RECEIVED 2/7/19

Legal Description of the Subject Property:

Township
8

Range
10

Section
17

Tax Lot
810170001302

Street address of the property: _____

I/WE, THE UNDERSIGNED APPLICANT(S) OR AUTHORIZED AGENT, AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THE FOREGOING APPLICATION AND ASSOCIATED SUBMISSIONS IS TRUE AND CORRECT.

APPLICANT:

Printed Name: Gil Gramson

Signature: *Gil Gramson* Date: Feb 5, 2019

Address: 15 N 17th Place Phone: 503.440.6818

City/State/Zip: WarrentonOR 97146

Fax: _____

PROPERTY OWNER (if different from Applicant)

Printed Name: Sand Works Inc

Signature: _____ Date: Feb 5, 2019

Address: 15 N 17th Place Phone: 503.440.6818

City/State/Zip: WarrentonOR 97146

Fax: _____

Is this a Planned Unit Development (PUD)? No XX Yes _____

IS THIS A "PHASED DEVELOPMENT"? Yes _____ No XX

- a. Overall development plan, including phase or unit sequence.

15 lot subdivision with typical utilities. One tract will be developed for a stormwater biofiltration facility and another will be left as open space. The applicant will grant a 20 foot easement to the city for utility extensions to the west and future pedestrian trail.

- b. Projected Timetable for sequence of development

Construction is anticipated to begin in the spring/early summer 2019

- c. Development plans for any common elements or facilities.

None.

- d. If the proposed subdivision has an unknown impact upon adjacent lands or land within the general vicinity, the Planning Commission may require a potential street development pattern for adjoining lands to be submitted together with the tentative plan as part of the phased development plan for the subject subdivision.

adjacent lands to the east are owned by the North Coast Land Conservancy and are held in preservation. Land to the north and west is wetland and environmentally constrained.

- e. Show compliance with the Comprehensive Plan and applicable sections of the Development Code.

Please refer to the application narrative.

- f. Schedule of improvements and completion.

Construction is anticipated to begin late spring/early summer and be completed within a year.

- g. Overall transportation and traffic pattern.

Traffic will transit to the city's circulation system via a single extension of SW Kalmia Avenue.

PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

A "preliminary subdivision plat" shall be submitted with the following information depicted:

1. Proposed name of the subdivision;
2. Names, addresses, and phone numbers of property owner(s) (including mortgage holders if any), surveyor, and applicant if different from property owner, and assumed business name(s) filed or to be filed with the Corporation Commission by the applicant;
3. Proposed subdivision showing the parcel boundaries and dimensions, the area of each parcel, location of any and all easements (and what the easement is), right-of-way widths, existing roads;
4. Date of map preparation, north point, scale, property identification by township, range, section and tax lot numbers;
5. Location of all existing buildings, creeks, canals, ditches, any topographical features (ie., canyons, bluffs, wetlands, natural springs, floodplain);
6. Location, width, name, curve ratio, and approximate grade of all proposed right-of-ways;
7. Location of any existing features such as section lines, section corners, city and special district boundary lines, and survey monuments;
8. Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision together with pipe sizes, grades and locations;
9. Contour lines related to some established bench mark or other engineering acceptable datum;
10. Zoning of subject property, and adjacent tax lots to the proposed subdivision;
11. Location, names, width, typical improvements, cross sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets;
12. Location, width and purpose of all proposed easements or right-of-ways, and relationship to all existing easements and right-of-ways;
13. Location of at least one temporary bench mark within the proposed subdivision boundary;
14. Location, approximate area and dimensions of each lot, and proposed lot and block numbers;
15. Location, approximate area and dimensions of any lot or area proposed for public use, the type of use proposed, and plans for improvements or development;
16. Proposed use, location, approximate area and dimensions of any lot intended for non-residential use;

17. Source, method, and preliminary plans for domestic and other water supplies, sewer lines, and all utilities;
18. Description and location of any proposed community facility;
19. Storm water and other drainage facility plans;
20. Proposed deed restrictions including access restrictions or protective covenants if such are proposed to be utilized for the proposed subdivision;

ADDITIONAL SUBMITTALS

21. Statement from each utility company proposed to serve the proposed subdivision stating that each company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions and estimated costs of each service;
22. Proposed Fire protection system for the proposed subdivision and written approval thereof by the fire chief.
23. Statement from School District.

***** REQUIREMENTS *****

1. A vicinity map must be submitted showing the proposed subdivision in relationship to the adjacent properties, roadways, and ownership patterns. This map must include names of all existing roadways.
2. Who will supply the water? City of Warrenton
3. Access will be taken from SW Kalmia Avenue
4. What is the intended use of the parcels being created? Single family residential

5. What is the current use of the parcel? undeveloped

6. Proposal is in compliance with the City of Warrenton's Comprehensive Plan and Development Code.
yes. Please refer to the attached application narrative

7. Proposal does not conflict with acquired public access easements within or adjacent to the subdivision.

~~No. Access would be provided by extending SW Kalmia Avenue. A utility and pedestrian trail easement will be granted to the city.~~

8. All required public services and facilities are available and adequate or are proposed to be provided by the applicant.

~~The applicant will extend all utilities and service facilities to the development.~~

9. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, and special terrain features.

~~The proposed development would be an extension of existing residential development to the south. With the exception of filling approximately 1/10th of one acre of wetlands, the remaining on site wetlands will be preserved.~~

10. The subdivision will not create an excessive demand on public facilities and services required to serve the development.

~~Please refer to the attached impact assessment.~~

11. The preliminary plat for the proposed subdivision meets the requirements of ORS 92.090.

~~The proposal is consistent with the applicable chapters and sections of the municipal code and therefore consistent with the statute.~~

Return Application To: City of Warrenton
Planning and Building Department
PO Box 250
225 SW Main Street
Warrenton, Oregon 97146
Phone: 503-861-0920
Fax: 503-861-2351

Kevin Cronin

From: Jon Wickersham <jonw@nclctrust.org>
Sent: Friday, February 15, 2019 8:16 AM
To: Kevin Cronin
Subject: Re: Affected Agency Notice | Clear Lake Subdivision | Public Hearing: March 14, 2019

Hi Kevin,

NCLC is concerned about access into its property adjacent to the proposed subdivision. We ask that a wildlife friendly fence be placed along the property line. Unfettered access onto NCLC's habitat preserve will increase management costs and has the potential to affect NCLC's and the State of Oregon's significant restoration investments on NCLC's Clear Lake property.

Thanks for your consideration,

Jon Wickersham

On Thu, Feb 14, 2019 at 5:30 PM Kevin Cronin <cityplanner@ci.warrenton.or.us> wrote:

Hello Agency Partners:

This is a public notice for a 15 lot subdivision that would extend SW Kalmia Avenue to Clear Lake.

Please provide comments by March 7 so I can include them in the Planning Commission packet.

If you have any questions, please let me know.

Thanks - Kevin

Kevin A. Cronin, AICP

Community Development Director

Community & Economic Development Department

City of Warrenton

Warrenton | OR | 97146

503-861-0920 | 503-861-2531 FAX

www.ci.warrenton.or.us

FB | LinkedIn

"This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited."

--
Jon Wickersham Associate Director North Coast Land Conservancy (503) 738-9126

Kevin Cronin

From: Gary Kobes <gkobes@portofastoria.com>
Sent: Friday, February 15, 2019 9:33 AM
To: Kevin Cronin
Subject: RE: Affected Agency Notice | Clear Lake Subdivision | Public Hearing: March 14, 2019

Kevin, it appears part of the proposed subdivision underlies the airport imaginary surfaces. Given the residential use underlying existing instrument approach routes, to the extent applicable the airport would require an aviation easement. Otherwise there is no other concern.

Regards,

Gary Kobes
(503) 741-3338 Office
(314) 409-8392 Cell
gkobes@portofastoria.com

From: Kevin Cronin <cityplanner@ci.warrenton.or.us>
Sent: Thursday, February 14, 2019 5:31 PM
To: Alisa Dunlap <alisa.dunlap@pacifiCorp.com>; Dan Cary <dan.cary@dsl.state.or.us>; Gary Kobes <gkobes@portofastoria.com>; Hannah Dankbar <hdankbar@columbiaestuary.org>; jeff@ridethebus.org; John Wickersham <jonw@nclctrust.org>; Justin Parker <justin.parker@oregon.gov>; Ken Shonkwiler <Kenneth.D.Shonkwiler@odot.state.or.us>; Lisa Phipps <lisa.phipps@state.or.us>; Michael Summers <msummers@co.clatsop.or.us> <msummers@co.clatsop.or.us>; Mike Moha <moham@warrentonk12.org>; ODOT Region 2 <ODOTR2PLANMGR@odot.state.or.us>; Virginia Williams <virginia.l.williams@odot.state.or.us> <virginia.l.williams@odot.state.or.us>
Subject: RE: Affected Agency Notice | Clear Lake Subdivision | Public Hearing: March 14, 2019

Hello Agency Partners:

This is a public notice for a 15 lot subdivision that would extend SW Kalmia Avenue to Clear Lake.

Please provide comments by March 7 so I can include them in the Planning Commission packet.

If you have any questions, please let me know.

Thanks - Kevin

Kevin A. Cronin, AICP
Community Development Director
Community & Economic Development Department
City of Warrenton
Warrenton | OR | 97146
503-861-0920 | 503-861-2531 FAX
www.ci.warrenton.or.us
FB | LinkedIn

Job No.: WTN-01-006

Date: March 7, 2019

To: Kevin Cronin, Community Development
Director, City of Warrenton

From: Rob VanderZanden, P.E., Development Review Consultant



Harper
Houf Peterson
Righellis Inc.

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

Project/Subject: Clear Lake Subdivision – Preliminary Plat Submittal: File SUBXX-X

☐ Fax - Number: _____; Number of pages 2
(If you did not receive the correct number of pages, please call 360-750-1131)
☒ E-mail ☐ Mail ☐ Hand Deliver ☐ Interoffice

This memo constitutes the review of the preliminary plat application and recommendations for development conditions for the plat of Clear Lake Subdivision. The following documents were reviewed in conjunction with the municipal code and development standards:

- Preliminary Plat including preliminary civil design drawings consisting a Preliminary Grading and Erosion Control, and Preliminary Utility plan sheets, prepared by Firwood Design Group and dated January 2019.
- Preliminary plat narrative including application for variances, length of dead end street.

Comments and Recommended Conditions:

1. Detailed construction drawings for the proposed grading, road, drainage and utility facilities shall be submitted to the City for review by the Public Works Department prior to approval for construction of project improvements.
2. Construction documents shall meet all requirements of federal, state and local standards, codes, ordinances, guidelines and other legal requirements.
3. A final Stormwater Report is required to be submitted with the final construction documents. Stormwater design shall comply with Warrenton development regulations.
4. Ownership and maintenance responsibility for the stormwater facilities and Tract B will not be accepted by City of Warrenton. The plat should clarify the use and intended ownership of the stormwater tract. If the stormwater facilities will be owned and maintained by a home owner association, formation documents for the HOA should be a requirement of the final plat.
5. The developer shall agree to make all necessary offsite stormwater improvements if downstream deficiencies are created by the development of this property.
6. Sidewalks are required on both sides of the street including the frontage on Tract B.
7. Standard vertical curb and gutter shall be constructed to match the existing connecting street. Roll curb shall not be used.
8. Prepare and submit a final design for erosion control associated with site construction. Demonstrate compliance with Oregon Department of Environmental Quality 1200 C Stormwater General Permit requirements. Provisions shall be made to minimize tracking of sediment onto public streets and for the flow of site soils into drainage ways.
9. Street lighting shall be installed for all public streets in accordance with the criteria contained in the City of Warrenton design standards.

10. The variance to the criteria for maximum length of dead end street should be approved subject to the requirement that a stub street shall be constructed to the west at the location of the existing informal access road which connects the property to NW Ridge Road at the vicinity of proposed Lot 2.
11. The project contractor shall secure a permit for work in the public right of way in accordance with Warrenton Municipal Code.
12. Applicant shall provide as-built drawings and certification by a registered engineer in accordance with adopted criteria for all improvements, prior to acceptance by the City.

Also Note: The plan (sheet 3 of 4) shows the typical section for Kalmia Avenue being in a "Tract" which implies private ownership. I believe all of the documents state that this will be a public street. This label should be removed or clarified.